

## **Building statutory, private sector and civil society partnerships in penal resettlement: some insights from research.**

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Thank you for the opportunity to address the joint EuroPris/Confederation of European Probation workshop on Interagency Partnership.

My role today is to open our discussion about partnerships in probation, prisons and the broader penal-welfare ecosystem. I refer to 'ecosystems' because resettlement, reintegration and achievement of justice (criminal *and* social justice) are collective public responsibilities which involve many sections of society. From the perspective of sociological theory, one can argue that partnerships bring different, autonomous agencies and actors together. Once they are in partnership, they constitute an overarching 'field of power' (the partnership) <sup>1</sup>. The partnership organises around agreed goals ('managing offenders' or caring for criminalised or marginalised persons) and brings together many subfields: incarceration, community sanctions, probation, risk management, social work, therapeutic and health interventions, etc.

So, this opening plenary is to set the stage for an exchange of expertise from all participants here with a view to collectively exploring practices, methods and the national and cultural contexts in which we undertake such work, in order to generate collective insights to take back to our colleagues. (You will note that I say 'we' because an engaged academy is also essential for autonomous, rights-focused, critically reflective, evidenced research and critique). In this sense, we are reflecting a collective spirit of partnership over the next two days. I will make four general points\*:<sup>2</sup>

### **1. The origins of partnerships determine the nature of partnerships.**

Generally speaking, partnerships in criminal justice originate under two conditions; the first relates to 'organic partnerships' when *people* come together to create better outcomes for beneficiaries (clients), communities and society. The impulse to join forces starts with existing networks of connected agencies at local level, they may have close inter-professional interactions and existing systems of mutual reliance and communications. Coming together in partnership creates space for collaboration, communication and collective problem solving, and ideally should contain an element of choice and consensus involving the client/offender/criminalised person (who should be a subject, rather than an object, of decision-making).

The second motivation for partnership building comes from the top-down through policy making at central state or municipal levels – what we call *bureaucratic or technocratic initiatives*. Here too, the motives are to balance several complex priorities, but are likely to be driven by: (i) more effective co-ordination and better communication among professional agencies involved in discharging a sentence of the courts, (ii); greater efficiency in working with offender/client/criminalised person in the course of their sentence and through to aftercare; (iii) public protection, reducing reoffending, saving public money and being more democratically accountable are also important motivators.

We should not idealise the former –the *organic initiatives* - as being more legitimate and authentic because they have the advantages of being closer to the ground, are sensitive to local conditions, have professional familiarity with the community, respond with shared purpose and (hopefully) in the best

interest of the client. These claims do not always materialise in practice and there is no guarantee that relational problem solving is more successful than the status quo (Maguire, 2012).

Equally, it is a mistake to denounce the second – what we may call the *bureaucratic initiatives* – simply because they arise from the desire to achieve programmatic social, political and economic outcomes. On the contrary, although local partnerships may be more democratic, they are also likely to be ad hoc, smaller in scale, vary from one part of the country to another, and be comparatively unsustainable. Therefore, it is vitally important that the state (local, regional and national) plays an active role because only the state has the technical or bureaucratic capacity, resources, governance structures (legislation and regulation) and ability to coordinate and build frameworks on a larger and more sustainable scale.

I am not proposing that either approach is inherently superior or inferior; rather, it is to stress that the key challenge in creating partnerships is how well the state (local and central) works with the statutory sector, civil society and the for-profit sector in mutually sustainable, accountable ways which generate the best outcomes for the intended primary beneficiaries – clients/offenders, communities, society.

## **2. Partnerships across penal and welfare fields face unique public challenges.**

The remit of criminal justice partnerships means that some agencies will be involved in sanctioning, punishment, involuntary participation and coercion to degrees that do not occur in the same way in such areas as health, education, or social care (although coercion and involuntary participation do exist in these areas, of course). However, it may be argued that the kinds of criminal justice-social welfare partnerships which we are discussing create an exceptional condition to the rule because they belong to the penal realm. Indeed, such partnerships may have come into existence **with specific responsibility** for public protection, reducing offending and reoffending, supervising and monitoring complex offenders (sex offenders, terrorists, gang members, etc). It is a matter of substantive difference (legally, politically, ethically, socially) that some or all of the agencies involved in partnerships are obliged to discharge sentences of the courts and that participants are involved in sanctioning and recalling clients.

This obligation to discharge penal functions poses a ‘wicked problem’ associated with having to fulfil a careful balance between care and control. This care-control matrix ‘is complex, not fully understood by policy makers, highly resistant to change and seemingly immune to any evidence to bring about change for the better, it is driven by ‘what works’ and often not evidence-based [and] increasingly positioned by political expediency and the signalling of politicians’ ‘toughness on crime’” (Czerniawski: 2020: 275).

### How do we persuade politicians and the public?

These partnerships, therefore, face some unique challenges. It is also important as to whether desistance and resettlement work is valued and supported (or not) at the political level.<sup>3</sup> The consensus surrounding the rehabilitative idea is under strain. In the last few decades we are witnessing an increasing divergence in policy and professional opinion regarding the sanctity of the rehabilitative ideal. As Jake Phillips comments:

‘We are now a long way from that consensus. The way in which policy defines and measures the aims of probation has changed significantly, *yet the way in which practitioners do so has not*’ (Phillips, 2020: 66-67).

Policy makers have to be made aware of, and encouraged to understand that resettlement and re-integration can be complex and slow. Two broad issues are at stake (supported by the research) when we seek to explain recidivism and the struggles of those caught up in criminal justice systems to politicians and the public:

- Firstly, *dispositional barriers* experienced by prisoners which may be linked to their life conditions effects of disadvantage, previous educational exclusion or failure, poor employment, low personal esteem, drug and alcohol abuse, communication, learning and mental-health conditions, poor social capital etc.
- Secondly, there are *institutional barriers*: housing; legal discrimination (such as the reluctance of lawmakers to protect persons with criminal records) unemployment; barriers to accessing health services and the problems of social stigma and unpopularity of the client groups.

It is important to keep arguing that these are structural issues related to policy choices, and not simply the outcome of personality disorders, 'poor thinking' or bad choices on the part of criminalised persons.

Similarly, pressures of costs and the demands for procedural efficiency, and demands that criminal justice agencies achieve results is also changing the role of prisons in resettlement. The expectation that prisons should be sites for rehabilitation *and* systems for retribution, incapacitation, punishment or deterrence. These conflicting expectations are under strain. Prisons are increasingly seen as centres for service delivery involving numerous partnerships with public services (health, social services, probation), private sector contractors and third sector/charitable organisations. Prison Directors and senior staff are therefore encouraged to be entrepreneurial and innovative in their abilities to optimise resources and capitalise more fully on their relationships with other agencies, third sector and municipal partners.

Finally, there is a broader resurgence of populist and far-right ideas which has pushed political parties in many countries further towards retributive and repressive policy solutions. This threatens rehabilitative goals and allows for the framing of rehabilitation, reintegration and legal equity and social justice as permissive, as counter-productive, and as 'do-gooding'. Within such a climate, it is easy for policy makers, academics and practitioners to lose sight of our professional goals and common purpose which at least must be disposed towards discharging the public good, the pursuit of human dignity, inclusive values or anti- discriminatory practices. This is **not** the time to forget the transformative effects which effective work can have with those in the criminal justice system.

### **3. Partnerships are challenged by declining trust in public, professional expertise.**

The context is the decreasing role of the state in individuals' lives, attacks on the public service ethic as well as the broader pushback against civil society. As a consequence, governments are turning to markets or charities for solutions. Certainly, these trends are more evident in those countries which are more neo-liberalised than others, but few countries are insulated from these trends. This decline was evident from the last century in the United Kingdom where:

'There has been a gradual erosion of confidence in the reliability of the public service ethic as a motivational drive and a growing conviction that self-interest is the principle force motivating those in public services' (Le Grand, 2003: 39).

One effect of this diminished confidence is the trend of government to rely to greater extent on technocratic systems, and less on professional decision-making. Furthermore, the combination of

technology and technocratic systems supposedly deliver services and outcomes with superior efficiency to those of staff or public servants.

There is an interesting choice here between ‘technocratic’ and ‘deliberative’ sources of discretion, authority and decision-making which is worth exploring a little.

Firstly, professional problem solving is increasingly subordinated to the employment of actuarial/risk assessments methods, which have gained a privileged status in criminal justice decision making. In sidelining discretion, such procedures underline a lack of trust in, and a suspicion of, decision-making by individuals as well as undermining and devaluing the value of professional labour.

Secondly, negotiating consensus and consultation is seen by governments as less desirable than the ‘clean’ implementation of policy. A process based on consent relies on the search for agreement (as much as possible) between participants and may also include the voluntary engagement of clients. This process is extremely messy, and many technocrats seek to avoid or eliminate this disorder to reach for some wonderful impersonal formula ‘that would simply give us ready-made weights that are “just right”’ (Sen, 1999: 79). However, no such magic formula exists since decision-making is ultimately an issue of selection, interpretation and judgement, and not of technical fixes.

A third effect of technocratic primacy is that process and means are subordinated to ‘results’ and ‘outcomes’. An example is the ubiquitous use of performance metrics which count only which can be counted and take the form of productivity targets, inspection benchmarks, etc. The effect is that they measure transactions, but exclude social benefits or interpersonal value which may have been generated in professional-client work because such valuations cannot be deduced from output targets only. If we consider the delivery of justice to be a fundamental social good (according to Rawls), its administration based on principles of governance that only count efficiencies or cost savings are problematic.

#### **4. Partnership must be substantive and transformative.**

Too often, agencies claim to be working in ‘partnership’ simply because they are working alongside each other.<sup>4</sup> But this is inadequate. Partnerships by their nature challenge institutional boundaries, change what participants do and how they think, and ought to transform the options for service users/clients. It is not enough merely to synchronise operational and planning systems, nor to align agency goals. Instead, ‘partnership’ – its creation, maintenance and sustainability – should prompt an openness to change at both institutional levels and in terms of personal agency.

‘Partnership’ is an open signifier in that it means to different parties what they want it to mean. I wish to put before you a few basic ‘tests’ which I have learned from my own research in prison, with the third sector, community groups, municipalities and police and probation services over several years (Buck and Corcoran, 2011; Corcoran and Fox, 2013a; Corcoran and Fox, 2013b; Buck, Corcoran and Worrall, 2015; Corcoran, & Hucklesby, 2016; Corcoran and Weston, 2017).

- What is the nature of your ‘partnership’? Is it transactional (where you jointly deliver a contractual service), or collaborative (which involves co-design, co-production and sharing of human expertise and other resources to create something new and innovative)?
- Who calls the shots in the partnership? Are flows of power and influence transmitted by hierarchical, ‘top-down’ mandates or horizontal networks of interest in collective pursuit of a common end. Must partners always adapt to the agendas of methods of one dominant player (the state? police? criminal justice agencies)?

- Does your 'partnership' facilitate parity of esteem, recognition and continued independence for the voluntary sector? How are partners included in major decision-making and are their roles and contributions respected on their own terms?
- The great diversity of partnerships is not to be reduced by simplistic narratives. Partnerships are highly complex and varied. You cannot assume that one model fits all circumstances (Herzog-Evans, 2011; European Commission, 2019). Equally, governments like to 'scale up' successes from local contexts to regional or national levels. However, you must be cautious about 'cutting and pasting' programmes from one region/country to another without considering local and national contexts.
- 'Partnership' means to different parties what they want it to mean. As I suggest, often those promoting partnerships may seek to amplify harmonious, unproblematic consensus but deny or do not acknowledge differences in that can arise between partners, and between agencies and their clients.
- Is there space for truthful criticism (where necessary) and are there means to adapt to changing circumstance. Those promoting partnerships may seek to amplify harmonious, unproblematic consensus but deny or do not acknowledge differences in that can arise between partners, and between agencies and their clients.
- Sustainability: partners must continuously seek ways of increasing the sustainability of goals and activities for all partners? As the statutory services (prisons, police, probation, social work) have some bureaucratic and institutional protections, they manage to better absorb adapt to a degree to greater demands or reduced resourcing. By contrast, because the third sector is most exposed to fiscal or policy changes, their options are limited to 'adapting' to environmental stresses.
- Who gets to participate? Who has a voice? May I ask you to consider how much consultation with citizens and service users took place when setting up your partnerships? How actively do questions of equality, the representation of all perspectives, and social inclusion impact on the design of your programmes? Can service users exercise their voice and create change in the organisation – really?
- The quality of governance matters: the actions and motives of the state can motivate innovation or kill it off. There is a belief among policy makers that all agencies (public, for-profit or NGO) will always act in their own self-interest unless the state is vigilant in holding them to account. As a result, we have seen that agencies now work to these output goals and can be drawn away from their social purpose. Wise policy makers ensure that the right incentives can be put in place to promote cooperation and altruism, while allowing for reasonable degrees of autonomy and discretion.
- Lessons can be learned from the UK. The irony is that the UK government pioneered partnerships in criminal justice. However, its neoliberal model of legislating partnerships, forced mergers, enforcing terms of collaboration through setting targets, compulsory competition, means that partnerships are weakened. Our next challenge is to rebuild the structures of resilience, such as readiness to collaborate, the ability to work to common goals, trust, power of advocacy for justice (Kuhn or O'Neill).

I look forward to facilitating and sharing perspectives with you on these and other questions during this workshop. Thank you.

Mary Corcoran Phd  
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<sup>1</sup> For those of you who are interested in the theory behind this: the idea of 'ecosystem' is based in part on Pierre Bourdieu's sociological conception of 'fields'. Bourdieu proposes that society is made up of intersecting spheres ('fields') which have their own internal organisation, rationalities and power relations. Each field generates its own values, rules and actions, but is influenced by other fields as well - what Bourdieu terms 'habitus'. Agents within each field possess social capital through which they act in order to 'construct the lived world'.

<sup>2</sup> There were only three in the original talk.

<sup>3</sup> Other factors which have a bearing here include expenditure and resourcing, the quality of leadership, staff development and resources, trends within criminal justice policy and the attitudes, values and beliefs held by key stakeholders.