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EDITORIAL

Paul Senior, Sheffield Hallam University; and Jean Hine, De Montfort University

Our programme of fundamental reform will result in a revolution in rehabilitation that will reduce reoffending. We will ensure that those who break the law are punished. But by helping offenders get off drugs, move into work, and manage mental illness we will see fewer of them slipping back into lives of crime. Prisons will be places where meaningful work and opportunities to reform are the expectation for prisoners, not a matter of choice. (Clarke, 2011, MoJ Business Plan 2011-2015)

The publication of the Green Paper Breaking the Cycle in 2010 gave substance to the new coalition government's aspirations to take a radical approach to dealing with crime and became the catalyst of this special issue of the Journal. De Montfort and Sheffield Hallam Universities have established reputations in the field of community justice, a wide range of staff based in their respective centres of community and criminal justice and academic and practice expertise in many aspects of the criminal justice system. Staff were invited to reflect on the green paper and its proposed 'Rehabilitation Revolution' in the light of their own research and prepare papers from these reflections that would encourage informed debate about the subject. All papers have been doubly peer reviewed and, together, present thoughtful insights into some of the questions and issues that the government's proposals raise. The response we received was excellent and we have made this a double issue in our ninth year of publication. Since these papers were commissioned, there has been something of a political backlash to some of the key ideas presented by the Minister of Justice, Kenneth Clarke. In particular, the proposals to reduce the prison population fell on stony ground and were modified under pressure from the prime minister and the cabinet. This has had an impact on the funding of criminal justice, which was already facing a 24% cut by 2015. To achieve this saving, a redistribution of the burden has occurred, putting further pressure on the community agencies to deliver more for less. Payment by Results, heralded in the Green Paper, has become a central plank of this agenda and is touched on by some of the articles, though its ramifications remain, at the time of writing, an idea whose approach is still to be evaluated and tested, though this has not stopped the government in proclaiming its nationwide implementation across the system by 2015 – another example of policy-based evidence rather than evidence-based policy.
As this issue was going to press, England experienced riots at levels which had not been seen since 1985. Explanations are still being constructed but these events are bound to impact on the 'rehabilitation revolution'. Deterrent prison sentences have already been seen, resulting in a rise in the prison population to a new peak, putting further pressure on resources. The rhetoric of ministers has already ushered in a toughening of attitudes. This is the ever-changing backcloth around which this double issue appears and which may, in itself, threaten some of the more positive ideas emerging from the original Green Paper.

Running through all the nine papers is this theme of cutbacks and economic constraint, the context within which the policy has been framed and the key reason behind many of the proposed changes. A central tenet is devolving justice to the local level with greater involvement of local communities in the administration and support of criminal justice processes, which government has dubbed the 'Big Society'. This is a key theme addressed by many of the papers in this issue. They address, too, the notion of community justice, what this means and what is required for it to emerge and develop. This is a debate which has been central to the journal's history since its inception. Community justice is essentially about local communities taking responsibility and authority for decisions about, and delivery of, criminal justice in their locality; a set of ideas of much greater longevity than the latest 'Big Society' sound bite. The ramifications of greater involvement by voluntary and community sector organisations is an important sub-theme which has emerged alongside contested debates about the engagement of civil society in dealing with crime and disorder.

Atherton & Crisp begin the discussion with a piece about leadership in community justice. They present the notion of 'community' and its elusive nature, arguing that much policy is framed around an idealised notion of community, rather than an understanding of real-world communities with all their complexities, before exploring the role of leadership within community justice initiatives and the various agencies that would be involved in its delivery. They show how different agencies employ different understandings and models of 'leadership', and that effective leadership for community justice will require a leader who is a 'transformer' rather than a 'Great Man'. Drawing on the literature and learning from neighbourhood policing, they identify features of successful community involvement and argue that, without good leadership, community justice will not achieve its potential for community empowerment and may even lead to negative consequences for victims, offenders, and the public. Knowledge and understanding of the 'community' is key, given their wide diversity and the variation in crime types and causes, as well as the resources available within the community to address them. This paper may speak to the debates around the appointment of Police Crime Commissioners also promoted by government in its reforms.

Notions of Big Society are predicated on a return to local communities and individuals for the administration of justice and the second paper, by Clamp & Paterson, explores this dimension in their review of Neighbourhood Justice Panels, an idea promoted in the last few years for dispute resolution via restorative justice processes and introduced in various localities by Liberal Democrat councils. Whilst the idea fits squarely within the 'Big
Society' agenda, the article poses difficult questions about how far such a philosophy of practice can fit with the traditional punitive policy-making of successive governments since the late 1970s. Can those tensions on the ground between policing crime and repairing harm caused by crime be operationalised through such Panels? The August 2011 Riots have brought this debate into sharp relief, with some commentators advocating a restorative justice approach to the young people involved, whilst many politicians and the media call for punitive sanctions, such as benefit withdrawal and the heavy use of exclusion and imprisonment as a deterrent measure.

Since the 1990s, the voluntary and community sector has become increasingly pivotal to policy developments in supporting reducing re-offending. The innovative and independent potential of this diverse sector, with its local base and client-focused practices, has been brought centre-stage. The clarion call for this sector to take up the challenges of delivering local practices has been explored in the context of the 'Big Society' in the next paper, by Senior. The paper charts the growth of the sector and its changing relationship to the statutory and private sectors and asks questions about both the feasibility and the desirability of this sector becoming a lead provider of services under the rehabilitation revolution. Is there a risk in becoming a key provider rather than a supplemental set of services? Questions are raised as to the capacity of the sector to deliver mainstream services and the paper queries whether there comes a pinch point where the fundamental nature of this sector is compromised by further engagement within the system, making its campaigning role incompatible with being commissioned by the local and national state.

The fourth paper, by Flint, raises key concerns about the nature of ensuring compliance in court orders, focusing particularly on sanctions applied in Intensive Intervention Project programmes and Housing Benefit Sanction pilots in England. Enforcement action became a key tenet of New Labour's approach to key problems in parenting and family intervention, and this paper explores the difficulties which can impact on the administration of orders as a result of these enforcement practices, citing research which casts doubt on its efficacy. These findings raise key questions for the new government in considering the utility of sanctions and suggest an approach based on clear expectations and consistency in support given. There is a clear danger that, in seeking to be tough within community orders, this can undo the best practice identified in a range of research cited in this piece.

Smith, in his paper about proposals for youth justice, argues that there is little that is new in the government's proposals here. The balance between 'welfare' and 'justice' (aka punishment) has, for very many years, been at the heart of youth justice policy and current proposals offer a slight shift in this balance and a repackaging of existing policies. In effect, they are 'bestowing legitimacy on practice changes that have already taken place', this being a strategy of many new governments. Smith sees some hopeful signs in the new policy proposals but is concerned that they will lead to increasing bifurcation between those whose offences deserve imprisonment and those who can be given the opportunities of the 'rehabilitation revolution'. He argues that real change in youth justice
cannot be achieved without a fundamentally different and principled approach, grounded in a children's rights framework.

The notion of 'community' and 'community justice' is also central to Flynn's paper (localism as he calls it) and his discussion of integrated offender management. In considering Cameron's call for the 'Big Society', he takes issue with the proposal that this is necessary because of a decline in social cohesion and contribution, drawing on evidence that, although the nature of civil participation may have changed over time, it has increased rather than reduced. He argues that cuts in local authority budgets will reduce opportunities for such participation by their knock on effect of reduced resources for voluntary organisations, which will need to reduce their activity as a consequence, and may even fold. Civic engagement and support would, thus, be reduced rather than enhanced. Flynn sees proposals to devolve power to local communities as a continuation and reframing of policies initiated by the previous government, rather than a radical new approach. This will impact upon the delivery of integrated offender management, already hampered by tensions in differences of approach and remit between statutory and voluntary bodies. By not acknowledging the economic and social forces linked to crime and their differing impacts on local communities, nor the importance of locality to an offender's ability to reform, the government's proposals are unlikely to effect the desired 'rehabilitation revolution'.

The final three papers focus on aspects of prison life and activities, which may be impacted by the changes proposed by government. Bird & Albertson draw on a range of research in prisons to give renewed consideration of prisoners as citizens. This has almost disappeared from recent debate and, indeed, the incoming government declared that, despite European precedent, prisoners should be denied the right to vote, this remains under discussion. Drawing on their research, the authors outline how prisoners have achieved feelings of self-worth and hope by participation in enriching activities (a theme also pursued by Parkes, below) enabling them to garner social capital in facing the multiple problems upon re-entry to the community. Whether communities can enable that re-entry to reduce re-offending by creating an inclusionary attitude to resettlement is one challenge emerging from this contribution.

Much of the political rhetoric associated with the Green Paper has put an emphasis on 'real work' for prisoners, including the idea that prisoners should fulfil a full working week in prisons. This idea of working prisons and its impact on labour markets is explored by Fletcher in this paper. Contextualising this 'innovation', Fletcher shows similar suggestions have been attempted since the late 18th century. He also explores the way in which working prisons are to be constructed contrasting this approach to prisoner employment to efforts to ensure employment is seen as a positive contribution to rehabilitation. Fletcher's critique is a powerful reminder of the contradictions in reform proposals and suggests society should be wary of the approach to working prisons proposed in the Green Paper.

The notion of rehabilitation and how to achieve it is central to the paper by Parkes, which discusses the potential of 'enrichment activities' for prisoners. Enrichment activities
include a wide range of creative and spiritual practices, including music, art, drama and religion, and in the paper she draws on her own experience and research in delivering yoga classes to prisoners. She reviews the literature about numerous studies and evaluations of such activities and explores the common mechanisms that may underpin the successes of many of them, successes that relate to their ability to aid prisoner’s to survive the prison experience, as well as equip them with softer skillsthat can help them to cope more successfully with life outside upon release. Many of these initiatives are under threat, partly because of the reduced funding available for them, but also because they do not fit with the 'meaningful work' proposed by the Minister of Justice (above). Parkes argues that the promotion of the human rights of prisoners is an essential component of the rehabilitative process.

Scepticism about the motives of government policy runs through many of the papers in this issue. Are we seeing the introduction of policies that will promote rehabilitation and reintegration of offenders into society, or is this a cynical attempt to 'absolve the government of some of the risks associated with criminal justice provision' (Parkes), shifting responsibility for failure to effectively address the problem of crime from central government to local communities? The landscape has already changed since the initial fanfare about tackling re-offending in the context of a 'rehabilitation revolution'. With the original contradictions in the key policies underpinning the Green Paper highlighted in these papers now accompanied by u-turns over reducing the prison population and the symbolic impact of the Riots re-producing negativity about penal reform, will there be a retreat from this revolution? These papers will help contribute to this debate.
TOP CATS: THE ROLE AND REQUIREMENTS OF LEADERSHIP IN COMMUNITY JUSTICE INITIATIVES
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Abstract Community justice initiatives attempt to meet dual aims of dealing with offending and engaging citizens in their local community. They exist throughout the criminal justice system, where policy is being firmly placed at a more local level. Arguably, this requires a clearer understanding of the community in which they are implemented and of what is understood by the term 'community'. In addition, a feature of community justice initiatives often includes partnership working and concerns over the role of leadership, in relation to responsibility and accountability, in order that such initiatives are effectively implemented. Leadership is also highlighted as a key component necessary for building social cohesion and social capital (Rai, 2008; Cantle Report, 2006; Coleman, 1990), which many community justice initiatives aim to improve on, or draw from. This paper explores the role and type of leadership which can be identified in various community justice initiatives and its importance in contributing to our understanding of social cohesion and communities. The paper assesses current attempts to implement community justice in the context of different styles of leadership and highlights the inherent complexities of organisations and multi-agency working, which need to be better understood.

Keywords Community, community justice, leadership, policing, restorative justice.

Introduction Since the late 20th century, governments have used an idealised notion of 'community' as a basis for a range of public policies. From their election in 1997, the Labour government adopted 'active citizenship' as central to their 'Third Way' approach (Giddens, 1998), offering an alternative to centralised state control (Powell, 2000). The recent coalition government consultation paper, 'Breaking the Cycle' (Ministry of Justice, 2010) outlines the more recent attempts to engage local communities in the preservation of personal safety and in expectation of their active participation in the 'rehabilitative revolution' proposed for criminal justice.

The term 'community' presents broad categorisations (Hughes, 2002) alongside a vague and almost indefinable concept (Pease, 1994). Despite this, attempts have been made, such as Wilmott (1987), who identified three different types of 'community'. These are based on geographical boundaries (territorial communities); citizens sharing political, religious or leisure interests (interest communities); and those whose citizens have a sense
of 'belonging' to a place or with others*(attachment communities)*. However, it is argued that these categories are too simplistic, as specific geographical areas could have strong ties through shared political ideology, or weak ties due to different beliefs, values and norms (Shapland, 2008). Schiff (2003) emphasises that, to build cohesive communities, assumptions cannot be made about bonds due to location, beliefs or sense of belonging in that residents also need to have a consensus of approach and equality of access to services.

Within the various types of community identified by Wilmott (1987) is the more complex issue of the 'wide diversity of people with varying perceptions, interests and safety concerns' (White, 2003: 139), presenting an 'unstable and contestable policy terrain' (Hughes & Rowe, 2007: 317). This emphasises the many challenges of placing criminal justice policy at a more local level, as a lack of understanding about the community various policies are meant to work in can act as a barrier to their effectiveness and successful implementation.

There are clear political elements to the debates around defining what is meant by the term 'community', for example, O'Shea (2000) noted the political dimension to community policing. These range from the structural and managerial issues which respond to the requirements of decentralisation and participatory management and those related to unclear principles of bureaucracy which conflict with democratic principles. Communitarian theory places greater emphasis on the value of networks and bonds among citizens over that of 'neoliberalist' ideals of individual gain, and seeks to promote characteristics of obligation and solidarity (Hughes, 2002). Within this theory are currently two clear strands of debate, namely the conservative communitarian project (see Etzioni, 1994) and radical communitarianism (see Jordan, 1996). The conservative communitarian project presents a move towards the 'remoralisation' of society and the rebuilding of a sense of obligation. This vision views the ideal community as homogenous and stable and assumes that it would have the resources with which to govern itself (Hughes, 2002). In contrast, radical communitarianism works within a range of small-scale communities, as opposed to one homogenous community and advocates participatory democracy, recognising the diversity within society and requirement of mutual tolerance of differences along with a shared common goal (Jordan, 1996).

These attempts at providing a better understanding of community demonstrate the complex issues in place, before even considering the aims, objectives and focus of responsibility for community justice initiatives. However, it is important to understand these issues in order to better assess what projects aiming to address crime and disorder at a local level require to be effective. Leadership could be an important requirement to ensure the successful implementation of community justice initiatives and to avoid unexpected outcomes presenting themselves. This paper explores the role of leadership within community justice initiatives, with examples from policing, probation and restorative justice, all of which involve a number of agencies and links with the community. An exploration of leadership also enables an understanding of the ways in which community engagement with addressing crime and disorder can address exclusion and discrimination, in light of the values of the organisation or agency behind the
community justice initiative. Organisational culture clearly can impact on practice and on the values and ethical judgements made by professionals, for example, 'cop culture' on policing practices (Reiner, 1985; Chan, 1997; Foster, 2003; Loftus, 2010) and the new focus on risk assessment and management within the National Offender Management Service (NOMS) (Kemshall, 2002; 2003). The complexities of organisations and, therefore, leadership are also briefly explored to highlight further issues for consideration and research.

**Crime, disorder and the impact on 'communities'**

Crime and fear of crime and disorder presents an important area in which policy can attempt to improve quality of life at a local level. It is argued that crime and disorder is more prevalent in deprived areas, where residents also lack access to public services, which could equip them with the resources and skills to address offending and its underlying causes (Gregory & Hunter, 1995). It must be noted that not all residents living in deprived areas will either commit crime, be a victim of crime or turn a blind eye to the suffering of others, as this is affected by the presence of sources of social support and also, in the case of youth crime, input and commitment from parents (Weatherburn & Lind, 1998).

However, crime and disorder and the response to it may not always be the most appropriate mechanism by which to bring citizens together, as this is often viewed as the result of divisions within communities and subject to citizens' assigning blame to certain individuals or groups. Specific incidents such as knife crime or gang related violence threaten residents' safety and also their willingness to engage with others, and among those who do, the relationships formed may dissipate if the problem is resolved, or if it is found to be impossible to surmount. In addition, citizen responses to crime and disorder can be fraught with problems in terms of the 'vigilante' style methods they may resort to, often as a direct result of dissatisfaction with the police (Sharp *et al.*, 2008; Williams, 2005).

This lack of confidence and co-operation from citizens can manifest itself as de-legitimising the authority of criminal justice agencies (Wilson, 2004; Sharp & Atherton, 2007). Residents or even groups of residents can feel marginalised by the state, for example, as seen in the experiences of young males from black and other ethnic minority groups as the target of police stop and search exercises (e.g. Brunson & Miller, 2006). Such experiences can then affect views about other aspects of the criminal justice system, leading to what Sampson & Bartusch (1998) have termed 'legal cynicism'. Perhaps in response to these issues, critical criminologists have long held the belief that alternatives to state and centrally controlled justice systems must be explored, in order to promote the 'utopian visions of an ideal social democratic society in which the well-being and security of all members would be assured' (Lacey & Zedner, 1995: 304). However, it is with caution that politically left ideology should adopt this and view the relocation of criminal justice to the local level, as there remain questions as to who is empowered by such an approach and if, in fact, such an approach can still produce and maintain inequalities (Rai, 2008). Conversely, those to the right have also adopted community based criminal justice initiatives under the guise of rebuilding deprived communities, but

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with the accusation that such initiatives were in fact an attempt to take attention away from the inefficiencies of state control (Lacey & Zedner, 1995). More recently, in widespread press articles and news reports are concerns that David Cameron’s ‘Big Society’ plans are presented as a means to justify cuts in public spending and mitigate against protests from all sectors of society.

**Addressing crime and justice issues in the community**

Approaches to community justice around the world encompass several clear themes (Wolf, 2006), including community engagement, which seeks to engage a range of stakeholders in planning and implementation phases of community based initiatives. Community justice also advocates placing operations within the community they serve and making more use of restorative justice measures. In addition, offenders who require additional support to address the underlying cause of their behaviour will have links through community justice initiatives to treatment facilities, job training and other services (Wolf, 2006).

Many community justice initiatives also aim to promote community safety and improve the quality of life, along with addressing inequalities and reducing crime. This approach is increasingly becoming rooted throughout the criminal justice system, specifically policing, the courts and prison systems. Community justice often also employs a problem solving approach, to treat crime as a ‘series of problems to be solved’ rather than a ‘contest to be won’ (Karp & Clear, 2000: 328). These measures comprise assessing levels of offending and disorder on the basis of where they occur in order to set priorities (Taylor & Harrell, 1996) and also to target resources and to increase understanding about which areas need the most assistance (Kelling, 1992). Finally, these measures require evaluation on the basis of their success in meeting targets to reduce crime and improve quality of life (Sherman, et al., 1997). With the responsibility for addressing crime and disorder shifted to local criminal justice agencies and citizens, community justice is often concerned with improving quality of life and also the capacity for community members to work together to address problems, in a sense to implement informal and formal social controls and prevent further problems (Bursik & Grasmick, 1993; Lacey & Zedner, 1995).

However, in a review of neighbourhood renewal policies in Birmingham and Wolverhampton, Rai (2008) found inequalities in democratic decision making and participation in community-wide issues. Carley (2005) noted the example of Aberdeen as a community who defined boundaries, and thus expectations, as a result of a process of dialogue between organisations and providers. Residents involved in a series of neighbourhood renewal activities, after having engaged with the process, were pleased that their concerns and perceptions had been granted due recognition whilst service providers, including those in the area of criminal justice, were working on service provision based on 'coterminous boundaries' and accord.

Another finding from Rai’s (2008) research was that leadership in local governance was vital, however, there were concerns raised about the role of centrally governed state institutions, in which some residents had little confidence or trust. The expectations of leaders were that they would have a strong connection to the community and be known
as trustworthy and honest. Partnership working, again seen as very important, was flawed by disagreements, conflicting goals and poor communication. The role of state institutions in this process was also questioned in terms of bureaucracy, which impeded communication and led to a view among some residents that active participation was ineffective. Other obstacles to engaging all citizens included some reporting not having time to spare and others simply not being aware that fora existed in which they could have their say (Rai, 2008).

**What is meant by leadership?**

A report on social cohesion by the Office of the Deputy Prime Minister (2004) reviewed the causes and aftermath of race-related rioting in Oldham, Bradford and Burnley during the summer of 2001. The definition adopted for this study presented the common features of a cohesive community as including a 'sense of belonging' within communities, valuing diversity, providing equality of opportunity, and 'strong and positive relationships' across the community (ODPM, 2004: 6). The Cantle Report (2006) produced by the Institute of Community Cohesion (ICC) at Coventry University explored the attempts by Oldham Borough Council to encourage community cohesion after the disturbances in 2001. Leadership was viewed as an important part of building the foundations for achieving cohesion and this was identified in Oldham. However, concerns were raised regarding the continuing dependency of others on this leadership deferring to them for decisions and not feeling empowered themselves. Changing this approach was viewed as vital, in order that all sectors of the community are equally involved, including the statutory, voluntary and business sectors (Cantle Report, 2006).

Bolden et al. (2003), in their review of leadership theory and competency frameworks, recognise evolving schools of thought that identify the characteristics of the leader from the early idea of the 'Great Man' to more contemporary iterations of the 'Transformational Leader'. A more recent response to the term notably identifies the concept of dispersed leadership, which proposes that, rather than being limited to key personnel within an establishment, leadership is a process which permeates throughout an organisation, thus generating collective responsibility for control.

Trait theories such as the 'Great Man' attempt to identify characteristics found in the nature of leaders to facilitate opportunities for training and self improvement processes. In practice, whilst a number of similarities might be found, researchers remain unconvinced, suggesting that such qualities are inconsistently identified and may additionally be linked to a number of accompanying skills (Stogdill, 1974). Behaviourist theories seek to identify the processes and situations in which the worker might be motivated to work more effectively and, subsequently, apply these principles to identify the best means by which the leader/worker interrelationships (situation) might maximise performance. Whilst this tends to focus on a bottom-up approach to leadership, there is an assumption that the effective leader/manager will have an appreciation of the task and be able to appropriately respond to changes along a continuum (contingency) as the task progresses. For some behaviourists, these approaches may be reflected within a graduated representation of an action focussed management style (Adair, 1973; McGregor, 1960; Tannenbaum & Schmidt, 1958; Blake & Moulton, 1964).
The dynamics of leader and follower are represented by a number of ideas where theorists have attempted to seek and, subsequently, identify relationships which result in a contract or transaction as a situational response, recognising that in some situations the leader might additionally be viewed as a servant (Greenleaf, 1970). Such relationships might be recognised in, for example, the role of faith leaders within the community.

The complexities reflected within modern organisations have found purchase in theories of leadership which promote the team approach, choosing to focus not only on the role of the leader, but on how individuals might become essential components of a team. Belbin (1993) identifies the team leader who recognises, manages and, subsequently, values the range of diverse talents of their work-force as opposed to the more traditional concept of the patriarchal solo leader.

Organisations such as those key to the functioning of the criminal justice processes have, in recent years, identified more readily with theories aligned to the new public management process. The need to justify aspects of worth and best value via performance targets seems to challenge the traditional significance placed on an organisational requirement for leadership. In these organisations, managers appear to maintain the status quo by executing operational demands as effectively as possible, whilst leaders seek out new opportunities and guide and promote them efficiently in order to direct organisations. According to Wright (2000: 91), 'in policing, modern rational management has been promoted as the method through which an economical, efficient and effective police is to be achieved'. This seems to provide a contrast between what may be described as a series of behaviours, which are then ascribed to styles of leadership and the idea of the transformer who first acts as visionary then transforms the activities of a group of individuals or an organisation.

Whilst early management theorists found it relatively simple to divide the role and function of managers within organisations and to quantify the changes expected as a result of the application of their beliefs, it appears that this is no longer straightforward. Ethics, workplace democracy and the impact of technology have all meant that the responsibility and expectations of the workplace manager and staff may in many cases be interchangeable (Bergmann et al., 1999).

The use of Action Learning sets for cross-sector training, particularly in relation to strategic leadership, appears to be one of a number of ways forward. The Leading Powerful Partnerships (Independent Command Programme) developed by the National Policing Improvement Agency (NPIA) is an example of a programme available to leaders whose role involves multi-agency engagement. With the more recent impact of the Localism Bill 2011, the desire by government to further empower communities will create a more significant need to extend leadership development projects and offer leadership training opportunities. It will also attempt to support community members in facilitating their political ambitions for a more confident community at a local level, in addition to the need to prepare organisational leaders for solving more complex matters.
The recent Her Majesty's Inspectorate of Constabulary (HMIC) publication, 'Antisocial Behaviour: Stop the Rot' (2010), provides an example of the potential dangers of a poor management response to a range of complex issues. According to the report there is a public expectation that there will be a joined up agency/organisational response to their complaints around antisocial behaviour and those issues which directly effect citizens' quality of life. Unfortunately, the research suggests that, rather than meeting expectations, there is a tendency for multi-agency initiatives to involve 'lengthy partnership processes which have distinctive significant negative consequences for victims' (HMIC, 2010: 9).

Highlighting evidence from engagement with Community Safety Partnerships, the report also identifies partnership failures associated with variable standards of working; partners who focus mainly on working together, strategy or process rather than working for the public, and the negative impact of a 'meetings' culture. There is an underlying suggestion that these characteristics are manifest in other strategic partnerships within local communities, including those that directly relate to community justice (HMIC, 2010). Therefore, it is anticipated that there will need to be a critical reconsideration of the traits and abilities required of leaders and managers across all sectors to meet the challenge of such complex issues and also address the expectations of citizens.

The Neyroud Report (2011) recommends a cross-sector approach to leadership which it suggests should extend from the public to the private sector. The idea of complexity in leadership is not a new but it may take time to extinguish the cultural dynamics of organisational self-interest, perpetuated by performance led targets of recent years and the self serving interests of some leaders to diminish in favour of a more holistic approach (Bennington & Hartley, 2009).

**Neighbourhood policing**

Community and neighbourhood policing appear to represent some of the first moves towards attempts to develop justice in the community and to engage local citizens in taking responsibility for crime and disorder. The term 'community policing' is characterised by uncertainty as to whether it presents a whole new philosophy in policing or a series of initiatives and programmes adopted by police forces to reduce crime and build public confidence (Moore, 1992; Eck & Rosenbaum, 1994). It is argued that community policing enables the police in democratic societies to operate with the consent of the public and also work directly with them, as it is now recognised that they cannot work in isolation and must encourage co-operation from the communities they serve (Rowe, 2008).

Neyroud & Beckley (2001: 220) state that 'good policing in the twenty first century requires more than good performance. It needs a renewal of contract between police officer and the citizen'. Davies & Thomas (2003) undertook what they termed a discursive analysis of policing in the context of New Public Management and suggested as a result, that the focus on performance was incompatible with community orientated policing. They argue that community policing focuses upon the more traditional 'feminine' skills of communication and cite evidence from Heidensohn (1992), Reiner (1992), Fielding (1994),
Gaston & Alexander (1995) and Walklate (2001), among others, in support. Davies & Thomas (2003) also note that performance led policing, an essential component of this management ethos, appeals to the more masculine led cultures within the police, focussing on meeting targets based upon reactive policing techniques in crime detection, rather than proactive reduction practice, thus negating the very skills of 'building' and 'bonding' with communities in order to encourage community cohesion.

Implementing community policing faces numerous challenges from institutional structures within police forces (Chan, 1997) and resistance from the communities they serve (Brogden & Nijhar, 2005; Hughes & Rowe, 2007). The response to crime and disorder in deprived communities by the police and others they work with cannot fully address the structural and social problems that can be attributed to causing crime, such as socio-economic inequalities, drug and alcohol use, unemployment, and poor living conditions (Rowe, 2008).

The organisational culture of the police, along with specific traits of masculinity, bravado and task orientation (Reiner, 1992) implies that the type of leadership found within the police would lend itself to more traditional 'Great Man' approach (Stogdill, 1974). However, with the need for more collaborative working, this leadership approach may not be the most effective. Collaborative working, as is increasingly found in community justice initiatives, would require a more inclusive approach with more consultation or dispersed leadership (Bolden et al., 2003).

An example of this can be found in police led operations which aim to deal with specific offences in a targeted and zero-tolerance approach, but which then require follow-up work by a range of agencies to prevent further offending and re-build trust and confidence in the community. Such an approach is referred in the US as crackdown and consolidation (Millie, 2005), which aims to follow up the more heavy-handed approach of the police with crime prevention and community safety measures. For example, problematic drug users and suppliers could be targeted by police operations, to be followed up by programmes to treat and offer welfare support to users by health and social services teams. Therefore, the leadership will change as the key aims of the initiative and type of expertise and resources change, from the police to healthcare professionals. This can also require a period of engagement from citizens to enable offenders/users to reintegrate into the community with the support of employers, social landlords, healthcare services and faith based services.

**Probation services and restorative justice**

Community justice is often seen as a precursor to restorative justice and is also viewed as a more appropriate approach to dealing with crime and disorder in deprived and fragmented communities (Faulkner, 2003). Developed in the early 1990s, this model looks to neighbourhoods and communities to participate in programmes specifically designed to address crime and justice issues to have a collective impact beyond addressing the needs of victims and offenders (Bazemore, 1997). In addition, the current criminal justice system at all levels faces a 'crisis of legitimacy', which could in part be addressed through restorative justice models (Garland, 2001).
The principles of restorative justice, namely the prevention of harm, restoration of community harmony, protection of human rights and a more inclusive approach to the administration of justice (Marshall, 1999), are emerging as the foundation to a fundamental shift in criminal justice policy. This approach embraces an understanding of the structural factors within society which contribute to crime and, as with community policing, it requires a collaborative and inclusive approach (Sullivan & Tift, 2001).

Initiatives which fall under the remit of restorative justice can be led and implemented by the police, for example, to deal quickly with minor quality of life offences, which may have a practical solution such as cleaning graffiti. The agency primarily responsible for coordination and implementation of restorative justice is the probation service. The values of probation staff lend themselves to viewing offenders as capable of restoring harms caused, whilst also ensuring court order or sentence conditions are not breached.

The values of probation service staff fit in well with the key principles of restorative justice, namely offering social support, non-judgemental interaction with offenders and moves to reconcile victims and offenders (Braithwaite & Strang, 2001). It is also important to note the international reach of this approach, demonstrating how the key aims meet the diverse needs and different cultural understanding to deal with crime and justice. Restorative justice initiatives have been widely documented in New Zealand based on Maori traditions and the focus on the family conferencing (Morris & Maxwell, 2003); in the USA, to address the needs of young offenders and sentencing circles used widely in Canada and the USA (Bazemore & Umbreit, 2003). However, concerns have been cited in relation to the extent of participation and powers afforded to citizens as part of restorative justice programmes, highlighting the need for clear guidelines alongside a socially inclusive process (Crawford, 2003) and, arguably, clear understanding of leadership and accountability.

For both the police and probation service, the leadership role is very much as identified by Greenleaf (1970) - those charged with the responsibility of the management of restorative justice may find they need to constantly defer to others with specific expertise, to keep the process inclusive and meet the range of needs of victims and offenders – to be more of a servant, or coordinator, than a leader. The requirement to manage teams, whilst valuing diversity and strengths of members, aligns with Belbin’s (1993) understanding of the role of team leaders, away from the more transformational 'Great Man' leader (Stogdill, 1974).

Conclusion
The political shift from centralised to local management and administration of crime and justice has been demonstrated in the range of changes in approach and new initiatives within criminal justice policy. Such changes have been demonstrated in policing methods and different forms of justice to support both victims and offenders, as well as impacting on the wider community. Notions of active citizenship (Powell, 2000) and recent government papers to enable active participation (Ministry of Justice, 2010) further emphasise the continuing need and intentions to move from state and centralised control of crime and justice.
The concerns expressed as to how to best understand the term 'community' (Hughes, 2002; Pease, 1994; Wilmott, 1987; Schiff, 2003; Shapland, 2008) clearly demonstrate the complexities inherent in trying to place crime and justice in the hands of communities and citizens, without considering their demographic features, socio-economic circumstances and diversity. Despite the challenges of placing crime and justice policy at a more local level, its significance in citizens' lives and its impact on communities make it an important issue to address. In deprived areas, high crime rates and lack of resources to regenerate such areas can block attempts to address crime and its many causes (Gregory & Hunter, 1995). However, assuming a lack of resources and opportunities in deprived areas leads to citizens being unable to change their circumstances and can itself be a simplistic view. High levels of social capital, social cohesion and the bonds to create a cohesive community may not be dependent on levels of deprivation or affluence, again, highlighting the complexity of our understanding of 'community'.

Alongside this are the challenges of bringing citizens together under the remit of dealing with crime and disorder, whether due to the potential for a temporary bonding effect (Shapland, 2008) or a distrust of existing state criminal justice agencies (Sharp et al., 2008; Williams, 2005). Others have made a direct link to the need to explore alternatives to state control over crime and justice in order to begin the process of dealing with inequalities and having a more inclusive approach (Lacey & Zedner, 1995).

With the aims of community justice initiatives ranging from dealing with offending and victims, to attempts to improve quality of life for residents and bring community cohesion, there are similarities in the various approaches. Community justice takes a problem solving rather than an adversarial approach, with consultation and collaborative working practices (Wolf, 2006; Sherman, et al., 1997; Bursik & Grasmick, 1993). There are inevitable challenges to achieving all these aims without a clear assessment of the type of community intended to benefit from such initiatives. Research has demonstrated that initiatives aimed at neighbourhood renewal have experienced inequalities in decision making and participation alongside the importance of clear leadership and consensus of approach (Rai, 2008).

Leadership, whether as explicitly linked to individuals (Greenleaf, 1970; Stogdill, 1974), a more collaborative arrangement (Bolden et al., 2003) or team management approach (Belbin, 1993) has an important role in implementing community justice and building social cohesion (Rai, 2008; Cantle, 2006). The type of leadership also appears to have a link to organisational culture, which, in turn, can impact on the way in which collaborative community justice initiatives are implemented (Wright, 2000; Bergmann et al. 1999).

Within the police service and aims of neighbourhood policing are tasks relating to reducing offending, improving community safety and engaging citizens. The leadership in these initiatives is relatively easy to define and understand as coming from the police themselves, but with numerous examples of requiring partnerships with other agencies. The organisational culture of the police demonstrates leadership styles of 'Great Man' and a more dispersed approach with clear lines of consultation with a wide range of sectors in the community, in order to address all crime and disorder issues (Bolden et al., 2003).
Comparing this with restorative justice approaches, which can be police led in initial stages but also are managed by the probation service, who have a clearer ethos of supporting offenders as well as victims and communities. The probation service has had a longer history of collaborative working and working towards the effective management of teams (Belbin, 1993). Community justice centres seem to combine this ethos with clear leadership in the form of the judge and also the focal point of the community court.

Establishing leadership approaches within community justice appears then to be an important element in assessing their effectiveness, although a more thorough review and appraisal of this is required. Although this adds to the concerns and debates regarding how to ensure community justice initiatives are successfully implemented, there is evidence that this requires further analysis and understanding, alongside a better understanding of the community benefitting from such initiatives. With the shift of the administration of justice and improving community safety in the hands of local agencies and citizens, along with the absence of central control dictating priorities, the source and therefore type of leadership needs to be better understood, as do the requirements of leaders operating under such policies and approaches.

The role and impact of leadership also needs to be explored at local government level, as the key authority in reducing crime and disorder in communities, along with a better understanding of the role of the voluntary sector. With calls for engaging citizens in local issues under the remit of the ‘Big Society’, actually achieving and implementing such plans requires more in-depth exploration of the changing nature of leadership and the changing nature of dealing with crime and justice. This emphasises the need for an understanding of the complexities of the organisations, agencies and communities involved in community justice and how this can impact on the effectiveness of their implementation. In a culture where success is still focused on performance targets and identifying efficiency and effectiveness, an understanding of the potential barriers is becoming increasingly necessary. The aims of community justice promise a great deal and, if they are to offer a more inclusive, more democratic and participatory alternative to traditional notions of justice, more needs to be done to unravel the complexities, potential pitfalls and success stories.

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REBALANCING CRIMINAL JUSTICE: POTENTIALS AND PITFALLS FOR NEIGHBOURHOOD JUSTICE PANELS

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Abstract The coalition government have pledged a commitment to a shift from 'Big Government' that presumes to know best, to the 'Big Society' that trusts in people for ideas and innovation to mend Britain's 'broken society'. While the policy implications of this shift remain opaque at this stage, further work has been undertaken to articulate what this strategy entails (see Cabinet Office, 2010). Five key themes have emerged which promise a dramatic shake-up of the system. This paper focuses on the theme that most closely relates to notions of 'Big Society' - restorative justice. In the current economic climate it is perhaps unsurprising that the coalition is supportive of restorative justice, as it mirrors the desire to redistribute power from central government to local communities and individuals. The Liberal Democrat experimentation with Community Justice Panels (now being referred to as Neighbourhood Justice Panels or NJPs) in the run-up to the general election has been highlighted as a measure that will be introduced to combat low-level offending and anti-social behaviour. This is given particular consideration as it involves local communities and victims themselves responding to offending behaviour rather than the state. NJPs, it is claimed, have a dramatic impact on recidivism rates in comparison to the traditional criminal justice process and a corresponding reduction on police time and resources. However, as Crawford & Newburn (2002) highlight, England has traditionally adopted a more punitive approach towards dealing with offending behaviour due to widespread public anxiety about crime and political competition to secure votes. Thus, this paper seeks to explore the potential implementational difficulties and resistance that may come from communities and criminal justice practitioners, particularly the police, to this model.

Keywords Community justice, restorative justice, big society, neighbourhood panels.

Introduction

The collapse of the rehabilitative ideal during the 1970s gave way to a 'crisis of penal modernism' (Garland, 2001) which ultimately led to a number of assumptions about the way in which crime had been traditionally approached being challenged. These included: the monopoly of the state in responding to crime to the exclusion of other parties; the dominance of 'experts' or professionals in the administration of justice; and the almost exclusive focus on the offender (see Garland, 1996). The subsequent rise of the 'populist

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1 The authors would like to thank the anonymous reviewers for their helpful comments.
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punitiveness' (Bottoms, 1995) or 'law and order' (Cavadino & Dignan, 2002) ideology in the United Kingdom ultimately led to inflated prison populations and the creation of a perceived increase in criminal incidents despite a relatively stable decline in the crime rates in the decade since the mid-1990s (Cesaroni & Doob, 2003; Young & Matthews, 2003).

Despite the highly visible strategy of expanding both the types of activity which the government controls and the mechanisms through which to do so, re-offending rates are high and public confidence in the system is unbearably low. The global challenges brought about by the economic crisis will seemingly exasperate this situation as both the Ministry of Justice and the Home Office face budget cuts of between a quarter and a third over the next four years (Faulkner, 2010). The austerity measures have provided an impetus to find responses to offending that are more effective and less expensive than the strategy adopted by the previous administration, with the new coalition government advocating a greater use of restorative justice (Ministry of Justice, 2010).

While the exact extent of restorative justice adoption and integration at this stage remains unclear, there are indications in the sentencing Green Paper that the Liberal Democrat experiment with Community Justice Panels or CJP (now being referred to as Neighbourhood Justice Panels) in the run-up to the general election will be adopted at a national level:

We want to test new, innovative ways of getting communities more involved in tackling low-level crime and anti-social behaviour. One approach which we are particularly interested in piloting is that of Neighbourhood Justice Panels. These provide a form of restorative justice in which local volunteers and criminal justice professionals are brought together to decide what action should be taken to deal with some types of low level crime and disorder. We will be bringing forward plans to test their effectiveness in the summer. (Ministry of Justice, 2010: Para.287)

Neighbourhood Justice Panels (NJPs) provide a tangible programme through which to realise the overriding aim of replacing 'big government' with 'big society' as citizens, local communities and voluntary organisations are made responsible for creating and maintaining the environments in which they would like to live. The question remains, however, as to both the ability of the coalition to create 'big society' from the top-down and the desire of local people and organisations to take on responsibility for things that have traditionally been the domain of national government policy. England has, in recent decades, adopted a more punitive approach to dealing with offending behaviour than its European counterparts due to widespread public anxiety about crime and political competition to secure votes (Crawford & Newburn, 2002) and it will be difficult to change this mindset. A further issue in a period of austerity is the support that will be given by criminal justice practitioners, particularly the police, who have a vested interest in protecting their traditional roles (Shapland, 1988) within the communities in which they are based.
This paper takes the position that if the culture of a country can have an impact on the delivery of punishment (see Melossi, 2001; McAra, 2005) then the culture of an institution or group may also have a similar impact on the extent to which new initiatives are supported. This line of thought has important consequences for the implementation of NJPs due to the fact that its successful implementation relies on the support of both the community who will need to facilitate the process and police officers who will need to refer cases to the process. This paper seeks to explore the potential of NJPs, whilst also highlighting the potential difficulties that may arise in terms of the culture of specific communities and that of the police.

We begin this paper by outlining the origins (and perceived benefits) of the NJP process in Chard and Ilminster and its subsequent adoption in Sheffield. The varying levels of success in the implementation of NJPs across these two sites is discussed and the authors argue that important lessons may be learnt ahead of the intended national roll-out over the summer. The direction of policy implementation (i.e. bottom-up versus top-down) is thought to be of significant importance and the potential resistance that may come from communities and police officers from areas with different demographics and socio-economic circumstances are explored. While the Conservative Party, in particular, has been critical of the previous administration for reducing the ability of communities to take charge of their own issues, this paper highlights the problematic strategy of trying to facilitate community cohesion and police engagement from the 'top-down'.

**Bottom-up versus top-down approaches: lessons from two sites**

The development of CJPs may be traced back to Chard and Ilminster in February 2005 (Meadows et al., 2010). Residents of the borough were frustrated by a perceived lack of justice for offences committed in their area due to the removal of magistrate courts from their locality to more urban areas. Local newspapers could no longer report on their outcomes, which contributed to a perceived increase in crime, a decreasing sense of community and increasingly strained relations with the police led to alternatives being sought. Following a murder in the area, the local media ran a campaign called 'Bring Justice Home' with the initial intention of getting the court reopened. County Councillor Jill Shortland and a management team came up with the idea of a CJP and, after discussion with various agencies, agreement was reached and a steering group set up to take it forward.

The idea was taken to the Home Office's Anti-social Behaviour Unit (ASBU), which subsequently provided funding for an 18-month pilot (Mirsky, 2006). Initially, 35 volunteers were recruited from the local community through safety days held by the police and fire service and, currently, coordinators also conduct presentations at community groups such as WI and the Quakers. Additionally, 30 police officers, including

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2 The local newspaper was unable to send a reporter to Yeovil where cases had been relocated on the off chance that someone from Chard and Ilminster would be appearing.

3 Following this pilot, further funding has been agreed from the Home Office to allow the project to continue until March 2010, with smaller contributions from South Somerset Homes and Avon and Somerset Police. It is unclear what the current funding arrangements are.
Police Community Support Officer (PCSOs), have been trained alongside volunteers. CJs were implemented and began taking referrals on the 28 January 2005, dealing only with adult offenders.

Like much restorative conferencing and mediation, CJs represent a less formal, less costly alternative to the adversarial process. Sessions are facilitated by a trained community volunteer, attendance is usually voluntary and they are only used where the offending party or parties admit culpability (Rogers, 2005). Once a case has been referred by the relevant agency (generally the police), a volunteer facilitator interviews both the victim and the offender. The purpose of the interview is not to establish guilt but rather to explain the process and to make firm arrangements (dates, times and ground rules) for the meeting to occur and both parties are offered the opportunity to bring supporters with them. The accompanying literature states that volunteers should not offer an opinion on what happened and not to stray from the 'restorative justice' questions (what these are exactly is unclear).

The actual process itself seeks to provide an opportunity for the offender to reflect upon their actions and to offer some form of reparation to the victim or the broader community. Victims are also encouraged to attend where they want to, to communicate the impact of the incident and to understand why they were targeted. CJ coordinators are responsible for facilitating this process and follow an 'International Institute for Restorative Practices' (IIRP) script throughout the process (Mirsky, 2006). This meeting therefore ensures that the offender is directly confronted with the consequences of his/her actions and the victim can separate the offender from the offence. Both parties are also directly involved in determining the extent and nature of the content of behaviour contracts to which the offender needs to adhere for an agreed and specified period.

Once the contract has been signed, the referral agency is responsible for monitoring the contract. Should the offender breach the contract the panel is notified and, depending on the circumstances, the panel may be reconvened or the case referred back to the referring agency for resolution through the normal adversarial processes. All participants receive feedback forms at the end of the panel to comment on the process and any aspects that they found particularly good or negative to assist with best practice for future panels.

The voluntary involvement of both parties and their ownership over both the process and outcome of the panels means that they are generally very successful. As such, the Deputy Chief Constable in Chard requested that the panel consider expanding their remit to include both young offenders and victims, which was well received. Support from the main agencies has been vital to the success of the project and, by March 2007, the project had dealt with 107 cases with only one person re-offending. Current figures show that 330 cases have now been dealt with, police administration time has been reduced by 75% and the recidivism rate for those who participate in the panels is down to 5%. It is therefore unsurprising that the results rapidly caught the attention of Councillors from other areas and that the project was subsequently extended to neighbouring areas in
Somerset, including Wellington and Wiveliscombe in Taunton Deane, which have also reported impressive success rates.\(^4\)

The subsequent transfer and implementation of CJP\(^s\) in Sheffield, South Yorkshire, formed part of the Liberal Democrats 2008 local election manifesto to directly involve the community in the ‘fight against crime’. In contrast to Chard, the project is funded by the local council but still run by trained community volunteers who accept referrals for both adults and juveniles who have offended for the first time. A further distinction between the two sites involves the perceived benefits that the model would yield and thus be measured against: reducing recidivism, anti-social behaviour and low-level offending; improving victim satisfaction; reducing police administration time; making communities safer; and, finally, increasing community involvement and volunteering.

However, the ease with which CJP\(^s\) were implemented within varying boroughs in Somerset was not experienced when the project was transferred to Sheffield. An evaluation conducted by the Hallam Centre for Community Justice, in which one of the authors was involved, reported low initial referrals to the schemes, some implementational difficulties and resistance by some police officers to the new exit route to the formal process (Meadows et al., 2010). While this evaluation was conducted during the initial pilot phase, it does raise questions about the ease with which this model can be rolled out nationally. As Johnstone (2002) warns, ‘restorative’ schemes are inherently more difficult to implement due to the fact that there is a lack of consensus about the roles (both traditional and those that are newly created) of individuals within the process.

Community-based sanctions generally draw mixed reactions from the public who know little about the manner in which they work and the offences that fall within their remit. The Green Paper acknowledges this and outlines plans to consult on the types of offences and offenders that should be eligible for referral to NJP\(^s\). Traditionally, such models have been developed as a means to further engage the public in the administration of criminal justice for first time, low-level offences\(^5\), thereby making it more responsive to public concerns and increasing confidence in the criminal justice system. The consultation process will allow members of the general public and community organisations to have a say in how broad the remit of these panels will be, thus, facilitating a sense of ownership and redistributing power from the 'central to the local, from politicians and the bureaucracy to individuals, families and neighbourhoods' (Conservative Manifesto, 2010).

However, the authors argue that further attention needs to be given to the experience already gained from the two models outlined above. We therefore investigate the potential difficulties (particularly in terms of community and police buy-in) in implementing NJP\(^s\) from relatively small and homogenous communities to urban areas with more complex and diverse demographics. To do this, we consider the broader

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\(^4\) Telephone interview conducted with Jan Hart, the coordinator for CJP\(^s\) in Wellington and Wiveliscombe, on the 30 October 2009.

\(^5\) Such as drunk driving, speeding, mindless criminal damage, drunk and disorderly behaviour, vandalism and neighbourhood disputes (BBC, 2005).
restorative justice literature, which discusses issues around community involvement in similar schemes and, subsequently, the policing literature which has to a large degree discussed implementational resistance to policies by police officers at various levels.

**Community participation: opportunities and threats**

Community⁶ is often mentioned in political rhetoric as something that we have lost and that somehow needs to be recovered. Reference is made to the 'good old days' when we could always leave our doors unlocked and someone was always available to lend a helping hand (Braithwaite, 2002). However, a number of authors highlight the convenient loss of memory about the manner in which those who were different were ostracised, punished or exiled from the communities in which they lived (Cohen, 1985; Crawford, 1999; Dignan, 2000). This distinction between 'us' and 'them' is still apparent today and easily recognised in partisan statements made by different socio-economic and cultural strata of society. Nevertheless, as argued by McCold & Wachtel:

> When we speak of the 'sense of community' that is missing from modern society, we are speaking about the absence of meaningful interrelationships between human beings and an absence of a sense of belonging to and common interest in something that is greater than ourselves. (2003: 295)

It is precisely this 'sense of community' that the coalition is seeking to generate through the use of NJPs. Community participation is seen as an effective way to confront offending due to the fact that members are not considered 'outsiders' by offenders (Zehr, 1990). Thus, community participants are able to actively denounce actions that contravene the norms and values of the community but also to demonstrate to the offender that they are keen to invest in both understanding and addressing the causes of that behaviour (Braithwaite, 1989; 2002). The subsequent opportunity for the offenders themselves to actively be involved in determining the nature and scope of the sanctions allocated means that they are more likely to fulfil their obligations, as the process is seen as legitimate.

While this all seems generally straightforward, the difficulty is in achieving buy-in from all stakeholders – victims, offenders and individual members that make up the 'community' – during the initial phase of implementation. The negative connotations surrounding community-based programmes are largely due to the perception that they are 'soft' on crime and primarily for the benefit of the offender rather than those that have been harmed by the incident or the community in which the incident took place. Challenging this assumption is particularly difficult without individuals actually participating in the process themselves.

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⁶ There is substantial debate within the restorative justice literature about the meaning of 'community' (see McCold & Wachtel, 1997; Van Ness, 1997; Crawford & Clear, 2001; Sullivan & Tift, 2001; Zehr, 2002; Duff, 2003; Walgrave, 2003; Pavlich, 2005), however, in community justice a presupposition of some form of community existence is essential.
Given the central role that volunteers play in facilitating the process, considerable effort is invested in recruitment and training. Recruiting sufficient volunteers is therefore essential to the success of the initiative. As the process stands, all volunteers undergo CRB checks and are interviewed by the coordinator during the vetting process. Those who successfully complete this process receive a three-day training course accredited by IIRP, which covers issues such as communication skills, introduction to the criminal justice system, role-plays and asking 'restorative' questions.

This raises two potential stumbling blocks. First, the key idea underpinning lay involvement in these panels is that volunteers should represent their local community. The likelihood that all individuals have the time and the stamina to progress through each of the stages means that certain groups, such as students, part-time workers and the unemployed, may be over-represented. Second, individual members of communities may also not necessarily share similar values and aspirations (Van Zyl Smit, 1999; Shapland, 2003), which may present a significant challenge to the process. Certainly in small, cohesive communities where active citizenship is part of daily life community norms and values may be broadly consistent and supported. In larger cities and towns this becomes more problematic as community membership is often more transient and diverse.

To some extent, this may go some way to explaining the contrasting success of CJP implementation in Chard and Ilminster and Sheffield. In the former, the community had already bought into the project as they had had a key role in developing the programme and were therefore able to define its scope and ethos in such a way that was consistent with broadly accepted norms and values. Conversely, the model being implemented in Sheffield was void of any community consultation, which attracted considerable criticism, particularly from some police officers who felt that a model from a small rural community was not appropriate for an urban context. The lesson here is to ensure that local knowledge and priorities are sought to inform the shape and character of the model so as to conjure up a sense of ownership and support from the local community and police.

The significant disparity between the demographics and crime context confronting the two 'communities' raises further questions about the suitability of one model for the entire country. Not all communities are tolerant and espouse liberal values (Dignan, 2005), which raises questions about the potential for vigilantism, authoritarianism and domination (Shapland, 2003). Resources also vary and it is unclear what steps the government will take, if any, to ensure that what does not transpire is an equivalent of a 'postcode lottery' in justice (Crawford & Clear, 2001). Wide local variations in law enforcement or sentencing are generally perceived to be unacceptable (Faulkner, 2010) and there must be some concern that greater local influence may lead to disparities in the amount of referrals to NJPs; the types of conditions that are agreed during the process; and that unrepresentative local interests may have a disproportionate influence. Mechanisms will have to be put in place to ensure that NJPs are transparent and frequently evaluated to remove the potential for significant criticism which requires the allocation of sufficient resources from local government who are under significant pressure to reduce spending.
While the coalition’s commitment to the broader use of restorative justice within criminal justice is particularly welcomed, it is concerning that this is being conducted during a period of austerity and a simultaneous ‘hollowing out’ of government. The critical issue here is that the model of NJPs is coming from central government, while implementation and funding will have to be carried out at a more local level. Traditionally, reforms have been characterised by an active government and promoted with money, allocated and controlled by central government, so that new initiatives can be centrally and politically driven forward. In a climate where power is devolved downwards, government may be less willing and able to micro-manage the course of events. The hope is to ultimately end up with communities that are pro-active and mobilised, thereby leading to a reduction in the need for state intervention (Weisberg, 2003). However, what might transpire is an increase in vigilante activity and poorly run and attended panels. The potential problems and uncertainties outlined here are coupled with an assumption that there will be support for this initiative by the primary referral agency, the police. The following section seeks to tease out the potential for resistance at a policing level.

**Police and NJPs: challenging culture, tradition and purpose**

The role of the police service in facilitating NJPs needs to be understood within the context of other community initiatives. The coalition government has ring-fenced funding for PCSOs for the next two years, proposed further expansion of the volunteer special constabulary and enhanced community consultation, all policies that emerged under the previous administration. Thus, the ongoing restructuring and rebranding of the police service as a local, community-oriented and engaged service, is exemplified by the police embrace of restorative justice and initiatives such as NJPs. As is the case elsewhere in the criminal justice system, the twin drivers here are a desire to increase community confidence in the police, together with an acknowledgement of the state’s limited capacity to manage problems of crime and disorder by itself.

The political emphasis placed upon the importance of 'community' in public policy, coupled with the third way focus on moral authoritarianism and communitarian values, has helped promote the profile of restorative justice policies in policing. Most clearly, distinct commonalities exist within contemporary political discourse in the fields of both restorative justice and policing surrounding active citizen participation, social inclusion, community cohesion and improved informal social controls that aim to foster more civilised, self-regulating conduct amongst citizens. Yet the emphasis placed upon community-based restorative initiatives such as NJPs is driven by legal developments, political discourse and funding from the top-down in a manner that makes it difficult to tailor initiatives to individual local contexts.

Contemporary explanations concerning the exercise of governmental power, most famously the new penology (Feeley & Simon, 1992), often underplay the importance of the role of political agency and the way that it operates within structures of governance (Cheliotis, 2006). While grand theoretical narratives help us to understand the social, cultural and political conditions that have enabled community-based modes of crime control to rise up the political agenda (Garland, 2001), these narratives lack a focus on developments at the local level. This paper places local political contests over the
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development of restorative justice policies at the centre of the analysis to highlight the tensions that exist between official political and policy discourse and policy implementation by street-level bureaucrats.

These tensions are intensified in the complex and diverse western cities of the twenty-first century and help to explain variations in practice at the local level. Therefore, it is essential to investigate the situated social practice, or 'habitus' (Bourdieu, 1977), of human agents in different local contexts in order to make sense of the ways in which policy is put into practice. This helps explain the resistance evident amongst members of the community and police officers in Sheffield towards the top-down transfer of a restorative justice initiative from a small, rural community to a more diversely populated urban area faced with much more complex crime and disorder problems.

Attempts to promote greater citizen participation in policing are just one component of broader attempts to reassert the central role of the community in policing, yet this ideological shift runs contrary to the historic policing mission where independent police professional knowledge directs local developments. In this instance, the objective is to push forward a shift in both power and responsibility towards neighbourhood groups who are tasked with policing functions. A body of critical literature has developed that questions the extent to which this shift in power and responsibility has, or even can, take place (Hobsbawm, 1995; Bauman, 2001). This literature questions whether placing 'the community' at the centre of policing policy makes sense, especially during a historical period in which many communities (in their traditional sense) are understood to have disappeared. To some degree, this has been evidenced in the low rates of victim participation in restorative projects in the UK (Hoyle & Young, 2003) and the findings of the evaluation in Sheffield, which points towards significant resistance to restorative initiatives from the police and the wider public.

As research on 'cop culture' (Skolnick, 1966; Reiner, 1992) and other criminal justice professions has highlighted, the objectives of policy makers, managers and those working at the 'street-level' often diverge (Lipsky, 1980). Thus, the lens of analysis moves from a macro focus on legislation, discourse and policy to a micro focus on local political cultures, organisational dispositions and the role of the community that has been targeted by the initiative. This form of analysis highlights the way in which the police interpret the role and function of restorative justice initiatives as well as the contested notions of 'community' that exist at the local level. Despite the community-oriented and often mundane nature of much policing, police officers still possess a monopoly over the use of force in civil society and their action-oriented culture is a manifestation of this civic position as custodians of state authority.

This presents a clear challenge to the shifting sands of the police role and the drift to community-oriented, restorative policing. Debate about the introduction of NJPs must be cognisant of this tension between community engagement and law enforcement, which lies at the heart of the police role. In providing a service to one section of the community the police often have to use coercive force against another section of the community. Age, gender, religion, class, ethnicity and culture all impact upon interpretations of police
action and the extent to which contact with the police is interpreted as a public service or the threat of coercive force, thus providing a potential barrier to the resolution of conflict.

Contemporary analyses of police culture emphasise the interpretive and creative aspects of a multitude of cultures. Most usefully, Manning (1993) has suggested that there are three subcultures of policing – senior command, middle management, and the rank and file – which can be used as analytical tools for investigative police studies. Chan takes this further and suggests that police culture 'results from the interaction between the socio-political context of police work and various dimensions of police organisational knowledge' (Chan, 1996: 110). This framework provides an acknowledgement of multiple police cultures, that operate both horizontally and vertically as well as across time and space, and helps to explain the multiplicity of responses to restorative justice initiatives from the police at the local, national and international levels.

Attempts to implement restorative policing and NJPs must bridge these three cultural arenas, otherwise policy implementation is likely to fail and the focus on restorative approaches is likely to be usurped by more traditional punitive policing strategies and tactics used by fellow officers (Mastrofski & Ritti, 2002). The work of Holland (2007) has shown us that the process of reform (i.e. the way in which it is enacted), in particular the central role played by trainers and leaders, is essential for success. In Thames Valley, restorative justice initiatives were deemed to be a success because the force was (on the whole) united in supporting the developments throughout the hierarchy (Hoyle & Young, 2003). This seems to have been the case in Chard and Ilminster as well, where an inclusive training programme helped convince police officers and the (relatively homogenous) local community of the value of the NJP. This was not the case in South Yorkshire where a much busier police force tasked with the management of a complex set of crime and disorder problems in a diverse urban area was unable to generate this sense of inclusivity. The NJP programme was subsequently viewed as peripheral to the day-to-day concerns of the force and its officers.

By shifting the focus of analysis to police culture it is possible to understand police resistance to new initiatives as active resistance to top-down edicts rather than as an instinctive rejection of something new. This is an idea that has been explored by Lipsky (1980) and, within a policing context, by Punch (1983), who argues that a police officer's primary allegiance is to his peer group rather than to the organisation as a whole. Thus, it is essential for those tasked with policy implementation to be aware of local political cultures as well as organisational dispositions to change. Within British policing, police culture has long been characterised by an 'anti-centralist', strongly localist, tradition where police chiefs maintain a high degree of control over local policing policy (Savage, 2003: 172). In addition to this, the focus on performance indicators that has dominated policing for the last decade has led to a cultural focus on incident management and resolution ahead of long-term problem-oriented strategies, such as restorative referrals.

Herewith, it is possible to see a layering of cultural challenges that mirrors Manning's earlier model. First, a challenge is presented by the arrival of NJPs into South Yorkshire via a top-down, politically-driven initiative. Second, a challenge is presented in providing
suitable inclusive training and leadership via middle management to embed NJPs into the operational practice of front-line officers. Third, an ideological challenge is presented to front-line, street-level workers whose punitive working philosophy and traditional offender-victim demarcation, is being contested. Bazemore & Griffiths note that the successful policy implementation of restorative policing programmes is reliant on a 'systemic vision and focus' (2003: 9). Therefore, restorative policing cannot work where its ideas are placed solely in individual programmes. Instead, a clear vision for the local police needs to be articulated with subsequent programmes being built around this overarching philosophy. A systemic vision aims to embed change at the departmental level and let this emanate outwards to rank and file police officers and the community itself.

**Conclusion**

While this article has outlined a number of potential obstacles for the implementation of NJPs, these can be transcended through a more localised consultation on the future shape of this model of dealing with low-level crime. Restorative justice has increasingly captured the imagination of policymakers, criminal justice practitioners and communities alike. However, embedding restorative justice into responses to crime in England and Wales has lagged behind neighbouring Northern Ireland, Scotland and most of Europe. One of the main reasons for this lack of development is the continuing overriding influence of punitive mentalities towards those who offend in England.

For many restorative proponents, the supportive rhetoric from government for restorative justice processes to be adopted is welcomed. Restorative justice is not only seen as a means through which to deal more effectively with the causes and consequences of offending behaviour, but also as a mechanism through which to facilitate community cohesion. The authors do not disagree with this position, but question the extent to which a programme can be designed and implemented from the top-down successfully. In countries such as South Africa and Northern Ireland, where variations of NJPs exist, these models have been developed from the 'bottom-up' with significant support from a number of stakeholders.

The concern is that NJPs will suffer the same lack of victim participation as the last government's restorative justice initiative - youth offender panels - and become a means through which to 'process' offenders as quickly as possible without achieving any meaningful 'justice' for stakeholders. The exemplars of restorative justice are generally well-funded or supported by volunteers who are active citizens within the community where a significant amount of time and effort is devoted to supporting both victims and offenders through the process. This is not only time-consuming but also resource intensive. It is unclear if the success of Chard can be replicated in more urban areas, which are characterised by a more disparate population and a significantly increased demand on police resources.

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7 Such as the Zwelethemba Model in South Africa (see Froestad & Shearing, 2007) and community restorative justice initiatives in Northern Ireland (see Eriksson, 2009).
While much attention has been devoted to programmes such as restitution and community service, community policing, community courts and community corrections, citizen involvement as decision makers in the sanctioning process remains unexplored. It is important to be realistic about what restorative justice can achieve and cognisant of the importance of local context when putting policy into practice. Only time will tell whether the coalition will be able to increase community participation across the country and simultaneously reduce recidivism and resource demands on the police.

References


THE VOLUNTARY AND COMMUNITY SECTOR: THE PARADOX OF BECOMING CENTRE-STAGE IN THE BIG SOCIETY

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Abstract The advance of Blairite modernisation in criminal justice promised a mixed economy of provision capturing the best of public, private and voluntary sector enterprise. This gave an impetus to the Voluntary Sector (then identified as the Third Sector) to penetrate further into provision for reducing re-offending. Across the seven pathways the VCS became increasingly a partner, or at least a provider, in the provision of services, though still subject to the vagaries and uncertainties of the commissioning process in both prison and community settings. This paper will explore the contradictions in seeking to become a key player in this agenda, drawing on original research exploring the enhanced role of the sector (Senior et al., 2005). Concerns centre on the loss of the traditional independence of services; the compromise to values and capacity for innovation; an increasing business orientation and the consequent growth of new or re-fashioned VCS organisations, which often copy the business orientation of the fledging private sector. This has now taken on a new twist since the election in 2010 with the Big Society and rehabilitation revolution explicitly appealing to community engagement and the voluntary sector seeing this as further potential for growth now more at the expense of the public sector than in partnership with such collaboration coming more from private sector alliances. This paper concludes by asking questions around this positive vision of civil society as seen by the new government and questions whether services may be delivered on the cheap by agencies, buoyed by government support, but ill-prepared and ill-equipped to take over public provision to the extent which the rhetoric invites.

Keywords Voluntary and community sector, offenders, resettlement, criminal justice policy, Big Society, rehabilitation revolution.

The 1990s saw the development of the voluntary sector as a key partner in the core business of crime reduction and crime prevention. The launch of the Peppermint Paper (Home Office, 1990) and then the Lavender Paper (Home Office, 1992), both given the same name, Partnership in Dealing with Offenders in the Community, stimulated debates about partnerships between the voluntary, private and public sectors. In the 1990s, the voluntary sector was being invited to expand and diversify from its philanthropic origins (see Carey & Walker in Bryans et al., 2002 for discussion of historical antecedents), and this gave rise to the term ‘independent sector’ (Nellis, 1995), expressive of that sense of distance from the formal publicly-run correctional systems. There was a clear implication
in conveying the voluntary sector through this prefix 'independent' that their role would be seen as supplemental, additional and complementary to core public services. The term also blurred the distinctions between the voluntary and private sectors too who were both seen as offering energy and innovation in contrast to the allegedly more moribund public sector.

However, this augmentation was accompanied by growing questions surrounding public sector efficacy in offender rehabilitation provision, a questioning which had started with the 'nothing works' literature of the 1970s (Martinson, 1974; Brody, 1976) with the simple, if somewhat overstated, pronouncement of the 'death of rehabilitation'. This had continued with the more ideological Thatcherite attack on professionals in the personal social services in the 1980s and its re-directing of criminal justice policy towards a more 'law and order' formulation and the accompanying attacks on the role of the probation service. In this climate, a somewhat inflated potential for coming centre-stage was manufactured by both the voluntary and the even more fledging private sector not only to supplement but possibly to replace public provision and this first began to be taken seriously during the 1990s (Nellis, 1995). An over ambitious example at that time was the rumoured intentions of the wholesale takeover of the community service work of the probation service by Nacro.1 This did seem to overplay the hand of the voluntary sector then and was dismissed as unrealistic but the voluntary sector was evidently up for partnership and was ready for growth and one piece of research (Cross, 1997) argued this fitted with a more locally sensitive orientation.

[S]hifting back to local communities that locus of political power and control over economic resources which has been usurped by the present administration in its obsession with market-place capitalism and restoring 19th century authoritarian values. (Cross, 1997: 78)

These arguments and claims have circulated in various forms since that time with the New Labour project of modernisation and the development of its 'mixed economy of provision' (Senior et al., 2007) at the heart of the expansionist objectives of this 'independent' sector. A change of government in May 2010 has not slackened the rhetoric and intentions of the policy-makers towards utilising local voluntary groups with its call for a return to civil society, encapsulated in the coalition government's formulation of its 'Big Society'. The UK prime minister puts it this way:

The Big Society is about a huge culture change, where people, in their everyday lives, in their homes, in their neighbourhoods, in their workplace, don't always turn to officials, local authorities or central government for answers to the problems they face but instead feel both free and powerful enough to help themselves and their own communities. (David Cameron quoted in Kisby, 2010)

1 Though this remained at the level of rumour, there was a real concern about this advancement of the voluntary sector at the expense of probation at the time. In 2011, this is now an active possibility.
The criminal justice voluntary sector\(^2\) (CJVS) has effectively inserted itself into the heart of the delivery of services for crime reduction and crime prevention. The shifting sands of ideological commitment to localism and utilising locally-based community groups from the communitarianism of New Labour through to Burke's 'little Platoons' in the Big Society accompanies a movement bringing centre-stage their role in ways well beyond the volunteering and more 'genteel' support given by numerous charitable bodies in the 19\(^{th}\) and early 20\(^{th}\) century. This paper will explore the consequences of this growth in provision in the context of financial austerity measures, which is leading to massive disinvestment in public services. As this introduction indicates, the growth in the criminal justice voluntary sector clearly predates the current cuts and some of the challenges to the legal, ethical, organisational and independent impact of these agencies will be interrogated before considering the way in which the current dilemmas and challenges are being met. It will be argued that changes in the nature of the relationship between the voluntary and public sector and the growth of the private sector have pushed the voluntary sector into new configurations which threaten to change, if not undermine, the original goals stemming from its charitable and philanthropic underpinnings. This process was underway long before the current financial restrictions, though they may serve to undermine further direction and feasibility of change.

The foreshadowing of the current debates is excellently set out in the work of Wolch (1990) where the 'dynamics of dependency' between the voluntary sector and the state through the creation of what she terms the 'shadow state' is constructed. The growing dependence on state contracts and grant funding she argued 'is likely to dampen their ability to be critical of government policy' (Wolch, 1990: 215). The interdependence between funders and the voluntary sector in a more competitive commissioning environment may well challenge one of the fundamental features of the sector, that unique combination of campaigning and service delivery (Hill, 2011).

The desire to respond robustly to the prospects of becoming centre-stage is predicated on an expansion of its role and therefore of the size and reach of the sector but driven too, paradoxically, by the more mundane concern of the very survival of the sector itself. The lure of funding to charitable organisations traditionally struggling to make ends meet is a tempting business development prospect. A recent report identified that the public see the following issues for the voluntary sector 'loss of donations; loss of volunteers; the need to provide services no longer provided by government; lower quality of service; and drift from the original purpose of the charity' (Ainsworth, 2010). At the heart of charitable endeavour, opportunism is tempered and subsumed by an instinct for survival. This article will explore the impact of this on the nature and character of the sector itself, which potentially makes it prey to 'mission drift': the willingness to augment and change its working philosophies in order to receive funding and the risk for sector unity to split, philosophically, on the back of this testing and stretching of the original charitable mission. The increasing dependence on government funding with tight audit and

\(^2\) I prefer to use the term criminal justice voluntary sector to reflect the growing role in community-based court sanctions as well as and in addition to work in custody and on the cusp of custody through resettlement services.
Managerial targets signifies a clear shift in neoliberal societies from one based on welfarism to one based on audit and accountability. Some have argued that recent innovative proposals emerging to bring voluntary sector organisations into the direct management of prisons signals the ultimate challenge to the appropriateness of the charitable charters which, historically, have protected the sector’s distinctiveness (Gregg, 2009; Neilson, 2009).

There is no doubt that today the criminal justice voluntary sector has much in common with the public correctional services in that most of their income is via grants and contract payments from the Ministry of Justice, Home Office, National Offender Management Service, local authorities, probation and prison services and others (Senior, 2005). The services they provide are very often the same, in their intent and their objectives, as the services of the public sector corrections departments. Indeed, the current 'Big Society' debates have been predicated on assumptions that the traditional public sector offender management role could be equally well delivered by the criminal justice voluntary sector. The CJVS would argue that they differ from the public sector through a culture and attitude to the service users which is more collaborative and more client-centred in a way most public agencies have difficulty in delivering. Also, its governance – through boards of appointed Trustees – works with a very specific charitable mission. In addition to using public money, some of their turnover comes from charitable donations, plus the use of volunteers adds to the nature, quality and distinctiveness of their service delivery. Whether they are more effective will be considered further below but the capacity for innovation and 'thinking out of the box' has a long history in this sector and the government certainly sees them as the foot soldiers of the 'rehabilitation revolution'.

In 2005, the National Offender Management Service (NOMS) commissioned a study looking at the opportunities to explore the enhancement of the role of the Voluntary Sector (Senior et al., 2005). In the fieldwork, there was a high measure of agreement as to what constituted the traditional strengths of the voluntary sector in work with offenders. The largest measure of agreement focused on the fact that the sector was community-based - being connected to the locality, the local community experience and,

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3 This, mainly qualitative, piece of research was conducted in a sizable region of England – Yorkshire and Humberside. It involved: desk research and documentary analysis; semi-structured interviews; telephone interviews; focus groups; data collection and analysis; and attendance at meetings and feedback at workshops from the initial findings. In total 141 people were involved in one or more activity, including 62 face to face interviews. We were able to engage individuals across the range of services and agencies involved in offender management and interventions, including the "wider VCS sector" agencies whose prime role is not in work with offenders – distribution was 26 % wider VCS sector; 15 % prison; 20 % probation; and 49% criminal justice VCS. 5% of the sample was Black, Asian and minority ethnic individuals and there was an even distribution of male and female participants, with 38 % strategic stakeholders and 63% operational staff. The methods chosen were designed to elicit both empirical and qualitative data. We conducted a data collection exercise to help with mapping VCS involvement across the region, requested information elicited over 40 responses. The difficulty of successfully and accurately mapping VCS engagement is reflective of a common problem in such research in this sector, given the lack of comparable databases.
by extension, to the service users as members of those communities. Often, these were typically small organisations, which had grown out of a local need or concern pursued by a dedicated individual, group or faith-based organisation and developed its expertise to fit its locality and its specific mission. Many such organisations still exist today, some working solely with offenders, many more working on the sort of issues - drugs, alcohol, housing, welfare advice, employment, education and mental health - where offenders will be a key constituent group.

Secondly, these organisations were regarded as customer-focused. Their mission focussed on being 'client-centred' and thus being 'needs-reactive', i.e. reacting to the needs presented by its clients not defined by state demands. The services were shaped as holistic responses to those needs, again, defined by the clients and their community of practice not by the statutory requirements of risk management and the narrower concept of criminogenic need. As Senior et al. (2005: 20) notes:

An holistic approach to assessment was taken which was a concept more akin to a welfare-orientation to practice than a risk management approach.

The provision of specialist skills and experience, meeting needs in areas such as education, training, employment, basic literacy skills, sex offending, housing, services to BAME groups, young people, women, mentally ill and so on define this sector and represented the third distinguishing dimension. Their clear focus on the client allowed them to develop that specific expertise rather than develop their services for an external state-defined demand or regulation. A growing recent element and trend is the way the Voluntary Sector has begun to pioneer the use of ex-offenders as peer counsellors, mentors and advice workers (O'Keefe et al., 2007; Boyce et al., 2009). Again, this demonstrates that capacity to respond to new demands and develop specialist practitioners.

The range and variety of the organisational arrangements of services now offered by the sector is undeniably wide. Latest estimates suggest there are over 1,200 VCS organisations in the UK (Clinks website <http://www.clinks.org/publications/intro_vcs>) which work directly with offenders in a sector which has an estimated 171,000 organisations (Kane et al., 2009). This has meant that the sector can be difficult to define except by virtue of its very diversity. This diversity includes not only the focus of intervention but the type and the size of organisation. Also, the myriad set of values underpinning each unique organisational structure, which includes a strong faith-based sector, makes categorisation difficult. There is no blueprint to define a voluntary sector organisation. Without doubt, the very act of treating it as a sub-sector, the criminal justice voluntary sector, causes issues in terms of its identity and its articulation both with the criminal justice system and the wider welfare services.

Its traditional location, sitting outside the formal state system, enables the sector to be responsive to emerging needs, changing policy directives and the needs of its customers. In an era of quick and unpredictable policy changes, the ability of a sector to meet new demands can be seen as a key strength, not tied down by bureaucratic and managerial
standards or regulations. The sector can be responsive to those policy changes not only in terms of innovative service delivery but also in terms of public commentary and campaigning. The sector’s voice in all its diversity can make its mark on the direction of change by speaking as an interested and relatively objective observer of penal practices. Notable campaigning agencies have included Nacro, Howard League for Penal Reform, Criminal Justice Alliance, Prison Reform Trust, Crime Concern, Rainer Foundation (the latter two now combined as Catch 22) and, more recently, Clinks and many many more who focus on particular needs and issues, e.g. Turning Point on substance abuse or Revolving Doors on mental health issues.

The research also noted that the Voluntary Sector dedicated exclusively to offenders was a small segment of the overall sector, what Corcoran (2009) and Bryans et al. (2002) termed the ‘penal voluntary sector’ and it often sat as somewhat of an anomaly as charitable efforts were more frequently employed to support the concerns of more ‘deserving’ groups such as children, those with disabilities, the elderly, mentally ill and other such groups. However, what the research also noted was that offenders were often a significant minority customer of those organisations whose prime mission stood elsewhere in the welfare lexicon. Offender needs are as varied as the social welfare system itself. Mainstreaming the work with offenders meant drawing in the efforts of the wider sector, not just those working in criminal justice. Reducing re-offending would also mean fewer victims, less accommodation needs, less unemployment, less benefit demands and so on. Significantly too from the turn of the 21st century, as managerial targets began to count towards income generation, those wider voluntary sector organisations looked to a priority group such as offenders to achieve their numbers and get paid!

This research was completed at a time of accelerating change in the way criminal justice service delivery was delivered and organised. At the same time that these core features were observed, the CJVS was adapting to the demands of becoming centre-stage. Three processes were at play: the increasing importance of contracting driving the creation of big, all purpose agencies; an increasing business orientation often aping the operations of the private sector; and resultant challenges to the very essence of the sector, its independence and uniqueness, so characteristic of its pre-existing history.

The living history of the last 20 years is one where CJVS organisations can suddenly disappear or be taken over by larger organisations whilst staff, given some protection, though hardly job satisfaction or security, move agencies in the ‘tupeed’ process.

\[B\]ulk contracts favour the larger charities which have the capability to fulfil all aspects of the contracts across a large geographical area. In contrast, the local or smaller charities or those with a very specific focus are struggling to compete. (McGowan 2009, 3)

\[4\] TUPE stands for Transfer of Undertakings (Protection of Employment) Regulations in the UK. These rules protect people when their employer changes, such as when a company is taken over or a public service is contracted out, allowing employees to transfer to the new contractor.
The author saw this clearly in his research (Senior et al., 2005) in one example of procurement in one UK region with 15 prisons. Contracts for housing advice had been predominately individual prison contracts across the estate and this had nurtured some innovative provision in particular prisons, one serving local community needs and, in another urban area, serving Asian and black offenders. However, upon the end of the contract period, termination led to a re-bidding process which proposed a single contract across the whole 15 prison estate. This saw two big bidders from the voluntary sector. Somewhat ironically, the organisation which won, no doubt bolstered by a good bid writing team and the benefits of economies of scale, had no prior provision in the prisons in this region at all. To staff, the pre-existing programmes they were urgently engaged in 'tupeing' staff from the smaller, vanquished, organisations and it is little wonder as these processes are repeated across the country as smaller organisations now struggling to survive become prey to requests for 'merger' (sic).

In procurement terms, the process was properly conducted and there is no suggestion of unfair processes, merely that the process itself, structurally, is bound to benefit those whose capacity to respond to such big bids is the greatest. In this context it is a small step to those same big organisations when, confronted with the even bigger resources and organisational nous of the private sector, might be tempted into combining their strengths with them which then might, paradoxically, present a potential risk to their mission. There are clear threats here to the nature of this survival, penetrating the very shape and mission of the sector.

*There are costs in time, resourcing, expertise, training and failure. But this may be manageable if the costs of becoming part of the state apparatus are justified. Paradoxically the government is attracted to the VCS because of its ability to innovate and provide high quality specialist, client-centred services, yet its modernising agenda may well sound the death knell to these features of the VCS.* (Senior et al., 2007: 199)

The trend for a small number of large CJVS organisations to dominate the market and at the same time look like businesses not charities has certainly accelerated. Is a business model the way in which the sector should grow or will this produce a change in essence and function that ultimately threatens its very existence? The Minister of Civil Society, Nick Hurd, has suggested the sector needs more business skills but this was strongly countered by a sector representative:

*So I have to ask, what is this constant exhortation to ape the private sector really all about? Is this just a euphemism for becoming inappropriately competitive; focusing on revenue rather than cause and becoming bigger, because that's what drives companies? Forgive the sexism, but it's a bit of a macho paradigm, isn't it? It's the size that counts? Well, I don't think it's about how big you are or how much cash you flash. It's about being good at what you do.* (Tyler, 2011)
Whilst Tyler's robust defence of 'small is beautiful' is often echoed by the sector itself, the evidence points in the opposite direction. A closer study of the behaviour of the larger and medium size voluntary sector influenced by the managerialism of New Labour and the growing influence of the private sector reflects this tendency for 'aping' (copying) the private sector, taking on the language and practices of the marketplace as the sector is challenged to become more professionalised and managerialised. However inevitable these changes seemed to be, the end-product was the growth of a big, fit for purpose segment of the voluntary sector with shorter histories and modernised business plans and missions. It is a short step from this to partnership with the private sector. As one new, fast-growing voluntary sector body put it in its mission statement (CRI, 2011):

*CRI combines a sound ethical base with a solid business-model that gets results and the crime reduction dividend from our work results in healthier and safer communities.* (CRI, 2011)

CRI grew from a small organisation known as SARO with a turnover in 1995 of just £215K, to a turnover in 2001 of £3 million and, by 2008, £27 million. This was achieved in a pattern of behaviour redolent of private sector organisations, with take-overs (sometimes called mergers) of smaller voluntary sector organisations often offering distinct geographical or functional additions, the gaining of big contracts across whole regions/areas and the development of a national profile rather than a localised profile. CRI were merely following the growth track of Nacro, SOVA, Catch 22, Turning Point and similar voluntary sector agencies. There is evidence too that medium size organisations were also taking over small single-focus voluntary agencies to be able to widen and diversify their brief. Whatever other conclusions one can draw from this changing pattern of ownership and development, this was a sector within the wider sector whose independence both in spirit, *modus operandi* and function from its public and private sector counterparts was becoming increasingly difficult to spot in their Five Year Business Plans! Maybe there was a functional necessity for it.

*The development of bid teams, accreditation structures, business plans, employment of business accountants, complex HR and marketing functions, etc., have been a necessary shift if the mysteries of ESF funding, commissioning bodies, procurement procedures and performance management requirements are to be addressed.* (Senior et al., 2007: 186)

These shifting organisational structures were partly about maintaining legitimacy in the new markets of corrections, demonstrating the ability to deliver professional services with a strong business orientation, which created an enhanced capability to run large contracts across regions and nationally which was certainly being demanded by commissioners. Maybe what was simply being witnessed here was the historic flexibility and adaptability of the voluntary sector merely responding to the latest innovation - procurement requirements. 'Standing still' did not seem an option.
Operating with a fixed, bespoke strategy would be limiting, precarious, and, if funding sources’ agendas shifted, impossible for providers to sustain. Providers, who were responsible at least in part for the organization’s survival by obtaining funding, are understandably attracted to try to be all things to all people – an approach which inevitably entails some ambiguity about practice. (Mills, 2010: 40)

However, adjustment to the new public management ethos did not necessarily equate to parity of access. Senior et al. (2005) had observed the uneven playing field on which the voluntary sector operated against its more practiced business rivals of the private and public sectors. This was still being identified as a concern by NOMS in its 2008 Action Plan (NOMS, 2008). Access to information remained distinctly uncertain, even when organisations were engaged to undertake projects. Attempts to establish information sharing protocols was uneven and many voluntary sector workers complained of having to undertake double entry administration to satisfy their various funders and to overcome the limited access to the information systems of the statutory agencies. This is still being repeated as reflected in the recent negotiations for Welfare to Work contracts in 2011, where many smaller VCS contractors lost out in the commissioning process. Though there are promises from the prime contractors, often private sector, to use the voluntary sector as sub-contractors, the impact of this loss of business is already being felt across the sector with cuts, redundancies and even the disappearance of some agencies (Third Force News, 2011). Whilst the government defends the award of contracts on commercial grounds, it appears to fly in the face of its commitment to the Big Society.

The Big Society and the CJVS would appear to be easy bed fellows, a chance to fulfill the historic mission. The context though, driven by the global financial tsunami, is for cuts in the public sector, around 24% of the total criminal justice budgets; abandonment of a regional tier of governance; increased, at least rhetorical, drive towards localism; and a commitment to draw communities and local voluntary groups into the business of running civil society encapsulated in the concept of the 'Big Society'. Anxious to maintain, even enhance, their role, it has been cautiously welcomed by one CJVS campaigning voice:

Although the government hasn’t articulated the Sector’s role in ‘filling the gap’ caused by the reduction of in public services it is clear that VCS organisations are already experiencing increases in work load as a result of the economic downturn. More positively, the Sector is seen as one of the main vehicles for citizens to become more involved in civic society, as well as delivering a greater range of services. (Clinks, 2010: 6)

The government has issued a Green Paper (MoJ, 2011), which contains aspirant notions concerning the Big Society and, in the context of criminal justice, what it defines as the ‘rehabilitation revolution’. The consultative phase is underway, so it is not possible to determine the precise direction of change for the voluntary sector, although it will be easy for an insecure and perennially vulnerable sector to be seduced by the welcoming call from government:
Move away from centrally controlled services dominated by the public sector, towards a more competitive system that draws on the knowledge, expertise and innovation of a much broader set of organisations from all sectors. (MoJ, 2011: 8, emphasis added)

Part of the 'cost' of becoming more business-oriented has been the adoption of a more professionalised voluntary sector, running accredited training programmes, literacy schemes, specialised sex offender interventions, leading to an increase in the employment of paid and trained staff often qualified in social work and related professions, and more sophisticated HR provision to ensure leadership and lean management. A traditional objection to greater involvement of the voluntary sector and, for different reasons, the wider private sector by the statutory sector had been the perceived lack of professionalism allied to other more self-seeking fears. This was noted by Nellis in 2002,

It (the public sector) feared job substitution – loss of jobs, loss of professionalism and a diminished service to offenders, delivered either by amateurs in the voluntary sector or by profit seeking entrepreneurs in the private sector. (Nellis, 2002: 357)

In Senior et al. (2005: 27–8), this concern about voluntary sector standards had been echoed. There is little doubt that such stereotypes are in retreat and this is testimony to the way in which all agencies have begun to appreciate and develop an inter-dependency, which is built on good relations and positive engagement and growing evidence of good practice. Voluntary in this context no longer, if it ever did, means 'amateur'. The implications for the role of volunteers within this professionalised CJVS world become a key concern for Big Society aspirations. The Green Paper is certainly upbeat about the central role the sector can play:

Supporting areas in considering new and innovative ways in which the voluntary and community sector can be equal partners in the delivery of Integrated Offender Management. (MoJ, 2011: 26, emphasis added)

For example, we see growing evidence in the development of Integrated Offender Management of a multi-agency approach to the delivery of offender management, and the CJVS offers important complementary services which can help sustain offenders in participation (Senior et al., 2011; Wong, 2010). Yet, the most recent report still emphasises the complementary, augmenting role of the CJVS.

The VCS have a developing role to play in supporting offender management work but this remains a distinctive contribution adding value to the core statutory services. (Senior et al., 2011: 32)

What this enthusiasm tends to downplay is the context within which this expansion is likely to take place. An appeal to community, the local perspective, and to the organised voluntary sector evoked by the Big Society ideals may be promulgated as a cherished
principle in its own right but it is happening as an integral part of public sector cuts. In a recent speech, Peter Bird put the issue very starkly:

*The comprehensive spending review has allocated £470 million to support ‘capacity building’ in our sector. Doesn’t that sound familiar? The capacity to bid for contracts, adhere to service specifications, meet targets that frequently miss the point, enter into partnerships and mergers, distance ourselves from our communities and deskill our boards of management. Cameron’s ‘big society’ is a front for cuts, privatisation, the exploitation of labour and good will.* (Bird, 2010)

Hidden in the small print of these changes is the intention to exploit ‘payment by results’ (PbR) methodologies (Collins, 2011) started by New Labour and now being heavily promoted by the coalition government. This is intended to encourage private sector investment whilst ensuring that the delivery services, mainly perceived as being the voluntary sector, undertake the work with rewards going to the investors only in the event of demonstrable results in reducing re-offending. This has been adapted from American models of justice re-investment (Justice Committee, 2010; Clear, 2011). This may have the effect of swapping one kind of contractual insecurity for another. If the results are not positive, contract termination could be sudden in the stark world of private sector markets.

The first operational example of this is the HMP Peterborough Social Impact Bond. St Giles Trust, a key and innovative part of the voluntary sector, will work closely with other voluntary and community sector providers to reduce re-offending under the Social Impact Bond, launched by the Parliamentary Under-Secretary of State for Prisons and Probation, Crispin Blunt MP, on 10 September 2010. Under the pilot, Social Finance have commissioned St Giles Trust to work intensively with 3,000 short-sentence prisoners over six years, both inside Peterborough prison and after release, to help them resettle into the community. The providers are not allowed to choose which offenders their success will be measured against; providers’ success will be measured across all the offenders released, not just those they work with. This feels like a publicly accountable agency not an independent sector, but the bigger voluntary sector agencies are queuing up to join this experiment.

The pull towards PbR schemes appears to be twofold: chances to innovate and access to funding. It is argued that outcome-based commissioning, Social Impact Bonds and PbR schemes, predicated as they are on successful outcomes and, thus, a corresponding easing of scrutiny of input processes, will give the voluntary sector chance to demonstrate its traditional strengths of innovation and creativity (Collins, 2011). The providers, freed of the bureaucratic yoke of managerialism, will be able to galvanise local communities into engaging in reintegrative strategies for reducing crime. However, the financial risk accompanying these experimentations will be borne by the private (and maybe the public) sector, as in the case example of HMP Peterborough above. How nervous might the investors be if the early results do not look promising? Will they simply sack the core VCS team and replace them with another outfit if they regard the ‘innovations' as unlikely to
bring them financial return? Other examples drawn from employment PbR schemes doubt the chance to innovate is even on the agenda. In the PbR Pathways to Work scheme innovation was not the outcome research noted:

*Prime providers still felt that the contracts were fairly prescriptive. While in principle prime providers had the scope to be innovative in service delivery, they felt that they lacked the resources to do much beyond making efficiency savings.* (Hudson *et al.*, 2010: 4)

It is equally plausible to postulate that just because the funding formula has changed does not mean: a) the outcomes will be any more successful than previously (though getting rid of overly bureaucratic targets will certainly help); or b) that investors will not be so nervous about their investment that they will jump ship quickly if it is perceived as not working or will want to impose tight schedules on their providers to judge ongoing performance.

There are still many questions too about the measurements to be used for PbR. Output driven criteria have dominated other models of PbR in health and welfare to work which are easier to measure, though carry other risks of merely ticking the boxes. Outcome measures in the complex arena of re-offending are less easily agreed and prescribed. Existing measures for reducing re-offending are either difficult to set up because of inadequacies in the data available for assessment, absent because of the cost or viability of robust research methodologies, such as randomised control trials, or are extrapolated on economic assumptions which have plausible metrics but which are often unable to extrapolate particular effects to single interventions. In recent research on IOM (Senior *et al.*, 2011), there was a push from policy-makers to measure the reductions in re-offending associated with the approach but often ignoring the paucity of the data available and the ability to isolate impacts of one measure over another making it resistant to feasible research and evaluation. The government seems also to favour a binary measurement for re-offending over frequency or various measures of 'distance-travelled'. Even if this is trackable and capable of application to individual interventions, there are still issues of 'creaming', 'parking' and the counter-intuitive findings of much of the recent work on desistance (McNeill & Weaver, 2010; Maruna, 2001).

There is no shortage of small scale process evaluations by the CJVS. Research which has been undertaken on innovative projects often appears to show promising 'process' results. These are often contrasted to public provision which appears then to be less successful. However, the 'cherry-picking' or 'creaming' (i.e. the careful selection of offenders most likely to offer successful desistance outcomes, which such demonstration projects can engage in) undermines the credibility of these evaluations. How can PbR programmes ensure that the providers do not select for success? Also, even if offenders find their way onto a programme or intervention, what happens when they re-offend? Surely it would not then be in the interest of the organisation to spend more time on that individual, given they have already failed the key test of not re-offending, thus 'parking'?

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5 A Feasibility Study prepared for the MoJ on the Integrated Offender Management (IOM) Projects concluded that it would be difficult to design a robust research study to measure reductions in re-offending.
(i.e. simply removing them from the programme) might result. Finally, the binary measure itself flies in the face of desistance research. It is certainly arguable that the research evidence from desistance is overwhelmingly pointing towards the 'zigzag' nature of offender reform (Burnett, 1992; Maruna, 2001). Binary outcome measures for re-offending will distort the assessments of success in ways which may well defeat the whole experiment. A fundamental problem relates to the use of reconviction as a proxy for re-offending when, of course, practitioners know how often offending may continue to exist even if the authorities do not arrest.

A final concern is the temptation to see the VCS as offering innovation and the public sector to be the fall guy for the failures of the past. One thing that bedevils a state agency is that they cannot cream and park as they are often required by statute to supervise all offenders who are placed under their care. The CJVS will find that the more its desire to become centre-stage is achieved, the more it will have to engage with those clients who no-one regards as good investments and this is when offending rates can be resistant to downward change. Demonstration projects give providers great insight into new innovations but such innovations, when applied across the whole offending population, bring implementation problems often unforeseen during controlled experimentation. The CJVS made its name for innovation because it was independent, specialist and able to experiment. Augmenting the state system improved outcomes for all. If it becomes the alternative (and cheaper) public service will some of that historic benefit be reduced?

These questions lead to the final challenge relating to the fundamental mission of this sector. Can the plans for the Big Society and the key centre-stage role of the CJVS so stretch mission that the sector ceases to be that upon which it gained its original distinctiveness and reputation? The engagement of the sector in running prisons has brought this final question to the fore. A sticking point for public/private/voluntary partnership seems to have been reached by the intention of some larger voluntary sector organisations to seek to bid for the running of contracted-out prisons in conjunction with the private sector. This so incensed part of the campaigning arm of this sector that it even reached the social networking site, Facebook, where the questions about propriety were starkly stated in the page simply entitled Charities Must Not Run Prisons (Facebook, 2011). The arguments rendered there are clear:6

Charities should not run prisons. Prisons are there primarily to punish people and deter people from crime. They have never been able to rehabilitate offenders successfully despite the expressed aims. Charities must champion social justice and fight the social disadvantage which results in crime. If charities run prisons it will undermine public confidence in them. And subvert the capacity of charities to challenge the abuse of state powers.

(Facebook, 2011)

6 I have used the reference to Facebook deliberately to indicate the way in which even the most venerable and oldest campaign group, the Howard league for Penal Reform, which started its influencing methods through quiet words in the ears of sympathetic Lords and persons of influence, now seeks to campaign through a social network site to get its message across.
The 'mission drift' which Corcoran (2009) identifies has seen the CJVS engage in a wide variety of activities alongside the private and public sectors and this paper has already pointed to some of those occasions. Does engagement in the management of prisons per se become the fundamental point of no-return for the distinctive characteristics and mission of the sector? Can voluntary workers work innovatively within prisons to deliver good quality services, geared at addressing prisoners' needs, whilst also representing the interests of victims and the community if they are also gaolers? It is worth quoting the argument on the Facebook campaigning pages more fully:

*Charities have provided services inside prisons for many years, often pioneering new ideas and best practice. Drug rehabilitation programmes, skills training, counselling and even circus skills are the stuff of countless small and national charities working inside prisons across the country. Prisons rely on the added time and energy of volunteers to complement regimes. Interesting experiments are tested by charities that can be rolled out across the estate. All this is legitimate and worthy. Once charities become involved in management they are responsible for punishment. A significant element of managing a prison involves setting rules and punishing people when they are broken. Managers have the power to lock men, women and children in their care in solitary confinement for weeks on end. They order physical restraint that involves inflicting pain on adult and child prisoners. They order strip searching. They can stop contact with families. They can remove the only things that make the long hours of enforced solitude bearable: radio and television, reading materials. They can stop people from participating in regimes like work, socialising and education.* (Facebook, 2011)

These comments seem both a condemnation of this potential new managerial role of the voluntary sector but also a concern over public services being privatised 'by the back door' and the voluntary sector playing a role in this. Of course, it may be that running prisons is one diversification of service too far but, as has been argued in this paper, the voluntary sector mission has drifted towards the management and monitoring of offenders in lots of other, maybe subtler, ways but no less damaging to the threat to mission, highlighted so dramatically by this example.

The drive towards penal populism (Pratt, 2007) has been well documented and the threat to the goal of rehabilitation in a climate where the drive towards punitive solutions can dominate does risk innovative and alternative strategies and, thus, in this neoliberal political climate, rehabilitative principles are at risk. The person-centred values and concern for those disadvantaged, it is argued, should not be put aside to meet the government imperative for punitive and exclusionary measures of penal policy. John Pratt notes;

*Managerialism provides no barrier to populism; instead, it simply provides a mechanism which allows criminal justice organizations to be carried along in its wake, as it redefines their tasks.* (Pratt, 2007: 134)
Add to this the argot and mechanics of private sector values are dominating the structure and shape of voluntary sector contracting with examples such as command-and-control management regimes, forced expertise in competitive tendering, downward pressure on wages and employment conditions, even the legitimisation of the profit motive itself, through the active promotion of 'social enterprise'.

To some extent the performance of the public sector, notably the probation and prison services since the 1980s, has not always been seen as good value or as effective as it should have been. In this climate, the voluntary sector has played an increasing role, as this paper has discussed. Given that the voluntary sector has a long history of working in prisons so is familiar with the custodial environment is there an argument to say that their engagement in the management of prisons could act as a humanising force? Given their position is not at the grace and favour of the prison management and short-term contracts, maybe their impact will be more substantial and, potentially, enable them to exert more influence on policy and practice at the grass roots of prison management. The nature of the contractual relationship between the private sector and the voluntary sector will need to be fully articulated to deal with issues of control and management but maybe the playing field for that discussion can be conducted in a more equal fashion in such a partnership. The Chair of the Charity Commission made the following point in a letter responding to this issue:

*Clearly, the role of charities in delivering public services, and where the boundaries lie, will continue to be a live issue, for charities, for commissioning bodies and regulators over the next few years, particularly as the funding environment evolves and changes. For our part, we will be mapping both what the legal boundaries are, as well as the regulatory framework, in order to inform our decision making in this area.* (Leather, 2010)

This paper has explored the ways in which the criminal justice voluntary sector has extended and diversified its role over a period of 25 years but also further stimulated by the latest clarion call for a rehabilitation revolution in the context of the Big Society. The paper has raised questions about what this might do to the very qualities of a sector which has hitherto acted as an augmental and supplemental role in criminal justice service delivery, which enables it to contribute purposefully whilst also maintaining its critical friend role in campaigning for positive penal change. As the 'rehabilitation revolution' unfolds, there are potential risks to mission and to its place in the directory of delivery services as it seeks to re-position at the expense of the public sector rather than as a partner.

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THE ROLE OF SANCTIONS IN INTENSIVE SUPPORT AND REHABILITATION: RHETORIC, RATIONALITIES AND REALITIES

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Abstract This article explores the use of sanction as a technique to secure the engagement of individuals with intensive support and rehabilitation programmes. Sanction and enforcement became increasingly prominent under the New Labour governments, within rhetoric and rationalities of 'non-negotiable support', 'gripping' and 'challenging' families and 'making them' engage. The linking of support to financial penalty or other legal enforcement action for non-compliance was a defining element of Parenting Orders and Family Intervention Projects. The new coalition government's 'rehabilitation revolution' is committed to retaining an emphasis upon early intervention, whole family approaches and parenting skills, with a (modified) continuation of enforcement action for non-engagement with support. This article explores the rhetoric, definitions and existing research evidence about the use of sanction in intensive intervention projects. It then presents evidence from recent evaluations of the Intensive Intervention Project programme and Housing Benefit Sanction pilots in England to identify the actual practices of sanction. The article concludes that 'non-negotiable' support is a fallacy; that sanctions and enforcement action are very limited in both their use and impacts; and that this has important implications for the new government's rehabilitation agenda.

Keywords Anti-social behaviour, coercion, intensive intervention projects, rehabilitation, sanctions.

Introduction

This article explores the role played by sanction in 'evoking service user engagement' (Nixon et al., 2010: 305) in two recent policy initiatives in England and the reliance on sanctions as a mechanism to transform human subjectivities (Schram et al., 2008). New Labour's governance of anti-social behaviour and the rehabilitation of problematic and vulnerable families increasingly became equated with a 'triple track' approach of prevention, support and enforcement (Respect Task Force, 2006). In what has been termed 'coercive state-sponsored welfare' (Phoenix, 2008: 290), the provision of support to those engaged in anti-social behaviour became more closely aligned with sanction (Nixon et al., 2010). Support was conceptualised as being 'non-negotiable' and it was the failure to accept, or engage with, this support that became the trigger for, and subject of,
sanction (see Flint & Hunter, 2010; Phoenix, 2008). This was operationalised through mechanisms such as Parenting Orders, where individuals subject to an order could be fined for failing to engage in support such as counselling sessions or parenting classes.

The growth of Family Intervention Projects (FIPs) in the later part of the New Labour years epitomised both a shift towards early intervention and intensive holistic whole family approaches, and an embedding of conditionality and sanction within support and rehabilitation mechanisms. Families were liable to further legal sanctions (such as Anti-social Behaviour Orders, Parenting Orders or possession actions in the case of social housing tenants) if they failed to engage and comply with the requirements of the FIPs, which deployed a mixture of persuasion and coercion (Garrett, 2007). The new coalition government's 'rehabilitation revolution' retains a focus upon early intervention, whole family approaches and parenting skills, and retains a (modified) emphasis on the use of sanctions to compel engagement with support. However, it also identifies a shift towards private and voluntary sector provision and Payment by Results, which have considerable implications for the use of sanctions in intensive intervention initiatives (Ministry of Justice, 2010a; 2010b; HM Government, 2010; Home Office, 2011).

This article specifically examines the policy rhetoric of sanction and non-negotiation in intensive intervention projects and the existing research evidence about their use and impact. It seeks to contribute to this evidence base by presenting findings from evaluations of the Intensive Intervention Project programme and the piloting of the sanction of Housing Benefit in England. Both initiatives combined the offer of intensive support packages with the potential sanctioning of non-compliance. The article is based on a limited methodology and further work will be required to locate the findings within the important theoretical frameworks offered by the literatures on regulation and criminal justice (Quirk et al., 2010); restorative justice and the family (Braithwaite, 2004; Strang & Braithwaite, 2002); theories of motivation (Miller, 2003); and desistance and approach goals (McNeill & Weaver, 2010).

The article argues that policy rhetoric and rationalities of 'non-negotiable' support fail to be translated into practice. This is a result of governmental misunderstanding of the impact of potential sanctions on the subjectivities and conduct of individuals, the voluntary basis of intensive intervention and the primary influences upon behavioural change being located in the informal aspects of the relationship between the providers and subjects of support.

**The rhetoric and rationalities of sanction and non-negotiation**

The New Labour government prioritised addressing anti-social behaviour and its Respect Action Plan was based upon three rationalities of governance. First, that families were to be challenged through linking support to sanctions: 'we will challenge problem families to accept support to change their behaviour, backed up by enforcement measures' (Respect Task Force, 2006: 3). Second, that the state could 'grip' problem households and make them change their behaviour (ibid: 21). Third, that it was possible to 'make people who needed help to take it' (ibid: 1) and that 'households could be 'forced to take help' (ibid: 21). This was premised on the belief that sanctions, including financial penalties, could
provide 'a very strong incentive to encourage those households to undertake rehabilitation when they have refused other offers of help' (Respect Task Force, 2006: 23).

These rationalities were retained when Gordon Brown became Prime Minister, as he advocated the continued expansion of 'Family Intervention Projects with clear rules and clear punishments if they ['chaotic families'] don’t stick to them' (Brown, 2009). The Children and Families Minister reiterated that Family Intervention Projects 'challenge and confront families' (Department for Children, Schools and Families, 2010a) and the provision of support remained conceptualised as being 'non-negotiable' (Department for Children, Schools and Families, 2010b: 3). These rationalities were also articulated within some local government initiatives, for example the Westminster Family Recovery Programme, where: 'in turn for the support offered, these families adhere to strict contracts with consequences, knowing that they could face a raft of measures if they do not co-operate to mend their ways[...a twin-pronged approach[...which achieves real results' (Local Government Leadership and Westminster Council, 2010: 4).

The new coalition government's 'rehabilitation revolution' continues the emphasis upon 'challenging people to be responsible for their actions and ensuring that they are aware of the consequences of these actions' (HM Government, 2010: 10). The new Home Secretary reiterated the need for 'a simple, clear and effective sanctions regime' (May, 2010). The government wishes to make proposed new mechanisms, including Criminal Behaviour Orders and Crime Prevention Injunctions, 'more rehabilitative and restorative' (Home Office, 2011: 5-6) and to ensure that these mechanisms 'combine restrictions with support' (ibid: 10). They are defined as 'restorative sanctions with real consequences for non-compliance' (ibid: 13). These mechanisms are premised on requiring offenders to undertake positive activities (ibid: 11) with sanctions still conceptualised as providing 'a proper deterrent to the persistent minority' (ibid: 10). For example, the government will encourage Youth Offending Teams to make full use of Parenting Orders 'where parents refuse to face up to their responsibilities', arguing that these orders can 'compel' parents to attend programmes (Ministry of Justice, 2010a: 68).

The new Home Secretary was critical of New Labour's 'too complex and bureaucratic' sanction regime: 'if professionals don't understand them, then how on earth are the perpetrators of anti-social behaviour supposed to understand them? No wonder they don't act as a serious deterrent' (May, 2010). The new government also acknowledges that '[s]ome practitioners, particularly those working with young people and their parents, are reluctant to use formal support such as Parenting Orders or Individual Support Orders, preferring engagement to be on a voluntary basis' (Home Office, 2011: 10). A change of tone and, perhaps, ambition is further evident in the statement that the 'government will work with people who want to take the necessary steps' (HM Government, 2010: 4, emphasis added). This contrasts with previous government rationalities that 'everyone can change' (Respect Task Force, 2006: 1) and that it was possible for the state to force individuals to accept 'non-negotiable' support.
Definitions and forms of sanction
Evaluations of FIPs have examined the use of sanctions (White et al., 2008; Jones et al., 2006) and critics of FIPs have defined them as enforcement-led and sanctions-orientated, operating through 'a mixture of threats, parenting classes and 'intensive support'' (Gregg, 2010: 14; Garrett, 2007). However, Nixon et al. (2010: 318) argue that the terminology of 'sanction' has not been adequately defined and identify three forms of sanction action: challenging families to recognise unacceptable behaviour and the need for change; reporting child protection concerns to social services; and responding to non-cooperation by triggering enforcement actions. These may include Anti-social Behaviour Orders, Parenting Orders, care proceedings, prosecution for non-school attendance and evictions. Nixon et al. (2010) suggest that it is incorrect to label each of these simply as 'sanction' or 'coercion', particularly the challenging of families.

In addition to these three forms of sanctions, there are other potential techniques, including the withholding of rewards or personalised budget expenditure for families and more nebulous and subtle aspects of emotive chastising within the 'assertive and persistent' relationships (Parr, 2008) between project workers and users, in which users may be reluctant to let workers down or make them unhappy (see Pawson et al., 2009). Public shaming mechanisms as a form of sanction have also been deployed in the governance of anti-social behaviour (see Powell & Flint, 2009), but these have not been linked directly to FIPs.

Existing research evidence
White et al. (2008) found that families were routinely threatened with sanction to secure initial engagement with FIPs and that using sanctions with support was a critical success feature of FIPs. Jones et al. (2006: 195) suggested that the combination of enforcement (from verbal warnings to eviction proceedings) and rehabilitation may be effective as perpetrators, forced to recognise the serious consequences of their behaviour, may be more willing to accept support. Similarly, the reported success of the Family Recovery Programme was partly attributed to: ‘for most [families], this is the first time in their lives that they have been so clearly presented with an outline of their responsibilities by all the agencies involved and the consequences of not taking ownership of them’ (Local Government Leadership and Westminster Council, 2010: 11).

However, White et al. (2008) also reported that the use of sanctions was limited by pragmatism, particularly in the early stages of securing engagement, and that balancing support with enforcement was a key challenge faced by FIP workers. Other studies have suggested that many workers were uncomfortable with support by compulsion, actively avoided methods of intervention associated with corrective or punitive methods and did not use sanctions or enforcement action (Ghate & Ramella, 2002; Parr, 2008; Pawson et al., 2009; Nixon, et al., 2010; Renshaw & Welling, 2010; see also Home Office, 2011). Rather, processes of challenging families and ensuring adherence to project support plans were linked to achieving service user engagement through building a positive, persistent and assertive personal relationship.
Many intensive intervention projects are premised on a voluntary engagement and the centrality of individuals 'choosing to change' (Renshaw & Welling, 2010: 31). The actual capacity to apply sanctions may also be limited. Some families were unaware of the enforcement element of the projects and that sanctions could be imposed upon them (White et al., 2008). Although there is weak knowledge about why support may be refused, there are a range of barriers to engagement, including those related to gender, ethnicity and social class, that may not be amenable to resolution through the rationality-based mechanism of sanction (Jones et al., 2006; Aldridge et al., 2009; Flint & Hunter, 2010).

**The practice of sanction in Intensive Intervention Projects**

A national programme of 20 Intensive Intervention Projects (IIPs) was delivered in England between April 2009 and March 2011 as part of the Youth Task Force Action Plan (see Flint et al., 2011a; Department for Children, Schools and Families, 2008). These IIPs were conceptualised as being closely related to existing FIPs and based on similar core elements: a focus on anti-social behaviour, a key worker, a contract between the project and service users, intensive and holistic support based upon an assertive and persistent approach, and the coordination of multi-agency support. The local governance arrangements of the IIPs were often coordinated with FIPs or similar intensive intervention initiatives. The projects were targeted specifically at young people who were not receiving other forms of support or for whom previous interventions, including FIPs, had not been successful. The IIPs were expected to significantly reduce anti-social behaviour and crime, improve participation in education and training, tackle substance misuse, and reduce homelessness. The IIPs were envisaged as supporting young people aged eight to nineteen years old, with each IIP working with up to 50 young people per annum, with individual cases having a duration of six to twelve months.

Although, unlike many FIPs, IIPs were not necessarily linked directly to previous enforcement action or the threat of a loss of tenancy, sanctions to ensure engagement and compliance were a central element of IIP's conceptualisation. This was premised upon a contract-based approach to engaging young people and their families, which outlined the consequences of not changing behaviour in exchange for intensive support (Department for Children, Schools and Families, 2008). Eight of the IIPs were delivered directly by local authorities, one IIP was delivered by a registered social landlord, and 11 IIPs were delivered by third sector organisations (including Barnardos, Catch22, CRI, Novas Scarman, Rathbone and YMCA). This predominance of third sector delivery had important consequences for the rationalities and practice of sanctions, as will be demonstrated below.

The evidence presented in this section is based on analysis, undertaken in December 2009, of the proposals to deliver IIPs submitted to the Department for Children, Schools and Families by the 20 successful local authorities. These proposals were made available to the author by the Department and, to protect confidentiality and anonymity, the material quoted below is not attributed to individual local authorities. Findings are also presented from two waves of interviews with the six regional IIP area lead officers and managers of 18 of the IIPs, conducted in November 2009 and September 2010, and
interviews with 13 project workers in five IIPs (Birmingham, Bolton, East Sussex, Gateshead and Northamptonshire), conducted in September 2010. For a full account of the evaluation methodology (and its weaknesses) and the findings, see Flint et al. (2011a). For reasons of confidentiality, quotations from practitioners have been anonymised.

The analysis of the IIP proposals submitted by the successful local authorities found that (as may be anticipated in a competitive exercise to secure funding) they reflected the rhetoric and rationalities of national policy. They emphasised the 'triple track' approach of early intervention, 'non-negotiable' support (or 'making clear the consequences of non-compliance') and 'tough' enforcement action (including Acceptable Behaviour Contracts, Anti-social Behaviour Orders, Individual Support Orders, Parenting Contracts, and supplementary tenancy agreements). The proposals reified the belief in the capacity to 'ensure that change is effected' and that 'the right enforcement measure[...]could provide the greatest incentive to change'. This capacity to effect change was also located within 'persistent', 'assertive' and 'tenacious' practitioners who would 'challenge' families, who 'would not take no for an answer' and 'who will not go away'. The proposals also detailed 'a carrot and stick approach', which included 'incentives to promote compliance', and less formal sanctions, such as 'exclusion from activities'.

However, interviews with IIP area lead officers, managers and workers indicated that the reality of practice in utilising sanctions was very different. One IIP utilised Acceptable Behaviour Contracts in conjunction with project contracts, another IIP stated that it actively promoted the use of sanctions, and a third IIP had developed a 'widely used' sanctions policy that included activities such as litter picking. However, in many IIPs the use of formal sanctions was limited or non-existent. It was evident that the complexity of the relationship between support and sanction had been underestimated in the original conceptualisation and rationalities of the IIPs. The majority of IIPs were delivered by third sector organisations, which had an explicit ethos of voluntary, empowering and therapeutic engagement and were not necessarily linked into the formal sanctioning processes of other agencies: 'the reality is that we don't use sanctions as we don't have the authority or power legislatively' (IIP Manager).

Some IIP practitioners believed that the lack of consequences for disengagement could be a weakness and there was recognition that 'the threat of sanctions can go either way depending on the young person' (IIP manager). One IIP manager also argued that the use of formal mechanisms, such as Acceptable Behaviour Contracts and the threat of escalating sanctions, could empower young people to resist peer-group pressure. However, the purchase that formal enforcement sanctions had on young people and their families was widely viewed as being limited in terms of influencing engagement and behavioural change: 'we are heavily focused on support rather than sanctions as parents and young people have already experienced sanctions and these have not resulted in long term and sustainable change' (IIP Manager). One IIP had ceased to operate a 'three strikes and you are out' policy precisely because of its ineffectiveness.

The strengths of IIPs included project workers being differentiated from statutory agencies, such as the police and social services, and utilising a non-judgemental approach.
Both of these elements would be compromised if IIPs were directly linking assessments of engagement to the formal enforcement procedures of other agencies. It was also acknowledged that young people were often at their most vulnerable when they disengaged from an IIP and that enforcement action may exacerbate this exclusion: ‘further non-engagement is the likely outcome of coming down with a heavy hand’ (IIP Manager).

There were two techniques that IIPs primarily deployed to promote engagement and the take-up of support. Many practitioners indicated that the terminology of ‘sanction’ had not been helpful in conceptualising these approaches. The first approach was the widespread use of rewards as an incentive and the withdrawal or postponement of these rewards as an informal mechanism of sanction. IIPs used a combination of generic or group awards, such as high street shopping vouchers or trips to leisure activities and individualised ‘incentivised rewards’, including sports, music or arts activities. These were viewed as stimulating engagement and a commitment to change and could be a ‘lever to barter, for example rewarding attendance at school or not being involved in anti-social behaviour’ (IIP Area Lead Officer). Rewards also provided a mechanism for working through young people’s personal interests and reaffirming the capacity of project workers to bring about positive consequences (or to withhold them). But rewards were also important in fostering ownership and choice amongst young people. One young person chose to take their family out for a meal and another young person requested that their rewards be saved and accumulated towards a holiday with their terminally ill parent. The use and removal of rewards was widely viewed as being an effective mechanism for facilitating the take-up of support, especially when the links between reward/non-reward and required behaviour and goals were made explicit.

The second key technique was the relationship that was fostered between IIP workers and young people and their families: ‘in many cases it is the relationship with the support worker rather than the threat of sanctions that is most crucial in securing client engagement’ (IIP Manager). It was through the often difficult process of establishing this relationship that change could be achieved: ‘unless you build a rapport with a young person, that relationship, which sometimes takes three, four, five months, there is no point trying to deliver anything because they will simply disengage from step one’ (IIP Worker). Once this relationship had been established, a persistent and assertive approach was important: ‘we have to prove that we are not like the others [agencies], we’re not going to write letters and just expect them to respond, we will be at their door’ (IIP Worker).

This reflected IIP workers' understanding that young people's engagement with a project did not occur in a social or emotional vacuum in which the quasi-legal and contract-based rationalities of sanction or threat of enforcement were of primary significance: 'you can only work with where the families are at, not where they 'should' be and values cannot be imposed' (IIP Worker). Rather, a range of vulnerabilities and relationships influenced and constrained young people's spaces of action: 'they're doing stuff because they haven't a choice[...] amongst peers you're either one of us or against us and you're either a victim or you'll go along with it' (IIP Worker).
This did not mean that young people or their families were not encouraged to be reflective: ‘it depends on an honest dialogue that says to a young person “that's just not acceptable”[…] the child must be allowed to reflect back to us’ (IIP Manager). This honest dialogue, which did necessitate being 'upfront and personal', involved a more complex understanding of ‘challenging’ individuals: 'you are there to guide them and not just challenge them. You're there to tell them why that would not be right and support them to go the right way' (IIP Worker). It was not, therefore, simply a case of 'telling young people what to do' but, rather, requesting them to reflect on their behaviour and offering them strategies for change. This guidance extended to the perceived role of IIP workers to ‘stand by the side’ of young people in meeting the conditions of any enforcement orders that they were subject to and providing reassurance and fostering self-belief in the young people’s ability to meet the requirements of these orders.

In a reversal of the logics of sanction for non-engagement, it was the positive relationships and activities provided by IIPs, and the threat of potential disengagement from them, that could often be a source of motivation:

*We have developed a rapport with these [young people] signed up to a contract so that a majority appreciate the supportive interventions and make those [required] changes as they are aware of the risk of losing the support of our services.* (IIP Manager)

The evidence from IIPs therefore suggests that securing the support and cooperation of young people and their families and the ability to informally challenge them, coupled with the use and withholding of rewards, were the central mechanisms in facilitating engagement and behavioral change, rather than recourse to formal sanctions or enforcement.

### The sanction of housing benefit

The Welfare Reform Act 2007 enabled the piloting of sanctions of housing benefit payments in eight local authorities between October 2007 and October 2009 (see Flint et al., 2011b; Flint & Hunter, 2010). Tiered deductions in this benefit payment could be applied in cases where members of a household previously subject to an order of possession on a rented property on the grounds of anti-social behaviour refused to engage with an offer of appropriate support. The sanction was a fiscal penalty of 10%, 20% or ultimately 100% of housing benefit payments, with the explicit aim of encouraging individuals to engage with support. The guidance issued by the Department for Work and Pensions (2007a; 2007b) indicated that individuals with mental health needs should not be considered for sanction and that a maximum sanction of 30% of benefit could be applied to households demonstrating financial hardship. The guidance also required decisions to be taken on a case by case basis, overseen by a multi-agency panel, support packages to be available and appropriate, and individuals had to be given a reasonable period to engage with the support offered (Department for Work and Pensions, 2007a; 2007b).
The evidence presented in this section is based upon documentary analysis and four waves of interviews and focus groups conducted with practitioners involved in the establishment and operation of the eight local authority sanction pilot areas, conducted between October 2007 and October 2009. In addition, interviews were conducted with a very small sample of individuals subject to anti-social behaviour interventions in one sanction pilot area. For a full account of the evaluation methodology (and its weaknesses) and the findings, see Flint et al. (2011b). For reasons of confidentiality, quotations from practitioners have been anonymised.

The operation of the sanction pilots provided further evidence that, despite the policy rhetoric and rationalities of coercion and sanction, which critical scholars often use as evidence of a more punitive turn in social and family policy (Garrett, 2007; Gregg, 2010), the empirical reality of delivery and practice is more prosaic, mundane and limited. Not one individual or household was subject to a sanction of housing benefit during the two-year pilot period. In part, this was due to the technical inability of government and court agencies to establish the required database and communication processes. There were also flaws in the basic conceptualisation of the technical aspects of applying the sanction. New forms of probationary tenancy linked to anti-social behaviour removed the need for a possession order and, therefore, the potential eligibility of some households for sanction. In addition, the fact that, at the time of the pilot period, housing benefit payments were primarily transferred direct to landlords rather than to tenants meant that there would be no immediate notable impact on individuals’ financial circumstances (and the possible scenario of a local authority sanctioning its own rental income).

Practitioners in one pilot authority reported that warnings issued about the potential of a housing benefit sanction had been ‘instrumental' in some households engaging with support packages:

_There's got to be something because if not they'll ignore us...it's not just about giving them support, its about giving them the motivation to change[...].these families don't take any notice of what's being said. Now we've got enforcement to say this is non-negotiable support[...]it's a bargaining tool if you like, but there's got to be sanctions there[...]as long as there's some sort of enforcement tool then we can negotiate with them[...]there needs to be the threat there._ (Anti-social Behaviour Manager)

Some practitioners also accepted that the threat of a sanction may offer further leverage with individuals. However, most practitioners in the pilot areas, where warnings about sanctions of housing benefit had been utilised, generally perceived that these had little or no impact. These practitioners critiqued the conceptual basis of a future-orientated and fiscal penalty. First, it was argued that individuals' understanding of the processes and consequences of the sanction were very limited: 'I don't know how much they take on board[...]the fact that they end up going to court probably reflects the fact that it doesn't have a lot of impact' (Anti-social Behaviour Officer). Some further limited evidence to support this perception was provided by interviews with four individuals subject to anti-social behaviour interventions in one pilot area. These revealed that none of the
individuals were aware of the sanction and its consequences, even though it had been communicated to them verbally and in writing.

Second, the tough rhetoric enforcement and potential consequences did not necessarily translate as a meaningful risk for those subject to potential sanction: ‘[individuals] assume threats won't materialise, it's not going to happen and it doesn't matter what you say to them' (Anti-social Behaviour Officer). Third, the future-orientated and economic rationality that the sanction was premised upon did not always achieve traction with the subjects of intervention: ‘individuals liable to receive a warning about a potential housing benefit sanction live from day to day in the majority of cases and to mention something that is so far away means nothing. They don't grasp it' (Anti-social Behaviour Officer).

Practitioners recognised the difficulty of disaggregating the role or impact of a specific sanction, or threat of sanction, within the range of factors that may influence changes in subjectivities and conduct. The weakness of the evidence base about the actual relationship between sanction and the take-up of support should be remembered, despite the confident governmental discourse about the efficacy of such mechanisms. This complexity also extended to questions about how 'necessary engagement' with support packages should be assessed and whether those delivering support packages could retain a positive relationship with users if there was this additional monitoring function to their role. One final fundamental lesson emerged from this pilot initiative. The sanction of housing benefit was conceptualised and designed as a post-eviction mechanism. The fact that the threat and actuality of losing the family home had not been sufficient in some cases to facilitate behavioural change should, in itself, be cause for reflection in policy about the efficacy of fiscal penalties in such cases, and the particular governmental understanding of the relationship between consequences and conduct underpinning them.

Conclusions
The new government's 'rehabilitation revolution' (Ministry of Justice, 2010a; 2010b; Home Office, 2011), through the Early Intervention Grant programme, retains New Labour's prioritisation of whole family intensive support and a focus upon parenting skills (Ministry of Justice, 2010b; HM Government, 2010; Home Office, 2011). It also continues, through the mechanisms of Parenting Orders and the proposed Crime Prevention Order and Crime Prevention Injunction, to promote sanctions as a technique for compelling engagement with support (Home Office, 2011). The government recognises that previous sanctions may not have been understood by those subject to them and that sanctions should be 'simpler[...]and where possible rehabilitating and restorative rather than criminalising and coercive' (May, 2010). However, it retains a belief in 'tough sanctions' that 'provide a real deterrent' (May, 2010). Nevertheless, there are complexities and tensions between enforcement and support and these are manifested in gaps between governance rhetoric and rationalities and the realities of grounded practice (Parr & Nixon, 2009; McKee, 2010). Most intensive intervention projects contain a coercive element as families face the (explicit or implicit) threat of consequences if they are perceived not to 'engage' sufficiently or appropriately, but these are not merely disciplinary interventions (Nixon et
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al., 2010: 320). Rather, they are based on a practice of meaningful engagement and reasoning with families, not simply policing or challenging them (Parr, 2008).

There is a need for policy to better understand how ‘families navigate their way through the maze of permissive and punitive policies and practices’ (Morris & Featherstone, 2010: 557) and to acknowledge the range of barriers to the take-up of support, rooted in vulnerability and wider social influences (Aldridge et al., 2009). This requires an explicit acceptance that ‘non-negotiable’ support is a fallacy and that the capacity of the state to ‘force’ individual’s to accept help is limited. These misunderstandings within governmentality, and the consequent emphasis on sanctions within them, arise from the quasi-legal, contractual and economic-rationality paradigms that they are embedded within.

More likely to bring about engagement with support packages is what one practitioner termed ‘a clear and non-negotiable structure of expectation’ in which the persistent and assertive approach of intensive interventions are based upon the positive relationships established with families, with an emphasis on guidance and reflection rather than simplistic notions of ‘challenge’. This requires both the commitment of resources to enable these relationships to be established (Parr, 2008) and an understanding of the wider emotional, psychological, economic and social influences on individuals that cannot be addressed primarily through a sanctions regime. As the new government seeks to enhance the role of the voluntary sector in intensive support and rehabilitation services, and to reduce ‘top-down state intervention’ (Ministry of Justice, 2010a; 2010b; HM Government, 2010), the use of formal sanction to facilitate user engagement is likely to become increasingly divorced from the ethos and effectiveness of these initiatives unless the research findings described herein are taken on board.

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WHERE NOW FOR YOUTH JUSTICE?
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Abstract This article reviews the current state of play in youth justice, taking particular note of the rhetoric and initial reform proposals of the incoming coalition government. The recent history of youth justice and the nature of previous debates in this area of practice are considered, in order to 'set the scene'. In reflecting on past experience, it is suggested that there have been certain predictable patterns to policy debates, and that these have essentially been constrained within a fairly limited ideological framework, reflecting conventional narratives of progress and failure. The question of whether policy and practice in youth justice is best represented in terms of 'continuity' or 'rupture' is considered, and it is concluded that in the recent past, at least, there has been a tendency to overstate the degree of disagreement between policy positions between governments of different political persuasions, in order to justify reforms which have, in fact, been of relatively modest proportions. At the same time, established trends towards greater liberalisation or authoritarianism appear to have operated more or less independently of the policy process. This pattern is likely to be reproduced under the incoming 2010 government's proposed reforms, given their reliance on well-established rhetorical arguments, and their lack of engagement with fundamental processes of social division and 'othering'.

Keywords Othering, welfarism, continuity, rhetoric, surface and depth, hegemony.

All change?
As the new government begins to map out its policy direction and looks forward to the challenge of stamping its own imprint on key areas of intervention, following a lengthy period of one-party rule, it is clearly timely to pause and reflect on the implications of the most recent change in the balance of political power. This may perhaps be even more the case in the light of oft-repeated claims from New Labour that its own policies represented a radical break with what went before. Shouldn't we therefore expect a similarly dramatic shift of emphasis from its successors? Of course, it would be credulous simply to assume that there will be a clean break with the past as a result of changes in the balance of control in parliament. Indeed, this is precisely the sort of question we should be opening up for careful consideration, linked to deeper issues of the nature of political power and the meaning and dynamics of 'reform' programmes principally associated with the legislature. To what extent, for example, are parliamentary debates on the subject of crime representative of opposing or competing discourses, and how far are they merely variations on a theme, grounded not in fundamental differences but in what, essentially,
amounts to a very substantial degree of consensus? These questions almost certainly apply across all areas of the political terrain, but they appear to have particular pertinence in relation to what appear to be highly sensitive and very public issues associated with the treatment of young people and their alleged misdemeanours.

There is no doubt that the incoming regime will seek to distance itself from its predecessors, both symbolically and substantively. Some signs of this are already available, in the apparent attempt to replace the language of 'Every Child Matters' (Department for Education and Skills, 2003) and the 'five outcomes' in the broader field of child welfare. Initial political manoeuvrings in the context of youth justice have mainly focused on the 'failings' of the previous government, accompanied by promises of 'radical' reforms to come. This, we might assume, amounts to no more than the mundane product of attempts by political parties to create distance and opposition between each other. Substantive and substantial changes are more difficult and probably slower to achieve and, of course, changes in political rhetoric do not equate straightforwardly or predictably to more fundamental shifts in structural dynamics or social relations.

At this point (October 2010), we should perhaps be looking for early signs of a new policy direction and, based on previous experience, certain anticipatory changes in practice. Much, of course, will remain unresolved. Thinking back to 1997, it was perhaps unusual and rather surprising to see a new government asserting its claim to have achieved radical change so soon after coming to power, and this, among other things, may account for the subsequent sense of disappointment when 'business as usual' became the order of the day, in youth justice at least (Pitts, 2001). Given the rather more cautious and subdued mood of the present, there may be some value in seeking to sketch out the possible shape of a rather more incrementally 'reformed' youth justice system, whilst also reflecting on the question of the continuing relationship between surface and substructure.

**The parameters of reform**
Youth justice occupies a high profile and hotly contested site in the political arena. It functions as the focal point for recurrent and apparently intractable concerns about the interface between young people, their turbulent lives, and the social systems and structures within which they are embedded. The long-standing failure to resolve these tensions on anything more than a temporary basis means that this subject remains firmly in the spotlight. Within this framework, some challenges, some debates and some underlying assumptions appear to have been pretty much constant over time. Shakespeare is known to have alluded to the problematic nature of youth, whilst a considerable number of sources have identified the problematisation of adolescence as a consequence of large-scale social change in the modern era. Thus, in the view of some commentators, there has been an inevitable continuity in the rhetorical mechanisms, political arguments and policy and practice tools brought to bear on the subject. Hendrick (2006), for instance, has noted the periodic emergence and re-emergence of debates between proponents of 'welfare' and 'justice' which have, in turn, established the legitimate terrain for the development of ideas and competing perspectives on the appropriate strategies and interventions to be applied. At different points in time, governments and other political interests may have located themselves (or their
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opponents) at different points on this apparent spectrum, and on opposite sides of what seems a clear and 'natural' divide. Up until recently, at least, approaches to youth justice could be viewed and articulated as representing the results of a pendulum swing from one side of this argument to the other (Smith, 2005).

On the other hand, youth justice practices and outcomes have not always coincided with the expectations that might follow from the dominance of one or other of these alternative explanatory frames for the behaviour of young people. It is by now quite widely acknowledged that the 1970s and 1980s exemplify in different ways the divergence of practice and outcomes from the accounts of, and prescriptions for, youth justice which prevailed during these periods. Whilst the 'welfarist' 1970s were characterised by a substantial expansion in the range and intensity of institutional treatment of young people, the 'justice'-led 1980s witnessed an equally dramatic relaxation in interventions with young people, and a substantial decline in the use of custodial measures. Further evidence of this kind of disjuncture is provided by the tendency of practice to run ahead of, or at a tangent to, formal policy changes. Thus, in 2003, it took no more than the remarks of an intemperate judge to trigger a surge in the use of custodial sentences for the theft of mobile phones. Equally, it could be argued that the period after the introduction of the Crime and Disorder Act 1998 did not represent a break from the trends initiated in the mid 1990s under a previous government towards the use of more intrusive and controlling forms of intervention. Indeed, in keeping with the views of earlier writers, it may be argued that the media were more influential in these periods than the official apparatus of government policy-making. Policy, therefore, may be associated with or implicated in change processes, but it is not clearly or directly identifiable as the instigator or 'driver' of shifts in the nature of practice 'on the ground'. Even now, it is clear that significant reductions in the use of custody for young people were set in motion in 2008 without an appreciable change in government rhetoric or 'grand' policy initiatives. In some instances, in fact, it appears that reputed innovations in policy are better understood in the form of a response to external developments and pressures. So, it might seem the renewed emphasis on the purported value of custodial measures coming from government ministers ('prison works'; Howard, 1995) in the mid-1990s followed an already well-established trend, to the extent that this could be seen as a response to outside pressures, which had the effect of bestowing legitimacy on practice changes that had already taken place. Similarly, such public pronouncements may carry the same function in terms of perceived 'public opinion', as in the case of the raft of anti-social behaviour legislation of the early 2000s.

Policy in the formal sense may have a part to play, but it is one amongst a number of contingent factors that have a variable influence on the direction and content of youth justice systems, practices and impacts. These interactions are not straightforwardly quantifiable, nor do they operate predictable and consistently in the same direction. At each juncture, these dynamics require close examination and evaluation if we aspire to answer the question of what is coming next in terms of interventions with young people in trouble.
Narratives of youth justice: continuity or rupture?

Having established the potentially complex dynamics of the subject, it will be helpful now to explore the possibilities associated with competing narratives of historical change in youth justice, notably the tension between those which are based on underlying assumptions of consensus and coherence, as against those which base their accounts on notions of rupture, renewal and unresolved conflict.

Cohen (1985), for example, posits three alternative views of history, social problems and social change. The first of these is described as 'uneven progress' (1985: 15), whereby developments in criminology and criminal justice are seen as part of a continuing trend towards better understanding and better practice in addressing essentially fixed and timeless challenges, such as the deviant activities of children and young people. The third of Cohen's 'models' of historical developments in criminal justice he refers to as 'the 'it's all a con' view of correctional change' (1985: 21). According to this perspective, the justice system achieves its objectives quite successfully, as it does for the first model, but these objectives themselves need to be understood rather differently. They are no more or less than the maintenance of an unequal and exploitative social order, partly achieved through a process of mystification which persuades all but a few that the system itself is 'fair, humane and progressive' (1985: 22).

These two models share the implicit belief that there are fundamental and enduring aspects of social relations which necessarily shape our approach to dealing with the problem of youth crime. It is the middle of Cohen's three models ('we blew it') which coincides more closely with a narrative of periodic attacks of self-doubt and sudden realisations that current practice may be crucially flawed. Thus, the rejection of welfarism and its reliance on institutional care at the end of the 1970s was one such shift, occasioned by short-term evidence of failure and loss of faith in prevailing assumptions. Similarly, by the end of the 1990s, New Labour was speaking the language of failure and the need for radical reform, as Newburn (1998) observed at the time. On the other hand, its policy platform was constructed on the basis of greater efficiency and certainty of delivery, what became known as 'micro management, in effect, in contrast to any more fundamental or ideologically driven attempts to create change. The core commitment made by the Labour Party prior to the 1997 election in the field of youth justice was to 'speed up' the criminal process, a measure which was promoted in the interests of greater public safety and prevention of re-offending. It did not, on the face of it, appear to presage a dramatic change in the shape or nature of the justice system, as was perhaps prefigured by the earlier Labour reform programme of the 1960s. Although the objective of greater efficiency fitted well with what is, by now, acknowledged to be a central feature of the New Labour ethos - its managerialism - it did not seem to be evidence of a truly radical reforming spirit. Other aspects of the new government's youth justice programme were of a similar hue, such as its corporatist moves towards centralisation of youth justice management, its 'actuarial' approach to early intervention (Smith, 2006), and the establishment of the highly prescriptive Youth Justice Board (YJB) as a coordinating mechanism. Measures which may have suggested a greater sense of ambition, such as the restorative justice-oriented Referral Order, were introduced much more tentatively and in ways which barely broke the surface of the conventional sentencing tariff.
Pitts (2001) has argued that very little of the much-vaunted New Labour reform package, represented by the Crime and Disorder Act 1998, was truly new and that many aspects of this legislation were no more than warmed-over versions of existing Tory policies and plans. Detention and Training Orders, for instance, were no more than rebranded variants of the Secure Training Order. The appearance of radical renewal was thus considerably exaggerated in relation to the relatively modest changes in the machinery of youth justice and this, in turn, was reflected in the failure to impact in any way on established trends, such as systemic discrimination and increasing reliance on custodial sanctions (Smith, 2003).

Longer-term historical views, too, have often tended to emphasise continuity rather than rupture in their accounts of the history of youth justice (Hendrick, 2006). Threads of debate and common concern can be traced over extended periods of time, and dramatic change in this one field of practice is only likely in contexts of fundamental social upheaval, it is suggested:

> [T]here is nothing new about debates concerning young people’s behaviour. Nor until the end of the 1980s was there much in the way of policy innovation, for, as we have seen, from the early nineteenth century the central theme in policy discourse was how to reconcile ‘welfare’ with ‘justice’ in a variety of circumstances, within the context of evolving relationships between individual and society on the one hand and family and state on the other. (Hendrick, 2006: 14)

Change may have been triggered by developments in 'late modern' societies, around the beginning of the 1990s, but these were not occasioned by superficial transfers of political control, it seems, but by deeper lying shifts in the structural underpinnings of society.

**Surface and depth**

At the same time, though, Pitts (2005) has suggested that there are more immediate reasons for such changes in direction and that there are distinctive and significant 'phases' of development of much shorter duration, which can be accounted for in terms of contingent events and influences. Clearly, as we have already noted, he does not take the view that changes in political control are inevitably significant, but, nonetheless, 'things happen' which do have a direct bearing on the youth justice system. Four distinct phases are identifiable in the recent past, according to this analysis: welfarism and net-widening; systems management and minimal interventionism; the 'punitive' turn; and, micro-level 'Korrectional Karaoke' (Pitts, 2001). These are evidenced by quite sharp changes in the functions and outcomes of criminal processes relating to young people, and in their impact on the lived experiences of those concerned, we must be prepared to take them seriously.

In a rather different way, Muncie (2002), too, has suggested that the material influences on youth justice practices are varied and that their interactions are complex and somewhat unpredictable. New developments, such as 'risk assessment' and 'managerialism', are thus overlaid onto well-established principles of 'just deserts' and
'responsibilisation' (Muncie, 2002: 156). The resulting 'melange of measures reveals the fundamental contradictions of the youth justice system, which have both long-established roots in the fear of and demonisation of 'the underclass' (Muncie, 2002: 157), and yet, at the same time, reflect the impact of more recent developments, such as the emergence of restorative practices, and a strengthened emphasis on the interests of 'victims and communities' (Muncie, 2002: 156). However, it is not only the nature of these interactions which seems problematic, but also the weight attributable to distinctive elements. Attempting to resolve such questions is, of course, of great importance if we are to begin to understand and account for current and forthcoming developments in the definition and treatment of youth crime.

**Signs of change? The 'New Liberal' agenda**

The overarching concern affecting public and political debate in the early days of the new administration has been the financial 'crisis'. This, in itself, might be expected to have some implications for systems and practices in the criminal justice arena, but it must be considered in conjunction with other aspects of the changing landscape if we are to develop a clear view of what might happen in youth justice and why. It would be comparatively easy to read off from our experience of the 1980s the assumption that fiscal retrenchment will be associated with a new age of 'diversion', but this may be too narrow and simplistic a conclusion to draw and it will not help to address deeper questions as to the meaning and consequences of such changes. If, as some suspect, the 'minimum intervention' strategy of the 1980s led to a diminution of concern with the 'welfare' needs of young people in (and near) the justice system (Hendrick, 2006), is this likely to persist in the current climate, where there will be little impetus behind arguments that *more* rather than less money should be spent on those whose 'crimes' may be rooted in inequality and disadvantage? How also do emerging notions of 'restorative' and 'community' justice adapt themselves to a context where there is likely to be a greater emphasis on self-help and mutual problem solving? Will we perhaps witness another 'new' youth justice in the making?

Political shifts have been signalled from the early days of the new administration. In a series of speeches, the Minister of Justice, Kenneth Clarke, set out the basis for his rejection of the previous consensus on the value of incarceration. He spoke of the current population of 85,000 in prison as being 'astonishing' and a figure which it would have been 'ridiculous' to predict at the time of his previous term as Home Secretary in 1992 (The Guardian, 30 June 2010). At this point, he seemed to be marking out a decisive break from the position adopted by his predecessors in both main political parties, using language to suggest that he and the new government were committed to 'radical' changes that would lead to a 'rehabilitation revolution'. He expressed his desire also to break away from the political stalemate whereby policy-making in criminal justice had been reduced to a competition over which government could spend more and lock up more people for longer. Whilst he did offer pragmatic justifications for the change of direction signposted, such as the cost of custody and the damaging consequences of excessive use of imprisonment, he also began to speak of the purposes and objectives of the justice system in terms which had not been used quite so openly for some time; 'rehabilitation' was
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rehabilitated and concerns for offenders' 'jobs', 'homes' and 'families' also came to the fore.

Of course, one speech alone could not be expected to shift the balance of opinion, either within or beyond the confines of the minister's own party, especially because his position was immediately attacked by his opposite number, Jack Straw, who was only too ready to re-enter the competition about who could look up more offenders for longer: 'does anyone seriously believe that crime would have come down and stayed down without those extra prison places [created by Labour]?', he asked (Daily Mail, 30 June 2010), conjuring up recollections of the familiar phrase 'prison works', associated with the former Conservative Home Secretary of the mid-1990s, Michael Howard. Howard himself was quick to join the fray, being quoted on the same day reasserting his commitment to custody:

_I am not convinced by his [Clarke's] speech. Serious and persistent criminals need to be put in prison. When I was home secretary crime went down as the prison population started to go up._ (quoted in The Guardian, 30 June 2010)

The task facing Clarke, then, was to try and create some sort of political consensus in the face of this prevailing orthodoxy, both in terms of pre-existing beliefs and the 'evidence' to support them. So, his next step, in a speech to the judiciary, was to begin to dismantle this wall of opposition by referring firstly to the absence of any clear correlation between prison numbers and crime rates. He observed that crime had fallen 'throughout most of the western world in the 1990s', irrespective of the prevailing sentencing practices in the countries concerned (The Guardian, 14 July 2010), suggesting instead that economic prosperity might be a more likely contributor to such trends (and claiming credit for this as a former Chancellor of the Exchequer!).

Joining him on the offensive was the Home Secretary, who was also keen to associate excessive use of criminal sanctions with the over-intrusive ethos of the previous New Labour administration. Theresa May chose the Anti-Social Behaviour Order (ASBO) and associated measures as the focal point for her attack, suggesting that Labour had introduced a 'ludicrous list' of sanctions targeted at anti-social behaviour, which were poorly understood, even by professionals, variably applied depending on the area of the country concerned, 'too complex and bureaucratic', and 'they too often criminalised young people unnecessarily, acting as a conveyor belt to serious crime and prison' (The Guardian, 28 July 2010). Excessive use of criminalising interventions is thus carefully associated with the failings of the previous government in terms of its supposedly excessive interventionism, its wasteful use of resources, and its inefficiencies (in the sense of criminalising young people rather than preventing crime). Like Clarke, the Home Secretary was beginning to speak of measures which would be rehabilitative and 'restorative', rather than 'criminalising and coercive'.

Organising consent?
What is emerging here appears to be a carefully constructed portrayal, which conflates the failures and excesses of the previous government with an overuse of
counterproductive coercive sanctions that cannot hope to achieve their stated aims. Thus, in addressing the party faithful at the Tory conference in 2010, Clarke began by highlighting again the 'disgraceful waste' which his government had inherited from its predecessor, framing his new justice policy in the context of a need to reduce costs. However, for him, it would not simply be a matter of 'doing less of' what the previous Labour administration had done, but doing 'better' with less. Nodding in the direction of his party's hardliners, he reiterated the view that 'career criminals and violent, dangerous criminals should be in prison – not roaming our streets' (speech to Conservative Party Conference, 5 October 2010), bringing to mind a similar pronouncement from his earlier spell as Home Secretary, when he announced an expansion of the secure estate for 'really persistent, nasty little juvenile offenders' (The Independent, 28 February 1993). Indeed, the language used most recently suggests another well-established 'hegemonic' (Gramsci, 1971) strategy is being brought into play yet again, and this is to distinguish between the 'criminals who should be locked up' because their offences are serious or because they are 'dangerous', and those who 'don't need to be locked up', for whom 'tougher and more effective' community disposals are the appropriate option (speech to Conservative Party Conference, 5 October 2010). 'Bifurcation' of this kind has been a feature of policy-making in criminal justice for some time now (see Bottoms, 1977).

In constructing an alternative model of intervention, the two ministers were clearly also guided by what they deemed to be 'acceptable' ways of representing intervention strategies, and that is to employ the language of reform and prevention. Later in his conference speech, Clarke again drew on the imagery of 'need' and disadvantage to justify his favoured welfare-oriented approach, referring to the very many prisoners with mental health problems or educational difficulties.

Clarke subsequently committed himself to reducing the prison population by at least 3,000, with Treasury support, significantly (The Guardian, 20 October 2010). Money would be saved at the same time as the 'rehabilitation revolution' would be initiated. The aim of the new welfare measures outlined (see Ministry of Justice, 2010: 68) would be to provide the most effective means of working with 'difficult, inadequate, not very nice' people to make sure they do not re-offend (The Guardian, 30 June 2010), rather than simply the most punitive.

The strategy adopted here to 'organise consent' appears to have three strands. First, the position inherited by the incoming government is associated with the failures and inefficiencies of the previous New Labour administration, and so the 'overuse' of custody can be attributed to its excessive interventionism, as opposed to the much less persuasive argument that it had been too 'tough on crime'. Second, there has been a renewed emphasis on the need to distinguish ('bifurcate') between serious and dangerous criminals, and those who are simply clogging up the system, probably to their and our detriment. Finally, this latter group becomes ripe once again for 'welfarist' arguments, which emphasise the importance of rehabilitation and reform and their preventive qualities. Notably, these are strategies which have been deployed in various forms over an extended historical period and may thus indicate the limits of the repertoire of available justifications for policy change. Restorative interventions, by contrast, are given
Where Now for Youth Justice?

a brief and essentially cursory mention by ministers in the new government and do not seem to have displaced traditional polarities. The principal focus of the policy proposals set out specifically for young people by the Justice Secretary is articulated in terms of 'a joined up approach to address the multiple disadvantages that many young offenders have and the chaotic lifestyles that many lead (Ministry of Justice, 2010: 68).

Changing direction or going with the flow?
Support for the approach being developed by the Justice Secretary is available elsewhere and helps to create a sense of direction for this policy agenda. For instance, the 2010 Conservative election manifesto made commitments to 'reduce the causes of crime', to 'deal with anti-social behaviour without criminalising young people unnecessarily', and to 'help (my emphasis) young offenders go straight' (Conservative Party, 2010). Authoritative support is also offered by the right-leaning think tank, the Centre for Social Justice, which has repeatedly expressed concern about the social factors linked with youth offending, and the recognition that custodial settings act as 'colleges of crime' (CSJ Press Release, 4 February 2010).

The liberal flavour of many of these pronouncements may be surprising to some but it clearly represents a concerted attempt to create the impression that government is taking the initiative to promote change. A more cynical view might be that this approach is more reactive than proactive and that many of the new directions signalled are, in reality, aligned with trends which have already been established, and pre-date the change of government. From a consistent level at around 2,800 over a number of years, the use of custody for under 18-year olds fell sharply by about 25% from mid-2009. There was a 19% fall in the number of young offenders processed formally between 2005/2006 and 2008/2009 (YJB, 2010: 2), and it seems this trend has continued, fuelled by the Youth Restorative Disposal available to the police since 2008. The use of ASBOs has also been in decline since 2005 (The Guardian, 28 July 2010). In other words, it would be too simplistic to associate the Labour government with a monolithic strategy of interventionism or to identify a distinct break in criminal justice practices with a change of government. Indeed, it seems more likely that many of the changes identified are rooted in pragmatic attempts to respond to other, predominantly economic, drivers. If this is the case, then what we may be observing is a process of rationalisation, whereby the incoming government finds suitable rhetorical and ideological devices to justify a continuation of pre-existing developments, mirroring in reverse a similar pattern of events before and after 1997.

Perhaps then, the recent ministerial pronouncements are of interest more because of their symbolic content than because of their direct impact in the field of youth justice. In this respect, it is significant that the discourses drawn upon are familiar, and have their roots in well-established historical debates. This suggests that there is a relatively restricted repertoire available from which to draw upon when advancing rationalisations in support of specific policy options. The reversion to the terrain of 'welfare vs. Justice' (Smith, 2005) rather seems to give support for those who argue that we are observing an essentially 'cyclical' process (Bernard, 1992), and that this opposition has set the terms of engagement over an extended historical period. Even the recent 'punitive turn' appears
as no more than a particularly abrupt swing towards one end of the continuum, according to this view:

*Because only a limited number of policies are possible to begin with, the result is that the juvenile justice system tends to cycle back and forth between harshness and leniency.* (Bernard, 1992: 39)

Certainly in the political sphere, debate is circumscribed by particular parameters, which we may be able to identify in broad terms: individualisation, criminalisation, classification, offender focus, behavioural change. Whether viewed through a 'justice' or a 'welfare' lens, these will be common features of conventional attempts to account for and address problematic actions associated with young people. Change is only possible within this kind of explanatory framework, apparently, and alternative ways of approaching the subject are implicitly excluded from consideration.

**What will change, and what won't?**

Beyond the sound and fury of public political debate, what changes in youth justice might we expect, then, and what sorts of changes are effectively excluded from the agenda because they lie outside the established field of debate?

The 'bifurcatory' arguments being advanced share much with their predecessors in the 1980s and appear to be consistent with a political imperative to shrink the state and save money; they are also consistent with already established trends to reduce levels of intervention, as we have observed. These are likely to gain ground and provide cover for politicians who want to demonstrate that they have not 'gone soft' on crime but, rather, are targeting their predecessors' waste and incompetence. We can, therefore, expect the re-emergence and re-legitimisation of 'diversion' in some form, as is already being piloted in some parts of the country.

At the same time, the renewed articulation of the importance of 'rehabilitation' poses more substantial challenges to government because it implies increased investment in welfare services on the one hand and appears insufficiently punitive on the other. Clearly, bifurcation helps to some extent here, re-establishing the historical distinction between 'deserving' and 'undeserving' cases (Hendrick, 2006), but this alone does not provide adequate justification for major investment in reform programmes. The first moves in this direction seem to be an attempt to incorporate market principles into the equation with the suggestion that programmes will be paid for 'by results'. Only 'successful' rehabilitation schemes will be guaranteed continued funding if this kind of initiative is widely implemented (Kenneth Clarke, speech to Conservative Conference, 5 October 2010). However, it is unclear whether this particular aspect of the reforms will do any more than create additional and possibly perverse incentives to sharpen the distinction between those who offer the prospect of successful rehabilitative outcomes and those whose prospects are less promising. In other words, market forces may actually serve to reinforce rather than resolve bifurcatory tendencies.
The 2010 Green Paper and beyond

Having prepared the ground for reform by emphasising recent failures (we, or rather, they, 'blew it'; Cohen, 1985), the government moved swiftly to issue the Green Paper, tellingly entitled 'Breaking the Cycle'. The proposals in respect of youth justice were essentially pragmatic, albeit liberal sounding, and qualified by one or two choice rhetorical flourishes to appease the Tory right wing.

The main thrust of the planned reforms is straightforward. The intention is to reduce the costly reliance on custody at one end of the spectrum and minimise the number of unnecessary, intrusive and ineffective interventions at the other. Budget savings are clearly a key consideration, but it is also possible to detect a degree of conceptual coherence in the measures put forward in support of this. 'Rehabilitation' continues to feature strongly in the detail, and there is also a renewed interest in diversionary interventions and informal 'community-based' responses to minor infractions:

*An informal intervention could be more effective in making the young person face up to the consequences of their crime, provide reparation for victims and prevent further offending.* (Ministry of Justice, 2010: 68)

It is, of course, too early yet to know how these intentions will be played out in practice, but it seems that there is a significant prospect of a change of direction in the policy domain regarding the treatment of young offenders. On the other hand, there is also no doubt that the measures proposed draw, to a substantial degree, on the well-established logic of welfarism allied with financially-driven expediency. In other words, the inherent tensions between 'surface' and 'depth' remain, with much sound and fury very likely to signify nothing of any real substance.

As much as anything, this serves to confirm both the limits of reform within conventional political debate and, in parallel with this, a persistent failure to engage with more fundamental and intractable problems in the classification and treatment of young offenders. The processes and functions of 'othering' (Garland, 2001) are too deep-rooted to be significantly affected by a reform programme, whose terms of reference and aspirations are constrained by a narrowly-defined political consensus about what (or, more accurately, who) constitutes 'the problem'. More promising models of practice have been documented over the years (Smith, 2011), and it is possible that they, too, will gain ground in a period of political uncertainty, economic uncertainty and ideological confusion. However, in order to achieve this kind of change, clear principled arguments, grounded in a children's rights framework, and a strong coalition of support will need to be marshalled to create political space for the implementation and documentation of alternative models of 'effective' practice.

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THE ECONOMIC, SOCIAL AND POLITICAL CONTEXT OF THE LOCAL COMMUNITY APPROACH TO INTEGRATED OFFENDER MANAGEMENT: THEORY AND PRACTICE, RHETORIC AND REALITY

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Abstract Recent proposals for a new approach to criminal justice policy have been heralded by the coalition government as 'radical' and 'revolutionary'. This article assesses the validity of the claims in relation to the intended shake-up of offender rehabilitation. In considering the wider economic and social context of the reforms, various drivers of change are discussed, including increasingly high rates of re-offending and re-imprisonment, the ambition of the government to create a so called 'Big Society', and the cuts in public spending detailed in the recent Comprehensive Spending Review. It argues that, in emphasising notions of civic responsibility and by seeking to introduce a 'reducing re-offending market', the government has absolved itself from directly addressing important structural problems, which inhibit many offenders from successfully giving up crime. It concludes that, rather than signal a paradigm shift in approach to offender rehabilitation, the proposals constitute a repackaging of measures rooted in strategies of risk, containment and crime prevention.

Keywords Localism, civil society, Payment by Results, social structure, criminal desistance, revolution.

Introduction Throughout the recent Government Green Paper on punishment, rehabilitation and sentencing (Ministry of Justice, 2010a), significant emphasis is placed on localism. Change to the criminal justice system is to be brought about through devolution. Local people, local managers, professionals and volunteers are to be freed from central government control (ibid: 5), and local services opened up to local scrutiny and made subject to local accountability (ibid: 8). The watchwords are 'joint working' and 'partnership' or, to give the approach to offender rehabilitation its proper title, 'Integrated Offender Management'. There is to be a move away from the domination of the public sector to 'a much broader set of organisations from all sectors' (ibid). Probation, the police, and services provided by local authorities, voluntary partners and the private sector, together, will 'tackle the offenders who cause most harm in their communities' (ibid: 25) and 'prioritise the crime that matters most to local residents' (ibid: 77). To achieve this, rehabilitation services are to be funded to the extent they evidence a reduction in re-
offending - 'Payment by Results'. The proposals have attracted considerable attention. Coalition government ministers have promoted the Green Paper as a 'radical programme of criminal justice reform' (Herbert, 2010) and nothing short of 'a revolution' (Blunt, 2010). Others have professed support for the overall approach and a willingness to get involved (Confederation of British Industry, 2011; Dicker, 2011; Mulheirn et al., 2010; Shelupanov & Ali, 2010), while others have been more sceptical, welcoming the devolution agenda overall but identifying fundamental flaws in how it is to be achieved (Faulkner, 2010), in particular the Payment by Results funding mechanism (Maruna, 2010).

Civic participation

What is the wider economic, social and political context driving this purported transformation in thinking about crime and punishment? In terms of vision and principle, the ambition to put more power in to the hands of local communities has been informed by the overarching theme of 'the Big Society' (Cabinet Office, 2010). Influenced by a new policy project of 'Progressive Conservatism' (see Wind-Cowie, 2010) and the repositioning of the Conservative Party along pragmatic communitarian lines (see Blond, 2010), it has been argued by Conservatives and Liberal Democrats alike that 'fixing Britain's broken society' requires a reaffirmation of communal values. Rejecting the thesis of 'Big Government', the appeal to civic participation is based on the assumption that the centralised welfare state has encouraged 'passive dependence' (ibid: 285), resulting in 'a wholesale collapse in British culture, virtue and belief' (ibid: 1). To rectify this, it is necessary to 'roll back the state' and transfer power from central government to new forms of social and private enterprise, in particular voluntary and community sector (VCS) organisations - co-ops, mutuals, neighbourhood groups, churches, charities, families - as well as private business. Overall, the challenge is to make grass roots entrepreneurship mainstream, as it seeks to 'harness in ever more ingenious ways the mechanism of the market in order to do social good' (Singh, 2010: 1).

How is this to be achieved? Much of the thinking resonates closely with emerging perspectives informing the theory and practice of 'new public governance', a central feature of which is much greater interagency cooperation between government departments and the VCS. Accepting that government 'is no longer pre-eminent in public policy'(Osborne, 2010: 6) and that new pluralist complexities of the modern state entail the relinquishing of 'hands on' public management, the Green Paper advocates reducing 'the burdens on local partners - such as excessive performance targets or overly bureaucratic inspection regimes' (Ministry of Justice, 2010a: 82). Previous contractual arrangements to directly manage local services, for example, through local area agreements and comprehensive area assessments, are to be torn up and replaced by an emphasis on promoting, incentivising or 'nudging'(Thaler & Sunstein, 2008) local groups to take organised collective action. The role of the state is to be recast as a facilitator or 'choice architect' (ibid). In terms of legislation, growing local community involvement is to be enshrined in a Localism Bill designed to shift power from central government back into the hands of individuals, communities and councils, as well as a new Police Reform and Social Responsibility Bill, which will introduce locally elected police and crime commissioners. In terms of governance, the Office of the Third Sector within the Cabinet Office has already been reformed to become the Office for Civil Society, now headed by a
Minister of Civil Society charged with overseeing the expansion of voluntary activity and the creation of social enterprises. Also, in terms of presentation and consultation, there is to be an annual 'Big Society Day', a National Citizen Service and local referendums on issues triggered by petitions supported by 5% of local citizens within any six month period. Some commentators have seen this affirmation of civic participation as a means to forge new relationships between the public, private and voluntary sectors to tackle crime (Faulkner, 2010) and create an environment in which communities have a much greater say in local planning decisions and the delivery of offender services (Thompson, 2010). Others still have argued that the emphasis placed on the formation of active communities will result in increased local knowledge and research, which, in turn, will identify key priority areas and build the capacity of local practitioners to implement new and innovative approaches to offender reintegration (Shelupanov & Ali, 2010).

We will consider some of the key proposals in the Green Paper shortly, but first we should ask whether any of this is justified. Is Britain broken? Has there been a decline in social cohesion, evidenced by a significant reduction in voluntary activity? In fact, the National Council for Voluntary Organisations (NCVO) has reported recently that volunteering and giving over the past 30 years has remained relatively stable (NCVO, 2011). Also, according to Hilton et al. (2010: 2), civic participation has remained vibrant. In 2007, 'there were 870,000 UK civil organisations [and] around 170,000 charities, a figure that has climbed steadily since[...]the 1960s'. Whilst voting and membership of political parties and traditional women's and faith groups has declined, new forms of civic engagement have emerged, especially activities based around environmental concerns (NCVO, 2011). Moreover, in regard to crime and justice issues specifically, according to Thompson (2010: 7), 'VCS organisations[...]are already delivering the Big Society'. Presently, 'there are over 1,500 organisations that work with offenders and their families, and it is conservatively estimated that there are over 7,000 volunteers involved in the criminal justice system'. In conclusion, the evidence drawn upon to assert a decline in British culture, virtue and belief is 'highly selective':

> It is not the case that the rise of the state has weakened either the voluntary sector or civic participation. The institutions of the welfare state, for example, have served in many ways to strengthen civic participation, and the voluntary and welfare services have worked in close collaboration over the decades. (Hilton et al.: 4)

It should also be noted that promoting civic participation is not a new idea. Devolving power to local community services was vigorously pursued by the previous Labour administration, not least in the area of criminal justice. National initiatives, such as 'Compact Plus' and 'ChangeUp', for example, informed offender rehabilitation and reintegration policy and the partnership arrangements required to implement it (National Offender Management Service, 2005). In addition, the Policing and Crime Act 2009 required Local Crime and Disorder Reduction Partnerships to prioritise reducing reoffending and made the probation service a responsible authority.
This is not to argue there is no need for improvement. A lack of substantive evidence to demonstrate the effectiveness of work carried out either in partnership or separately by the voluntary and the statutory sector epitomises much offender rehabilitation. Different approaches are based on distinct assumptions about the causes of offending and the processes involved in criminal desistance. As a consequence, VCS organisations are frequently dismissed by professionals working in criminal justice settings for providing the services 'they want rather than what is necessarily needed' (Hucklesby & Worrall, 2007: 184). Related to this, VCS organisations are often criticised for failing to adopt rigorous evaluation methods that demonstrate effectiveness (see Hayes, 2010 on whether this is a valid criticism). The major problem, perhaps, is a tension between the role of statutory agencies to provide interventions designed to reduce the risk of re-offending, which address individual criminogenic factors, such as anger management or thinking skills, and of voluntary organisations to concentrate on non-criminogenic social factors, for example, housing, education, employment and benefits (Hucklesby & Worrall, 2007: 182). The strictly scientific basis of the cognitive-behavioural approach is at odds with the view that successful desistance is supported or hindered by the community contexts in which many ex-prisoners live. Moreover, it is commonly argued that specific interventions are much less important than understanding the processes by which offenders rehabilitate themselves (Veysey et al., 2009). In large part, the success of integrated offender management will hinge on its capacity to resolve these conflicting approaches and unresolved tensions (Maguire & Raynor, 2006).

The national debt

The vision of the Big Society has been welcomed by a number of organisations keen to work closely with the government on harnessing local entrepreneurship (see Wind-Cowie, 2010; Singh, 2010; Bubb, 2010; UnLtd, 2010). But how realistic is it in the current economic climate? The economic context of the initiatives is the need to reduce the burden of national debt. The proposals for the reform of punishment, rehabilitation and sentencing must be seen in relation to the planned reduction in overall government spending of £81 billion by 2014/2015, in particular the £18 billion cut in welfare spending and the reduction of 23% in real terms to the Justice budget. For some commentators, there are opportunities to be gained from the infrastructure deficit. Economic constraints focus the mind. Dealing with debt requires hard-headed economic analysis and reasoning, which ultimately exposes past mistakes and failures. According to Fox & Albertson (2010), for example, this can lead to the formation of more enlightened criminal justice policy than that previously based on uninformed penal populism. The short fall in the criminal justice budget has exposed 'an urgent need to invest in more impact studies of key criminal justice interventions, particularly prison' (ibid: 276). Given there is no convincing evidence that prison reduces crime or re-offending - a point duly conceded in the evidence appended to the Green Paper (Ministry of Justice, 2010b: 64-65) - there is every reason to consider the alternatives. This, perhaps, explains the intention of government to reduce the prison population by some 3,000, especially in relation to short-term prisoners, the group acknowledged to be the most likely to re-offend (Clarke, 2010).

However, the big question remains: how is the increase in civic participation to be paid for? A proposed solution is the creation of a 'Big Society Bank', a social investment bank
using balances lying in dormant accounts. However, given the lack of loan funding available, this is predicted to provide only a very limited response. Just £60 million of funding is available at the present time (Thompson, 2010) and the 'FutureBuilders' fund - ring-fenced to finance the recruitment and training of a proposed 5,000 community organisers and, until recently, in receipt of up to £90 million worth of enquiries per month - is now closed for business (FutureBuilders, 2010). The difficulty of facilitating grass roots community involvement in such straightened circumstances is well illustrated by the fact that a reduction of £1.6 billion in the Area Based Grant is likely to be passed on by local authorities to charities which, overall, are reliant on public sector investment for almost 40% of their income (NCVO, 2010). As a consequence, the future delivery of many area-based services, which do not receive substantial monies from alternative sources, such as charitable trusts, individual giving or trading on the open market, is extremely uncertain (Wilding, 2011). Unless local support structures are put in place to enable, especially small, charities to survive, it is likely that levels of civic engagement and support will be reduced rather than enhanced (Alcock, 2010). VCS organisations working to reduce crime are especially vulnerable, with more than three quarters recently reporting a reduction in grant income, on top of decreases in earned income and donations. Furthermore, all of this is compounded by the fact that only 24% are eligible to apply for the 'Transition Fund', introduced by the government to enable civil society organisations to adapt to the new funding arrangements (Clinks, 2011).

Integrated offender management - enabling mechanisms
Notwithstanding the economic downturn, there is reason to be optimistic regarding some of the specific proposals for offender rehabilitation. For instance, the intention to reduce the length of rehabilitation periods under the terms of the Rehabilitation of Offenders Act 1974 (Ministry of Justice, 2010a: 33). It has also been recognised that effective rehabilitation requires the establishment of close, trusting relationships between offenders and the people managing them (ibid: 24); although the extent to which this signals a shift away from supervision and public protection towards a re-prioritisation of social work methods in probation policy and practice is not articulated. Yet it is the enabling mechanisms to facilitate increased local participation in offender rehabilitation that have received the closest attention so far. Accepting the immense scale of the reduction in public sector finance requires new, innovative approaches to funding (Shelupanov & Ali, 2010); it is proposed that integrated offender management will be paid for using 'justice reinvestment' tools, specifically 'social impact bonds' and 'Payment by Results' (Ministry of Justice, 2010a: 38). There is cross-party support for the idea. Social impact bonds to reduce re-offending were piloted by the previous Labour government (HM Government, 2009), and Payment by Results has been used to fund services within the National Health Service since 2000 and the Department of Work and Pensions (DWP) since 2008. Rather than concentrate on micro-managing processes and inputs, it is claimed that Payment by Results frees up providers to innovate and design services which achieve the desired impact (Mulheirn et al., 2010). By reconfiguring the financial arrangement of 'contestability' and the splitting-off of purchasers and providers through the instrument of 'commissioning', it is anticipated that investment from commercial bodies and foundations will be forthcoming to finance services expected to result in positive social outcomes; in this case a proven reduction in re-offending. A return on the
investment for the funders is secured by savings to the state that arise from the intervention.

Six studies have recently been set up to test the idea. These build on an initial pilot project involving Peterborough prison, the Ormiston Trust, the YMCA and the St Giles Trust - a charity which seeks to re-integrate prisoners back into society through mentoring and the provision of key support services. Investors will see a return on the £5 million needed to pump prime the project only if a reduction in re-offending of at least 7.5% is achieved for the 3,000 short sentence prisoners involved. It is early days but the approach has attracted a number of criticisms. A major one is that only interventions confidently expected to produce successful outcomes will receive funding. The Green Paper accepts that Payment by Results will not be appropriate for all offenders but the fear is that a tendency to 'cream off' the easiest to help clients will leave 'the most difficult and complex cases to an unsupported and maligned probation service' (Burke, 2010: 365). Indeed, a disturbing feature of the reforms announced to date has been the absence of any reference to the probation service's long experience of working with offenders to support their reintegration back into society (Ledger, 2010). Criticism has also focused on the use of reconviction rates to measure intervention effectiveness. The fact that an offender has not been arrested over a specific period of time is not proof of successful rehabilitation, only that they have not been detected. Moreover, re-arrest, reconviction and re-imprisonment do not in themselves reveal anything about the complex of factors and processes involved in behaviour change. The incremental steps offenders often take towards desistance, for instance, improving relationships or levels of motivation, are not easily quantified. Neither do reconviction rates account for the unintended consequences of other interventions, nor wider contextual factors - economic, social and environmental - that impact on desistance (Farrall, 2002). Finally, as has happened with the DWP 'Welfare to Work' programme, the upfront working capital required to deliver rehabilitation services funded on a results only basis is likely to mean that the private sector and larger charitable organisations are given a competitive advantage. Smaller VCS organisations will have no option but to sub-contract with 'prime' organisations which, in dominating the market, are likely to deflect the risk of not achieving targets onto organisations with less financial reserves. Nicholson (2011) has commented that offender rehabilitation traditionally has been provided by a wide variety of small, local voluntary organisations, but there are only four to five national organisations currently in a position to deliver large scale outcome based reducing re-offending contracts. Awarding contracts to suppliers in this way is likely to challenge the independence and integrity of some VCS organisations. It also contradicts the stated intention to devolve power and responsibility for offender rehabilitation down to local communities.

More generally, the use of the umbrella term 'justice reinvestment' (see Herbert, 2010; Blunt, 2010) to describe the new funding arrangements is disingenuous. Justice reinvestment is a geographical approach to prisoner reintegration, piloted in the United States and recently assessed in the United Kingdom by the House of Commons Justice Committee (Ministry of Justice, 2009). The fundamental aim is to divert funds away from custody budgets in order to finance much needed non-criminal justice employment, health, education and housing services in the deprived local communities that
geographical mapping techniques have shown contain the largest concentrations of ex-prisoners. No such undertaking has been proposed in this country. The previous government responded to the idea by introducing so called 'Diamond Districts', an initiative intended to coordinate resettlement services in six London boroughs where the largest number of ex-prisoners reside. However, there has been no commitment to divert offenders from custody into community sanctions, or invest any savings made into non-criminal justice services (Commission on English Prisons Today, 2008). Similarly, the present government has re-appropriated the idea to justify a new 'local incentive scheme', which aims to facilitate local partnerships by helping community groups to:

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\text{[T]arget resources on specific groups of offenders in line with local priorities and crime patterns. If they were able to reduce crime and hence demand for criminal justice services through their joint efforts they would share in any saving made. These could then be reinvested in further crime prevention activity at the local level. (Ministry of Justice, 2010a: 43)}
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The proposal places a strong emphasis on local ownership, analysis and research. However, its primary purpose is to divert any cost savings into crime prevention; a policy prescription which, since the early 1980s, has privileged risk assessment, containment and opportunity reduction over social policies, such as education policy, housing policy or employment policy. This is disappointing. As pointed out by Fox & Albertson (2010: 273), local area-based initiatives do not depend solely on the 'devolution of authority[...]devolution of resource must follow'. They also fail to 'stick' when 'imposed on areas that have extremely limited employment opportunities or poor educational standards' (Wind-Cowie, 2010: 10).

**Structural obstacles to offender reintegration**

This leads us to some final observations concerning the structural barriers to overcome if integrated offender management is to make a difference. Owing to its failure to address problems of economic change and social marginalisation, the Big Society idea has been criticised for being 'strong on empowerment but weak on equality' (Coote, 2010: 5). It is well known that deprived areas are much less likely to engage in civic engagement than prosperous ones (NCVO, 2011). Yet, while the government is clear it must act as an enabler and facilitator of local choice, there is little indication it is prepared to support communities whose options and choices to play an active role are restricted by structural inequality. The government has abrogated any formal responsibility for providing public investment and services in deprived local communities, most obviously through interventionist policies. Given the overall emphasis accorded to across the board civic participation, this is a fundamental oversight. As the New Economics Foundation point out:

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\text{[N]ot everyone has the same capacity to help themselves and others. How much capacity we have depends on a range of factors. These include education and income, family circumstances and environment, knowledge, confidence and a sense of self-efficacy, available time and energy, and access to the places where decisions are taken and things get done. (Coote, 2010: 3)}
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Resources, services and social capital are not evenly distributed as it is and, as the cuts in public spending take effect, the loss of public sector jobs and reduction in funding for welfare services is likely to be experienced more differentially than before. For example, owing to the withdrawal of the Working Neighbourhoods Fund, local authorities in relatively poor areas, for example, Liverpool, Manchester and Middlesbrough, face the largest cuts in welfare services compared to wealthier councils (Hetherington, 2011). The spatial dimension of this is predicted to be increased 'polarisation between the "haves" and "have-nots", particularly when the starting point is very unequal and when residential patterns overlap geographically with socio-economic segregation' (Burchardt, 2011: 11).

The Green Paper makes no reference to the economic or social antecedents of crime and re-offending although it does acknowledge the impact of structural factors on offender reintegration, especially the importance of settled accommodation and stable employment. It also sets out an agenda for dealing with them. In relation to housing, offenders will 'receive appropriate housing assessment, advice and signposting to community services to prevent them losing their homes, or being homeless'. There will also be improved access to the private rented sector and local authority housing services will be utilised to ensure tenancies are maintained (Ministry of Justice, 2010a: 35). Such developments are to be welcomed, but let us be clear: offender reintegration does not operate in an economic and social vacuum, although formal interventions, particularly those which focus exclusively on symptoms and therapy, have often failed to recognise this (Farrall, 2002). It is a feature of the recent government pronouncements on criminal justice reform that, while 'organisational arrangements' have been prioritised, little or no regard has been paid to 'social conditions' (Faulkner, 2010: 81). Reorganising the structure of integrated offender management is futile if national policy decisions do not take account of local circumstances. For example, Brunton (2011: 36) has recently observed that the proposal to cap housing benefit payments means that tenants of social housing, at present the only viable accommodation option for many released prisoners, face dramatic increases in rent. The result is likely to be enforced migration and the creation of stratified communities, the poorest of which will suffer 'increases in stress related illnesses, higher rates of physical illness, lower rates of achievement and higher rates of crime'.

Even more specific are the proposals for employment services. Prisons are to become 'working prisons'. To ensure prisoners experience 'the discipline and routine of regular working hours', work will be made 'challenging and meaningful'. It will also equip prisoners with vocational skills 'in environments organised to replicate, as far as practical and appropriate, real working conditions'. Education will support the process by 'providing skills to perform work effectively as far as possible giving prisoner's skills which will increase their ability to get a job on release'. This will be facilitated through engagement with potential employers to tailor 'in-reach' training to the needs of the labour market and link prisoners to jobs and apprenticeships on release (Ministry of Justice, 2010a: 15). In addition, the 'community payback' initiative will ensure that local communities benefit directly from the hard work carried out by offenders on supervision with the probation service (ibid: 9). Offenders will also be made eligible for entry onto the Work Programme to improve their chances of getting into paid work (ibid: 33). In sum,
this is an ambitious package and it is recognised there are significant practical problems to overcome, such as the potential for unfair competition and a reduction in job opportunities for law-abiding citizens (Ministry of Justice, 2010a: 16). However, there are other problems too, not specified, including the challenge of persuading employers to recruit ex-prisoners, harmonising the priority of the Prison Service to maintain security with the commercial demands and expectations of business, and linking prisoners to jobs in local labour markets some distance away from the prisons in which they are held (Flynn, 2004). Furthermore, recent investigations into the reasons offenders give up crime highlight another more complex set of difficulties. Principally, that employment in and of itself is no guarantee of a crime-free life. Jobs have to be stable, reasonably paid and, overall, valued by the offender as worth investing time and energy into (Uggen, 1999). Low quality jobs are ineffective in turning offenders away from crime (Crutchfield & Pitchford, 1997). The challenge this represents in the economically and socially deprived areas, where the majority of ex-prisoners live and where employment is limited to low-wage, insecure jobs, is considerable. With this in mind, the potential impact on re-offending of the Work First model, intended to compel benefit claimants ‘towards any work irrespective of the quality of outcomes’ (Lindsay, 2011: 38), should be carefully assessed.

**In what sense a revolution?**

To conclude, the Green Paper on punishment, rehabilitation and sentencing fails to acknowledge the economic and social forces linked to crime and re-offending. Neither does it address the fact that the life chances of most ex-prisoners are shaped to a large extent by where they live and that where they live is ‘determined by an overall system of capitalist reproduction which is highly unstable and generally locates groups of people differentially according to the availability of resources; education, training, employment, housing and civil entitlements’ (Flynn, 2010: 227). As pointed out by Collins (2011), lessons learned from the Peterborough Payment by Results project will not necessarily translate to other areas of the country with very different economic and social circumstances. In affirming the need for ‘more effective punishment that reduces the prospect of criminals re-offending time and time again’ (Ministry of Justice, 2010a: 5), the Green Paper does accept the limitation of imprisonment to incapacitate offenders and deter crime. It also acknowledges that rehabilitation services should be based on equitable local partnership arrangements between the public, private and voluntary sectors. However, rather than vision or principle, it is pragmatism driving the measures announced to date. The appeal to civic participation is simply an attempt to fill the gap in national government spending by localising the economy. As it fails to engage with the wider social issues of citizenship, social inclusion and social capital, its concept of community is ill-defined and its model of civic participation unrealistic. Economic heterogeneity, not to mention cultural and religious diversity, matter for the generation of civic engagement; particularly in relation to crime prevention, a policy objective beset with conflicting aims and objectives as well as contentious relationships at national, regional and local levels.

Essentially, the proposals contained in the Green Paper are more concerned with evolution than revolution. In reaffirming the primacy of collective moral values and
advocating the de-monopolisation of responsibility, it must be seen as another in a long line of authoritarian penal policies which, as Lacey (2008) has observed, are characteristic of neoliberal political economies generally. Government appeals for increased public involvement in social affairs are nothing new. Grounded in anti-statist economic perspectives espoused during the last world war (for example see Hayek, 1944), since the mid 1970s, the idea that society should be opened up to voluntary initiative and private entrepreneurship has underpinned the emergence of new right of centre governments on both sides of the Atlantic. Yet the intention to relinquish power has never been total. Whilst neoliberalism has been willing to get out of the way when it comes to the economy, it has demonstrated a marked reluctance to distance itself from matters of social control. Notwithstanding the high-flown rhetoric of rehabilitative and transformative optimism engaged in by members of the present government, the administrative and enforcement-oriented penal rationalities privileged by such regimes remain firmly in place, and managing the risk of actual and potential offenders continues to be the overriding priority.

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PRISONERS AS CITIZENS: 'BIG SOCIETY' AND THE 'REHABILITATION REVOLUTION' - TRULY REVOLUTIONARY?

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Abstract Given the government's commitment to localism, social inclusion and transfer of power from politicians to communities embodied by the Big Society agenda, we question whether these principles have been adequately translated within 'Payments by Results' and the supposed 'Rehabilitation Revolution' Green Paper. Of all the communities in our diverse society, offenders should specifically be included to encourage them to become more responsible citizens and, therefore, participate fully in creating a more responsible society? However, accessing offender voices in the prison setting can often prove challenging, as will be discussed. The authors have been involved in using qualitative methodologies in evaluations of predominately voluntary sector arts and media projects with prison communities since 2005. With these data, this article explores opportunities for encouraging citizenship status in the prison community. Prisoners engaging with these projects report significant impacts of their engagement, including increases in their feelings of self worth, hope and belief in their own personal capacity to alter the way they behave.

Keywords Prisoners, citizenship, Big Society, rehabilitation revolution, social inclusion, arts in prison.

Introduction

In 2002, the British Journal of Community Justice published the paper 'Prisoners as Citizens' by David Faulkner. The article appeared against conditions of heightened interest in the right of prisoners to vote, which took place within the political context(s) of a New Labour government drawing on conceptualisations of rights and responsibilities of society and 'communities' embodied in 'Third Way' ideology (see Giddens, 1998; Crawford, 1999; 2001; and on responsibilisation see Garland, 2002). Nearly a decade on and against the backdrop of 'Big Society' and the proclaimed 'Rehabilitation Revolution', the coalition government has seen a re-opening of the debate regarding the rights of prisoners. Once

¹ Many thanks to Caroline O'Keeffe at Hallam Centre for Community Justice for proof reading and offering comments on this paper, it was very much appreciated. Also, thanks to the Reviewers comments aiding the clarification of the author's ideas and concepts.
again, consideration of the legal and, moreover, civic status of prisoners echoes a continuation of the rights and responsibilities agenda associated with 'modernisation' and the previous 'New Labour' government (for a prediction of this see Senior, Crowther-Dowey & Long, 2007; also Newman, Raine & Skelcher, 2001; Newman, 2002; Newman & McKee, 2005, Newman, 2007).

The aim of this article is to demonstrate the extent to which prisoners have a (political) 'voice', which may be used as an indicator of citizen status. Furthermore, to demonstrate the extent to which prisoners can influence the shaping of services and provision they receive. The complex and negotiated terrain of imprisonment which is reflected on in the writings of Ben Crewe (2005; 2006; 2007) and Bosworth & Carrabine (2001) highlights a prison's social anatomy as a place where, in certain places and spaces, prisoners may not feel 'safe'. Thus, possibilities for self-expression may be limited. We posit that if a prisoner does not feel able to voice their opinions and views, how far can the rhetoric of citizenship, responsibility and, indeed, the reducing re-offending agenda go?

This article builds principally on the work of Faulkner & Crewe to provide a framework for our understanding of prisoner citizenship. We draw predominantly on our experiences of empirical contract research to explore the potential of the arts, media and innovative projects in prison to enable collective or an individual mediated 'voice' for prisoner engagement in debates about rehabilitation. A central tenet of the Green Paper is a government commitment to adopting new and innovative approaches to improve opportunities for rehabilitation by making punishments more effective to reduce re-offending (Ministry of Justice, 2011). Minister Crispin Blunt has claimed that by addressing this overriding objective, 'a safer, more responsible society' (Blunt, 2011) will result. He also highlighted past failures in this regard, underlining the commitment to it being 'time for a new direction to be taken' (ibid). Chapters Two and Six of the Green Paper are particularly pertinent with regard to the discussions set out in this paper as they outline the current government's plans to rehabilitate 'offenders' and work with communities to address crime reduction.

This is not to say that there is not a continuation of some of the rhetoric and practice associated with prior governments. We have indeed seen attempted reform of the management of offenders, stemming from Lord Carter's review (Carter, 2003; the government's response, Blunkett, 2004), which called for a more holistic approach based on individual need and resulted in the creation of the National Offender Management Service (NOMS) as a 'strategic integrator' (Williams, 2010: 10). The coalition government has introduced a new Chief Executive of NOMS and a new leadership team, whose key aim is to achieve a 'Rehabilitation Revolution' utilising a mixed economy model to address it's main principles of reducing re-offending and providing value for money (ibid; Ministry of Justice, 2011). In the custodial sector, we have seen the introduction of individually tailored sentence plans, viewed as the beginning of a more 'offender centric' system (Williams, 2010: 31).

Indeed, one could argue that including prisoner's views, or at least consulting with them on the development of the 'Rehabilitation Revolution,' is in line with the government aim
of placing service users at the heart of public service commissioning and delivery (House of Commons, 2011; Turner & Beresford, 2005; McGowan, 2010). However, it remains to be seen as to how Social Impact Bonds (SIBs), such as the St Giles Trust pre and post release work at Peterborough Prison, will embrace service user perceptions of preferred 'outputs' and 'outcomes' (on the definitions of the two see Crawford, 1999; on HMP Peterborough see Ministry of Justice, 2010).

A number of commentators and practitioners argue that much could be gained from including the views of offenders in service planning. To paraphrase Martin (2008), they will tell you that a primary issue for them in reducing re-offending is to change their attitude towards crime, offending and themselves - give them hope that is achievable - for them to believe in their own ability to lead a different life and see their own potential for doing things differently and interacting with the world in a different way than they did before. This concept is not too far removed from that of the Big Society and Rehabilitation Revolution idiom. Yet certain aspects of reforms and innovation pointed to in the Green Paper, namely the role of Social Impact Bonds and the introduction of a 'working week' in prisons, have roots that penetrate deeper than the policies of the current administration (Barclay, 2010; also Mulgan, Reeder, Aylott & Bo'sher, 2010; Regeneration and Renewal, 2010; see also House of Commons Home Affairs Select committee on the rehabilitation of offenders, 2005). This paper highlights potential benefits of supporting prisoners' participation in civic society, engages with the implications for the 'types' of intervention that could support offender engagement in civic society and highlights potential barriers to the inclusive impulse at the centre of this approach.

**Defining the 'prisoner as citizen': towards the inclusion of prisoner voices in civic society**

Let us begin with a set of 'truisms' concerning the general prison population. The Social Exclusion Unit's ageing but nonetheless still relevant report, 'Reducing Re-offending by Ex-Prisoners' (2002), with its gamut of statistical information on prisoner needs in comparison to the 'general' population, painted a picture of the prison population being predominantly from socially excluded sections of society. It describes a population characterised by a lack of participation in economic opportunities, disproportionate levels of mental and physical ill health and substance abuse, with experiences of barriers to educational achievement, employment, housing, and a general marginalisation from 'mainstream' society (as literature on the resettlement of prisoners identifies, including BME (Black and Minority Ethnic) populations, Hucklesby & Hagley-Dickinson, 2007; and Crow, 2006; on older prisoners see Crawley, 2004; 2005; Crawley & Sparks, 2005; 2006). In the Green Paper (Chapter Two) there is an assurance that 'offenders' will face a coordinated response requiring them to tackle the problems which cause their offending. However, the author's posit that, given the truisms noted above, this proposed increase in social responsibility (also enshrined the government's Big Society agenda) should therefore reopen a debate concerning the potential of including the prisoner 'voice', as service users in this consultation.
Briefly, we now return to some of the themes of David Faulkner's (2002) 'Prisoners as Citizens' publication. Faulkner's vision of citizenship seemed to mirror social contract theory with its emphasis on rights and responsibilities, which in turn was congruent with the New Labour government's rhetoric of reaffirming citizenship values. For Faulkner:

*A citizen is more than a bearer of rights. Citizens also have duties and responsibilities - obviously to obey the law, but to also play a part in society, to support themselves and their dependants, to show consideration for others, to be a good neighbour, and to have some concern for those who are vulnerable or disadvantaged, to support the institutions and legitimate authority of the state and to hold those institutions to account. These are responsibilities from which prisoners are largely absolved - sometimes necessarily, but often not.* (ibid: 13)

Whilst it is recognised that the definition might be challenged it is not the purpose or scope of this paper to undertake such an investigation. Instead, we explore the potential for facilitating prisoner citizenship in line with Faulkner's definition, which can be seen as being partly supported by the then Labour government and subsequent administrations, including the current Conservative/Liberal Democrat coalition.

Although Faulkner acknowledges prisoners' status as citizens can be diminished as a result of their rights and liberty being restricted, he also more positively identified some real opportunities where prisoners' citizenship might be encouraged. At the time of Faulkner's original article, the right of prisoners to vote in the UK had created much interest, due to the integration of the European Convention on Human Rights into domestic law, as a result of the Human Rights Act 1998 (ibid). However, nearly a decade on from his publication, this issue remains contentious. Indeed, this issue became reinvigorated to a certain extent with the recent change of government (see Stratton, 2011). However, it is questionable as to what degree the 'Big Society' vision is in synch with advancing prisoner rights, and how far this might extend within and across the prisoner population. Arguments ranged from providing the right to vote for prisoners serving sentences of less than four years, to questions over politicians' motivations for 'giv[ing] muggers and sex offenders the vote' (ibid, news article). This latter view predominated, resulting in a cross party motion from the House of Commons for a blanket ban on any prisoners having the right to vote (see Watt & Travis, 2011).

However, human rights, and the right to vote specifically, are not the only area identified by Faulkner where citizen status can be realised. Agendas such as that of 'decency' under the leadership of Martin Narey, former Director General of the Prison Service, and likewise the role of 'legitimacy' explored by commentators such as Sparks, Bottoms and Hay (see Faulkner, 2002) are given. To this it is possible to add that ideas of 'humane containment' and 'positive custody' as also providing opportunities to decrease the gap between the prison/prisoners and society/citizens dichotomy (see Stone, 1985; on 'humane containment' see Morgan, 2002).
A number of these opportunities, such as the latter two, however, lost their potential impact during the 1980s, 'as a result of subsequent managerialist initiatives' (Morgan, 2002: 1124). Indeed, it is stated that the 'humane containment' agenda barely attracted fleeting attention from the then Director General (Stone, 1985). Nonetheless, they collectively show that at a policy and strategic level there has been, and still are, avenues in which prisoner's rights and status as citizens can be pursued. For Faulkner this lies in two main aspects. First, the responsibility to aid reform and resettlement, in a way that supports personal responsibility in engagement in reducing re-offending initiatives. Second, is to see such aims as a matter of civic duty towards increasing social inclusion.

The underpinning ideology of the current administration's idea(s) of 'Big Society' and some of the policies for criminal justice reform included in the recent Green Paper are in line with such thinking. Hence, to say ideas such as 'humane containment' and 'positive custody' have had fleeting attention might be an overstatement (on the 'decency' agenda see Liebling, 2004). Potential variables which might be used to measure or indicate prisons, and/or society in general, treating prisoners as citizens have been contentious, but include: the ability of prisoners to make choices on how they spend their time in prison (e.g. education, training and employment and offending-behaviour programs); the ability to retain personal identity (such as prisoners being able to wear their own clothes); and the way prisoners and staff talk to each other (see Faulkner, 2002).

The ways in which disputes are resolved are also referenced as an indicator. Although the problematic nature of measuring citizenship does not seem to hold as much precedence in this work as one might have expected. Liebling (2004) has shown that 'hard to measure' variables reflecting life in prisons can be challenging but are achievable. We might learn from Measuring the Quality of Prisoner Life (MQPL) work that we can and, perhaps, should look at capturing prisoner's experiences more qualitatively. Work that has been undertaken in the women's prison estate also seems to support this assertion through innovative work employing 'peer researchers' (O'Keeffe, 2003; 2004). The example of 'peer researchers'; where prisoners themselves are recruited as researchers who engage with their counterparts and collect data, conducting interviews or focus groups for example, link effectively to the following sections of this article.

**Situating citizen status - power, resistance and identity**

Aside from reaffirming that negotiations of power in prison are complex the quote also points to a need to contextualise such relations. Crewe (2005; 2006; 2007) notes that in particular places and with particular people within prison environments different representations of power, and therefore citizen status, may be elicited:

*While Liebling has charted the last 20 years of UK prison policy and organization, and others have theorized the reconfigurations of penal power entailed by managerialism and associated changes in techniques of governance (e.g. Garland 1997), we have little empirical evidence of how power is manifested and reconstituted on the prison landings.* (Crewe, 2007: 256)
The first example is that of the 'space' and context of prison visits. In a medium security prison, Crewe observed that prisoners were able to show more open displays of affection towards their visitors, which were comparatively rare on the wings of the prison. Pottery and art classes were often used to make goods 'often depicting romantic scenes or conveying emotion openly' (2006: 402). Similarly, there were different relations observed with male prisoner interaction with female prison officers. The impact of these and many other factors can be important influences which may affect how prisoners (re)present their ideas of being a citizen (Crewe, 2005) and encounter and engage 'power' whilst imprisoned. Building on these observations it is possible to surmise the conceptualisation of the 'citizen' may be contested and, hence, more fluid akin to others commentary on 'resistance' and 'power' relations in prisons (Bosworth & Carrabine, 2001).

Bosworth & Carrabine's use of 'resistance' is purposeful yet, at the same time, it incorporates a variety of actions from 'riots' to more individualised, localised, interactions where constructions of identity around gender, 'race' and sexuality issues take place. The main implication of the work of Crewe (2005; 2006; 2007) and Bosworth & Carrabine (2001) to our debate is how they contribute to how we think about the 'micro politics' of prison life and in turn situate these within the larger, although not uncontested, political landscape of central government criminal justice policy (and broader policy for that matter). Bearing this in mind, we move to reflect on our experiences of researching a variety of rehabilitation and 'resettlement' activities and services in prisons.

**Setting the scene: evaluation work in prisons**

The subsequent section in this article draws on the experiences of the authors in work undertaken by the Hallam Centre for Community Justice, a comparatively small research centre based in Sheffield Hallam University in the United Kingdom. The Centre client base ranges from government departments, such as the Department for Work and Pensions and the Ministry of Justice, through to private sector agencies, national organisations and small local voluntary sector agencies. One author was employed as a Researcher in the Centre and formerly as a research student funded by the Centre and HM Prison Service: Yorkshire and Humberside, the focus of his work being partnership activity in four male prisons in the area of 'resettlement' (Bird, 2007). The other is a Research Fellow with extensive experience of undertaking research in prisons generally, but who has specifically worked on evaluations of voluntary and community sector (VCS) led services and activities in the fields of the arts and media in prison.

Collectively, we posit that there are common themes that emanate from these strands of work, especially those that engage or are led by the VCS. It is no coincidence that the projects here happen to be led by, and involve stakeholders, in the VCS sector. Overall, the projects that have been the subject of the aforementioned research activity are not necessarily concordant to, or part of, some prison's 'core' regime activity.

Commentators have noted the appeal of VCS agencies and their ability to develop specialist, service-user-focussed and 'community-based' work (Senior, 2004). Our research is concordant with these findings and it is partly because of these reasons that such work – be they taking the forms of nurturing creative writing prisoners participation
in media production, such as that experienced by the Prison Radio Association, or 'peer-inspired' learning, such as the Toe-By-Toe scheme - reaffirms the importance of what we term relative safety. Preference for this term takes account of the observations made by Crewe which we have already touched upon in this paper. Certain prison contexts – meaning space and people as well as place – and forms of engagement facilitate prisoner confidence to express their 'self'; be this in the forms of resistance which Bosworth & Carrabine (2001) point to, or shows of emotion or constructions and appropriations of rights and responsibilities (see on the former Crewe 2006; 2007). Emphasising the relative character of 'safety' negates ideas of fixed, absolute, states and total 'actual safety'. Before going into depth about the facets of these activities and how they relate to prisoners status as citizens, a summary of the projects is provided below to provide the overall context of our findings.

**Evaluated projects: an overview**

**The Inside Job at HMP Downview**

The Inside Job at HMP Downview is a Media for Development (MFD) Project, based in a multi-media centre within the prison walls, set up an offender-led TV station, delivering accredited television and radio production training courses. Now re-named, the Media House at HMP Downview opened in April 2006 and provides both training and work experience to the women serving their sentences within the prison. Trainees at the House produce a bi-weekly TV show covering all aspects of prison life. Women serving sentences up to two years or less are taken on as BTEC students, successful graduates are offered a Broadcast Unit Graduate post to produce the ongoing media content for the prison and those whose Prison Licence allows for it can apply for a traineeship at MFD offices in London (for further details see Wilkinson & Nandi, 2009).

**The activities of the Prison Radio Association**

Over a three year period, the activities of the Prison Radio Association (PRA) evolved through delivering a two week taster course in radio production in prisons across the West Midlands, to providing prisons with a support package to set up their own radio stations and rolling out the National Prison Radio service in partnership with NOMS as well as hosting an Annual National Prison Radio Conference. The PRA is an educational charity for 'offenders' set up to contribute to the reduction of re-offending by capitalising on the opportunity prison radio provides for a unique and innovative vehicle to engage offenders in education; particularly those hard to reach 'offenders' disenfranchised by 'traditional' or 'mainstream' forms of education.

The evaluation methodologies employed were diverse in order to reflect the changing activities of the PRA, however a key component throughout the three years was to ensure prisoner’s views on the development of these prison radio projects were collated. This aim was met through interviews with Prison Radio Learners, Graduates and Radio Listeners over the three year timescale of this evaluation (see Wilkinson & Davidson, 2008; 2009; 2010a).
The DoVeS Counselling Service at HMP Doncaster

In 2005, as a result of a partnership between Doncaster Domestic Violence Working Party, Doncaster Rape and Sexual Assault Counselling Centre and HMP Doncaster, with set up funding provided by the Tudor Trust and Lloyds TSB, a two year counselling service pilot was established to work with men who had experience of domestic violence. In reality, the service users were men who had been affected by their exposure to acts of domestic violence as young children. Prisoners with domestic violence as an index offence were excluded from the service. The Person Centred Approach focuses on facilitating, strengthening and expanding the client’s identity, whilst ensuring independent thinking and acting. A person centred counselling environment is characterised by trust, confidentiality and safety, where clients encounter themselves. Clients are treated as expert in their own lives and are supported to take responsibility for themselves and their actions. A key aspect of this service provision aimed to improve the quality of life of prisoner service users, ultimately leading to a positive impact on their re-offending.

The evaluation team interviewed over 40 service users over a two year period (Wilkinson & O’Keeffe, 2006; also see Wilkinson & Flintoff, 2008), once on beginning the counselling sessions and again on completion. In 2009, five men who had accessed the service in 2006 agreed to follow up interviews with research staff in the community. This follow-up Doncaster Desistance Study used a Life History Interview approach to examining trajectories of desistance in this small sample (Wilkinson, 2009).

The Breakthrough BME Prison In-Reach Project

The Breakthrough Prison In-Reach service, provided by the community-based Breakthrough-Sheffield Multi-Ethnic Drugs Service, was initiated in HMP/YOI Doncaster in August 2008 to provide a BME specific pathway to offenders in custody through to aftercare release. This project was launched in response to increasing concerns throughout the Criminal Justice sector that despite the continuing over-representation of BME offenders in the Criminal Justice System (CJS) (Race for Justice, 2008), the system still fails to meet their needs, both while in custody and once released (Commission for Racial Equality, 2003; Equality and Human Rights Commission, 2010; Department of Health, 2009). The Senior Management team at HMP/YOI Doncaster were aware of the lack of uptake of prison-based services from BME offenders at their establishment. The Breakthrough Prison In-Reach Service is a needs-led drugs service which was introduced as a holistic signposting service which operates to support continued service engagement and pre-release support. The evaluation fieldwork consisted of two focus groups with BME service users, strategic interviews with key stakeholders and an analysis of the Breakthrough Prison In-Reach contact database (Wilkinson & Davidson, 2010b).

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2 The Life History Interview approach involves supporting offenders to tell the stories of their own lives and allowing them to situate their interpretations of significant events. This approach is based on McAdams, 1997, Life Story Narrative Framework. Shadd Maruna also based his methodological framework on McAdams ideas in his Liverpool Desistance Study (2001) Making Good: How Ex-Convicts Reform and Rebuild Their Lives. Washington, DC: American Psychological Association Books.
The Shannon Trust West Midlands Reading Network

The West Midlands Reading Network was initiated in January 2008 with funding provided by The Paul Hamlyn Foundation, to support the delivery of the peer-mentor Toe-By-Toe reading scheme in Youth Offending Institutions (YOIs). A system is devised that fits in with the regime of the establishment whereby Mentors can be unlocked from their cells to spend 20 minutes a day with a Learner. With the support of a Mentor, the Learner works through the Toe-by-Toe Reading Manual. This three year pilot project was designed to engage more young offenders by offering them the opportunity to improve their skills throughout their time in custody and immediately on their release into the community.

The evaluation focus was on the performance of the network; however views on the scheme were elicited from Toe-By-Toe Mentors and Learners across five YOIs in the West Midland's through a Questionnaire Feedback Form. The aim of this activity was to ensure that beneficiaries of the Toe-By-Toe initiative were able to feed into the evaluation process. Returns, however, were low; of the aimed-for total of 25 completed questionnaires from Mentors and 25 completed questionnaires from Learners across the five YOIs, the evaluation team received 27 from Learners and four Mentor feedback questionnaires. For further details see Wilkinson & Davidson (2010c).

The Writers in Prison Network

The Writers in Prison Network (WiPN) was appointed by the Arts Council in April 1998 to administer the Writers in Residence in Prison Scheme, where a Creative Writer is hosted by a prison and their remit is to facilitate offender’s engagement with creative writing in many diverse ways. WiPN is designed to be a comprehensive administration and support agency set up to support the needs of hosting prisons, the Writers in Residence and offenders. This evaluation is ongoing, however, one of the authors has conducted evaluation visits to three different prison sites capturing the impacts of three WiPN Special Projects (projects developed by a Writer in Residency and continued post Residency, and/or rolled out to other sites), from which rich qualitative data has been collected from serving offenders engaging with these Special Projects. The final report is scheduled for December 2011.

Drawing the threads together:

What can we gain by conducting a kind of 'proxy meta-analysis' of these diverse projects in prisons which are led by the VCS? The following section of this paper highlights what these seemingly diverse projects have in common in terms of how they endorse the notion of prisoners as citizens. We present three key themes which we see as emanating from all of the projects which have just been summarised. These projects have all provided new, non-traditional and often innovative ways to 'hook in' prisoners to engage with educational experiences. These projects have, by and large, offered a different but broadly educationally based experience for prisoners who can be described as hard-to-reach in terms of their general lack of engagement in wider services provided by the prison. We posit that the themes we identify are in accordance with characteristics of some of the values which are constitutive of the definition of a citizen which this paper has drawn on. In turn we now seek to highlight these themes.
**Theme one: increasing self-confidence and a sense of self worth**

Prisoners accessing these projects reported a sense of pride in their efforts being acknowledged by prison staff. These feelings were also reflected as it was felt that other prisoners gave them respect for their successful engagement. Prisoners engaging in prison radio projects reported being inundated by questions from their peers regarding what they had been up to during their sessions. The female prisoners engaging with the Media House reported their delight when treated with increasing interest and respect by staff and their peers when developing shows, like the prison-version of the popular televised talent show, 'X factor'.

Prisoners who had accessed some of the projects evaluated reported finding having the opportunity to feed into the developments of these projects as extremely rewarding. Prisoner feedback was sought through a variety of means in each project, such as formal consultation meetings, from being part of the team that develops and designs audio and visual material and from being included in the more formal and external evaluations of the projects they were involved in. Prisoners reported to the authors that they found that being asked their opinion was a genuinely powerful experience, particularly when their views were being sought out by members of staff. One specific example that comes to mind is the significant impact prisoners reported when they were exposed to being in the interviewer's chair when recording interviews with those perceived as more 'powerful' people, like the Senior Management Staff at their prison. Prisoners reflected that as long as they spoke respectfully to their interviewees, they knew their questions would be answered and reported coming away from the whole experience as being more sympathetic to the restraints under which Senior Management Teams (SMT) operate. Further, when a member of the SMT was interviewed, each prison wing was canvassed to collate other prisoner's questions. The prisoner interviewers reported that they felt a sense of obligation and responsibility for representing their peers in this situation.

Prisoners studying the radio production course began to think about the prison radio as operating in many important areas involving the welfare of those in custody. First, that prison radio was cited as an opportunity to communicate information to the whole of the prison population. Second, that being able to listen to radio programmes produced by prisoners would ease the often isolating experience of a custodial sentence. Third, prison radio had the capacity to provide audio to inspire changes in behaviour through slots, like 'True Stories', where (ex)offenders who have gone on and made a success of their lives were interviewed. This showed that for their peer-group, change was possible. Indeed, the overriding view reported by prisoners was that the development of the National Prison Radio Scheme was important for all prisoners, simply because it gave them a voice.

**Theme two: engaging communitarian responsibility**

Engagement in these projects resulted in prisoners, to greater or lesser a degree, reporting that they had gained in confidence and self-esteem and they felt that their skills-base had improved along with their communication and social skills. Most significantly, they reported the whole experience as being a positive instructive experience that each was keen to repeat, thus often facilitating their increasing engagement with other, often
more traditional educational experiences and services offered within the prison education, post project engagement.

The evaluation team observed some of the audio planning and design meetings the Radio Learners engaged with. Topics for these sessions were varied, however, during one victim-focussed session; one prisoner commented that as a drug dealer, he 'had no victims'. His peers in the group vigorously engaged with this, politely but forcefully explaining the vacuous nature of that comment. The facilitator stood by and did not intervene, as the prisoner peer group challenged their counterpart's belief. This transformative potential of focus group settings has also been documented by Fong Chui (2003).

Prisoners accessing the services described here also reflected on their increasing sense of responsibility towards others during their engagement with these projects. For Toe-by-Toe Mentors, Media House Broadcast Unit Graduates and Radio Production Graduates, motives for continued engagement were primarily focussed on a desire to help other prisoners and to give something back. For Prison Radio Learners, this sense of responsibility for others took the form of ensuring that their radio production was informative and factually correct for those entering prison for the first time. Even with regard to accessing the one-to-one person-centred counselling service, which was confidential, the prisoners accessing it often self-disclosed to fellow prisoners who they felt could benefit from accessing the service, by telling them how much the service had helped them. Similarly one of the authors has recently been involved in a research project looking into diversity in a high security prison which has a focus on those who have committed sex offences. During the research prisoners were extremely proactive in helping senior researchers create and develop a survey which would try and capture the views of prisoners on a particular wing of the prison. Amongst focus group activity prisoners also enthusiastically took part in tasks, and completed 'home work' (see Cowburn & Lavis with Bird, 2010).

**Theme three: holistic importance**

The projects described here share a clear person-centred approach to prisoners' social reintegration and desistance from crime. On the latter, The Doncaster Desistance Study (Wilkinson, 2009) particularly has highlighted this complex journey and process of reframing the concept of the self as one not engaging in criminal activity which is highlighted in the broader desistence literature (for example, Maruna, 2001). This contrasts to some degree with the offence and behaviour focussed prison regimes and programmes. The more holistic approach epitomised by the projects evaluated here could be contrasted as treating the person, not the offending behaviour. Indeed, the researchers were left with the impression that offending behaviour was addressed almost as an inevitable bi-product of the prisoner's engagement with these projects.

A powerful example of this was observed during a focus group with prisoners who had engaged with a Writer in Prison Talking Shop project. The prisoners were provided with reading material and met once a week for a session where their thoughts on the literature, speech or poem were sought. Basically, to paraphrase the offender's
description of the impact on themselves of attending this group, they felt they had learned more about themselves and their offending behaviour from attending this group in comparison to their Offending Behaviour Programmes at the prison. The men attending the sessions described how they had historically found it difficult to express emotion, and they talked about the different side to their character they felt they had to show in the exercise yard for example, in contrast to the group where they felt they could discuss and engage with issues, such as how it feels to be men, in an open and honest way and felt safe enough to be vulnerable. They also felt the experience had provided them with the opportunity to practice their social skills, including learning to listen to different and often opposing views, learning to settle disputes and diffuse conflict through listening to other people, the men describing this as being the best way to go.

Despite this apparent contrast with the offence and behaviour focussed prison regimes and programmes, it is possible for the two to coexist. Simultaneously providing rehabilitation treatment along with providing individuals with a developing sense of reintegration into society - that increasing opportunities for citizenship can offer - can help to support and sustain desistance from criminal behaviour (see, Haggard, Gumpert & Gann, 2001; Maruna, 2001).

**Conclusion**

Our argument posits that prisoners could be included in the Big Society vision and treated as citizens, as part of our Big Society where, although they have had their liberty removed, opportunities for (re)acquisition of their responsibilities and rights can remain integral to their reintegration into society - that increasing opportunities for citizenship can offer. In this way, the community of prisoners can become part of and, in some part, responsible for being part of defining the 'solution' as much as the 'problem'. If we accept the truism that the majority of prisoners are socially excluded, we believe that during imprisonment there are, nonetheless, opportunities to bring them into civic society, rather than reinforce and indeed extend their exclusion from it.

At the crux of our suggestion is that person-centred, holistic activity can engage prisoners in challenging 'offending behaviour' to which focussed activity would initially be resisted. Moreover, within the brief thematic narrative of some key findings from small-scale evaluation work, we have sought to show how such activities can, potentially, contribute to facilitating behavioural and personal-change conducive to reductions in re-offending. Here, the VCS have a role in providing such opportunities that is of importance when considering a potentially mixed economy of providers like that envisaged in the Green Paper. The concern of both of the authors is that 'Payment by Results approaches', such as that currently being explored in Peterborough prison with the St Giles Trust and short-term prisoners, will be overly restrictive in how they conceptualise 'results' – the example used here would be the emphasis on one-year reconviction rates. It is of concern that the 'Rehabilitation Revolution', with its focus on a working week in prisons and pseudomedico efforts at prisoner rehabilitation, combined with constractive 'Payment by Results' will effectively undermine the examples of meaningful work with prisoners mentioned
here (and see creative arts projects contributions to reductions in re-offending, James, 2010).

This article has shown that certain agencies, activities, spaces and individuals can have wider implications for the prison environment. These variables are of importance for informing how prisoners may feel safer in emphasising their citizen status and adopt 'pro-social' characteristics. For example, during the Breakthrough Prison In-Reach project evaluation, through utilising a tailored sign posting service, the numbers of prisoners from BME communities engaging with mainstream drugs services rose (Wilkinson & Davidson, 2010b). If we are serious about changing offenders' attitudes towards crime, we could choose to be truly revolutionary by providing opportunities for them which offer hope and belief in their own ability to lead a different life. We believe that it is here that the real opportunities to assist their journey towards tackling the problems which cause their offending lie (paraphrasing the Green Paper, Chapter Two). Indeed, by providing innovative and holistic creative experiences alongside offending focussed activities, we are addressing offenders who have offended, but that do not have to have to be defined solely by their offending behaviour. We need to open the debate regarding providing innovative, person-centred opportunities for offenders to experience themselves and their own lives in a way which enhances social inclusion and supports ownership and responsibility for their own pathway to rehabilitation.

Drawing on the work of others, such as Crewe and Bosworth & Carrabine, we have shown the highly complex ways in which 'citizen' status may be manifested, moulded and expressed in particular settings. Against the 'Rehabilitative Revolution' is a degree of resistance to the idea of prisoners as citizens, and despite there still being opportunities for self expression, there is cross-party and front bench cabinet reluctance to give prisoners the right to vote. This might be symbolic of a deeper reticence to consider opportunities for prisoner reintegration (Lyon, 2011). These issues are particularly significant given that three of the voluntary and community sector projects mentioned here have had their funding cut in the early summer of 2011 and are no longer operating. It is here were we levy the charge that the truly 'revolutionary' capability of the government's proposals is undermined.

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THE DEVELOPMENT OF WORKING PRISONS:
TRANSFORMING INMATES FROM THE
LUMPENPROLETARIAT TO THE CONTINGENT
WORKFORCE?
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Abstract Policy-makers are currently seeking to transform prison regimes so that they prepare prisoners for the labour market. However, this article shows that the alleged poor work ethic of prisoners has traditionally been viewed as a key element in their classification as the 'undeserving poor' and that economic transformation has relegated many to the margins of the labour force. This raises important questions about the role of prison in the post-industrial labour market. The author argues that prison simultaneously houses the growing surplus population resulting from capital's unceasing drive for profit and becomes a lucrative new market which has transformed some prisoners into an economic resource.

Keywords Prisons, inmates, employment.

Introduction The 2010 Green Paper 'Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders' seeks to transform prison regimes so that they prepare prisoners for the labour market. This is a key part of a package of sentencing and rehabilitation measures which promise a 'rehabilitation revolution'. 'Prison should be a place where work itself is central to the regime, where offenders learn vocational skills in environments organised to replicate as far as practical and appropriate, real working conditions' (Ministry of Justice, 2010: 15). The development of a new type of prison - the 'working prison'- is signalled to achieve this transformation. The defining features of which will include:

- the regime and core day will be focused around enabling work;
- prisoners will work a full working week of up to 40 hours;
- education will be geared primarily to providing skills to perform work effectively and will increase the ability to get a job on release.
However, the present article shows that the alleged poor work ethic of prisoners has traditionally been viewed as a key element in their classification as the 'undeserving poor'. It then draws upon a series of in-depth interviews undertaken by the author with male prisoners at HMP Lindholme and HMP & YOI Doncaster to discuss the impact of economic transformation on their employment prospects and financial behaviour. The findings do not relate to women prisoners, whose work is often predominantly in the home in a variety of caring roles. The author argues that many male ex-prisoners have been relegated to the margins of the labour force where they spend much of their working lives in the underground economy undertaking both illegal (criminal) and otherwise legal (but undeclared) activity. The remoteness of many from the formal labour market is mirrored by their alienation from mainstream financial services. It is salient to note that most interviewees were white and that those from Black and Minority Ethnic backgrounds may be further disadvantaged in the labour market.

This raises important questions about the role of prison in the post-industrial labour market and how the renewed efforts of policy-makers to develop working prisons should be conceptualised. The author argues that the development of working prisons allows policy-makers to simultaneously demonstrate that they are serious about both rehabilitating and punishing offenders. Moreover, the prison performs two key roles in the post-industrial labour market. First, it houses the growing surplus population resulting from capital’s unceasing drive for profit and the ascendancy of neoliberalism. Second, prison has become a lucrative new market which has transformed some prisoners into an economic resource.

**Prisoners and the work ethic**

The perceived poor work ethic of prisoners and their potential to contaminate the 'respectable working class' has meant that they have been classified as the 'undeserving' poor. Marx & Engels (1970) regarded unemployable workers, paupers and criminals as constituting the lumpenproletariat or 'rabble proletariat'. Members lacked class identity and could act as 'bribed tools of reactionary intrigue'. Mayhew (1861; cited in Dean & Taylor-Gooby, 1992) defined the 'non-working class' as comprising individuals with physical defects, mental/intellectual defects, and moral defects. The 'dishonest poor' included criminals whose behaviour, values and rejection of work were distinguishing features. Similarly, Booth (1887; cited in Dean & Taylor-Gooby, 1992) divided the residuum into 'loafers' or the 'vicious and semi-criminal' and the 'feckless' and improvident.

The rediscovery of poverty as a social problem in the 1960s led to the resurrection of notions such as the 'residuum' or 'underclass', which were again negatively defined according to the criteria of productive work. 'If illegitimate births are the leading indicator of an underclass and violent crimes a proxy measure of its development, the definitive proof that an underclass has arrived is that large numbers of young, healthy, low-income males choose not to take jobs' (Murray, 1990: 17). Yet Myrdal (1963) originally coined the term to describe the social impact of the development of the post-industrial economy, which would require fewer workers. Gans (1996) has also highlighted the risk that offenders may be transformed into an 'undercaste'. The latter being defined as 'a
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population of such low status as to be shunned by the rest of society, with opportunities for[...]upward mobility even more limited than those of the people today described as a underclass' (Gans, 1996: 151). It is the acquisition of a criminal record that 'can be used to assign them to a 'criminal undercaste' (Gans, 1996: 151).

However, the concept was rapidly transformed into a behavioural one. It came to refer to the poor who behaved in deviant ways. Theorists such as Auletta, Banfield and Murray identified the existence of a culturally deprived minority of the dependant and the delinquent. Auletta’s (1982) taxonomy of the poor included both the dependant in the guise of the 'passive poor' and the delinquent, including 'hostile street criminals' and 'hustlers', who earned their livelihood in the underground economy. Similarly, Murray (1990) has argued that the criminal is the classic member of the underclass. Drug taking, illegitimacy, inability to hold down a job, truancy and casual violence are seen as key defining features. Parenti (1999) has argued that a brutalising US prison regime helps create a 'predator class', which drives poor communities into the arms of the state, seeking protection.

The transformation of the employment prospects and financial behaviour of ex-prisoners

The advent of the post-industrial economy has led to profound changes in the nature of work. Every developed country has seen changes in the amount and type of employment, notably the rise in low-paid work, in part-time and flexible employment, and in the growth of the informal economy (Gans, 1996). The present article explores the impact of economic transformation on male ex-prisoners. It draws upon a series of in-depth interviews conducted by the author with prisoners as part of the evaluation of two pre-release interventions (see Table 1).

Table 1: Key details of the prison-based interventions

<table>
<thead>
<tr>
<th>Vocational training project</th>
<th>Financial capability training</th>
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</thead>
<tbody>
<tr>
<td>Category C prison located in South Yorkshire.</td>
<td>Category B privately managed local prison located in South Yorkshire.</td>
</tr>
<tr>
<td>The intervention sought to prepare participants for construction work.</td>
<td>A short course that sought to improve financial capability skills.</td>
</tr>
<tr>
<td>Seven pre-release interviews and five post-release interviews were undertaken.</td>
<td>Five pre-release interviews were conducted face-to-face.</td>
</tr>
<tr>
<td>All interviewees were white and aged between 23 and 40 years. They were serving custodial sentences ranging from two to four years.</td>
<td>All, except one interviewee, were white and aged between 18 and 21 years. They were serving custodial sentences which ranged from six months to two years.</td>
</tr>
</tbody>
</table>

N.B. Category B - suitable for closed but not high security conditions; Category C - not yet suitable for open conditions.
Deindustrialisation and the growing service intensity of the economy have led to the demise of the male dominated, low-skilled manual work traditionally sought by offenders. Those released from prison into the UK labour market of the late 1960s could, for example, expect to find stable employment in manufacturing and construction. Martin & Webster (1971: 147) found that the possession of a criminal record was an 'inconvenience, but not a major obstacle to finding a job'. A third of offenders found their first post-release job in the civil engineering and building industry and a further one fifth in manufacturing and extraction. Most undertook manual work. Martin & Webster (1971) established that nearly four in ten and one in four had experience in semi-skilled or unskilled manual and casual work respectively. Similarly, Soothill (1974) found that just four of the 190 individuals who had interviews arranged by a job-placing service for ex-prisoners were in non-manual occupations.

Many of those seeking such jobs in the post-industrial labour market have had to adjust to the new realities of stagnant wages, underemployment and generalised insecurity. The spread of day labour and other forms of low-wage contingent employment has been a key development. In the US, 60% of all new jobs were contingent by 1995, i.e. part-time, temporary or home-work (Harris, 1999: 28). Theodore (2003: 1,812) describes the situation in Chicago: 'each day, tens of thousands of workers are dispatched by day labour agencies[...]where they are employed as assemblers, hand packers, material movers, machine operators, meat packers and in other manual-labour occupations'. They are predominantly drawn from segments of the labour force where low-wage employment has been the norm, i.e. inner-city residents, recent immigrants and welfare recipients. The spread of contingent work has pursued a path of least resistance, destabilising and undermining the already difficult conditions in low-wage labour markets (Theodore, 2003).

Low-level service jobs present another route into work, yet the skills required are fundamentally different from those demanded for manufacturing employment. Hogarth & Wilson (2001) have found that the demand for physical and technical skills has been superseded by the requirement for interpersonal and customer handling skills. This is because the service sector involves the exchange of intangibles, such as information, and is dependant on a social relationship between the producer and consumer of the service (McDowell, 2003). 'Interactive service work', which involves face-to-face or voice-to-voice contact, makes use of the workers' looks personalities and emotions as well as their physical and intellectual capacities. Consequently, the embodied performance is effectively part of the 'product' that is 'sold' to the customer (Lash & Urry, 1994). Tyler & Taylor (1998) have shown that this is a gendered form of labour, with employers preferring women in service roles.

Prisoners have a number of characteristics which place them at a distinct disadvantage in the post-industrial labour market. They are much more likely than the general population to have been excluded from school, suffer from mental illness, have drug or alcohol problems, and possess few educational and vocational qualifications (see Table 2). Virtually all of those interviewed at the two prisons had drug problems prior to custody and some were former drug dealers. A 39-year old confided that: 'all I knew before
[participating in the vocational training project] was how to sell drugs'. Several were former heroin users and were being prescribed replacement medication during their incarceration. Drug taking often extended to family and friends.

Table 2: The social characteristics of prisoners

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>General population</th>
<th>Prison population</th>
</tr>
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<tbody>
<tr>
<td>Regular truant from school</td>
<td>3%</td>
<td>30%</td>
</tr>
<tr>
<td>Excluded from school</td>
<td>1%</td>
<td>49%</td>
</tr>
<tr>
<td>Reading at or below Level 1 (level expected of an 11-year old)</td>
<td>16%</td>
<td>37%</td>
</tr>
<tr>
<td>No qualifications</td>
<td>15%</td>
<td>52% men and 71% of women</td>
</tr>
<tr>
<td>Suffer from two or more mental disorders</td>
<td>5% of men and 2% of women</td>
<td>72% of men and 70% of women</td>
</tr>
<tr>
<td>Drug use in previous year</td>
<td>13% of men and 8% of women</td>
<td>66% of men and 55% of women</td>
</tr>
<tr>
<td>Hazardous drinking</td>
<td>38% of men and 15% of women</td>
<td>63% of men and 39% of women</td>
</tr>
<tr>
<td>Homeless</td>
<td>0.9%</td>
<td>32%</td>
</tr>
<tr>
<td>Unemployed before imprisonment</td>
<td>5%</td>
<td>67%</td>
</tr>
</tbody>
</table>


Imprisonment further worsens the position of ex-prisoners in the labour market. Prison may socialise individuals into an inmate subculture that is a 'school for crime' (Abbott, 1981). Similarly, Donziger (1996) suggests that overcrowded prisons may produce attitudes and behaviours that enhance survival on 'the inside' but are not compatible with success in the conventional job market. Stigmatisation may change their long-term relation to the labour market. Consequently, Western & Beckett (1999) argue that the penal system deepens existing labour market inequalities. Furthermore, studies have drawn attention to the 'collateral damage' of imprisonment on deprived communities (Mauer & Chesney-Lind, 2002). This may create cycles of disadvantage and crime by undermining informal social controls and lead to neighbourhood disinvestment.
Many ex-prisoners return to deprived urban communities which have few employment opportunities. All of those interviewed by the author were returning to deprived neighbourhoods in the North of England and Midlands. In the US context, Peck & Theodore (2005: 1) argue that: 'going home very often means returning to impoverished, central-city neighbourhoods, many of which are practically devoid of living-wage jobs'. The omnipresence of the drugs economy in such communities makes it difficult for those newly released from prison to stay out of trouble. A 35-year old with 23 previous convictions, including major drug offences, explained that: 'I will know at least six people [drug dealers] from stepping off the train'. All his friends were users. He went on: 'people find it hard to stay off [drugs] - all my mates are on it. What do you do, write off all your mates?'. Drug dealers may possess some of the traits needed for self-employment. However, Fletcher (2005) argues that UK offender enterprise support is characterised by a number of weaknesses, which risk perpetuating the myth that offenders are natural risk takers capable of turning small amounts of financial capital into thriving businesses.

The result is that many male ex-prisoners have been thrown to the margins of the labour force, with many spending the majority of their working lives in the informal labour market. This was so routine that prisoners at HMP Lindholme often failed to make a distinction between formal and informal work. Careful questioning revealed that three had no formal labour market experience but a succession of 'cash-in-hand' jobs secured through friends and acquaintances. The work histories of the remainder were mainly comprised of informal work, interspersed with spells of economic inactivity and imprisonment. A 35-year old had worked, for example, as a painter and decorator and joiner on building sites. However, he ruefully noted: 'but not proper jobs on building sites. Employers want three years' minimum experience and a good CV'. Another had 10 years experience in the building trades but mostly undertaking cash-in-hand work.

All of those interviewed at HMP Lindholme had worked prior to incarceration, albeit in male dominated, low-skilled manual jobs, such as labouring, erecting scaffolding, gardening, warehousing, roofing, carpet laying, joinery, painting and decorating, and excavating ground works. None had any experience of service work or any intention of seeking it. Four interviewees were former labourers, three had been painters and decorators, two had been employed in warehouses, and two had undertaken gardening work. A few listed four or more types of employment. One individual had, for example, been a roofer, window fitter, painter and decorator, carpet layer, and had excavated ground works.

The growth of subcontracting, particularly in construction, has provided offenders with rich opportunities to undertake informal work. It has also underpinned the growth of informal recruitment. It is against this background that Sassen (1996) suggests that economic restructuring has shifted labour market functions such as recruitment to the household or community. All of those interviewed consulted family, friends and acquaintances in order to find work. Most were returning to the same community that facilitated this reliance on local social networks. The post-release interviews showed that all were continuing to search for work in this way. A 25-year old was, for instance, able to secure some short-term plastering work from an uncle. Most had also made direct
contact with employers. A 35-year old had personally approached site supervisors on 12 major construction sites in Leeds.

The remoteness of many ex-prisoners from the formal labour market is mirrored by their alienation from mainstream financial services. All, except one, of those interviewed at HMP & YOI Doncaster had never had a bank account. Yet it is widely recognised that this engenders a sense of belonging to society and supports formal employment and accommodation opportunities. They all expressed a preference for dealing in cash. A 21-year old spoke for many: 'I know where I am with money'. Many would find it hard to choose financial products, complete forms, provide acceptable identification and give full address histories. It is interesting to note that Meadows et al. (2010) found that, in spite of the barriers that prisoners highlighted in opening bank accounts, most of those who tried to do so were successful.

None of those interviewed would approach mainstream agencies for free financial advice on their release. One individual, however, mentioned the possibility of contacting the Citizens Advice Bureau. A black 20-year old was openly hostile to the banks: 'the banks are not good - you get into debt'. He singled out the excessive charges levied for unauthorised overdrafts. The majority would rely on family and friends. A 21-year old responded: 'my dad, he knows a lot. And there is a Community Youth Worker where I live'. Another 19-year old reported: 'I would go to those that know what to do[...].mates and family'. There was also a general anticipation that family and friends would provide any necessary financial support. However, limited resources were often available through this route because many were also struggling to get by on low incomes.

Most had poor financial capability skills, which further compromised their ability to secure and maintain formal work. They also lacked the experience and confidence in using financial products. Furthermore, many were not responsible for paying household bills because they lived at home or with girlfriends who often bore the primary responsibility for budgeting. A 21-year old male was adamant: 'I don't pay bills'. This meant that most took an extremely short-term view when it came to the management of their finances. A 19-year old admitted that: 'my own mind comes into it - willpower and stuff. If I've got money I blow it. You see money burns a hole in my hand'. Another 19-year old reported: 'I'm a young man, if you know what I mean, and it's hard to save'.

Prisoners are amongst the most vulnerable to illegal sources of debt, such as drug debts and loan sharks (H.M. Treasury, 2007). None of the prisoners interviewed by the author felt inclined to indicate that they had drug debts. However, some were more forthcoming about loan sharks. Two individuals felt, for example, that the course would have been significantly improved by a focus on dealing with unlicensed credit providers: 'they should have more stuff[...].summat on loan sharks' (18-year old). Similarly, a 19-year old felt that: 'there should be more on the perils of loan sharks'.

The role of prison in the post-industrial labour market

The prison population in England and Wales has more than doubled since 1992 and stands at record levels. During November 2010, it was 85,393 (Prison Reform Trust, 2010). This
has taken place against a background of economic transformation that has swelled the ranks of the surplus population and led many offenders to participate in the underground economy. Prison may serve six roles in relation to the post-industrial labour market:

- It may absorb marginalised groups unable to compete effectively.
- It can bolster the reserve labour pool during economic expansion.
- The prison may become a new opportunity for capital accumulation.
- Prison and welfare institutions may comprise a single system of social control.
- Prison can reinforce divisions between the 'respectable' and 'non-respectable' working class by pointing to the dangers of non-participation in the labour market.
- It can increase the incentives to participate in legitimate work, even at low rates.

Prison may act as an institution for absorbing and recycling those who are unable or unwilling to work. Rusche & Kirchheimer's (1939) seminal work argued that the form and severity of punishments are shaped by the economic context, especially the size of the available labour pool. A key proposition was that the character and use of penal sanctions will reflect the value of labour. This is reflected in the size and condition of the surplus population, since it is the group that represents the primary target of penal sanctions. Consequently, during periods of widespread labour, surplus 'cruel penalties' are preferred: 'if penal sanctions are supposed to deter these strata from crime in an effective manner they must appear even worse than that strata's present living conditions' (Rusche, 1933: 4). Whereas less severe punishments, designed to make the 'unwilling work', predominate during periods of labour scarcity.

Recent studies have confirmed that rates of imprisonment rise when surplus populations (measured as official rates of unemployment) are high (see Melossi, 1985). Chiricos & DeLone (1992) also found that a strong relationship existed between unemployment and imprisonment. Western & Beckett (1999) view the high US prison population as a kind of 'hidden worklessness'. They argue that high rates of imprisonment depress conventional unemployment in the short-run but raise it in the long-term by damaging job prospects. 'High incarceration rates lower conventional unemployment statistics by hiding joblessness but create pressure for rising unemployment once inmates are released' (Western & Beckett, 1999: 1,053).

Weiss (2001) suggests that prison can also be effective in bolstering the reserve labour pool during economic expansions. He points out that since 1990, 30 US states have legalised the 'contracting out' of prison labour to private companies, with 100 profit-making businesses from telemarketing to light manufacturing (Weiss, 2001). From this perspective, prisoners are viewed as members of a low wage labour pool. The social forces that led to millions of young men entering US prisons are now increasing their utility as prison labour for capital accumulation. 'The "discards" of an old industrial and
political order have become a potential resource, as a contingent workforce, for the new post-industrial system of production' (Weiss, 2001: 255).

The role of prison as a new opportunity for capital accumulation has been highlighted by the exploitation of convict labour and the privatisation of establishments. Schlosser (1998) argues that a 'prison-industrial complex' has arisen, which is a set of bureaucratic, political and economic interests that encourage increased spending on imprisonment.

It is composed of politicians[...]who have used the fear of crime to gain votes; impoverished rural areas where prisons have become a cornerstone of economic development; private companies that regard the roughly $35 billion spent each year on corrections[...]as a lucrative market; and government officials whose fiefdoms have expanded along with the inmate population. (Schlosser, 1998: 3)

He argues that the drive for higher profits is replacing notions of public service.

What was once a niche market for a handful of companies has become a multi-billion dollar industry[...]The prison-industrial complex now includes some of the nation's largest architecture and construction firms, Wall Street investment banks[...]companies that sell everything from bullet-resistant security cameras to padded cells. (Schlosser, 1998: 10)

Wilkinson & Pickett (2010) show that Organisation for Economic Cooperation and Development (OECD) countries and US states that spend the least on social welfare have the highest rates of imprisonment. In the UK context, Grover (2008) argues that social inequality is the key to understanding offending behaviour and policy responses. The fundamental causes of such inequalities lie in the operation of capitalism. However, the state contributes to the deepening of inequality by punishing people who are already poor and by promoting insecure, low-paid work as a panacea for assorted social problems. Downes & Hansen (2006) have also found that 'penal expansion and welfare contraction' have become more pronounced over the last 20 years. It is in this context that Beckett & Western (2001) have advanced the 'transcarceration' thesis. 'Penal and welfare institutions have come to form a single policy regime aimed at the governance of social marginality' (Beckett & Western, 2001: 55). Furthermore, 'reduced welfare expenditures are not indicative of a shift toward reduced government intervention in social life but rather a shift toward a more exclusionary and punitive approach to the regulation of social marginality' (Beckett & Western, 2001: 55).

Foucault (1979) argues that prison produces a manageable population of recidivists. From this perspective, high levels of recidivism are not a failure but a method of producing an 'enclosed illegality' of petty crimes that can be held up to the responsible working class as an example of the dangers of non-conformity. Wacquant (1999) talks of a 'new penal common sense', which seeks to criminalise poverty and normalise insecure, low-paid employment. From this perspective, neoliberal societies rely on the police and penal institutions to contain the disorders produced by mass unemployment, the imposition of
precarious wage work and shrinking social protection. 'The invisible hand of the market and the iron fist of the state combine and complement each other to make the lower social classes accept de-socialized wage labour and the social instability it brings in its wake' (Wacquant, 2003: 14).

Conclusions

The 'rehabilitation revolution' promised by the coalition government seeks to put the employment of prisoners and ex-prisoners at the heart of the new penal strategy. It is apparent that part of the appeal of working prisons is that their introduction allows policymakers to demonstrate that they are serious about both rehabilitating and punishing offenders. 'Criminals must be properly punished, but they must also be properly rehabilitated to stop them from committing other crimes' (Ministry of Justice, 2010: 7). Consequently, work is usually mentioned in connection with words like 'hard' and 'tough'. There is little sense that employment should be fulfilling or rewarding. 'Prisons will become places of hard work and industry, instead of enforced idleness' (Ministry of Justice, 2010: 1). Hard work will also be a feature of non-custodial punishment. There are faint echoes of a debate that goes back to the start of the development of the modern prison over whether work should develop employment skills or consist of the pointless labour of the treadmill. From this perspective, work becomes a vehicle for disciplining those alleged to display anti-social attitudes towards 'honest work'.

The working prison purports to further rehabilitation by inculcating the attitudes and skills necessary for participation in the labour market. 'For prisoners about to leave prison, it should help provide the skills needed to live a crime free life outside' (Ministry of Justice, 2010: 15). The Centre for Social Justice (2010) recommends the doubling of the number of prisoners working in prison workshops to over 20,000 during the next three years. It suggests the development of training for jobs characterised by skill shortages, such as NHS jobs, recycling and activities for the forestry commission. 'There will be commercial rewards for private sector companies with such a strategy. But the greatest reward to the national interest would be that every year several thousand prisoners would be trained for work' (The Centre for Social Justice, 2010: 37).

This is viewed as key means for reducing re-offending and, thus, protecting the public. Kenneth Clarke's speech at the Dinner for the Judges at the Mansion House maintained that: 'the public are not made safer if we tolerate the continual growth of a sub-class of rootless prisoners who keep coming steadily back to the courts and the prison gates shortly after each release' (Ministry of Justice, 2010: 3). He went on: 'we must reduce the rates of re-offending[...]So we must put more emphasis on work and training' (Ministry of Justice, 2010: 3). This is nothing new. Various policy documents over the past decade have emphasised the link between employment and re-offending. However, the recognition that the link is strongest for those in stable, well-paid employment with prospects (see Farrington et al., 1986) is conspicuous by its absence in coalition government policy documents. Although the graphic design social enterprise established by the Howard League at HMP Coldingley shows that it is possible to provide innovative, high quality work opportunities in prisons.
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This may be because the focus of working prisons will be to prepare some offenders for contingent labour. Exposing offenders to the routines of work may simply be shorthand for preparing them to accept any working conditions. This will also help to address the political sensitivities of relying on immigrants to populate the ranks of the contingent workforce. Yet such work is the antithesis of the sort of employment most likely to lead to a reduction in re-offending, given that it is characterised by weak attachment to the workplace, irregularity of routines and a 'hand-to-mouth' existence. There are also the labour displacement effects to consider. Prisoner worker competition may hit the lowest unskilled strata of the workforce hardest, with the result that the newly unemployed face conditions conducive to criminal behaviour themselves.

Prisoners should not be seen to financially benefit from the improvement of opportunities to undertake work in custody. The experience of paid prison work will, for example, allow inmates to make greater financial reparation to victims and the tax payer. The Ministry of Justice (2010: 16) maintains that: 'we also think that it is important that prisoners see work as a way to pay the debt that they owe to society and to victims of crime'. This will be facilitated by implementing the Prisoners Earning Act 1996, which enables deductions to be taken from low risk prisoners earning higher wages while working on license prior to their discharge into the community. Consequently, prison work is also valued for its ability to allow offenders to atone for past sins.

'We want to make it easier for the private, voluntary and community sectors to use their expertise and innovation to develop the working prison' (Ministry of Justice, 2010: 15). This is not particularly innovative. Bentham's 1791 plan for the Panopticon envisaged that inmates would be employed for as much 16 hours a day in their cells with the profits going to a private contractor (see Soothill, 2007). The rejection of Bentham's proposals owed much to the view that prisons were not factories but places of religious reformation (Soothill, 2007). More recently, the US prison system has sought to increase the labour force participation of prisoners, which has brought the entrepreneur back into the prison and, through post-release programmes, has extended the prison into society (Weiss, 2001).

US experience highlights some of the limits of this approach. Parenti (2000) notes that few US prisoners worked for private firms, most were employed by state-owned 'prison industries'. He argues that private firms do not like the invasive, slow, overbearing prison environment where production is often interrupted by security concerns. They are also unwilling to court the bad publicity associated with exploiting prisoners. However, private prisons now house just under 9% of US prisoners, compared to 6% in 2000 (Newsweek, 30 June 2010). Parenti (2000) argues that they do not lower the costs of incarceration for state governments because any savings are usually absorbed by the company as profit. Furthermore, a concern with the 'bottom line' may undermine the long-term sustainability of some private jailers. It is in this context that prison riots, scandals involving the mistreatment of prisoners and mass escapes have undermined support for private prisons (Parenti, 2000).
In conclusion, the prison plays two important roles in the UK post-industrial labour market. First, it houses the growing surplus population resulting from economic transformation and reduced spending on social welfare. In other words, it accommodates the major casualties of capital’s unceasing drive for new markets and enhanced profits and the ascendancy of neoliberalism. Second, it becomes a lucrative new market and, in the process, some prisoners are transformed into an economic resource. Consequently, the working prison can be conceptualised as an attempt to prepare some inmates for the contingent workforce and the normalisation of this type of labour among the poor. The present research has shown that this will be no easy task and it is also far from clear that success would lead to reduced re-offending. Furthermore, the danger is that the development of the working prison may divide prison society between a lumpenproletariat of the unable and unwilling, and an embryonic contingent workforce.

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HARD TIMES: IS THE 'REHABILITATION REVOLUTION' BAD NEWS FOR ENRICHMENT ACTIVITIES WITH PRISONERS?
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Abstract The sociological literature pertaining to the nature of imprisonment has long documented the harm endured by the incarcerated. Such unease has led a range of commentators to challenge the over-reliance on imprisonment and the concomitant demotion of rehabilitative approaches, which have commonly been regarded as 'soft on crime' in a neoliberal populist punitive climate. However, recent economic and political changes have led to the promise of a 'rehabilitation revolution' relying on collaboration between the state and third sector agencies. Whilst this new direction would appear to support the use of artistic and spiritual activities, which foster empathy, healing and transformation, the intention to make prisons places of 'hard work and industry' alongside 'Payment by Results' may eradicate all such prospects. The potential benefits of enrichment activities as part of a strengths-based rehabilitation model will be considered in this article, which will review the current state of artistic and spiritual initiatives in prisons alongside empirical data gathered at a weekly yoga class in a UK adult male prison. By so doing, this paper discusses the potential impact of the proposed rehabilitation revolution on enrichment activities and considers whether their unique merits warrant a reconsideration of what should be valued in criminal justice responses.

Keywords Pains of imprisonment, creativity, spirituality, arts, rehabilitation revolution.

Despite changing political agendas, which have reprioritised and refocused criminal justice responses from the welfare-based to the increasingly punitive (Tonry, 2001; Wacquant, 2009), there has always been artistic and spiritual work quietly taking place in penal institutions (Peaker & Vincent, 1990; Nicholls, 1992; Merriam, 1998; Walley, 1998; Nellis, 2002). Furthermore, the available literature shows that these 'enrichment' activities have enabled some prisoners to lessen the detrimental impact of their incarceration (Bunk, 1978; Naveen & Telles, 1997; Goodrich, 2004; Duncombe et al., 2005). Enrichment literally means to endow with fine qualities, and enrichment activities are synonymous for a wide range of creative and spiritual practices, such as drama, dance, music, creative writing, drawing, painting, needlework, meditation, yoga, and tai chi. In light of the present economic and political drive to promote rehabilitative ideals once more, this paper will contemplate the role of enrichment activities in this agenda.
In the first instance, the links between the arts and spirituality as types of enrichment activities will be explored before consideration of recent policy changes, which have advanced a refocusing on the rehabilitation of offenders. In order to assess the value of enrichment activities, the growing body of evidence evaluating these interventions will be discussed and supported with specific reference to a particular case study where data was gathered as part of an ongoing doctoral study evaluating prison yoga. This data was gathered via observations and semi-structured interviews with men attending weekly yoga classes at a medium-security prison in the East Midlands, UK. In so doing, it will highlight the commonalities between the arts and spirituality, where a strengths-based model of rehabilitation is central to the activities undertaken.

Creativity and spirituality as enrichment activities

The connection between the arts and spirituality may not be so evident, but as Starkings (1993: 16) highlights '[w]here there may be no professed contact with the ideas or symbols of formal religion, the arts may be assumed to stand entirely free from religion as makers of meaning'. Thus, the act of artistic creation is about the actions an individual undertakes to make sense of the world around them; that gives them a purpose and connects them to others. The same is said of spirituality (Moss, 2005). Of course, the religious origins of rehabilitative principles should not be forgotten. The moral reform of offenders lays at the heart of early probation practice in the form of Court missionaries (Raynor, 2007), and the separate and silent systems in prisons were predicated on the belief that religious instruction and silent reflection would allow the prisoner to reform. Nowadays, the increasing secularisation of society has led to the divorce of rehabilitation practices from overtly religious doctrine in all but a minority of examples. The use of the '12-steps' approach in drug and alcohol recovery programmes being a couple of notable exceptions, although explicit references to God are often removed for the benefit of secular clients.

That being said, orthodox religion does, however, still retain an important role in prisons and Clear et al. (2000) have documented the way in which it functions as a form of prisoner coping. Indeed, Spalek & El-Hassan (2005) have studied the increasing number of prisoners converting to Islam, which has led to political concern in relation to radicalisation (Hannah et al., 2008). Nevertheless, despite these examples, religion is often disregarded in our modern, consumerist and individualistic society and, consequently, is less of a concern for many prisoners. Heelas & Woodhead (2005: 6) argue that living in a secularised society means we are now concerned with 'subjective-life spirituality' rather than 'life-as religion'. What they are alluding to here is the way in which life-as religion requires the individual to subordinate their subjective wants and desires in favour of living life according to a higher authority. Whereas subjective-life spirituality is manifest in the way in which the individual cultivates the sacred in their unique and distinctly personalised manner. The significance of this apparent move from orthodox faith is that prisoners need to be afforded the opportunities to express their subjective spirituality outside of formal, organised and traditional religious services. What is needed is the space and freedom to explore artistic and spiritual activities, which can generate self-awareness and meaning whilst, at the same time, foster feelings of relatedness to
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others; something which has the power to assist the rehabilitative process and the reintegration of prisoners back into their communities.

Even though they have not been an overriding area of criminal justice policy and practice, enrichment activities have occurred for some time in prisons worldwide. In the UK, one of the most notable periods for this type of intervention was during the 1980s, and Currie (1989) records the widespread use of arts in prisons in the US in the 1970s. What is noteworthy about these periods is that rehabilitation ideals were dominant in criminal justice responses, albeit that they were seen as part of the therapeutic alliance between social work, psychiatry and the individual (Liebmann, 1994). More recently, however, enrichment activities in prisons have been a target of tabloid censure, which has been particularly heightened because these activities are enjoyable and humanising. Nevertheless, the increasing number of individuals and organisations actively collaborating to inspire a renewal of such projects seems testament to the determination to keep such activities on offer for incarcerated people. The Arts Alliance and Prison Phoenix Trust are two such examples, actively campaigning to have enrichment activities acknowledged in the policy-making process.

The changing policy context
A variety of commentators have noted the harm caused by imprisonment (Liebling, 1992; Irwin & Owen, 2005; Bradley, 2009) but, even so, its increasing use as a response to criminality has not hitherto been waning. In the summer of 2010, when the prison population stood at around 85,000 (The Howard League, 2010), economic and political changes paved the way for a reconsideration of criminal justice policy. David Cameron, the newly-elected Prime Minister of the coalition government, set out his agenda for a 'Big Society' (Cameron, 2010). In his speech, he argued for the need to empower local communities through social action built on volunteering and benevolence, relinquishing government control in the form of top-down governance to promote individual responsibility. At the heart of this agenda was the rolling back of the welfare-state which, it was alleged, had fostered a dependency upon the taxpayer that was no longer sustainable. The need for welfare reform and public sector cuts necessitated a radical rethink of economic and criminal justice policy and, in turn, led to a review of priorities.

Subsequent to these events, the government set out their intention for a 'rehabilitation revolution' in the form of a Green Paper called 'Breaking the Cycle' (Ministry of Justice, 2010). This document describes a number of objectives, which include a clear commitment to integrated offender management and partnership working where innovative approaches from the voluntary and community sectors form a part of this process. On the face of it, this move to more novel and collaborative methods appears to offer some hope to practitioners delivering enrichment activities, but the planned Payment by Results on the basis of reduced re-offending creates a number of practical, methodological and ideological issues for such groups (Collins; 2011; Miles & Clarke, 2006; Parkes & Bilby, 2010). In addition, whilst there is an acknowledgement of the value of partnership approaches, it is noticeable that the role of the arts is not a feature of this policy. Although, perhaps this is unsurprising as Pratt (2005) has argued that the public's anxieties about crime have led to an infiltration of policy development, which has sought
to assuage their anger through a rejection of rehabilitation and the imposition of harsher punishment.

Combined with a hostile media towards anything deemed liberal and soft, the rapid closure of a range of enriching prison projects seems almost inevitable (Osmen, 2010; Trévien, 2010). Moreover, it is worth pointing out that these cuts mirror the ever-increasing divide between the arts and sciences, as both are pitted against each other in the fight to secure government funding. Nowhere is this more readily apparent than within the education sector. Clements (2004: 169), a prison educator, argues that prison arts can foster social inclusion and act as a springboard to other forms of education, which should necessitate their provision outside of literacy and numeracy classes. Thus, he is critical of the way in which prison arts have been hijacked by New Labour's 'instrumental agenda', which has eradicated all types of learning apart from 'basic, key and cognitive skills'. In addition, he claims that this has partly arisen because prison staff have failed to recognise the inherent value in enrichment activities, reflecting some of the public hostility towards such approaches. As cognitive-behavioural techniques (which currently proliferates rehabilitation programmes) have been unable to provide unequivocal evidence of reducing recidivism (Stanley, 2009; Keeler, 2010), it is concerning that the proposals in the Green Paper may lead to the demise of a range of alternative activities. Whilst it is readily acknowledged that they are not a panacea, there is evidence that some prisoners derive real benefit from being involved in such projects.

The pains of imprisonment and enrichment activities

Prison is a harmful place and, over many years, researchers have been busy documenting the way in which those living and working in this institution are affected by it (Cohen & Taylor, 1972; Toch, 1977; Sapsford, 1983; Liebling, 1992; Crawley, 2004; Irwin & Owen, 2005; Jewkes, 2005a; 2005b; Liebling & Maruna, 2005; Jewkes & Johnston, 2006). In Sykes's (1958) now seminal study, he set out how incarceration leads to an attack on the self; both physical and psychological anxiety arising as a result of what he termed 'the pains of imprisonment'. Sykes was able to draw attention to the way in which prisoners were not solely controlled via the use of corporal punishment, but their acquiescence was achieved through more subtle and pervasive psychological means. These pains were experienced as the loss of liberty, a lack of autonomy, the denial of heterosexual relationships, the removal of access to goods and services, and a loss of security.

More recently, Crewe (2009) has built on this early work to re-examine the prisoner society and, in his analysis, the acknowledgement of prisoner agency is fundamental; something that other prison sociologists have been criticised for failing to consider. Based on his ethnographic research in a medium-secure male prison, he documents how power relations and prisoner identities combine to arise in a new form of penal power. Central to the modern regime lays a variety of mechanisms (for example, the incentives and enhanced privileges scheme) which, in terms of maintaining discipline and control, are

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For example, Cohen & Taylor (1972) are critical of Goffman (1961), who described inmates institutionalised in asylums in passive terms.
located in 'the transfer of responsibility from the institution to the individual' (Crewe, 2009: 138). Prisoners are not only required to demonstrate their compliance but, in addition, have to be seen to be actively addressing their offending behaviour. This change in emphasis, combined with the ascendency of what Keeler (2010: 305) describes as 'actuarial classification and control' has subverted the welfare-based rehabilitation agenda to a new form of authoritarian power that Crewe depicts as 'neo-paternalism'. As he is keen to point out '[Rehabilitation] [...] is filtered through the imperatives for efficiency and public protection, and its parameters are limited, with sharp edges that quickly become apparent if opportunities are not taken up or if behaviour does not suit institutional objectives' (Crewe, 2009: 141). This employment of neo-paternalistic power by the prison authorities gives the prisoner the belief that they are exercising their autonomy, but Crewe avers this is merely illusionary. Instead, prisoners become self-regulatory and subtly coerced to align their attitudes, values and beliefs to the wider institutional agenda.

The idea that enrichment activities might counter this loss of prisoner independence and, in addition, foster a collective resistance to the prevailing ethos of surveillance and control, may partly explain the political (and public) hostility towards such pastimes. Green’s (2010: 298) recollections of the way in which the arts mobilised the black community to political activism in the fight for US civil rights illuminates this clearly. She notes how this legacy fostered the Prison Arts Movement and, in particular, the 'Lyrics on Lockdown' project that toured nationally to specifically generate social and political awareness of the US prison crisis. Green (2010: 295) acknowledges that the success of this project was not primarily about whether it achieved its vision 'to halt the mass incarceration of people of color', but lay in its ability to empower both individuals and communities through the consciousness-raising process. In a similar vein, O'Neill (2010: 16) describes how the film-making prison project she facilitated sought to 'challenge the dominant worldview and the normative power of dominant representations', so that prisoners were inspired to re-define hegemonic culture and their representation within it. Likewise, in a prisoner interview concerning yoga, it was credited with renewal and change in a supportive environment. A student described the class space as a site of 'community and transformation' where prisoners had 'common conversations in yoga' (prisoner interview, March, 2010).

Not only can enrichment activities empower and liberate the oppressed, but they also have the potential to provide for the prisoner, alleviating the deprivation of goods and services that Sykes (1958) defined. Louisiana State Penitentiary, Angola, a maximum security prison housing men predominantly serving life sentences, illustrates this point. Schrift (2006) records how inmates have capitalised on their artistic abilities to recycle, refashion and (re)create a wide variety of artefacts, which they then sell on to the community during a biannual Arts and Crafts Festival. Whilst the loss of access to mainstream goods and services represents a hardship the men endure, their ability to

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2 The cancellation of a comedy course at HMP Whitemoor by Jack Straw in 2008 happened as a result of media furore. Similarly, in 2009, the press reported on the public disgust at Colin Pitchfork, a man convicted of double-murder, being allowed to exhibit artwork in the South Bank Festival Hall.
salvage, scavenge and barter for a wide range of prison objects enables them to produce their art. By so doing, the men maintain links with the outside world and financially support their families through the profits they make. Furthermore, their artistic endeavours not only represent a way of achieving pecuniary advantage in a consumerist society, but the act of creation embodies and reaffirms the sense of self. As Schrift (2006) states:

_Such work involves [...] the assumption of any number of roles typically unavailable after incarceration — artist, artisan, provider, entrepreneur, salesman, inventor. In this way, inmates embrace the consumer-contaminated realms of kitsch and craft to sustain a social integrity that, to some degree, neutralizes a status tied solely to incarceration._ (Schrift, 2006: 273)

The act of creation, therefore, can be a powerful and emancipatory process; something that Merriam (1998) believes is vital for women in prison, who have often experienced severe forms of abuse and trauma prior to their detention. Using art therapy in such cases has allowed transformation and healing to occur because the necessity to verbally articulate emotions and feelings is redundant through the use of visual images. Through their art, the women learn to self-direct and control the world around them, whilst the bounded nature of their activity creates a safe space for self-expression. In his content analysis of prisoners' letters, Walley (1998) found similar evidence of empowerment via yoga and meditation. Prisoners reported enhanced feelings of self-esteem and control, with a corresponding reduction in drug dependency. Likewise, Nellis (2002) discovered that yoga helped prisoners cope with the regime and enabled them to relax in a non-threatening space. This also emerged in interviews with prison yoga students, where they reported that yoga induced feelings of safety and for some individuals it provided a refuge where they could totally drop all barriers that they had constantly maintained:

_We were saying just last week how I feel, we all felt safe in here. We all trust [the teacher]. We all trust each other and that is [...] you can’t go into any other part of this prison and get that answer or get that feeling of total [...] of just being relaxed and not being worried. In a way you escape prison and your mind goes to other places within the outside [...] ambitions [...] whatever it may be that’s on your mind that day or, even if you’re sad [...] yoga does show you to not be so fearful and look into that sadness and find out why you’re sad. So it takes you to a lot of deep places and, from that, I think you can only get better results or you could only be a better person by not being afraid of yourself and being able to look in the mirror and accept what you see. And yoga does that for us and when we come here it’s like we’ve got a little family [...] I look forward to my yoga._ (Prisoner interview, April 2010)

Thus, it can be seen that enrichment activities in prisons enhance feelings of safety and can generate ontological security in an otherwise debilitating place. This is particularly relevant if aggression and violence is to be avoided, as Butler (2008) found that prisoners
are less likely to engage in confrontations if they feel secure in their identities and have a sense of self-worth. Harmonious relationships with their peers are essential and, for some prisoners, enrichment activities can offer neutrality where status and ego lose import as groups engage in absorbing tasks. Currie (1989), who evaluated a variety of arts projects in Waikeria prison, New Zealand, describes how the potential for gang violence in the prison was eased by enrichment activities, as gang loyalties and boundaries became permeable when inter-group bonding and rapport developed. However, despite participants reporting these improved relations, the findings are tempered by the absence of any reduction in associated adjudications.

This is similar to what one prison yoga student said when he described yoga as 'protection', although he acknowledged that many prisoners achieved this through more harmful pursuits such as alcohol or drugs (fieldwork notes, April 2009). A theme that also emerged for those doing yoga was the belonging that they felt as part of a yoga community or brotherhood. Another man remarked that he felt part of an 'enjoyable group effort' where there was no tension or friction in their 'collegiate relationship[s]' (prisoner interview, March 2010), whilst someone else recounted how he was 'uplifted' by the group's energy and felt that practising with others allowed him to trust those around him (prisoner interview April 2010). Interestingly, these feelings existed in the classroom, but also extended to the prison wings when one man described how they would greet each other with a cursory nod as recognition of their mutual membership. In an interview with a prisoner who had been doing yoga for approximately 13 months of his sentence, he described how a meditation technique he employed enabled him to consciously work on developing positive regard for the other people around him:

_A practise that sort of did me good when I came to prison was to sit quietly and meditate and then consciously go round the wing or go round the cells near me and just say to everyone mentally 'I love you, hope you're alright, take care, move on'_ (Prisoner interview, March 2010)

Not only is this individual security important, but engendering feelings of safety is particularly pertinent for the wider dynamic security described by Dunbar (1987). Positive and respectful relationships between prisoners and staff can build trust between the captive and the captor (Wilson _et al._, 2009), actively promoting a harmonious institutional culture. However, mixed results have been recorded with respect to prisoner-staff relations, as some custodial staff are openly hostile to these types of projects. Shailor (2008) notes that several prison officers viewed his prison theatre programme with disgust, although, ultimately, this did not undermine the success of the project, where the power of performance enabled the men he worked with to overcome negative traits. In a more promising study by Wilson _et al._ (2009), a ripple effect in the prisoner-staff relationships was reported as their results showed that prisoners engaged in a music project viewed staff more favourably.

However, at the same time, the merit of enrichment activities also lies, paradoxically, in their ability to challenge and diminish the validity of authoritarian regimes in a personalised form of resistance. Kanter (2007) describes how, through the process of
theatrical improvisation, the imprisoned body becomes fluid and free in contrast to the disciplinary forces elucidated by Foucault (1977). The vagaries of arbitrary power can be countered through this method as participants create their own private space; the lack of audience in this art-form being partly responsible for this personal oasis. This approach has similarities with prison yoga that encourages students to utilise breath-awareness as a way of de-stressing the body and mind by coming into the present moment. Whilst the prison yoga student is somewhat restricted and confined on a physical level, the ability to use the breath in this manner can induce feelings of space and openness, bringing about a metaphorical and spiritual freedom (Parkes, 2010). These techniques are reminiscent of what Goffman (1961: 67) terms 'removal activities', which are engrossing and absorbing actions that can lift the individual out of their present circumstances and help pass time. The use of the body as a form of expression, as opposed to a reliance on written text, is apposite. Many imprisoned individuals lack basic literacy and, in Kanter's project, were also suffering from mental illness. What she reveals is that the process of collaborative improvisation enabled these prisoners to overcome their loss of identity through the requirement for spontaneity. She recalls (2007: 388), 'the inmates had to respond to the sound and movement they were given not as the murderer, the rapist, the robber, or even the tough guy they performed every day in prison, but as themselves'.

One of the key findings manifest in the literature assessing enrichment activities is the way in which they build and maintain positive relationships (Arts Alliance, 2010), which is crucial to the successful reintegration of prisoners after their release. During one class observation, a yoga student asked the teacher whether he would be able to find a yoga community outside of the institution as he was keen to maintain his practice after he left the prison (fieldwork notes, April 2009). The potential for yoga to generate social capital inside, and outside, the prison gates was very much reflected in another student's interview. He commented that:

*I think it's really nice to look at someone next to you and notice that they can see you but you don't bother them [...] it's like we're all on the same journey even though we're heading different places all together. We still feel united and you feel like somebody. It's just levelled, everyone's cool, everyone's calm, we don't shout at each other [...] I'm surprised I'm in jail [...] and it's kinda saddening when you start hearing keys and 'oh it's movements' and you think 'Oh, OK, this is where I am' but, at the same time, like it's just good to be around people that are not so tense cause jail makes everything tense, and it's just nice, it relaxes every part of me [...] Plus I never really had much family time growing up, so, it is nice to have people I can relate to even though we're not of the same blood [...] I care about what they are going through and, if they ask me to even help them stretch, it's nothing for me to say 'yeah, cool'. It's a place where you give and receive.* (Prisoner interview, April 2010)

Whilst familial relationships can be fostered through enrichment activities, they cannot literally relieve the frustrations associated with the loss of sexual relationships, but they
can alleviate this pain of imprisonment through their ability to act as an emotional release. As Peaker & Vincent (1990) state:

*Some prisoners look to arts workshops as a means of releasing their tensions and particularly value physical activities such as drama, dance and sculpture as a means of using their energy constructively; others wish simply to 'let off steam' in a controlled and sympathetic environment.* (1990: 73)

The added advantage of enrichment activities being offered by third sector organisations is that they bring members of the community into the institution (Clear *et al.*, 2000). Prisoners welcome the opportunity to have such contact as a way of maintaining their sexual identity and, even though they are not in a position to enter into a sexual relationship, they can at least be flirtatious and rehearse the social skills required to foster intimate relationships upon release. Enrichment activities also allow for the legitimate expression of feelings. Crewe (2006), for example, recounts the way in which artistic prisoners were commissioned by their peers to create romantic trinkets or portraits which they could later give to significant others. This allowed the men he studied to display their love and affection without the fear of reproach in an otherwise hyper-masculine environment which necessitated the repression of sentiment. Perhaps, more importantly, for prisoners who have inappropriate sexual desires and have been imprisoned as a consequence of acting on these predilections, there is some indication that enrichment activities can act as a potential safeguard to further crime. For instance, Derezotes (2000) found that yoga and meditation assisted adolescent sex offenders to regulate their urges to re-offend as the spiritual nature of the practice encouraged them to develop empathy, self-awareness and self-control. It is possible, therefore, to see that enrichment activities can be instrumental in easing the pains of confinement for a diversity of prisoners and they are particularly noted as beneficial for those from a Black and Minority Ethnic background, self-harming women and people with learning difficulties or mental health problems (Ash, 2009). Creative and enriching projects, through their positive effects, can assist prisoners to move towards rehabilitation.

**The impact of the ‘rehabilitation revolution’ on enrichment activities**

One of the significant elements of enrichment practices with prisoners is the way in which they foster respectful relationships so that prisoners feel connected to themselves and others (Wilson *et al.*, 2009); effective and trusting relationships being of paramount importance in seeking to promote reform and desistance from crime (Maruna, 2001). Additionally, White & Graham (2010) argue that, even though both practitioners and offenders may be subject to external constraints which inhibit their actions, a supervisory relationship built on positive values and mutual respect is crucial to the rehabilitation process.

Good relationships beyond the prison gate are especially crucial to the successful reintegration of prisoners, particularly if employment is to be secured; a key contributory factor to rehabilitation. Therefore, the coalition government’s intention to address the lengthy periods of inactivity many prisoners experience during their sequestration is only to be welcomed. However, their intention to focus on tasks in areas of industry that might
be described as menial and routine raises concern for the provision of artistic and spiritual activities, which allow prisoners to develop a much broader range of interpersonal and social skills. A recent example can be found when the Howard League for Penal Reform set up a social enterprise employing prisoners in graphic design as a ‘radical departure from the uninspired, repetitive and poorly paid version of prison work that characterizes modern incarceration’ (The Howard League, 2011: 5). Unfortunately, the viability of this work was perceptibly undermined by the prison regime when a reduction in hours and frequent lockdowns led the business to fold (Home Affairs Committee, 2010) and this might be said to reflect the lack of credence given to the arts in the UK’s economy. For example, the Arts Council (2010) is calling for creativity to be acknowledged in relation to the cultural capital that can be used to engage and sustain communities in the UK’s economic recovery. Still, even if enrichment activities do not lead directly to employment in any artistic or spiritual sense, prisoners can enhance their employability skills through this type of engagement. Chubb (2010: 41) has charted the way in which yoga and meditation contributes to the enhancement of personal and social skills; the practice provides a ‘stepping stone’ in the employment direction. She details how yoga has the power to heal past trauma, to inculcate concentration and focus, and to motivate and engage further learning. Similarly, when prisoners feel at ease and content with themselves they become open to exploring other possibilities and, as the act of self-learning provides a positive educational encounter, they are keen to replicate and build upon this experience. This accords with the self-belief and affirmation that one prison yoga student spoke about, which they said they achieved through the practice without the need to generate an identity that might be obtained through the world of employment:

*Yoga is what I do and this is what I am doing [...] rather than it being 'I've gone out and learnt a trade to become a carpenter' or 'I've gone out, done a trade and I'm the wing barber', which gives you your sense of self when it's already there rather than through something else. That's what yoga's taught me.* (Prisoner interview, March 2010)

When looking at the employment of ex-prisoners more generally, one of the interesting findings from Vennard & Hedderman (2009) is the way in which effective relationships between employment specialists and probation personnel have been compromised by rigid and centrally-controlled programmes. An inability to be creative and flexible left employment advisers feeling devalued in the partnership and they were unable to focus on the softer skills that were needed to encourage offenders into work. Ironically, the impact of managerialism on probation practitioners, where the government has sought to monitor, control and enforce their performance with offenders (Ashworth, 2009), mirrors the loss of autonomy and containment that prisoners themselves experience, and it is not yet clear that Payment by Results, where the government will play a significant role in defining the outcomes to be achieved, will go any way to alleviate this situation. Ashworth (2009) argues that the attack on probation values, which were based on human dignity, personalisation and assistance, have been replaced by a strict scrutiny, command and contain ethos as part of the government’s attempt to regulate the service. This has seriously undermined the relational nature of probation work so that it could be argued that what, in fact, the government is now attempting to replace with third sector
partnerships is the very diversity and flexibility that the probation service once offered. Indeed, fears that an alliance with the third sector may be yet another smokescreen behind which central government moulds and tightly monitors their practice via the commissioning process, have already been remarked upon (Johnston & Hewish, 2008). The benefits of third sector partnerships lie in their ability to absolve the government of some of the risks associated with criminal justice provision but, at the same time, there are inherent dangers in this collaboration. If the enrichment activities that they provide, the very essence of what makes them valued by prisoners, are diluted or eradicated, then the potential for effective rehabilitation could also be jeopardised. The coalition government should support enrichment activities for prisoners if they are serious in their aims to meet the diverse range of prisoners’ needs when seeking to secure their rehabilitation. Whilst they may gain some negative media and public attention, there is sufficient evidence of their merits to counter this adverse publicity.

Creating the way for enrichment activities
This paper has considered the connections between the arts and spirituality as types of enrichment activities via the current literature, along with specific reference to a case study of a men’s weekly prison yoga class. These pursuits have been examined in the context of a changing policy arena where the rehabilitation of prisoners has, once more, gained ascendency. It has considered that the decline of these activities may be partly due to public anxiety about crime, which has led to calls for harsher punishments, and partly through an accentuation of this fear by a salacious tabloid press. Politicians, in seeking to appease these concerns, have ratcheted up the responses to crime in their bid to appear tough and to retain (or attain) their place in office. However, this response has led to an escalating and unsustainable use of custody and, as a result of economic crisis, radical reform is now necessary. The incumbent coalition government has espoused a decarceration plan built on effective rehabilitation, but whether there will be a significant reversal to the unprecedented prison occupation is yet to materialise. Previous attempts to reduce numbers by way of the End of Custody Licence under New Labour’s government, which enabled the early release of some prisoners, met with scathing media and public attention (Whitehead, 2010). In light of the damage produced through incarceration and its ability to hamper the rehabilitation process, a parallel agenda to eradicate this harm should also be pursued. Enrichment activities have been shown to temper the pains of imprisonment whilst, at the same time, encourage and motivate some of the most difficult to engage prisoners towards rehabilitation.

As rehabilitation is predicated on the successful reintegration of prisoners back into their communities, the ability of enrichment activities to foster and sustain these links merits their use as part of a wider rehabilitation programme. Whilst the coalition government has begrudgingly accepted the judgment of the European Court of Human Rights3 that will give prisoners their rights to vote, this civic action does not go far enough. Criminal justice and, more specifically, rehabilitation provision must entail a greater inclusion of

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3 See Greens & MT v United Kingdom (2010). ECHR 60041/08 & 60054/08.
Parkes

enrichment activities which foster responsibility and empowerment. When discussing the benefits of his Shakespeare in Prison Project, Shailor notes:

Too often, prison is a place where men learn fear, submission, dependence and despair; new forms of physical and emotional violence; and narrow, egocentric pathways to “success”. Arts programming in general, theatre more specifically, and Shakespeare in particular can teach something else: individual empowerment, relational responsibility, and moral imagination. (2008: 641)

Prisoners are people first and their humanity and encompassing human rights must be preserved and promoted in the punishment process. When, on 25 November 2010, the Prime Minister announced plans to measure the nation’s happiness, as the wellbeing of society is to become a political concern (BBC, 2010), it was clear that the happiness of prisoners is not to be captured in this study. This omission should give cause for concern if, as Dostoevsky said, the degree of civilisation in a society can be judged by entering its prisons. Making prisoners suffer in the punishment process does not promote their rehabilitation and vicariously harms their families and the wider community; prison regimes must be built on positive and mutually respectful relationships. If prisoners can be assisted to build enriching and good lives, then the risk of harm to others will correspondingly fall...and this is something that has the potential to make everyone happy.

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Breaking the Cycle: The Government Response


The Response considers a number of themes and begins with punishment. It states that punishments must be robust and demanding. Prisons must become places of hard work with prisoners working for 40 hours per week. Prison work must be self-financing and prison education focussed on the acquisition of work-related skills. Changes are planned for community sentences too. The intention is to make them more likely to punish, reform and control offenders. The Response speaks of bans on foreign travel and longer periods of curfew.

The second theme is payback. A proportion of the money earned by prisoners, including some of those working on licence in the community prior to release, will be taken and used to fund projects for victims of crime. For offenders on community orders, plans include:

- Longer working days and weeks for those undertaking unpaid work;
- Courts to consider compensation in all cases where a victim has suffered loss or harm;
- A greater use of fines and improvements to fine enforcement;
- A possible extension of the victim surcharge to a wider variety of offence types.

The third theme is progression. This section of the Response deals with improving resettlement and reducing re-offending. For prisoners, dealing with drug and alcohol problems and improving employability are seen as priorities. For offenders in the community, intensive drug and alcohol treatment-based accommodation provision is identified as an option. The current pilot projects for Payment by Results in the area of drug and alcohol recovery will continue. Mental health problems will be addressed in joint projects with the Department of Health and Home Office.
Payment by Results remains a key idea in the government's proposals and the Response states that it will 'underpin all our work on re-offending'. Pilots are underway and the commitment to a speedy roll-out of further projects is stated. The Response gives the example of the four-year Payment by Results pilot at HMP Doncaster where the money paid to the private contractor, Serco, depends in part to the re-offending rates of released prisoners.

The final theme is transparency. Included here are ideas intended to provide members of the public with more information about the criminal justice system, including opportunities to offer views and become involved as volunteers. The system by which victims make Personal Statements to sentencing courts is to be made more consistent and a greater use of high quality restorative justice projects is proposed. Specifically, proposals for restorative justice include:

- Improvements in the use of community resolution in responses to less serious crime and anti-social behaviour;
- Encouraging its use alongside out-of-court disposals;
- Making closer and more formal links with victims;
- Providing more information to sentencers about the pre-sentence use of restorative approaches through Victim Personal Statements and probation reports;
- Developing guidance for youth offending and probation teams and for prisons;
- Making changes to the Referral Order to strengthen it as a restorative option for young offenders.

The response outlines a number of changes to the process of criminal justice intended to make the system more effective. A national framework for the use of out-of-court disposals (e.g. cautions and penalty notices) will be created. Changes will be made to the remand system to reduce the number of people sent to custody as a means of accessing health services and to make local authorities financially responsible for young offenders remanded to secure accommodation.

The Response proposes changes to the sentencing framework. These include:

- A mandatory minimum six month sentence for adults who carry a knife to 'threaten and endanger';
- An urgent review of the system of indeterminate sentences for those convicted of serious sexual and violent offences. The proposal is to replace this system with a framework of determinate sentences. Under the new arrangements, more life sentences are anticipated and other prisoners would not be eligible for release.
until they had served two-thirds of their sentence. Legislation to implement these changes is expected in the autumn;

- Allowing courts to suspend prison sentences without accompanying community requirements.

The Response also outlines steps that, it argues, serve to simplify performance management processes. These include new national standards for probation, which allow greater practitioner discretion, new performance measures for probation trusts with a focus on re-offending and a reduction in the current level of central performance monitoring of the youth justice system.

Speaking about the Response, Louise Casey, Commissioner for Victims and Witnesses commented:

> It is [...] extremely positive that the toughening up of community sentences will proceed, something that we very much support and that there will be no increase in sentence reduction for guilty pleas – something that victims were particularly concerned about.

> The Government is also right to review indeterminate sentences. These often leave victims in a horrible situation of not knowing when a criminal may be released from prison and I welcome the plans to seek tougher determinate sentences – including the greater use of mandatory life sentences in the most serious cases. I will be delighted to offer my help in this review.

> I'm particularly pleased with the emphasis that has been given to making prisons places of real hard work and reform, and that prisoners will pay to support victims from their earnings. This is the kind of common sense change that victims, and I believe the public, have a real appetite for.

The Response to the Green Paper can be found at: http://www.justice.gov.uk/consultations/consultation-040311.htm

**Patterns of Reconviction among Offenders Eligible for Multi-Agency Public Protection Arrangements (MAPPA)**

The Ministry of Justice has published a research report (Research Series 6/11) which compares reconviction rates of MAPPA-eligible prisoners released from prison from 2001 to 2004 with similar offenders released in the period 1998 to 2000 before MAPPA were in operation. The report acknowledges the limitations of the methodology. For example, many factors other than the creation of MAPPA could be linked to a change in re-offending rates during the period of the study.
The study found that the one-year conviction rate for those released between 2001 and 2004 was lower than that for the 1998 to 2000 group. This finding remained true at a two-year follow-up point for cohorts where this information was available. Pre- to post-MAPPA implementation, the research found a comparatively large fall in the proportion of violent offenders reconvicted after one year.

Conclusions drawn from this research are tentative but it is argued that the findings support the current structured multi-agency approach to risk assessment and risk management.

The report can be found at:

**No Winners: The Reality of Short Term Prison Sentences**
The Howard League for Penal Reform, jointly with the Prison Governors' Association (PGA), have published a piece of research about the experience of short-term prison sentences. The research was led by Julie Trebilcock from Imperial College London and draws on interviews with 44 prisoners and 25 prison staff from three adult male prisons. This work was supported by a survey of PGA members and other stakeholders.

The key points to emerge from this piece of work are:

- Whilst the prisoners in the research sample were a diverse group, two main subgroups could be identified: those serving their first sentence (first-timers) and those who had been through the system a number of times (revolving door prisoners).

- Short prison sentences were preferred to community orders by a number of revolving door prisoners. This was on the basis that short prison sentences are easier to complete and make fewer demands. Some of these prisoners experienced a better quality of life in prison than in the community.

- Serving a number of short prison sentences leaves prisoners feeling that a future return to prison is inevitable and outside their control.

- The reality of serving a short prison sentence is boring and demotivating.

- Some prisoners were motivated to undertake rehabilitative work but programmes were often not available. These prisoners felt that they were released 'the same as they were when they came in'.

- Staff were unhappy about the damage done by short prison sentences, such as loss of jobs, accommodation and relationships. They spoke positively about the
constructive benefits of mentoring schemes intended to help prisoners on their release and return to the community.

Launching the research, Director of the Howard League for Penal Reform, Frances Crook, said:

*Community sentences seek to challenge and change people so that they live crime free lives. By contrast, our overcrowded prisons fail to offer lasting solutions to crime or support for victims. Spending all day lounging on a cell bunk, particularly for those on short sentences, is the real 'soft' option. Community programmes can achieve many more positive outcomes than prison as they force people to understand the impact of their actions and do something to repair the damage caused by crime.*

A summary of 'No Winners' can be found at: http://www.howardleague.org/fileadmin/howard_league/user/pdf/Publications/No_Winners__summary.pdf

**Payment by Results at HMP Peterborough**

The Ministry of Justice has published an early evaluation of the Social Impact Bond (SIB) project at HMP Peterborough. The aim of the evaluation is to identify lessons which could inform future SIB or Payment by Results schemes.

Emerging findings include:

- The contractual arrangements behind the SIB are viewed as complex;
- The SIB had attracted some new sources of funding (i.e. from funders who had not previously backed criminal justice interventions);
- Financial risk did seem to have been transferred from both the Ministry of Justice and the service providers to the private investors;
- Social Finance (the financial intermediary in the Peterborough scheme) had been successful at negotiating with the various stakeholders;
- Developing robust outcome measures for Payment by Results schemes is a time-consuming and complex process;
- The design of the Peterborough scheme does guard against ‘cherry-picking’ (selecting those members of the target group most likely to be successful);
- SIBs are a new kind of financial product and gathering evidence from schemes such as Peterborough is necessary to build the information needed to generate further interest from investors;
The Peterborough scheme is too small to deliver substantial 'cashable' saving; the ability of the SIB model to deliver significant savings for government remains unproven.

The report can be found at:

**Review of Police Leadership and Training**

The Home Office has undertaken a public consultation on the Review of Police Leadership and Training produced by Peter Neyroud. The review made a number of proposals, including the creation of a professional body to set standards for policing and a new delivery body for police leadership and training. A new qualifications framework is also recommended, which would include both a Level 4 pre-entry qualification (the police initial qualification) required of those joining the police and a management qualification required of those seeking promotion.

The consultation process asked a number of questions, including:

- How can arrangements for police leadership and training best support the police in being able crime fighters?

- Who should set and maintain the standards for the police service and how should it be done? Do you agree with the proposal for a professional body supported by a charter?

- How and by whom do you think police leadership, training and development should be delivered for police officers and staff?

- Should a new framework of professional policing qualifications be introduced? How do you think that the standards for policing and the skills of police officers and staff should be attained, assessed and maintained?

For more information about this consultation, see:

**Forthcoming Events**

**Integrated Offender Management Conference**

Capita's 9th Integrated Offender Management (IOM) Conference will take place on Tuesday 20 September 2011 in Central London. The aims of the conference include examining the government's plans for reducing re-offending by engaging the voluntary and private sectors in a multi-agency approach. Conference themes will include Payment by Results, restorative justice, resettlement and drug rehabilitation programmes.
Confirmed speakers include: Mandie Campbell, Chair of the IOM National Strategic Board at the Home Office; Ivor Twydell, Gloucestershire Constabulary; Dominic Williamson, Revolving Doors Agency; Jane Daguerre, West Yorkshire Community Chaplaincy Project; and Phil de Montmorency, St Mungo’s.


**Rethinking Crime and Punishment in Europe**

The 11th Annual Conference of the European Society of Criminology will take place in Vilnius, Lithuania from 21 to 24 September 2011. Plenary speakers include: Kauko Aromaa (Finland), Director of the European Institute for Crime Prevention and Control; Aleksandras Dobryninas (Lithuania), Professor of Sociology Vilnius University; Krzysztof Krajewski (Poland), Professor of Criminology Krakow; and Renee Zauberman (France), Research Fellow at CESDIP.

For more information, see: http://www.eurocrim2011.com/Invitation.html
BOOK REVIEWS
Edited by Rose Parkes, Senior Lecturer in Community and Criminal Justice, De Montfort University

SOCIOLOGY FOR SOCIAL WORKERS AND PROBATION OFFICERS

Cree offers a well-crafted and accessible introduction to sociological theory. The first chapter introduces definitions and perspectives and the following seven chapters address key concepts. Included are focused accounts of frameworks that structure the social environment. Obvious contenders like 'family' and 'community' are joined by 'health and illness', and 'crime and deviance'. Each chapter follows the same template: an introduction to the concept; some theoretical tools for study; and links between theory and practice.

The section on gender is particularly strong, presenting an even-handed picture of feminist positions. The text book is written explicitly to show the usefulness of 'thinking sociologically', of placing personalised understanding in a social context. This move is examined explicitly in the preface and in the final chapter, where Cree offers ways of integrating sociological thinking into practice.

Perhaps the most attractive part of this book is Cree's unwavering and unhidden belief that understanding the social world, and using the conceptual tools offered by sociology, helps practitioners to work. It is an ambitious project. Recognising that both sociology and social work 'may be regarded as an integral part of the process through which society investigates, controls and manages (or, to use Foucault's terminology, 'disciplines') its citizens' (p.6) is not comfortable. Without this understanding, Cree argues, social workers run the risk of perpetuating oppression and discrimination. Working from this stance to offer a comprehensible account of theory is a challenge well-answered. Cree is interested in how concepts develop over time and in discursive explanations. Her approach in the book is based on broad questions paraphrased from Foucault (Cree, 1995). These questions frame the link between structural explanations and individual actions that can be hard to bring into practice situations. I found her explanations of major approaches compelling; from Marx to Rousseau, from identity politics to the post modern turn, the short entries are consistent, clear and readable.
It is hard to find fault with what is in this book but, despite the title, probation officers are not well served here. There is almost no mention of probation work or workers and, worse, some comments could be inimical. For example, she comments that the use of the term 'offender' could be seen as discriminatory (p.173). This may be true but is unhelpful to practitioners whose organisational structure demands the use of the word. Omissions are everywhere; the section on family does not look at criminal or criminalised families, the section on community looks at gender, sexuality, age and disability, but not offending. It could be expected that probation work would come into its own in the section on crime and deviance. Here, there is a useful overview of deviance, but no discussion of offending. The probation service is mentioned in the implications for practice box, bracketed with social work as a 'social control agency' (p.197). While this statement is in some senses true, it totally leaves out the relative positions of the agencies in current policy and practice.

Cree herself spent 16 years in social work practice. In the preface she locates herself personally and reflectively (p.xii) and discusses changes in the role of social workers and training over the last 20 years. During the same timeframe, probation training has separated from social work training and the service has undergone a step-change towards punishment rather than care. The service is teamed with custodial workers, not social workers. A social work degree is not a 'relevant degree' for entry into the service any more. This does not mean that social work practice and probation practice require different skills, but that the context in which those skills are practiced is different. Trainee probation officers are exploring case work in a political climate that unapologetically prioritises control. To write a book aimed at these trainees without exploring this is, I think, to miss the point. This leaves me with a dilemma. I would like trainee probation officers to read this book. I would like them to explore the underlying value system that demands good practitioners move past individual case work and explore social explanations for behaviour. There are other books that attempt this: Knepper (2007) 'Criminology and Social Policy' or, in broader context, Craig, Burchardt & Gordon (2008) 'Social Justice and Public Policy' both spring to mind. Yet neither of these contenders offers the clear and concise introduction to thinking in a sociological way that Cree offers. So I will put the book on reading lists and recommend it to trainee probation officers, but I will do this with an apologetic feeling that I am letting them down as only some will be able to benefit from the practice lessons offered. More will feel excluded by a book that labels itself as suitable for probation officers but does not offer them an inclusive experience.

References

Dr Clare Beckett, Senior Lecturer/Programme Leader Diploma in Probation Studies, University of Bradford
REBUILDING LIVES AFTER DOMESTIC VIOLENCE: UNDERSTANDING LONG-TERM OUTCOMES

This newly published book by Hilary Abrahams makes a very distinctive contribution to the growing literature on victims of domestic violence with the following claim:

_This is the first study since the late 1970s to follow women from the refuge into their new lives, and the only one to cover such an extended period[...] It is unique in offering contemporary factual evidence on the long-term effects of domestic violence and abuse and of women's needs in areas such as housing, health and employment._ (p.1-2)

Not only does this book deliver on this assertion but it also bears testament to the fortitude and courage of the women who participated in the study, as well as offering practical guidance and insights for those whose work directly, or indirectly, with victims of domestic violence.

The research consisted of interviewing 22 women who had previously been involved in two earlier enquiries; these previous studies looked at the immediate consequences on those who had just left an abusive relationship. The research methods and practical, as well as the ethical, issues are clearly explained in detail in the appendices. It is noted that, although there were differences in the respective women's experiences, they were united by shared experiences. Moreover, Abrahams counters any criticism which could be made that these particular experiences lack broader relevance by making links with wider research findings. However, it is significant that the individual experiences are privileged over and above the more general findings, as some of the aims of the book are to celebrate the achievements of the women involved in the study and provide inspiration for others.

Chapter One looks at the issues related to how and why women leave abusive relationships. It highlights that women experience low self-esteem and 'diminishing horizons', which can restrict their options. It also makes links with Maslow's hierarchy of needs and charts the difficulties of meeting these needs. In regards to theoretical developments, this study is not ground-breaking, but the chapter comes into its own in relating this to the women's own experiences of leaving home and seeking a new life. It vividly highlights the pervasive emotional ambivalence around leaving an abusive relationship. It lucidly conveys the emotional enormity at stake in deciding to leave the home and offers a robust challenge to the question 'why don't they just leave?'. The chapter ends with a summary of the key points, which lends itself ideally for training purposes.

The later chapters follow a similar structure and pattern: a general introduction to the topic, the foregrounding of the experiences of the participants, and a summary of the general points. Chapter Two identified the practical as well as the emotional obstacles to
be addressed in the pursuit of a new home and Chapter Three leads onto the significance of establishing various support systems for both short-term and long-term needs. What is interesting to note in this section is how favourably police intervention has been appreciated in comparison with other agencies. It stands in positive contrast to previous research findings and may be indicative of improved developments in police training and practice.

Chapter Four examines how the women began to fashion links within the community and establish new social ties and Chapter Five identifies how this moves into 'managing a new life'. This particular section brings home the long-term consequences of abuse as a significant number of women have to (re)learn what it means to exercise a greater degree of independence and autonomy. It is in this section that the attempt for some women to enter an educational environment is recorded. It is a salutary message as it is identified as one of the most obdurate of obstacles they face. It is even more concerning as these difficulties were encountered prior to the current cuts in higher education funding.

Chapters Six and Seven, respectively, identify the significance of the women's health and overall well-being, both for themselves and their children. This highlights some interesting points, for example, in regards to health, it identified the multiple and complex needs the participants still had to contend with long after leaving their abusive relationships. In connection with their well-being, for the majority of the women this was inextricably bound-up with caring for their children as their sense of motherhood was easily the most dominant aspect of their life.

The final two chapters record the experience of participating in the study which encompasses both the existential/internal changes, as well as the practical developments. The final chapter arguably brings together the central thread which runs throughout the entire book: it offers a 'message of new life' as it stands as a testament to women as survivors. In rebuilding their lives as well as providing guidance for those who are directly experiencing such abuse, and for those who are in a position to assist.

In conclusion, although this book does not offer any new theoretical insights into the experience of domestic abuse, it does provide a better understanding of the long-term needs and experiences of victims. Moreover, it provided practical and challenging advice for other agencies to try and meet these needs. As is made clear in the introduction, the aims of this research had three aspects:

*to identify the needs of women after leaving the refuge, help to identify any gaps in service provision and assist the development of services structured to meet the long-term needs of women and their families.* (p.12)

It also seeks to make a simple but very powerful and important point, that it is more cost-effective in the long-term to provide some support, usually at a 'low level', than to provide no support at all. The untended long-term problems can, and do, result in far greater social costs. This point has taken on far greater significance at the time of completing this review because the cuts in service provision to support woman who are abused have
become so severe it has prompted Denise Marshall, Chief Executive of the Eaves charity, which supports women who have been abused, to return her OBE in protest at the reduction in funding. How workers can meet this in the light of the austerity measures being imposed on these services is, arguably, the subject of another study.

Tom Considine, Senior Lecturer in Criminology, University of Huddersfield.
RELATIONSHIP-BASED SOCIAL WORK

This book is a well-structured look at the place of relationships in social work practice and examines the theoretical base as well as the need for training in, supervision of, and reflection on, its use.

The opening chapters by Gillian Ruch and Adrian Ward are well-argued and enlightening, locating the theories of relationship-based work in an historical context, and contextualising the discussions that follow. The links to reflective practice are many and offer sound advice to social work students trying to locate 'self-awareness' in social work and, more explicitly, in reflective practice. The editors' discussion of the ambiguous nature of social work, 'Social Work occupies an ambivalent social space' (p.22), will help the desired 'light-bulb' moment looked for, in my experience of teaching, in this subject area. The book also develops the why's and how's of there being 'no right answer' to service users' problems, and how a sound knowledge of relationships can help with working in 'Schon's (1983) swampy lowlands'. Adrian Ward's note that 'I am suggesting that this is more of an art than a science, more a question of growth and development, rather than merely training' (p.64) sums up, for me, the need for a fluid approach to working from such a perspective.

The next section of the book moves into a series of contributor discussions around the place, and use, of relationships in practice. Chapter Four gives clear evidence of how the understanding of relationships can be used in drawing out information from vulnerable service users and disaffected clients. This aspect provides reference to sound transferable practice skills for working in high-risk situations, such as child abuse cases. However, I felt there was a missed opportunity in the lack of discussion of the evidence from research in such situations, which underpins empowering practice when working with involuntary clients.

Kohli and Dutton's links to short-term work gives added breadth to the use of relationships in brief work where they may often be seen as less important because of the time-limited nature of the intervention. They additionally draw in and provide an anti-managerial argument applicable to child protection when they note, 'there is a danger that with families on the move colliding with professionals making haste, little is made into too much and that too much is left invisible and compressed into too little' (p.101). In my view, they draw out culturally-competent practice, although it is not named as such, with diverse ethnic groups, refugees and asylum seekers.

Chapters Six, Seven and Eight then move into working with strong feelings and the emotional costs of working with service users whose behaviours can be unexpected and, very often, intimidating. These chapters draw out issues from risk assessment to reciprocity, although the debate was not as clearly delineated as in previous sections in making a case for relationship-based practice. However, the links to understanding the
possible pitfalls in this side of the work do include and develop the theme of self-awareness as being as important as an awareness of service users’ agendas.

Chapter Nine deals with long-term relationships and the necessity of clear professional boundaries that nonetheless allow 'love' to be expressed appropriately. Chapter Ten covers the issue of 'endings start with beginnings' and makes some sound points that, once again, were applicable to other ways of addressing and applying skills of honesty and consistency. Chapter Twelve allowed service users to 'speak for themselves' and modelled a respect that social workers can emulate, as generally this chapter allowed service users to 'speak' without too great a commentary about their input into the associated research project.

Chapter Thirteen drew in supervisory relationships and laid the foundation, in my view, for Chapter Fourteen's look at the future of social work in multi-disciplinary teams and the associated difficulty of maintaining a clear professional identity in modern practice.

This is a book that will have a resonance with both social work lecturers teaching reflective practice to students and the students themselves, especially those struggling with its difficult concepts alongside their placements, where ambiguity reigns. In some ways, I feel the chance to develop counter-arguments to an unthinking adherence to evidence-based practice and risk-averse child protection practice has been missed, although it is touched on in many parts of the book. This, of itself, would not stop me recommending it as a very helpful supplementary book to a range of other texts used on professional programmes. Due to the complexity of relationship-based social work, I am left feeling that it is most appropriate for final year students who should have developed the level of self-awareness and insight to make the best use of the content. However, this book could equally be applicable to unqualified workers, especially in those areas of practice where a balanced view of relationships should underpin more objective assessment. Last, I am, perhaps, a mite disappointed that, whilst alluding to the importance of challenging a managerialist agenda, this was not developed in greater depth.

Courtney Jones, Visiting Lecturer in Social Work, University of Bedfordshire
PROTECTING THE PUBLIC? DETECTION AND RELEASE OF MENTALLY DISORDERED OFFENDERS


This book provides a focused approach to UK and Australian policy issues regarding mentally disordered offenders, with insights from practitioners and related professionals. It is a considered approach that allows the reader to become familiar with the everyday intricacies and challenges of working with mentally disordered offenders. The book is written in a comprehensive way to allow non-experts in the field to grasp the main ideas and concepts. The efforts to combine academic sources with policy inform knowledge about how processes should and actually do operate.

The book begins with an exploration of legislation and the way executive discretion informs the process. The distinction, for example, of the difference between judicial and political functions offers an explanation on policy variations and practices. The argument progresses from detainees to prisoners to patients, drawing from previous literature, which explores the way the law rules on the person. The use of examples from Australia and the UK add to the understanding of the process and help develop a comparative narrative between policy issues in different countries. Ultimately, this may be overly ambitious and possibly confounds understanding of the population at hand.

Then the focus switches to methodological issues relevant to data collection and the conceptualisation of theoretical ideas. As such, this chapter lays the foundations for exploration of the area at large. The difficulty, for example, of having a common term that refers to all mentally disordered offenders is confusing, as they are not a homogenous group and each of their conditions has different clinical foundations and requirements. The focus on policy analysis informs the methodological framework and transforms policy, legislation and other documents into data. These, along with the author's interviews, generate a qualitative narrative that puts the people working with mentally disordered offenders firmly in the centre of the analysis.

Further on in the book, attention is placed on the operations of a Mental Health Unit and the dual responsibilities of officials are explored. These are identified as executive discretion and maintenance of the system's reputation. This distinction allows the reader to understand administrative responsibilities between praxis and structure. Executive decisions, and relationships between contributing factions in the wider area of working with mentally disordered offenders, are also investigated. For instance, the relationship between the Home Office Mental Health Unit and the Mental Health Review Tribunal acts as a demonstration of cooperation (or lack of) between interested parties. The relationship between various 'actors' involved in the mental health care system identifies levels of satisfaction and acceptance of the system itself.

Chapter Five is the one that addresses the title of the book. It explores the impact of public opinion and public interest in policy and practice. This facet of research, according to the author, of exploring public issues has previously never been investigated.
empirically. There are two obvious issues; who are the public and how are they responded to, by the professionals, working in the area of mental health? This section is informed by several anecdotes and extracts from various 'actors', who help to provide an insightful view as to the way in which professionals respond to the public.

Following on, the author addresses the difficult task among policy makers and other professionals working in the mental health field, to provide adequate public protection while considering the rights of the patients. The question here is: which group of people should take priority over the other? Arguably, not all professionals in the field see the protection of the rights for both groups as mutually exclusive.

The pre-existing legislative framework provides a clear mandate for the protection of the public. However, the European Convention on Human Rights focuses on the rights and welfare of the patients. In this legal minefield, 'actors' are required to produce coherent policy, which responds to both legal frameworks. The author suggests the way to address the issue is to interpret all legal requirements in a way that is not mutually exclusive. This however, does not resolve the potential conflict between different organisations when different agents within the system follow different mandates. This is one of the key themes this book focuses a great deal of attention on.

In the final chapter, the author summarises the main points of the book. This implicit balance, between patients' rights on one end and the protection of the public on the other, reveals the systemic problems in the way mental health policy is pursued.

This is a very relevant and up-to-date book for those interested in the way managerial procedures inform practice within the field of mental health. More critically, this is quite an ambitious book, arguably trying to do too many things at the same time. It appears to go into a number of different areas and attempts to collect views from various different 'actors' in the system. It is informative and the primary data used provide an insider's view to a heavily-guarded and protected area of public policy.

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OFFENDER SUPERVISION: NEW DIRECTIONS IN THEORY, RESEARCH AND PRACTICE

This edited collection is a series of papers produced by a group of academics with an interest in the concept and practice of offender supervision. The book is edited by Fergus McNeill, Peter Raynor and Chris Trotter and, in their introduction, they chart the development of the international network of researchers and academics who have collaborated, encouraged each other's thinking and worked together to produce the book.

This is a substantial book and its 26 chapters offer a variety of perspectives on the business of offender supervision. Part One provides theoretical underpinning for the subsequent debate. Bonta and Andrews outline the Risk-Needs-Responsivity model, Ward sets out the Good Lives Model, and Maruna and LeBel write about the importance of desistance in correctional practice. These chapters provide useful, accessible and, at least for a while, current accounts of the concepts and ideas that are shaping thinking about rehabilitation and offender supervision.

The book draws on a number of research studies and projects to make its case. Part Two includes a chapter by Raynor, Ugwudike and Vanstone, reporting on their study of the practice skills (including communication, use of authority, pro-social modelling, problem-solving and the making of referrals) of probation officers in Jersey. Trotter and Evans write about researching similar themes in the practice of juvenile justice workers in New South Wales, Australia. Both chapters make valuable observations about the process of researching the people skills of professionals, for example, explaining how the researchers constructed tools to use in the analysis of observed practice. Both chapters also argue that paying attention to the quality of individual supervision of offenders should be part of the development of effective practice.

The chapters in Part Three of the book consider contrasting ways in which offender supervision may be improved. Topics covered include the role of assessment tools, the importance of organisational culture and the scope for increasing the involvement of sentencers in the process. Durrance, Hosking and Thorburn write about the development and delivery of a structured programme for one-to-one supervision within London Probation. Their chapter raises some interesting questions for practitioners and managers to consider. The programme was generally well-received by both staff and offenders. Offenders commented positively on the material and the chance that the one-to-one programme gave to discuss individual problems and needs. Staff who were supervised and observed in their delivery of the programme benefited from this additional input and support. The authors ask whether the degree of structured input and framework for staff development achieved by this programme should be a routine feature of offender supervision.

The chapters in Part Four of the book address the significance of families, friends and the wider community in offender supervision. This section of the book is particularly
interesting to read from a UK-based perspective. Current offender management practice in England and Wales makes little systematic use of resources offered by offenders' families and by the wider community. These chapters offer a variety of case studies illustrating the potential benefits that come with taking account of the significant influences on and support available to an individual offender.

Part Five of the book brings the important reminder that engaging individuals in the process of supervision is a complex task. Securing compliance with orders and licences requires more than simply setting a firm framework of penalties for breach. Robinson and McNeill develop some existing ideas about compliance (from the areas of both criminal justice and personal taxation) and offer a dynamic model of compliance. This model has important implications for policy and practice; it highlights the need for an enforcement regime that is flexible enough to respond to the individual offender's attitude and approach to supervision.

Part Six brings together a number of chapters with historical and political perspectives on offender supervision. Gelsthorpe, Raynor and Robinson, drawing on Probation Service court reports from different periods of the service's history, chart the changes in the way that defendants are portrayed to sentencers and discuss the extent to which these changes reflect the broader policy and political changes to the business of offender supervision. Nellis provides an account of the less than enthusiastic adoption of the electronic monitoring of offenders in England and Wales. He considers its use in other jurisdictions and asks whether it could play a more creative and integrated role as part of offender management.

Taken together this is a comprehensive, readable and well-informed collection of essays. It is the case, as the editors acknowledge, that there is an Anglophone bias to the contributions, with the vast majority of chapters reflecting the practice of offender supervision in the UK, North America and Australia. However, for anyone concerned with the supervision of offenders and wider issues of offender management and effective practice, the book offers a strong introduction to the key concepts and perspectives as well as many policy and practice insights. I would recommend the book to academics, criminal justice managers and practitioners; I have made good use of my review copy as I plan teaching materials for students training to be probation officers.

Jane Dominey, Programme Leader Probation Programmes, Principal Lecturer, De Montfort University
This book is something of a 'call to arms'. Eschewing conventional, media-inspired understandings of prison; most likely to identify escapes, riots, in-cell television, or holiday camp conditions as the most controversial issues in prisons; it focuses on the use of imprisonment by 'advanced capitalist-patriarchal society' as a primary means of controlling the poor and marginalised. The book starts by rooting penal controversies in principles of human rights and social justice, and ends by questioning the moral legitimacy of prison itself. To arrive at this point, the authors assess the destructive impact of prison on the people disproportionately processed by it. They discuss those with mental health problems, women, children and young people, black or minority ethnic groups and foreign nationals, as well as some of the deleterious effects of imprisonment (including the propensity of prisoners to commit suicide and self-harm). They examine the limitations of institutionally-based psycho-medical models of rehabilitation, particularly in relation to people who sexually offend. Consideration is also given to prisoners that resort to drug-taking and the disruption caused to prisoners' families. In academic circles at least much of this is well-known, but this is not simply a re-analysis of the 'pains' or 'penal harm' of imprisonment, although a wealth of references, statistics, case studies and footnotes is provided to this end. Rather, it sets out to challenge the very existence of prison and reformulate arguments for its abolition.

Each controversy is analysed according to a common structure. First, consideration is given to how each is conceived and defined, and the problems and misconceptions which accrue from this. For example, mental health is mostly conceived as a physical illness, which denies its social dimension; similarly, racism is regarded in individual or institutional terms, which negates the wider significance of power and social inequality. Second, the limitations of official data are outlined. This highlights how differences in definition or methodology interpret the scale of particular issues in different ways. For example, mental health problems in prisons are over-estimated when drug and alcohol dependency is categorised as a mental health issue; alternatively, owing to the unreliability of the testing measures used and the tendency of prisoners to successfully subvert the tests, prisoners' drug-taking is much higher than official figures suggest. Third, the historical context of each controversy is described. The consistent failure to end, for good, penal practices which are inherently harmful makes for sober reading. Throughout the 19th century, the high number of deaths in prison left the prison authorities perplexed, but today, it is put down to increases in mentally-disordered prisoners and changes in staff working practices. In many respects, the life story of 15 years old Edward Andrews, who hanged himself in 1854 after being made to turn the crank 10,000 times a day, does not apply to the contemporary experience of imprisonment. Yet, notwithstanding changes in regime, the authors’ point that 'prison has always been deadly' (p.99) is forcibly made. Finally, the legitimacy of present day penal policy is called into question. The conclusions are uniformly damning: the imprisonment of women is 'nothing less than systematic sexualized abuse' (p.50); children and young people 'are being scarified in the name of political rhetoric' (p.69); 'the treatment of foreign nationals is at times nothing short of
appalling' (p.86); and 'the penal apparatus of the Capitalist State has blood on its hands' (p.106).

So what is to be done? In the two chapters that book-end the analysis, the authors set their stall out. Rather than construct an argument for the amelioration of prison conditions - a misguided response to the damage prison does to prisoners which, they claim, merely serves to prop up a failing institution - the book is concerned to lay bare the deep structural fault-lines of 'a prison place that is inherently harmful and systematically undermines human dignity' (p.12). The policy prescription advocated is 'selective abolitionism', the deliberate exclusion from prison of vulnerable people in need of help - those with mental health problems, women, children, immigration offenders, and people with suicidal ideation. Although this is thought to constitute a credible strategy for reducing the prison population, the authors are careful to note that considered in the wider economic, social and political context of contemporary capitalism, selective abolition alone is not sufficient to challenge the underlying punitive rationale of imprisonment, particularly as focusing on vulnerable groups is likely to mean 'that the sufferings of those who do not fit easily within its construction of vulnerabilities are ignored' (p.166).

The criticism often levelled at the abolitionist agenda is that it is publicly and, therefore, politically implausible. Progress is dependent on changing 'common-sense' understandings of imprisonment derived from everyday life experience and the popular media, which often refuse to even entertain the notion that prisons are illegitimate. A key aim of the book is to challenge the widespread 'penological illiteracy' which maintains this detrimental state of affairs. The authors set their sights widely. Indeed, specific criticism is levelled at liberal penal reform organisations for working too closely with prisons and, thereby, being 'co-opted into maintaining the status quo' (p.168); (I should perhaps admit to some previous in this regard myself. For six years I was Deputy Director of the Prison Reform Trust. I remember once asking the formidable and now, sadly, deceased Director of Women in Prison, Chris Tchaikovsky, to contribute a chapter to a pamphlet I was editing at the time entitled 'Constructive Prison Regimes'. 'There’s no such thing', she snapped, 'prisons are only ever destructive'; although being the person she was she wrote the piece anyway, departing from the brief, naturally).

Towards the end of this carefully-researched and well-argued book there is an exhortation to 'step out', 'be brave', and Scott and Codd have, indeed, written a brave book which deserves to be read widely; not only for the detailed analysis it unfolds on the toxic effects of prison, but also for the energy and passion they bring to bear in exploding the many myths which support its continued use.

Dr. Nick Flynn, Senior Lecturer in Applied Criminology, De Montfort University
Drug-related crime is an important policy issue for politicians, policy makers and practitioners in the UK and internationally and, in recent years, there have been significant innovative shifts towards the development of services for drug users drawn into the criminal justice system. These services have the primary intention of accessing individuals, whose criminal activity and subsequent processing through the criminal justice system is directly related to problematic drug use, and linking them into treatment services. In recent years, interventions have been introduced at key points from arrest to imprisonment with resources directed at both community and custodial settings. With the recognition that a reduction in crime is associated with a reduction in drug use (Gossop et al., 2001), it has been considered appropriate to invest in treatment interventions as a way of addressing drug-related crime; a feature that has become embedded in successive drug policies.

This edited book consists of eight chapters based on key points of intervention with drug users throughout the criminal justice system, from arrest to aftercare; a section on further resources is also provided. Most of the chapters are based on evaluations, largely commissioned by government agencies and generally applicable to England and Wales, although chapters by Gill McIvor ('Drug Courts: lessons from the UK and beyond') and Alex Stevens ('Treatment sentences for drug users: contexts, mechanisms and outcomes') usefully locate current initiatives within an international context. The contributors have first-hand experience of conducting research on interventions for drug users and approach the issues from a criminological/criminal justice perspective. A chapter by Hucklesby and Wincup ('Researching Drug Interventions in Criminal Justice') sets the scene for the discussions that follow.

The book is of dual interest. On one level, the findings and implications of the studies on which the chapters are based are presented and discussed; each chapter reviews the impact and effectiveness of one or more intervention. By bringing these reflective discussions together, there is an opportunity to obtain an overview of the inter-relating (or not) aspects of recent and current interventions, and some indication of the complex and ever-shifting nature of the management of responses, notably the Drug Interventions Programme (DIP), introduced in an attempt to bring together many of the initiatives discussed throughout the book (see the chapter by Turnbull and Skinns, 'Drug Interventions Programme: Neither Success nor Failure?

Of equal interest are the reflections on how researchers and practitioners try to make sense of the nonsensical in order to meet the ongoing demands of funders and governments in their search for evidence of 'effectiveness'. The book provides an opportunity for the authors to reflect on the methodologies employed and some of the practical (occasionally philosophical) challenges of conducting research in this area; indeed, some question marks overhang the certainty of findings which aim to evidence the 'effectiveness' of drug interventions in the criminal justice system. Interestingly, they
highlight the limitations of our knowledge in this area. The evidence in this area is challenging and sometimes inconclusive, and a range of reviews have usefully drawn attention to the problems experienced in conducting and interpreting research carried out in the area of drug interventions in the criminal justice system (notably Holloway et al., 2005; McSweeney et al., 2008). Studies continually illustrate the incomparability of interventions due to the different methodologies used, distinct timeframes and, indeed, challenges in identifying and/or obtaining data for comparative populations, in addition to gaps in data-collection systems relating to service provision and subsequent follow-up (notably in relation to levels of drug use and reconviction rates). Many of these points could equally be applied to evaluations of criminal justice interventions more generally, where innovative initiatives are often short-term, with little opportunity to provide longitudinal data on the longer-term impact.

The 'dynamic' policy agenda which underpins the implementation and delivery of drug interventions in criminal justice has implications for practitioners and policy makers attempting to provide 'effective' services, but also for researchers and research teams attempting to evaluate the impact of these interventions. Attention is also given to the theory and practice of 'partnership working'. 'Drug Interventions in Criminal Justice' usefully brings thoughtful considerations of a range of research studies together in a coherent and structured way. It engages with the challenges of 'coerced' intervention and provides some fascinating insights into the murky waters that lie beneath 'effective' interventions. Indeed, the content of this book, without doing so directly, provides some impetus for those advocating the need for drug policy to take a broader social contextualisation of drug use and responses to it (e.g. Buchanan, 2010); a context that is often overlooked when interventions are designed and implemented.

References

Margaret S. Malloch, Scottish Centre for Crime and Justice Research, University of Stirling.