



Decentralizing risk: The role of the voluntary and community sector in the management of offenders

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Abstract

This paper considers the rise of third sector agencies as key criminal justice providers within the context of the marketization of probation and other crime management responses. We posit that the ‘rehabilitation revolution’ has significant implications for the voluntary and community sector in particular and criminal justice provision in general. Pointing towards incremental colonization of the third sector by criminal justice concerns, we trace the creeping discourse of economic risk, exemplified by the commodification of provision, increased contractualization of services and the application of cost–benefit measures. We argue that government policy is being driven by a behavioural economics of risk that attempts to ‘nudge’ the sector in discrete directions through the use of incentivization, market competition and steers toward entrepreneurship. In such a context, the position of marginal groups with high needs but potentially poorer outcomes may be perilous, consigning high risk and ‘at-risk’ groups to further exclusion.

Keywords

Big Society, decentralization, offender management, risk, third sector

Introduction

In this article we will be considering the future role of the voluntary and community sector (VCS) in the management of offenders in Britain. Our contribution represents an

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attempt to piece together some of the potential implications for the VCS of policy initiatives around the risk management of offenders promoted by the Conservative/Liberal Democrat coalition government. While previous contributions have identified the reduction in economic risk sought by the government in introducing policies such as payment by results (PBR) and social impact bonds (SIBs) in the criminal justice system (see Fox and Albertson, 2011), here we draw attention to some of the dilemmas and issues that have arisen – and may arise in the future – around the transference of power and responsibility for offender management from the state and private contracted enterprises to agencies in the voluntary sector.

While the diffuse aspirations and policies connected to the ‘Big Society’ project have brought to the fore concerns about the economy and the government’s plans for the future delivery of health, welfare and justice services, here we wish draw attention to the terrain of offender management. From a micro-level focus on provision for offenders to the macro-level of the ideological trajectory of the state we will be addressing some of the issues that derive from this current phase of ‘rolling back’. In the quest to activate and responsabilize actors and agencies deemed capable of sharing the burden in the management and/or rehabilitation of convicted offenders at low or no economic cost, we maintain that issues of risk and risk management – which are fore-grounded in government ventures around regulation in other areas such as counter-terrorism and child protection – are being at best glossed over and, at worst, simply elided. We wish to draw particular attention to the problems that may arise for the VCS if a new phase of decentralization of criminal justice is ushered in without sufficient attention being paid to the economic capability and occupational capacity of that sector. To explicate some of the problems and the possibilities that may arise out of this ‘risk-shift’ from the state to the VCS we draw upon two examples: the management of female offenders with vulnerabilities and multi-agency risk assessment conferences in managing male violence against women.

In the context of offender management – at a time of scarce funding and scant provision for training – agencies in the VCS are likely to be under pressure to respond positively to the decentralization agenda. In the worst-case scenario, far from improving facilities for offenders and encouraging desistance from criminal behaviour, ‘sub-optimal provision’ (Fox and Albertson, 2011: 410) may arise, signalling the possibility of a decline in care and the spectre of recidivism. In addition to the advantages and challenges considered by Fox and Albertson (2011) that are embedded in the ‘payment by results’ agenda, the policy implications of such a shift are likely to be sizeable for the VCS, representing a wider governmental commitment to displace responsibility and risks from the state to the VCS, from the centre to the local. Following Vennard and Hedderman (2009: 240), we argue that there is a distinct possibility that smaller, more vulnerable agencies in the VCS may have little option but to accept a dominant economic discourse of risk where measures of reconviction and value for money come to supersede the principle of ‘moral good’ that has historically underpinned activities and policy making in the sector. Many of the observations that we shall make will also be pertinent to other areas of service delivery within the VCS sector. Support services for victims of crime stands as a case in point, and whilst one of the examples that we shall use carries implications for such services, our prime focus here remains offender management.

Rolling Back the State? Big Society, the Rehabilitation Revolution and Payment by Results

In the light of record spending on incarceration and the doubling of the prison population since 1993, the government has recently advocated a firmer focus on reform and rehabilitation. According to government statistics, almost half of offenders released from prison reoffend within a year of release, with three quarters being reconvicted within a decade of being released (Ministry of Justice, 2010b: 2). The 'rehabilitation revolution' announced by the Justice Secretary, Kenneth Clarke, is an attempt to tackle this kind of repeat offending and the 'revolving door of crime'. This policy, though somewhat in flux at this point in time, sets in train a range of processes. These include greater involvement of voluntary agencies and private companies in rehabilitating criminals, the introduction of minimum and maximum periods of incarceration, robust community sentences, withdrawal of benefit for offenders who do not comply with supervision, enforced drug rehabilitations programmes, the extension of contribution to the 'victim's fund' paid into through work undertaken by those serving custodial sentences in prison, the deportation of foreign national prisoners, and payment by results to prison and rehabilitation providers (see The Conservative Party, 2010). Before we outline the more specific contents of the 'rehabilitation revolution', it is first necessary to provide a brief account of the broader context within which recent governmental preferences must be situated and understood.

Although pre-dating the launch of the 'Big Society' project, the invitation to private companies and the VCS to have greater involvement in the management of offenders fits snugly within its broad embrace. The Big Society 'idea' envisages a broadening of responsibility for social welfare, public services and justice with individuals and voluntary groups assuming greater responsibility for delivering public services. For its proponents, the Big Society is driven by the notion that government has to reshape in order to respond to the demands of a fast moving, globalized world. Notwithstanding the extent to which the key drivers of the 'Big Society' project are rooted in the ideological values of Conservatism or the need to cut public funding and find cost-efficient alternatives, the Big Society project has been beset by problems ever since its announcement and has been re-oriented and re-launched on several occasions. In the face of public, political and media criticism, David Cameron (2011) has nonetheless continued to publically champion the Big Society. Aside from a lack of public appetite and serious organizational setbacks,¹ concerns about what the Big Society philosophy might mean for the VCS have been raised as providers grapple with the problem of how to maintain standards and quality of care in an environment in which economic provision is dwindling. Sir Stephen Bubb, the Head of the Association of Chief Executives of Voluntary Organizations, has pointed out 'if you want to build a bigger society you have got to have the foundation there and that's the charities, the social enterprises, the community groups and they are the very ones that are being hit. They are making redundancies, they are cutting the work they do in communities' (Bubb, 2011: 1). In the light of the harshness of the economic downturn and the depth of spending cuts, the capacity of the VCS to deliver the services envisaged by the government has come into question: 'If action is not forthcoming soon

then the sector will not be in a position to take up the challenges and opportunities of greater engagement in delivery of public services that is one of the building blocks of the Big Society' (Clinks, 2011: 4).

While David Cameron has been keen to stress the novelty of the Big Society project, its ideological foundations are conversant with traditional Conservative objectives such as aspirations for a smaller leaner state and the trumpet voluntary sounded by Margaret Thatcher in the early 1980s. Further, although New Labour have been deeply critical of the Big Society project, it should be noted that Blair and Brown's term in office involved various initiatives designed to de-centre responsibilities for welfare, health and security with similar aspirations. This process of de-centralization has manifested itself in many ways, from encouraging public/private partnerships, to devolving power and service provision to smaller locales and regions. A myriad of policy initiatives and programmes illustrate the government's desire to manage resources in a less hierarchical way and to draw in a broader range of stakeholders in the delivery of key services to the public. In order to demonstrate some of the central thrusts – both ideological and practical – that underpin and propel the present phase of decentralization, we shall consider the so-called 'rehabilitation revolution' and the principles underpinning payment by results schemes.

These initiatives have somewhat discrete trajectories, but there are important commonalities between them in terms of what they suggest for the rights and responsibilities of citizens, the state, private companies and voluntary organizations. The rehabilitation revolution involves a range of measures and policies that decentralize provision for offender management and encourage solutions to reoffending that are connected to market principles of competition between providers (Ministry of Justice, 2010b). These ongoing transformations raise important questions about the future role of the VCS. For example, do these proposals represent a threat or an opportunity for the VCS, both commercially and/or reputationally? What are the ramifications of a transfer from the centralized responsibility of the Ministry of Justice (MoJ)/ National Offender Management Service (NOMS) to the VCS for service provision and the management of offenders? The government's strategy of decentralization is laid out in the Draft Structural Reform Plan (Ministry of Justice, 2010a: 1), which sets out a range of measures 'designed to turn government on its head, taking power away from Whitehall and putting it into the hands of people and communities'. Oriented toward process rather than outcomes, these proposals for change are designed to be cost-effective, enhance public safety and reduce reoffending rates (see Ministry of Justice, 2010a: 4).

The rehabilitation revolution seeks to develop a more integrated approach to offender management to address the perceived 'silo mentality' between those working in prisons and in the probation service. The aim is to strengthen the links between prisons and probation and make more effective interventions to reduce the probability of re-offending occurring (Chambers, 2010: 27). Although these practical/organizational aspirations have a discernible political spin, the rehabilitation revolution is also a response to bleak economic conditions and a budget deficit overhang from New Labour's period of tenure.² The proposed cut of a quarter in the budget allocated to prisons assumes that there will be 3,000 fewer people in Britain's prisons in four years' time than there are presently (Robinson, 2010). Given that each prisoner costs the taxpayer approximately £50,000 a year (BBC News Online, 2010), the rehabilitation revolution is not easily divorced from

economic considerations, both in terms of how it is presented to the public, the extent to which it is representative of the government's mission to reduce spending, and the appeal which is made to the VCS in terms of financial incentives to reduce reoffending rates. Committed to decentralization and migration from a centrist 'one size fits all' approach to more tailored local solutions, the coalition government has promised 'an integrated approach to managing offenders' (Ministry of Justice, 2010b: 12).³ This involves a series of measures and strategies including introducing more working prisons, expanding the accountability of offenders through forms of restorative justice and holding services to account for the results they produce in terms of the future behaviour of offenders. The 'new' model of offender management⁴ welcomes in actors traditionally placed outside the criminal justice system and promotes competition between private and voluntary agencies in offender management (Chambers, 2010: 11) in an offender management system that 'harnesses the innovation of the private and voluntary sectors, including options for using payment by results, to cut reoffending' (Ministry of Justice, 2010a: 3).

Alongside the greater involvement of the private sector the rehabilitation revolution foresees a central role for voluntary agencies as institutional deliverers of offender management, rehabilitation and treatment services. It encourages agencies in the VCS to situate and brand themselves and jostle for optimum position in a fluid 'mixed market' of provision. O'Brien defines both the problem and the proposed solution:

While we spend a lot on prisons (around £2.5 billion), we spend comparatively little on what happens afterwards. It's almost impossible to identify who is accountable for what happens after release, and for short-sentenced prisoners, nobody at all is given the freedom or incentive to grip prolific offenders and turn their lives around. If charities and companies were paid by their success in reducing reoffending, then we might start to see a more dynamic system and a lower reoffending rate. (O'Brien, 2010: 1)

Notwithstanding the simplistic logic underpinning the 'solution', one prominent element of the 'rehabilitation revolution' has been the deployment of payment by results.

Chambers (2011: 1), a flag bearer for PBR, argues that:

By giving providers a direct financial incentive to reduce reoffending, you reward what works, and stop paying for what doesn't. The incentives will drive the private and voluntary sector to work together to better coordinate interventions and services for offenders, making sure they are sequenced properly, appropriate for individual circumstances, and more likely to reduce reoffending.

Significant here, so far as the management of offenders is concerned, is the government's planned budget reduction for the Ministry of Justice from £8.9 billion in 2010–2011 to £7.9 billion by 2014–2015 (Ministry of Justice, 2010a). Although PBR schemes remain in their infancy, roll-out of the policy will mean that agencies involved in criminal justice management and regulation are paid according to the success they are able to achieve, measured by the reoffending rates of those that have been or remain under their care. It should also be recognized that PBR is by no means a new concept. It has operated in parts of the National Health Service (NHS) since 2000 and was previously trialled by the Department of Work and Pensions (DWP) and the Legal Services Commission in 2008.

PBR in the context of offender management was first mooted by the then Conservative Shadow Justice Secretary Nick Herbert in 2007 and formally announced in the Conservative Party's 2010 general election manifesto. Nevertheless, the first pilot scheme in offender management actually appeared under New Labour in March 2010 in the form of the Social Impact Bond (SIB) trialled at Her Majesty's Prison (HMP) Peterborough to fund work with short sentence prisoners to reduce their risk of re-offending. The SIB was based on PBR principles meaning that the government paid agencies involved in rehabilitation according to their success in achieving 'outcomes' (defined in these terms as subsequent non-offending). The pilot was jointly run by the Ministry of Justice, Social Finance and an ethical investment bank, with £5 million of private investment money being pumped into the scheme (see BBC News Online, 2010). Since the launching of the pilot scheme, PBR has been consolidated as 'the dominant financial mechanism for delivering the coalition's criminal justice reform package' (Clinks, 2010: 2).

While PBR offers the VCS the possibility of income generation to fund staffing costs, it also brings with it tangible economic, occupational and legal risks. The economic risks arise out of the funding mechanism being both post hoc and contingent on meeting the criteria of success in terms of reducing future offending. The purpose of PBR is to incentivize public, private and VCS agencies to provide services that prove that they have led to a reduction in offending (see Clinks, 2010: 3). Aside the flawed model of causality that this infers,⁵ such measures of calibration rely upon the crude yardstick of whether the individual under rehabilitation is charged with a further offence. Furthermore, given that many VCS agencies are run on tight budgets, engaging with a system that pays in arrears and only in cases of quantified 'value for money' is a risky proposition. In response to the government's proposals for reform, Clinks (2011) compiled a report with input from over 400 VCS organizations in which some of the key economic problems and organizational challenges for the future are articulated. This document emphasizes the significance of the current financial climate, noting that many of the voluntary agencies that it contacted are presently undergoing redundancy programmes and struggling to stay afloat financially:

An alarming number were already spending reserves to keep their services operational, and many stated that they were unlikely to survive beyond April 2011 unless they could access additional funding in the near future . . . there is a great deal of concern in the sector about the reality of PBR for small- and medium-sized VCS organizations. Risk appetite will be very low at the local level where organizations have little or no reserves. Furthermore, a cross-governmental approach is needed to support the PBR agenda, particularly with diminishing resources available across the board in terms of the opportunities for employment, training, housing, etc. that provide the acknowledged pathways out of offending. (Clinks, 2011: 6)

The Clinks (2010) document underscores that the financial risk and/or reward with PBR is transferred from the state to the service provider (see also Fox and Albertson, 2011). Smaller agencies in the VCS – many of whom are already struggling to balance the books – may not have the capital outlay to engage with PBR programmes nor the economic reserves to stay afloat in anticipation of positive outcomes. In considering being involved in offender management provision, agencies in the VCS will have to

think about training costs and indeed legal liability in cases where offenders may be harmed and/or seek compensation in cases of neglect or injury. Contesting the idea that all services dealing with offenders have to provide ‘value for money’ that is quantitatively measurable by results, many VCS and private organizations have raised questions about the longer term outcomes of the rehabilitation revolution. Nacro (2011), for instance, has urged caution regarding the risks involved in shifting from a state centric to a mixed model of provision. In addition, the basis on which measures of success are calibrated and attributed has been problematized:

Using recorded offending as a measure – apart from its arbitrariness, given much offending is not recorded – would make it difficult to allocate reward equitably or accurately to the different services that might have contributed to that result. Most importantly, any such system would have to be incredibly carefully calibrated to ensure it didn’t encourage working only with the easiest cases. (Nacro, 2011: 6)

The VCS, Criminal Justice and Offender Behaviour

The recent turn to the VCS within criminal justice extends a relationship between the state sector and voluntary organization that has a considerable history. From the charitable organizations of the 19th century to the more recent powerful influence of victim support organizations, there has always been a deep connection between criminal justice responses and the space those responses offer for volunteering and VCS involvement. However, the critical observations made by Nacro question the decisions that VCS agencies may make on which kinds of offenders are likely to fare well under ‘payment by results’ and which may be excluded. Just as we have seen the splitting of ‘good’ and ‘bad’ banks, the likelihood is that particular types of ‘rehabilitative offenders’ will be courted while ‘toxic offenders’ will be cast aside. The Nacro statement suggests that, if results secure payment, this in and of itself encourages the potential for ‘quick fix’ solutions to offender management. This may well have the resultant effect that those ‘less risky’, in economic terms, are targeted for intervention and management from organizations within the VCS leaving a rump of ‘more risky’ offenders for management within the state sector.

As well as undermining the longer-term charitable principles of ‘moral good’, this possibility sensitizes us to the way in which the notion of who is and who is not ‘risky’ (in terms of offending) might well become transposed. Here we shall explore two examples that elucidate some of the possibilities and problems that the roll-out of a decentralized regime of offender management might present. First, responding to female offenders with vulnerabilities and, second, the use of multi-agency risk assessment conferences in managing predominately male violence towards women. In both of these arenas the voluntary sector has already been actively engaged, but in collaboration with, rather than as a substitute for, the role of the state. As such, these vignettes serve as pertinent examples through which the decentralization agenda, exemplified by the criminal justice policy shift, can be scrutinized.

In 2007 the Corston Report recommended a radical new approach to women’s offending behaviour. Corston suggested that women should be treated ‘both holistically and

individually' with a 'woman centred approach' ideally delivered through a community rather than a criminal justice agenda. This report provides a clear policy steer reflecting increasing awareness within criminological research on the common risk factors that propel males and females into crime (Farrington and Painter, 2004; Smith and McAra, 2004), and the particular appreciation of women's vulnerabilities associated with their offending (Chesney-Lind and Pasko, 2004; Rungay, 2004) which together present a case for gender-responsive approaches (Hannah-Moffatt, 2006). Corston embraced elements of this literature, stating that:

There needs to be a fundamental re-thinking about the way in which services for this group of vulnerable women, particularly for mental health and substance misuse in the community, are provided and accessed; there needs to be an extension of women's community centres to support women who offend or are at risk of offending and to direct young women out of pathways that lead into crime. (Corston, 2007: 2)

The then government resisted the underlying ethos of this approach⁶ despite Corston's richly contextualized analysis of (some) women's offending behaviour that points to women's specific needs within the criminal justice system either from within community responses (Gelsthorpe et al., 2007) at court (Gelsthorpe and Hedderman, 1997) or within prison (Eaton, 1993).

In pushing for responses outside criminal justice, Corston called for the funding of women's centres and women-only provision in the community, echoing the philosophy of the Together Women demonstration project (that subsequently became an independent charity) funded under New Labour. This charity offers intensive support to tackle triggers of offending behaviour, to intervene in cycles of offending, to divert women from custody where appropriate, to act to prevent family breakdown and to help vulnerable women. The kind of approach recommended by Corston, embedded in the Together Women Programme (TWP), spawned a number of locally based women-only centres, and was indeed given a trial run in the women's specific condition (WSC), part of the conditional cautioning disposition introduced by the 2003 Criminal Justice Act.⁷

Such an approach, however, poses a considerable challenge to the dominant discourses of risk that seek to differentiate and categorize offenders as dangerous and risky, according to the nature of their offending behaviour. That discourse assumes that such offenders require sanction and control, rather than help and support. Under the WSC and the TWP, the 'risky' offending behaviour is situated within the social context of women's real lives with a view to facilitating a move away from offending whilst simultaneously understanding the context in which it occurs. In this approach the potential exists for a different way of managing those 'at risk' of offending that aligns with the decentralization agenda discussed earlier. It infers a key role for the VCS in unwrapping the relationship between individual behavioural problems and the social setting in which such behaviour may manifest itself: the community. Thus it is possible to suggest a positive reading of, and potential for, the kind of interventions implied by the rehabilitation revolution. Indeed, in May 2011 the Ministry of Justice announced one-off funding of £3.2 million for 26 women's community services (including a number of Together Women projects) from a funding package between the National Offender Management Service

and the Corston coalition. This package will keep these initiatives alive for 2011–2012. How they move forward from this moment is uncertain but it could well be under the auspices of PBR. How likely is this outcome?

Carlen (2002) explored why ‘the myth of the benign prison’ continues to exist for female offenders. She points to the way in which the actual lived reality of most female offending behaviour (that focuses attention on poverty, race, class) has become transformed, in official discourse, from ‘risk as dangerousness’ to ‘risk as need’ and simultaneously, ‘holism and partnership’ have become transformed as ‘centralism’. In these transformations it is possible to discern what Chesney-Lind (2006: 17) has called the ‘emergence of vengeful equity’. Thus in the search for such (‘vengeful’) equal treatment (of men and women) the unacknowledged gendered nature of risk assessments can simultaneously result in both an over-classification and an under-classification of women at risk (Davidson and Chesney-Lind, 2009). For Carlen (2002: 170), this transpires as a result of the ‘political problem [of] the management of penal legitimacy’ so that ‘more and more women can be locked up in the future – so that their “criminogenic” needs can be met, not somehow but legitimately’.

If Carlen’s analysis is correct and these transformations have ‘worked’ in support of such legitimacy, similar questions surface about the current policy moment. Is this the moment when women’s needs (their vulnerabilities to offend) become transformed into economic risks as opposed to offending behavioural risks? If this is the case, how likely is it that the voluntaristic community call of the Big Society will result in the embrace of Corston’s approach? What changes would that demand of both the criminal justice system and the voluntary sector in terms of approaches to risk, need, and cost in relation to female offending behaviour? Could this policy be implemented at no cost, or little cost (to the state) given the charitable status of groups like Together Women, and still provide the voluntary sector success in terms of payment by results? Although the answers are yet to emerge, Evans and Walklate (2011: 11) have offered a preliminary exploration of some of these questions. They suggest that, as the impacts of the public spending review unfold, the community alternatives backed by Corston could become the ground on which politicians and policy-makers meet to manage female offending. However, they go on to observe that ‘risk crazed governance’ (Carlen, 2008) is so deeply engrained that moves toward an effective holistic approach would require politicians, policy-makers, and other stakeholders involved with offender management to share similar mind sets about risk, need, harm, and also the reach of and limits to cost reduction. Whether such a collective appreciation is possible or viable is a moot point, yet the possibility remains that the local nature of such wrap-around offender management may improve opportunities for some women in some locales where genuine partnership working has developed and the VCS is resourced and has a meaningful role.

Our second example derives from an area of policy development in which partnership working between the state and the voluntary sector has also been an important feature: responding to male (partner) violence against women. In England and Wales recent policy responses to this issue have reflected a demand to ensure that the policing/partnership response is as robust as possible. Embedded in this approach has been the emergence of Multi Agency Risk Assessment Conferences (MARACs) and Independent Domestic Violence Advisors (IDVAs), both of which are charged with the task of risk assessing

repeat domestic violence (for victims and offenders). MARAC's more often than not include representatives from local women's refuge groups and similar organizations. Hoyle (2008) reminds us, of course, that such policy responses do little for those who never come to the attention of the police and all too often fail those who have had previous contact with the police. In addition, there is evidence to suggest that the risk assessment practices that do take place appear to inform resource allocation to those deemed 'at risk' (Radford and Gill, 2006; Robinson, 2010): for victims in relation to policing, and for offenders in relation to probation. In these kinds of partnership practices, questions arise as to who it is that has the power to decide what might be an appropriate resource allocation for which kinds of 'risky' behaviour. It is in grappling with these questions that the preferred governmental turn to decentralization and partnerships in the current criminal justice moment may encounter considerable difficulties.

The complications of multi-agency working have been long recognized. As has been suggested by recent inspectorate reports on domestic violence (Her Majesty's Inspectorate of Constabularies and Her Majesty's Crown Prosecution Service Inspectorate [HMIC/HMCPPI], 2004) and rape (HMCPPI, 2007), state agencies do not necessarily share in a common understanding or philosophy about the problem of violence against women, let alone a common understanding with those working in the VCS as to who the perpetrator of such violence is or what are its causes. Further, we can add to these observations those made in the Independent Police Complaints Commission (IPCC) report for 2008–2009 on deaths following police contact. That report indicates that 'other deaths' (the category under which deaths from partners post contact with the police are logged) have risen from 24 in 2004–2005 to 34 in 2008–2009, with the largest category within the 2008–2009 group being six women 'known to be at risk from their former partners' (see also Westmarland, 2011). Many of the problems, endemic in responding to victims or dealing with offenders in relation to violence against women, consequently seem to be intractable. As Mooney (2007) has observed, violence (against women) might be public anathema, but it is also a private commonplace.

Interestingly enough there has always been a policy alternative to this issue that does embrace a community based understanding and response to this problem. This approach would include adequate funding of refuges, appropriate and adequately funded programmes for men known to be violent, programmes in schools to challenge the use of violence as a way of resolving disputes alongside the 'risk crazed' (Carlen, 2008) criminal justice response. Such a joined-up response has never been fully embraced in England and Wales, though there were some nascent attempts at a more coherent response to dealing with male violence in Scotland during the 1990s. In recent times risk assessment has dominated the criminal justice response, both in terms of the assignation of probabilities of repeat offending, or the extent to which a victim as likely to be placed in a potentially lethal situation. Such judgements are themselves shaped by the ways in which professionals and other stakeholders make sense of the different kinds of evidence before them (see Broadhurst et al., 2010; Kemshall, 2010), though how this is actually achieved by IDVA's, for example, is still something of a 'black box' (Robinson, 2010). Despite some of the problems of risk assessment implied in this literature, these practices remain dominant and they tend to close off alternative ways of doing business and the audibility of other voices in the process (see Walklate and Mythen, 2011).

Against this backdrop Walby (2009: 1) reminds us that, whilst incidents of domestic violence have decreased between 2001 and 2008:

There are higher rates of reporting of domestic violence to the police and other services. This means that, while the rate of domestic violence has been falling, the use and costs of public services have not declined. Indeed, as compared with 2001 these costs for 2008 are higher as a result of inflation.

Consequently, if risk is now considered as *economic risk* to the criminal justice system, there is no necessary presumption that an increased involvement of the VCS in this area (an area in which they already have a strong presence) will lead to declining costs. Rather, the reverse is likely to be the case. Indeed, if the government's own strategy for dealing with violence against women and children is to achieve its aims then this in and of itself might be economically risky in terms of costs to the criminal justice bill. As there is already some evidence to suggest that the contemporary use of risk assessment practices informs resource allocation decisions, the picture for responding to domestic violence and its associated offenders has the potential to result in even greater reliance on risk assessment inflected towards the economic that may do little to decrease the fatalities from such violence – fatalities that, of course, result in other costs, including economic one's, to the criminal justice system.

Our two examples suggest that not only are there potentially different readings of how the 'rehabilitation revolution' and 'payment by results' might play out according to what kind of crime, offender, or even victim we might be concerned with. There might also be significant variations according to what kind of partnership relationships (pre)existed in response to what kind of issue, and which groups led and owned the response. For example, one of the struggles reported by Easton et al. (2010) in respect of the WSC was the reluctance of the criminal justice professional to cede power to Together Women groups. Nevertheless, when they did a successful outcome for the women concerned was a stronger possibility. In response to domestic violence, ceding power in this way is probably not imaginable at all. In both contexts, if PBR is the key driver, the economic risks are certainly variable and these risks, in and of themselves, create the context in which a wider range of unintended consequences may flourish. The 'law of inverse consequences' – whereby intervention actually results in the very opposite of the desired effect transpiring – looms large in terms of protecting victims, rehabilitation of offenders, net offending rates, partnership building, economic costs and social effects.

Implications of the 'Risk-Shift' for Policy and Practice

O'Malley (2001) has counselled that risk has no inexorable logic and that technologies of risk do not necessarily translate purely into the field, either in terms of systems and processes or policies. Whilst totalizing and dystopic narratives such as the risk society thesis (Beck, 1992; 2009) have proved attractive for some criminologists, subtler understandings of the ambiguities of risk and the complexity of lived realities are required (Walklate and Mythen, 2010). So far as risk is concerned, we

would posit that there is some space within which the VCS may find room for manoeuvre. For example, the commodification of services requires detailed contractual arrangements – service delivery has to be specified, priced in terms of unit costs and quantified (how much and how often), target groups identified and outcomes specified and measured. Where commissioners are lax in their specifications, and where outcome measures are badly specified, providers will benefit, and can literally refuse to provide anything in addition to the contract. In this scenario the economic risk falls onto the commissioner, although ‘clients’ may well suffer through the provision of less than adequate services. In addition, large VCS providers may perceive the current climate as one in which they can potentially benefit. Colloquially dubbed the ‘Tesco charities’, they and private suppliers such as G4S benefit from economies of scale, high throughput and larger volumes of users to produce robust outcome data, large geographical coverage, the ability to pump prime new projects, and the capability to respond more flexibly to tendering and contract management. Whilst speculative, it is probable that economic risks within the VCS are more likely to fall on local, smaller-scale providers or those providing for minority groups. Context and conditions are likely to be critical to how the risk shift actually manifests itself across the VCS, with potentially differing impacts and implications, both for individual providers, but also for individual users.

Further to the observations above, we would echo O’Malley’s (2010) comments that the contemporary criminal justice and criminological embrace of risk reflects the ‘taken for granted’ assumption of the victim–offender binary. In exposing this binary as simplistic, O’Malley goes on to suggest that ‘democratizing risk’ might be one option through which it could be challenged. In the two examples above we can discern elements of both of these processes: the victim–offender binary in the transposition of vulnerable female offenders’ needs into risks, and the democratization of risk in the attention paid to ‘at-risk’ victims as well as ‘risky offenders’ in the context of domestic violence. In the case of the second example, this ‘democratization’ is also characterized by the desire to prevent partner violence by transposing *relationships*, which include, or once included, and may indeed continue to include, feelings like love and desire, all of which may continue to bind the ‘victim’ and the ‘offender’ to one another, into *risk factors* that can be measured and managed. This transposition, alongside that of needs into risks, reflects the deeply embedded embrace of risk, in which risk itself has been understood as uniform and unifying (O’Malley, 2006). In the current policy turn these deep-seated policy and practice presumptions have both positive and negative, intended and unintended consequences for both practitioners and those in receipt of that practice (see inter alia Broadhurst et al., 2010). What is more, they appear likely to be overlaid by an ideologically driven take on risk that is neither uniform, nor unifying, nor democratic: the economic. In the likelihood that economic risk becomes the dominant risk pre-occupation, the process of decentralization is likely to have the converse effect of that formally intended (qua Carlen, 2002). Thus the community embrace of the Big Society may result in a regression to the mean of centralization via the imperative of financial priorities. There are significant consequences in these developments for offenders, for the VCS and, by implication, for victims of crime.

Conclusion

The major implications for the management of offenders within this particular ‘risk-shift’ include a sharper focus falling on identifying the ‘good bets’ for success rather than offender risks and needs. In some respects there is nothing new in the transference of responsibilities for security management and treatment of/punishment for offenders from government and state agencies to the public and voluntary agencies. Historical exemplars of the migration from state to community abound in regulation and justice, ranging from Neighbourhood Watch schemes to restorative justice. What is unique, we would suggest, is the targeting of and appeal to the VCS and the degree of burden that voluntary agencies are being expected to shoulder, without consent, adequate training, or financial support. In this instance, the potential ‘advantages’ identified by Fox and Albertson (2011) are somewhat outweighed by the ‘challenges’. In effect, voluntary and community agencies are being expected to do much more, with much less.

Especially salient for our purposes are the social and political ramifications of this risk-shift for the capabilities of community organizations and service users themselves when management is transferred from a ‘committed’ state to the terrain of private and voluntary agencies. Insofar as these ramifications are likely to vary according to sector and context, it is the impact on VCS organizations involved in the management of offenders (and in responding to victims) that we have prioritized here. In conclusion, we would endorse the observation made by McSweeney and Hough (2006: 120) that ‘those in receipt of funding . . . will concentrate on hitting those targets which most benefit contract and output delivery’. The coming months and years will reveal whether the VCS is equipped and able to deal with the seemingly conflicting combination of an influx of demand amidst shrinkages in resources provided by central and local government.

We have argued here that the increasing salience of economic risk in the sphere of offender management, and policy responses to victims, is exemplified by the commodification of provision, increased contractualization of services, and the proliferation of cost–benefit measures. As we have intimated, government policy in respect of offender management has been largely framed by a simplistic behavioural economics of risk that attempts to ‘nudge’ the voluntary sector – as well as statutory criminal justice agencies – in particular directions through the use of incentivization, competition and notions of entrepreneurship. Much less visible, though clearly present, it is also possible to discern the potential for those same directions to inform responses to victims, noted here in the requirement for ‘at-risk’ victims of domestic violence to sign up to a safety plan. Indeed, the drivers referred to above may already constitute part of the backdrop against which to understand the upsurge in recent newspaper coverage of cases in England and Wales in which the ‘reluctant victim’ who has withdrawn her case or fails to give evidence have themselves been subjected to criminal proceedings. Here our focus, however, has been on offenders and we would concede that, in considering future outcomes, we are necessarily entering the realm of speculation. Our central concern is that the VCS does not become colonized by an economic discourse of risk where measures of reconviction and value for money come to direct operations in

contrast to the driver of 'moral good' that has tended to historically underpin work in this sector. Succumbing to an economically driven discourse of risk may mean not only losing sight of the wider 'moral good' but also the potential that local, community based responses have had, and still have, to make a difference in the lives of people who are least able to deal with the vicissitudes that the ordinariness of crime has on their everyday lives.

Notes

1. An IoS/ComRes public opinion poll found that half of those surveyed thought that the Big Society was a 'gimmick', with 41% perceiving it to be 'merely a cover for spending cuts'. Almost a quarter said that they had never heard of the 'Big Society', while just 1 in 6 people felt that it would redistribute power from central government to ordinary citizens or that it will foster a culture of volunteerism (see Chorley, 2011). Meanwhile, Liverpool City Council, which was specifically selected to advocate the Big Society project, has withdrawn its co-operation and the Big Society 'tsar' Lord Wei has reduced his commitment to the project in order to allow him 'to take on other jobs to pay the bills' (see Curtis, 2011).
2. Such interventions are by no means historically novel and the continuities in approaches to offender management between the present coalition and previous Labour Government need to be recognized.
3. Interestingly, the same approach was recommended by the Corston Report (2007) for female offenders with vulnerabilities.
4. The spike in convictions arising from the urban unrest which took place in many cities in England in August 2011 make this target look extremely difficult to achieve.
5. A range of factors will determine re-offending and some of these are environmental, economic and cultural. Furthermore, some ex-offenders may commit offences post release but may not be charged or convicted.
6. See, for example, the response to the Corston Report issued by the Home Office (2007).
7. Together Women in West Yorkshire operated a condition of the IAC order where five attendances were required by participants. For the evaluation report of the WSC see Easton et al. (2010).

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