

Hybridisation, co-existence or co-option? The 'penal drift'  
question and the voluntary sector in England & Wales.  
University of New South Wales, *November 11 2018*

LEVERHULME  
TRUST



Keele  
University

**Mary S Corcoran**

**School for Social Sciences and Public Policy  
(Criminology)**

**Keele University, UK.**

**M.Corcoran@keele.ac.uk**



# The proposition: 1. Criminalisation of social policy:

- 'The criminalizing of social policy involves two key processes. The first is boundary blurring, .... the adoption of principles of operation which obscure the purpose of social intervention such as that between welfare and punishment, and the second is displacement of goals, as the objectives of social policy subordinate issues of welfare to those of crime prevention' (Rodger, 2008b:18)

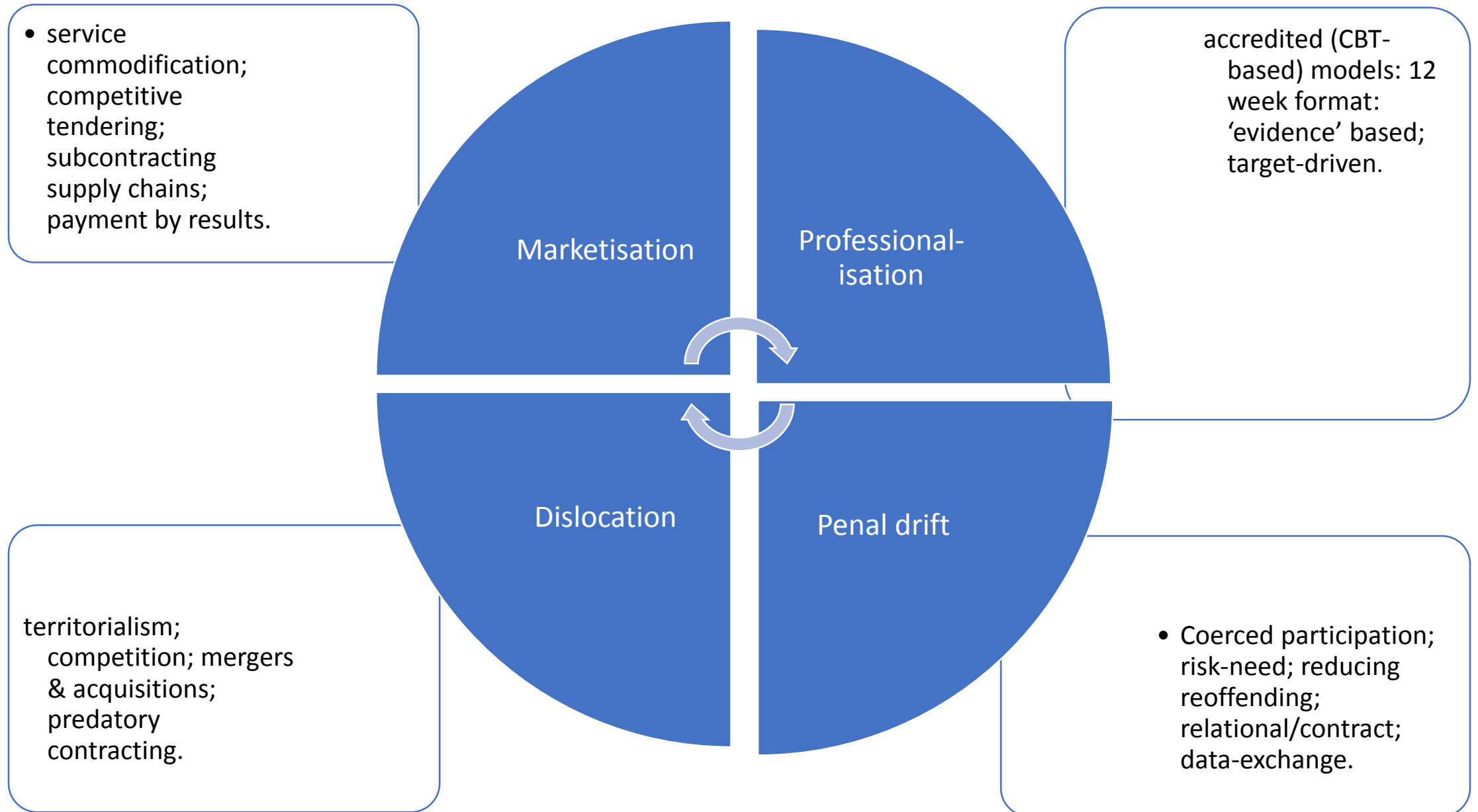
## Proposition 2: Structural assimilation (adaptive theoretical perspectives)

- Convergence: “a para-state apparatus comprised of multiple voluntary sector organisations, administered outside of traditional democratic politics and charged with major collective service responsibilities previously shouldered by the public sector, yet remaining within the purview of state control” (Wolch 1990: xvi).
- Hybridity/’post-institutionalist’: ‘An increasing intertwining of components and rationales as they are linked with the state, the market and civil society and its networks’ (Ibid: 741).
- Resilience: VS adapted to seismic change but retaining its core mission and defining characteristics (Salaman, 2015: 13).
- Assumes symmetry; weak critique (if any) of power; needed empirical testing; rarely (if ever) applied penal/coercive contexts.

# Methodology

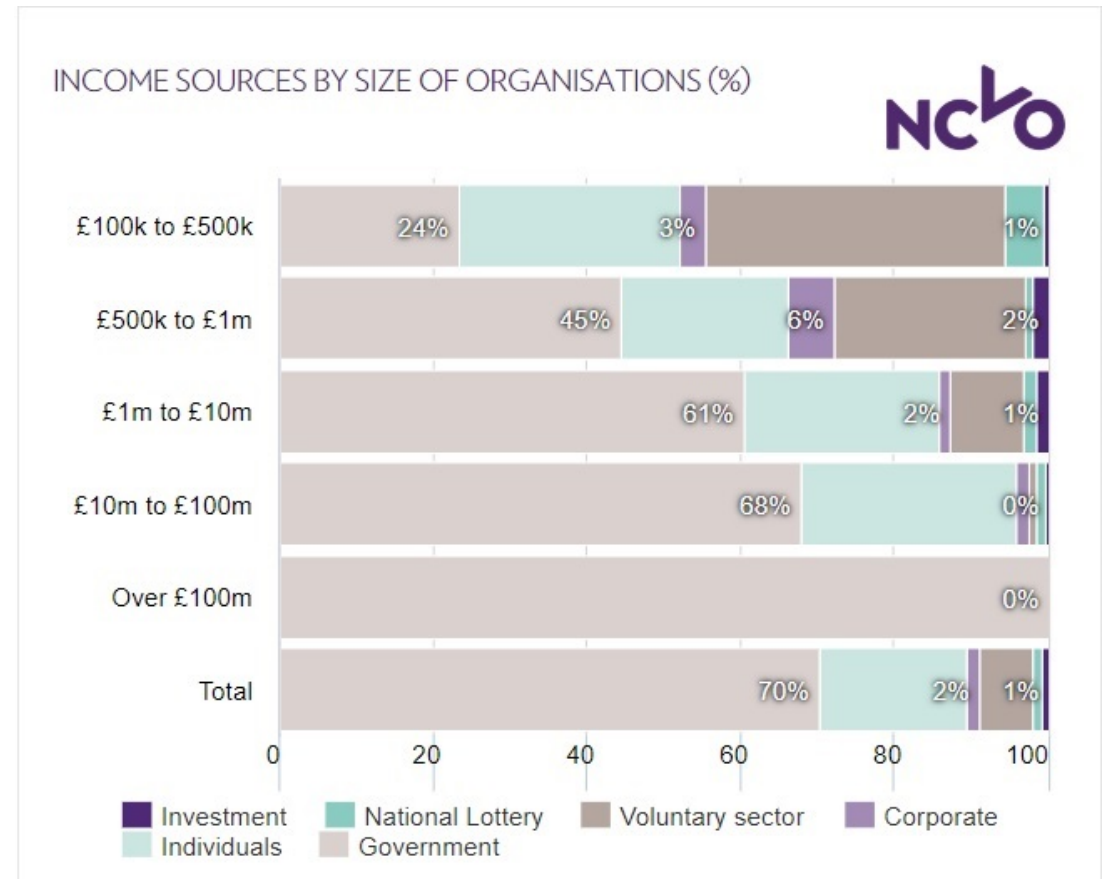
- 205 interviews
- 110 organisations
- 8 (usable) case studies.
- 81 surveys (decision makers and frontline staff)
- Subset of survey questions in Clinks' TR tracker survey (2015-16, 16-17)
- 100s hours ethnographic observation.
- April 2015-November 2017 across most regions of England and Wales (incl. London).

# Drivers: intersecting 'fields' (Bourdieu)

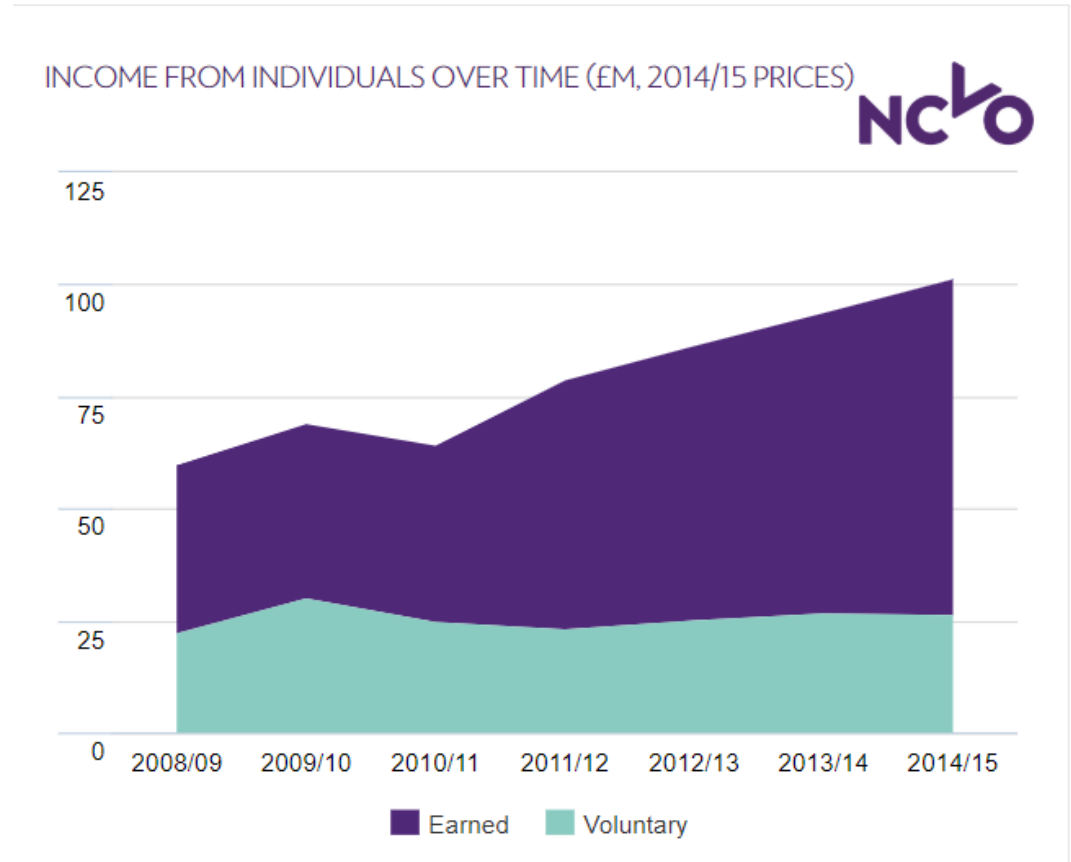
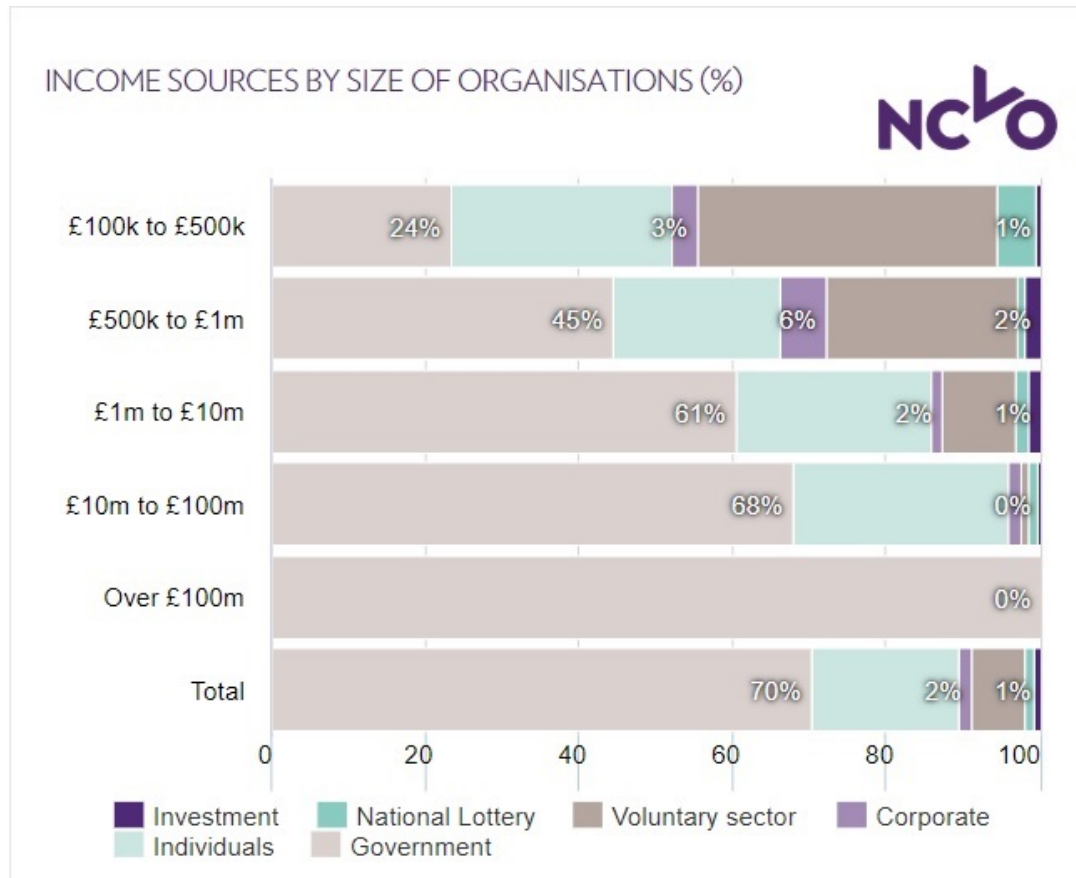


# The research context: Policy

- Austerity and desertification of local services networks.
- MoJ budget cut by 1/3<sup>rd</sup> 2010-20.
- Replacement of grant funded programmes with 'level playing field' competitive market.
- Growth in prison population & enlargement of probationary supervision (Offender Rehab'n Act 2014)
- Privatisation (failed) of Probation.
- Redistribution of charitable income to large, national charities



# Shifts in funding: from grant income to competitive tendering



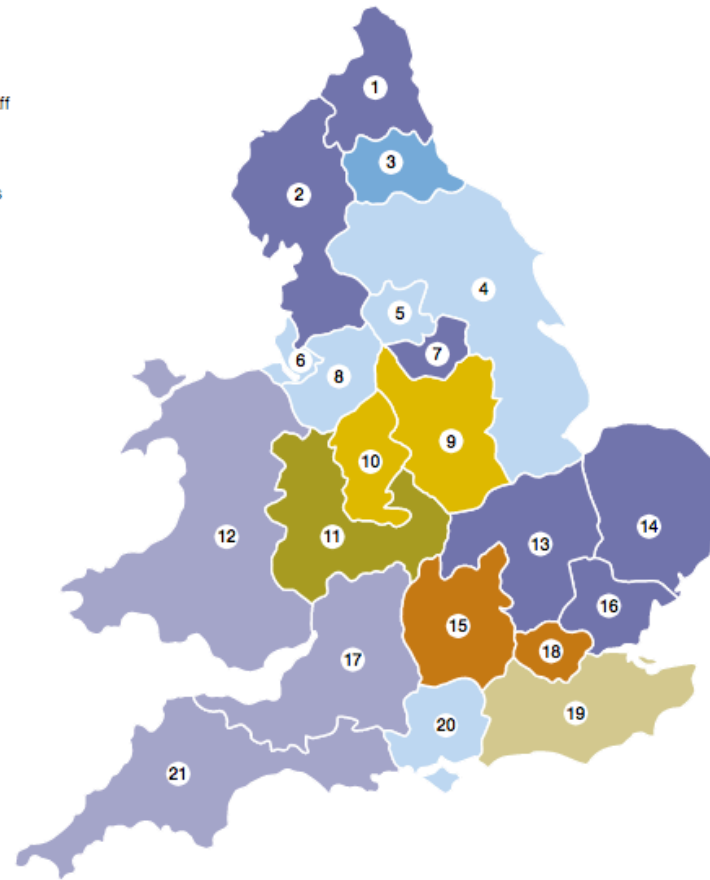
# A neoliberal marketscape: map of successful bidders for Probation 'contract package areas'.

**Figure 4**

Winning bidders for the 21 CRCs

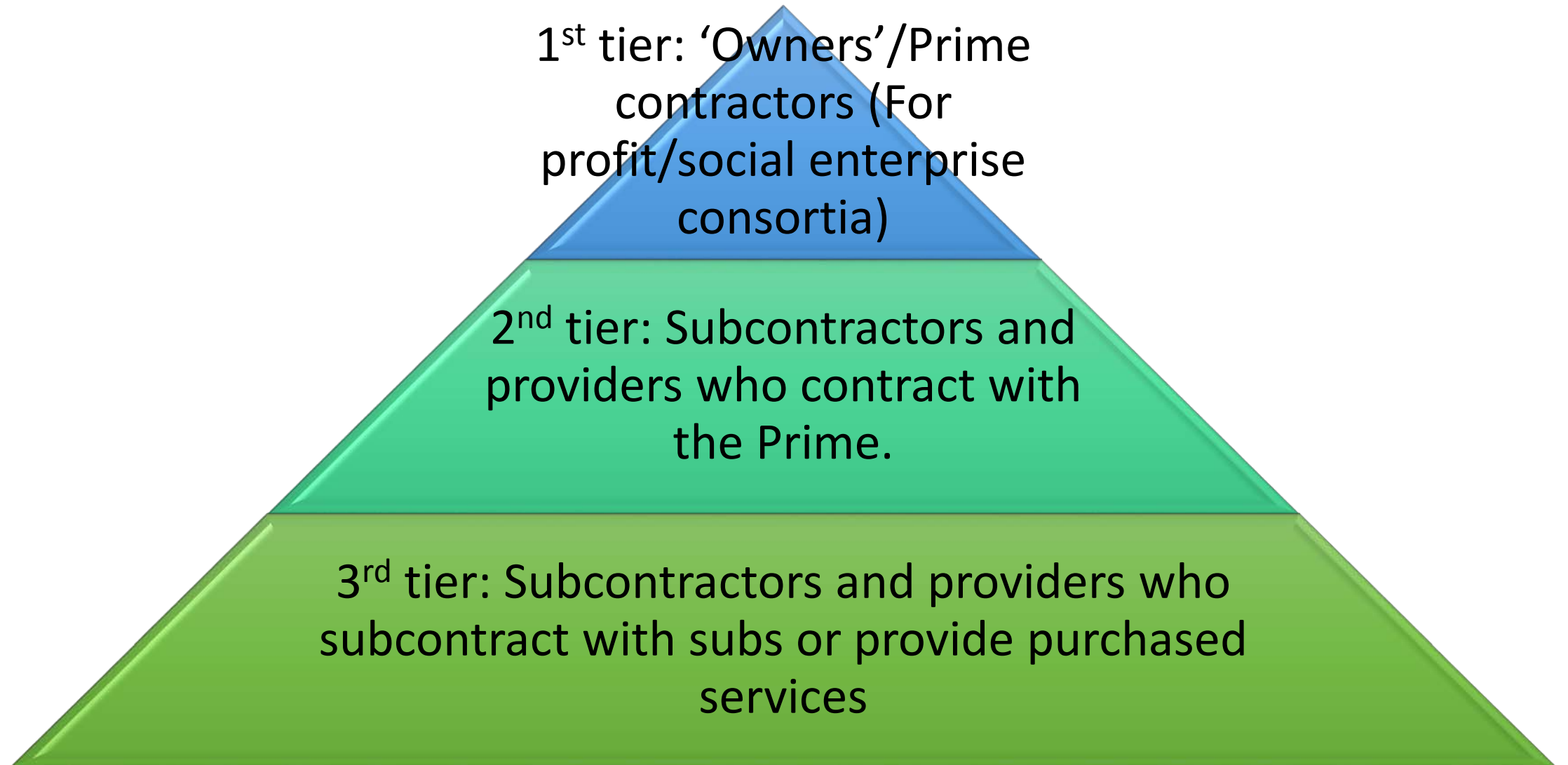
- Sodexo with Nacro
- Working Links (company) with probation staff mutual
- ARCC consortia with probation staff
- Purple Futures, an Interserve-led partnership
- MTCNovo – MTC, Amey and others
- Reducing Reoffending Partnership – Ingeus UK and St. Giles Trust
- EOS Works Ltd (now PeoplePlus)
- Seetec

- 1 Northumbria
- 2 Cumbria and Lancashire
- 3 Durham Tees Valley
- 4 Humberside, Lincolnshire and North Yorkshire
- 5 West Yorkshire
- 6 Merseyside





# Transforming Rehabilitation: prime provider contract model





# Crime control policy: 'offender management' actuarial justice

- Risk-needs responsiveness
- Criminogenic and 'deficit models
- Welfare/social intervention contingent reducing reoffending.
- Actuarial justice: (disavowal of personal change model; privileging of containment/management of problem groups.
- Evidence-base (narrow parameters of 'what works' linked with payment-by-results regimes.
- New Public Managerialism
- Competitive tendering in 'mixed' penal service markets.
- Dispersed governance;



# Coerced participation and reporting non-compliance

- ‘Coercion’ is not a single, well-defined entity but represents a range of options of varying degrees of compulsion. The circumstances involves a range of help-seeking (or help-giving) motivations, involuntary referral (court or probation), anticipatory risk-prevention referral, social pressures (parole or regain custody of children).
- Participation represents a range of imperatives and cannot be confounded by simplistic involuntary/voluntary binary attributions. The debate becomes more complex when participants are responsabilised with secondary forms of compliance (demonstrating positive engagement) on programmes, for examples, or altering behaviours which are supposedly ‘at the root of their offending’ or ‘for their own good’.

# 'Managed' coercion

- 'This isn't a service that people engage with because they want to, they engage with it because they *have* to. And that will always be a massive barrier to service user integration within this particular service.' (Manager, Tier 2 Justice Services Provider: emphasis added).
- 'The offender manager might have some statutory responsibilities to enforce the court order, but we can be much more flexible and creative in terms of how we approach and outreach, and are assertive and encourage and motivate the women to engage with the service.' (Middle Manager, Supported housing)

# Responsibilisation and contractual 'trust'

- 'And for us, that is about being very clear with the offender what we will do with information that they tell us. So the first intervention we have with somebody, we contract with them and we say, you know, if you tell us anything that we feel your offender manager needs to know, we will tell them, we don't make any apology for that; and if you can't work with us because of that, that's your choice, but that's the starting point for us.' (Manager, resettlement charity)
- 'Responsibilising forms of governance aim to shape the subjectivity of the targeted individual primarily through mobilising the individual to shape her or himself according to the state's interests' (Hackett, 2013: 3).

# Parity of status and responsibility

- ‘I tell them there and then, cards on the table, *that we work closely with the police and probation, and we’re here for the prevention of crime as well, you know.* So I’m open and honest with them on that, just so they know. I’d say [that] 99 per cent say ‘yeah, that’s what we want, you know, we’re happy with that’ (Manager, supported accommodation).
- ‘People like probation, police, drug and alcohol agencies are working more closely with us because they need us more, which is a good feeling to have because, you know, it’s nice to feel that you’re valued in what you’re doing really.’

# Targeted pre-emptive risk

- ***‘Not so much breaches, more like behaviour.*** If we thought there was any kind of offending going on, or if they were using drugs or something here...*Within 24 hours we have to say whether they’ve come, whether they haven’t come; if they have, what have they done, what have they said. And all that gets put on the probation system.*’ (Staff: Supported housing and community supervision: emphasis added)
- ‘And if I hear that word ‘risk’ some days, I think, “oh, I don't want to hear it again, everything's risk-risk-risk-risk-risk”. We can do this because it comes under risk, we can do that because it comes under risk. No, he's not going to be given a choice because he's a risk and he's going to be told he's going to be on basic if he doesn't do this. And that is so alien to everything that I've ever known previously’ (Middle manager, resettlement agency).

# Criminogenic risk prevention

- So the net result will be that the women will breach because they don't turn up for groups, and then the prison population's going to go through the roof. And then, the whole thing is going to go tits up, I think, as is already happening for the short term prison sentences' (Director, women's project).
- 'The systems have made it more difficult to use ingenuity in working ... because of the data that's got to be entered.' (Front-line worker, large resettlement agency)



## The ambiguous labour of care (cf: Lipsky, Hochschild and others...)

- ‘We're non-judgemental. So it's very much about inclusiveness and equality. ... looking after marginalised people’ (Front-line worker, community safety).
- ‘Clients, they often see us as slightly different because we are the people that are trying to help them out of a situation. Whereas probation staff are not always their friends ... it’s about supporting people... to live happier lives. So it’s about enabling people....(Front-line worker, housing and support).
- ‘I work for the client, not the state... The clients are central ..... they trust me... more than they trust their probation officer.’ (Front-line worker, large organisation, housing and support).

# De-personalisation vs caseload strain

- ‘We're going to now start pretty much leaving a lot of people to just get on with it and we're only going to concentrate on those we consider to be very high risk of whatever. The rest of them, they can put a fingerprint on a screen and then sod off, you know (Manager, small/medium social enterprise).
- ‘What people need is somebody's time, somebody to listen to them, somebody to let them know they're not alone, somebody to care, somebody to encourage, somebody to motivate them, somebody to help them believe that they can do it, their lives can be different. And, of course, a tick in a box doesn't do any of that, does it?’ (Senior Practitioner, Substance misuse agency).

# Data: commodification and exchange

- ‘So why are we capturing reams of information on someone, that takes us hours, admin becomes just the core function then, instead of actually the job being face to face talking’ (Manager, large housing and support agency).
- ‘We’re working as a subcontractor... the day to day operations are affected because we’re regularly inspected... We spend too much time on keeping records and sharing records with the bigger organisation.’ (CEO, medium-sized housing and support agency).

# Loss of discretion

- ‘The systems have made it more difficult to use ingenuity in working ... because of the data that's got to be entered.’ (Front-line worker, large resettlement agency)
- ‘Someone just randomly ...rang through ... I couldn't say I'll make you an appointment... because if he [his probation officer] wasn't going to say yeah we'll pay for it, I couldn't ...’ (Front-line worker, medium-sized housing agency)

# Penal drift resisted

- Not taking government contracts: You can't be too fussy in the end if it's a case of survival and funding, but I think our relationship with our volunteers is quite a special one, and I think if we start being funded by NOMS, by MoJ, by a private...you know, by Serco or Sodexo or whoever they are...if we are receiving payment for working with our volunteers, that puts our relationship with our volunteers on a completely different footing (Project manager, offender employment provider MCint3).
- Handing back a contract: 'Sometimes the right thing is to walk away from contract or walk away from delivery or to fight for a contract or fight for delivery, or become politically unpopular (Team leader, sex offender service).
- Civic courage: 'I said we may as well sell used cars. It is so soul destroying. We were about to close and I'd told the trustees ...'I want to close the centre rather than do this, are you with me?' They were with me. I was so pleased that they were with me (CEO Housing and support).
- 'At a housing meeting a woman told me that she had a substance misuse problem .... I arranged support for the woman and then told the CRC officer.' (Front-line, large housing and support agency)

# An invitation

Adaptive and management strategies of the voluntary sector are born out of the decade-old financial crisis – and the variety of increasingly destructive problems these approaches create: this involved addressing new and terrifying financial realities, neoliberal designs on the imagined future of post-Brexit Britain, the sequestration of commons and unaccountable enlargement of the penal sphere. I invite a group of scholar and practitioners to devise and record tactical interventions that seek to dismantle damaging ideological frameworks. The intention is to develop a network and space for conversations with critical practitioners and scholars, and encourage future collaborative projects stemming from our work and experiences. .