

# scottish justice matters

# POLICING

Reflections on developments and  
changes to policing in Scotland



# FUNDING AND THIRD SECTOR ORGANISATIONS WORKING WITH OFFENDERS

## some observations from Scandinavia and Scotland

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**THERE IS** growing interest in making better use of the services offered by third sector organisations (TSOs) in criminal justice. The use of TSOs is often justified with arguments such as this:

The third sector has a number of unique and positive attributes that differentiates it from the public and private sector. A distinctive feature . . . is that it is value driven, characterised by a strong sense of ethics and prioritises the needs of people over all other objectives . . . (The Robertson Trust 2012, 2)

TSOs are understood to be more responsive to the needs of individual offenders, less bureaucratic and able to find more innovative ways of working than the public sector. However, in England and Wales, several commentators have worried that the way in which the government is deploying the services of the TSOs, via contractual agreements, is, in fact, nullifying such benefits. For example, contract-based funding is seen as a threat to the work of TSOs, because it tends to be less open-ended than grants, which historically have provided the core of TSOs' income. Contracts are thought to reduce the possibilities of the TSOs to engage in innovative and flexible ways of working. Furthermore, commentators have suggested that acting as a service provider to the criminal justice system will hamper the abilities of the TSOs to criticise government policies and represent the interest of their clients in policy-making (Mythen et al. 2013; Maguire 2012; Neilson 2009; Corcoran 2009; Vennard and Hedderman 2009. For the opposite view, see Tomczak 2013).

The potential effects of contract funding for TSOs working with offenders have received little attention apart from in England and Wales, although contracts as a way of funding TSOs are becoming more important, particularly in the area of health and social care. As a part of my doctoral research, I examined the situation of TSOs working with offenders in relation to contract-funding in my home country, Finland, and in two other rather similar countries, in Norway and in Sweden. I also included Scotland in my study to compare accounts of third sector representatives from different 'civil society regimes' (Enjolras and Sivesind, 2009). I selected the following, most significant TSOs working with offenders for study: KRIS Finland and KRIS Sweden ('Criminals' Return In to Society'), Probation Foundation Finland (PFF), Wayback (Norway), X-Cons from Sweden, and Apex and Sacro from Scotland.

These TSOs are fairly different in terms of their approaches. The two CRIS organisations, Wayback and X-Cons are so-called peer support organisations: the services and support that they offered was based on the idea that released convicts support other releasing convicts in their return into the society. As a rule, the peer support organisations employed only those who had their own background in criminality and/or substance abuse. The two Scottish organisations and the Finnish PFF, on the other hand, were based on services and support offered by social work professionals, although they also had a few employees as so-called peer mentors.

The organisations differed also in terms of funding. The Scottish TSOs were funded mainly via contracts with local authorities, and the Nordic TSOs had both contracts and grant

funding. In addition, volunteering also constituted a significant resource for the peer support organisations. In all of the countries, TSOs are significant actors in supporting releasing prisoners and other ex-offenders. This is true particularly for the Nordic countries, in which there is a lack of specialised through or aftercare services offered by the state.

Interviewees' views concerning the overall appropriateness of contracts as a funding source differed. However, there were no clear-cut differences between representatives from different countries. In fact, interestingly, the interviewees from the two Scottish organisations represented exactly the opposite views about the appropriateness of contracts as a way of funding their services. Whereas the interviewee from Apex found several problems in relation to providing services to their clients via contracts, the interviewee from Sacro did not recognise such problems. For example, Apex had often encountered situations in which it was unable to offer clients such help that it considered essential as the service was not specified in the contract it was delivering. Efforts to achieve certain outcomes stipulated in the contracts may drive the organisation to 'cherry-picking' its clients, thus leave out the hard cases and take in the easier ones. In contrast, the interviewee from Sacro was confident about the ability of the organisation to work in the contract environment. Nevertheless, despite of the problems highlighted, both of the Scottish TSOs were willing to continue working via contracts, which may be because other available means of funding were very scarce. The Nordic interviewees generally preferred their organisations to be funded via grants. For instance, the informant from Finnish CRIS justified this view by noting that the organisation would lose its character, if it increased service-delivery to the public sector.

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However, interviewees generally considered that contracts as such did not restrict organisations' abilities to influence and engage in policy-work. It seemed that rather than service-delivery contracts, it was generally the role of these TSOs as cooperative partners of the public sector that restricted their ability to influence and criticise. For instance, the interviewees from the Swedish KRIS, which in comparison to the Scottish TSOs was much less dependent on contracts, related that the organisation was never able to criticise the prison system in the way they would have liked to, as if they did, the prisons would not let the organisation to visit prisoners. It can therefore be questioned as to whether TSOs that engage in practical work with offenders are ever able to operate in such 'watch dog roles' we would expect.

The interviewees disclosed also other difficulties in relation to policy-work. For instance, the Scottish representatives, in particular, highlighted that their capacity to influence policy-

makers is strongly linked to their ability to provide research evidence but this is again was connected to their ability to win contracts.

Nevertheless, the most burning problems concerning contract funding seemed to relate to the abilities of the TSOs to perform meaningful practical work with their clients, although it was interesting to note how differently interviewees even from same countries experienced contracts. Consequently, this may make it difficult for those that do experience problems to oppose the system, if their colleagues in other TSOs do not recognise similar problems. Opposing can be particularly difficult for the smaller TSOs, if the larger organisations having more influence and power do not share the experiences of their colleagues.

New forms of contracting have emerged, which provide more opportunities for TSOs to influence the content of the services they provide, such as the Public Social Partnership models introduced by the Scottish Government (see Rob Strachan's article in the March 2014 *SJM*). Such models may enable provision of more meaningful services for the clients. Yet, these partnership models probably do not make it any easier for the TSOs to retain their 'alternativeness' in the eyes of their clients, which undeniably is one of the most important assets that TSOs have in the work with offenders.

Finally, I would like to point out that the views reported do not represent the situation of the whole sector. Nonetheless, it is important to stay attentive to the experiences of these large actors and to any barriers and disincentives to their willingness to have an independent voice.

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