

**PUNISHMENT AND CHARITY:
CONCEPTUALISING THE PENAL VOLUNTARY
SECTOR IN ENGLAND AND WALES**

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PHILIPPA JOY TOMCZAK

SCHOOL OF LAW

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List of abbreviations

ANT	Actor-Network Theory
AFFECT	Action For Families Enduring Criminal Trauma
BtC	<i>Breaking the Cycle</i> Green Paper (MoJ, 2010)
HMP	Her Majesty's Prison
Howard League	The Howard League for Penal Reform
MoJ	Ministry of Justice
NOMS	National Offender Management Service
Pact	Prison Advice and Care Trust
PbR	Payment by Results
PVO	Penal Voluntary Organisation
PVS	Penal Voluntary Sector
YOI	Young Offender Institution

Abstract

Recent policy developments in England and Wales suggest a further increasing role for penal voluntary organisations (PVOs) in the market for criminal justice services. In response, a flurry of Criminological commentary has provided a marketised account of the penal voluntary sector (PVS). This body of commentary has demonstrated that understandings of the sector remain limited, and that it has not yet been rigorously theorised (Corcoran, 2011; Mills et al., 2011). This gap in understanding is particularly problematic because PVOs may play an important role in the operation of punishment (Martin, 2013; Neuberger, 2009; Armstrong, 2002).

In the thesis which follows, this gap in understanding is explored and the PVS is conceptualised. The tenets of actor-network theory are applied to analyse original qualitative data. This data was collected through semi-structured interviews with voluntary and statutory sector stakeholders, and document analysis of policy and PVO publications. The key analytical foci in this thesis are: PVO heterogeneity, small-scale PVOs, the agency of PVOs, and interactions between PVOs and the statutory agencies of criminal justice. Findings are then drawn together to consider the effects of PVO work with prisoners and probationers.

This thesis makes an original contribution to knowledge by conceptualising the PVS and considering aspects of the sector that scholars have not yet fully explored. The thesis provides a new awareness of small-scale PVOs and considers the heterogeneity, agency and autonomy of PVOs. The analysis chapters illustrate the *diverse* relationships between PVOs and the statutory agencies of criminal justice. A preliminary exploration of the effects of PVO work is also provided. Whilst the potential control and net-widening functions of PVO work must not be overlooked, this analysis indicates that PVOs may enrich statutory service provision for prisoners and probationers. Relationships between PVO staff and prisoners/probationers may be distinctive and particularly valuable, and could support desistance from crime.

The University of Manchester

Philippa Joy Tomczak

Doctor of Philosophy

Punishment and Charity: Conceptualising the Penal Voluntary Sector in England and
Wales

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Declaration

No portion of the work referred to in the thesis has been submitted in support of an application for another degree or qualification of this or any other university or other institute of learning.

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Dedication

This thesis is dedicated to my parents, Denise and Richard Tomczak

and

to the memory of my friend, Elle Bettaney (d. October 2013).

Also remembering: my godfather, Chiman Patel (d. May 2013); my friend, Jack Evans (d. January 2014); and my auntie, Julie Heselwood (d. February 2014).

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Research journey and publications

As part of this research journey, several opportunities to publish from the thesis-in-progress arose. The first of these was a journal article, entitled 'The penal voluntary sector in England and Wales: Beyond neoliberalism?'. This article formed a response to recent journal articles about the marketisation of the penal voluntary sector and was published OnlineFirst in *Criminology and Criminal Justice* on 10/10/13. The article's doi is 10.1177/1748895813505235. This article is included as Appendix 1 and is also available at: <http://crj.sagepub.com/content/early/recent>.

The second opportunity was an invitation from the *Border Criminologies* project blog at The University of Oxford, to write a guest blog in response to an earlier posting. This blog post was entitled 'Research and the Voluntary Sector' and was published on the *Border Criminologies* website on 22/10/13. This post is included as Appendix 2 and is also available at: <http://bordercriminologies.law.ox.ac.uk/research-and-the-voluntary-sector/>.

The third opportunity resulted from winning the joint British Society of Criminology/Howard League for Penal Reform bursary to attend and present at the 2013 British Society of Criminology Conference. I was subsequently asked to write a piece for the Howard League's *ECAN bulletin*. This piece formed part of the February 2014 bulletin and was entitled 'Punishment and Charity: The penal voluntary sector in England and Wales'. It is included as Appendix 3 and is also available at: <http://www.howardleague.org/past-ecan-bulletins/>.

The fourth opportunity was to write a methods-in-action piece. This was entitled 'Using Actor-Network Theory to Understand the Penal Voluntary Sector' and will be published in *SAGE Research Methods Cases* on the SAGE Research Methods website during 2014. The collection's ISBN is: 9781446273050. This piece is included as Appendix 4.

Chapter 1: Introduction

1.1 Aims and scope

Recent policy developments in England and Wales suggest a further increasing role for penal voluntary organisations (PVOs) in the delivery of criminal justice services.

Particularly relevant criminal justice policy documents are *Transforming Rehabilitation: A Strategy for Reform* (Ministry of Justice/MoJ, 2013c) and *Breaking the Cycle* Green Paper (MoJ, 2010). This process of reconfiguring penal service delivery is closely linked to the privatisation of previously public services that began in the 1980s and continued under successive governments (Ryan, 2011; Corcoran, 2009). In response to these marketised policy developments, a flurry of academic commentary has discussed the government's "dramatically increased engagement" with the penal voluntary sector (PVS) as a potential provider of criminal justice services under contract (Neilson, 2009: 408; see also Meek et al., 2013; Maguire, 2012; Mills et al., 2012; Morgan, 2012; Mythen et al., 2012; Corcoran, 2011; Gojkovic et al., 2011; Meek et al., 2010; Benson and Hedge, 2009; Silvestri, 2009).

This recent body of commentary has stimulated discussion about the PVS and made a significant contribution to scholarly understandings of the area. But it has also illustrated that surprisingly little is known about the sector. Understandings of the PVS are still "lacking" (Mills et al., 2011: 195), due to the "limited attention devoted to charitable organisations" by scholars (Armstrong, 2002: 345). There is a relative dearth of PVS research in comparison to studies in housing and social care (Corcoran, 2011: 33). The PVS therefore remains "a descriptive rather than theoretically rigorous concept or empirically defined entity" (Corcoran, 2011: 33; see also Armstrong, 2002). Nevertheless, commentators have emphasised the likely impact and importance of market reforms for the PVS in England and Wales (Tomczak, forthcoming). Market reforms have apparently raised "troubling issues for the voluntary sector" (Neilson, 2009: 401). In short, these

reforms are impacting upon “the sector's independence and ethos” (Mills et al., 2011: 193) by threatening its “distinctiveness and critical voice” (Mills et al., 2011: 193). The reforms are therefore causing “contemporary dilemmas of institutionalisation” for the PVS (Corcoran, 2011: 33; see also Maguire, 2012; Mythen et al., 2012).

The impact of neoliberal policy reforms has been a key theme in recent academic commentary, with commentators discussing the sector *in terms of* its links to the “marketisation of criminal justice” (Maguire, 2012: 484; see also Morgan, 2012) and the “wider agenda of 'post-welfare' state modernisation” (Corcoran, 2011: 34). Although timely and important, these arguments are problematic. The centrality of marketisation in this literature has resulted in a *partial* analysis of the PVS, that tends towards economic determinism and neglects the agency and heterogeneity of PVOs. Although this heterogeneity has been briefly acknowledged in existing literature (Corcoran and Hucklesby, 2013; Corcoran, 2011; Mills et al., 2011), it has not been fully explored by scholars. This is problematic because PVOs operate at various scales and are not uniformly affected by policy changes and market reforms.

Whilst it is clear that market policy reforms are likely to have a significant impact upon the PVS, it is significantly less clear *why*, or indeed *if*, this matters. The value and contribution that the PVS can make to criminal justice has been acknowledged (Corcoran and Hucklesby, 2013, no pagination; Maguire, 2012: 484; Mills et al., 2012: 392; Benson and Hedge, 2009: 35; Neuberger, 2009: 2; Lewis et al., 2007: 47). But, exactly what the PVS does and the contributions it makes to prisoners and probationers are far from clear. This is true both within and regardless of the market in penal services, and results from gaps in scholarly understandings of the sector. The distinctive qualities and social benefits of PVS work, in contrast to public or private sector engagement, have not been substantiated by robust research (Armstrong, 2002). According to Mills et al. (2011: 205), “discussion of how voluntary sector organisations themselves will be affected by recent policy developments remains sparse and underdeveloped”. This is true, but there is a concurrent (and perhaps

preceding) need to understand the contributions that the PVS and its component PVOs make to prisoners and probationers.

Marketisation forms a valid point of entry when seeking to understand the PVS, but in practice this process directly affects only a small proportion of PVOs (Maguire, 2012: 488, 491; Corcoran, 2011: 40; Mills et al., 2011: 195; Silvestri, 2009: 4; see also Chapter 2). The centrality afforded to marketisation in recent literature has focussed attention away from the non-contractual relationships that exist between PVOs and the statutory agencies of criminal justice, which has limited understandings of the PVS. Key areas for further research include: exactly what PVOs are doing alongside the statutory agencies of criminal justice; if and how PVOs are changing the practices and experience of penal institutions and regimes; and what effects PVO work has upon prisoners and probationers.

Conceptualising the PVS is an important task for two key reasons. First, it is topical and prominent in recent policy reforms relating to the delivery of criminal justice services (MoJ, 2013c; MoJ, 2010). Second, scholars need to better understand the sector's impact upon the operation of punishment. Amongst certain circles, the impact of the PVS is considered so significant that “there can *hardly be a prison in the country* that could continue to work as it does if there was a large scale collapse of voluntary, community and social enterprise services for people in custody” (Martin, 2013: no pagination, emphasis added). Similarly, Neuberger notes “the *amazing contribution* and dedication that volunteers bring to the criminal justice system” (2009: 2, emphasis added).

These examples refer to England and Wales but a corresponding argument stands in the USA, where the voluntary/nonprofit sector manages a “far larger” number of persons under correctional control than for-profit institutions (Armstrong, 2002: 345). As such, “one would be hard pressed to find anywhere in the USA a jurisdiction that does not make use of the Salvation Army [...] or some other nonprofit provider in both the assessment and management of criminal offenders” (Armstrong, 2002: 345-6). But whilst an ongoing

“lively debate” has discussed the role of the private sector in punishment, the work of PVOs has gone “largely unnoticed” by scholars (Armstrong, 2002: 345).

These indications of the PVS's importance in punishment mean that it is pressing for scholarship to move beyond its current state, where understandings of the sector remain “lacking” (Mills et al., 2011: 195). This research project is located within the Sociology of Punishment, i.e. the field of inquiry which “explores the relations between punishment and society” (Garland, 1990: 10). The Sociology of Punishment demonstrates how penal practices are social responses to crime, produced by recurring social and cultural dynamics, and political choices (Garland, 2001: viii, xii; Garland, 1990: 3). This research investigates the relationships between the PVS (a social institution), penal institutions and penal practices; and considers how recent political choices have affected the PVS. This thesis and the data within it are situated in the penal and policy context of England and Wales. Although there are important differences between territories and results should not be extrapolated across jurisdictions, the voluntary sector and its role in the marketisation of penal services are issues of international import. This discussion is also particularly relevant to Canada, the USA and Australia, where there are some similarities in penal policy developments involving the voluntary sector (Ilcan and Basok, 2004; Armstrong, 2002; Wallis, 2001).

The central aim of this thesis is to conceptualise the PVS in England and Wales. As part of this task, two key gaps in recent PVS literature are addressed. These gaps are: conceptualising the PVS and its component PVOs without imposing the analytical framework of marketisation, and exploring the effects resulting from PVO work. Regarding the first gap, the centrality of marketisation in recent PVS literature is probably attributable to the lack of rigorous theory about the sector (Corcoran, 2011: 33; Mills et al., 2011: 195; Armstrong, 2002: 346). Actor-network theory (ANT) is applied here and enables a broader conceptualisation of the sector that extends beyond marketisation.

ANT is an approach to sociological analysis that developed in the field of Science and Technology Studies (Law and Hassard, 1999: 248; see Chapter 3). In summary, ANT provides a loose intellectual toolkit which aims to sensitise researchers to complex and multiple realities that might otherwise have remained obscure (Nimmo, 2011: 109; Law, 2004: 157). ANT is a method to investigate situations by learning from the heterogeneous actors involved in them, rather than a theoretical framework which imposes interpretation on a situation (Pollack et al., 2013: 1120). ANT is applied here to conceptualise the PVS more fully, by creating an awareness of the diversity of its component PVOs and the complex and multiple effects of their work. This diversity and complexity might otherwise have remained obscure amidst the debate about the macro-level marketisation of criminal justice services, which involves larger PVOs and contractual relationships.

The thesis is not simply an application of ANT and has been informed by intersecting bodies of scholarship. These include Foucauldian ideas of governmentality (see Section 2.4), net-widening theory (Cohen, 1985; see Section 2.4) and political economy (Reiner, 2012; Hart, 2002; Garland, 1990; see Chapter 9 and Appendix 1). However, the analytical approach has been inspired by the distinct ideas of ANT (Nimmo, 2011). ANT's core principle of generalised symmetry involves approaching apparently disparate bodies of actors from the same analytical perspective, i.e. symmetrically (Nimmo, 2011: 111; Carrabine, 2000: 312). ANT is consistent with Foucault's emphasis on investigating how power works through disciplinary strategies; but provides conceptual tools which address the absence of a coherent theory of agency within the Foucauldian tradition (Herbert-Cheshire, 2003: 458-9; see also Chapters 2 and 3).

Here the principle of generalised symmetry is applied to explore questions of agency and scale in relation to PVOs, which entails studying micro- and macro-scale PVOs, and heterogeneous PVO activities, on the same terms (see Carrabine, 2000: 312). As such, the analysis chapters 5 and 7 draw attention to smaller-scale PVOs and PVO programmes that

are not driven by macro-scale marketised policy reforms. The principle of generalised symmetry has valuable applications for conceptualising the PVS because scholars have not fully examined the heterogeneity of its component PVOs (particularly smaller-scale organisations), nor the agency of PVOs to influence, modify and/or resist market policy reforms.

The four phase process of translation is the other core aspect of ANT (Sage et al., 2011; Gray et al., 2009; Callon, 1986). Translation supplies an accessible and structured method of studying relationship building and interactions, and illustrates how actors can impose themselves and their definitions of a situation on other actors (Sage et al., 2011; Callon, 1986). Here translation is applied to examine how relationships are constructed between the statutory agencies of criminal justice and PVOs of various scales. The structured approach is particularly useful because of the heterogeneity of PVOs, and their diverse relationships with the statutory agencies of criminal justice. Two translations are analysed in this thesis.

The first, principally top-down translation illustrates how a small number of corporate-style PVOs are being translated into a macro-scale network of marketised criminal justice service delivery. The second application of translation is informed by the principle of generalised symmetry, and examines translations which operate at a smaller scale. It is currently unclear how relationships between the statutory agencies of criminal justice and PVOs are constructed when a commissioning process does not operate, e.g. where there is no contract funding provided for a PVO service by the MoJ or another statutory agency of criminal justice. As such, we have a limited understanding of exactly how the “vital array” of PVO work that does not feature in recent criminal justice policy reforms (Martin, 2013: no pagination) is actually facilitated and undertaken by PVOs.

In summary, ANT provides a novel way of thinking about the PVS, a means of

illuminating PVO heterogeneity by considering scale and agency, and a structured method of analysing the diverse relationships between PVOs and the statutory agencies of criminal justice. The resultant original account of the PVS extends beyond analysis of the emergent contractual relationships which have formed the framework for recent scholarship.

Although adopting this framework is reasonable given the context of market reforms, it creates analytical limitations. These include overlooking: what PVOs do without a contract; PVO heterogeneity; small-scale PVO activity; PVO agency; and PVO autonomy (see Chapter 2). This thesis provides an original conceptualisation of the PVS and draws attention to these important factors which have been overlooked in existing PVS scholarship.

The second key gap in the literature concerns the effects of PVO work, and whether they can be distinguished from public sector engagement with prisoners and probationers (Armstrong, 2002). Existing literature indicates an important tension in this area. It is questionable whether PVOs are empowering prisoners and probationers, and enabling them to build social capital (Bilby et al., 2013; Henley et al., 2012; Tett et al., 2012; Digard et al., 2007; Lewis et al., 2007; Cohen, 2009; Lippke, 2003); or whether 'benevolent' PVO work extends control, increases the scale of penalty, and shores up coercive carceral regimes (Armstrong, 2002; Cohen, 1985; McWilliams, 1983; Ignatieff, 1978; Foucault, 1977). These empowerment and control effects may not be dichotomous (Tomczak, 2013), but tend to be considered discretely in accounts.

This thesis therefore includes a preliminary exploration of the range of qualities and effects of PVS work, and questions whether they are distinctive to this sector. This exploration is informed by the original, ANT-inspired conceptualisation of the PVS and broader scholarship that examines prisons, desistance from crime and social control (including Brown and Ross, 2010; McNeill, 2006; Burnett and Maruna, 2006; Liebling, 2004; Lippke, 2003; Giordano et al., 2002; Cohen, 1985; Foucault, 1977). The analysis indicates

that the potential social control and net-widening functions of PVO work must not be overlooked, but concurrently suggests that PVO work may enrich statutory service provision for prisoners and probationers. Relationships between PVO staff and prisoners/probationers may be distinctive and particularly valuable, because of the relative separation of PVO staff from punishment. These relationships may support desistance from crime (Phoenix and Kelly, 2013; Robinson and McNeill, 2008; McNeill, 2006; Burnett and McNeill, 2005).

This thesis is not intended to critique the marketisation of criminal justice services per se. It does not make a normative argument and imply that PVO work with prisoners and probationers is an adequate or appropriate response to the multiple problems and needs of this group (Corcoran, 2012; Brown and Ross, 2010). Not does it suggest that the responsibility to work with this group lies with civil society rather than statutory organisations. Rather, the aim is to critique the centrality of marketisation in recent commentary, and to provide a more complete theorisation of the PVS than is presently available.

1.2 Locating the penal voluntary sector

The voluntary sector is comprised of diverse voluntary organisations. In their simplest form, voluntary organisations are located between the market and the state (Kendall and Deakin, 2010: 221). Voluntary organisations are formally constituted organisations outside the public sector, whose main distinctive feature is that they do not make profits for shareholders (Maguire, 2012: 493; Corcoran, 2009: 32). The labels 'voluntary sector' and 'voluntary organisations' have been adopted here, in line with the majority of policy rhetoric and some existing literature (e.g. Corcoran, 2011). However, an array of terminologies are used to refer to organisations in this area, including: third sector organisations; nonprofit organisations; nongovernmental organisations; charitable

organisations; civil society organisations; philanthropic organisations; and community organisations (Maguire, 2012: 493; see also Meek et al., 2013; Goddard and Myers, 2011; Alcock and Scott, 2007; Armstrong, 2002).

The voluntary sector contains a “bewildering variety of organisational forms, activities, motivations and ideologies” (Kendall and Knapp, 1995: 66). As such, the sector is notoriously difficult to define (Paxton and Pearce, 2005: 6). It has been characterised as “a loose and baggy monster” for which “no single 'correct' definition [...] can or should be uniquely applied in all circumstances” (Kendall and Knapp, 1995: 66). Part of the 'bagginess' of the voluntary sector results from its position in between and overlapping with the other three sectors of welfare provision, i.e. the public, private and informal sectors (Alcock and Scott, 2007: 85). The essential characteristics of the voluntary sector are therefore not always easy to discern (Alcock and Scott, 2007: 85). For example, the PVS overlaps with the private/commercial sector of service provision because some voluntary organisations deliver penal services under contract. As such, there are some similarities between the activities of companies such as Serco and G4S, and PVOs who deliver penal services under contract, e.g. Nacro (see also Neilson, 2009).

Corcoran provides a useful working definition of *penal* voluntary organisations as “charitable and self-defined voluntary agencies working *with prisoners and offenders* in prison- and community-based programmes” (2011: 33, emphasis added). The PVS is therefore a specialist set of voluntary organisations within the general voluntary sector. The scale of PVS involvement in criminal justice is difficult to establish, as little formal data exists in this area (Meek et al., 2013: 340; see also Corcoran and Hucklesby, 2013; Gojkovic et al., 2011; Meek et al., 2010). But some commentators suggest that the sector plays a numerically significant role. In 2005 it was estimated that 1,500 voluntary organisations were working with prisons and probation (Meek et al., 2010: 3), and faith-based organisations alone provided 7,000 volunteers for this area (Neuberger, 2009: 4).

In this thesis the PVS is conceptualised as an entity which is distinct from the formal criminal justice system and volunteers within the statutory agencies of criminal justice e.g. Special Constables and Magistrates. This positionality is not intended to negate the long history of voluntary/philanthropic work alongside the formal criminal justice system (see Mills et al., 2011; Silvestri, 2009; Smith et al., 1993; McWilliams, 1983; Ignatieff, 1978; Foucault, 1977). Furthermore, the PVS is acknowledged to form part of a broader definition of the criminal justice system, as part of the 'wider cast' of non-statutory actors who play a part in the operation of punishment. Examples of this 'wider cast' include private security agents who work as bouncers and guards, private companies who provide prisoner escorts, and the aforementioned 'statutory volunteers' such as Special Constables (Zedner, 2004: 125-6; see also Jones and Newburn, 2002).

The formal criminal justice system is comprised of a number of agencies or institutions. These include the Police, the Crown Prosecution Service and the Youth Justice Board. These agencies operate at different scales. The Ministry of Justice (MoJ) is the government department with overall responsibility for criminal justice in England and Wales (Davies et al., 2005: 4). Within the MoJ, the National Offender Management Service (NOMS) is comprised of the Prison and Probation Services, and is responsible for managing offenders from their sentencing to their resettlement in the community (Davies et al., 2005: 4). Two smaller statutory agencies of criminal justice are of particular importance here: The Prison Service and The Probation Service. The Prison Service has responsibility for all of the prisons in England and Wales (Davies et al., 2005: 4). The Probation Service is responsible for supervising prisoners released on licence, parole and community orders; and preparing pre-sentence reports for courts (Davies et al., 2005: 4). The role of NOMS and the MoJ in the operation of the Prison and Probation Services means that these statutory organisations are also considered in this thesis.

1.3 Neoliberalism and the changing landscape of criminal justice

1.3.1 Neoliberal policy reforms

The neoliberal or market reforms of the last three decades have created a mixed economy of criminal justice service provision, where private and voluntary sector providers operate alongside the public sector (Ryan, 2011: 517; Corcoran, 2011: 37; Corcoran, 2009: 33; Garland, 2001: 98; see also Alcock and Scott, 2007). Numerous areas of the penal system are currently privatised, across a spectrum of activities that runs from the outsourcing of individual regime elements (e.g. contracting-out prison catering services to private companies), to the wholesale transfer of responsibility for the provision and daily running of penal institutions to private contractors (Zedner, 2004: 276). HMP Wolds opened in 1992 and was the first private prison in the UK (Ryan, 2011). There are now 14 private prisons managed under contract by private companies such as Serco, Sodexo Justice Services and G4S Justice Services. The first private probation contract was won by Serco in 2012 and involved supervising probationers on community payback sentences in London (Travis, 2012). There was no PVS involvement in that contract, but shortly after Serco formed a 'pioneering' alliance with the PVO Catch 22 and the voluntary organisation Turning Point, in order to bid for probation service delivery contracts (Serco, 2012).

Recent policy developments suggest an increasing role for PVOs in the delivery of penal services (MoJ, 2013b; MoJ, 2013c; MoJ, 2011b; MoJ, 2010). These policy developments are neoliberal, emphasising the need for competition between service providers from different sectors. Neoliberalism is a complex term which is often ill-defined (Mudge, 2008). The key tenet of neoliberalism is that privatising previously public services should stimulate cost-efficiency and therefore save public money (Corcoran, 2009: 33; Garland, 1996: 453). Three interconnected 'faces' comprise the concept of neoliberalism (Mudge, 2008). The intellectual face places an "unadulterated emphasis" on the market as the source and arbiter of human freedoms; the political face expresses a "market-centric politics"; and the

bureaucratic face is evident in privatisation policies aiming to “desacralise” institutions which previously enjoyed protection from private market competition, e.g. criminal justice and health care (Mudge, 2008: 703-4; see also Corcoran, 2009; Garland, 1996). All three faces of neoliberalism are relevant to this discussion about the PVS, but the bureaucratic face is most significant.

The process of reconfiguring the delivery of penal services began in the 1980s and continued under successive governments (Maguire, 2012; Morgan, 2012; Ryan, 2011; Corcoran, 2009). The Conservative Thatcher government introduced neoliberal policies in the 1980s and 1990s, and previously public services were privatised by creating competitive service delivery markets (Corcoran, 2011: 36; Ryan, 2011: 517). This government enacted the *Criminal Justice Act* in 1991, which enabled prisons to be transferred from public to private sector management, and required Probation boards to commission voluntary and private sector organisations to provide drug programmes (Corcoran, 2011: 36-7; Corcoran, 2009: 33). This government therefore unsettled the state monopoly on the allocation and delivery of punishment, which had been established around 1877, due to economic concerns (Maguire, 2012: 484; Ryan, 2011: 517).

The changes made by the Conservatives were then “substantially endorsed by New Labour” who continued processes of externalisation (Ryan, 2011: 518; see also Maguire, 2012; Morgan, 2012; Corcoran, 2011). The 2007 *Offender Management Act* stressed the role of market discipline in improving performance, and enabled some additional responsibilities traditionally associated with Probation to be taken on by private and voluntary organisations (Corcoran, 2011: 37; Mills et al., 2011: 195; Meek et al., 2010: 4). Furthermore, in response to the Corston report in 2007, the MoJ allocated £12 million of contract funding to voluntary organisations for the provision of community-based support to women (NEF, 2012: 7; see also Mills et al., 2012: 393; Mills et al., 2011: 104). These support services were intended to divert women offenders and women at risk of offending from custody (Mills et al., 2011: 194). This short term MoJ funding was then replaced by the

Women's Diversionary Fund in 2010, which sustained some women's community services following heavy MoJ budget cuts (NEF, 2012). The MoJ contributed £1 million to this fund, and the Corston Independent Funders' Coalition of 20 independent philanthropic foundations matched this sum (NEF, 2012).

The *Breaking the Cycle* Green Paper (MoJ, 2010) indicated that the current coalition government is set to further roll back the state and “continue along Thatcher's radical path” (Ryan, 2011: 518). This Green Paper stated the government's “clear commitment to decentralisation” and justified this stance by emphasising the failures of the “top-down approach” to penal service delivery (MoJ, 2010: 6,8). By emphasising the role for voluntary and private organisations alongside the public sector, this strategy combined the ideological ideal of a smaller regulatory State with the material imperative for fiscal austerity due to the record UK public deficit (Ryan, 2011: 518). Similarly, the dissemination of *Transforming Rehabilitation: A Strategy for Reform* emphasised that the market in criminal justice services will be further opened up to a range of providers from the public, private and voluntary sectors (MoJ, 2013c). This report also stressed the role of payment by results (PbR) financial incentives for service providers in improving competition, performance and effectiveness (MoJ, 2013c).

Commentators have stressed how the voluntary sector has been harnessed to this “wider agenda of 'post-welfare' state modernization” (Corcoran, 2011: 34, see also Maguire, 2012: 484). As such, the series of neoliberal projects described above have ostensibly been “*shaping* voluntary sector agents to the demands of the penal marketplace” (Corcoran, 2011: 45, emphasis added). Although these marketised penal reforms do impact upon parts of the PVS, Chapter 2 questions whether this is true across the sector.

1.3.2 The market in criminal justice services and the PVS

No PVO has taken wholesale responsibility for the provision or daily running of a penal institution, but PVOs are directly involved in 'privatised' or contracted-out service delivery in a variety of ways. As explained above, the charities Turning Point and Catch 22 have formed a consortium to bid for penal service delivery contracts with the private company Serco. This consortium holds a £415 million contract to construct the new prison at Belmarsh West and operate it for 26.5 years (Serco, 2010). The role of the two charities is to provide rehabilitation and resettlement services for prisoners (Serco, 2010). Whether charities in such consortia are equal partners to their private sector counterparts, or junior partners who are essentially 'bid candy' is debatable (Maguire, 2012: 485). PVOs are also involved in low-level prison privatisation, i.e. the contracting out of individual regime elements (Zedner, 2004: 276). For example, The Prison Advice and Care Trust (Pact) hold contracts to run visitor centres at 15 prisons (Pact, 2011: 18). On a smaller scale, Contact Cheshire Support Group holds a three year contract to run the visitor and first night centres at HMP Styal (Contact Cheshire Support Group, 2011: 10; see also Contact Cheshire Support Group, 2010).

PbR is currently being piloted as a mechanism to pay penal service contractors, and full PbR contracts will be taken over from autumn 2014 (MoJ, 2013c: 33; see also Chapter 6). Under PbR, the contractor's payment is linked to results achieved in order to encourage greater efficiency and effectiveness in service delivery (Maguire, 2012; Puddicombe et al., 2012; Fox and Albertson, 2011). If results fall below an agreed performance threshold, the contractor may receive reduced payment or none at all. A notable pilot is based at the private HMP Peterborough. This pilot programme was co-ordinated by Social Finance, who raised funding of £5 million to operate the programme with short-sentence prisoners in an attempt to reduce reconviction rates. Voluntary organisations involved in the pilot include St Giles Trust, Ormiston Children and Families Trust and the YMCA (Social Finance, 2011). This pilot is discussed in detail in Chapter 6.

1.3.3 Summary

Building analysis of the PVS around neoliberal policy reforms may appear reasonable given the number of recent policy documents which stress the role of PVOs in the market for penal services (e.g. MoJ, 2013c; MoJ, 2010). However, this framework also creates analytical limitations, such as overlooking what PVOs do without a service delivery contract and overlooking PVO autonomy. The over-arching aim of this thesis is to conceptualise the PVS in England and Wales. ANT is applied to provide a broader conceptualisation of the sector that extends beyond marketisation. Within the thesis, two key gaps in the literature are addressed: conceptualising the PVS and exploring the effects of PVO work.

1.4 Thesis overview

This thesis consists of nine chapters. This introductory chapter has contextualised the research project, defined the PVS and illustrated recent policy reforms that affect the sector. In Chapter 2, relevant literature is reviewed. ANT forms the theoretical framework for the research and is fully explored in Chapter 3. The data collection methodology is detailed in Chapter 4, along with ethical considerations.

Four chapters of data analysis follow. These chapters draw on data from three sources: document analysis of the financial accounts and annual reports of over forty PVOs, and policy documents such as *Breaking the Cycle* Green Paper (MoJ, 2010); and semi-structured interviews with 11 PVO staff and 2 statutory sector staff who both also had some involvement with PVOs. ANT is applied by using the principle of generalised symmetry to address questions of scale and agency in relation to PVOs, and using the process of translation to examine interactions between heterogeneous voluntary and statutory sector

actors.

Chapter 5 is the first analysis chapter. It scopes the PVS, considering questions of scale and agency in relation to PVOs and their relationships with the statutory agencies of criminal justice. This chapter uses data from the document analysis of PVO publications. Chapter 6 maps the macro-level process of translation that began with the publication of *Breaking the Cycle* Green Paper (MoJ, 2010) and draws on policy documents. Mapping this translation illustrates how multiple statutory and voluntary sector actors were integrated into a specific service delivery actor-network. This chapter demonstrates how the Green Paper affected PVOs, and was also affected by them.

Chapter 7 builds on the scoping chapter (Chapter 5). It moves beyond analysis of contractual relationships and illustrates the processes of translation that create smaller-scale relationships between the PVS and the statutory agencies of criminal justice. This chapter demonstrates that such relationships are sponsored by smaller-scale statutory agencies of criminal justice *and* individual PVOs. Such relationships impact upon prisoners and probationers, yet feature in neither current policy discussions nor existing Criminological literature. This chapter draws on data from the document analysis and interviews. These three analysis chapters are then drawn together in the last analysis chapter (Chapter 8), which considers the effects of PVO work. This chapter assesses the potential benefits of PVO work, alongside control and net-widening effects. Finally, Chapter 9 outlines the conclusions drawn from the study. It brings together all the data and interpretation thereof, and assesses the implications of this research.

Chapter 2: Literature Review

2.1 Introduction

Some commentators suggest that the penal voluntary sector (PVS) plays a significant role in the operation of criminal justice (Martin, 2013; Neuberger, 2009; Armstrong, 2002). Furthermore, the PVS has recently become prominent in both policy rhetoric (e.g. MoJ, 2013c; MoJ, 2010) and academic literature in England and Wales (e.g. Meek et al., 2013; Maguire, 2012; Mills et al., 2012; Morgan, 2012; Mythen et al., 2012; Corcoran, 2011; Gojkovic et al., 2011; Meek et al., 2010; Neilson, 2009). But surprisingly little is actually known about the sector (Corcoran, 2011; Mills et al., 2011) because of the limited scholarly attention that has been devoted to the role of voluntary organisations in punishment (Corcoran, 2011; Armstrong, 2002). This thesis addresses this gap by conceptualising the PVS. This chapter explains the existence and implications of two key gaps in existing PVS literature which contribute to the limited understandings of this sector and its activities.

The first gap results from the centrality of marketisation in recent academic literature about the PVS. Recent commentary has provided a *marketised understanding* of the sector (e.g. Meek et al., 2013; Maguire, 2012; Mills et al., 2012; Corcoran, 2011; Meek et al., 2010; Benson and Hedge, 2009; Neilson, 2009; Silvestri, 2009). A key focus of this literature has been the increasing role for penal voluntary organisations (PVOs) in the delivery of criminal justice services under contract (Maguire, 2012: 483). This increasing role is linked to the neoliberal policy developments described in Chapter 1. Scholars have used marketised policy reforms as the framework for analysis of the PVS. For example, Mills et al. (2011: 193) discuss the relationship that is developing between the PVS and the state *through* commissioning. Similarly, Corcoran (2011: 33) stresses that political reforms “are poised to contribute to the exponential growth of a penal voluntary sector” (see also Maguire, 2012: 484; Mills et al., 2012: 393; Corcoran, 2012: 17; Morgan, 2012: 478; Benson

and Hedge, 2009: 34; Neilson, 2009: 401). Although this commentary has contributed significantly to the literature on the sector, the centrality of marketisation is problematic.

Due to this focus, recent commentary has presented a partial conceptualisation of the PVS in England and Wales. For the vast majority of PVOs, participating in the market for penal services is not a possibility (Maguire, 2012: 488, 491; Corcoran, 2011: 40; Mills et al., 2011: 195; Silvestri, 2009: 4). Although topical, the centrality of marketisation in recent literature has focussed attention away from the non-contractual relationships that the majority of PVOs have with statutory agencies of criminal justice. This gap in the literature is examined in Section 2.2, drawing on recent PVS-specific literature from England and Wales. This commentary is principally comprised of peer-reviewed journal articles (Meek et al., 2013; Corcoran, 2012, 2011; Maguire, 2012; Mills et al., 2012; Morgan, 2012; Mythen et al., 2012; Mills et al., 2011; Neilson, 2009). Commentary from other sources is also used, including: articles that are not peer reviewed (Benson and Hedge, 2009; Corcoran, 2009, 2008); working papers (Gojkovic et al., 2011; and many further working papers from the Third Sector Research Centre¹); briefing papers (Corcoran and Hucklesby, 2013); and reports (Neuberger, 2009; Silvestri, 2009).

The second key gap in the literature concerns the effects of PVO work. The marketisation literature rests on the implication that the PVS makes some “special contribution” to its service users (Maguire, 2012: 490). This contribution is considered at risk from market reforms, which threaten to erode the distinctive character of the PVS (Maguire, 2012: 491; Corcoran, 2011: 33; Mills et al., 2011: 193; Neilson, 2009: 401; Silvestri, 2009: 3; Corcoran 2008: 37). However, the effects of PVO work have not been given substantive consideration in recent PVS literature. It is therefore not clear whether PVOs are *qualitatively different* from statutory agencies of punishment or for-profit businesses in their dealings with prisoners and probationers (Armstrong, 2002: 346). That is, whether there is “something in the quality of being 'nonprofit' [...] that meaningfully improves upon the model” or

1 See: <http://www.birmingham.ac.uk/generic/tsrc/publications/index.aspx>

experience of the statutory institutions of punishment (Armstrong, 2002: 346). Because the PVS remains insufficiently understood (Martin, 2013; Corcoran, 2011; Mills et al., 2011; Armstrong, 2002) and important questions about the effects of PVO work remain unanswered, it is not clear *why*, or indeed *if*, market reforms matter. Market reforms are considered to pose risks to the distinctive qualities of the PVS, but it is not clear whether these distinctive qualities actually exist. Addressing this second gap in the literature, by exploring the effects of PVO work, will therefore provide an improved evidence base and foundation for scholarship which considers the impacts of market reforms upon the PVS. The potential beneficial effects of PVO work are fully explored in Section 2.3.

Section 2.3 is informed by the recent PVS literature listed above and three further areas of commentary. The first is older scholarship on the PVS in England and Wales (Lewis et al., 2007; Garside, 2004; Light, 1993; Smith et al., 1993). The second is a small amount of scholarship about the PVS in the USA (Goddard, 2012; Armstrong, 2002), which provides a fuller understanding of the effects of PVO work than the English literature. The third is broader scholarship that does not specifically consider the PVS, but indicates important ways that PVOs may make a positive or enabling contribution to prisoners and probationers. Three overlapping themes are raised by this broader scholarship, which are: social capital (Corcoran, 2012; Brown and Ross, 2010; Lewis et al., 2007), broader provision of services (Bilby et al., 2013; Liebling, 2004; Lippke, 2003) and desistance from crime (Robinson and McNeill, 2008; Maruna, 2007; Burnett and Maruna, 2006; Burnett and McNeill, 2005).

By contrast to these enabling effects, other scholars indicate that 'benevolent' PVO work could extend control, increase the scale of punishment and shore up coercive carceral regimes (Armstrong, 2002; McWilliams, 1986; Cohen, 1985; Ignatieff, 1978; Foucault, 1977). This theme is fully explored in Section 2.4. It is problematic that these control and net-widening literatures do not have a greater presence in recent PVS scholarship, because

they add an important further dimension to the debate about the effects of PVO work. If PVO work cannot be distinguished from that of the statutory agencies of criminal justice, perhaps not much is at stake through market policy reforms? Drawing on these broader enabling and control literatures in addition to PVS-specific commentary enables the full range of potential effects of PVO work to be conceptualised. This will also provide a firmer foundation for recent marketisation literature.

The body of literature used in this review was compiled through online searches carried out using *Web of Knowledge* and *Google Scholar*. Initial searches were undertaken from October 2010 – March 2011. As this is an emerging field of scholarship, searches were repeated at regular intervals after March 2011. The search keywords used were: 'criminal justice', 'prison' and 'probation' in combination with: 'penal voluntary sector'; 'third sector'; 'voluntary sector'; 'nonprofit'; 'community'; and 'civil society'. The bibliographies of retrieved literature were also scanned for further suitable sources.

2.2 Marketisation literature

2.2.1 Introduction

Increasing the role of the PVS in the delivery of criminal justice services “undoubtedly has its attractive aspects” (Maguire, 2012: 484), which are stressed in the policy rhetoric. For example, the *Breaking the Cycle* Green Paper emphasises that decentralising criminal justice services “provides a once in a generation opportunity”, enabling providers from all sectors to work alongside staff in the criminal justice system in order to make a “real difference” (MoJ, 2010: 9). Despite this positive policy rhetoric, commentators have highlighted that participating in the market for penal services brings a number of risks for the PVS (Maguire, 2012: 491; Corcoran, 2011: 33; Mills et al., 2011: 193; Neilson, 2009: 401; Silvestri, 2009: 3; Corcoran 2008: 37).

These risks are encapsulated by the apparent clash in ideals between the voluntary and public sectors. The voluntary sector is seen to hold social welfarist ideals, as it focusses on the socialisation and economic integration of (ex-)offenders (Goddard, 2012: 357). Scholars have also pointed to a distinctive 'voluntary sector' ethics of compassion and rehabilitative approach, which focuses on the needs of individual (ex-)offenders (Mills et al., 2012: 394; Silvestri, 2009: 3,4; Corcoran, 2008: 37). By contrast, government penal policy has often implied "greater use of imprisonment, for longer periods, and more intensive supervision in the community" (Faulkner, 2007: 144; see also Maguire, 2012: 486). As such, reformative voluntary sector agendas are considered at risk of appropriation by security and punitive agendas through marketisation (Corcoran, 2012: 18). In this section, the apparent dichotomy between voluntary sector and statutory agendas is explored. However, Section 2.4 illustrates that these sectors in fact have a longstanding history of interaction, by exploring the voluntary sector's historical role in producing penal institutions.

In practice, the priorities of prison staff are considered likely to clash with PVO workers, as prison staff are "traditionally more focussed on punishment, controlling offenders and managing risk" (Mills et al., 2012: 394; see also Corcoran, 2011: 42; Mills et al., 2011: 197). Furthermore, the Prison Service is regimental and hierarchical but PVOs tend to have a much looser and flatter organisational structure (Hucklesby and Worrall, 2007). The divergent working cultures and foci of voluntary and statutory sector staff have been observed to cause problems in partnership working (Vennard and Hedderman, 2009: 237; see also Neuberger, 2009; Women in Prison, 2006). For example, voluntary sector staff may be reluctant to report the non-attendance of probationers at PVO-run programmes, as absences may be treated as a breach of parole conditions and result in recall to prison (Women in Prison, 2006: 4). Staff attitudes and working cultures can vary substantially between different statutory agencies of criminal justice and between individual prisons (Mills et al., 2012; Liebling, 2008; Liebling et al., 2005). But when PVOs are contracted to deliver criminal justice services, it is unclear how PVO staff behaviours and discretion

could be affected when dilemmas and working conflicts arise. As such, market policy reforms could see the goals of PVOs being “compromised by the need to fit into the goals of the criminal justice system” (Mills et al., 2012: 402).

This illustrates one way in which the marketisation of criminal justice service delivery is causing “contemporary dilemmas of institutionalization” (Corcoran, 2011: 33; see also Mythen et al., 2012) and raising “troubling issues” for the PVS (Neilson, 2009: 401). Overall, these reforms have been judged to “contain substantial risks for all parties involved” (Maguire, 2012: 484). Furthermore, there is little evidence to support the central idea underpinning recent policy reforms (MoJ, 2013c; MoJ, 2010). That is, the notion that involving PVOs in the delivery of criminal justice services under contractual and payment by results mechanisms is likely to bring about significant and lasting reductions in reoffending (Maguire, 2012: 490; Mills et al., 2011). Scholars have explained how the idea of bottom-up 'community' action exerts a hold over criminal justice policy reform movements and evokes a powerful and “richly positive imagery” of inclusion, yet this impact remains unproven in practice (Armstrong, 2002: 351; see also Crawford, 1999: 151). Voluntary and community action are “empirically difficult to define and their potential for reforming criminals [...] even more so” (Armstrong, 2002: 351).

These untested neoliberal penal reforms may be detrimental to the PVS. The market in criminal justice services puts PVOs at risk of 'goal distortion' or 'mission drift' (Corcoran and Hucklesby, 2013). Goal distortion refers to PVOs moving away from their original mission and social welfarist ethos (Goddard, 2012) in the pursuit of contract funding, and compromising their social-justice orientated campaigning and advocacy work in favour of delivering services for statutory organisations (Mills et al., 2011: 207; Neilson, 2009: 407; Kendall, 2003: 78; see also Goddard, 2012). It is feared that increasing numbers of PVOs will compromise their independence in order to win service delivery contracts, and thus become quasi-governmental organisations that are engaged with and dependent on the

government (Neilson, 2009: 408; see also Maguire, 2012: 485; Corcoran, 2011: 46; Mills et al., 2011: 195; Meek et al., 2010: 8). As such, PVOs appear under threat of becoming servants of government and, ultimately, agents of penal expansionism (Corcoran, 2012: 18; Maguire, 2012: 486; Meek et al., 2010: 7; Silvestri, 2009: 4; Faulkner, 2007: 144). However, this argument wrongly extrapolates the importance of market reforms across the whole PVS, which is fully explained in Section 2.2.3.

Similarly, marketisation can be seen as an attempt to 'risk-shift', representing a wider governmental commitment to displace responsibility and risks from the state to the PVS (Mythen et al., 2013: 2; see also Garland, 2001). Neoliberal reforms may mean that "smaller, more vulnerable" PVOs "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" (Vennard and Hedderman, 2009: 240). This is particularly concerning because the cost-cutting pressures of commissioning and the outcome pressures of payment by results are likely to see service providers cherry-pick 'rehabilitative offenders', "while 'toxic offenders' will be cast aside" (Mythen et al., 2013: 7; see also McSweeney and Hough, 2006: 120). Groups who are identified and classified as 'less risky' may therefore be targeted for interventions and management by PVOs, particularly at this time of economic austerity and "scarce funding" (Mythen et al., 2013: 2; see also Fox and Albertson, 2011: 410; Feeley and Simon, 1992). This could ultimately "see the PVS colonized by an economic discourse of risk where measures of reconviction and value for money come to direct operations" (Mythen et al., 2013: 13-14) and leave a difficult rump of 'more risky' offenders for the state sector to manage (Mythen et al., 2013: 7). Whilst raising fundamental concerns, this vein of argument also negates the agency of PVOs to resist market reforms and 'risk-shifting' practices, as is fully explained in Section 2.2.3.

The growth of penal service markets also poses related risks to the campaigning roles of

PVOs. These risks have centred around the landmark 2008 Nacro bid to run a prison (Corcoran, 2011; Mills et al., 2011; Neilson, 2009). This has a prominent place in the literature, being contentious due to Nacro's "strength as a campaigning organisation", with a "firmly established policy line on the expanding secure estate" (Neilson, 2009: 406, 404; see also Corcoran, 2011: 31; Mills et al., 2011: 195). Although the Nacro bid was ultimately unsuccessful, it exemplified how participating in the penal service market threatened to undermine Nacro's campaigning and advocacy roles (Neilson, 2009: 406). Scholars have indicated that operating in this market could therefore potentially cause the "loss of the sector's distinctiveness and critical voice" (Mills et al., 2011: 193; see also Neilson, 2009: 406), which has sounded on behalf of one of the most despised groups in society: offenders (Silvestri, 2009: 6). Similar marketisation dilemmas apply across the voluntary sector (Carmel and Harlock, 2008; Paxton and Pearce, 2005; Ilcan and Basok, 2004; Kendall, 2003; Evans and Shields, 2002). However, these dangers could be particularly pertinent for the PVS, as the "unpopular nature of work with offenders" means that voluntary organisations working in the criminal justice arena "are more likely to be dependent on contract" funding (Mills et al., 2011: 207; see also Gojkovic et al., 2011: 18).

2.2.2 Markets and penal voluntary organisation funding

Funding is at the heart of the argument for a marketised understanding of the PVS (Tomczak, forthcoming). Commentators suggest that because many PVOs are *heavily reliant* on statutory funding (Corcoran, 2011: 32; Gojkovic et al., 2011: 18; Mills et al., 2011: 193; Ryan, 2011: 519; Neilson, 2009: 401; Silvestri, 2009: 3), the voluntary sector is highly vulnerable to "being drawn into [...] marketised penal reform" (Corcoran, 2011: 46). It is feared that PVOs could be compelled to respond to policy developments geared to increase their role in criminal justice provision (Mills et al., 2011: 194). If they do not, their survival could be threatened, because "funding will follow those organisations willing to adapt their priorities to fit those of the criminal justice system" (Mills et al., 2011: 195).

Therefore, PVOs apparently “do not have the [...] option” to avoid participating in the market for penal services (Garside, 2004: 9; see also Mills et al., 2011: 207) and are unable to resist the “magnetic pull” of statutory contract funding (Corcoran, 2009: 32). If voluntary organisations like Nacro or SOVA fail to win contracts to deliver criminal justice services, the implications are “far more serious” than for private companies such as G4S, who have diversified operations to fall back on (Garside, 2004: 9). By contrast, PVOs' work with prisoners and probationers is “what they are all about” (Garside, 2004: 9).

The growth of competitive service commissioning has occurred alongside reductions in government grant funding, which has apparently amplified the imperative to participate (Maguire, 2012: 485; Meek, et al., 2010: 7). PVOs are therefore either “rolling over” in the face of pressures to compete for service delivery contracts, “or going under” and failing to survive (Benson and Hedge, 2009: 35). But, just as “the official conception of the voluntary sector is that of biddable service deliverers” (Corcoran, 2009: 32), scholars have tended to selectively focus on the role of voluntary organisations as *competitors in the market for penal services* (Tomczak, forthcoming). Following this literature, becoming proactively competitive appears to be a *financial necessity* for PVOs (Corcoran, 2011: 43), who “will need to establish themselves as competent and legitimate contributors and partners in the provision of criminal justice” (Corcoran and Hucklesby, 2013: no pagination). However, this imperative has been overstated, which is discussed in the following section.

2.2.3 A partial account? Heterogeneity, scale and agency

The recent marketised PVS literature is valuable in many ways. Scholars have raised critical concerns that market reforms may have a detrimental impact on the sector and change its distinctive nature (Meek et al., 2013; Corcoran, 2012, 2011; Maguire, 2012; Mills et al., 2012; Morgan, 2012; Mythen et al., 2012; Gojkovic et al., 2011; Meek et al., 2010; Neilson, 2009; Benson and Hedge, 2009; Silvestri, 2009). This literature has put the PVS on the scholarly 'radar', and made progress towards creating a fuller understanding by

beginning to address the relative dearth of PVS research (Corcoran, 2011: 33; Mills et al., 2011: 195; Armstrong, 2002: 345). However, whilst the *diversity* of organisations within this heterogeneous sector has been acknowledged to some extent, this has not been fully explored. PVO *scale* and *agency* have also received very little attention, perhaps because analysis has been focussed on macro-level policy reforms.

Commentators have briefly pointed out that the PVS is heterogeneous (Mills et al., 2011: 204), being composed of organisations that “operate and react” differently (Mills et al., 2011: 204). There is also some recognition that PVOs are highly differentiated in terms of their size, income, function, organisational capacity and attitude to engaging with public service delivery contracts (Corcoran, 2011: 40). It has been acknowledged that policy developments will impact upon different parts of the diverse PVS in different ways (Corcoran and Hucklesby, 2013). But, the important themes of PVO heterogeneity, scale and agency have not been fully explored. These oversights limit understandings of the PVS, and consequently limit understandings of the sector's effects upon prisoners and probationers.

Section 2.2.2 explored the apparent financial necessity for PVOs to compete in the market for penal services (Corcoran and Hucklesby, 2013; Maguire, 2012; Meek et al., 2010; Benson and Hedge, 2009; Corcoran, 2011; Corcoran, 2009; Garside, 2004). However, this line of argument has not been particularly well substantiated and contradictions exist within the marketisation literature. Scholars have argued that many PVOs are *heavily reliant* on statutory funding and thus highly vulnerable to being drawn into marketised penal reform (Maguire, 2012: 485; Corcoran, 2011: 32; Gojkovic et al., 2011: 18; Mills et al., 2011: 193; Ryan, 2011: 519; Meek et al., 2010: 8; Neilson, 2009: 401; Benson and Hedge, 2009: 35; Silvestri, 2009: 3; Garside, 2004: 9). But, across the general voluntary sector “three quarters of charities receive *no government funding*” (Corcoran, 2011: 41, emphasis added). Regarding the PVS, non-statutory sources of funding form the primary income sources for over 40% of PVOs (Gojkovic et al., 2011).

Using a dataset from the 2008 National Survey of Third Sector Organisations, Gojkovic et al. (2011: 17) found that public monies comprised the *primary* source of funding for 56% to 59% of organisations who work with offenders. This dataset potentially privileges the responses of organisations in receipt of public funding, because such organisations probably have a greater interest in returning completed surveys (Gojkovic et al., 2011: 17; Clifford et al., 2010). But even using this skewed sample, statutory funding sources are certainly not the only means for PVOs to sustain their operations. Nevertheless, recent PVS commentary has been focussed to emphasise the imperative for PVOs to participate in marketisation. It is therefore unclear where the limits of marketisation lie. Because the necessity for PVOs to compete in the market for penal services has been assumed, there is a limited understanding of the parts of the PVS and the types of PVO which are likely to be less affected by these processes, or remain able to exercise their agency to reject statutory funding.

The literature also neglects diversities in scale. Recent PVS literature is located within the macro-scale policy research tradition. Commentators have pointed out that the contestability process favours the 'Big Players' or corporate-style PVOs (Morgan, 2012: 478; Corcoran, 2012: 21; Benson and Hedge, 2009: 35). These 'Big Players' are often national; generally more oriented towards corporate business models; employ staff with experience in marketing, financing and contracting; and are better able to raise capital and optimise economies of scale (Benson and Hedge, 2009: 35; Corcoran, 2008: 37). Such PVOs are considered by some to be private sector 'lookalikes', differing only in their lack of shareholders and legal status (Benson and Hedge, 2009: 35). These 'Big Players' compose just a minority of PVOs and are generally "felt not to be typical of the sector" (Silvestri, 2009: 4; see also Corcoran, 2011: 41; Corcoran, 2008: 37). But, these are the PVOs that are by far the most likely to participate in the market for criminal justice services, and they are central to recent PVS scholarship because of its focus on marketisation.

Smaller PVOs have been peripheral in recent commentary but form the vast majority of the sector (Corcoran, 2011: 40). 60% of PVOs have an annual income that is below £10,000 (Corcoran, 2011: 41). Yet in recent PVS scholarship, smaller PVOs are notable only as a result of concerns about their “future viability” due to their inability to participate in market for criminal justice services (Mills et al., 2011: 195). Smaller-scale PVOs have effectively been eliminated from the commissioning process, because few have the capacity or infrastructure to bid successfully for nationally or regionally commissioned projects involving large numbers of offenders (Maguire, 2012: 488, 491; Silvestri, 2009: 4; Corcoran, 2008: 37). These smaller PVOs are ostensibly “being crowded out by a 'Tesco-effect' in commissioning cycles, whereby the economies of scale and national programmes provided by large players prove attractive to cautious statutory purchasers” (Corcoran, 2011: 41; see also Tomczak, forthcoming).

Many smaller PVOs are therefore thought to be joining consortia in order to bid for contracts (Maguire, 2012: 485; Benson and Hedge, 2009: 35). This development brings about the apparent “risk that much of the voluntary sector will be swallowed up by the big commercial players, Serco, Capitas and so forth” (Morgan, 2012: 478), forming 'bid candy' that provides evidence of the lead commercial organisation's commitment to certain values (Corcoran, 2012: 21; Morgan, 2012: 478; Benson and Hedge, 2009: 35). As such, smaller PVOs could lose much of their distinctive client-centred ethos, and see their critical and campaigning voices muted through the need to support public and private sector business partners (Morgan, 2012: 485).

Whilst raising valid concerns, this commentary apparently overstates the reach of market reforms. Commentators have not yet considered whether those excluded from the market in criminal justice services may in fact have options other than “going under” or joining consortia to bid for contracts (Benson and Hedge, 2009: 35). It is undeniably important to examine the macro-level processes and effects of marketisation, because these are significant and topical developments. However, it is also important to consider the

representativeness of this commentary across the PVS, and to to recognise that the situation at the micro-level may look different. Existing commentary extrapolates the risks attached to the market in criminal justice services across the PVS. But given that the majority of smaller scale PVOs receive no government funding (Corcoran, 2011: 41), it is not clear why these PVOs will be compelled to participate in marketisation.

This suggests that the agency of some (perhaps smaller) PVOs to remain outside the market for criminal justice services has not been appreciated. It casts doubts over the apparent necessity for PVOs to establish themselves as competent and legitimate contributors to and partners in the market of criminal justice services (see Corcoran and Hucklesby, 2013). It also raises two further questions: beyond contract relationships, what other types of relationship do PVOs have with the statutory agencies of criminal justice? How are these relationships sustained without public funding? These questions will be explored in the analysis chapters 5, 6 and 7.

It is therefore clear from recent commentary that market policy reforms are likely to have a significant impact upon some PVOs. However, it is significantly less clear *why*, or indeed *if*, market reforms matter, because the PVS remains insufficiently understood (Martin, 2013; Corcoran, 2011; Mills et al., 2011) and important questions about the effects of PVO work remain unanswered (Armstrong, 2002). Exactly what PVOs do, and the effects of their work upon prisoners and probationers is far from clear, within or regardless of the market in criminal justice services. The next two sections (2.3 and 2.4) will therefore consider what distinctive contributions PVOs may make to prisoners and probationers, to more thoroughly assess whether there is a foundation for concerns about the impact of market policy reforms. Section 2.3 which follows considers potential positive effects of PVO work.

2.3 Firm foundations? Considering the positive effects of PVO work

2.3.1 Introduction

Scholars' criticisms of neoliberal policy reforms appear to be built on two related concerns. The first is that the increasing involvement of the PVS may represent further privatisation of criminal justice 'by the back door' (Maguire, 2012: 484; Morgan, 2012: 478; Silvestri, 2009: 5). In a similar vein, Garland's responsabilisation theory (2001: 1996) indicates that market policy reforms represent a broader strategy of governance through which an increasing range of non-statutory local and community organisations are made responsible for delivering crime control. The governance of crime is therefore shifting from a sovereign state monopoly towards community governance (Phoenix and Kelly, 2013: 422). The primary objective of strategies of responsabilisation is "to spread responsibility for crime control onto agencies, organisations and individuals that operate outside the criminal justice state and to persuade them to act appropriately" (Garland 2001: 124-5; see also Ilcan and Basok, 2004: 129-30; Garland, 1996: 454). These concerns and strategies form an important area of PVS inquiry and are acknowledged in this thesis, but are dealt with in less depth than the second concern.

The second concern contends that marketisation is leading the PVS away from traditional models of supplementary penal service provision, and potentially causing PVOs to compromise their independence and become providers of core penal services (Maguire, 2012: 491; Mills et al., 2011: 193). This would make involvement with the punitive and coercive aspects of criminal justice work unavoidable, and could ultimately result in PVO work supporting penal expansionism (Corcoran and Hucklesby, 2013). This second concern is based on the *unproven idea* that PVOs are in some way different from the statutory agencies of criminal justice. It is generally assumed that voluntary sector programmes are "inherently less punitive and more rehabilitative" than statutory programmes, but this implicit assumption has not been rigorously tested (Armstrong,

2002: 346).

Many have suggested that the PVS has a number of strengths in working with (ex-)offenders (e.g. Corcoran and Hucklesby, 2013: no pagination; Maguire, 2012: 484; Mills et al., 2012: 392; Meek et al., 2010: 3-4; Neuberger, 2009: 7-17; Silvestri, 2009: 3; see also Lewis et al., 2007). Fears about marketisation are based on an *implied notion* of some “special contribution” that the PVS can provide to service users (Maguire, 2012: 490), by operating an “alternative welfare system which has compensated for failures in market and state systems to meet the complex needs of offenders” (Corcoran, 2012: 17). However, the evidence base to support these claims and confirm the efficacy of PVO work is less clear (Meek et al., 2013: 340; Neuberger, 2009: 7; Armstrong, 2002: 346). It is also questionable whether positive effects can be attributed across the entire PVS, given the diversity of PVOs. For example, Mills et al. (2012: 401) argue that smaller-scale, possibly volunteer-led PVOs are “more likely to bring the so-called ‘added value’ to their work with offenders, particularly the building of social cohesion through their connections to the local community”. Effects may therefore be uneven across the sector.

Assessing the value of PVO work with prisoners and probationers is difficult due to the lack of research examining the efficacy of PVOs, the lack of a research tradition in the PVS, and the context dependency of PVO programmes and their outcomes (Corcoran and Hucklesby, 2013: no pagination; Meek et al., 2013: 340). Because there is not a strong theoretical or evidence base for the PVS to draw upon, the effects of PVO work are not clear. However, scholars have suggested that PVO work may be valuable for a variety of reasons. These strengths are considered fully in Section 2.3.2. Enabling the construction of social capital and supporting desistance from crime are key themes which are developed throughout this section.

2.3.2 Positive effects of PVO work

The “traditional justification” for voluntary sector involvement in criminal justice is based on the sector's “capacity to innovate, to take risks, and to pioneer new ways of working” with (ex-)offenders (Smith et al., 1993: 34; see also Corcoran and Hucklesby, 2013; Benson and Hedge, 2009; Silvestri, 2009). PVOs may be very cost effective and some organisations achieve a lot with only minimal funding (Mills et al., 2012: 392; Light, 1993: 327). PVO work can also widen the range and quality of social work programmes and resources available to (ex-)offenders (Meek et al., 2010: 3; Smith et al. 1993: 26, 29), thus creating further opportunities for this marginalised group. PVOs' bases in the community can enable provision of 'through the gate' services and continuity of support for prisoners after release (Mills et al., 2012: 393; Meek et al., 2010: 4). PVOs undertake campaigning work, raise dissent and engage with penal reform (Corcoran and Hucklesby, 2013: no pagination; Silvestri, 2009: 3).

Of particular interest here is the idea that PVOs' relative independence from the statutory agencies of criminal justice and their person-centred, non-authoritarian and non-judgemental working styles may mean that prisoners and probationers perceive PVO staff as more approachable and trustworthy than statutory staff (Maguire, 2012: 484; Mills et al., 2012: 393-4; Meek et al., 2010: 3; Light, 1993: 323). PVOs may therefore be better able to engage service users (Maguire, 2012: 484; Mills et al., 2012: 393-4; Light, 1993: 323). The trust and engagement between PVO staff and service users has “traditionally” been seen as “one of the strongest features of voluntary sector involvement” in criminal justice (Maguire, 2012: 491; Neuberger, 2009: 7; see also Brookman and Holloway, 2008). But, exactly how and why PVO staff are distinct from statutory and private sector staff is unclear.

Lewis et al.'s study (2007) addressed these questions to some extent, by assessing British voluntary sector resettlement and mentoring Pathfinder projects with short-term prisoners

transitioning back into the community. It found that offenders who had post-release contact with voluntary sector mentors “did significantly better than any other group of prisoners analysed” (Lewis et al., 2007: 47). Prisoners were found to enrol for help with practical problems (e.g. finding accommodation), but in follow-up interviews over half of the participants indicated that the most beneficial aspect of the programme had been 'emotional support' or 'someone to talk to'. This aspect was cited almost four times as frequently as the next most common response: 'help with accommodation' (Lewis et al., 2007: 47). Although practical support is an essential aspect of post-release assistance, this study suggested that “ex-prisoners may benefit particularly from contact with people who have more time to pay attention to *individual needs* and whose distinctive contribution is often the provision of *personal and emotional support*” (Lewis et al., 2007: 47, emphases added). The study therefore provides some explanation of the distinctive voluntary sector quality of person-centredness but it assessed PVO involvement in one scheme, so the finding does not hold across the sector.

PVOs are also considered to hold valuable reserves of social capital, which may benefit the (ex-)offenders that they work with (Silvestri, 2009: 3). Building social capital involves creating capabilities by establishing networks of mutual support and improvement which operate in what can generally be regarded as the public interest (Faulkner, 2003: 291; Hagan, 1994: 67). For example, increasing the social capital of (ex-)offenders has been linked to desistance from crime (Mills and Codd, 2008: 10; see also Farrall and Maruna, 2004; Wolff and Draine, 2004). This process and the importance of social capital are now explained fully.

Literature on mentoring schemes with women released from prison (not PVS-specific schemes) indicates that such programmes can “deliver gains in social connectedness and capital” (Brown and Ross, 2010: 31). Reflecting Lewis et al. (2007), this study found that relational supports were a key value of mentoring (Brown and Ross, 2010: 41). Relational supports seemed to be particularly valuable because of the high levels of social isolation

among released prisoners (Brown and Ross, 2010: 42). Mentors activated their own social capital for the benefit of their mentees in a broad variety of ways; e.g. by providing character references to support employment and housing, and accessing information about education opportunities (Brown and Ross, 2010: 42). Mentoring was found to activate social capital in practical ways (Brown and Ross, 2010: 48). Engaging with PVO mentoring and support programmes could therefore activate and enhance the social capital of prisoners and probationers

Activating social capital through mentoring also provided benefits congruent with the positive normative orientation models that underpin processes of desistance from crime (Brown and Ross, 2010: 46; see also Burnett and Maruna, 2006). In addition to the practical activation of social capital, the support provided “evidence of trust and affirmation of their status as a person in a way that was important and meaningful to” mentees (Brown and Ross, 2010: 43). As such, this mentoring scheme also seemed to support the “complex process of psychological change that must accompany letting go of an old life and personal identity and finding new ways of being in the world” (Brown and Ross, 2010: 48; see also Burnett and Maruna, 2006; Giordano et al., 2002). A similar illustration of constructing social capital and supporting desistance from crime is provided by Corcoran's (2012: 20) brief exploration of The Samaritans' Prison Lister programme. Prisoners who volunteered as listeners through the programme reported perceived increases in their skills, confidence and self esteem (Corcoran, 2012: 20). Many made the journey from being service users in prison, onto acting as volunteer listeners, then onto being paid staff (Corcoran, 2012: 20). This process indicates that engaging with a voluntary organisation and acting as a listener may enhance prisoner social capital, and could support the shifts in personal identity which enable the transition from offender to resettled person, including imagining and believing in a 'replacement self' (Corcoran, 2012: 20; see also Maruna, 2011; Burnett and Maruna, 2006; Giordano et al., 2002).

Turning to the breadth of penal service provision, scholars state that PVOs can widen the

range and quality of programmes and resources available to prisoners and probationers (Meek et al., 2010: 3; Smith et al., 1993: 26, 29). It is not clear from PVS-specific literature exactly how and why this can be valuable, but broader literature explains this.

Opportunities to depart from prison routines through enrichment programmes such as those run by PVOs may be valued by prisoners. “Deadening idleness” has been deemed the hallmark of contemporary imprisonment (Lippke, 2003: 35), so any chances to break this idleness could be particularly appreciated by and beneficial to prisoners (Sykes, 1958). Participating in enrichment programmes may provide psychological benefits for prisoners, such as relief from boredom, anxiety and stress (Digard et al., 2007: 4; Lippke, 2003: 35).

Such programmes may also build prisoner social capital, by providing avenues of self-development and increasing self-confidence for prisoners and probationers (Bilby et al., 2013; Henley et al., 2012; Tett et al., 2012; Cohen, 2009; Lippke, 2003). Although such 'soft' achievements tend to be regarded as precursors to behavioural change rather than outputs in themselves, they are important in the process of rehabilitation and support desistance from crime (Genders and Player, 1995). After all, desistance is more than just an absence of crime and “involves the pursuit of a positive life” (Maruna, 2007: 652) for which apparently 'soft' personal qualities are of importance.

Enrichment programmes may also promote prisoner and probationer engagement (Bilby et al., 2013: 6). This is particularly valuable in criminal justice settings where it is likely that many individuals will have previously struggled to engage with productive activities (Bilby et al., 2013: 6). Lewis and Meek (2012) argue that using sport as a rehabilitative tool in prison settings can motivate prisoners who are difficult to engage in other resettlement, educational or psychological programmes. Sport was also found to provide an indirect means of creating capabilities by improving prisoner literacy and numeracy (Lewis and Meek, 2012). Similarly, participating in arts-based activities has created greater openness to engaging with other educational courses and forms of attainment amongst prisoners (Tett et al., 2012; Anderson et al., 2011). This is beneficial because prisoners are more likely to

have literacy difficulties than the general population and tend to have negative attitudes to learning (Tett et al., 2012: 172). Given that “engagement with families, communities, civil society, and the state itself” (McNeill et al., 2012: 2) is necessary to achieve and maintain desistance from crime, promoting engagement through enrichment activities may be an important benefit of PVO work.

Turning to relationships, literature regarding desistance from crime and the moral performance of prisons highlights the importance of positive relationships between staff and prisoners/probationers (Phoenix and Kelly, 2013; Robinson and McNeill, 2008; McNeill, 2006; Burnett and McNeill, 2005; Liebling, 2004). However, the same debates are largely absent from the PVS literature. Given that one of the key qualities of PVO work is cited as their person-centred approach and capacity to build trust and engagement with service users (Maguire, 2012; Brookman and Holloway, 2008), this absence is both surprising and problematic.

Scholars have identified that strengths-based, person-centred and collaborative approaches are important factors for desistance-focussed offender management work (McNeill, 2006; Burnett and McNeill, 2005). A strengths-based approach involves staff placing an “emphasis on recognition, exploitation and development of competencies, resources, skills and assets” of (ex-)offenders (McNeill, 2006: 50). It is also important for staff to display empathy and genuineness towards service users (McNeill, 2006; Burnett and McNeill, 2005). Whether staff members display these qualities in the eyes of service users takes on a “very important dimension”, because it forms the foundation upon which they will co-operate with services and take steps towards desisting from crime (Phoenix and Kelly, 2013: 428; see also Robinson and McNeill, 2008; Burnett and McNeill, 2005).

Liebling's work on the moral performance of prisons also emphasises the importance of relationships between staff and prisoners. Moral performance is “those aspects of a prisoner’s mainly interpersonal and material treatment that render a term of

imprisonment more or less dehumanising and/or painful” (2004: 473). Whilst the desistance scholarship is more utilitarian, Liebling provides the normative argument that “prisons should perform well because it is important to treat human beings well” (2004: 473). But, Liebling also notes the potentially transformative impact of interpersonal transactions, providing prisoner accounts detailing how harsh and uncaring treatment in custody can “turn you into a different person”, whereas “compassionate” treatment can make you feel better and “completely different” (2004: 143, 145). Compassionate treatment from PVO staff could improve the experience of punishment and is also more likely to enable prisoners to pursue the “positive life” required to desist from crime (Maruna, 2007: 652).

2.3.3 Conclusions

It is important to note that prison populations tend to be highly marginal and have severely limited resources of social capital (Brown and Ross, 2010: 48). However, there is some evidence that PVO work may be valuable to prisoners and probationers in a variety of ways. These include its contribution to social capital; provision of emotional support; provision of enrichment activities; capacity to support engagement, education, resettlement and employment; person-centred approach; contribution to the moral performance of prisons; and contribution to desistance from crime. These contributions are all context-dependent, and PVO work is certainly not a panacea or all-inclusive solution to the complex social issues that prisoners and probationers often have (Corcoran, 2012: 22).

More specific exploration of exactly how PVOs can positively impact upon prisoners and probationers is required, along with consideration of whether these contributions are distinct to the PVS and/or certain PVOs within the sector. Because the distinctive contributions of the PVS are not clear (Armstrong, 2002: 346), the qualities that may be lost through marketisation also remain nebulous. An argument made over a decade ago still seems to stand. Armstrong (2002: 362) highlighted that understandings of PVOs and the

PVS were reliant on “the imagery of what we think they (nonprofits/PVOs) are and do”. To move past this, Armstrong recommended that scholars should stop relying on this imagery and instead “seek out clear understandings of how they (nonprofits/PVOs) actually behave and interact with government agencies” (2002: 362). Following Armstrong, the analysis Chapters 5, 6 and 7 will provide clear examples of PVO relationships with the statutory agencies of criminal justice, and Chapter 8 will consider how these varying relationships may influence the effects of PVO work.

This section has discussed the positive effects which can result from PVO work with prisoners and probationers, using both PVS-specific literature and broader commentary. Another means of gaining a greater understanding of these effects is to draw upon the explanatory value of historical perspective (Zedner, 2006). Historical literature can make an important contribution to this debate, as it sheds light on the role of voluntary action/philanthropy in the establishment of the Prison and Probation Services and illustrates subsequent *increases in the scale of punishment and social control* (McWilliams, 1986; Ignatieff, 1978; Foucault, 1977). Net-widening literature can contribute a related understanding of how PVO work may *widen and deepen* the reach of the carceral net (Armstrong, 2002; Cohen, 1985). Together, these literatures provide an important critique of the “widespread assumption” that PVOs can be “unconditionally trusted to behave altruistically” (Armstrong, 2002: 346). These control effects are now explored.

2.4 Considering the control effects of PVO work

2.4.1 Introduction

The penal reforms which established the modern Prison and Probation Services were linked to humane and benevolent motives. By lobbying for the use of the penitentiary as an alternative to corporal punishment, philanthropists and penal reformers apparently undertook a “simple humanitarian crusade” which aimed to incorporate criminals into

civil society rather than physically harming or killing them (Ignatieff, 1978: 213; see also Garland, 1990: 168). Similarly, the work of police court missionaries played an important role in establishing probation, and was undertaken with the intention of saving “offenders from harsh punishments” by supervising them in the community (McWilliams, 1987: 114-115). However, the establishment of the penitentiary led to dramatic increases in the numbers imprisoned in England (Moore, 2009: 13; Ignatieff, 1978: 108). The reformers argued that petty criminals who would previously have been privately chastised, should instead be disciplined through the rules and regulations of the penitentiary to prevent them proceeding “unimpeded to the commission of more dangerous offences” (Ignatieff, 1978: 28). The establishment of probation also increased the scale of punishment. The early phases of establishing probation were built on the powers of the 1879 *Summary Jurisdiction Act*, which gave magistrates the power to “discharge the offender on his own recognizance” (Jarvis, 1972: 10). Crucially, this power was applicable only for cases “where the offences were thought *so trifling as to make punishment unnecessary*” so targeted those who would not previously have been punished (Jarvis, 1972: 10, emphasis added).

As a result of the apparently non-punitive but obligatory rules and regulations imposed in the penitentiaries, the power to punish was inserted more deeply into the social body (Garland, 1990: 136; Ignatieff, 1978: 214; Foucault, 1977: 82). Likewise, probation came to disempower and subjugate (ex-)offenders, as Probation Officers became diagnosticians with the ability to impose meaning upon their charges (McWilliams, 1986: 241-242). Where (ex-)offenders did not conform with the recommendations of their supervisors, there was the option of enforcement (McWilliams, 1986: 256). These developments will be fully explained in this section, which illustrates how apparently 'benevolent' and humane penal reforms may increase the scale of punishment and the extent of social control, drawing previously included populations into the orbit of social control and widening the net of carceral power (Cohen, 1985: 268). Although PVOs' contributions to building social capital and extending social control may not be dichotomous (Tomczak, 2013), it is problematic

that these control and net-widening effects of PVO work are not fully explored in recent PVS literature.

This section also highlights the longstanding inter-relationships between punishment and charity. This historical perspective is valuable because it illuminates the voluntary sector's role in producing the modern institutions of punishment. As such, this may contest the idea that reformatory voluntary sector agendas are at risk of being appropriated by security and punitive agendas through processes of marketisation (Corcoran, 2012: 18). Although marketisation changes the financial arrangements under which the sectors work together, the voluntary and statutory sectors have historically produced the institutions and practices of punishment together.

Recent PVS literature does include some brief references to the history of philanthropic work in criminal justice. For example, Mills et al. acknowledge the PVS's "long and rich history of working with the criminal justice system" (2012: 392) and Neilson refers to the sector's "long history of working closely with offenders" (2009: 408). Mills et al. point out that "the probation service itself was started by voluntary activity in the form of the police court missionaries" (2012: 392). Neilson (2009: 408) notes that "charities had a key role in helping establish prisons in the UK, including Bridewell, which went on to form the template for modern day prisons" and refers to charities' role in the development of probation. But in light of the emphasis upon how market policy reforms are changing the position and role of the PVS in recent literature, it is curious that analysis of the past role of the sector is not developed further. Indeed, Smith et al.'s argument from over twenty years ago seems applicable: "debates have tended to lose sight of a long tradition of joint work" between the statutory agencies of criminal justice and the voluntary sector (1993: 25). The tradition of voluntary sector involvement in punishment will now be discussed, making reference to the establishment of the modern prison and probation.

2.4.2 The role of philanthropy in establishing the modern prison

Philanthropists² played an “instrumental” role in the establishment of the penitentiary and the ‘humanisation’ of the penal system through the transition from corporal to carceral punishment (Ignatieff, 1978: 63). Philanthropists acted as part of a heterogeneous group of penal reformers which also included politicians, industrialists, scientists and doctors (Ignatieff, 1978: 63). Key changes in the economy of punishment took place in the mid to late eighteenth century, when the object of punishment shifted from the offender's body to their mind (Garland, 1990: 158; Ignatieff, 1978: 11; Foucault, 1977: 80)³. Earlier penal measures were generally directed at the offender's body e.g. hanging, whipping, branding and the stocks (Ignatieff, 1978: xiii; Foucault, 1977: 49). Later penitentiary regimes targeted the offender’s soul, aiming to reform the criminal individual (Foucault, 1977: 125) through disciplinary measures such as prison rules and timetables (Foucault, 1977: 3, 6). Through the spread of these apparently non-punitive measures, the population came to be regulated thoroughly and at all times (Garland, 1990: 136; Foucault, 1977: 80, 89)⁴.

The eighteenth century penal reformers largely succeeded in convincing the public that displays of corporal punishment were “degrading and brutal spectacles” (Ignatieff, 1978: 24) and criticised the lack of discipline in existing self-governing prisons (Ignatieff, 1978: 38, 39, 42). The reformers vigorously promoted the *transformative potential of disciplinary prison regimes* as a humane and orderly alternative (Garland, 1990: 142, 168; Foucault, 1977: 23). For example, the philanthropist John Howard published *The State of the Prisons* in 1777 (Ignatieff, 1978). In place of the gothic mode of correction through terror, Howard

2 Philanthropy is a core purpose of the contemporary voluntary sector, meaning “providing help for others” (Alcock and Scott, 2007: 84).

3 Penal change is a process and as such the 1750s were not the absolute starting point for the history of the penitentiary. A reduction in the display of suffering began in Europe around 1600, when the judicial use of mutilation and maiming declined sharply (Garland, 1990: 158; see also Spierenburg, 1984). Furthermore, the English penitentiary was preceded by two centuries of experimentation with confinement using debtors’ prisons, jails and bridewells/ houses of correction (Ignatieff, 1978: 11, 29). In the bridewell, men had been put to work to learn the “habits of industry” since the Elizabethan period, but on a much smaller scale (Ignatieff, 1978: 11).

4 Prisons were a key mode through which this regulation was spread, but other institutions such as schools performed similar functions (Foucault, 1977).

proposed the amendment of the criminal mind through a programme of penitentiary discipline. Through the regular and steady discipline of the penitentiary, e.g. fixed hours of rising, bible study, praying and meals, the lost souls within could be transformed into “useful members of society” (Ignatieff, 1978: 56, see also 53, 74). As such, the philanthropists in the reform movement played a central role in the development, growth and legitimacy of the modern prison (Moore, 2009: 13; Foucault, 1977: 23).

Some benefits did result from the establishment of the penitentiary. Brutal displays of state violence abated (Ignatieff, 1978: xiii; Foucault, 1977: 80) and criminals were recognised as human beings with the right to protection from brutality, extortion and disease (Ignatieff, 1978: 214). The reformers were instrumental in improving prison sanitation and health, ensuring the proper feeding and clothing of prisoners and attempting to end their exploitation by warders and other inmates (Garland, 1990: 159). Some accounts cite “authentic benevolence or religious conviction” as the motivation of the reformers (Garland, 1990: 159; see also Spierenburg, 1984; Rothman, 1980). This links to the potential positive effects of PVO work assessed in Section 2.3.

However, others point out that this “simple humanitarian crusade” (Ignatieff, 1978: 213; see also Moore, 2009: 13) caused dramatic increases in incarceration and control. The role of imprisonment in the earlier economy of punishment was restrained: prison was used to punish only minor offenders and terms were short, usually lasting less than a year (Ignatieff, 1978: 15). Before the advent of the penitentiary, a petty offender was unlikely to have been prosecuted and would at most have been whipped or reprimanded (Ignatieff, 1978: 208). But the establishment of the penitentiary saw the capacity of civil society diminish. Employers increasingly brought “disobedient servants to the bench instead of chastising them privately” (Ignatieff, 1978: 108). And, the reformers successfully argued that failing to repress minor offences enabled petty criminals to commit more dangerous offences (Ignatieff, 1978: 28). Through this desire to formally discipline the petty criminal, the reformers were the “driving forces” behind dramatic increases in incarceration in

England (Moore, 2009: 13).

In the name of discipline and partly due to the consequences of philanthropy, petty offenders who would have rarely been prosecuted in the eighteenth century faced imprisonment in the nineteenth, and under very different conditions. The deprivations and abuses in the old prisons were replaced with better material conditions, but decent treatment was conditional on prisoners' willingness to comply with "a disciplinary regimen of surveillance, hard labour, and submission to rules" (Ignatieff, 1978: 69, see also 214). The new rules were therefore a charter of inmates' rights *and an enumeration of their deprivations* (Ignatieff, 1978: 78). Those who refused to comply faced the pain of the straitjacket, the handcrank and the treadmill as a "detering form of hard labour" (Ignatieff, 1978: 177, see also 208). As such, the conditions within the new prisons also demonstrate a shift in the locus of social control (Ignatieff, 1978: 108). Through the introduction of carceral discipline, the boundary limiting the power of society's powerful over the poor was redrawn and the power to punish was inserted more deeply into the social body (Garland, 1990: 136; Ignatieff, 1978: xiii; Foucault, 1977: 82).

The shift from corporal punishment to carceral discipline saw an associated fragmentation and expansion of the legal power to punish, with experts such as psychiatrists, psychologists, educationalists and social workers introduced to the judicial process. These experts were concerned with the correction and reform of individual offenders (Garland, 1990: 136; Foucault, 1977: 10, 11). As such, a "whole army of technicians took over from the executioner" (Foucault, 1977: 11) and the power of judging was partially transferred to authorities other than judges (Foucault, 1977: 22). For Foucault, the existence of these "minor civil servants of moral orthopaedics" mean the modern criminal justice system is "constantly growing" (Foucault, 1977: 10). The knowledge created by these individuals increased the power and domination of the state; and enabled the production of a delinquent class (Garland, 1990: 136; Foucault, 1977: 125).

Foucault points out that the apparent benevolence of the penal reformers worked as a ruse to obfuscate how reform embedded “the power to punish more deeply into the social body” and extended control (Foucault, 1977: 23, see also 82). Indeed, by positioning his campaign in opposition to an abstract ‘evil’, rather than particular groups of men, Howard's disciplinary and reformatory ideals were disguised as apolitical philanthropy. This obscured how the reforms legitimised the intensification of carceral power (Ignatieff, 1978: 58, 212). Some therefore argue that the penitentiary facilitated the exercise of class rule and so the failure of the prison to reform convicts is in fact its success (Ignatieff, 1978: 77, 164; Foucault, 1977: 126). New institutional regimes within the penitentiary, such as expert examination and assessment, produced knowledge about the criminal individual (Garland, 1996: 455). By subjecting the criminal to intense study and control, the prison enabled the production, identification and attempted normalisation of the delinquent class (Garland, 1990: 148-9). Therefore, the prison’s function as an apparatus of knowledge enables it to fabricate the delinquents that it purports to transform (Foucault, 1977: 126).

By creating and sustaining delinquency, the prison achieves important social effects (Garland, 1990: 150; Foucault, 1977: part 4). It enables the authorities to keep habitual criminals under surveillance and separates crime from politics by providing an apparently ‘natural’ link between crime and punishment (Foucault, 1977: 232). Rather than controlling criminals, the prison keeps the poor under control through the creation of the criminal (Garland, 1990: 150; Ignatieff, 1978: 164-5; Foucault, 1977: 272). This utility means that critiques of the institution are always followed by the reassertion of good penitentiary practice rather than the abolition of the prison, and diverts attention from the socio-economic causes of 'criminality' (Garland, 1990: 149; Ignatieff, 1978: 165). This literature therefore raises the question of whether contemporary PVO work could ultimately increase the scale of the penal system, increase levels of social control and further fragment the legal power to punish. The next section illustrates similar effects which followed the establishment of probation.

2.4.3 The establishment of probation

The penitentiary quickly became a failed project, principally because dramatic increases in imprisonment resulted in overcrowding (Moore, 2009: 13; Ignatieff, 1978: 108). Against the backdrop of the failed penitentiary, alcohol abuse became a new troubling social problem in the mid nineteenth century and there was “a dramatic rise in concern about drunkenness” (Newburn, 2003: 125). The philanthropists developed an alternative mode of discipline to tackle this problem, which ultimately led to the development of probation, increases in the scale of punishment and further diffusion of control. This effect resulted from the apparently humane drive to save “offenders from harsh punishments” (McWilliams, 1987: 114-115) by supervising them in the community. Whilst non-custodial disposals can be considered “more humane” than custodial sentences (McWilliams, 1987: 115), the work of the missionaries increased the numbers being punished, extended control outside the walls of the penitentiary and subjugated probationers. These impacts will now be examined, to further illustrate the control effects which can be facilitated by charitable work and apparently 'benevolent' penal reforms (McWilliams, 1986: 242), and consider whether these control effects apply to contemporary PVO work.

Between 1860 and 1876 offences of drunkenness and 'drunk and disorderly' behaviour increased dramatically (McWilliams, 1983: 133). As a response to this social problem, a new system of offender supervision took root in 1876, when the Church of England Total Abstinence Society extended their aim of reforming the intemperate to work with the courts and appointed their first police court missionary (McWilliams, 1983; see also Carey and Walker, 2002: 50). The number of missionaries quickly expanded and they played a “central role” in establishing the Probation Service, as the missionaries' court pleas became linked to the idea of supervision (Newburn, 2003: 127; see also McWilliams, 1986: 242; McWilliams, 1983: 258).

The early missionaries worked to achieve the “restoration and reclamation of individual

drunkards appearing before the summary courts" (McWilliams, 1983: 134), by making requests to the magistrates that defendants should be bound over into the Society's care rather than imprisoned (Newburn, 2003: 126). The 1879 *Summary Jurisdiction Act* gave magistrates the power to discharge offenders with reassurance that "an eye was being kept on those accused allowed their liberty" (McWilliams, 1983: 136). But crucially, these discharges occurred only "where the offences were thought *so trifling as to make punishment unnecessary*" (Jarvis, 1972: 10, emphasis added). From the inception of supervision, it targeted offenders who would *not previously have been punished or supervised*, echoing earlier disciplinary reforms targeting petty offenders who would not previously have been brought before the courts (Moore, 2009; Ignatieff, 1978).

Formal supervision was facilitated by the provisions of the 1907 *Probation of Offenders Act*, which demanded regular visits to and reports on the (ex-)offender, thus extending control and giving supervising officers *a far stronger hold over their charges* (McWilliams, 1985: 258-9). Although the 1907 Act also drew on American experiences of offender supervision, the work of the missionaries supplied a model for work with offenders *outside* the English prison and established the means through which a welfare organisation could work with the courts (Newburn, 2003: 127). The proliferation of drunkenness in Victorian England was the product of the socio-economic structure of that time, rather than individual "psychological aberrations" (Harrison, 1971: 355). But the religious temperance movement as a whole utilised individualist solutions to the problem of drunkenness (McWilliams, 1983: 134), thus diverting attention from the socio-economic roots of 'criminality' (Ignatieff, 1978: 165).

Probation also disempowered (ex-)offenders, by imposing meaning upon their circumstances and dictating their route to 'reform'. Probation officers came to define the meaning of facts about their clients (e.g. personal facts and their social circumstances) and then recommend what should be done in light of that meaning (McWilliams, 1986: 242). This approach meant that charities were able to impose meaning on their clients, which

could mean *subjugating client's own requests and preferences* (McWilliams, 1986: 241-242).

The use of this diagnostic process was justified by its potential to increase the effectiveness of sentencing, yet the use of diagnostic social inquiry reports before sentencing *did not lead to any significant reduction in crime* (Davies, 1974: 256). Nevertheless, the probationer became “ a co-operative recipient of expert treatment” rather than a prime agent in their own process of rehabilitation (McWilliams, 1986: 256). Where (ex-)offenders did not conform with the recommendations of their supervisors, there was the option of enforcement in prison (McWilliams, 1986: 256). Net-widening scholars raise related themes, which are now examined.

2.4.4 Net-widening

Cohen (1985) writes about more recent social policy reforms in 1960s Britain, North America and Western Europe. Cohen argues that these social policy changes emphasised decriminalisation, decarceration, diversion, community alternatives and a minimal state; but *supplemented* rather than replaced incarceration and elements of the formal control repertoire (1985: 254). Despite the positive rhetoric of inclusionary policies, the old institutions remained, intervention was intensified, and control was extended because community control expanded (1985: 15). The dispersal of social control that follows decentralisation of power can therefore draw previously 'included' populations into the orbit of social control, thus widening the net of carceral power (Cohen, 1985: 268). For critics of community alternatives to punishment, such programmes do not soften or replace coercive approaches but are rather “an insidious means of netting more people into the formal criminal justice realm for more reasons, by connecting less formal institutions of control with more formal ones” (Armstrong, 2002: 354).

One of the only recent studies of the effects of PVO work assesses nonprofit juvenile providers in Massachusetts, USA and considers the net-widening functions of these organisations (Armstrong, 2002: 362). This study is not directly comparable to PVO work

in England and Wales because of the very different penal and welfare contexts. Furthermore, this study explored PVO work with juveniles as opposed to adult prisoners and probationers. Although Armstrong's findings cannot therefore be extrapolated to adult (ex-)offenders in England and Wales, because of the limited scholarship in the area this study is considered here. The Massachusetts nonprofits claim that they "best serve the interests of the child and can perform a child welfare or treatment role" (2002: 364). But, Armstrong found that "community-based care clones the disciplinary regimes of large-scale institutional care, and that nonprofits behave in ways contradictory to their image" of altruism (2002: 365). Armstrong argued that it was important not to generalise these findings to conclude that "nonprofits and community providers simply extend the net of state control or mindlessly reproduce state-operated forms of control", but called for scholars to pay "more attention" to the role of PVOs/nonprofits (2002: 365).

The net-widening literature thus recasts the terms of the marketisation debate, to consider whether PVO work is extending the repertoire of control. It could be true that recent market reforms are fundamentally changing the terms of the relationship between the PVS and criminal justice. However, the historical literature examined here indicates that PVOs have long been linked to penal expansionism and involved with the punitive and coercive aspects of criminal justice work (see Corcoran and Hucklesby, 2013). The net-widening and control literatures therefore indicate that the potential control effects of present-day PVO work require more attention. These effects are explored in Chapter 8.

2.4.5 Conclusions

Assessing the "long tradition of joint work" between the statutory and voluntary sectors in punishment (Smith et al., 1993: 25) raises further important considerations regarding the role of the modern-day PVS. Principally, it is important that the potential role of PVOs in expanding social control and increasing the scale of punishment is fully considered by scholars. Within this overall theme, a number of questions emerge.

First, is the work of PVOs improving the conditions, experience or outcomes of punishment in any way (Garland, 1990: 159; Ignatieff, 1978: 214; Davies, 1974: 256)? Second, what sorts of prisoners/probationers are PVOs working with? Are they petty/trifling or more serious offenders (Ignatieff, 1978: 28; Jarvis, 1972: 10)? Third, is PVO work extending the reach of the penal system, e.g. are more conditions being attached to probation through PVO work, and does involvement with PVOs increase the risk of breach (Moore, 2009: 13; McWilliams, 1986: 256; Ignatieff, 1978: 28)?

Fourth, do prisoners/probationers find PVO programmes distinct from or more valuable than opportunities with service providers from other sectors, or do they experience them in terms of surveillance and submission to rules (Armstrong, 2002: 346; Ignatieff, 1978: 69)? Finally, do prisoners/probationers ever find themselves forced to engage with PVOs or comply with PVO recommendations and programme requirements? What happens if they disagree with PVO staff (McWilliams, 1986: 256; Ignatieff, 1978: 208)? These questions will be explored in the analysis chapters.

2.5 Discussion

This chapter has explored two key gaps in the literature, which limit understandings of the PVS in England and Wales (Corcoran, 2011; Mills et al., 2011; Armstrong, 2002). The first gap relates to the centrality of marketisation in recent academic literature about the PVS (Tomczak, forthcoming). The second gap pertains to the effects of PVS work upon prisoners and probationers, and whether they are distinct from those of statutory or private sector providers (Armstrong, 2002). Different bodies of literature indicate that the effects of PVO work may include increasing social capital (e.g. Lewis et al., 2007) and increasing social control (e.g. Foucault, 1977).

These gaps in understanding have emerged from recent literature about the PVS in England and Wales, but addressing them would in turn provide a better foundation for this literature. In an eloquent summary of recent scholarship about the PVS, Maguire argues: “the dystopian vision of a 'penal market' dominated by a small number of powerful private companies and corporate-style TSOs (third sector organisations), from which principled and innovative third sector providers have been largely squeezed out should give serious pause for thought” (2012: 492). This is undeniably true, but a thorough exploration of the role of PVOs in criminal justice is even more urgently required. Impoverished understandings of the PVS are problematic, because some commentators suggest that the sector plays a significant role in the operation of criminal justice (Martin, 2013; Neuberger, 2009; Armstrong, 2002). Furthermore, because the PVS remains insufficiently understood (Martin, 2013; Corcoran, 2011; Mills et al., 2011; Armstrong, 2002) and important questions about the effects of PVO work remain unanswered, it is not clear why, or indeed if, market reforms matter.

Chapter 3: Theoretical Framework

3.1 Introduction

The central aim of this thesis is to conceptualise the penal voluntary sector (PVS) in England and Wales. As detailed in Chapter 2, this sector has not yet been rigorously theorised (Corcoran, 2011; Mills et al., 2011; Armstrong, 2002). There are many theoretical approaches that could be employed to conceptualise the sector, but actor-network theory (ANT) is particularly useful. ANT is an approach to sociological analysis that developed in the field of Science and Technology Studies, and was mainly propagated by the work of John Law, Bruno Latour and Michael Callon (Law and Hassard, 1999: 248). ANT provides a structured method to investigate power and organisation, by mapping the heterogeneous actors involved in creating these effects (Pollack et al., 2013: 1120; Latour, 1999: 20). The key strength of the ANT approach is that it provides the capacity to efface analytical divisions, e.g. between macro- and micro-scale actors or agency and structure, by focussing on how power relations between heterogeneous actors are constructed and maintained (Carrabine, 2000: 312; Law, 1992: 389).

Devised as a reaction to concepts which are often vague and “too global”, such as institutions, organisations and states (Latour, 1996: 369), ANT broadens the social scientific gaze to acknowledge the *agency of micro-scale actors* (Herbert-Cheshire, 2003: 459; see also Nimmo, 2011: 109; Sage et al., 2011: 275). ANT is consistent with Foucault's emphasis on investigating how power works through disciplinary strategies; but provides conceptual tools which address the absence of a coherent theory of agency within the Foucauldian tradition (Herbert-Cheshire, 2003: 458-9; see also Chapter 2). ANT adds a relational perspective, viewing power as an effect of interactions between heterogeneous actors (e.g. macro- and micro-scale actors) who are ordered into an actor-network (Herbert-Cheshire,

2003: 459).

ANT does not offer a singular and clear cut analytical approach, and has been performed differently in research accounts within a number of sociological spheres (Alcadipani and Hassard, 2010: 420). But its core concepts are: a) the principle of generalised symmetry, which is used to cross-cut modern analytical divides, e.g. between human and non-human actors (Afarikumah and Kwankam, 2013: 78; Nimmo, 2011: 109; Sage et al., 2011: 274; see also Latour, 2005); and b) the process of translation, which illustrates how networks of heterogeneous actors are constructed to achieve common goals (Afarikumah and Kwankam, 2013: 78; Sage et al., 2011: 279; Gray et al., 2009: 425; see also Callon, 1986). In this thesis, ANT is applied to conceptualise the PVS by utilising these two core concepts of ANT. In summary, ANT provides an approach which can *acknowledge the agency of micro-scale* penal voluntary organisations (PVOs) to act in the face of macro-level policy reforms attempting to increase their involvement in the market for criminal justice services⁵.

The process of translation is applied here to examine how diverse relationships are constructed between the statutory agencies of criminal justice and PVOs of various sizes. The principle of generalised symmetry is applied to explore questions of scale and agency in relation to PVOs. ANT most commonly examines non-human actors, but the idea of approaching apparently disparate bodies of actors from the same analytical perspective, i.e. symmetrically, has important applications for examining scale and agency (Nimmo, 2011: 111; Carrabine, 2000: 312). These applications are more relevant for this research project. Non-humans clearly play an important role in the actor-network of punishment, e.g. through prison buildings, courts, electronic offender databases, and texts produced by the statutory agencies of criminal justice. Whilst the role of these non-human actors is acknowledged in this thesis, the specific gaps identified in the PVS literature (see Chapter 2) mean that non-humans are not the most relevant area for analysis. This introduction

⁵ For criticisms of ANT and a convincing rebuttal, see Alcadipani and Hassard, 2010.

section now details the utility of these core concepts of ANT for conceptualising the PVS.

The principle of generalised symmetry dictates that apparently disparate actors should be examined on the same terms, e.g. macro- and micro-scale actors, 'powerful' and relatively powerless actors. This is due to ANT's theoretical assumption that the large and powerful are no different *in kind* to the small and wretched (Law, 1992: 379-380). Powerful actor-networks are understood to have the same nature as weaker ones, but their scale and power results from being longer and more intensely connected (Latour, 1996: 371). Here the principle of generalised symmetry is used to broaden existing conceptualisations of the PVS by studying micro- and macro-scale PVOs on the same terms, and examining PVO agency rather than assuming the power of the statutory agencies of criminal justice (Carrabine, 2000: 312). Existing PVS literature has focussed on the effects of macro-scale policy reforms and larger PVOs that are atypical of the sector (see Chapter 2).

The principle of generalised symmetry is used to include smaller-scale PVOs and PVO agency within this conceptualisation of the PVS. This is valuable because existing PVS literature has not fully examined the heterogeneity of the sector's component PVOs, nor the agency of PVOs to influence and/or resist market policy reforms. As such, the principle of generalised symmetry can be used to produce an account of PVO involvement in macro-level penal strategies, without severely limiting understandings of how punishment and PVO work are experienced by prisoners and probationers in time and place (Carrabine, 2000: 312). This argument is developed in Section 3.3.

The process of translation is used to study the construction of relationships and power (Afarikumah and Kwankam, 2013; Gray et al., 2009). Translation supplies an accessible, detailed and structured method which illuminates how relationship building succeeds or fails; and how actors can impose themselves and their definitions of a situation on other actors (Sage et al., 2011; Callon, 1986). This is valuable because it can be used to explain

exactly how diverse relationships (including contractual and informal) are constructed between the statutory agencies of criminal justice and PVOs. The structured approach of translation is particularly useful for this research project, given the diversity of PVOs and their varied relationships with the statutory agencies of criminal justice. Analysing these translations can be used to explain if and how 'reformatory' PVO agendas are being appropriated by punitive agendas through the processes of marketisation (Corcoran, 2012; Meek et al., 2010; Neilson, 2009), whilst simultaneously creating an appreciation of PVO involvement in punitive agendas and acknowledging resistances or counter-trends to marketisation that are operating. This argument is developed in Section 3.4.

This research project is not intended to draw representative conclusions about the PVS, or PVO work with prisoners and probationers. The variety of PVOs and their diverse relationships with the statutory agencies of criminal justice mean that such conclusions are likely to be misleading. Rather, ANT is applied to conceptualise the PVS more fully by creating an awareness of the diversity amongst the sector's component PVOs, and the complex and multiple effects of their work. Without using ANT to conceptualise the sector, these nuances might have remained obscure amidst the debate about the macro-level marketisation of criminal justice services (Nimmo, 2011: 109; Law, 2004: 157).

Although PVOs may play a role in macro-level penal strategies of domination and control, at the micro-level PVOs may change the experience of punishment e.g. by building the social capital of prisoners and probationers, and supporting their desistance from crime. Examining these effects *in addition to* macro-level analyses of power and control creates a conceptualisation of the PVS which is both more theoretically complete and politically enabling, as it will illustrate exactly how PVOs can exercise their agency and make a valuable contribution to prisoners and probationers. This will provide an important counterpoint to recent PVS literature, which highlights PVOs' inability to resist becoming embroiled in the expansionist criminal justice system through processes of marketisation

(see Section 2.2).

The analytical approach adopted in this thesis is distinctly inspired by the ideas of ANT. The two core concepts of ANT (the principle of generalised symmetry and the process of translation) are useful for addressing specific gaps in the PVS literature. It is not inferred that ANT is the only theoretical approach that could produce valuable arguments on this topic (Pollack et al., 2013: 1120; Sage et al., 2011: 287). However, ANT provides a good framework for producing a more theoretically complete and politically enabling conceptualisation of the PVS. ANT's clear tenets and structured approach are particularly useful for analysis of the 'loose and baggy' PVS (as described in Chapter 1). This chapter fully explains how ANT will be applied. First, ANT is defined and the principle of generalised symmetry is explored. An examination the principle's applications for studying scale and agency in relation to the PVS follows. This section makes significant reference to non-human actors. Because ANT is most commonly applied to examine non-human actors, examples are included for explanatory purposes. The final section outlines the four-phase process of translation and applications thereof.

3.2 Actor-network theory

3.2.1 The theory

ANT has been applied to a broad range of case studies within a range of social science fields, principally to explain the interaction between human and non-human actors (Alcadipani and Hassard, 2010: 419). These case studies include scallops and fishermen (Callon, 1986), the Portuguese spice trade to India (Law, 1986) and seatbelts (Latour, 1992). More recently, this theory has been used in a limited number of Criminological studies (Martel, 2004; Carrabine, 2000). ANT is sometimes referred to as a 'sociology of translation' (Carrabine, 2000: 312; see also Callon, 1986) and a 'sociology of associations' (Latour, 2005), and there is a debate over the suitability of the term 'actor-network theory' amongst some

theorists (see Law, 2004; Law and Hassard, 1999). However, the latter terminology has been adopted here, in line with a substantial body of scholarship (e.g. Nimmo, 2011; Sage et al., 2011; Gray et al., 2009; Sarker et al., 2006). For this particular analysis, the theoretical principles are of greater importance than the terminology adopted.

ANT can be conceptualised as a *method to investigate situations*, rather than a theoretical framework which imposes interpretation on a situation (Pollack et al., 2013: 1120). The ANT approach is to “learn from the actors without imposing on them an a priori definition of their world building capabilities” (Latour, 1999: 20). As such, it is perhaps peculiar that the principle of generalised symmetry has been applied so frequently to non-human actors, at the expense of other useful applications for scale and agency. This is perhaps why ANT is prominent in disciplines such as Business, Geography and Architecture, but has thus far had a limited presence in Criminology, where non-human actors may be less crucial in analyses. But, ANT is not a “singular whole” and exists in various forms (Alcadipani and Hassard, 2010: 429; see also Nimmo, 2011: 109).

This variation is perhaps because ANT was never intended to be a programmatic theory per se, but rather forms a general attitude and attempt to be sensitive to the multiple circulating forces that affect both each other and ourselves (Nimmo, 2011: 109; Hitchings, 2003: 100; Latour, 1999: 20). As such, ANT provides an intellectual toolkit, or set of sensibilities, aiming to sensitise researchers to complex and multiple realities that might otherwise have remained obscure (Nimmo, 2011: 109; Law, 2004: 157). The aim of ANT is not to produce absolute evaluation, but to appreciate the complexity of the world and produce modest sociology which retains an awareness of the partial nature in which it represents, orders and organises reality (Hitchings, 2003: 100; see also Law, 1994).

The key principle, and the crucial analytical move provided by ANT, is the principle of generalised symmetry (Latour, 1993: 94). This principle refers to ANT's core commitment

to analysing relations in a way which cross-cuts modern analytical divides (Nimmo, 2011: 111; Carrabine, 2000: 312; Callon and Latour, 1981: 279). This principle is most often applied to bridge the common analytical divide between human and non-human actors, by directing attention to the importance of non-human actors in social life (Nimmo, 2011: 109; Sage et al., 2011: 275; see also Latour, 2005). Using the principle of generalised symmetry, it is both possible and desirable to discuss humans and non-humans in the same analytical terms⁶ (Law, 1986: 258). ANT conceptualises social relations (such as power, hierarchies, organisational arrangements, knowledge and information flows) as the precarious effect of the assembly and ordering of networks of heterogeneous materials (Law, 1992: 390). Networks are heterogeneous because they are the result of interactions between human and non-human actors (such as texts, machines and architectures) (Law, 1992: 380, 384). The next section examines how the principle of generalised symmetry is applied to analyse non-human actors, and then scale and agency.

3.2.2 Non-humans

Noting the influence of non-human actors is important because almost all human actions are mediated through objects (e.g. the computer, the printing press), or hybrids of objects-and-people, (e.g. the postal service) (Law, 1992: 381-382). Law (1992) explains how knowledge is an effect created by an actor-network of heterogeneous materials. Although knowledge has a material presence, this presence is created by organising and ordering heterogeneous materials into an actor-network which overcomes the individual resistance of its component actors (Law, 1992: 381). Scientific knowledge is the product of an actor-network of scientists, test tubes, reagents, journal articles, computers, microscopes and so on (Law, 1992: 381). The same is true for the organisation, which is a product of heterogeneous engineering. The organisation fits elements of the social, the technical, the conceptual and the textual together, to create an ordered network of heterogeneous

⁶ Human and non-human actors can also be referred to as actants (Gray et al., 2009: 425). This specialist terminology is not adopted here, in order to maintain clarity and simplicity of expression.

materials whose individual resistances have been overcome (Law, 1992: 381). Order is, therefore, understood to be an *“effect generated by heterogeneous means”* (Law, 1992: 382, emphasis in original).

ANT indicates that human actors and social relations do not exist in isolation, but in relations with multiple extra-social networks between humans and non-humans, or social and technical actors (Nimmo, 2011: 109; see also Latour, 2005). The social order depends on non-human actors such as machines, clothes, texts and architectures, that contribute to the patterning of 'social' networks (Law, 1992: 382). Reality is neither socially constructed nor technologically determined: neither guns nor people alone can shoot other people, but the association of gun and person can (Latour, 1999: 189). The multitude of heterogeneous actors which (re)produce social order therefore ought to be recognised and made visible (Latour, 1993). ANT enables this through the idea of 'hybrids', or heterogeneous assemblages in which humans and non-humans are mixed up together (Nimmo, 2011: 109). Although the principle of generalised symmetry is most commonly employed to cross-cut modern analytical divides between human and non-human actors, the idea of approaching apparently disparate bodies of actors symmetrically, or from the same analytical perspective, has other important applications which are explored in the following section (Nimmo, 2011: 111; Carrabine, 2000: 312)

3.3 The principle of generalised symmetry

3.3.1 Scale

The principle can also be applied to efface common analytical divisions between macro- and micro-scale actors, and between agency and structure (Pollack et al., 2013: 1119; Nimmo, 2011: 111; Law, 1992: 389). Just as ANT considers that humans and non-humans are not ontologically different, the approach also rejects distinctions between micro- and macro-scale actors (Herbert-Cheshire, 2003: 459). However, this useful application of ANT

has not been fully exploited by scholars of punishment. Regarding scale, studies of crime and punishment have long faced a dilemma between producing detailed case studies which specify empirical particulars, and relying upon broad generalizations which may marginalise the particular and be oversimplifications (Garland, 2001: vii). For Garland, the solution to these difficulties is continued critique at different scales. He suggests that the individual author “must go back and forth between the general and particular”, until they discover the “level of analysis that seems to offer the optimal vantage point” (2001: vii). However, it is unlikely that such an 'optimal' vantage point exists, particularly for the scholar aiming to integrate analyses of complex and messy criminal justice (Garland, 2001: vii) at various scales.

In studies of imprisonment, there are similarly two relatively discrete and discontinuous research traditions (Carrabine, 2000: 310). The micro-social body (e.g. Bosworth, 1999; Sparks et al., 1996) focusses upon the internal dynamics of institutions, such as the day-to-day routines and struggles within, to demonstrate what imprisonment is like for the kept and the keepers (Carrabine, 2000: 310). The macro-social tradition (e.g. Durkheim, 1983; Foucault, 1977) illustrates what prison and punishment are for, by describing their external functions and links to broader social processes, economic relations, political structures, historical formations and cultural sensibilities (Carrabine, 2000: 310).

Analysing at only one scale is problematic. Focussing on macro-level strategies of domination (e.g. Foucault, 1977) is a partial approach that denigrates interactions at the micro-scale, which could be where resistance or counter-trends to domination operate (Carrabine, 2000: 313). On the other hand, a purely micro-sociological account explains little about how the powerful are able to be powerful (Carrabine, 2000: 313). ANT is useful for bridging this analytical divide between the general and the particular, enabling scholars to examine macro- and micro-scale activity on the same terms and integrate these accounts (Pollack et al, 2013: 1119).

In his study of the discourses influencing practices at HMP Strangeways, Carrabine attempts to fuse the discrete macro- and micro-social research traditions using ANT⁷. Carrabine insists that micro-sociological accounts of prison life ought not be considered separately from the macro-sociological roles that the institution performs in society (2000: 309). The principle of generalised symmetry provides a conceptual framework that can account for the diversity of micro-levels of action, yet also examine how practices at the micro-level relate to “broader modes of regulation” (2000: 311). Following the principle of generalised symmetry, just as localised procedures of power are reproduced, adapted and transformed by global strategies; global strategies are modified and reshaped by local agents (Herbert-Cheshire, 2003: 459). Carrabine's approach provides a more theoretically comprehensive account of penal strategies of domination and transformation, without severely limiting understandings of how imprisonment is experienced in time and place (Carrabine, 2000: 312). As such, his analysis can demonstrate what the prison is for (macrosociologically) and reveal what imprisonment is like (microsociologically), without privileging one level of analysis at the expense of the other (Carrabine, 2000: 317).

Recent analysis of the PVS has been located within the macro-social research tradition, focussing on policy reforms and the work of larger PVOs (e.g. Nacro). Smaller-scale PVOs are almost entirely absent from recent PVS literature, being notable only as a result of concerns about their “future viability” (Mills et al., 2011: 195) due to their inability to participate in the market for penal services (Corcoran, 2011: 41; see also Chapter 2). This absence is perhaps because a “vital array” of non-contractual prison and probation work does not feature in recent policy discussions (Martin, 2013: no pagination). Examples of the activities which are overlooked by policy and scholarship include: reading schemes; family support projects; arts work; faith based activities; prisoner listener programmes (Martin, 2013: no pagination); and resettlement support. Much of this work may be undertaken by smaller PVOs that we currently know very little about. However, these activities are deserving of analysis.

7 Carrabine uses the alternative terminology 'a sociology of translation' (2000).

Operating with smaller numbers of service users or without a formal service delivery contract does not mean that smaller PVOs are worthy of scholarly oversight (Tomczak, forthcoming). By focussing heavily on macro-scale analyses, recent PVS commentary has provided a partial account of the PVS that does not fully account for the diversity of PVOs; nor the diversity of their interactions with prisoners, probationers and the statutory agencies of criminal justice. This approach denigrates interactions at the micro-scale (Carrabine, 2000: 313), and means that potential positive effects of smaller-scale PVO work are not explored. These effects may include improving the experience of punishment, enhancing the social capital of prisoners and probationers, and supporting desistance from crime. For example, Martin argues that the vital array of PVO programmes which are not acknowledged in recent policy reforms save lives, “ensure decent regimes and dynamic security” in prisons and also sometimes act as precursors to “a more challenging resettlement programme” (2013: no pagination).

In this thesis, the first application of ANT is to illustrate the diversity of PVOs and their work by considering scale. At present, the PVS literature provides a macro-level understanding of what the PVS is *for*, in policy terms. However, it omits analysis of what PVO work is *like*, for the prisoners and probationers who engage with it. This may be where the PVS makes its distinctive contribution. The principle of generalised symmetry is applied to draw out these diversities and then examine macro- and micro-level PVO activity on the same terms, based on the theoretical assumption that the powerful are no different in kind to the wretched (Law, 1992: 379-380). This principle will be applied by examining small-scale PVOs and PVOs that are not reliant on statutory sources of funding on the same terms as larger PVOs that are heavily involved in and affected by the marketisation of criminal justice services. Following ANT, the PVS can be understood as a 'hybrid' of small and larger scale PVOs, which build and are built into diverse relationships with the statutory agencies of criminal justice. Analysis of how practices at

the micro-level relate to broader modes of regulation (Carrabine, 2000: 311) is also included. This will address the first gap in recent PVS literature, i.e. the focus on marketisation and the neglect of smaller-scale PVOs in analysis.

Acknowledging the significance of smaller-scale PVOs in the operation of punishment and in the experiences of the prisoners and probationers who form their client group is important. This approach can support a *more theoretically comprehensive conceptualisation* that considers the diversity of PVOs and explores how punishment and PVO programmes are experienced in time and place, without overlooking the roles of some PVOs and a discursive PVS in penal strategies of domination (Carrabine, 2000: 312). Using ANT to conceptualise the PVS can therefore demonstrate what functions the discursive PVS performs (macrosociologically) and reveal what PVOs do with prisoners and probationers at the micro-scale, as well as exploring the links between practices at both scales.

In analysing structure, organisation and power; ANT suggests that “we should start with a clean slate” (Law, 1992: 380) and try to learn from the actors rather than assuming a priori that certain actors have greater world building capacities (Latour, 1999: 20). *Social theory is therefore rebuilt on analysis of social networks, rather than social networks being an addition to social theory* (Latour, 1996: 369). In order to move beyond the marketised account of the PVS and build a conceptualisation of the sector by analysing the actor-networks of its component PVOs, two 'clean slates' will be adopted which concern scale and agency.

As explained in this section, the first 'clean slate' necessitates examining macro- and micro-scale PVOs on the same terms and then rebuilding a conceptualisation of the PVS out of this analysis. This entails setting aside the assumption that larger-scale PVOs and PVOs who are heavily reliant on statutory funding have the greatest world building capacities, and should therefore form the sole object of study (see Chapter 2). The dominant discursive alignment for the PVS is assumed to be the discourse of

marketisation, but Chapters 5 and 7 will explore whether this is true across the PVS, and consider how PVOs reproduce and contest this discourse. Chapter 7 also considers how practices at the micro-scale might relate to broader modes of regulation. The second 'clean slate' relates to PVO agency, which is explored in the following section.

3.3.2 Agency

“Seemingly entrenched and unchangeable power relations are dependent, to some extent at least, upon the performance of those small-scale and everyday aspects of life which are frequently taken for granted”
(Bosworth and Carrabine, 2001: 501-2).

The principle of generalised symmetry can also be applied to cross-cut common analytical divisions between agency and structure (Law, 1992: 389). Work within the sociology of imprisonment has demonstrated how prisoners, who are 'subjects' within the prison, in fact exercise agency and “actively engage in interpreting the legitimacy of their punishment” (Bosworth and Carrabine, 2001: 502; see also Sparks et al., 1996). As such, “power in prison is constantly contested”, and prison life is characterised by ongoing negotiations of power (Bosworth and Carrabine, 2001: 501; see also Carrabine, 2000). It is therefore important to remember that the agency of individuals and groups can affect penal practices, even though prisoners may appear to be almost powerless (Bosworth and Carrabine, 2001).

For example, Bosworth and Carrabine describe an argument about hair between two female young offenders and a hairdresser visiting the prison, which led to the young offenders seeking to publicly humiliate the hairdresser, and proving her wrong about the texture and length of black people's hair (2001: 510). Despite the offenders' “actual relative lack of power”, they were able to exercise their resistance to their own satisfaction in this case. The 1990 Strangeways prison riots saw prisoners resisting power on a far larger scale, and exercising extreme violence in response to the breakdown of legitimacy caused by the

implementation of their punishment (Carrabine, 2004; Carrabine, 2000).

Recent PVS literature has emphasised the apparent financial *imperative* for PVOs to participate in the market for criminal justice services and the subjugation of PVOs through policy reforms (Maguire, 2012: 485; Corcoran, 2011: 43; Benson and Hedge, 2009: 35; see Chapter 2). This assumes that statutory agencies of criminal justice are driving PVOs to compete in the market for criminal justice services, and overlooks *PVO agency* to resist or modify this imperative. However, ANT contests assumptions that one type of actor drives the other and highlights that phenomena such as organisation, size and domination are not inherent or given in the order of things (Law, 1994: 11), but are effects continually generated by multiple *interactions* between heterogeneous actors of different sizes (Alcadipani and Hassard, 2010: 425; Carrabine, 2000: 313; Law, 1992: 382).

Phenomena such as size and power are, therefore, understood to be “the consequence of struggle” (Carrabine, 2000: 312) and successful network building that overcomes the resistances exercised by heterogeneous actors. Minute relations between heterogeneous actors therefore bring about the world (Fenwick and Edwards, 2011: 1). Rather than positioning some actors as agents and others as subjects, and thus producing a moral philosophy, ANT seeks to provide a politically enabling *empirical sociology of power* by examining interactions between different actors (Clegg, 1989: 204). As such, the relationship between power and structure is conceptualised in terms of networks, alliances, points of resistance and durability (Carrabine, 2000: 313).

Rather than insisting that we are “already held by the force of some society” (Latour, 2005: 8), ANT emphasises that effects such as size, inequality and domination exist “more or less precariously”, always remain open to challenge, and must be continually (re)produced in order for 'social' relations to endure (Law, 1992: 384; see also Carrabine, 2000: 313). All the heterogenous elements in an organisation therefore have and retain some capacity to resist

the ordering of the network (Latour, 2005: 5; Law, 1992: 384). Network ordering (and therefore social structure) are verbs, because they always remain uncertain and contested processes of overcoming resistance, and never become the *fait accompli* that a noun suggests (Law, 1992: 380, 389). Since these associations only have a relative durability, the pattern of accommodations, alliances and separations is always able to shift, as resistances and struggles over power are permanent features of social life (Carrabine, 2000: 319).

The fact that order sometimes comes crashing down (e.g. The Union Of Soviet Socialist Republics, or on a smaller scale in the 1990 Strangeways prison riots), demonstrates that even the masters of the universe are vulnerable (Law, 1992: 379; see also Carrabine, 2000). Such an approach highlights that organisation *could be otherwise* (Law, 1992: 390). The principle that all the actors in a network have the opportunity to collude in or resist its reproduction challenges existing power relations (Law, 1992: 379) and can underpin politically enabling research. By mapping exactly how effects such as organisation and power are created (or fail), ANT “demystifies the power of the powerful” (Law, 1992: 390; see also Section 3.4).

As discussed in Chapter 2, recent literature regarding the PVS and the market for criminal justice services in England and Wales has not fully explored the agency and autonomy of PVOs (Tomczak, forthcoming). PVOs are apparently unable to resist policy reforms requiring their active involvement in the market for criminal justice services, despite the risks that this market poses to PVOs' distinctive ethos and campaigning work (Maguire, 2012; Corcoran, 2011; Mills et al., 2011; Benson and Hedge, 2009; Garside, 2004). The statutory agencies of criminal justice are positioned as the puppet masters of the PVS, pulling its strings through policy reforms and funding for service delivery contracts. But ANT indicates that PVOs should be conceptualised as actors who can exercise some influence over punishment at the macro- and micro-levels. Although PVOs may have a relative lack of power in comparison to the statutory agencies of criminal justice (Bosworth

and Carrabine, 2001), they should not merely be seen as passive recipients of the MoJ's symbolic projections (Latour, 2005: 10).

Conceptualising PVOs as agents unable to resist neoliberal reforms or the “magnetic pull” of statutory contract funding (Corcoran, 2009: 32) is too simplistic and overlooks both the diversity of PVOs within the sector and the agency of PVOs (Tomczak, forthcoming). The reduction of a highly variegated network of voluntary organisations into a unitary sector in political discourse works to render those organisations biddable and governable entities (Carmel and Harlock, 2008: 156). But by failing to acknowledge resistances to the 'co-option' of the PVS and the diversity of PVOs, scholars of the sector are creating the very same effect (Zedner, 2002; see also Chapter 9). A solution to this, following ANT, is to explore PVO agency and resistance to market policy reforms and penal practices *alongside* analysing how the statutory agencies of criminal justice translate thought and action across time and space (cf. Carrabine, 2000: 319).

Carrabine's study of the Strangeways prison riots demonstrates that the dominant (macro-level) alignments of discourse and practice which operate within penal institutions at any given time are both continually produced and open to contestation by heterogeneous actors in the penal system (2000: 317). This theorisation is politically enabling (see also Chapter 9). Applied to this research project, this theorisation leads to analysis of *interactions* between the PVS and the statutory agencies of criminal justice, rather than positioning the statutory agencies as agents and PVOs as subjects. This focus on interactions also enables analysts to link the potential enabling roles of the PVS in contemporary punishment to the historical role of philanthropy in establishing the institutions of punishment and extending control (see Chapter 2). This is valuable because it supports analysis of the potential enabling *and* control effects of PVO work, and the interactions through which these effects occur.

The principle of generalised symmetry will therefore be applied to consider how macro-scale policy reforms have translated thought and action across time and space, and enrolled PVO agency; alongside exploring if and *how PVOs exercise their agency to collude with, influence or resist penal policies* that they may not agree with. This involves considering whether PVOs are being driven by market policy reforms and, at a smaller scale, by the statutory agencies of criminal justice that they interact with. As such, the assumption that PVOs are all being driven to seek contract funding will be tested, which avoids reducing all PVO actions to the manifestation of the MoJ's further marketisation of penal services. This approach supports an exploration of the dangers and harms posed by marketisation, and can acknowledge the potential for net-widening to occur, without overstating the importance of marketisation and negating PVO agency. PVO agency operates to avoid participating in the market for criminal justice services, to oppose penal practices and to affect the experience of punishment.

As such, the second 'clean slate' that will be adopted to move beyond the marketised account of the PVS is: to examine PVOs and the statutory agencies of criminal justice (e.g. the MoJ and individual prisons) on the same terms, and then rebuild a conceptualisation of the PVS out of this analysis. A more representative and complete account of the PVS is therefore provided in this thesis by applying the principle of generalised symmetry to examine macro- and micro-scale PVO work, and to consider the agency of PVOs to resist market policy reforms. Rather than analysing how neoliberal policy reforms are affecting PVOs, the question is: *how do interactions between PVOs and the statutory agencies of criminal justice affect the operation and experience of punishment?*

The questions of scale and agency considered in this section are addressed in the first analysis chapter, Chapter 5. This chapter scopes the PVS and maps the heterogeneity of its component PVOs, using data from the document analysis of PVO publications. It explores smaller-scale PVOs and assesses PVO agency by considering non-contractual relationships

between PVOs and statutory agencies. The principle of generalised symmetry is also applied in Chapters 6 and 7, which examine the multiple processes of translation which underpin interactions between PVOs and the agencies of criminal justice. Translation is now examined.

3.4 Translation

3.4.1 Introduction

The process of translation is a central concept of ANT (Gray et al., 2009: 425; see also Callon, 1986). After applying the principle of generalised symmetry the next, overlapping stage of analysis is to examine translation (Law, 1992: 380, 389). Translation is a structured, four-phase process illustrating how multiple heterogeneous actors are integrated into a central actor-network, which has a common goal established by the project sponsor (Latour, 2005: 106-8; see also Afarikumah and Kwankam, 2013: 77; Gray et al., 2009: 425). This process can also illustrate how relationships fail (Callon, 1986: 196).

ANT conceptualises the task of sociology as being: “to characterise the ways in which materials join together to generate themselves and reproduce institutional and organisational patterns in the networks of the social” (Law, 1992: 379). By mapping successful translations, scholars can map how actors translate phenomena into resources, and those resources into networks of control (Clegg, 1989: 204), and examine why some actor-networks are more successful than others in overcoming resistance. Tracing networks of associations between actors at different scales creates an understanding of interaction and organisation, without imposing a pre-determined structure and hierarchy of actors upon the account (Pollack et al., 2013: 1119) and starting out by “*assuming* whatever we wish to explain” (Law, 1992: 380, emphasis in original). Studying translations thus moves away from “a functional emphasis on organisation as a discrete structural entity and towards the study of processes and practices of organising” (Alcadipani and

Hassard, 2010: 420). As such, the process of translation illuminates how changes in order, in this case changes in punishment, can be achieved (Afarikumah and Kwankam, 2013: 77; Gray et al., 2009: 425).

Actors can be either intermediaries or mediators of an actor-network (Latour, 2005; Latour, 1996). Intermediaries transport meaning or force without transformation and can be black-boxed in analysis, whilst mediators transform, translate, distort and modify the meanings and elements that they are supposed to carry (Afarikumah and Kwankam, 2013). The aim of analysis using ANT is to multiply the “mediating points between any two elements” rather than deleting and conflating mediators (Latour, 1996: 378), or black-boxing actors as intermediaries (Afarikumah and Kwankam, 2013).

The ANT approach does not deny or overlook powerful actor-networks, nor reify resistances to them (Law, 1992). Rather, it emphasises that the scholarly focus must be on *how power relations are constructed and maintained* (Carrabine, 2000: 312). Because there are differences between the powerful and the wretched in practice, the task for scholars is to examine the differences in the methods and materials that powerful and weak actors deploy to generate themselves and overcome the resistance of their component parts (Latour, 1996: 371; Law, 1992: 390). Following Carrabine (2000: 319), the power of the statutory apparatus to regulate and/or transform the convicted through punishment results from the composition of actors, devices and strategies created through *discursive alignments*. State power therefore works through the *translation* of thought and action from centres of calculation across time and space, and through the *enrolment of agency* within particular projects. As such, each member of the penal system is actively involved in the translation of thought and action; giving rise to struggles, accommodations, alliances and separations (Carrabine, 2000: 319).

Translation is valuable for conceptualising the PVS. It provides a specific and accessible framework (Sage et al., 2011: 277) for understanding the diverse relationships between

PVOs and the statutory agencies of criminal justice (including contractual, payment by results and informal relationships). Analysing the processes of translation that PVOs are involved in is a valuable means of *demonstrating how connections are made* between diverse PVOs and the statutory agencies, and how these connections can *impact upon prisoners and probationers*. Analysing translations can therefore demonstrate the roles PVOs play in punishment and exactly how PVOs collude with, influence and resist the marketisation of penal service delivery. Mapping points of alliance and resistance between PVOs and the statutory agencies of criminal justice can illuminate how power and control are extended, and also how positive effects may result for prisoners and probationers (e.g. if PVO work improves their experience of punishment). ANT also suggests that PVOs might impose themselves, and their definitions of valuable services for prisoners and probationers, upon the statutory agencies of criminal justice.

The process of translation has four inter-related and overlapping phases. The seminal study of translation is Callon's "much cited" 1986 study of a scientific research project to improve the aquaculture of scallops in St Brieuc Bay, Brittany, France (Alcadipani and Hassard, 2010: 420). This study is held to provide one of the more structured, accessible and easily definable perspectives on translation (Sage et al., 2011: 279) and will therefore be used to underpin this explanation. The four phases of translation (problematization, interessement, enrolment and mobilisation) are now explored. During the four phases of translation, the identity of the actors, the possibilities for their interaction and the margins of manoeuvre are negotiated and delimited (Callon, 1986).

3.4.2 Phase 1: Problematization

In the problematization phase, the project sponsor (or network builder) seeks to define a problem, or set of problems, that is/are of concern to various other actors (Afarikumah and Kwankam, 2013; Sage et al., 2011). The project sponsor defines a set of problems and identifies a system of associations between entities, indicating that they have the means of

resolving the shared problem (Gray et al., 2009: 430). The problematisation seeks to interest the actors and defines their identities, what they want from the alliance and the relationships between them (Sage et al., 2011: 281; see also Callon, 1986). Problematisation entails the punctualisation of actors, through which actors with heterogeneous motives, aims and actions are reduced to simplified and mutually acceptable definitions (Callon and Law, 1982: 617-618). The links between actors may be based upon “boundary objects”, such as prisoners and scallops, which allow multiple actor-networks to partially align (Sage et al., 2011: 284).

Problematisation involves the construction of powerful macro-actors called obligatory passage points (OPPs), which become indispensable to the other actors (Sage et al., 2011: 281; Callon, 1986: 202). At the problematisation stage, the entities and relationships have been identified and envisaged but not yet tested. A series of trials of strength follow, which test whether the actors adopt their assigned roles. The outcome of these trials ultimately determines the solidity of the problematisation (Callon, 1986).

In Callon's study of the scallops and fishermen (1986), the problematisation involved a group of scientific researchers defining the problems of the fishermen, scallops and wider scientific community. The scallops were the boundary objects that allowed the interests of different actors to align. The researchers then indicated that the shared problems of the actors could be resolved by co-operating with the researchers' proposed programme of investigation, accepting the roles assigned by the researchers and thus negotiating the OPP. Through their investigation, the researchers sought to improve the stock of scallops in St Brieuc Bay by increasing their chance of survival and reproduction, thus improving the profitability of the fishermen. The research was also considered likely to advance wider scientific knowledge about scallops. A series of human and non-human actors were thus interested in the research project, by establishing their identities and the links between them.

3.4.3 Phase 2: Interessement

During the interessement, the project sponsor attempts to impose and stabilise the identities of the other actors, as defined in the problematisation (Callon, 1986: 203). The interessement entails trials of strength, through which the claims of the problematisation are tested. Actors enlisted by the problematisation can either submit to being integrated into the initial plan, negotiate the terms of their integration, or refuse the transaction by defining their interests differently (Gray et al., 2009: 430; Callon, 1986: 203).

Problematisation refers to the front-end of project planning, but interessement refers to the on-going practical negotiations through which the claims made in the problematisation are tested and almost always modified (Sage et al., 2011: 282). Actors can only define their identities “through their relations with other actors in action” (Sage et al., 2011: 282).

Through these negotiations, social structures composed of heterogeneous actors are shaped and consolidated (Callon, 1986).

In Callon's study (1986), the interessement involved the researchers seeking to lock the other actors into proposed roles. For the interessement of the scallops, the researchers used a towline and collectors. The researchers held meetings and debates to explain the reasons for declining scallop stocks to the fishermen, created graphs to illustrate this decline and presented spectacular results from a Japanese experiment that they would draw on in St Brieuc Bay. For the interessement of scientific colleagues, the researchers published articles and solicited interest through conferences. The researchers argued that their exhaustive literature review indicated nothing was known about the anchoring process of scallops, which formed an issue of increasing economic importance for St Brieuc Bay and France. The devices of interessement were the towlines and collectors immersed in St Brieuc Bay (for the scallops) and the texts and conversations which supported the researchers' project (for the fishermen and the scientific community).

3.4.4 Phase 3: Enrolment

Enrolment is the successful translation of interests within a network through trials of strength (Callon, 1986: 206). Enrolment occurs when interessement successfully leads to alliances: the other actors accept the roles and interests defined by the project sponsor through the process of multilateral negotiations, bargaining and making concessions (Afarikumah and Kwankam, 2013: 79; Sarker et al., 2006: 55; Callon, 1986: 211). As part of the enrolment process, inscription often occurs and the commitments that have been negotiated are recorded, or inscribed, into the shared social memory and stabilised through a process of artefact creation (Afarikumah and Kwankam, 2013: 79; Sarker et al., 2006: 55). Strategies for inscription include the creation of texts, e.g. contracts or manuals, and the creation of technical artefacts such as security systems (Sarker et al., 2006: 55).

The greater the number of actors enrolled into an actor-network, the greater its power and influence will be (Latour and Woolgar, 1986: 271). Increasing durability and mobility also increases the power and influence of an actor-network. When relations become embodied in inanimate materials such as buildings and texts, they have more chance of lasting longer (Law, 1992: 387). As such, when an actor-network is embodied in and performed by a range of durable materials, resistance is suppressed and the actor-network is relatively stable (Law, 1992: 387). Networks can be ordered through space through the means of acting at-a-distance, i.e. mobility (Law, 1992: 387). Materials and processes of communication such as writing, electronic communication, banking systems and trade routes create mobile translations (Law, 1992: 387).

However, translation always remains a process and never becomes a stable, completed accomplishment because enrolment is never permanent and actors can continually join competing networks (Callon, 1986). De-inscription or betrayal may occur if an actor previously associated with an actor-network goes on to sever their ties (Sarker et al., 2006: 55; Akrich and Latour, 1992: 259). Actors may also use anti-programs to achieve their de-

inscription from an actor-network, e.g. by performing actions which are in conflict with the interests of the actor-network they have previously been enrolled into (Sarker et al., 2006: 55; Callon, 1986: 219). Actors may employ counter-enrolment and dissidence strategies, which work against the enrolment strategies of opposing actor-networks (Callon and Law, 1982).

In Callon's study (1986), the scallops were enrolled by anchoring to the towlines. This entailed the researchers negotiating tidal currents, parasites and the materials from which the scallop collectors were made. The fishermen were enrolled without any resistance and were prepared to accept the conclusions drawn by the specialist researchers. The consent of the fishermen was obtained without discussion. The scientific colleagues were enrolled because they accepted the principle that scallops would anchor to the towlines and collectors. This definition and distribution of roles was a result of multilateral negotiations which determined the identity of the actors. The outcome was that the scallops anchored themselves, the scientific colleagues believed in the principle of anchorage and the fishermen were persuaded that the researcher's collectors could help scallop stocks in the Bay.

3.4.5 Phase 4: Mobilisation

Mobilisation is the point at which an actor or group of actors becomes the spokesperson for an actor-network and is predictably able to speak in the name of other actors (Sage et al., 2011: 286). Spokespersons are powerful macro-actors that can translate the interests, roles and relations of the entire actor-network (Sage et al., 2011: 286; see also Callon and Latour, 1981). Spokespersons are designated through a series of intermediaries and equivalences (Callon, 1986). By examining these, translation provides an understanding of “all the negotiations, intrigues, calculations, acts of persuasion and violence, thanks to which an actor or force takes, or causes to be conferred on itself, authority to speak or act on behalf of another actor or force” (Callon and Latour, 1981: 279). Size is, therefore, “the

consequence of struggle" (Carrabine, 2000: 312).

In Callon's study (1986), the scallops express absolutely nothing, yet gain a credible spokesperson by anchoring themselves to the collectors, then being counted by the researchers who register these results and convert them into tables for use in scientific papers and articles. If these results are judged significant by scientific colleagues, the researchers are authorised to speak legitimately for the scallops of St Brieuc Bay. The researchers became influential because they mixed together and spoke on behalf of crustaceans, fishermen and experts. The creation of these chains of intermediaries resulted in an ultimate spokesperson. Initially, the scallops, fishermen and scientists were dispersed but following the mobilisation, the researchers spoke on behalf of these entities, legitimately claiming that the scallops did anchor and that the fishermen wanted to restock the Bay.

3.4.6 Translation and the penal voluntary sector

Two translations are analysed in this thesis, which apply the four phases of translation. These translations illustrate that the PVS and the statutory agencies of criminal justice are interwoven in a variety of ways (cf. Alcadipani and Hassard, 2010: 430). The first, principally top-down translation provides a more specific understanding of how some PVOs are being translated into a practical and discursive macro-scale network of marketised criminal justice service delivery. Chapter 6 maps the process of translation beginning with the publication of *Breaking the Cycle*, which formed a problematisation by the MoJ (MoJ, 2010).

Chapter 6 draws on policy documents and applies the four-phases of translation to consider how this publication affected, and was affected by, PVOs. This chapter demonstrates how the MoJ translated the phenomena of PVO engagement with prisoners

and probationers into a biddable and governable resource, which the MoJ mobilised to shore up the further marketisation of criminal justice services. This illuminates how the MoJ imposed themselves, and their definition of the appropriate role for the PVS upon PVOs to some extent. This translation ultimately extended the network of carceral control, resulting in a new statutory supervision requirement for short-sentence prisoners, who were previously unsupervised post-release

The second application of translation is informed by the principle of generalised symmetry and examines translations which operate at a smaller scale than macro-level policy reforms. Recent PVS scholarship provides some understanding of how PVOs gain access to prisoners and probationers through commissioning processes in the market for criminal justice services. The risks that marketisation poses to PVOs are the focus of much recent scholarship (see Chapter 2). But where a commissioning process does not operate and there are no plans to introduce this mechanism, it is unclear how relationships between the statutory agencies of criminal justice and PVOs are constructed. For example, where there is no contract funding provided for a PVO service by the MoJ or another statutory agency, it is not clear how these actors interact.

As such, we have a limited understanding of how the “vital array” of PVO work which does not feature in recent policy reforms (Martin, 2013) is facilitated and undertaken. This gap in understanding is considered in Chapter 7, which builds on Chapter 5 (the scoping chapter) to illustrate the multiple smaller-scale translations between PVOs and the statutory agencies of criminal justice. These relationships are sponsored by local statutory agencies of criminal justice *and* individual PVOs. These smaller-scale relationships may have important and valuable effects upon prisoners and probationers which are not understood because these relationships have not been studied. Chapter 7 draws on PVO publications and interview data.

These three analysis chapters exploring the interactions between PVOs and the statutory

agencies of criminal justice are then brought together in the fourth analysis chapter (Chapter 8). Chapter 8 draws on the findings of Chapters 5-7 and the literature examined in Chapter 2 to consider the effects of PVO work upon prisoners and probationers. This chapter assesses the potential value of PVO work, alongside PVOs' role in extending social control and net-widening. This analysis is enabled by the understanding that there is no singular social order, but rather orders and resistances (Law, 1992: 379, 386).

Chapter 4: Methodology

4.1 Introduction

Data should be contextualised by describing the conceptual and analytical decisions made during the research process (Silverman, 2010). This chapter therefore examines exactly how the theoretical ideas of actor-network theory (ANT; see Chapter 3) were translated into methodological practice in order to conceptualise the penal voluntary sector (PVS). ANT is often regarded as an essentially theoretical approach without a methodological repertoire as such (Nimmo, 2011: 109). Whilst this is not necessarily the case, the relationship between ANT and specific methodological practices has received less discussion than the overall theoretical approach (Pollack et al., 2013; Nimmo, 2011)⁸. To contextualise the data, this chapter illustrates the relationship between ANT, the specific methodological practices selected and the decisions made during this research project. This chapter is structured around Guba and Lincoln's three components which explain *how* we come to know what we know (1989: 83). The first is the ontological question, i.e. 'what is there that can be known?'. The second is the epistemological question, i.e. 'what kind of knowledge can be obtained and what are the limits of knowledge?'. The third is the methodological question, i.e. 'how can we find out about things?'.

This research draws on and develops existing literature about the PVS (see Chapter 2). The approach was therefore iterative: although the research was largely exploratory and aimed to build theory, it was not purely inductive because the existing body of literature shaped (but did not determine) the data collection process (Bryman, 2012: 380). The overall aim was to conceptualise the PVS in England and Wales. The key concept for this research was the PVS and its component penal voluntary organisations (PVOs).

⁸ This criticism is not limited to ANT methodology. In a review of project management research, Smyth and Morris (2007: 428) found that few authors were explicit about the methodology they adopted, although research methodology has a key role in generating knowledge about projects and their management.

4.2 Ontology

Research paradigms are often conceptualised as objectivist or subjectivist (Burrell and Morgan, 1979). The objectivist paradigm assumes that there is a single reality which is independent of the observer's interest and operates according to immutable natural laws (Guba and Lincoln, 1989: 84). This leads to positivist research, which involves making inferences about a population based on observations of a representative sample.

Subjectivist research is underpinned by the idea that multiple socially constructed realities exist (Guba and Lincoln, 1989: 84). ANT falls within the *subjectivist* paradigm, aiming to sensitise researchers to complex and multiple realities (Nimmo, 2011: 109; Law, 2004: 157; see also Chapter 3). As such, ANT leads scholars to produce modest sociology rather than positivist-style absolute evaluation (Hitchings, 2003: 100). This research aims to provide a broader and more theoretically complete conceptualisation of the PVS that is not limited to analysis of macro-level market policy reforms. This conceptualisation is not intended to represent the PVS in absolute terms, but illustrates diversities amongst PVOs and their relationships with the statutory agencies of criminal justice.

The core ANT principle of generalised symmetry usually leads to more-than-human ontologies, emphasising that relations between human actors are mediated by non-humans such as objects, materials, technologies and animals (Nimmo, 2011; Latour, 1993). As such, the ontological gaze is broadened to acknowledge the significance of non-humans in social life (Nimmo, 2011: 109; Carrabine, 2000: 312). In this research, the principle of generalised symmetry is employed to explore questions of scale and agency in relation to PVOs, countering the existing emphasis upon PVO subjugation by the relatively powerful statutory agencies (see Chapters 2 and 3). This broadens the ontological question to examine a wider range of interactions between diverse PVOs and the statutory agencies of criminal justice, and raises questions of scale and agency. This approach entails understanding the PVS as a 'hybrid' of diverse PVOs, which have varied

relationships with the statutory agencies of criminal justice, and thus *mediate the operation and experience of punishment in multiple ways*.

Following the subjectivist paradigm, knowledge is understood to result from social discourse and the researcher is not considered value-free (Phillips and Earle, 2010: 374). Research is therefore “a political act” which “involves wielding power, wading in other people's power and perhaps feeling powerless” (Liebling, 2001: 481). During the first stage of data collection (analysing PVO documents), I noticed my particular interest in PVOs with small incomes and PVOs that do not receive statutory contract funding. The limited scholarly attention that these organisations have received fuelled my interest. These PVOs formed a legitimate area of analysis but I decided to 'wield my power' to investigate them *alongside* rather than instead of PVOs involved in macro-level policy reforms. This decision was influenced by Carrabine's insistence that micro-sociological accounts of penality should not be considered separately from the macro-sociological roles that penal institutions perform in society, following the principle of generalised symmetry (2000: 309; see also Section 3.3.1).

Research paradigms can also be conceptualised in terms of 'order-conflict', where 'order' signifies a social world characterised by unity, order, stability and consensus whilst 'conflict' emphasises the diversity of individual and group interests and stresses change, conflict and disintegration (Burrell and Morgan, 1979). This research is within the *conflict* paradigm and is *critical*, because ANT demonstrates how structures of power and organisation are (re)produced, thus challenging the status quo of power relations and supporting politically enabling research (see also Chapters 3 and 9). ANT's ontological position is that social relations such as power, hierarchies and organisation are the *precarious* effect of the assembly and ordering of heterogeneous materials (Law, 1992: 390). Rather than insisting on order, or that we are “already held by the force of some society” (Latour, 2005: 8), following ANT, all the heterogeneous elements in an organisation have some capacity to resist the ordering of the network and could be assembled anew (Latour,

2005: 5; Law, 1992: 384).

This research applied the principle of generalised symmetry by assessing how PVOs exercise their agency to conform with, resist and modify MoJ attempts to order the PVS into an actor-network of service delivery agents under payment by results (PbR) contracting. Two translations were mapped, and the principle of generalised symmetry was applied throughout the analysis to consider PVO agency and problematise questions of scale. Mapping the process of translation which followed the publication of *Breaking the Cycle* Green Paper (MoJ, 2010) demonstrates how macro-level policy reforms have translated thought and action across time and space, and enrolled PVO agency (see Chapter 6). Mapping smaller scale processes of translation instigated by PVOs and statutory agencies of criminal justice illustrates how smaller-scale statutory agencies and PVOs have also translated thought and action across time and space (Chapter 7). This chapter also considers why these smaller scale translations have created less powerful actor-networks and structures of organisation than those resulting from macro-level policy reforms.

4.3 Epistemology

The aim of this research project was to develop theories as 'sensitising devices' to appreciate the complexity of the world, rather than positivist theory 'falsification' (Klein and Myers, 1999: 75; see also Hitchings, 2003: 100). The "highest ethical standard" for analysis using ANT is to be "irreductionist" (Latour, 1996: 378). A good account should therefore multiply the "mediating points between any two elements" rather than deleting and conflating actors (Latour, 1996: 378), or black-boxing actors as intermediaries who do not transform meaning or force (Afarikumah and Kwankam, 2013). A good account is therefore a description where all the actors *do something* and do not transport effects without transforming them (Latour, 2005: 128). The analysis Chapters 6, 7 and 8 thus investigate how PVOs transform the experience of punishment.

ANT has been criticised for having a problematic epistemology, principally because of its limited reflection on researchers' philosophical and political assumptions (Whittle and Spicer, 2008). However, ANT rejects the researcher/object dichotomy because the processes of knowing and producing accounts themselves produce realities, and researchers are a product of research practices (Pollack et al., 2013: 1121; Alcadipani and Hassard, 2010: 429). Following Orlikowski and Baroudi (1991: 24): “research methods and assumptions are not learned and appropriated in a vacuum” and preferred research methods are “heavily influenced” by factors such as the researcher's doctoral program, the agendas of respected mentors and the publishing guidelines of academic journals. Knowledge is, therefore, political (Alcadipani and Hassard, 2010: 429; see also Zedner, 2002; Liebling, 2001; Section 4.2 and Chapter 9).

In ANT, the researcher's subjectivity is understood as a nodal moment in complex sets of relationships between diverse actors instead of an anchor for reflexivity (Nimmo, 2011: 114). This touchstone is held to be “much more discriminating than the quest for epistemological purity” (Latour, 1996: 378). As such, the principle for analysis using ANT is to avoid reductionism, not “whether there is a fit between account and reality” (Latour, 1996: 377). This is because ANT rejects the epistemological assumption of an external reality that can be observed by a conscious researcher (Alcadipani and Hassard, 2010: 429). My research training is now outlined to contextualise my subjectivity as a researcher and the nodal moment this forms.

I was introduced to ANT during my B.A. (Hons.)/M.A. degree in Geography, undertaken between 2005 and 2008 at Hertford College, The University of Oxford. I developed an interest in the PVS during my M.Sc. in Criminology and Criminal Justice, which was undertaken between 2009 and 2010 at Linacre College, The University of Oxford. As part of 'The Sociology of Punishment' module led by Dr Mary Bosworth, I wrote an assessed essay analysing the applications of ANT for the Sociology of Punishment. This essay

received a first-class mark.

In addition to this PhD thesis, my research experience consists of two dissertations carried out as part of the degree studies described above. My undergraduate dissertation was entitled: '*The Embodied Experiences of Sized Females in Spaces of Exercise*'. As part of this project I interviewed overweight and obese women about their experiences of exercise. My master's dissertation was entitled: '*Prison Partnerships: Progressive or Propagating Control?*' and entailed book-based research about contractual relationships between PVOs and the statutory agencies of criminal justice.

ANT could lead to analysing “seemingly endlessly interconnected networks of association” (Pollack et al., 2013: 1121) between PVOs and the statutory agencies of criminal justice, particularly in this exploratory research. However, it is necessary to bound research in order to create coherent knowledge in a specific textual format (Latour, 2005: 148). As such, conscious boundary choices were made (Pollack et al., 2013: 1121), which affected the relationships and PVOs studied. Relationships between PVOs and private companies who run prisons and deliver prison/probation services were largely excluded from this research. Although private companies are significant actors in punishment, the need to delimit a coherent area for research meant they were not explicitly investigated here, but the alliance between Serco, Catch 22 and Turning Point is included in Chapter 6. Alliances between private companies and PVOs are also an emergent phenomenon affecting a very small number of PVOs (see Section 1.3.1). As such, there is a limited body of commentary and a limited amount of secondary data to draw upon, so analysing these relationships would require a significant investment of time and resources which were not available here.

Analysis was also limited to formal PVOs which had been registered as charitable organisations with The Charity Commission in England and Wales for at least a year. Nascent and informal organisations were therefore excluded, because no documents were

available to support the first stage of data collection (see also Section 4.4). The main exclusion criteria resulted from limiting the sample to voluntary organisations whose principal focus was on (ex-)offenders and/or their families in England and Wales. These organisations were therefore excluded:

- ⤴ Organisations with a different geographical focus e.g. Penal Reform International, Prisoners Abroad, SACRO (Scottish Association for the Care and Resettlement of Offenders), Families Outside (Scotland). These organisations did not fit the policy context of England and Wales within which this project was nested (see Chapter 1).
- ⤴ Voluntary organisations for whom offenders and/or their families are one of multiple client or interest groups, but not the principal focus e.g. The Fawcett Society (campaign for women's equality); Phoenix Futures (provide drug and alcohol services); Hampton Trust (support the vulnerable and socially excluded); Ormiston Children's Charity, Barnardo's (support young people).
- ⤴ General voluntary sector umbrella organisations e.g. ACEVO (Association of Chief Executives of Voluntary Organisations), NAVCA (National Association for Voluntary and Community Action).
- ⤴ Faith groups who also work in prisons e.g. Alpha in Prisons. Although the organisations listed in the last three bullet points may operate penal services and/or make public comments about penal policy, their inclusion would have diluted the research purpose and affected analysis of the distinctive contributions that PVOs make to prisoners and probationers (see Chapter 8).

All of these decisions deleted actors from the resultant account of the PVS (cf. Latour, 1996: 378) but conscious decisions must always be made about the stories told in a piece of research and the range of connections that are woven into analysis (Pollack et al., 2013: 1121). This project meets the criteria for a 'good ANT account' as it broadens understandings of the PVS; and multiplies the mediating points (Latour, 1996: 378) previously acknowledged in relationships between PVOs and the statutory agencies of

criminal justice. This is achieved by highlighting the role of smaller-scale PVOs, the agency of PVOs and non-contractual interactions between the actors *in addition to* the impact of macro-level policy reforms.

This research project brings together different types of data about diverse PVOs and their relationships with the statutory agencies of criminal justice (collected through interviews and document analysis). By bringing together different types of data and multiplying the mediating points analysed, this thesis provides a more comprehensive understanding (Bryman, 2012) of the PVS, its component PVOs and their relationships with the statutory agencies of criminal justice; although this conceptualisation does not form an absolute evaluation of the PVS (Hitchings, 2003: 100). The next section explains the methodological practices adopted to contextualise the data presented in subsequent analysis chapters

4.4 Methodology: Research design and process

The research aims were contextual questions, aiming to provide thick description, explore the form and nature of what exists and include the subtleties of multiple interpretations (Ritchie and Spencer, 1994: 307). Here the forms studied were relationships between diverse PVOs and the statutory agencies of criminal justice. Multiple interpretations were assessed by examining documents published by the MoJ and diverse PVOs, and interviewing PVO and statutory sector staff. A comparative qualitative research design was adopted to provide the requisite thick description. An inductive case study approach was used, creating rich, empirical descriptions of multiple cases to create theoretical propositions (Eisenhardt and Graebner, 2007: 25). Theory was built inductively, i.e. from the data (Eisenhardt and Graebner, 2007: 25) rather than imposing predefined measures or hierarchies onto the actors (Latour, 2005; Law, 1992).

This approach entailed analysing individual case studies of relationships between PVOs and the statutory agencies of criminal justice in context, and trying to understand each relationship studied in detail and on its own terms (Palys and Atchison, 2008: 9).

Examining and comparing multiple cases improved theory-building, as the characteristics of these cases formed “a springboard for theoretical reflections about contrasting findings” (Bryman, 2012: 74-5). The aim was to produce a modest sociology illustrating the diversity of PVOs and their relationships with the statutory agencies of criminal justice, by probing deeply into specific cases (Maxfield and Babbie, 2011: 8; see also Hitchings, 2003). This involved gathering data about multiple cases of these relationships, sponsored by both macro-level market policy reforms, *and* smaller-scale statutory and voluntary sector actors.

The research was undertaken in three phases. The preparatory phase entailed gaining ethical approval and preparing the research instruments. The second was collecting the data. The third phase was analysis. Data was collected from three sources: document analysis of a) the financial accounts and annual reports of over forty PVOs for the tax year 2009-2010 and b) policy documents; and c) semi-structured interviews with 11 PVO staff and 2 statutory staff. Documents in the public domain provided a large amount of useful data, which informed and supplemented the interviews. Using multiple methods and different sources to collect data increased the breadth and depth of the inquiry (Denzin and Lincoln, 2008: 7; Flick, 2002: 229) and enabled analysis of multiple mediating points in the translations (Latour, 1996: 378). Table 1 overleaf summarises the research process.

Table 1: The research process

Stage 1: Preparatory phase

- Design the research instruments.
- Apply for ethical approval.
- Approval was granted by the University of Manchester Research Ethics Committee and subsequently informed the entire process of data collection.

Stage 2: Data collection phase (sample scoping)

- Web-based search for PVOs.
- The Clinks⁹ 'Member Bulletins' and list of participants for the ESRC seminar series "*The Third Sector in Criminal Justice*" were also examined periodically for further leads.

Stage 3: Data collection phase (documents)

- Locate and review policy documents relating to *Breaking the Cycle* (MoJ, 2010).
- Locate and review the financial accounts of over 40 PVOs for the tax year 2009-2010.
- Construct databases to sort PVOs by function, geographical location and funders.

Stage 4: Data collection phase (interviews)

- Conduct and transcribe 13 interviews: 11 with PVO staff and 2 with statutory staff. Following transcription, 65,000 words of interview data had been generated.

Stage 5: Data analysis phase

- Scope PVO heterogeneity.
- Develop thematic codes with a focus on scale and PVO agency, then code the interview and secondary data.
- Develop final categories based on these codes.
- Map two four-phase processes of translation (macro-level policy and smaller-level translations).
- Combine complementary findings and compare them to the existing literature.

⁹ Clinks supports voluntary and community organizations who work "with or for offenders and their families" (Clinks, 2010: 2)

4.5 Preparing for data collection

The preparatory phase of data collection involved preparing the research instruments and gaining ethical approval for the research. Regarding the research instruments, actor-network theorists have defined a set of questions for exploring the mechanics of organisation (Law, 1992: 389). These questions are included in Appendix 5 and informed the interview schedule (see Appendix 6). These questions were also used alongside the four-phase process of translation (see Chapter 3) to inform the data collection process and analyse the translations (see Chapters 6 and 7).

Regarding ethics, the document analysis used material that was already in the public domain so this data was not sensitive. The interviews did not involve any vulnerable participants or cover sensitive topics, but research ethics were still important and informed the whole data collection process. Ethical approval was secured from the University of Manchester Research Ethics Committee before approaching potential interviewees (granted in the meeting on 02/11/2011). The ethics application form is included as Appendix 7.

The key ethical consideration was obtaining the informed consent of interview participants. Participants were initially approached through emails which briefly illustrated the research topic and explained why their PVO was of interest (e.g. not being dependent on statutory funding sources). The study advertisement and participant information sheet (as approved by the Ethics Committee) were attached to this email (see Appendices 8 and 9). Researchers never know everything they wish to investigate at the beginning of a study (Burgess, 1984: 199), but the purpose was outlined as honestly as was possible at that point. The information sheet explained that the interviews were confidential, that participants were free to opt out of the research at any stage and could refrain from answering any questions they wished. Participants were also invited to ask

additional questions before deciding whether to participate in the study. Direct email contact was established with twelve participants before the interviews, but one participant was referred to me by their PVO's head office following my email approach. Although I stressed that participation was voluntary, in this case the research had been approved and the participant selected by senior staff within the PVO.

Participants were e-mailed a consent form following their agreement to take part but *in advance of* the interview (see Appendix 10). This form reiterated the voluntary nature of participation and sought permission to audio-record and quote from the interviews. Obtaining consent before the interview enabled the individuals to fully consider whether they were happy to participate and be audio-recorded, without the pressure of being presented with the consent form in front of the interviewer in a pre-arranged meeting. Participants were provided with a signed paper copy of the consent form and participant information sheet at the end of their interview. These documents included my contact details should participants need to contact me at a later date, e.g. to ask questions or withdraw their data. In a small number of cases where oversights emerged during transcription, one follow-up email was sent asking no more than three further questions and explaining that participants were under no obligation to reply.

All participants agreed for the interviews to be audio-recorded, both in writing when completing the consent forms and verbally at the start of the interviews. The information sheet explained that the interviews would be anonymised following transcription. The anonymity of participants is protected throughout the thesis and they are referred to only by their code. To contextualise the responses, the codes indicate the job position of participants, which have been described in my own words. In face-to-face interviews, all participants were given the option to turn off the recorder at any point at the start of the interview. Recording was only interrupted in one case, when the participant took a personal phone call during the interview.

A bespoke data management plan was created, following the qualitative data security guidelines provided by Aldridge et al. (2010). Some of the problems described by Aldridge et al. (2010) were mitigated because I do not use a smart phone and only I had access to the raw data, which was stored on my personal computer. This plan consisted of 5 points:

- ♣ Strong passwords (8 characters or longer, using a combination of numbers and upper and lower case letters) are to be used on all computers, devices (e.g. USB memory sticks) and individual files involved throughout the course of the project. 'Remember my password' options are to be avoided.
- ♣ All research data and associated files using raw data should be encrypted using TrueCrypt software. Files attached to emails and back up data must also be encrypted.
- ♣ Data is to be anonymised a.s.a.p. after collection. Original recordings, consent forms and field notes are to be destroyed a.s.a.p.
- ♣ CleanUp software is to be used monthly on all computers, to ensure all digital files are permanently deleted.
- ♣ Before archiving data, sensitive information is to be redacted. If other researchers request access, access agreements can be individually negotiated.

I conducted all interviews myself and was not exposed to any unusual risks beyond those of being a lone worker in the field. To minimise risk to myself, I carried a mobile phone at all times during the fieldwork. I encouraged participants to choose the interview time and the interview mode (face-to-face or over the telephone) at their convenience, but all interviews were undertaken during normal office hours. The location or telephone number used were chosen by the participant, to minimise the inconvenience caused to them. I spoke to 7 participants at their place of work, 4 in their homes (which was their place of work on the day of the interview), and 2 in public cafes.

4.6 Collecting the data

4.6.1 Sampling, access and participants

This section explains the methods used to collect data. The first source of data was policy documents and publications relating to the *Breaking the Cycle* Green Paper (MoJ, 2010), which were in the public domain. This Green Paper formed the first phase of the macro-level translation (see Chapter 6). PVOs' responses to the Green Paper (e.g. Action for Prisoners' Families, 2011; Clinks, 2011; Nacro, 2011a) were also analysed, to multiply the mediating points in this process of translation (Latour, 1996). I periodically returned to this source of documents to track the progress of the Green Paper and the PbR pilot schemes at HMPs Doncaster and Peterborough (MoJ, 2013a; MoJ, 2013b; MoJ, 2013c; MoJ, 2012; MoJ, 2011a; MoJ, 2011b; Social Finance, 2011).

Regarding sampling, it was important to 'scope' the range of large- and small-scale PVOs and analyse interactions with the statutory agencies of criminal justice *beyond* those included in policy documents, in line with the ANT principle of generalised symmetry (Carrabine, 2000; Law, 1992). In ANT this 'scoping' process is known as 'deploying uncertainties' or 'deploying controversies', and involves exploring the heterogeneity of the research site (Latour, 2005). Deploying uncertainties provides the opportunity to discover unexpected actors and resources that emerge on their own terms, enabled by refusing to restrict analysis of the categories and materials used by the actors in their relationships with other actors (Latour, 2005: 16).

To achieve this, the first stage of data collection entailed carrying out a web-based search to gain awareness of PVO diversity and find a range of PVOs for analysis. The Charity Commission website was particularly useful and had an 'advanced search' function allowing keywords such as "prison", "offenders" and "probation" to be searched for. This website provided the annual accounts for all PVOs with an income in excess of the Commission's £25,000 reporting threshold, and the annual reports for many PVOs.

Wherever possible, documents for the tax year 2009-2010 were reviewed. These were the most recent documents at the time of data collection. In one case where the accounts had not been returned on time, documents for 2008-2009 were used. This material was supplemented by other sources which 'signposted' further PVOs, whose documents could then be found through the Charity Commission. I scoured the Clinks member bulletins, the Howard League's Community Programmes Awards webpages and the list of participants on the ESRC seminar series "*The Third Sector in Criminal Justice*". Table 2 below details websites which were particularly helpful for finding a diverse range of PVOs.

Table 2: Websites used to 'signpost' PVOs

Organisation	Website
Third Sector	www.thirdsector.co.uk
Charity Commission	www.charitycommission.co.uk
Churches' Criminal Justice Forum	www.ccjf.org
Criminal Justice Alliance	www.criminaljusticealliance.org/organisations.htm

The initial sample created from these searches contained over 40 PVOs that fitted the inclusion criteria (see Section 4.3). This sample did not represent an exhaustive search or comprehensive review of PVOs in England and Wales. However, the sample did include diverse PVOs with a variety of income ranges, funding sources and objectives; so was sufficient to meet the research aim (see Sections 4.2 and 4.3). A series of databases were then constructed from this sample, to illustrate basic information about each PVO and scope the sector. These databases listed PVO functions, geographical scope and income sources. Two examples of these databases (illustrating PVO location and function) are included in Appendices 11 and 12 respectively.

The next stage of data collection involved approaching 22 PVOs by email to request an interview. Some, but not all of these PVOs were selected from the sample listed in

Appendices 11 and 12. After the databases had been constructed, the sample snowballed to include a further 10 PVOs. The interviews were informed by the initial analysis of published documents, but sought to obtain richer data about PVO relationships with the statutory agencies of criminal justice. The sampling method was purposive, so participants were approached because their specialist knowledge would facilitate an investigation relevant to the topic being researched (Stier Adler and Clark, 2011: 123; see also Silverman, 2010).

As explained in Section 4.2, I was particularly interested in PVOs who were not dependent on statutory funding. I was surprised at the number of these organisations that emerged during the document analysis, given that they were largely absent from the literature (see Chapter 2). 9 of the 11 interview participants represented PVOs who were not dependent on statutory funding. This provided a substantive amount of data about this 'silent' group for whom relatively little published information was available, in comparison to that detailing PVO involvement in the PbR pilot schemes at HMPs Doncaster and Peterborough (e.g. MoJ, 2013a; MoJ, 2013b; MoJ, 2013c; MoJ, 2012; MoJ, 2011a; MoJ, 2011b; Social Finance, 2011).

Two interviews were with recently retired, senior-ranking statutory sector staff who both had some involvement with PVOs during their careers. One of these interviewees had worked in prisons, the other in probation. These interviews were obtained through personal contacts. 18 of the further 22 interview approaches to PVOs were 'cold', and 4 came from contacts made at voluntary sector events. 11 positive replies were received, along with 2 replies from organisations that were unable to participate. All 11 PVO participants worked for organisations whose principal function was service delivery and 3 of these participants worked for female-only projects. Table 3 overleaf demonstrates the job positions of participants.

Table 3: Interview participant job positions and identifiers

Position	Number of interviewees	Identifiers
PVO director	5	VD1 → 5
Central office managerial	3	VM 1 → 3
Regional project manager	3	VR 1 → 3
Statutory sector staff	2	SD 1 → 2

4.6.2 Interview methodology

In-depth semi-structured interviews supplemented the document analysis data. Rich, detailed answers from the participants' point of view were required for this area of inquiry (Bryman, 2012: 470). The interviews allowed PVO and statutory sector staff to explain their perceptions of PVO work in their own words. This brought the analyst closer to those experiences (Palys and Atchison, 2008: 9) and enabled further investigation of questions raised by the document analysis. The interview format was most appropriate to elicit the requisite rich and wide-ranging data, as it enabled participants to express contingencies, complexities and contradictions in their responses (Valentine, 2005: 110). Ethnography has been used for ANT research (e.g. Law, 1994) and would also have provided useful insights into the PVS. But, gaining a breadth of responses from a larger number of PVOs was more appropriate for this exploratory research seeking to conceptualise the sector. Due to the relative dearth of research on the PVS (Corcoran, 2011), this breadth was necessary to build theory. Interviews are also less invasive than ethnographic research, which increased the likelihood that PVOs would participate.

Interviews were undertaken between January and April 2012. Although the interview schedule was written formally, it was used flexibly and principally acted as an aide

memoire to suggest questions and indicate which topics to cover. The schedule was based upon seven areas of inquiry, established from existing literature and the findings of the document analysis. These were: the participant's current role and employment background, the PVO, funding, the wider PVS, the political landscape, relationships with the statutory agencies of criminal justice and feedback/further questions.

Using a semi-structured interview allowed a degree of comparison between cases. These key topics formed part of each interview, but also allowed me to be a flexible, responsive and participant-orientated interviewer (Valentine, 2005: 111). The capacity for the interview design to evolve through responses was important (Bryman, 2012: 470) because broadening scholarly understandings of the PVS was key for the research. The semi-structured technique provided the capability to repeat and rephrase questions, in order to seek clarification or expansion where required. It also meant unanticipated topics which emerged could be pursued in the interview.

Questions were listed in an order on the interview guide but it was possible to vary this to fit with the shape of the conversation. For example, if a participant brought up the subject of finance I would then move to questions on that topic so the conversation flowed (Maxfield and Babbie, 2011: 283, 300). I directed the discussion through questions, prompts and probes, but the interviews were fairly informal and the substantive content was largely determined by the participants (Davies, 2011: 166). Participants were allowed to 'ramble' as this showed what participants considered significant (Bryman, 2012: 470) and fitted with the ANT approach of learning from the actors (Latour, 1999: 20).

I researched participants' PVOs before the interview using their publications and websites. This provided some idea of the PVO's work and any funding issues they were facing, but this preparation was purposefully limited to avoid forming too many preconceptions before the interview (Bryman, 2012: 473; see also Latour, 1999: 20). I kept a research diary noting the date, time and location of each interview, basic information about participants

and reflections about the interview (Bryman, 2012: 473). This diary was also used to note themes for analysis.

Five interviews were conducted face-to-face and the remaining eight were conducted over the telephone. Interviews are usually conceived as being face-to-face interactions, with other modes of narrative data collection “assumed to be 'second best'” (Holt, 2010: 113; see also Miller, 1995: 29). However, telephone interviewing is gaining credibility as a technique that can produce similar data to face-to-face interactions (Sturges and Hanrahan, 2004: 107) and generate “detailed and considered replies of the kind typically sought by qualitative researchers” (Bryman, 2012: 488; see also Holt, 2010; Novick, 2008).

Reflecting Stevens, I had not intended to use telephone interviewing as one of my research tools. My research training had emphasised the importance of interpersonal rapport, eye contact and body language cues during interviews (Stevens, 2007: 205). I reconsidered the technique early in the period of data collection after travelling to London for a firmly arranged interview, to arrive at the office as arranged and find out that the participant was ill at home. Although I managed to interview another member of the PVO, the potential for interviews to fall through after paying for travel made me reconsider the methods. After researching the utility of telephone interviewing, I subsequently offered all participants the choice of face-to-face or telephone interviewing.

Telephone interviewing provided a highly efficient technique, which enabled collection of a large volume of data and inclusion of a larger number of geographically dispersed participants than solely using face-to-face interviews would have under similar time and cost constraints (Bryman, 2012: 488). Some of the telephone interviews were more revealing than those carried out face-to-face, echoing the finding that telephone interviews increase respondents' perception of anonymity (Greenfield et al., 2000). In addition, many participants were very busy, either through a heavy workload or being a senior employee in their PVO (Creswell, 1998). The potential to use telephone interviewing provided access

to busy individuals, whose views and experience would not otherwise have been included (Miller, 1995). Given that participating in research interviews is acknowledged to potentially be “time consuming, privacy endangering, and intellectually and emotionally draining” (McCracken, 1988: 27); the flexibility, relative lack of imposition and high quality data that telephone interviewing can provide make it an excellent alternative to face-to-face interviewing.

I began all the interviews by thanking participants for their time and took care to appear friendly. The preliminary questions were easy to answer, to 'warm up' participants, relax them and build rapport. I made efforts to appear engaged throughout the conversation by making encouraging noises, but tried hard to be non-judgemental and avoided agreeing or disagreeing with participants to avoid distorting the conversation (Bryman, 2012: 473-4). All interviews were digitally recorded (with permission) on a hand-held Sony ICD-UX512 recorder. For telephone interviews I also used an Olympus TP7 telephone pickup lead. Recording enabled me to concentrate fully on participants' responses and formulate follow-up questions rather than focussing on taking notes. Recording allowed a more thorough examination of the responses, which were captured in participants' own terms. It also enabled repeated examination of answers, e.g. if a new theme emerged during analysis (Bryman, 2012: 470; Heritage, 1984: 238). I left the recorder running whilst 'wrapping up' interviews, noting Hammersley and Atkinson's (1995) advice on the value of 'unsolicited accounts' gleaned in the final moments of interviews.

None of the topics covered were sensitive or distressing, although two participants seemed to think they were under-qualified to speak to me. One said “I told you I wouldn't be much help” and another asked what they needed to prepare before the interview. I reassured participants that their views were what was required and that there were no right or wrong answers. The conversational nature of semi-structured interviews (Longhurst, 2003: 119) seemed to suit all participants. Each interview appeared to successfully build rapport and enable participants to speak freely, although one

participant seemed particularly rushed. This interview still provided useful and informative data but was notably shorter than the others.

4.6.3 Transcription

I transcribed the interviews as soon as possible after completion, so transcription occurred alongside data collection. The recordings enabled transcription of pauses, laughs and emphases, which added to the detail provided by resultant transcripts (King and Wincup, 2010: 31). During transcription, I removed 'identifiers' such as the names of PVOs in order to maintain participant confidentiality. Doing the transcription myself was time consuming but provided better knowledge of and familiarity with the data. Analysis began during transcription, when I began to formulate categories. When transcription was completed, I read through all the interviews and developed an initial list of themes.

4.7 Data analysis phase

Analysing qualitative data involves “defining, categorising, theorising, explaining, exploring and mapping” (Ritchie and Spencer, 1994: 309). Data analysis is not a discrete event (Silverman, 2010) and evolved throughout this research project. Analysis began during data collection, as the findings of the initial stages of data collection informed subsequent stages thereof (see Section 4.6) and I began developing themes. The analysis continued evolving throughout the data analysis and writing-up processes. I explored the data by reading and re-reading the published documents and transcripts, and gathering data under each theme. Thematic analysis of the data was carried out using word processing software, and by hand-drawing tables and maps of translations. The process of categorising can be assisted by qualitative data analysis software such as NVivo. Although I am trained in the use of NVivo, I did not use it here due to personal preference.

Ethnographic content analysis of the documents and interview transcripts was undertaken

by initially distilling themes from the data and constantly revising these themes as new data and understandings emerged (Bryman, 2012: 559; see also Altheide, 1996). This content analysis was combined with *critical discourse analysis*, informed by the principle of generalised symmetry (Nimmo, 2011: 114). This entailed reading the texts on two levels: first for their empirical content, initially distilling and revising themes; and then examining the *agency* of the texts in defining and helping to constitute subjects, objects and domains (Nimmo, 2011: 114). This approach transforms analysis from a hermeneutic question of accessing lived practices through the biased medium of texts, into tracing the translations and mediations performed by texts themselves (Prior, 2008).

Table 4 at the end of this section summarises how ANT was applied to conceptualise the PVS in four overlapping stages. ANT's analytical process begins by 'deploying uncertainties' (Latour, 2005; see Section 4.6.1). This involved scoping the *heterogeneity* of PVOs, which was essential due to the 'loose and baggy' nature of the PVS (See Section 1.2). The findings of this 'deploying uncertainties' process are presented in Sections 5.2 and 5.3. The next analytical stage involves applying the principle of generalised symmetry to analyse specific uncertainties and cross cut analytical divides (Nimmo, 2011: 109; Latour, 1993: 94). This entailed considering the uncertainties of *scale and agency* in relation to PVOs, by examining *micro-scale* PVOs and investigating their *agency* rather than emphasising PVO involvement in macro-scale penal policy reforms. These findings are explained in Sections 5.3 and 5.4. The *scales of statutory action* were also problematised by categorising the 'criminal justice system' into agencies operating across a spectrum of scales: from individual prisons up to the MoJ. Interactions between the spectrum of statutory agencies and heterogeneous PVOs are illustrated in Section 5.3.2. Agency was investigated by assessing *PVO agency* to resist participating in the expanding market for penal services (see Sections 5.3 and 5.4). Problematising questions of scale and agency using the principle of generalised symmetry enabled analysis to progress beyond the themes of marketisation and resultant PVO subjugation derived from recent PVS literature (see Chapter 2).

The next analytical step involves examining *translations* (Law, 1992: 380, 389) and 'tracing associations' between relevant actors (Latour, 2005). This entailed 'scoping' the range of interactions between PVOs and the statutory agencies of criminal justice, using data from MoJ publications (MoJ, 2013a; MoJ, 2013b, MoJ, 2013c; MoJ, 2012; MoJ, 2011a; MoJ, 2011b), PVO publications and the interviews; and then tracing multiple translations between these actors. The findings of the 'scoping' process are described in Section 5.5 and informed the translations presented in Chapters 6 and 7. The *macro-level policy translation* was more definite in form and thus mapped first (see Chapter 6). This involved comparing the data to Callon's four-phase process of translation (1986) and existing applications thereof (principally Sage et al., 2011; Gray et al., 2009; Carrabine, 2000). *Smaller-scale processes of translation* were then mapped in the same way, following the principle that apparently disparate actors can be examined symmetrically (see Chapter 7).

Mapping the macro-scale policy translation involved tracing the mediations performed by the MoJ's publications, and comparing these to the responses and opinion documents published by PVOs. Chapter 6 demonstrates that the MoJ's texts acted to discursively define the role for PVOs in marketised penal delivery to some extent, and Section 7.7 explores how the resultant discourse affected practices at the micro-level of action. Mapping smaller scale processes of translation, instigated both by PVOs and smaller statutory agencies of criminal justice, provides an understanding of smaller scale PVO activity about which very little is known (see Chapter 7). This enables PVO agency to be investigated at the macro- and micro-level, *alongside* considering how power works through disciplinary strategies (Herbert-Cheshire, 2003: 458-9). Finally, Chapter 8 considers how PVOs can act as *intermediaries* and *mediators* of punishment (see Section 3.4.1), and how these diverse PVO actions affect prisoners and probationers. Table 4 overleaf summarises how the PVS was conceptualised in these four overlapping stages, but this is necessarily a simplification of the continuous analytical process.

Table 4: The analytical process

Stage 1: Deploying uncertainties

- This first stage of ANT analysis involves exploring the heterogeneity of the research site. Actors are allowed to emerge on their own terms by refusing to restrict analysis of the categories and materials used by the actors in their relationships with other actors (Latour, 2005: 16).
- Here this involved scoping the diversities found amongst PVOs (see Section 5.2).

Stage 2: Applying the principle of generalised symmetry

- The principle of generalised symmetry is the crucial analytical move provided by ANT (Latour, 1993: 94) and involves examining heterogeneous actors on the same terms (Carrabine, 2000: 312; Law, 1992: 379).
- This principle can be applied to overcome common analytical divides between the social and the natural, macro- and micro-scale actors, and/or agency and structure (Carrabine, 2000: 313; Law, 1992: 389).
- Stage 1 informs Stage 2, because deploying uncertainties illustrates which application(s) of the principle are most appropriate for the specific research site.
- The principle is applied to examine scale and agency in relation to PVOs and their interactions with the statutory agencies of criminal justice (see Sections 5.3 and 5.4).

Stage 3: Analysing translations

- Translation involves studying how interactions between actors generate effects such as size, power and organisation (Law, 1992: 380).
- Here macro- and micro-level translations are analysed (see Section 5.5; Chapters 6 and 7). This two-pronged approach is informed by the principle of generalised symmetry.

Stage 4: Mediating punishment

- Actors can be either intermediaries or mediators of an actor-network. Intermediaries transport meaning or force without transformation whilst mediators transform and modify the meanings and elements that they carry (Afarikumah and Kwankam, 2013; Latour, 2005).
- Chapter 8 considers how PVOs act as both intermediaries and mediators of punishment, and how these actions then affect prisoners and probationers.

4.8 Evaluating the research

Both the document analysis and analysis of the interviews were ultimately using texts, i.e. published documents and interview transcripts. Following ANT, texts should not merely be seen as representations of the world or sedimentations of practices, but as technologies of translation and mediation which are themselves mobilisations of the world (Latour, 1999: 99-100; May, 1997: 157-8). Texts are hybrids of human and non-human actors (e.g. paper, the computers on which they were typed and the digital voice recorder on which they were captured). These hybrids act to mediate the relations between subjects (Nimmo, 2011: 114). Writing and creating texts is thus “not so much a method of transferring information as a material operation of creating order” (Latour and Woolgar, 1986: 245). The texts used here were therefore analysed as enactments of reality through which some things are made present and others invisible (Nimmo, 2011: 114).

Regarding the interviews, order was created through numerous means. The participants' presentation of their PVOs was surely mediated by how they wished to present their organisations, their knowledge that the interviews were being recorded and their understanding that their quotations would later form part of a PhD thesis and academic publications. In two cases participants expressed concern about the information they had provided in the interview. One participant stressed that I should anonymise the data appropriately, removing specific references to the local agencies that their PVO worked with. Another requested that information they had provided should be treated sensitively, to protect the relationship between their PVO and their host prison. The interview excerpt overleaf illustrates how this participant detailed a specific conflict between their PVO and the host prison, but requested that it was not reproduced in write-ups. As such, I transcribed the interview and then redacted parts which breached the participant's terms. Similar processes of mediation are also likely to have occurred more subtly, e.g. where participants withheld information during the interview. The texts analysed were thus seen

as active agents. Although authentic and credible sources, these texts did not provide transparent representations of the organisations that produced them (Bryman, 2012: 551).

INT: "So could you give me an example?"

VD1: "Hmmm. Yeah, well I can give you an example but the problem is that if [names prison] would ever read this report it would be instantly recognisable as us. So I'm happy to give you an example but I don't necessarily want you to use it".

INT: "Ok, so if I say I won't include this next bit of conversation in my transcript, is that ok with you?"

VD1: "Yeah, that would be good, its just that what we do is so specific, they'd be like 'I know who that is'. [...] And if, when you're writing it up, if you could just bear in mind that I need to always be on the right side of them (the prison)".

Providing a clear discussion of the study's components (e.g. concepts, units of analysis), theoretical framework and methodology is the best means of assessing the validity of qualitative research (Guba and Lincoln, 1989). The methodological description provided in this chapter has rendered the research process as transparent as possible, by explaining how all the data was collected and analysed. Anonymised transcripts are available for checking and research ethics demand that an honest and accurate account of the data is provided. The resultant account is not representative of the PVS, but this was not the aim of the project and qualitative research is inherently geared towards deep understanding rather than generalisation as "validity requires intimacy" (Palys and Atchison, 2008: 10). A purposive sample of over 40 PVOs was used for document analysis and 11 PVO staff participated in interviews, so this sample does not speak for the estimated 1,500 PVOs that work with prisons and probation (Meek et al., 2010: 3).

This research used multiple methods, collecting qualitative data through document analysis of policy and PVO publications, and through semi-structured interviews. PVOs who were not approached for interview or who declined/ignored the interview request were therefore not completely excluded from the research, as their documents are in the

public domain. The term 'triangulation' is often used to refer to analysis which draws on mixed methods, but here these different sources are considered to provide *complementary findings* which create a richer understanding of the phenomena under investigation (Brannen, 2005). Although depth in the data was sought rather than breadth, combining methods is considered to increase the validity of the findings (Noaks and Wincup, 2004: 8-9). This approach also multiplied the mediating points which could be analysed in translations (Latour, 1996: 378).

The PVO accounts provided varying amounts of detail and PVOs presented their material differently. This limited the amount of quantitative analysis that could be undertaken, e.g. on the proportions of statutory and non-statutory income sources, and the proportions of grant and contract funding. There was however adequate data to meet the purposes of this study. Large datasets are available and have supported quantitative research, including the Charity Commission dataset, the 2008 National Survey of Third Sector Organisations, the Guidestar database and the Clinks Working with Offenders Directory (Gojkovic et al., 2011: 6). These datasets were not exploited here as they did not provide the specificity required. The interviews varied significantly in length (ranging from 25 minutes up to 90 minutes), as did the number of words transcribed per minute of interview. The longer interviews were not necessarily more informative and the shortest interview was one of the most revealing. However, each interview informed the analysis.

This chapter has fully explained how data was gathered and interpreted. This data underpins the analysis and conclusions that will be drawn in this thesis. The methods used fulfilled the aims of the research. This chapter has detailed the ontology and epistemology that underpinned the research; explained the mechanisms of data collection; illustrated the processes of transcription and analysis; and evaluated the validity of the research. The next chapter presents findings from the scoping stage of analysis.

Chapter 5: Scoping the penal voluntary sector

5.1 Introduction

Recent analysis of the penal voluntary sector (PVS) has been located within the macro-scale penal research tradition and has emphasised the effects of the market in penal services (see Chapters 2 and 3). Whilst commentators have acknowledged that penal voluntary organisations (PVOs) within the PVS are “highly differentiated” (Corcoran, 2011: 40; see also Mills et al., 2011: 204), the factors which create this heterogeneity and the importance thereof have not been fully explored. Small-scale PVOs and PVO agency within the market for penal services have consequently received limited attention from scholars (see Section 2.2.3). The aim of the chapter is to begin conceptualising the sector more fully, arguing that *a broader approach to studying the PVS is required* (Tomczak, forthcoming). In summary, this broader approach involves scoping PVO heterogeneity (paying particular attention to scale) and studying micro-scale PVO activities on the same terms as marketised activities resulting from macro-level penal reforms.

This chapter presents the *first stages of analysis*. Following actor-network theory (ANT), the analytical process began by 'deploying uncertainties' (Latour, 2005). This involved scoping the heterogeneity of PVOs within the PVS, and acknowledging the 'loose and baggy' nature of the sector (See Section 1.2). The next stage involved applying the principle of generalised symmetry to consider questions of scale and agency in relation to PVOs. This chapter presents these two overlapping stages of the analytical process, detailing heterogeneities amongst PVOs and problematising questions of scale and agency in relation to PVOs. The next analytical step entailed examining translations, which are presented in Chapters 6 and 7. This chapter scopes the various forms of interaction between PVOs and the statutory agencies of criminal justice, thus 'deploying uncertainties' and providing a context for the subsequent analyses of translation. The analytical process

was explained in Section 4.7 and Table 4.

This chapter has four overlapping and related components. The first component of this chapter (Section 5.2) *scopes the elements of diversity* found amongst PVOs and examines the key PVO variables of: organisational functions; scale of operations; the relative role of volunteers; focus on employing ex-service users; and incomes. Deploying these uncertainties, or describing these variables between the PVOs that comprise the PVS, provides a foundation for applying the principle of generalised symmetry. The data from published documents provided little information about the role of non-human actors so this application of the principle of generalised symmetry was not pursued, although the significance of funding (a non-human actor) is acknowledged in this chapter. However, a lot of the data related to scale and agency, and these applications were more relevant for this research due to the gaps in existing PVS literature (see Chapter 2).

The second component of the chapter considers *scale*. The principle of generalised symmetry is applied to map the various scales at which the statutory agencies of criminal justice and PVOs interact. This involved examining: the scales at which the statutory agencies of criminal justice operate and fund PVO work; the scales at which PVOs operate; the activities of smaller-scale PVOs; and PVO work that is not driven by nor directly related to macro-scale policy reforms. Paying similar amounts of attention to these varied interactions, and thus examining them on the same terms as marketised interactions, broadens understandings of the PVS and moves beyond the existing analytical focus on macro-scale marketisation driven by the MoJ. These questions of scale are examined in Sections 5.2 and 5.3, and developed in Chapter 7.

The third component of the task involves applying the principle of generalised symmetry to analyse how PVOs exercise their *agency* to pursue their own organisational objectives amidst the penal service market. This effaces the common analytical division between

agency and structure (Pollack et al., 2013: 1119; Nimmo, 2011: 111; Law, 1992: 389) and counters recent scholarship which emphasises PVOs' relative lack of power in comparison to policy reforms seeking to expand the market for penal services (See Sections 2.2 and 3.3.2). These questions of agency are explored by analysing non-contractual PVO activities and the non-statutory funding sources used by PVOs in Sections 5.3 and 5.4.

The fourth section of this chapter (Section 5.5) *scopes how the diverse service-delivery relationships* between PVOs and the statutory agencies of criminal justice are instigated. This contextualises the translations analysed in Chapters 6 and 7. The understanding of PVO heterogeneity provided in this chapter also supports the task of emphasising the agency of actors within studies of translation to multiply the “mediating points between any two elements” (Latour, 1996: 378). This chapter assesses a wider range of PVOs and a wider set of interactions between PVOs and statutory agencies of criminal justice than recent marketised PVS scholarship (see Section 2.2). This chapter therefore begins to provide a broader and politically enabling understanding of the PVS, that extends beyond marketisation and explores the agency of diverse PVOs (see also Hart, 2002; Zedner, 2002). This supports examination of how PVOs (re)produce, modify and contest the alignments of discourse and practice which operate within penal institutions, in Chapters 7 and 8 (cf. Carrabine, 2000: 317).

This chapter draws on data from the document analysis of PVO publications. The first stage of data collection involved reviewing the financial accounts and publications of over 40 diverse PVOs with a variety of funding sources and organisational objectives (see Section 4.3 for inclusion and exclusion criteria). PVOs in the sample were sorted into a series of databases which illustrated their functions, geographical scopes and income sources (see Appendices 11 to 15). Whilst some loose categorisations were made (explained in Section 5.2), the aim was simply to illustrate PVO heterogeneity. The PVO documents provided varying amounts of detail and types of data, so it was not possible to

make definitive comparisons between the 40 organisations using this data source.

5.2 Scoping PVO heterogeneity

5.2.1 PVO functions

A range of PVO heterogeneities were explored in order to deploy uncertainties and assess the most appropriate applications for the principle of generalised symmetry. PVO functions were investigated first, to build awareness of what PVOs actually do with prisoners, probationers and their families (see Section 1.1 and Chapter 2). The sample of PVOs was compared to Kendall and Knapp's typology of voluntary organisation functions (1995: 67). The initial 'function' database (see Appendix 12) was refined to loosely categorise PVOs by function. Most voluntary organisations are multi-functional (Kendall and Knapp, 1995: 67), i.e. carry out more than one type of activity, so PVOs were categorised by their primary and secondary/additional functions (see Appendix 13). Preliminary analysis indicated that Kendall and Knapp's typology (1995) was adequate to scope the multiple functions of PVOs and begin to build analysis. However, the typology was not imposed upon PVOs (cf. Latour, 1999: 20) and the resultant loose categorisation was illustrative rather than deterministic.

Every PVO in the sample performed the “service delivery function” in some way, which involves supplying a direct service to clients in kind or in the form of information and support (Kendall and Knapp, 1995: 67). The sample showed diversities amongst both the services PVOs provided and their service users. Fine Cell Work's service is to train prisoners in paid, skilled, creative needlework (Fine Cell Work, 2010: 2). The Apex Trust provides “employment-related advice and support services” to jobless ex-offenders and probationers living in the community (Apex Trust, 2010: 4). Amongst other functions, NEPACS (no full name provided) owns two caravans which are used to provide prisoners' families with a one-week respite holiday (NEPACS, 2010: 7). PVOs are also involved in

'privatised' or contracted-out service delivery activities (see also Sections 1.3.2 and 5.3). For example, Partners of Prisoners and Families Support Group entered a contract with HMP Doncaster, which is privately run by Serco, to provide services in the prison's visitor centre (Partners of Prisoners and Families Support Group, 2010: 5).

But the sample demonstrated that the work of PVOs extends beyond service delivery. Numerous PVOs carried out the campaigning or "policy advocacy" function, which involves collecting information about a specific interest and utilising this information to put public pressure on decision makers through direct action, campaigning, lobbying and advocacy work aiming to change policy and practices (Kendall and Knapp, 1995: 67). 14 PVOs in the sample undertook campaigning work as one of their multiple functions and 4 further PVOs were principally campaigning organisations. Examples of the latter are the Prison Reform Trust and the Howard League. The Prison Reform Trust aims to create a "just, humane and effective penal system" by "influencing Parliament, Government and officials towards reform" (Prison Reform Trust, 2010: 4). Their key campaign is to ensure that prison is reserved for those whose offending is so serious that they cannot serve their sentence in the community (Prison Reform Trust, 2010: 3, 4). The Howard League for Penal Reform work for "less crime, safer communities and fewer people in prison" (Howard League, 2010: no pagination). Again, there was also diversity in PVO's recipient client groups. Action for Prisoners' Families is not principally a campaigning organisation, but their work involves representing the issues affecting prisoners' families to government departments and other policy makers (Action for Prisoners' Families, 2010: 4)

8 PVOs carried out the the "mutual aid" function, where the focus is on self-help and exchange around a common need (Kendall and Knapp, 1995: 67). The Apex Trust run the ACT 4 Women Project in Merseyside, a women-only peer support project which provides opportunities for project beneficiaries to support their peers in building self-confidence and self-reliance (Apex Trust, 2010: 4). Although it is not a *penal* voluntary organisation

and was therefore not part of the sample, the Samaritans' Prison Listener Scheme provides another important example of mutual aid. Under this scheme, prisoners are trained by the Samaritans to listen to their fellow prisoners in confidence. The scheme aims to reduce prison suicides and self-harm, and alleviate the feelings of prisoners in distress¹⁰.

5 PVOs carried out the “co-ordinating” function, which involves umbrella organisations providing services to other voluntary sector bodies (Kendall and Knapp, 1995: 67). Clinks is one such organisation, supporting voluntary and community organisations who work “with or for offenders and their families” (Clinks, 2010: 2). Clinks' activities include “sharing good practice” between their member organisations (Clinks, 2010: 2). Action for Prisoners' Families is also an umbrella organisation, whose primary objective is to work with their member organisations to “ensure that real improvements are made that increase the likelihood of families maintaining wellbeing during and following imprisonment” (Action for Prisoners' Families, 2010: 4). Their work includes producing specialist publications for member organisations who work with the families of prisoners (Action for Prisoners' Families, 2010: 4).

This section has begun to deploy uncertainties about the PVS by scoping variations in PVO functions. Although all four functions feature in this analysis, the service delivery and policy advocacy functions are the most important functions for this discussion. The next section scopes further significant PVO variables, which were found through the initial review of PVO published documents. The importance of these variables is analysed in subsequent sections.

5.2.2 Further significant PVO variables

The sample also indicated significant variation in the *geographical reach* of PVOs and the

¹⁰ For further information, see <http://www.samaritans.org/your-community/our-work-prisons>. Accessed 12/11/2013.

scale of their operations. The sample included national PVOs, PVOs which operated over several counties and very small scale PVOs. Nacro operate nationally and reported actively engaging over 90,000 individuals with their services during 2009-2010 (Nacro, 2010: 8). AFFECT (Action For Families Enduring Criminal Trauma) operate across Dorset, Hampshire, East Sussex and West Sussex¹¹. But PVOs may operate in just one small area. For example, Community Resettlement Support Project provides befriending and support to male prisoners preparing to leave one prison: HMP Bedford (Community Resettlement Support Project, 2010: 4). This organisation reported engaging with 218 (ex-)offenders during 2009-2010 (Community Resettlement Support Project, 2010: 7). These examples illustrate the variation in the scale of PVOs' activities. Following the principle of generalised symmetry, it is important that smaller-scale PVOs are not excluded from analysis. Section 5.3 provides more detail about such PVOs.

The relative role of *paid staff and volunteers* also varied significantly amongst PVOs. Some PVOs operate on an entirely voluntary basis, e.g. AFFECT is run from volunteers' private homes and has *no paid workers*¹². Fine Cell Work worked with 300 inmates in 29 prisons during 2009-2010, supported by paid and volunteer staff (Fine Cell Work, 2010: 1). The PVO had 6 full and 2 part time staff with staffing costs of £248,333; and also engaged with 286 volunteers over the accounting year, 45 of whom trained prisoners to a professional standard in quilting and embroidery (Fine Cell Work, 2010: 1, 14). The Prison Advice and Care Trust (Pact) are a large PVO who supported “thousands of families who have experienced the imprisonment of a loved relative” and “thousands of prisoners during their first night and the early days of custody” (Pact, 2010: 5). This organisation had much higher staffing costs of £2.0 million, and worked with a relatively low 268 volunteers (Pact, 2010: 11, 28).

The national PVO Nacro had staffing costs in excess of £37 million, 1,350 paid full time

11 See <http://affect.org.uk/about-u/>. Accessed: 12/11/2013. There is a limited amount of published information available about this small PVO but details can be found through the website <http://affect.org.uk/>.

12 See <http://affect.org.uk/about-u/>. Accessed: 12/11/2013

equivalent staff, and additional agency and temporary staff (Nacro, 2010: 23-4). The number of volunteers was not directly specified in the accounts. However, Nacro's 2011 accounts reported a team of 1,500 staff and volunteers, 1,331 of whom were paid staff (Nacro, 2011b: 8, 25). Volunteer numbers were therefore just 169. These examples of AFFECT, Fine Cell Work, Pact and Nacro indicate that *proportions of volunteer and paid staff vary significantly* across PVOs. The PVO accounts data has only enabled a relatively crude comparison of basic volunteer numbers here: it is not clear whether volunteers worked with the PVOs for an hour a year or an hour a week. However, larger PVOs seemed to draw on the volunteer workforce significantly less than smaller PVOs did. This theme is developed in Section 5.4.

A small number of PVOs stated their emphasis on employing *ex-service users*. St Giles Trust aim to employ a “substantial proportion” of their workforce from ex-service users, who formed 38% of the 2009-2010 staff team, with one such being appointed to the Board of Trustees (St Giles Trust, 2010: 4). Storybook Dads formally employed two ex-prisoners following their release from HMP Dartmoor (Storybook Dads, 2010: 11). Clean Break also stressed the role for women (ex-)offenders in their work, noting that 3 of their 11 volunteers had an offending background, one of whom participated whilst released from prison on temporary licence (Clean Break, 2010: 6). These variations in the proportion of paid and volunteer staff within PVOs and the opportunities for ex-service users may influence the effects of PVO work upon prisoners and probationers, which are explored in Chapters 8 and 9.

Although this is not necessarily true for all PVO programmes, two PVOs in the sample indicated that their work was run on an entirely voluntary and non-proselytising basis. Pact run the Basic Caring Communities scheme at HMP Wandsworth, which offers befriending support for men leaving the prison and provides “the experience of 'community'” (Pact, 2010: 10). Pact's working principle is that they “accompany people, rather than 'saving' them” (Pact, 2010: 10). The Prison Phoenix Trust aim to encourage

“prisoners in the development of their spirituality and sense of personal responsibility, through the disciplines of meditation and yoga” (Prison Phoenix Trust, 2010: 2). Prisoners themselves take the initiative in making contact with the Trust, who “are careful not to impose our recommendations without an invitation” (Prison Phoenix Trust, 2010: 12). Again, the voluntary basis of PVO work may influence how it affects prisoners and probationers (see Chapters 8 and 9).

PVO *incomes* also spread over an enormous range (see Appendices 14 and 15). Nacro had the highest income by far in the sample, at £61.0 million (Nacro, 2010: 8). The PVO with the second highest income was Langley House Trust, at £8.8 million (Langley House Trust, 2010: 4). The PVO with the lowest income was AFFECT, who are exempt from the Charity Commission's reporting and regulatory process as their income is below the threshold. AFFECT provided their accounts following an e-mail request, which showed an income of £3.5 thousand¹³. Funding is examined further in Section 5.3.

This section has described the PVO variables of: organisational functions; scale of operations; the relative role of volunteers; focus on employing ex-service users; and income range. These brief examples scope the diversity of PVOs, which reflects the “bewildering variety of organisational forms, activities, motivations and ideologies” found amongst the general voluntary sector (Kendall and Knapp, 1995: 66). It is therefore crucial that scholars of the PVS fully appreciate this diversity when considering both the effects of market policy reforms upon the sector and the effects of PVO work upon prisoners and probationers. This diversity also raises important questions pertaining to scale and agency.

Regarding scale: is it possible to analyse the 'Big Players'/corporate-style PVOs such as Nacro (Morgan, 2012: 478; Corcoran, 2012: 21; Benson and Hedge, 2009: 35; Corcoran, 2008: 37; Armstrong, 2002: 356) alongside smaller, volunteer-led or volunteer-run PVOs? All PVOs must demonstrate their pursuit of some charitable objectives to comply with the

13 See <http://affect.org.uk/>. Accessed 03/04/2013.

requirements of the Charity Commission. However PVOs may have more points of difference than similarities, as illustrated in Section 5.2. The PVS terminology should therefore be used with care. This reflects Armstrong's assertion that "the 'nonprofit' descriptor is very powerful; it encourages us to think of nonprofit status as the most important means of categorizing extremely diverse organisations" (2002: 356).

Regarding scale and agency: what are the smaller PVOs who form the vast majority of the PVS (Corcoran, 2011: 40) doing amidst the market for penal services? How are their relationships with the statutory agencies of criminal justice being affected? Is the "future viability" (Mills et al., 2011: 195) of smaller PVOs truly under threat through marketisation? Does their dependence on statutory sources of funding require them to become proactively competitive (see Section 2.2.2)? These questions are considered in the remainder of this chapter. The principle of generalised symmetry is applied to consider the *agency of micro-scale PVOs*, by analysing the varied activities of micro-scale PVOs on the same terms as the marketised activities linked to macro-level policy reforms (cf. Herbert-Cheshire, 2003: 459; see also Nimmo, 2011: 109; Sage et al., 2011: 275).

5.3 PVO funding

5.3.1 Introduction

Funding is central to the argument that the market for penal services poses risks to the PVS. Commentators have stressed that the PVS is heavily reliant on statutory funding (Corcoran, 2011: 32; Gojkovic et al., 2011: 18; Mills et al., 2011: 193; Ryan, 2011: 519; Neilson, 2009: 401; Silvestri, 2009: 3) and its component PVOs are thus highly vulnerable to "being drawn into [...] marketised penal reform" to ensure their continued survival (Corcoran, 2011: 46; see also Corcoran and Hucklesby, 2013; Mills et al., 2011: 195; Garside, 2004: 9). Following this line of argument, PVO activities are being driven by the imperatives of macro-level policy reforms emphasising competitive commissioning, in a

translation mediated by the non-human actor of funding. This is concerning because PVOs could drift away from their original mission and social welfarist ethos in pursuit of contract funding, thus compromising their social-justice oriented campaigning and advocacy roles in favour of delivering services for statutory organisations (Mills et al., 2011: 207; see also Section 2.2).

Here the principle of generalised symmetry is applied to test this argument and attempt to overcome the agent/subject dichotomy between the MoJ and PVOs respectively. A significant amount of academic and policy publications have emphasised the importance of the expanding penal service market (see Section 2.2), but significantly less attention has been paid to considering how PVOs can exercise their agency to avoid involvement in this market. In order to examine the MoJ's policy reforms and PVO agency on the same terms, more consideration needs to be given to the latter. This section therefore examines how PVOs exercise agency amidst the apparently dominant practical and discursive alignment of marketisation.

Indeed, the review of PVO accounts indicated that their reliance on statutory sources of funding has been overstated. This review showed that PVOs receive income in the form of donations, grants, contract funding and earned income. Their income came from a broad spectrum of statutory and non-statutory funding sources. PVOs usually had a number of income streams, with many receiving different types of funding from both statutory and non-statutory funding sources. This variety of income streams is now analysed, and is structured through scale.

5.3.2 Statutory funding

Commentators have tended to present statutory funding as a unitary entity (Tomczak, forthcoming). However, the accounts indicated that PVOs obtain funding from *a variety of statutory agencies*, which operate both within and outside criminal justice at a variety of

scales. The sources of statutory (non-criminal justice) funding used by PVOs include: The Department of Health; Primary Care Trusts; The Department for Education; City and County Councils; The Homes and Communities Agency; Supporting People and The European Commission. For example, The Department of Health awarded a grant of £300,000 to the Revolving Doors Agency in 2010 to support the PVO's work to influence policy (Revolving Doors Agency, 2010: 7, 23). The funding relationships between PVOs and statutory agencies outside criminal justice are largely beyond the scope of this thesis, but their existence is acknowledged for thoroughness.

Even amongst statutory criminal justice funders, there are multiple agencies involved. Statutory funding is provided by *multiple agencies* of criminal justice, which operate at *different scales* and provide *different types of funding*. Examples of these funding agencies are: HM Prison Service; the National Probation Service; Individual Probation Trusts; NOMS and the MoJ. These diversities in organisational scale and funding type affect the agency of PVOs, and are now examined using the hierarchy of statutory criminal justice agencies outlined in Section 1.2.2; to broaden the scholarly appreciation of PVO interactions with the statutory agencies of criminal justice beyond the MoJ's programme of further marketising penal services.

At the macro-scale, the MoJ provided a two year restricted grant worth over £240,000 to Women in Prison, to support their 'London Project' (Women in Prison, 2010: 3,4,13). This project provides services in prisons, Magistrates' courts and women's centres which aim to divert women from custody (Women in Prison, 2010: 3,4,13). As explained in Chapter 2, the imperative for PVOs to participate in marketised service delivery has apparently been amplified because the growth of competitive service commissioning has occurred alongside reductions in government grant funding (Maguire, 2012: 485; Meek et al., 2010: 7). Grants are the old-style government funding source for voluntary agencies, which are significantly more open ended than the contracts introduced more recently (Maguire, 2012: 485). Grants can be restricted, i.e. subject to donor-imposed restrictions on their

expenditure; or unrestricted, i.e. available for use at the discretion of the trustees in furtherance of the general objectives of the charity (Women in Prison, 2010: 12). This and subsequent examples demonstrate that statutory grant funding may have reduced, but does still exist for PVOs *in addition to* competitive contract funding. The market is not yet omnipotent.

Moving down the scale of statutory agencies, NOMS made a restricted grant of £48,386 to FPWP Hibiscus (FPWP Hibiscus, 2010: 10) and the National Probation Service made a restricted grant of £197,235 to Clean Break in 2010 (Clean Break, 2010: 34). The purposes and restrictions of grants were not always explained in the accounts and so this information cannot be included here. HM Prison Service provided “generous” restricted grant funding to New Bridge to support their project work with prisoners (New Bridge, 2010: 22). Funding was also provided to PVOs by smaller-scale individual prisons and probation trusts. For example, Greater Manchester Probation Trust made a restricted grant of £36,516 to Partners of Prisoners and Families Support Group in 2010 (Partners of Prisoners and Families Support Group, 2010: 18). HMP Downview made an unrestricted grant of £21,000 to Women in Prison (Women in Prison, 2010: 14).

'Statutory funding' is therefore not a monolithic entity and comes with varying degrees of restriction. These restrictions range from the unusual unrestricted grant made by HMP Downview to Women in Prison, to highly specified contracts which firmly tie down the PVO's roles and responsibilities as contractor. Grants from statutory agencies of criminal justice operating at various scales were clearly still available to PVOs. Money from any funder will usually be accompanied with some exercise of influence on the recipient (Ellis Paine et al., 2012). However, the idea that funding will now only follow PVOs that adapt their priorities to fit those of marketisation and the criminal justice system (Mills et al., 2011: 195) is too simplistic. Not all statutory funding is contractual and funders' priorities are a complex product of the individual structures and aims of multiple agencies of criminal justice.

There are a group of PVOs who are “highly dependent” upon a plurality of statutory sources of funding (Corcoran, 2011: 41). Examples include Nacro and St Giles Trust (Neilson, 2009: 403; St Giles Trust, 2010: 3). Nacro's statutory funders include the MoJ, the Department of Health, the Learning and Skills Council, NOMS, Local Authorities and Primary Care Trusts. Likewise, the majority of St Giles Trust's income (c. 74%) comes from a plurality of statutory sources in the form of both grants and contract income. Sources include: Kent County Council, Kent Probation Trust, London Probation, London Councils, London Borough of Southwark, London Development Agency and NOMS (St Giles Trust, 2010: 3, 21). The very largest PVOs are particularly dependent on statutory sources of funding. These organisations are most capable of bidding for service delivery contracts and could be argued to have the greatest impact among the sector, in terms of number of service users. However, the principle of generalised symmetry emphasises that small PVOs are no different in kind to larger ones and should therefore be studied on the same terms. As such, non-statutory sources of funding and the PVO activities that they sustain are now examined.

5.3.3 Non-statutory funding

The review of PVO accounts indicated that the apparently “unpopular nature of work with offenders” (Mills et al., 2011: 207; see also Maguire, 2012: 491) does not preclude the possibility of PVOs fundraising from non-statutory or non-contractual sources. In fact, a plurality of non-statutory funding sources are used by PVOs to sustain their operations. Grants from charitable trusts and foundations, donations from individuals and other organisations, social enterprise and corporate support are also vital to the continuing existence of many PVOs. These non-statutory funding sources are, in turn, vital for many PVOs' work with prisoners, probationers and their families. Grant-making trusts play a particularly important role, being “one of the most significant funders – if not the most significant funder – amongst charities working in the criminal justice system” (Joseph Rank Trust, 2012: 5).

A large number of PVOs are not dependent upon statutory sources of funding, or even in receipt of it. PVO funding runs across a spectrum ranging from PVOs that are heavily dependent on statutory sources of funding, e.g. Nacro and St Giles Trust; to self-proclaimed independent organisations who do not receive any statutory funding, e.g. Inquest (Inquest, 2012), Unlock (Unlock, 2010: 2) and the Howard League (Howard League, 2010). At various points between these extremes of the funding spectrum, there are three other key configurations. First, there are a group of PVOs that receive no income from statutory sources without necessarily being ideologically opposed to it, e.g. AFFECT¹⁴ and Birth Companions (2010: 6). Second, PVOs that are mainly dependent on grants from trusts and charitable foundations might also earn some income from statutory sources. For example, the principal income source of Action for Prisoners' Families was grants from charitable trusts and foundations (including the Nationwide Foundation, the Linbury Trust and the John Paul Getty Junior Trust); but the PVO also received two substantial restricted grants from the MoJ, for infrastructure and running the Prisoners' Families Helpline (Action for Prisoners' Families, 2010: 5, 8, 12). Finally, some voluntary organisations earn a percentage of their funds from social enterprise, e.g. Fine Cell Work (Fine Cell Work, 2010: 2) and the Prison Advice and Care Trust (Prison Advice and Care Trust, 2010: 13).

Even organisations that deliver services under contract may simultaneously run other programmes that are funded from non-statutory sources. In addition to their MoJ contract to provide resettlement services at HM YOI Thorn Cross, New Bridge run a nationwide befriending service for prisoners that receives *no statutory funding* (New Bridge, 2010: 21). New Bridge deem their befriending service to have a potentially transformative impact, providing this example of a life-sentenced prisoner: "A letter, a visitor, a New Bridge befriender, changed this man's life completely. Somebody did care and that gave him hope and with hope came the willpower to better his life" (New Bridge, 2010: 3). Similarly,

14 See: <http://affect.org.uk/about-u/>. Accessed 0/01/2013.

Contact Cheshire Support Group run the visitor centre at HMP Styal under contract to HM Prison Service, but concurrently employ a Family Link Worker who works with prisoners in the First Night Centre and their families, funded by the Westminster Foundation (Contact Cheshire Support Group, 2010). NEPACS operate five prison visitor centres in the North East of England, funded by the MoJ on a “cost recovery” basis (NEPACS, 2010: 4). NEPACS have also established 'Visitors' Voice' advocacy groups at HMPs Durham, Low Newton and Frankland, and employ a co-ordinator to further this advocacy work, funded by the Joseph Rowntree Charitable Trust (NEPACS, 2010: 8). NEPACS have plans to employ a “Family Support Worker at HMP YOI Low Newton” having secured financial support from the Lankelly Chase Foundation (NEPACS, 2010: 8). NEPACS illustrates that PVOs may extend the remit of their contracted-out work, in ways which may have a valuable impact (see Chapter 8).

It is undeniable that statutory sources of funding are important for some PVOs, that the market in penal services is changing the practices of some PVOs, or that many PVOs face financial difficulties. However, the argument that competing for service delivery contracts and accepting the associated operating parameters is the only means for PVOs to survive (Corcoran and Hucklesby, 2013: no pagination; Corcoran, 2011: 46; Gojkovic et al., 2011: 18; Mills et al., 2011: 193; Ryan, 2011: 519; Benson and Hedge, 2009: 33; Neilson, 2009: 401; Silvestri, 2009: 3; Garside, 2004: 9) is misleading.

In this section, the principle of generalised symmetry has been employed to examine non-marketised PVO work rather than simply assuming the importance of statutory contract funding. This analysis has shown that sources of statutory and non-statutory funding used by PVOs are in fact multiple and varied. Statutory grants may have reduced alongside the growth of competitive service commissioning, but they have not disappeared entirely. Furthermore, the availability of funds from grant-giving trusts may have reduced due to the harsh economic climate, but again they have not disappeared entirely. The PVO publications therefore demonstrated that alternative options to statutory contract funding

remain and are used by PVOs. Not all PVOs are heavily dependent on statutory funding and, as such, not all PVOs are financially compelled to participate in the market for criminal justice services. The next section develops this argument and considers PVO agency.

5.4 Beyond the market in criminal justice services

This section explores PVO agency using data from the document analysis. Relatively brief examples are provided in this section due to the constraints of this data source. The translations analysed in Chapters 6 and 7 provide more detail, as they also draw on the interview data. This section examines how arguments about the financial imperative for PVOs to participate in the market for penal services (Corcoran, 2011: 32; Gojkovic et al., 2011: 18; Mills et al., 2011: 193; Ryan, 2011: 519; Neilson, 2009: 401; Silvestri, 2009: 3; Garside, 2004: 9) are powerful, but only directly relevant to certain PVOs.

Although the proportion of PVOs that are in receipt of statutory funding is unknown, across the general voluntary sector “three quarters of charities receive no government funding” (Corcoran, 2011: 41). Nevertheless, recent PVS commentary has been focussed to emphasise the impact of macro-scale policy reforms which have extended the competitive market in penal services (e.g. Corcoran, 2011: 33; Mills et al., 2011: 193). This selective focus has obscured how participating in contracted-out service delivery will only ever be a priority concern or even a possibility for a certain type of voluntary organisation (Unwin and Molyneux, 2005: 37). PVOs without the organisational capacity, infrastructure or funds required to participate in commissioning processes will therefore be largely unaffected and retain their agency; along with PVOs without the need or desire to compete, and those ideologically opposed to state sponsorship and marketisation. Following the principle of generalised symmetry, this section looks beyond marketisation by examining examples of these PVOs.

A recently published review demonstrates that £53.7 million of large contracts¹⁵ were awarded to voluntary sector organisations in England and Wales between May 2010 and October 2012, by the MoJ, NOMS, the Youth Justice Board and Probation Trusts (Garside et al., 2014: 20). This marketplace was dominated by just *three* voluntary organisations, who shared two thirds of the total £53.7 million large voluntary sector contracts (Garside et al., 2014: 20). The PVO RAPt (The Rehabilitation for Addicted Prisoners Trust) was the prime contractor with £8.6 million worth of contracts, and the PVO Nacro was in third place with £5.6 million worth of contracts (Garside et al., 2014: 20). The general voluntary organisation Working Links was second, with £6.4 million worth of contracts (Garside et al., 2014: 20).

The government's "dramatically increased engagement with the sector" (Neilson, 2009: 408) could thus be better conceptualized as economic engagement with the corporate-style part of the PVS (Garside et al., 2014). The corporate-style 'Big Players' are generally not considered typical of the PVS (Silvestri, 2009: 4; see also Corcoran, 2011: 41; Corcoran, 2008: 37). These organisations have large numbers of service users, but are few in number. Smaller PVOs form the vast majority of the PVS but are largely absent from existing PVS literature (see Chapter 2). But remaining outside the market in penal services (either by choice or necessity) and having fewer service users does not render these organisations extinct or worthy of scholarly oversight, and the principle of generalised symmetry dictates that small-scale PVOs should be examined on the same terms as the 'Big Players'.

Furthermore, Mills et al. (2012: 401) argue that smaller-scale, possibly volunteer-led PVOs are "more likely to bring the so-called 'added value' to their work with offenders, particularly the building of social cohesion through their connections to the local community" (see also Benson and Hedge, 2009: 35). As such, there may be an inverse relationship between PVO scale and impact, with smaller-scale PVOs making the most

¹⁵ These figures exclude spends under £25,000 and PVOs acting as sub-contractors in consortia bids (Garside et al., 2014: 20).

positive impact upon prisoners and probationers. Therefore, perhaps not much is at stake through market reforms involving the few 'Big Players' amongst the PVS?

The agency of PVOs ought not be overstated. However, the scholarly focus upon how successive governments have shaped the PVS into biddable and governable entities (Carmel and Harlock, 2008: 156; see also Section 3.3.2) is problematic. This selective focus has masked how the expanding competitive market in penal services has actually elicited a variety of responses from PVOs. This variety emerged during the 'scoping' process and the full spectrum of responses are examined here, following the principle of generalised symmetry.

The document analysis of PVO accounts demonstrated that the idea PVOs are either "rolling over" to pressures to compete for service delivery contracts "or going under" is misleading and reductionist (Benson and Hedge, 2009: 35; see also Maguire, 2012: 485; Meek, et al., 2010: 7). As a result of this reductionism, the agency and innovation displayed by some PVOs amidst the penal service market, and the existence of non-contractual interactions between PVOs and the statutory agencies of criminal justice have been overlooked. Attitudes to contracting actually vary widely across the PVS, which is now demonstrated through three concise PVO case studies illustrating attitudes to contracting. These three case studies represent PVOs with very different organisational structures and income levels, and illustrate the range of attitudes to contracting that exist in the sector, thus detailing how PVOs exercise agency.

Nacro are "actively working with government to identify opportunities in our market sector where government has announced an intention to outsource services" (Nacro, 2010: 6). The PVO is directly responding to increases in performance-related, payment by results (PbR) service delivery contracts by "adapting our operational structures to address the monitoring of performance" (Nacro, 2010: 6). Nacro are therefore actively aligning themselves with the marketisation agenda (see also Chapter 6). By contrast, Fine Cell Work

make no mention of intention to contract or address performance monitoring in their accounts, but are working to mitigate the risk of a funding drop in the difficult economic climate through their business plan (Fine Cell Work, 2010). This business plan “seeks to expand the charity’s product sales” of prisoners' needlework, with the aim of constructing “a sustainable social business and charity with the prisoners as stakeholders in the enterprise” (Fine Cell Work, 2010: 2). During the economic recession, Fine Cell Work saw an increase in voluntary income, with their product sales increasing and income from donations rising by 70% (Fine Cell Work, 2010: 7). Fine Cell Work are thus supporting their operations without participating in the statutory market for penal services.

Finally, the Community Resettlement Support Project deem attracting funding to be a “significant challenge” (Community Resettlement Support Project, 2010: 14). This is because they are a small, young and local PVO working with an “unpopular” client group; they cannot bid for contracts alone or in partnership with other organisations as they have “insufficient resources and capacity”; and their principal activity is befriending, which is often considered “an ambiguous activity by many funders who are concerned with targets and outcomes” (Community Resettlement Support Project, 2010: 14). Nevertheless, the PVO has secured substantial funding from Volunteering England in the form of a restricted grant and is therefore “in a good position to move forward and achieve its objectives” (Community Resettlement Support Project, 2010: 13, see also 19). This PVO is therefore entirely excluded from the market in penal services but, like Fine Cell Work, has managed to find an alternative means to continue operating.

These three concise examples indicate that the apparent necessity for PVOs to become proactively competitive in order to survive (Corcoran and Hucklesby, 2013; Corcoran, 2011; Benson and Hedge, 2009) is not applicable *across the PVS*. Despite widespread funding struggles amongst PVOs, it is important not to overlook their capacity to pursue and secure sources of funding that fit with their organisational priorities and characteristics. This section now explores three further concise case studies which

illustrate how PVOs may exercise agency amidst the demands of the penal service market. This section draws on data taken from PVO publications which are biased mediums and may overstate the PVOs' agency. Nevertheless, the examples indicate how PVOs retain the ability to resist the market for penal services and subvert associated threats to their ethos and capacity to campaign. The Apex Trust reduced its previous dependence on statutory sources of funding and has thus found a middle way between rolling over and going under (Benson and Hedge, 2009). Unlock reject all statutory sources of funding and sustain their service delivery and campaigning work using funds from other sources. The Revolving Doors Agency have introduced a new organisational focus on advocacy work amidst the market for penal services. These case studies are now provided.

Even PVOs who have previously received a high proportion of their income from statutory sources may be able to address this reliance. The Apex Trust help people with a criminal record obtain jobs by providing them with skills and working to break down the barriers to their employment (Apex Trust, 2010: 3). The 2010 accounts detailed that this PVO had experienced two extremely challenging years as a result of statutory funding agreements ending, alongside reduced stock market values and dividend income due to the recession. In order to ensure the PVO's "ongoing viability", the Trust designed and adopted a new strategy of developing "services that are multi-funded, not dependent upon statutory contracting" (Apex Trust, 2010: 4). The Trust therefore successfully adapted to a difficult set of circumstances and reduced their vulnerability if statutory funding agreements are not renewed or change in form, e.g. through the implementation of PbR contract arrangements. The most recent accounts reiterate that the Trust is still committed to their multi-funding strategy (Apex Trust, 2013: 6) and has gone on to secure significant funding from charitable trusts and the Big Lottery Fund (Apex Trust, 2013: 4). Whilst "financial and operating issues continue to challenge both Trustees and staff", the Trust report "with some pride that we [...] continue to operate successfully" (Apex Trust, 2013: 4).

Although statutory contract funding apparently exerts a “magnetic pull” (Corcoran, 2009: 32), the example of Apex Trust and the two further examples below indicate that the force of this magnetic pull has been overstated by recent PVS commentary. Unlock (the National Association of Reformed Offenders) principally work to empower “reformed offenders to break down barriers to reintegration by offering practical advice, support, information, knowledge and skills” (Unlock, 2010: 3). Unlock have a clear policy of “not seeking Government funding for service delivery” and instead sustain their activities by fundraising from grant giving trusts (Unlock, 2010: 14; see also p. 28). Unlock characterise participating in marketised service delivery as becoming an “instrument of the state” (Bath, 2011: 16) and emphasise that “the rhetoric of partnership in service delivery should not be confused with a relationship of equal partners” (Bath, 2011: 15). For Unlock, the contract relationship between the statutory agencies of criminal justice and PVOs is that of: “purchaser/provider, master/slave” (Bath, 2011: 15).

Unlock also have a campaigning role, giving a “voice” to reformed offenders “to influence discriminatory policies, behaviours and attitudes” (Unlock, 2010: 3). As such, Unlock engage with the statutory institutions of criminal justice on a *non-economic basis*. Unlock detail how they recently submitted their review of a draft leaflet for prisoners to the Parole Board, initiated a round table discussion with the Home Office and made submissions to the review of the Criminal Records Regime (Unlock, 2010: 20). The effects of these activities on policy-making are unknown, but it is notable that Unlock's service delivery and advocacy work have continued, using non-statutory funding to avoid direct involvement in the penal service market. The most recent accounts illustrate that Unlock remains “an independent charity that does not seek or receive money from government for delivering contracted services” (Unlock, 2013: 26).

Mills et al. (2011) provide a relatively optimistic analysis of PVOs' ability to maintain their advocacy work amidst burgeoning PVS involvement in the penal service market. They acknowledge the tension between PVOs receiving government funding and maintaining

organisational autonomy, but point out that “despite the lack of funding for such activities, service provision organisations have found time and space to engage in advocacy” work (Mills et al., 2011: 207). However, even this positive analysis may overstate the threat posed to the campaigning roles of PVOs through marketisation. A case study is provided by the Revolving Doors Agency. The Agency work across England to improve services for people with multiple problems, including poor mental health, who are in contact with the criminal justice system. They established a new organisational model in 2010, the year that *Breaking the Cycle* was published (see Section 1.3.1), giving a “greater focus in our work to influencing policy” by representing the views of their service users (Revolving Doors Agency, 2010: 7). The Agency obtained significant “new model funding” from grants and trusts to enable them to carry out this advocacy work alongside their service delivery activities (Revolving Doors Agency, 2010: 7, 11). The most recent accounts indicate that the Agency have further expanded their policy advocacy work and now do “not provide direct services”, instead working to change “the systems and policy that determine how services work for people with multiple and complex needs in contact with the criminal justice system” (Revolving Doors Agency, 2013: 2).

This organisation's shift from service delivery and campaigning work, to solely pursuing their campaigning and advocacy roles may have been triggered by the tension between receiving statutory contract funding and campaigning to change penal practices. However, this shift has been in a different direction than expected. The risk of goal distortion involves PVOs moving away from their original mission in the pursuit of contract funding, and compromising their campaigning and advocacy roles in favour of delivering services under contract to statutory organisations (Mills et al., 2011: 207; Neilson, 2009: 407; Kendall, 2003: 78). Conversely, the Revolving Doors Agency's campaigning role has survived and their service delivery activities have been compromised. This does not suggest that their campaigning work is effective in reforming penal policy, as assessing this impact is beyond the scope of this Chapter (see Chapter 6 for further analysis of PVO campaigning work). However, it is important to note that the expanding market in penal

services is not suffocating all PVOs' campaigning roles across the PVS. This may happen for the few 'Big Players' amongst the PVS such as Nacro (Neilson, 2009), but is not true across the sector. To overlook counter-examples to PVO subjugation through marketisation, such as those described in this section, results in a partial, reductionist and politically disabling marketised account of the PVS. The next section further addresses this limitation, by illustrating three different forms of relationship building between PVOs and the statutory agencies of criminal justice. These diverse interactions are examined in subsequent chapters and further broaden understandings of the PVS.

5.5 PVO relationships with the statutory agencies of criminal justice

The scoping stage of analysis suggested that marketised, contractual relationships between PVOs and the MoJ are not the only means through which PVOs and the statutory agencies of criminal justice interact. After applying the principle of generalised symmetry, the subsequent, overlapping stage of ANT analysis involves analysing translations (Law, 1992: 380, 389). The policy and MoJ publications provided a substantial amount of information illustrating how relationships between PVOs and the statutory agencies of criminal justice may result from *macro-scale policy reforms*. For example, the PVO Catch 22 are involved in the PbR pilot scheme working with short-sentence prisoners at HMP Doncaster (MoJ, 2012: 1). This pilot scheme was influenced by the *Breaking the Cycle* Green Paper, which heavily promoted the use of PbR (MoJ, 2010). This translation is considered in Chapter 6.

However, it was less clear how the non-contractual relationships between PVOs and the statutory agencies of criminal justice were built and operate. It is not always clear how the funding from charitable trusts and foundations (described in Section 5.3.3) is translated into work with prisoners and probationers. As explained in Section 5.4, Fine Cell Work make no mention of intention to contract in their accounts, but produce needlework products with prisoners and their volunteers enter prisons (Fine Cell Work, 2010: 2-9). The

PVO and policy publications do not explain how these interactions are facilitated. The interview data demonstrated that relationships may also be driven by a *smaller-scale statutory agency of criminal justice* (e.g. an individual prison or probation trust) approaching a PVO; and by *PVO approaches* to a statutory agency of criminal justice. These relationships are analysed in Chapter 7. Following the principle of generalised symmetry, in addition to analysis of the translation of macro-level policy reforms in Chapter 6, Chapter 7 analyses smaller-scale processes of translation. Being aware of the *range* of interactions between PVOs and the statutory agencies of criminal justice means that these different types of interaction can then be examined symmetrically. The significance of these different forms of relationship, in terms of how PVO work affects prisoners and probationers, is then considered in Chapter 8.

5.6 Discussion

This chapter has argued that a broader approach to studying the PVS is required. It has moved beyond a marketised understanding of the PVS and focus on macro-scale policy reforms involving large PVOs, by applying the ANT principle of generalised symmetry to examine diverse PVOs on the same terms. This principle has been applied to consider PVO agency, along with smaller-scale and non-marketised aspects of PVO work, in addition to PVO involvement in macro-scale market policy reforms (see Chapters 2 and 6). Key themes in this chapter were PVO heterogeneity, scale and agency; which are developed throughout the rest of the analysis. Exploring these themes has demonstrated that the importance of marketisation for PVOs has been overstated, and that PVOs can still exercise their agency to pursue their organisational objectives. Moving beyond the macro-scale, marketised account of the PVS by assessing a wider range of PVOs and scoping a wider range of interactions between PVOs and the various statutory agencies of criminal justice has laid the foundations for a more complete and politically enabling understanding of the PVS (see also Hart, 2002; Zedner, 2002).

Chapter 6: *Breaking the Cycle* and the process of translation

“ANT is used to trace the network of connections between actors, who both influence and are influenced by other actors in an ongoing network of mediation [...] *Connections are most visible when they are being created.*”
(Pollack et al., 2013: 1120, emphasis added).

6.1 Introduction

This research project coincided temporally with the publication of *Breaking the Cycle* Green Paper (BtC) (MoJ, 2010), which was introduced in Sections 1.3.1 and 2.2.1. BtC explained the failings of penal policy and detailed government proposals to bring about a “rehabilitation revolution” in criminal justice (MoJ, 2010: 1). This revolution demands that penal services are further marketised and decentralised, using the payment by results (PbR) contract mechanism to encourage offender rehabilitation. BtC made multiple references to the voluntary sector's role in delivering 'more effective' penal services (e.g. MoJ, 2010: 10, 14, 15, 25, 27, 31, 35, 38, 41), so formed an important area of inquiry for this research seeking to conceptualise the penal voluntary sector (PVS). The voluntary sector's role was, however, nested within the broader context of drawing “on the expertise of everyone who can make a contribution” to the rehabilitation revolution (MoJ, 2010: 5). As such, the PVS was not the sole agent targeted by BtC, being implicated alongside the public and private sectors, and local partnerships of service providers (MoJ, 2010: 2).

BtC defined the failings of criminal justice as shared problems, being of concern to penal voluntary organisations (PVOs), and dictated a specific means of resolution through the piloting and subsequent introduction of the PbR contract mechanism. The publication of BtC forms a problematisation by the MoJ, or the first phase of a process of translation (see Section 3.4). Translation is the process through which multiple heterogeneous actors are integrated into a specific actor-network (Latour, 2005: 106-8). BtC is not an entirely discrete set of proposals and has clear links to previous neoliberal policy reforms (see Section 1.3.1), but formed the point of departure for significant penal policy reforms, including

PbR mechanisms and the new mandatory statutory supervision requirement for short-sentence prisoners. As such, BtC is a suitable starting point for mapping a process of translation.

To map this translation, the series of MoJ publications which reported the progress of BtC were collated (MoJ, 2013a; MoJ, 2013b; MoJ, 2013c; MoJ, 2012; MoJ, 2011a; MoJ, 2011b; see also Social Finance, 2011). PVO responses to BtC were also examined (Howard League, 2011; Nacro, 2011a; St Giles Trust, 2011; Unlock, 2011). This data was then compared to Callon's four-phase process of translation (1986; see Section 3.4) and existing applications thereof (principally Sage et al., 2011; Gray et al., 2009; Carrabine, 2000). The process of translation which followed BtC was summarised in a table (cf. Gray et al., 2009: 431). This is provided in Table 5 at the end of this section.

Analysing the process of translation which followed BtC demonstrated how marketised connections were created between the statutory agencies of criminal justice and PVOs (cf. Pollack et al., 2013: 1120). By studying the construction of connections between actors, the processes of organising can be grasped (Porsander, 2005: 18). As such, mapping the four interconnected and overlapping phases of translation illustrates how agents can translate phenomena into resources, and those resources into networks of control (Clegg, 1989: 204). Here the key agent is the MoJ, the resource is the PVS (as a discursive and actual agent of decentralised penal service delivery), and the network of penal control is extended to include short-sentence prisoners following their release into the community. As a result of the PbR pilot schemes at HMPs Peterborough and Doncaster which formed part of this process of translation (see Section 6.4), a new statutory supervision requirement was created. There was previously no statutory supervision requirement for short-sentence prisoners after release, but following these PbR pilots they will now be supervised post-release "for the first time in recent history" (MoJ, 2013c: 6). These reforms, as part of the translation which followed BtC, therefore extended both the *scale and temporal reach of carceral power*.

This translation was principally a top-down initiative (Gray et al., 2009: 430), operating chiefly from *macro-scale national policy networks* to affect organisation at a smaller scale. This chapter details how the MoJ, as the key actor or project sponsor for this translation (Afarikumah and Kwankam, 2013; Sage et al., 2011; Callon, 1986; see also Section 3.4.2), attempted to define the interests of the PVS and, to some extent, successfully translated two PVOs and a discursive PVS into the actor-network of contracted-out penal service delivery using PbR. This translation illustrates how the power of the penal apparatus to regulate and/or transform the convicted *depends on and operates through* the translation of thought and action from centres of calculation across time and space (Carrabine, 2000: 319).

This chapter therefore demonstrates how BtC and the policies therein *affected* PVOs, or the ways in which PVOs are subjects of the MoJ and Government. However, it is acknowledged that each member of the penal system (including PVOs) is actively involved in the translation of thought and action; giving rise to struggles, accommodations, alliances and separations (Carrabine, 2000: 319). Following the ANT approach of learning from the actors (Latour, 2005: 107) and the principle of generalised symmetry, this chapter also considers how BtC was *affected* by PVOs, or how PVOs are agents. (cf. Latour, 2005: 128; see also Section 3.3.2). The analysis explores how the MoJ and penal practice were influenced by the actions of certain PVOs, for example through the proposals to run the Social Impact Bond at HMP Peterborough (MoJ, 2011a; see Section 6.4), and the dissidence that PVOs expressed to the proposals (Howard League, 2013; Howard League, 2011; Prison Reform Trust, 2013).

Although this chapter does not infer that PVS involvement in punishment must always solely result in extended control, the analysis displays how the PbR pilots, which were run with PVO involvement, substantially extended the control exercised over short-sentence prisoners in time and space. Drawing on data from the document analysis of policy and

PVO publications, this chapter provides an account that explains some of the processes and interactions through which the powerful MoJ is able to be powerful (cf. Carrabine, 2000: 313). However, the alliances of thought and action formed between the MoJ and PVOs in this translation only have a relative durability and always remain able to shift (Carrabine, 2000: 319).

Although the primary applications of the principle of generalised symmetry in this thesis are scale and agency (see Sections 3.1 and 5.1), this analysis refers to non-human actors. The text of BtC acted, as analysed throughout this chapter, and PVOs acted through their published responses to BtC (see Section 6.3). The analysis also briefly indicates the roles played by HMP Peterborough and the Police National Computer in this translation, but this analysis is constrained due to the limited information in the published documents. Interpretation of the key events that followed BtC is explained and set alongside the four phases of translation in subsequent sections of this chapter, and summarised in Table 5 overleaf.

Table 5: Identification of key events compared with the four phases of translation

Phase	Event	Description
Problematism	Identification of the problem and identification of actors.	Publication of BtC by the MoJ.
Interessement	Interested actors submit to integration or refuse the transaction. Technology experimentation.	MoJ consultation on the proposals presented in BtC and publication of responses by interested public, private and voluntary sector organisations. PbR pilot schemes (including HMPs Peterborough and Doncaster).
Enrolment	Elaboration of roles and responsibilities.	Contract negotiation and signing for PbR pilot schemes: roles and responsibilities specified, assessment mechanisms devised.
Mobilisation	Spokesperson reporting.	MoJ publish results of the interessement and PbR pilot schemes. MoJ publish <i>Transforming Rehabilitation</i> strategy. Extension of control through the new mandatory supervision requirement for short-sentence prisoners.

(Table informed by Gray et al., 2009: 431)

6.2 Problematisation phase

The publication of BtC represents a problematisation by the MoJ (see Section 3.4.2).

Problematisation refers to the first phase of translation, where the project sponsor (here the MoJ) seeks to *define* a set of problems that are of concern to various other actors (here these actors include the PVS and its component PVOs) (cf. Gray et al., 2009: 430; see also Afarikumah and Kwankam, 2013; Sage et al., 2011; Callon, 1986). In BtC, the MoJ defines key problems in criminal justice and details a solution. The key problem is high rates of recidivism, which mean that “most criminals continue to commit more crimes against more victims once they are released back onto the streets” (MoJ, 2010: 1). These high rates of recidivism occur even with high criminal justice spending: “despite a 50% increase in the budget for prisons and managing offenders in the last ten years almost half of all adult offenders released from custody reoffend within a year” (MoJ, 2010: 1). Furthermore, “75% of offenders sentenced to youth custody reoffend within a year” (MoJ, 2010: 1). As such, the MoJ characterise the criminal justice system as “an expensive way of giving the public a break from offenders, before they return to commit more crimes” (2010: 1).

The MoJ present these high rates of recidivism as a *shared problem*, affecting individuals and groups across society by threatening the “safety and security of the law-abiding citizen” who “has a right to feel safe in their home and their community” (MoJ, 2010: 1). The apparent long-term threat caused by young offenders is also emphasised: “if we do not prevent and tackle offending by young people then the young offenders of today will become the prolific career criminals of tomorrow” (MoJ, 2010: 1). The MoJ connect these problems of criminal justice to the economic recession, stating the imperative to reduce the cost of punishment and emphasising their organisational commitment to “playing its part in reducing spending to return the country to economic growth” (2010: 8). By focussing on the immediate and long-term negative effects of recidivism and high criminal justice spending, BtC sets out the problem of the expensive and failing criminal justice system in a way that other interested groups can relate to. Prime interested groups are the public,

private and voluntary sectors (see Section 6.1). Addressing this shared problem will ostensibly benefit citizens throughout society, but BtC proposes a very specific set of measures that provide *the means of resolving this shared problem* (cf. Gray et al., 2009: 430), and *the practices of imprisonment and probation are themselves not subjected to critique*.

This situation of high spending yet enduring high rates of recidivism is explained by one fundamental failing of criminal justice policy and practice: “the lack of a firm focus on reform and rehabilitation” (MoJ, 2010: 1). Following BtC, this failing should be addressed by introducing the PbR model, as its firm focus on results will apparently incentivise service providers from all sectors (MoJ, 2010: 6, 38). The MoJ set out a new set of relationships in BtC through which public sector organisations, the private sector and civil society could “compete in new markets” in criminal justice (MoJ, 2010: 2). These interested groups could therefore participate in the “rehabilitation revolution” (MoJ, 2010: 1), thus playing their role in improving public safety and reducing the economic burden of criminal justice.

These plans are held to “represent a fundamental break with the failed and expensive policies of the past” through the new focus on “finding out what works – the methods of punishment and rehabilitation which actually reduce crime by reducing the number of criminals” (MoJ, 2010: 2). As such, the MoJ's proposals are held to provide “a once in a generation opportunity for providers from all sectors to work together to make a real difference” to both criminal justice and public safety (MoJ, 2010: 9). This rehabilitation revolution is promised to “change those communities whose lives are made a *misery* by crime” (MoJ, 2010: 6, emphasis added). In order to bring this revolution about, improve safety and generate “savings to the taxpayer” (MoJ, 2010: 1), the MoJ called on the “*skills* of the private sector and *civil society*” (MoJ, 2010: 2, emphases added) to provide “new rehabilitation programmes, delivered on a payment by results basis” (MoJ, 2010: 1).

Using PbR will ostensibly address the problem of high criminal justice spending, which

was created because “significant amounts of money have been spent on punishing and rehabilitating offenders without properly holding providers to account for results” (MoJ, 2010: 38). The PbR approach is argued to increase accountability by incentivising service providers to innovate and improve their effectiveness at “reducing reoffending” (MoJ, 2010: 10, see also 12). In addition to PbR pilots, BtC emphasised the principle of decentralisation, entailing a further “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, 2010: 8). The publication of a future “comprehensive competition strategy” for prison and probation service commissioning was also signposted (MoJ, 2010: 11). The progression of these proposals is explored in subsequent sections.

The problematisation presented by the MoJ in BtC *defined the identities* of the interested stakeholders (cf. Sage et al., 2011: 281; Gray et al., 2009: 430), i.e. providers from all sectors who possess the skills and expertise to work with prisoners and probationers to enhance rehabilitation. The problematisation also defined the *links* between these bodies, i.e. the social concerns of improving public safety and bringing about economic growth. Finally, the problematisation constructed an *obligatory passage point* (Callon, 1986: 202) to achieve these outcomes: competitive commissioning of penal services under the PbR mechanism, which must be routed through the MoJ. As such, the problematisation constructs the MoJ as a macro-actor that is *indispensable* to the other actors involved, in order to achieve the mutually desired outcomes of improved public safety and economic growth (cf. Sage et al., 2011: 281; see also Callon and Latour, 1981).

At the time of publication, the proposals had a documentary materiality but represented a hypothetical problematisation which had yet to be tested in practice (Callon, 1986). The problematisation defined a set of shared problems and a set of solutions, and specified the roles of other interested actors. But, these problems and solutions had not yet been accepted or adopted by other interested actors. If successfully realised, the proposals

would create new technologies of service provision and funding (PbR and extended contracting-out of penal services) involving consortia of different service providers, i.e. providers from the public, private and voluntary sectors (MoJ, 2010: 2). BtC invited e-feedback on its proposals: “we want to hear your views on the benefits and challenges posed by implementing them” (MoJ, 2010: 13). This aspect of the problematisation overlaps with the second phase of translation, which is now examined.

6.3 Interessement phase

This section explores how seeking feedback on BtC's proposals worked as a device of interessement (Callon, 1986). Interessement is part of the process of translation, where the sponsoring entity attempts to *standardise* the identities of the other actors that were initially defined through the problematisation (Callon, 1986: 203; see Section 3.4.3). The interessement entails trials of strength, through which the claims of the problematisation are tested (Callon, 1986: 203). Other actors enlisted by the problematisation can either submit to being integrated into the initial plan, or refuse the transaction by defining their interests differently (Callon, 1986: 203). The PVOs Nacro and St Giles Trust used their responses to the consultation to submit to *integration* into the plan, whilst the Howard League defined their interests differently (cf. Gray et al., 2009: 430; Callon, 1986: 203). Unlock's response illustrates the limits of the BtC translation.

The interessement saw many of the entities enlisted by the problematisation defining their interests. Formal responses were published by a broad range of interested actors, including: A4E (A4E, 2011); G4S (G4S, 2011); the Church of England (Mission and Public Affairs Council of the Church of England, 2011); the Judiciary of England and Wales (Thomas and Goldring, 2011); and the Office of the Children's Commissioner (Children's Commissioner, 2011). Responses were also published by PVOs. At least 28 PVOs produced individual responses, e.g. Action for Prisoners' Families (Action for Prisoners' Families,

2011) and the Howard League (Howard League, 2011). Clinks (the umbrella organisation for PVOs) also consulted with their members and produced a formal response to BtC, that was informed by the views of over 500 professionals working in the criminal justice system (Clinks, 2011).

These responses demonstrated that BtC had *engaged* the professional curiosity (cf. Gray et al., 2009: 430) of those PVOs who invested the time and resources required to read the proposals, formulate and publish responses. Some PVOs *submitted* to the terms of the problematisation (cf. Callon, 1986: 203). For example, Nacro responded very positively, stating that BtC “offers a real opportunity for positive reform” and commending the emphasis on outcomes through PbR mechanisms and victim focus (Nacro, 2011a: 2). In a similar vein, St Giles Trust's response recommended outsourcing prison and probation services “to specialist voluntary and community sector agencies” in order to deliver effective outcomes at less cost (St Giles Trust, 2011: no pagination). The Trust therefore accepted the premise that PVOs should participate in competitive penal service markets. These favourable responses are perhaps unsurprising. Nacro has a heavy dependence on statutory funding and has previously bid for penal service contracts e.g. their 2008 bid to run a prison (Neilson, 2009; see Section 2.2.1). St Giles Trust were involved in the first PbR pilot at HMP Peterborough, which was already running when BtC was published (See Section 6.4.2).

Other PVOs refused aspects of the problematisation and used this consultation opportunity to *define their interests differently* (cf. Gray et al., 2009: 430; Callon, 1986: 203). For example, the Howard League “welcomed and supported” the broad direction of travel in BtC but questioned “a number of the government's proposals” (Howard League, 2011: 41). Their response argued that “criminal justice, and imprisonment in particular, is a blunt tool which cannot in itself provide lasting solutions to the problem of crime” (Howard League, 2011: 4). They emphasised that “the underlying causes of local crime are best tackled through investment in public services beyond the criminal justice system, be it

health, education or welfare” (Howard League, 2011: 41). Furthermore, they voiced “serious reservations about the payment by results proposals”, pointing out that PbR has “no track record of success” and could lead to “inefficiencies” due to its complexity (Howard League, 2011: 17). They stressed that PbR could lead to providers “cherry-picking” offenders who are most likely to enable the desired 'results', at the expense of engaging with “those who present the most need” (Howard League, 2011: 18). As such, the Howard League's response expressed a *dissident* reaction (cf. Callon and Law, 1982) against enrolment into the actor-network of PbR and contractual penal service provision. The Howard League questioned the very premise of BtC, arguing that a firm focus on reform and rehabilitation within the criminal justice system is *not* a mechanism that can bring about the envisaged rehabilitation revolution. The Howard League also questioned the effectiveness and utility of the PbR device, which is a vital technique in BtC, necessary to ensure that service providers focus on outcomes and rehabilitation.

However, a PVO with a published antipathy towards key proposals of BtC responded to the consultation without defining their interests differently. As detailed in Section 5.4, Unlock (the National Association of Reformed Offenders) have a clear policy of “not seeking Government funding for service delivery” (Unlock, 2010: 14, 28), and characterise delivering services under contract as becoming an “instrument of the state” (Bath, 2011: 16). It is interesting that Unlock's response to BtC did not raise these points. Rather, it praised the emphasis on rehabilitation, noting the “welcome shift” away from a criminal justice system led by headline grabbing retribution, “towards a more reasoned approach focussed on achieving improved long term outcomes for offenders and society as a whole” (Unlock, 2011: 3). Unlock's response centred on proposed reforms to the *Rehabilitation of Offenders Act 1974*, noting that “no matter how well prepared individuals are for work or how good their skills might be, without the opportunity of suitable work they remain marginalised and more likely to reoffend” (Unlock, 2011: 4). Unlock's previously published objections to central elements of BtC were not stated in their response and Unlock did not define their interests differently, although they did respond to specific

proposals concerning the *Rehabilitation of Offenders Act 1974*.

The responses from Unlock and Howard League indicate that actors interested by the problematisation may exercise their agency in a variety of ways, perhaps to influence subsequent trials of strength. The Howard League presented a dissident reaction to BtC and countered the premise that rehabilitation could occur through current forms of punishment. Unlock responded more subtly, addressing only one specific proposal. This is perhaps because Unlock wanted to respond constructively to proposals regarding the *Rehabilitation of Offenders Act 1974*. Unlock may have deemed a constructive but partial response to be more effective in presenting their specific counter-arguments than a fuller but more critical response of the broader 'rehabilitation revolution' strategy. Their partial response may also reflect the condition that actors can only define their identities "through their relations with other actors in action" (Sage et al., 2011: 282). Unlock may therefore have examined the aspect of BtC that they had some active relationship with so the fact that Unlock do not have a service delivery relationship with the MoJ may explain their silences. However, both Unlock and the Howard League used this interestment, or response opportunity, to detail concerns relating to their campaigning and advocacy roles. Sections 6.6 and 6.7 explore the effect of these dissident responses on the translation.

Finally, although a fairly large number of responses to BtC are publicly available, not every interested actor submitted to or refused the problematisation. The document analysis indicated a group of PVOs that were actively working with prisons and probation at the moment of problematisation, yet did not submit responses to BtC and therefore did not define their identities in relation to the problematisation. This silence may indicate that such organisations do not have relationships with the MoJ, were not interested by the proposals, or perhaps that a group of PVOs engage with smaller-scale statutory agencies of criminal justice. This group of PVOs are explored in Chapter 7.

6.4 Enrolment phase

6.4.1 Introduction

This section considers how the PbR pilot schemes at HMPs Peterborough (Section 6.4.2) and HMP Doncaster (Section 6.4.3) saw PVO actors impacting upon and being formally *enrolled* into the MoJ's translation, alongside actors from the private sector. Enrolment is part of the process of translation involving the successful translation of interests through trials of strength (Callon, 1986: 206; see Section 3.4.4). Enrolment occurs through the process of multilateral negotiations, bargaining and making concessions (Afarikumah and Kwankam, 2013: 79; Sarker et al., 2006: 55; Callon, 1986: 211). The case studies of HMPs Peterborough and Doncaster explore how actors were enrolled into the pilots, considering the trials of strength and negotiations that occurred before contracts were signed and enrolment occurred.

6.4.2 HMP Peterborough

The first PbR pilot at Category B HMP Peterborough was already running when BtC was published in December 2010. The contracts were signed in March 2010 and this pilot launched in September 2010 (MoJ, 2011a: 1, 3). The Peterborough pilot formed the world's first trial Social Impact Bond, which is a particular form of PbR comprising both a new mechanism for funding public services and a new technology of contractual service delivery (MoJ, 2011a: 3). Under the Social Impact Bond, investment funding from non-governmental investors is obtained upfront, to enable the provision of interventions aiming to improve social outcomes (MoJ, 2011a: 1). If outcomes do not improve, the investors lose their initial investment, but if the scheme succeeds and outcomes improve the government refunds investors and pays them a return (MoJ, 2011a: 1).

This pilot scheme affected 3,000 male, short-sentence prisoners inside HMP Peterborough

and following release. The aim, or the *shared problem* addressed, was to reduce the high reconviction rates of this group, of whom 60% re-offend within the year following release (MoJ, 2011a: 3; Social Finance, 2011: no pagination). This intervention entailed the pre- and post-release mentoring of individual prisoners, and linking prisoners to services that could help them address their offending behaviour (MoJ, 2012: 2). To be included, prisoners must have been at least 18 years of age when sentenced, and sentenced for a consecutive period of less than 365 days (MoJ, 2011a: 34). 'Outcomes' here refers to reconviction rates in the 18 months following release from custody for the pilot group, in comparison to reconviction rates for the matched group of prisoners not involved in the pilot (MoJ, 2011a: 33). If a 7.5% reduction in reconviction rates was achieved, the MoJ and the Big Lottery Fund would pay a return to investors (Social Finance, 2011).

The non-governmental financial intermediary Social Finance raised £5 million of investment funding from 17 social investors to pay for this pilot (MoJ, 2011a: 3; Social Finance, 2011: no pagination). These social investors were “mostly charitable trusts and foundations”, some of which were the “the giving vehicles of High Net Worth individuals or Private banks” (Social Finance, 2011: no pagination). All of these investors' capital was at risk, but this investment offered the dual benefits of making a significant social impact and generating a financial return if better outcomes were achieved (Social Finance, 2011). For investor charitable trusts and foundations, this offered the opportunity to use part of their endowment to achieve both their social mission and a financial return (Social Finance, 2011). A key attraction for investors was the pilot's “alignment with a charitable interest in criminal justice and offender rehabilitation” (MoJ, 2011a: ii).

The financial intermediary Social Finance (rather than the MoJ) had *interested* and *enrolled* (cf. Sage et al., 2011: 281; Callon, 1986: 206) a number of actors in this experimentation with a new technology of service funding and delivery before the publication of BtC. Social Finance successfully defined the roles for charitable and voluntary sector actors as both investors and service providers in this pilot (cf. Sage et al, 2011: 281; Gray et al., 2009: 430;

Callon, 1986: 202). Regarding investors, charitable trusts and foundations “largely” provided the £5 million investment funding which paid for this pilot, e.g. the Esmee Fairburn Foundation and Lankelly Chase (MoJ, 2011a: ii, 5). Around 15 charitable trusts and foundations, from the same body of funders who support the relatively autonomous PVO work explored in Chapter 5, supported this PbR pilot by providing financial backing.

The PVO St Giles Trust, along with the general voluntary organisations Ormiston Children and Families Trust and the YMCA, had also been enrolled by Social Finance as service providers (Social Finance, 2011). St Giles' role was providing intensive support for prisoners in prison, at the prison gates and following their release into the community; Ormiston's role was providing intensive support for prisoners' families during the imprisonment of their relative and post-release; and the YMCA's role was to provide a community base for prisoners following release (Social Finance, 2011). These roles fed into the overall aim of supporting prisoner resettlement into the community and thus reducing recidivism (Social Finance, 2011). These three voluntary organisations therefore also supported this PbR pilot, by providing the services to support prisoner resettlement. As such, these voluntary sector service delivery organisations and voluntary sector funders acted to translate the use of the PbR mechanism to pay penal service providers (see Sections 6.5 and 6.6). This pilot was unusual for three reasons. Although this was not a 'typical' PbR scheme, it was used as a prime case study to test the application of PbR to pay penal service providers and thus played a *key role in translating the proposals of BtC* into general penal practice. The unusual conditions of the pilot scheme are explained below.

First, this pilot was instigated by the non-governmental financial intermediary Social Finance, who approached civil servants with their novel concept (MoJ, 2011a: 10). The pilot was therefore not sponsored by the MoJ (cf. Gray et al., 2009: 430), although it was then incorporated into their top-down translation of BtC. The pilot at HMP Peterborough was specifically named in BtC (e.g. MoJ, 2010: 1) and PbR pilots formed a critical aspect of the proposals therein (e.g. MoJ, 2010: 1, 10, 11). As such, non-statutory actors influenced the

network of connections that BtC subsequently translated (cf. Pollack et al., 2013: 1120). This pilot was particularly unusual as it proceeded under a “new commissioning relationship” at HMP Peterborough, where the government/MoJ did not contract with the service providers, maintained no control over their selection and had no direct relationship with them (MoJ, 2011a: iii). These tasks were delegated to Social Finance, but this *would not occur* under the usual commissioning process (MoJ, 2011a: iii, see also 15).

Second, the scheme targeted short-sentence prisoners serving custodial terms of under twelve months. At the time BtC was published there was usually no Probation supervision following the release of short-sentence prisoners unless the prisoner was between 18 and 21 years old (MoJ, 2011a: 10). Interestingly, this policy area was selected by Social Finance over a number of alternatives which included children in care; education; people not in education, employment or training; and hospital admissions (MoJ, 2011a: 10; see also Social Finance, 2011). Short-sentence prisoners were ultimately selected over these other groups because their high reconviction rate meant there were “clearly potential savings from improving those outcomes” (MoJ, 2011a: 10, see also 2). This pilot was therefore an expansion, delivering services that were *not part of existing statutory service provision*. However, the new PbR commissioning arrangements were to be applied throughout standard areas of statutory service provision.

Third, the contract between Social Finance and the MoJ was not procured through the usual competitive tendering process which government departments require to gain a more financially competitive agreement (MoJ, 2011a: 14). The proposal brought by Social Finance was considered “worth testing” and there was support for a ‘proof-of-concept’ pilot from a high level in the MoJ (MoJ, 2011a: 14). As such, this pilot was run *without undergoing the usual procurement process* (MoJ, 2011a: 14). These three unusual conditions significantly affect the suitability of this pilot to test the use of the PbR mechanism across penal service delivery. But, this pilot lent legitimacy to the introduction of the PbR mechanism to pay service providers across criminal justice (see also Sections 6.5 and 6.6).

When enrolment occurs, the commitments that have been negotiated may be recorded, or inscribed, into the shared memory of the social system and stabilised through the process of artefact creation (Afarikumah and Kwankam, 2013: 79; Sarker et al., 2006: 55). In this case, the commitments were inscribed and stabilised through the creation and signing of formal contracts between interested actors. The contractual relationships between actors in this pilot were complex and multiple (MoJ, 2011a: 15). Drawing up these contracts required significant resource investment from the MoJ (as project sponsor for BtC), Social Finance (as project sponsor for this PbR pilot) and its investors, and HM Treasury (due to new the payment mechanism for contractors and the unusual conditions of this pilot) (MoJ, 2011a: 15). The process of determining the outcome measurements and the payment model for the pilot was particularly time-consuming (MoJ, 2011a: 15). Social Finance's resource investment in developing this pilot scheme amounted to 2.5 person-years, specialist tax advice and over 300 hours of legal advice (which Social Finance secured on a *pro bono* basis) (MoJ, 2011a: 15). The pilot involved six contractual relationships (MoJ, 2011a: 13), or six formal enrolments, which are summarised in Table 6 below.

Table 6: Contract relationships in the PbR pilot at HMP Peterborough

Contract	Contractors
1	MoJ and Social Finance.
2	Social Finance and their investors.
3	Social Finance and the Big Lottery Fund (another investor, who would pay a return following the project's success).
4	Social Finance and service providers for the pilot scheme (who work with the prisoners).
5	MoJ and Peterborough Prison Management Limited (who hold the contract for HMP Peterborough and subcontract to Sodexo).
6	MoJ and their independent assessors.

(Data from MoJ, 2011a: 17)

The first enrolment, or contract was between the MoJ and Social Finance¹⁶ to operate the pilot scheme (MoJ, 2011a: 13). As part of this negotiation Social Finance undertook discussions with a number of interested statutory actors, including the MoJ, NOMS and HM Treasury (MoJ, 2011a: 17). The pilot is examined here as part of the problematisation presented in BtC, but also forms a problematisation in its own right. This illustrates the multiple circulating forces (Nimmo, 2011: 109; Hitchings, 2003: 100; Latour, 1999: 20) that affect macro-level policy formation. These discussions, or intersement, between interested actors resulted in agreed outcome measures (MoJ, 2011a: 17). These parties then translated their negotiations into an agreed legal document, which formed the contract between the MoJ and Social Finance (MoJ, 2011a: 17). This contract represents the successful enrolment of actors in the pilot PbR Social Impact Bond and the inscription of the agreements. This contract is subject to ongoing amendments (MoJ, 2011a: 17), which may entail trials of strength between the actors. This contract also saw Social Finance and the charitable and voluntary sector actors enrolled into the Social Impact Bond subsequently enrolled into the MoJ's BtC translation, as a named PbR pilot.

The 'results' which would see the MoJ and the Big Lottery Fund making an outcome payment to investors were either: a) a reduction in reconviction rates of 7.5% or more across all 3,000 prisoners, when compared to the matched comparison group; or b) a reduction in reconviction rates of 10% or more in each of the three cohorts of prisoners, when compared to the matched comparison group (MoJ, 2011a: 33-34; see also Social Finance, 2011). The first cohort would close upon the scheme reaching two years of operating time, or when 1,000 offenders had been discharged (MoJ, 2011a: 33). These figures reflected detailed work by the MoJ analytical team and were calculated to reflect the statistical levels at which the MoJ could be confident the improved outcomes had not occurred by chance (MoJ, 2011a: 33-34, 37). Only the 7.5% reduction is referred to here, to

16 Social Finance set up a limited partnership called 'The Social Impact Partnership' to operate the pilot scheme. Here the nomenclature 'Social Finance' is used, to maintain clarity of expression (MoJ, 2011a: 13).

maintain clarity of expression.

Notably, this group of prisoners were *not* those originally identified by Social Finance, who had focussed on short-sentence prisoners being discharged in Cambridgeshire (MoJ, 2011a: 36). However, the size of this group of prisoners proved too small to be statistically significant, so did not meet the requirements of the MoJ's analytical team (MoJ, 2011a: 36). *Trials of strength* between the MoJ and Social Finance resulted, which are illustrated by the quotation from the Director of Social Finance below:

“It was a back and forth of changing the cohort terms and definition to be statistically significant, but then also assessing the operational feasibility of whether we could make that work, what the cost of delivering that would be.”

(Interview with the Director of Social Finance in MoJ, 2011a: 36).

Ultimately, the MoJ's requirement that the pilot group of prisoners must be statistically significant proved critical, as the pilot had to meet to this requirement. Although Social Finance approached the MoJ with the problematisation for the pilot, the final terms were determined through the interactions and negotiations between interested actors. The MoJ played an important role by altering the terms of the pilot and determining its location. This trial of strength and negotiation between Social Finance and the MoJ led to the selection of HMP Peterborough, rather than the original geographic site because the size of the prisoner cohort had to meet the MoJ's statistical significance requirements for a PbR pilot.

The second enrolment was the contract between Social Finance and the investors who provided the £5 million funding which enabled the pilot to operate. Social Finance consulted with the MoJ first and agreed a confidentiality agreement (MoJ, 2011a: 17). Social Finance then identified and shortlisted a pool of potential investors, which was subsequently reviewed by the MoJ (MoJ, 2011a: 17). Following this review, investors

signed a confidentiality agreement and then entered discussions with Social Finance (MoJ, 2011a: 17). Contracts were signed when the investment levels had been agreed between Social Finance and the individual investors (MoJ, 2011a: 17). If reoffending rates reduced by more than 7.5%, investors would receive an increasing financial return on their investment of upto 13% per year over an eight year period (Social Finance, 2011: no pagination).

The third enrolment was closely related to the second, being the contract between Social Finance and the Big Lottery Fund. The Big Lottery Fund invested in the pilot scheme through their national 'Replication and Innovation' funding programme that targets deep-rooted social problems (MoJ, 2011a: 13). Social Finance negotiated with the Big Lottery Fund and agreed a payment structure with them, which was formalised and inscribed in a contract (MoJ, 2011a: 17). As explained above, the MoJ and the Big Lottery Fund would pay a return to investors in the pilot if a measured reduction in reconviction events was achieved relative to a control group of short-sentence prisoners (Social Finance, 2011: no pagination).

The fourth enrolment was the contract between Social Finance and the individual voluntary sector organisations involved in the pilot as service providers (MoJ, 2011a: 13). Social Finance negotiated with the individual voluntary organisations and drafted contracts with each of them, which were subject to ongoing amendments (MoJ, 2011a: 17). The PVO St Giles Trust were the principal service provider, with other providers appointed on an as-needs basis (MoJ, 2011a: 17). The Trust's involvement here represents the involvement of a PVO and, to some extent, a discursive PVS, in a new mechanism of marketised penal service delivery (See also Section 6.6).

The fifth contract was between the MoJ and Peterborough Prison Management Limited, who are the consortium holding the contract to operate and maintain HMP Peterborough (MoJ, 2011a: 13). Peterborough Prison Management Limited subcontract the prison's

operation to the private company Sodexo (MoJ, 2011a: 15). The MoJ negotiated a no-cost amendment to their contract with Peterborough Prison Management Limited, which enabled the enrolled voluntary sector service providers to enter the prison, use prison premises and gain access to prisoners (MoJ, 2011a: 16). The sixth and final contract was between the MoJ and its independent assessors: QinetiQ and the University of Leicester (MoJ, 2011a: 13). These assessors were appointed through an MoJ procurement process and their role was to determine whether the pilot resulted in fewer reconvictions (MoJ, 2011a: 3, 17). The assessors had responsibility for identifying the comparison group and comparing reconviction rates of the pilot and comparison groups, using data from the MoJ extract of the Police National Computer (MoJ, 2011a: 33, 36). As such, these assessors provide the analysis used in the MoJ's outcome reports.

This section has detailed how Social Finance identified the shared concerns of financial returns and social impact for investors and participant voluntary sector service delivery organisations, and then successfully interested and enrolled these actors and the MoJ in this project. The MoJ affected the terms of the pilot and then *enrolled* this scheme (which was originally proposed by Social Finance) into its *wider BtC translation*, as a PbR pilot scheme. Trials of strength occurred during this process, e.g. in negotiations between actors and during the process of drawing up contracts. Section 6.5 explains how the MoJ translated this initiative into its top-down actor-network of policy reform by becoming spokesperson for the actors involved.

Interestingly, prisoners form the vital link between all of the actors and are the “boundary objects” around which multiple actor-networks can partially align (Sage et al., 2011: 284). Here these actors include the MoJ, charitable trusts and foundations, PVOs and general voluntary organisations. It is notable that transactions with the prisoners, who are the object of this pilot and create the links between the interested actors, are non-existent at this stage of the translation. Previous applications of translation illustrate that even non-human actors are usually seduced in some way (Callon, 1986). For example, Callon's

scallops were attracted using towlines and collectors (1986) and Sage et al.'s otters were interested using various means (2011: 283). The otters would be affected by the construction of the road bridge to Skye, Scotland. The devices of interessement used to enrol the otters included building new freshwater pools, which are essential to otter breeding, and constructing 1.5 miles of otter-resistant road walls and otter tunnels, which allowed the animals to pass under access roads on Skye and the mainland (Sage et al., 2011: 283). The total cost of design changes to accommodate the otters was estimated at £3.8 million (Sage et al., 2011: 283). Whilst the participation in the pilot was not compulsory for prisoners leaving HMP Peterborough at this stage of the translation (Social Finance, 2011), it is notable that the *prisoners who are the object of this policy reform remain entirely silent* in the body of publications examined here. They feature only in terms of recidivism rates. Of course, prisoners always retain their individual agency and capacity to resist participating or engaging with programmes, but in this translation the negotiations between service providers eclipse those in receipt of, and perhaps subject to, the programme.

6.4.3 HMP Doncaster

The problematisation presented in BtC successfully interested and *enrolled* further voluntary and private sector actors beyond the PbR pilot at HMP Peterborough, as further PbR pilots ran following its publication. These further pilots included the Heron Unit/Project Daedalus in HMP Feltham, London, England¹⁷, and the pilot established at the Serco-managed Category B HMP Doncaster (MoJ, 2012: 1). The PVO Catch 22 was an important actor in this scheme, as part of its formal 'alliance' of service providers with Serco and the voluntary organisation Turning Point (MoJ, 2012: 1; see also Section 1.3.2). The contract was signed in April 2011 and the pilot commenced in October 2011 (MoJ, 2012: 3). This pilot operated within the context outlined by BtC, following the aim of

17 For full details of this and other PbR models see Independent Commission on Youth Crime and Antisocial Behaviour, 2011: 19.

embracing PbR in the delivery of penal services and addressing the requirement to reduce reoffending (MoJ, 2012: 2; Independent Commission on Youth Crime and Antisocial Behaviour, 2011: 16).

Serco's contract to operate HMP Doncaster was due to expire in July 2011 (MoJ, 2012: 3). Serco participated in the MoJ procurement process for the new contract, which was run through the Prison Competition Programme (MoJ, 2012: 3). Serco submitted both core and variant bids for the new contract (MoJ, 2012: 3). The variant bid (which was ultimately successful and was implemented) proposed a pilot scheme applying PbR principles to work with prisoners approaching discharge (MoJ, 2012: 3). After these bids were submitted, a process of negotiation and PbR contract design ensued between the MoJ, NOMS and the alliance, i.e. Serco, the PVO Catch 22 and Turning Point (MoJ, 2012: 3). The pilot aimed "to test the impact of replacing a multitude of process and output targets and performance monitoring with a single outcome-based target (to reduce the reconviction rate) with a strong financial incentive to achieve this" (MoJ, 2012: 3). Although this scheme was initially intended for all prisoners, the target group was reduced to short-sentence prisoners during the early stages of implementation (MoJ, 2013a: ii). The rationale for this variation was explained only as: "providing intensive case management in custody for all offenders was not the most efficient or appropriate use of resources" (MoJ, 2013a: ii).

The PbR pilot at HMP Doncaster demonstrates the successful *translation* of the problematisation presented in BtC. The alliance of Serco, Catch 22 and Turning Point were seduced (Callon, 1986) by the problematisation and proposed a further PbR pilot scheme as part of Serco's bid to continue operating HMP Doncaster. This alliance of private and voluntary sector service providers also subsequently targeted short-sentence prisoners, mirroring the PbR pilot at HMP Peterborough which was named in BtC. Section 6.5 below develops the case studies of HMPs Peterborough and Doncaster, explaining how the MoJ became spokesperson for the heterogeneous actors involved in these pilot schemes.

6.5 Mobilisation phase

This section considers how the MoJ became the spokesperson for those actors who responded to the BtC consultation and participated in the PbR pilots, and how the MoJ mobilised their participation by publishing *Transforming Rehabilitation: A Strategy for Reform* (MoJ, 2013c). As explained earlier in this chapter, this heterogeneous group of actors included PVOs. To some extent, the MoJ also became spokesperson for a discursive 'voluntary sector' of service providers, through the enrolment of St Giles Trust and Catch 22. Mobilisation is the point at which one actor takes the role of spokesperson for the other actors in the network (Callon, 1986; see Section 3.4.5). The spokesperson is a powerful macro-scale actor that can act to translate, or mobilise, the interests, roles and relations of the entire actor-network (Callon and Latour, 1981).

Following the MoJ's consultation process on BtC, or the *interessement* (see Section 6.3), the MoJ published *Breaking the Cycle: Government Response* (MoJ, 2011b). This response detailed how the consultation provided the chance for interested actors "to *consider jointly* the opportunities and risks presented by the proposed reforms" (MoJ, 2011b: 3, *emphasis added*). This document explained that the consultation ran for twelve weeks and received over 1,200 responses (MoJ, 2011b: 3). Furthermore, eleven events were run "across the country", four of which were open to "those with a policy interest, voluntary sector organisations and frontline staff from police, prisons and probation as well as members of the judiciary" (MoJ, 2011b: 3). The remaining seven events "invited senior managers who deliver services to offenders to discuss the proposals" (MoJ, 2011b: 3).

Through this problematisation, the subsequent *interessement/consultation* process, and the enrolment of actors in the translation (see Section 6.4), the MoJ then *mobilised* actors and became their spokesperson. The MoJ is by no means the only actor who can pass comment on the PbR pilots and penal service delivery contracts that involve public,

private and voluntary sector actors. All of these actors can and do speak on their own behalves e.g. through their publications, press releases and reports. Some PVOs have also spoken out against the further marketisation of penal service delivery (see Section 6.3). However, the results of the PbR pilot schemes at HMPs Peterborough and Doncaster were *primarily determined and published by the MoJ* (MoJ, 2013a). The reconviction figures, and thus the success or failure of the project, were determined by the MoJ and their independent assessors. This is because the MoJ's analytical team had privileged access to the baseline reconviction data, and also determined the statistical levels at which the PbR pilots could be judged to have achieved 'results' (MoJ, 2011a: 33, 36, 37).

Through the process of translation: i.e. deciding on outcome measures, signing contracts and generating results; a series of intermediaries and equivalences were created (cf. Callon, 1986; Callon and Latour, 1981), which *designated the MoJ as the spokesperson* for the actors involved in and affected by its reforms. The work of Social Finance in providing the stimulus for the HMP Peterborough pilot and the work of all the heterogeneous actors involved in the PbR pilots was ultimately analysed and represented by MoJ. The MoJ's publications speak and act in both their own name and in the name of other actors from the private and voluntary sectors. The MoJ also became spokesperson for the prisoners' voices in this translation, although these voices sounded only through statistics demonstrating prisoner reconviction rates (e.g. MoJ, 2013a).

The results of the PbR pilot schemes schemes also informed the more recent publication of the *Transforming Rehabilitation - a revolution in the way we manage offenders* consultation paper (MoJ, 2013b) and the subsequent publication of *Transforming Rehabilitation: A Strategy for Reform* (MoJ, 2013c). As examined in Section 4.2, BtC stated the intention to roll out PbR commissioning across penal service commissioning by 2015, following PbR pilot schemes (MoJ, 2010: 11). The pilots therefore appear to have been more geared towards refining the mechanism than testing its inherent suitability. Echoing the arguments presented in BtC, *Transforming Rehabilitation: A Strategy for Reform* emphasised “stubbornly

high reoffending rates” which persist despite high criminal justice spending (MoJ, 2013c: 3). The MoJ, as spokesperson, used this document to reiterate that PbR was the best means to reduce reoffending and achieve socio-economic benefits, stating: “to make the biggest impact on reoffending rates, we want to give new providers, incentivised under ‘payment by results’, responsibility for rehabilitating as many offenders as possible” (MoJ, 2013c: 20). In order to achieve the requisite “relentless focus on rehabilitation” (MoJ, 2013c: 3), providers must be incentivised to do this. As such, under this new payment mechanism for penal service contractors, “the taxpayer will only pay providers in full for those services that actually deliver real reductions in reoffending” (MoJ, 2013c: 3). PbR is presented as the *sole mechanism* to control criminal justice spending and the *sole solution* to the current failures of punishment: “*only by doing this* will we bear down on the long-term costs of the criminal justice system” (MoJ, 2013c: 3, emphasis added).

In *Transforming Rehabilitation: A Strategy for Reform* (MoJ, 2013c), PbR is therefore presented as a vital mechanism that is required to reduce reoffending by encouraging providers to focus on rehabilitation. It is also presented as a mechanism that has been trialled, most notably through the prison-based pilots at HMPs Peterborough and Doncaster. However, it is interesting that final results of these prison-based PbR pilots for cohort *one* (of three) would not be available until 2014, due to the time lag required to achieve a 12 month re-conviction measure (MoJ, 2013a: 1). The final results for the pilots, including subsequent cohorts, were to follow in even later years (MoJ, 2013a: 1). Interim re-conviction figures for these two pilots were published in an ad-hoc MoJ statistical bulletin *only as a result of* “the high level of public interest in these pilots, particularly in relation to the reforms set out in the MoJ publication ‘Transforming Rehabilitation – a strategy for reform’” (MoJ, 2013a: 1).

In *Transforming Rehabilitation: A Strategy for Reform*, the MoJ acknowledged that the consultation process had delivered criticisms of the optimistic “timetable for implementation” of PbR by 2015, *before* full results of the pilots would become available (MoJ, 2013c: 33). However, the MoJ then emphasised the urgency for reform, stating that

“the need to reduce reoffending is pressing” (MoJ, 2013c: 33). By way of solution, the MoJ ambiguously stated that they “will take a measured approach to implementation” (MoJ, 2013c: 33), but reiterated that PbR contracts would be taken over from *Autumn 2014*. This is ostensibly a necessary timescale because: “to achieve the reductions in reoffending rates we need, it is vital that we move ahead to put our new approach in place” (MoJ, 2013c: 33). Although concerns raised by other actors in the consultation were acknowledged by the spokesperson, their position and timescale for implementation remained unchanged.

6.6 The effects of this translation

6.6.1 Effects on the penal voluntary sector

This chapter has detailed how, despite some dissidence towards the proposals of BtC (see Section 6.3), the MoJ translated two large, corporate-style PVOs (St Giles Trust and Catch 22) into their actor-network of contracted-out penal service delivery using the PbR payment mechanism. Through the involvement of these PVOs and the MoJ's spokesperson activities (see Section 6.5), a discursive PVS of biddable service delivery organisations was also translated into the MoJ's actor-network to some extent. However, the process of translation never becomes a completed accomplishment (Callon, 1986). Dissidence may still be expressed by interested actors (Callon and Law, 1982) and enrolled actors can always go on to sever their ties with the network and stimulate de-inscription (Akrich and Latour, 1992: 259; see Section 3.4.4).

St Giles Trust are maintaining their enrolment in the translation. Following the interim results from the PbR pilots, the Trust publicly stated that the results demonstrated “a huge endorsement for the assessment modelling” and showed the pilot is both “helping our clients turn their lives around and beginning to show savings for taxpayers by bringing down reoffending rates” (Pudelek, 2013: no pagination). St Giles Trust also “believes charities can play a bigger role in future criminal justice services” and remain “proud to be part of the first ever social impact bond” at HMP Peterborough (Owen, 2013: no

pagination). In a similar vein, following the interim results Catch 22 publicly congratulated the pilot at HMP Doncaster as “the first step in the right direction towards reducing re-offending through a caseworker-led approach and a focus on improving outcomes”¹⁸. These examples only involve two PVOs from the large and diverse PVS. It is notable that a very small proportion of PVOs are directly involved in these processes of marketisation, but the amount of discussion which surrounds these aspects of PVS work is great (see Chapter 2). By discussing marketised aspects of PVO work markedly more than non-contractual PVO work, scholars are further inscribing the former at the expense of the latter (see also Chapter 9).

By contrast to the statements made by St Giles Trust and Catch 22, the dissident responses to BtC (see Section 6.3) form a counter-enrolment strategy opposing the further marketisation of penal services and challenging the MoJ's role as spokesperson for a discursive PVS of service delivery organisations. For example, a number of comment pieces by The Howard League oppose the spread of contracting-out and the use of the PbR mechanism to pay contractors (Neilson, 2011; Neilson, 2009). It is also notable that Social Finance (who initially suggested and secured funding for the PbR pilot at HMP Peterborough) expressed dissidence towards the proposals in *Transforming Rehabilitation: A Strategy for Reform* (MoJ, 2013c) and *resisted* the translation. Social Finance publicly critiqued “the suggestion that the progress of the Peterborough Social Impact Bond supports the case for the Transforming Rehabilitation initiative” (Howard League, 2013: no pagination). Social Finance explained that “the success or otherwise of the Peterborough pilot is of limited relevance” to assessing the merits of the much wider changes envisaged by Transforming Rehabilitation (Howard League, 2013: no pagination), due to the unusual conditions of the pilot (see Section 6.4).

Despite these dissident responses, the translation appears successful: the problematisation presented in BtC successfully interested and enrolled heterogeneous actors, including a

18 See <http://www.catch-22.org.uk/news/response-interim-results-pbr-pilot-hmp-doncaster/>. Accessed 10/12/2013.

small number of PVOs. The diverse inputs of these actors were mobilised by the MoJ and PbR is subsequently being rolled out across the delivery of penal services (see Section 6.5), legitimised through the need to improve public safety and economic performance and the operation of the PbR pilot schemes. The phenomena of the externally proposed Social Impact Bond was translated into a PbR pilot with short-sentence prisoners at HMP Peterborough by the MoJ, and was subsequently used a resource to support the proposals made in BtC (MoJ, 2010) and *Transforming Rehabilitation: A Strategy for Reform* (MoJ, 2013c). As such, the PbR pilots undertaken with the involvement of both penal and general voluntary organisations at HMPs Peterborough and Doncaster were translated into support for applying the PbR mechanism across penal service delivery. An enhanced network of penal control also resulted, which is discussed in the next section.

These policy reforms and the rolling out of PbR will have a significant impact upon the group of PVOs who are highly dependent upon statutory sources of funding (see Chapter 5). However, not all PVOs were directly affected by this process of translation, so this chapter forms only a partial conceptualisation of current PVS activity. As explained in Section 6.3, this analysis has excluded PVOs who do not engage with the MoJ but interact with smaller-scale statutory agencies of criminal justice. These interactions are discussed in Chapter 7. Whilst the macro-level discourse of marketisation and PbR is likely to 'trickle down' to affect micro-level PVO discourses and practices to some extent (see Section 7.7), these reforms are highly unlikely to directly affect all PVOs across the PVS. This is because participating in contracted-out service delivery will only ever be a priority concern or even a possibility for a certain type of voluntary organisation (Unwin and Molyneux, 2005: 37; see also Section 5.4).

6.6.2 Control effects of this translation

In *Transforming Rehabilitation: A Strategy for Reform*, short-sentence prisoners figured heavily (MoJ, 2013c). These prisoners were the object of the PbR pilot schemes at HMPs

Peterborough and Doncaster, which both ran with PVO involvement. *Transforming Rehabilitation: A Strategy for Reform* explained the need to support prisoners “through the prison gate” and deliver “mentoring and rehabilitation support to get their lives back on track so they do not commit crime again” (MoJ, 2013c: 3). This was deemed particularly important for “those released from short-sentences, who currently do not get support they need” to resettle in the community following release from prison, and have high reconviction rates (MoJ, 2013c: 3). The document also signalled a continuing role for the PVS in this work, noting that: “the voluntary sector has an important contribution to make in mentoring and turning offenders’ lives around” (MoJ, 2013c: 3).

Following these PbR pilots, a new year-long statutory supervision requirement for short-sentence prisoners is being introduced, apparently funded by the savings which will result from using PbR to pay service providers (MoJ, 2013c: 4). This extension of statutory supervision orders or 'rehabilitation support' targets prisoners on short-term sentences, as this group currently have the highest reoffending rates yet are “typically left to their own devices on release” (MoJ, 2013c: 4). As such, “for the first time in recent history”, statutory supervision will be *expanded* to include the most prolific group of re-offenders: prisoners sentenced to less than 12 months in custody (MoJ, 2013c: 6).

Through the process of translation which followed BtC, an apparently natural link (Foucault, 1977: 232; see Section 2.4) has been created between short sentence prisoners, the need to supervise them in the community (as opposed to, for example, the need to scrap short prison sentences altogether) and the necessity of 'rehabilitative' punishment delivered under the PbR contract mechanism. The new statutory supervision requirement for short-sentence prisoners represents a significant extension of penal control over this group, for whom there was previously *no statutory supervision requirement*. The introduction of the new statutory supervision requirement was publicly welcomed by St Giles Trust (Owen, 2013), who are involved in the PbR pilot at HMP Peterborough. However, the Howard League and the Prison Reform Trust have both expressed dissident

responses to these proposals and resisted the reforms, producing briefing papers for MPs and the Lords explaining their oppositions to the requirement, which forms part of the *Offender Rehabilitation Bill*.

The Prison Reform Trust point out that the new statutory supervision requirement will add a “further year to the ambit of the criminal justice system for all those sentenced to custody for any period of over one day and up to two years” (Prison Reform Trust, 2013: 1). They explain that this will result in around *13,000 offenders being recalled to custody* and cost *£16 million year* (Prison Reform Trust, 2013: 1). As such, the Trust advocate further consideration of whether these proposals are “fair and proportionate and whether the proposed new arrangements should be voluntary or mandatory” across short-sentence prisoners (Prison Reform Trust, 2013: 1).

Similarly, the Howard League noted that the mandatory supervision requirement will “result in a substantial increase in the number of short term prison sentences” and that “receptions to prison for breach or recall are already becoming one of the main drivers of the prison population” (Howard League, 2013: no pagination). They argue that the supervision requirement could see Magistrates up-tariff and “sentence offenders to a prison sentence when a community sentence would be more appropriate in order that they will qualify for the 12 months of statutory rehabilitation on leaving custody”, and note the increased costs should this occur (Howard League, 2013: no pagination). As such, the Howard League recommend that “support for short sentenced prisoners ought to be voluntary” (Howard League, 2013: no pagination). These dissident responses may have contributed to Lord Beecham's proposed amendment of the *Offender Rehabilitation Bill* when it was considered in the House of Lords. The amendment suggested that changes to supervision of short-sentence offenders should be subject to an initial pilot. The issue went to a vote, resulting in a government win with 188 for and 209 against¹⁹. This adoption of the mandatory statutory supervision requirement for short-sentence prisoners is highly

19 See <http://www.parliament.uk/business/news/2013/may/lords-offender-rehabilitation-bill/>. Accessed 21/03/2014.

likely to result in *increases in the numbers being punished* and the further *expansion of social control*. This impact is discussed further in Section 8.2.2.

6.7 Discussion

By mapping the four phases of the translation which began with the publication of BtC (MoJ, 2010), this chapter has demonstrated how the MoJ enrolled a small number of PVOs and a discursive PVS of biddable service delivery organisations in its translation. The analysis has illustrated how the PVOs involved in the PbR pilots at HMPs Peterborough and Doncaster have been translated into the expanding network of penal control. These pilots apparently demonstrate the necessity of the new mandatory statutory supervision requirement for short-sentence prisoners. The involvement of PVOs in these pilots has also worked to legitimise the further marketisation of penal services using the PbR payment mechanism.

Some PVOs have actively displayed dissident reactions to these proposals, e.g. through their responses to policy consultations and briefing papers regarding the new supervision legislation (e.g. Howard League, 2013; Prison Reform Trust, 2013; Howard League, 2011). But these dissident reactions appear not to have been powerful enough to halt the MoJ creating changes in order by further marketising penal services and introducing a new mandatory supervision requirement for short-sentence prisoners. However, there is a limit to the impact of marketisation upon the PVS. Smaller-scale, non-marketised involvement of PVOs in criminal justice has not been considered in this chapter. Chapter 7 explores these different relationships, to provide a fuller conceptualisation of the PVS.

Chapter 7: Smaller scale processes of translation

7.1 Introduction

This chapter focusses on relationships between penal voluntary organisations (PVOs) and the statutory agencies of criminal justice that are smaller in scale than those analysed in Chapter 6. Such relationships feature in neither current policy discussions nor penal voluntary sector (PVS) literature (see Chapters 2 and 3). This chapter provides a broad account of how translations involving PVOs and the statutory agencies of criminal justice play out, both successfully and unsuccessfully. This analysis illustrates the diversity of PVO interactions with prisoners, probationers and the statutory agencies of criminal justice, although it is not intended to be a representative account of these interactions. Whilst this analysis is not policy-centric, it does consider how “broader modes of regulation” impact upon micro-level practices (Carrabine, 2000: 311; see Section 7.7).

When considering relationships between the statutory agencies of criminal justice and PVOs, macro-scale analysis of penal policy reforms forms an important area of inquiry. Indeed, some 'corporate-style' PVOs have been involved in and greatly affected by the policies set out in *Breaking the Cycle* (MoJ, 2010) and *Transforming Rehabilitation: A Strategy for Reform* (MoJ, 2013c) (see Chapter 6). But there are limitations to what such macro-scale analysis can provide, in terms of understanding the full range of relationships between PVOs and the statutory agencies of criminal justice. Not every PVO defined their identities in relation to the problematisation set out in BtC, perhaps because some PVOs who work with prisons or probation do not have a direct relationship with the MoJ (see Section 6.3). Because of the silence of these PVOs and the associated gap in the PVS literature, we currently have a *partial* understanding of the PVS, as discussed in Chapters 2 and 3. An array of prison and probation work is therefore obscured (Martin, 2013; Armstrong, 2002). This unacknowledged work may however have important effects, e.g. by improving the

experience of imprisonment (Liebling, 2004) and supporting desistance from crime (Burnett and McNeill, 2005); so it would be valuable to gain a fuller understanding. This silence also works to denigrate PVO work at the micro-scale, and negates any positive effects of PVO work or resistances to marketisation that may occur there (Carrabine, 2000: 313).

The information presented in this chapter is of a more general nature than that in Chapter 6, because it is illustrating a broader range of relationships. This chapter analyses multiple translations, initiated both by local statutory agencies of criminal justice and individual PVOs. It draws on primary and secondary data gathered from a) interviews with voluntary and statutory sector staff working in prisons and probation and b) PVO publications and accounts that are in the public domain. These different sources yielded different amounts and types of data. Case studies have been selected because there was substantive data available to illustrate them.

This chapter presents two key arguments. First, that statutory agencies of criminal justice which are smaller in scale than the MoJ also sponsor relationships with PVOs. Second, that PVOs across the PVS are not merely being shaped to the demands of the penal marketplace by policy reforms (Corcoran, 2011: 45), nor simply being appropriated by punitive and security agendas (Corcoran, 2012: 18). PVOs affect the operation of punishment at the micro-level and affect macro-level penal agendas to some extent (see Section 7.6). Interpretation of how the process of translation can play out between PVOs and the statutory agencies of criminal justice is fully explained and set alongside the four phases of translation in subsequent sections, and summarised in Table 7 overleaf.

Table 7: Identification of key events compared with the four phases of translation

Phase	Event	Description
Problematism	Identification of the problem and identification of actors by a PVO ²⁰ .	<i>PVO contacts</i> Prison/Probation. PVO tries to interest the statutory agency and enable the PVO to work with prisoners/probationers. The PVO may try to interest the statutory agency in funding their work.
	Identification of the problem and identification of actors by a statutory agency of criminal justice ²¹ .	<i>Prison/Probation make contact</i> with a PVO and try to interest them in the proposed project. The statutory agency may offer funding to interest the PVO ²² .
Interessement	Interested actors submit to being integrated or refuse the transaction.	Negotiations take place between PVOs and an agency of criminal justice. The problematisation may be modified.
Enrolment	Elaboration of roles and responsibilities.	i) Relationship embedded in a <i>formal</i> contract, service level agreement or working protocol. ii) <i>Informal</i> agreement of protocols to be followed, roles and responsibilities.
Mobilisation	Reporting about PVO work with prisoners/probationers.	PVO publication of their annual reports and accounts.

(cf. Gray et al, 2009: 431)

20 Consortia of PVOs may produce problematisations. For reasons of clarity and space, these are not included here.

21 The agencies of criminal justice may operate in partnerships e.g. the Police and Probation under MAPPA.

22 External funders e.g. charitable trusts and foundations may also act in the translation, either alongside the problematisation or at an earlier stage of project development.

7.2 Problematisation phase

7.2.1 Introduction

Chapter 6 discussed the procurement process through which the MoJ allocate service delivery contracts. But where this procurement process does not operate, i.e. where there is no contract funding provided for a service by the MoJ or other statutory agency, it is unclear how relationships between PVOs and statutory agencies of criminal justice are created and develop. This section addresses this gap in understanding.

Problematisation is the first phase of translation, where the project sponsor seeks to define a set of problems that are of concern to various other actors (Sage et al., 2011; Callon, 1986; see also Section 3.4.2). The interviews indicated that PVOs are sometimes approached with a problematisation by a smaller-scale statutory agency of criminal justice (than the MoJ). These relationships are discussed in Section 7.2.2. The interviews also demonstrated that PVOs can act as project sponsors (cf. Afarikumah and Kwankam, 2013; Sage et al., 2011; Callon, 1986; see also Section 3.4.2), by approaching an agency of criminal justice and defining both a) a problem of criminal justice and b) the benefits of their proposed solution. These relationships are illustrated in Section 7.2.3, using confidential data from the interviews and a PVO case study from the secondary data.

7.2.2 Problematisations and translations sponsored by statutory agencies

Three interview participants (SD2, VR2, VR3) explained how a statutory agency of criminal justice approached their PVO with a problematisation. All three PVOs were approached by local Probation Trusts. All three problematisations ultimately resulted in successful translations, which established three PVOs and their services for probationers. A fourth interview participant (VR1) explained how their PVO's regional project was set up using the MoJ funding provided for women's diversionary services, linked to the

Corston Report (Home Office, 2007). This project therefore followed a macro-scale problematisation, so is largely beyond the scope of this chapter.

All three of the problematisations sponsored by local Probation Trusts *defined* what the Trusts considered to be the problem with criminal justice, what the Trusts wanted from the PVO to *resolve* this problem (cf. Gray et al., 2009: 430), and offered funding for the PVO to deliver the proposed resolution for an initial period. This process is illustrated through the two quotations below. In VR3's case, the problem was the lack of support available for high risk (ex-)offenders following their release into the community. The proposed solution was for the Probation Trust and a local business organisation to fund the PVO. This was successfully translated and the PVO subsequently began to deliver some services to support this 'problem' group. In SD2's case, the problem was the poor compliance of women probationers with the terms of their licences. The solution was to develop an alternative supervision environment for women on the PVO's premises, in order to encourage compliance by removing barriers to their attendance. The PVO was made interested through funding to support the development of their project:

VR3: “[Region name] probation and the [region name] Chamber of Commerce, they approached [PVO name] at our head office, because there was a massive gap in provision for support for high-risk ex-offenders. So initially we were jointly funded by Probation and the Chamber to provide ETE service, which is employment, training and education service, to high risk ex-offenders”.

SD2: “I'm actually involved with a women's organisation [in area name] and its been partly set up by Probation. [...] They've given about £25,000. [...] How it started off initially is that Probation wanted a women-friendly centre from which to supervise their clients, because they'd identified a problem with the compliance of female offenders. [...] Basically women were feeling quite intimidated about coming in. You know what its like, 8 out of 10 offenders are male, [...] so women found it quite difficult. So they took a decision to say: 'well if we can support you in developing this women only-type centre, you allow us to supervise our female offenders there”.

Interestingly, two interview participants (VR3 and VR2) explained that statutory funding was offered in the initial problematisations, which were sponsored by different Probation Trusts. In both cases, this funding was not subsequently renewed. However, after the

terms of the initial problematisations had expired, both PVOs continued to operate and deliver their services by fundraising money from alternative sources. Like VR3, VR2 also worked with high risk (ex-)offenders following their release into the community but for a different PVO. In VR2's case, the withdrawal of statutory funding was expected. The condition that initial funding was only "a start up" had been made "clear" by the sponsoring Probation Trust. As such, the PVO had focussed on securing other sources of funding to continue their work and had successfully achieved this when the Probation funding ended. For VR3, the transition was less smooth. When the initial funding ran out, the services they had been delivering were put out to tender and subsequently taken over by a private company. The PVO then withdrew their services for probationers entirely and the organisation shrank significantly due to the loss of funding, to the extent that their continued existence was in jeopardy. However, the PVO ultimately secured lottery funding to continue their work in that region, albeit with a different group of (ex-)offenders, and the organisation managed to survive:

VR2: "When we first started in [year], [region name] Probation [...] gave us some, sort of, seed-money to start. The first two years, [region name] Probation gave us money, but they were clear that this was a start-up. So from day one we started looking for other forms of funding. What we do is we go out and fundraise from other charities. [...] And we've just found out now, we've just been successful, we've had our funding extended for another three years".

VR3: "So that continued until [year] and then that contract ended and they didn't continue with that. So that was the end then of [PVO name] working in this region with high-risk offenders. And there was uproar. You know, the Probation Officers had no-one to refer to, other organisations we dealt with were saying 'well, who's going to work with them?' and we were saying 'we're sorry but its not our problem now, as much as we want to be doing it, if we're not being funded, then we can't do it'. And at that stage, I was on my own then. You know, staff had to be let go, another member of staff left because her job, there was no security really. [...] I was always aware that, if I didn't win more funding, that could be the end of [PVO name] in this region, but then we won the lottery funding".

This section has demonstrated that problematisations and subsequent successful translations are undertaken by the statutory agencies of criminal justice (in this case Probation Trusts) on a smaller, more localised scale than that discussed in Chapter 6. The MoJ is therefore not the only project sponsor. The PVOs represented by VR2, VR3 and SD2

also exemplify Garland's responsabilisation theory (2001; 1996) to some extent. In all three cases, PVOs were given a limited amount of statutory funding, which they supplemented with funds from non-statutory sources in order to continue delivering services to probationers. For SD2 this further funding was secured in the early stages of setting up the PVO, but for VR2 and VR3 it was obtained at a later stage of the PVO's operation. All three PVOs delivered services that were requested by their local Probation Trusts. In SD2's case, this was undertaken with partial statutory funding to set up the PVO and support their services. By contrast, VR2 and VR3 both survived the complete withdrawal of statutory funding but continued delivering the services requested by their respective Probation Trusts at the inception of their PVOs, albeit to a different client group in VR3's case. This indicates that responsibility for crime control services was spread from the statutory Probation Trusts to these PVOs, which operate outside the criminal justice state and without statutory funding (Garland 2001: 124-5; see also Phoenix and Kelly, 2013: 422; Ilcan and Basok, 2004: 129-30; Garland, 1996: 454). The effects of this PVO work are discussed in Chapter 8.

7.2.3 Problematisations by PVOs (interview data)

Four interview participants (VD4, VD5, VM2, VM3) explained that their PVO successfully sponsored problematisations by approaching one or more individual prisons to 'offer their services'. These PVOs all provided enrichment activities to prisoners. The PVOs presented their individual problematisations to key actors in the prisons, *defining* the 'problems' of criminal justice as the PVO saw them and attempting to make the prisons *interested* in enabling the PVO to carry out their proposed work with prisoners (cf. Sage et al., 2011: 281; Gray et al., 2009: 430). The specific details of the problematisations and the means of interesting prisons varied across PVOs, as explained here and in the following section.

VD4 characterised their approaches to prisons as "a fishing expedition". This process of 'fishing' often involved the PVO's representatives approaching several different members

of staff within one prison and repeatedly presenting their problematisation, in order to try and build a relationship with prison staff and successfully carry out their enrichment activity with prisoners. VM3 also referred to the persistence initially required to establish their PVO's work in prisons and overcome the prisons' resistance to allowing access:

VD4: "Erm, its quite erm, ad hoc, how it is that we manage to work in different prisons. Some of the time [names a form of the PVO's work] are run through the chaplaincy, some of the time through the education department, or the P.E. department or the drug rehab programme. [...] We know that there are certain positions that *we can go to*: head of learning and skills, or head of offender outcomes, sometimes the governor himself or herself. We can go to these people but we're not, *its always a bit of a fishing expedition*" (emphases added).

INT: "So, how are the links with the individual prisons established?"

VM3: "To begin with, [names PVO's chief executive], [they – states gender] need a knighthood or something, because [they] really [..], [they] kept on going until someone said yes. And without [their] dedication, you know, [names a form of the PVO's work in prisons] wouldn't have happened".

The *identities* of the stakeholders involved and the *links between them* varied (cf. Sage et al., 2011: 281; Gray et al., 2009: 430), between problematisations sponsored by different PVOs and, in some cases, between projects run by the same PVO. Although the statutory agencies of criminal justice do fund PVO work, this was not the case for any of the four PVOs described in this section. These PVOs therefore also had to present their problematisations to non-statutory funders in order to carry out their work (see also Chapter 5). As such, the identity of the prisons as defined in these problematisations was not to fund the PVO's work, but to enable it. This enabling role entailed providing PVO staff and/or volunteers with access to the prison and its prisoners, and allowing PVO staff to take equipment inside prisons where required.

The prisons submitted to the terms of the PVOs' problematisations and enabled the PVO to work with prisoners because of the benefits that PVO work could bring to the prisoners and the prison regimes. In the problematisations and proposed service delivery relationships, these benefits were made available to prisons without requiring them to make a high investment of financial or human capital. For example, VD5 discussed how

their PVO's work addresses prisons' family resettlement pathway for them, without requiring a substantial financial investment from the prison. Similarly, VM2 explained how their PVO's enrichment activity is "ideal" for prisons, as it contributes towards regime targets and improves order, again with minimal investment required from the prisons. These low costs and potential benefits encouraged prisons to allow the PVOs to access prisons and prisoners, despite the inconvenience and security risks posed by this access:

VD5: "Actually one of the pathways that the Prison Service erm have to consider, because they've got 7 pathways that they're supposed to be addressing. You know there's drugs and, erm, money and budgeting and housing and things like that, and one of them is families. So for a lot of prisons, we are the, you know, we're addressing that pathway for them, without them having to invest a lot of money in it".

VM2: "What they like is that we provide purposeful activity and they have certain targets to fill. [...] They have reducing reoffending targets, rehabilitation targets, purposeful activity targets and they need to meet them. [...] People who work in prisons know very well that if their prisoners have purposeful activities, then they behave themselves better. [...] We as a charity, virtually provide it for free, and obviously for prisons to do that for themselves costs them a lot of money. [...] If they just have a third sector partner coming in and doing it, all they have to do is agree to us having the [equipment name] in, agree to us having volunteers and you know we basically run it for them. So for them its ideal".

These examples demonstrate that problematisations and subsequent successful translations are not only carried out by the statutory agencies of criminal justice. PVOs also act as *project sponsors* (cf. Afarikumah and Kwankam, 2013; Sage et al., 2011), defining a shared problem that is of concern to both their PVO and individual prisons. Examples of these shared problems are providing purposeful activity for prisoners and maintaining prisoners' family ties. The PVO's work provides a means of resolving this shared problem. The identity of the prisons in these problematisations was to allow the PVOs to carry out their work with prisoners, but not necessarily to fund it. The reasons why prisons are made interested in allowing PVOs to access their institutions and the prisoners within have also been explored (e.g. PVO enrichment activities can improve prisoner behaviour, VM2). In these four examples, the PVOs all ultimately constructed working relationships with one or more prisons, which, along with the financial support of non-statutory

funders, enabled the PVOs to carry out their work with prisoners. This section has used confidential interview data to illustrate how PVOs act as project sponsors and present their problematisations to prisons. A more detailed exploration of a PVO-sponsored problematisation follows. This case study of the PVO Clean Break draws on data from their published documents.

7.2.4 Problematisation by Clean Break (secondary data)

Clean Break are a PVO who work to reduce the unequal treatment of women compared to men in the criminal justice system. They do this by providing a theatre production company and independent education programme, which aim to support and empower female (ex-)offenders (Clean Break, 2010: 9). Clean Break's work is funded from a variety of statutory and non-statutory grants and contracts (Clean Break, 2010: 22). These included two large contracts from London Probation, an award from the Department for Business, Innovation and Skills, an Arts Council England Sustain Grant, and grants from charitable trusts and foundations (Clean Break, 2010: 22, 33, 34).

Clean Break was established in 1979 by two women prisoners who “believed that theatre could bring the hidden stories of imprisoned women to a wider audience” (Clean Break, 2010: 9). Clean Break have defined a specific problem with criminal justice (unequal treatment of women) and constructed a specific solution to it (theatre and education). They note that “first-time women offenders are twice as likely as men to be sent to prison” and point out that the prison population of black and minority ethnic women is three times greater than their proportion of the general population (Clean Break, 2010: 9). The PVO works to address these inequalities and create change directly, empowering women who participate in their theatre and education programmes which “develop personal, social, professional and creative skills leading to education and employment” (Clean Break, 2010: 9). This work is therefore deemed to effect “profound and positive change in the lives of women offenders” (Clean Break, 2010: 10).

Clean Break also work in the broader political context, campaigning for “policies which recognise that the advancement of women's equality is advantageous for society as a whole” (Clean Break, 2010: 14). They state that this advocacy work is “at the core of (our) mission and embedded in our artistic and educational activity” (Clean Break, 2010: 11). Their campaigning work involves conference and research participation, media articles, contributions to policy development, and contributions to government research into social inclusion and the arts (Clean Break, 2010: 11).

Clean Break present this broad problematisation to interested actors through different means. Particularly important actors are funders, gatekeepers in custodial settings and policy makers (Clean Break, 2010: 13, 20). Clean Break describe presenting their problematisation through their theatre productions and running funders' breakfast events (Clean Break, 2010: 13). These events aim to *interest* important actors by providing them with a better understanding of the PVO's work, the role it can play in delivering high quality education and training for women ex-offenders, and its role in advancing the debate about the treatment of women by the criminal justice system (Clean Break, 2013: 13).

Clean Break also present more specific problematisations, which are of particular interest here. For example, the PVO recently designated rolling out its Miss Spent programme into custodial settings as a *priority goal* (Clean Break, 2010: 20). This arts-based education and training programme is one of the only projects specifically designed for young women (ex-)offenders (14-21 years) that is available nationally (Clean Break, 2010: 11, 20). The Miss Spent programme fills “an important gap in gender-specific provision, leading to skills (and) qualifications” (Clean Break, 2010: 11). The PVO trialled the programme in the community, undertook development work and contacted a range of custodial settings, such as juvenile units and Young Offenders Institutes, setting out this specific problematisation and attempting to *interest* gatekeepers to adopt the role *defined* for them

by Clean Break (cf. Sage et al., 2011: 281; Gray et al., 2009: 430): i.e. enabling the Miss Spent programme to operate in custodial settings and funding it. This translation subsequently failed, because the gatekeepers in custodial settings did not submit to the terms set out by Clean Break. This failure is discussed in the following section.

7.3 Intersement phase

7.3.1 Introduction

Intersement is part of the process of translation where the project sponsor attempts to standardise the identities of the other actors, as defined in the problematisation (Callon, 1986: 203; see also Section 3.4.3). Actors enlisted by the problematisation can either submit to being integrated into the initial plan, or refuse the transaction by defining their interests differently (Callon, 1986: 203). The intersement entails trials of strength and refers to “the on-going *practical negotiations* through which (the problematisation's) claims are tested, and almost always modified” (Sage et al., 2011: 282, emphasis added). Data illustrating the negotiations and modifications involved in successful and unsuccessful intersements is explored in this section. An example of the unsuccessful Clean Break intersement is presented first, using data from the document analysis. This is followed by data from the interviews in Section 7.3.3.

7.3.2 Unsuccessful intersement: Clean Break (secondary data)

The problematisation presented by Clean Break regarding its Miss Spent programme for young women was described in Section 7.2.4. This translation failed at the intersement phase. Clean Break reported “considerable interest” from the custodial settings that they contacted (Clean Break, 2010: 20), so the professional curiosity of these actors was apparently engaged and they were *interested* in the problematisation to some extent (cf. Sage et al., 2011: 281; Gray et al., 2009: 430). However, “many prisons” refused the

transaction (Clean Break, 2010: 20, specific proportion not specified in the text). This refusal was due to prisons' inability to "find full funding to buy into the programme [...] largely due to cuts in prison education franchise contracts and the hours available for education activity for young offenders" (Clean Break, 2010: 20).

The role of the prisons *defined* in Clean Break's problematisation was to fund the programme, enable its operation in their custodial setting and enable prisoners to participate (cf. Afarikumah and Kwankam, 2013). However, many of the prisons contacted by Clean Break did not submit to being integrated on these terms set out in the problematisation (cf. Callon, 1986: 203). Prisons refused the transaction because of the requirement that they fund the programme's delivery, and so the translation failed at the interessement phase. Clean Break are, however, responding to this by continuing to work on securing "interest and funding" to enable this programme to be rolled out (Clean Break, 2010: 21).

7.3.3 Interessements (interview data)

None of the interview participants specifically referred to unsuccessful interessements. This could be because participants were attempting to present their PVOs in a positive light, or could indicate that this area of inquiry was not prominent in the interview schedule. However, two interview participants (VD4, VD5) referred to successful interessements where they interested prison(s), negotiated the terms of the problematisation, and ultimately undertook work in prison(s). The quotation from VD4 demonstrates how this PVO seek to lubricate the interessement process, in order to carry out their work in prisons. The PVO do this by building and maintaining relationships with prisons, and trying to avoid unduly inconveniencing staff who are gatekeepers for the institutions. VD5 indicates how this PVO overcame the initial difficulties posed by bringing equipment into prisons. This equipment was essential to carry out their enrichment activities with prisoners, but posed a potential security risk in the prison.

However, this obstacle was successfully negotiated by the PVO, who ultimately gained access to the prison with their equipment:

VD4: “The work that we do in prisons is very much dependent on each individual prison saying: 'yes we'd like you to be running here and let us help you do it' [...] We very much, you know, try to make the most of those personal relationships with prison staff that we have. And a big part of our work is about cultivating those relationships, you know, keeping friendly with them and trying to be sympathetic to the pressures that they're under, trying to offer what we offer in a way that doesn't cause disruption or headache to them, that fits in as smoothly, er, with them as possible”.

VD5: “At first it was quite difficult because of the nature of what we were doing, which was bringing in [names specific] equipment into prisons [...] you know, they're very security conscious. If you take a mobile phone in a prison you're in big trouble, because you can record on it. [...] I've got a good relationship with them now. [...] We do well and we abide by security, we've never caused any problems”.

VR1 referred to a different trial of strength. This PVO provided enrichment activities to probationers, working in conjunction with the local Probation Trust. VR1 explained how their engagement with the Probation Trust followed a trial of strength, where the PVO clearly expressed their principles about not directly participating in punishment. The PVO *defined* their role as “offering support” to women (ex-)offenders and prioritising their wellbeing, and refused to become directly involved with the security and punitive aspects of Probation work:

VR1: “We always work from the position that women's *wellbeing*, I guess, takes priority. [...] We've been very, erm, forthright I guess (laughs) is probably the word, in saying that: 'these are things that we will do and these are things that we won't do'. [...] As an organisation we've always said that we don't want to be part of the punishment. Erm, which is I guess why we don't do things like erm, like unpaid work and those kind of things. So we don't have anyone tidying our gardens” (emphasis in recording).

This section has outlined some of the trials of strength which resulted during the intersement phases of constructing relationships between PVOs and prisons/probation trusts (cf. Sage et al., 2011: 282; Gray et al., 2009: 430; Callon, 1986: 203). The intersement between Clean Break and various prisons ultimately failed, because the prisons did not submit to Clean Break's requirement that they fund the work and the PVO did not alter this condition of engagement. By contrast, all three of the PVOs represented in the

interview data successfully constructed relationships with a probation trust or prison(s). The devices of interessement used by PVOs included: building relationships with prison staff, refusing to compromise on their required equipment but abiding by prison security procedures, and clearly stipulating the terms of their engagement with probationers before commencing a relationship in practice.

7.4 Enrolment phase

7.4.1 Introduction

Enrolment implies the successful translation of interests within an actor-network (Callon, 1986: 206; see also Section 3.4.4). This section considers the processes through which PVOs and the statutory agencies of criminal justice became enrolled into actor-networks operating around a shared interest, by exploring the nature of the ultimate agreement and the negotiations which preceded it. This material overlaps with that presented in the previous section (7.3). Data from the secondary sources is explored in Section 7.4.2, followed by the interview data in Sections 7.4.3 and 7.4.4. Sections 7.4.2 and 7.4.3 focus on *formal* enrolments between PVOs and prisons. Section 7.4.2 also picks out aspects of PVO work which do not appear to be formally inscribed or stabilised (cf. Afarikumah and Kwankam, 2013: 79; Sarker et al., 2006: 55) but are nevertheless operating successfully. This latter theme is developed in Section 7.4.4, which considers informal enrolments. The interview data presented in Sections 7.4.3 and 7.4.4 therefore illustrates that enrolment may occur either: a) formally e.g. where the relationship between statutory and voluntary sectors actors is embedded in a 'working protocol'; or b) informally, through an informal agreement between PVOs and a statutory agency of criminal justice.

7.4.2 Enrolments in the secondary data

The published documents provided information about *formal* inscriptions and enrolments

(cf. Afarikumah and Kwankam, 2013: 79; Sarker et al., 2006: 55; Callon, 1986: 211), which included service level agreements and contracts between PVOs and the statutory agencies of criminal justice. The formal enrolments between prisons and two PVOs (NEPACS and Pact) are discussed in this section, and the limitations of these enrolments are questioned.

NEPACS work “to provide excellent services for the children of prisoners”, which are important because “the maintenance of family ties is fundamental in any later process of rehabilitation and resettlement” (NEPACS, 2010: 7). NEPACS' accounts document explained how the PVO has “developed service level agreements with the Prison Service [...] in relation to the delivery of services to prisoners' families” (NEPACS, 2010: 3).

NEPACS specifically refer to their service level agreements to provide Visitor Centres in 5 prisons in the North East of England (NEPACS, 2010: 4, 5). These agreements formalise and *inscribe* the terms of the relationship between the PVO and the prison, and represent the joint *enrolment* of these actors in an actor-network of service delivery. As this relationship has been formally inscribed in a textual agreement, its durability is increased and it is more likely to endure (Law, 1992: 387).

The service level agreements set out the terms of the enrolment, under which NEPACS operate the prison Visitor Centres on a “cost recovery” basis (NEPACS, 2010: 4). However, this formalised relationship with a relatively high durability is *still not entirely stable* (cf. Sarker et al., 2006: 55; Callon, 1986: 219). NEPACS note that “there are frequent delays in payments by the Prison Service (MoJ) during which time staff and suppliers have to be paid” (NEPACS, 2010: 4). Furthermore, the service is dependent upon volunteer workers, and any shortfall in volunteer numbers requires NEPACS to meet the cost of employing paid staff in order to “ensure continuity of provision” and comply with the terms of the service level agreement (NEPACS, 2010: 4). The Visitor Centres run by NEPACS were also likely to go out to tender in the future (NEPACS, 2010: 4). Although the PVO were “well placed to be awarded the contract”, the uncertainty surrounding the outcome of the tendering process presented “a threat” to their operations (NEPACS, 2010: 4).

The accounts of The Prison Advice and Care Trust (Pact) indicated a *variety of enrolments* between the PVO and the statutory agencies of criminal justice that it engaged with. Pact had formal contracts with the Ministry of Justice to run Visitor Centres at 14 prisons, on a “prison-by-prison basis” (Pact, 2010: 13, see also 30). Pact were also formally commissioned by NOMS to develop a “new model of prison-based family support” which involved piloting Pact's “Model Family Support Worker Programme” at HMPs Bristol, Belmarsh and Wandsworth (Pact, 2010: 8).

In addition to these formal enrolments, there were other strands in the PVO's operations where the nature of the enrolment was not clear but appeared to be *informal*. Pact's accounts detailed their 'Play in Prisons' initiative, which was developed in conjunction with three Devon prisons (HMPs Channings Wood, Dartmoor and Exeter) and enabled by “generous funding” from the Big Lottery Fund (Pact, 2010: 8). This initiative has involved prison gyms being “transformed into family play areas” and seen “games and sports-based family visits” being introduced along with “table-top activity schemes” (Pact, 2010: 8). The PVO must have negotiated with these prisons and the Big Lottery Fund to gain access and funding for this initiative. However, the enrolments between the PVO and these prisons do not appear to have been formally inscribed and thus have a relatively low durability (cf. Law, 1992: 387). This theme is discussed further in Section 7.4.4.

An example of de-inscription (Akrich and Latour, 1992: 259; see Section 3.4.4) was found in the secondary data. New Bridge support “some of the most isolated and troubled men and women in our prisons” (New Bridge, 2010: 6) and in “doing so they have saved lives, changed lives and restored hope where there was no hope” (New Bridge, 2010: 3). In their accounts, New Bridge explained that they had started working at HMP & YOI Swinfen Hall in 2004 (New Bridge, 2010: 17). Until August 2010, Swinfen Hall prisoners were offered support both in prison and upon release through New Bridge's 'Mentoring Service' (New Bridge, 2010: 17). However, this work ceased in August 2010 due to “cuts in the

prison budget” (New Bridge, 2010: 17). The prison withdrew their funding to support the mentoring service and so New Bridge withdrew it from the prison. This example illustrates that translation always remains a process (cf. Callon, 1986: 219), and even fairly long-standing and established relationships such as New Bridge's Mentoring Service may fail if an enrolled actor later rejects the identity set out for them in the problematisation (e.g. as a funder) and a new agreement cannot be reached.

7.4.3 Formal enrolments in the interview data

None of the interview participants referred to enrolments which involved formal contracts being signed (as in the PbR pilots discussed in Chapter 6 and as referred to in Section 7.4.2). However, VD3 explained that their PVO had drawn up a “working protocol” to support their work with (ex-)offenders in the community. As most of these (ex-)offenders were released on licence, the PVO had to have a working relationship with Probation. The PVO also worked with high-risk sex offenders, so then had a working relationship with the Police. Although there was not a financial relationship between the PVO and these statutory agencies of criminal justice, the working protocol has similarities to the formal and contract relationships. The PVO works in a markedly different way to its partner statutory agencies, but had evidence that their approach was safe and successful. Drawing up the working protocol entailed a “hard-ball” process of negotiation (or *interressement*), but this then resulted in a relatively durable enrolment (VD3). This formal inscription of the relationship was however unique amongst the interview participants:

VD3: “The model we have is to put a group of sex offenders in a house, so it’s a therapeutic home. [...] What the Police do is they consider that they will feed off each other’s proclivities. But we see completely the opposite. [...] What we’ve done is we’ve got a working protocol. So we’ve acknowledged that we come from completely opposing positions. [...] We’ve run this successfully for 18 years. [...] Nobody then has committed a sexual offence as far as we know since they’ve left us [...] We know that because of the records. [...] So they grudgingly said, 'ok we’ll work with you provided'. And it’s the provisos that are listed in the protocols. Erm, it was quite an interesting *hard-ball* negotiation” (emphasis in recording).

7.4.4 Informal enrolments in the interview data

Four interview participants explicitly indicated that their working relationships with partner statutory agencies of criminal justice had not been inscribed in a formal arrangement (SD2, VD1, VD4, VD5). VD4 pointed out that their PVO had no formal agreement with the Prison Service or individual prisons and rather relied on informal arrangements with the individual prisons that they worked with. SD2's PVO had a financial arrangement with a local probation trust (see Section 7.2.2). Although Probation's expectations of the PVO had been communicated to them and discussed, the PVO's roles and responsibilities in this project had not been formalised or inscribed:

VD4: "There's, its not, we don't have, er, any kind of formal agreement at, er, a national level, or a regional level with the Prison Service at all, erm the work that we do in prisons is very much dependent on each individual prison."

SD2: "Its not like a competitive tendering process. So Probation will expect us to deliver certain things, but it won't be written into some payment-by-results type contract. [...] There are a number of projects that've been funded from a pot of money, I think about £15 million nationally that's gone to the voluntary sector, so that's quite structured. [...] We're doing it without any formal funding from the Corston pot".

These relatively *informal enrolments* were echoed by VD1 and VD5. VD1 explained that their PVO worked in a prison as a "small, local agency", without any financial input from the prison. This PVO did not have an explicit or settled agreement, or enrolment, setting out roles, responsibilities and monitoring/assessment mechanisms for the PVO's work. Similarly, VD5 explained that the work of their PVO had expanded without ever establishing a formal contract or service level agreement with the prison. It was particularly interesting that both of these participants expressed uncertainty about the extent of such informal relationships between PVOs and prisons. VD1 suspected that similar arrangements might affect a number of small, local PVOs. VD5 incorrectly assumed that their interaction was anomalous, being "different from every other organisation that works in a prison" under a contract or service level agreement:

VD1: “They don't pay us, we don't have, like when you look at the sort of bigger agencies who have like contracts and things like that, they have very firmly tied down contracts which say 'we can do this, you do that, this is how it works', you know, 'we'll monitor it like this'. [...] As a small, local agency, I suspect we're not alone in that kind of relationship with the prison that we work in.”

VD5: “We're a bit of an anomaly [...] we kind of grew without any *formal* arrangement being in place. Er, and its been the way every since. [...] We're different from every other organisation that works in a prison, whether it be drug projects, or families, you know, organisations that work with families, or whatever, they've got, they're contracted in and they've got a service level agreement and that's how they operate. And with us its different, you know. [...] We don't have any formal real arrangements as such” (emphasis in recording).

Quantitative data about the extent of these informal relationships, or relationships based on informal enrolments has not been gathered here. However, such relationships may operate largely 'below the radar' of academic and policy awareness (and even PVO awareness e.g. VD5) about interactions between PVOs and the statutory agencies of criminal justice. However, informal relationships could be the *modus operandi* through which these actors often engage (Martin, 2013; see also Sections 1.1 and 3.3.1). Given that grant-making trusts may be “the most significant funder – amongst charities working in the criminal justice system” (Joseph Rank Trust, 2012: 5; see Section 5.3.3), it is likely that many of the PVO activities so funded are not formalised or inscribed in a service delivery contract. Furthermore, although the interview data is not representative of the sector, only one of the thirteen participants referred to formalising the enrolment following the interestment, or negotiations between actors (VD3; see Section 7.4.3).

Relationships based on informal enrolments are in some ways more fragile than relationships which have been formally inscribed in contracts or other texts, because resistance to an actor-network is suppressed when the durability of networks is increased (Law, 1992: 387; see also Chapter 3). When relations become inscribed in inanimate materials such as buildings and texts, they have more chance of lasting longer (Law, 1992: 387). The informal enrolments described in this section do have some durability. For example, VD5 stated that their PVO staff carried keys and thus could move relatively

freely around the prison. The prison has therefore enrolled the PVO's work by issuing the key. Likewise, VD1 explained that their PVO's staff had gate passes enabling them to access the prison, and some staff members also held keys:

VD5: "I mean I go out around the prison because we have to go and fetch them (prisoners) and bring them up to us, and because they can't get anywhere because of the keys".

VD1: "You know, if we want to bring new people in we have to get a gate pass, if we want to do this, that or the other we have to get keys, some of our people hold keys so they can get round the prison".

The lack of a formal contract or substantive agreement with the prison did however have some advantages, being linked to flexibility and autonomy for PVOs. Retaining informal relationships with the prisons meant that the durability of these translations was potentially limited, but offered benefits in terms of enabling the PVOs to innovate:

VD1: "And in some ways it means we can kind of say 'oh we'd like to do this', and, you know, we're not sort of tied down".

VD5: "There's such a lot of bureaucracy and red tape to do with prisons and it would have hampered our progress and our growth. [...] We've grown so fast and so efficiently. [...] I think that's because we've been able to do what we do without getting too involved with, you know, with the bureaucracy of the Prison Service".

For VD5, the relatively low durability of their relationship with the prison had not caused problems so far, and the shared interests of both actors had sustained this relationship in an "unspoken" way. This was not the case for VD1, who explained that their PVO's operations were not formalised in or protected by a contract. As such, their PVO was relatively unprotected and their continued operations were therefore "left at the whim" of governing and lower level governors. This could make things "quite difficult" for the PVO if a disagreement or trial of strength occurred:

VD5: "I've got a good relationship with them (the host prison) now. [...] They just let us get on with what we're doing. [...] They just leave us alone. [...] We're helping them to maintain family ties, which is what they wanna do. So its kind of, its sort of like an unspoken symbiosis".

VD1: “Bigger agencies who have like contracts and things like that, they have very firmly tied down contracts [...] Which gives them a lot of protection in some ways. [...] What happens is the prison spots something or somebody sees something and goes 'oh I don't think I want that to happen', and then they just go, 'you can't do this any more', and that's the end of it. [...] You can kind of go 'well I think that's really important' and they go 'mmm well we don't' and that is pretty much the end of that”.

This section (Section 7) has explored the inscriptions and *formal* enrolments that exist between PVOs and the statutory agencies of criminal justice, including service level agreements and working protocols. It was not clear from the data whether these inscriptions were created at the request of PVOs or the statutory agencies of criminal justice. Although these formal enrolments had a relatively high durability, the secondary data presented in Section 7.4.2 illustrated that formal enrolments retain some instabilities and these translations may still fail (cf. Callon, 1986: translation never becomes a completed accomplishment). This section has also highlighted the *informal* enrolments that enable PVOs to work with prisoners and probationers. The data presented in Section 7.4.4 demonstrated that the lack of inscription may have drawbacks for PVOs, but may also provide flexibility. Although the extent of these informal relationships cannot be estimated from this data set, there are indications that they are not a rarity amongst PVOs working with prisons and probation (see also Martin, 2013; Joseph Rank Trust, 2012). These informal relationships are therefore deserving of further analysis.

Perhaps operating 'below the radar' of academic and policy awareness enables PVOs to work with prisoners flexibly, and operate relatively unhindered 'below the radar' of prison bureaucracy. The same may be true for PVOs who work with probationers, although their base outside the secure and heavily regulated prison environment could mean this argument is less relevant. It is, however, also possible that the limited awareness of PVO work undertaken informally *limits possibilities for PVO resistance*. If, as Martin argues, “there can *hardly be a prison in the country* that could continue to work as it does if there was a large scale collapse of voluntary, community and social enterprise services for people in custody” (2013: no pagination, emphasis added; see also Section 1.1), PVOs have

a highly significant capacity to modify and resist penal practices. If the power of the penal apparatus to regulate and/or transform the convicted *depends on and operates through* PVO work (cf. Carrabine, 2000: 319) to the extent that Martin suggests (2013), PVOs have profound powers to protest and bargain for penal change.

Sections 6.3 and 6.6 explained how the Howard League and Prison Reform Trust expressed dissident reactions towards the adoption of the *Offender Rehabilitation Bill*, but these reactions proved not to be powerful enough to prevent the Bill's passage. Perhaps marshalling like-minded PVOs to 'strike' and threaten to withdraw their services from prisons could be another, more effective, means for PVOs to challenge problematic penal practices such as the adoption of the new mandatory supervision requirement and the adoption of payment by results contracting (see Chapter 6). By threatening to withdraw, and/or actually withdrawing their services *on a large scale*, PVOs could effectively disrupt the translation of penal power (cf. Martin, 2013: no pagination re. the extent of PVO involvement in criminal justice; cf. Carrabine, 2000: 319 re. the translation of penal power) and exercise their bargaining power to demand penal reform. Such large-scale action could disrupt the translation of penal power in a way that smaller-scale campaigning work cannot (see also Section 7.5). However, this assertion should be 'handled with care', because another potential effect of increasing awareness of informal PVO work, particularly within prisons, could be making such work subject to greater regulation. This could hinder the operation of 'informally' run PVO enrichment activities for prisoners and probationers, which could negatively impact upon these already marginalised groups (see also Chapter 8).

7.5 Mobilisation phase

Mobilisation refers to the part of the process of translation when an actor becomes the spokesperson for other actors in the network (Callon, 1986; see also Section 3.4.5). The spokesperson is a powerful macro-actor that can translate the interests, roles and relations

of the entire network (Callon and Latour, 1981). In a similar vein, materials and processes of communication (e.g. writing) order networks through space, creating *mobile* translations that can act at-a-distance to translate the interests of an actor-network (Law, 1992: 387).

This section considers how PVOs can mobilise the actor-network of their operations, referring to two interview participants (VM2, VM3) and the case study of Storybook Dads from the secondary data.

VM3 explained that their PVO came to act at-a-distance as it became more established, because non-human actors began to carry out the PVO's problematisation on its behalf. The PVO's website and the items produced by prisoners through the enrichment activity increased the durability and mobility of the PVO's actor-network, by embodying the PVO's work in inanimate materials which went on to act for the PVO (cf. Law, 1992: 387; see also Section 3.4.4). The PVO's website and the material presence of prisoners' artistic creations increased awareness of the PVO's work amongst prison officers and further prisoners, and ultimately came to speak for the PVO. As such, the durable materials of the website and products removed the PVO's previous need to keep "going until someone said yes", to interest prisons in their work and enable it to be carried out with prisoners (VM3; see Section 7.2.3). Similarly, the work of VM2's PVO gained mobility over time (cf. Law, 1992: 387). Awareness of the PVO's work has built up over their fifteen years of operation and "word of mouth" now acts for the PVO, meaning that they no longer have to undertake "a lot of knocking on doors" to present their problematisation to prisons and enable their work with prisoners:

VM3: "They (prisons) come to us. [...] Now, I think its much more that they see and we have a very good website, so they see what we produce, what individuals can achieve. [...] So we have a profile that people would like to have".

VM2: "I've been in the job a year and a half and in that time we've had about 45, 46 requests from prisons who want us to start there. So, basically we (pause) don't need to approach them. Its kind of a word of mouth thing because we've been around for about fifteen years now. Erm, I know in the early days it involved a lot of knocking on doors".

An interesting case study of mobilisation is provided by the PVO Storybook Dads. Storybook Dads' programme addresses the damage that imprisonment does to the ties between parents in prison and their children in the outside world by enabling imprisoned parents to record stories and messages for their children, which are then edited and presented as a gift (Storybook Dads, 2010: 4, 5). The PVO has no direct campaigning or advocacy role. This PVO's work is funded by "grant giving trusts" (Storybook Dads, 2010: 12, see also 18) rather than individual prisons, NOMS or the MoJ. Furthermore, the idea for Storybook Dads was not an initiative from the MoJ, Prison Service or an individual prison. The project was developed by Sharon Berry when she was volunteering in HMP Channings Wood (Storybook Dads, 2010: 11). In 2002, she successfully operationalised the PVO in HMP Dartmoor and became chief executive of Storybook Dads (Storybook Dads, 2010: 11). HMP Dartmoor did not provide direct financial support to the PVO, but the Governor provided offices within the prison, which formed a base for the PVO's headquarters (Storybook Dads, 2010: 3, 12, 18).

The problem with punishment that Storybook Dads set out in their *problematization* is the damage that imprisonment does to the ties between parent and child. They point out that "half of all prisoners lose contact with their families completely" (Storybook Dads, 2010: 5). By way of solution, Storybook Dads' work enables imprisoned parents²³ "throughout the UK to maintain meaningful contact with their children", and provides "the opportunity to reduce the damage done to their child as a result of the forced separation" imposed by imprisonment (Storybook Dads, 2010: 4). The PVO *interest* actors by pointing out that their work is valuable because it can reduce the "stress and trauma experienced by the children of imprisoned parents", and enable imprisoned parents to help develop their children's literacy skills (Storybook Dads, 2010: 4). The prisoners who participate can also gain valuable parenting, literacy and computer skills through producing and editing the recordings (Storybook Dads, 2010: 4).

23 The PVO also works with imprisoned women under the name 'Storybook Mums' (Storybook Dads, 2010: 12).

As such, Storybook Dads' programme is argued to “greatly increase outcomes” for parent and child (Storybook Dads, 2010: 4). These outcomes are improved through enhancing the literacy skills of both parent and child, and reducing the children's feelings of “abandonment, shame and isolation, which can in turn lead to anti-social behaviour and delinquency” (Storybook Dads, 2010: 4,6). Improved family ties are also “inextricably linked with reduced re-offending” when prisoners are released (Storybook Dads, 2010: 4), with prisoners who maintain family contact being “up to 6 times less likely to re-offend” (Storybook Dads, 2010: 5, emphasis in original). Overall, Storybook Dads deem their work to provide “social and financial benefits to society (which) are immeasurable” (Storybook Dads, 2010: 4). The problematisation set out by this PVO therefore points out the consequences that imprisonment can have for prisoner's families and explains the short- and long-term effects of these problems for society (e.g. by leading to anti-social behaviour). They also explain the value of their work with prisoners, in terms of improving their skills and reducing the likelihood of recidivism. These factors illustrate how the PVO's work addresses a problem which is shared by, or relevant to, any actor concerned with preventing crime, as in the problematisation set out in *Breaking the Cycle* (MoJ, 2010; see also Section 6.2).

Storybook Dads mobilise the actor-network of their work in their published annual report and accounts document, and speak on behalf of the prisoners and prisons that participate in their work (cf. Callon, 1986). Storybook Dads explain that their work is enabled by a number of heterogeneous interested actors. These are cited as “our loyal and hard-working team of Trustees, staff, volunteers and prisoners at our HQ in HMP Dartmoor”; and, at other prisons throughout the country, many “ librarians, prison officers, teachers, chaplains, civilian volunteers and prisoners” support the PVO's work “on top of an already busy schedule” (Storybook Dads, 2010: 3). “Grant-giving Trusts” and “members of the public” have financially supported the PVOs' work, and “publishers, authors and illustrators” have allowed the PVO to use their books in their programme (Storybook Dads, 2010: 3). By pointing out the involvement of, and the enabling roles played by all of

these actors which support the PVO in the published annual report and accounts document, the PVO becomes *spokesperson* for these other actors who form part of the PVO's actor-network of service delivery.

Storybook Dad's annual report and accounts document goes far beyond the minimum information needed to comply with the regulatory requirements of the Charity Commission and acts to increase the durability and *mobility* of the PVO's actor-network. This document illustrates the rationale for the PVO's work and illustrates how it positively influences both prisoner's children and broader society. These effects are explained through quotations from prisoners who have participated in the programme (Storybook Dads, 2010: 5,7,9) and prisoners' family members (Storybook Dads, 2010: 6). This document points out the roles played by prisons, prison officers, further diverse prison staff, prisoners and funders in supporting the PVO's work²⁴.

Through this document, the PVO *identifies and speaks for* all of the heterogeneous actors who already play a role in enabling the work of Storybook Dads. PVOs cannot work to directly implement compulsory changes to penal regimes to the extent that the MoJ is able to (see Chapter 6). However, the extensive information provided in Storybook Dad's annual report and accounts publication speaks for and *translates* the interests, roles and relations of their entire actor-network of operations (cf. Carrabine, 2000; Callon and Latour, 1981). This document and the PVO's website also act to interest new actors who are affected by recidivism and interested in how the PVO's work can create improved outcomes for prisoners, their children and broader society. Important 'new' actors are principally prison-coordinators, who could support Storybook Dads' work without having to fund it (Storybook Dads, 2010: 10) and members of the public, who could financially support the PVO's work. Indeed, the PVO express their hope that "our increased PR will increase public donations" to fund further work (Storybook Dads, 2010: 12).

²⁴ Non-human actors e.g. prison buildings, computers used for editing recordings and books containing stories also act in this translation. Whilst this is acknowledged, the role of these non-human actors is not the focus of this analysis.

All PVOs have some sort of spokesperson role, which mobilises their work to some extent. Every PVO with an income in excess of £25,000 must publish their accounts annually to meet the requirements of the Charity Commission, and PVOs also usually publish annual reports and have websites. These published documents contain varying levels of information. Some PVOs present very detailed accounts and reports, which furnish extensive information about their activities (as in the case study of Storybook Dads above). Others publish only minimal numerical accounts and do not speak for their work, or their actor-network of activities, beyond meeting the Charity Commission's minimum regulatory requirements. However, *the interests that PVOs are able to mobilise* in these individual publications, without compromising their service delivery operations, *may be limited*.

For example, it is notable that the Storybook Dads publication does not criticise the practice of imprisonment, nor any aspects of the carceral regime (Storybook Dads, 2010). This publication focussed solely on the value of Storybook Dads' work as an *optional* regime enrichment activity, which would ideally spread further through the prison and YOI estate with the support of individual members of prison staff, donations from the public and income from *non-statutory* funders. There was no attempt to influence policy-making or practice at a level beyond *micro-scale individual prison staff*, who could choose to support the PVO's work in addition to their already busy schedules (Storybook Dads, 2010: 3).

The interview data presented a similar argument. For example, VD1 indicated that PVOs may only be able to *mobilise certain aspects* of their organisational interests if they wished to maintain a service delivery relationship with prisons. This difficulty was not a result of the recent further marketisation of penal services or the pursuit of contract funding (Mills et al., 2011; Neilson, 2009; Kendall, 2003) but was due to the inherent difficulty of gaining access to secure prison environments. VD1 illustrated how attempting to mobilise a PVO's

campaigning interests could jeopardise the PVO's ability to continue delivering their services in prisons. Despite noting a plethora of concerns about the treatment of their women prisoner service users “who have got really severe mental health problems and shouldn't be anywhere near a prison”, VD1's PVO was unlikely to try to mobilise their campaigning interests in future:

VD1: “I don't think we'll be doing any kind of campaigning, because its very, very difficult to campaign and work in a prison at one time, because prisons are very, very thin-skinned. [...] They get really, really, really twitchy if people criticise them. [...] People who deliver services, [...] whilst they may say: 'this is what we think and this is what's important', they don't do much actual full on campaigning. [...] As soon as you say there's a problem with it, *its difficult*. [...] I think it is a very difficult environment for the Prison Service [...], so I think they are very touchy about the the charities that they, as they see, let into their prisons, getting inside knowledge and then using it to criticise them publicly” (emphasis in recording).

This participant explained that the conflict between campaigning and service delivery roles was particularly prominent for *penal* voluntary organisations. VD1 argued that it was easier for *voluntary organisations outside criminal justice* to mobilise their campaigning interests without compromising their service delivery activities. As such, the organisational model of undertaking both campaigning and service delivery activities was far less prominent within the PVS:

VD1: “I think in this sector, because I've worked in a couple of sectors [...] within the voluntary sector, there's a much bigger divide between erm (pause) campaigning organisations and service delivery organisations. So the campaigning organisations, people like the Howard League for Penal Reform and people like that, they don't deliver *any* services. And people who deliver services, including people like us, but also quite big people like St Giles [...] they don't do much actual full on campaigning. And I think outside of the penal sector, you get much more combined (pause). So if you think of people like AdAction, they do a combination of campaigning and service delivery, as do people like the NSPCC. And I don't think that model exists so much within the criminal justice sector, because its difficult. Because as soon as you, if you're gonna campaign about something, you're basically saying: 'it should be better' and as soon as you're saying it should be better, you're saying there's a problem with it” (emphasis in recording).

A similar sentiment was echoed by VR1, who described “choosing their battles” with the statutory agencies of criminal justice, but at a smaller scale than the campaigning work described by VD1. VR1's ability to mobilise the interests of the PVO, and the form of their

general interactions with statutory staff, were constrained by the need to maintain positive working relationships with all interested agencies of criminal justice, in order to avoid disadvantaging the PVO's service users. In line with VD1, VR1 echoed the need to behave particularly carefully with prison staff, due to their ability to remove prisoners' access to PVO support services and the uniquely restricted conditions of access to prisons. The delicate balances that PVOs create between their service delivery and campaigning interests could also be a factor in PVO activity with prisons and probation remaining 'under the radar' (see Section 7.4.4):

VR1: "For me to fall out with that person's probation officer, with that prison officer, with that prison health and advice worker, the only person who's gonna be affected is that woman. And particularly around prisons, you have to be very careful about choosing your battles with the prison. And how you respond to things or do anything, the worst thing really is to piss off that prison, to really piss off that prison governor, to the point where they can say 'actually, I don't want you in my prison any more'. Its just about making sure that you have those really positive working relationships and are able to think, maybe if I took this to Prison, nothing's gonna get resolved, its not kind of worth putting in actually. So we're quite careful".

However, despite the difficulties that PVOs experience in increasing the durability and mobility of their translations involving statutory agencies of criminal justice, PVOs do manage to continue engaging with prisoners and probationers. PVOs may even go on to significantly scale-up their service delivery operations over time and win statutory support. This is illustrated in the next section, which provides a case study of a particularly successful PVO-sponsored translation.

7.6 Successful PVO-sponsored translation

Sections 7.2.3 and 7.3.3 explored how PVOs may sponsor a small-scale translation to carry out their work by approaching a local agency of criminal justice, e.g. one prison. The case study provided in this section is particularly interesting because it demonstrates how a PVO-sponsored translation that began in one prison then significantly increased in scale and gained partial MoJ funding. This case study draws on confidential interview data

(VM1) and illustrates that PVOs are not just biddable agents of service delivery being shaped by penal policy reforms, as argued by Corcoran, 2011 and Carmel and Harlock, 2008 (see Chapter 2). To some extent, PVOs can impact upon macro-scale actors such as the MoJ.

VM1 represented a PVO whose problematisation and work addresses the shared problem created by the lack of employment opportunities for prisoners after release, which contributes to reoffending. This PVO works “to reduce the rate of reoffending and to make sure that people get out into work (from prison) almost straight away and *don't come back*” to prison (VM1, emphasis in recording). They do this by providing a specific form of employment-linked training and education within the prison, followed by resettlement support post-release. The PVO's director sponsored the initial problematisation, which involved approaching the host prison and seeking to interest them in the project by explaining how the lack of effective work training in prisons links to recidivism:

VM1: “It was the brainchild of [names PVO director] [...], [they] came up with the idea about 7 or 8 years ago. [...] [they] saw an opportunity there, [...] and decided it'd be a sort of fabulous opportunity to give the guys some serious training, doing something completely different where they actually get *proper* work that's more likely to actually get them off the streets, and keep them out of trouble, and get them high-level jobs” (emphasis in recording).

The role of the prison set out in the problematisation was to host the project inside the prison walls and enable the PVO to work with prisoners approaching release. The PVO's work is principally funded by grants and trusts, and not by the MoJ or the host prison: “we don't get anything given to us, there's no government money spent in what we do [...] We apply for grants here there and everywhere” (VM1). The project works with prisoners who are approaching their release date: “We take inmates who have got 6 to 18 months left to serve, and then we try and put them through as many of the qualifications as we can” (VM1). The PVO has also established a successful partnership with a general employment charity, who support the prisoners' resettlement and attempt to place them in jobs upon release:

VM1: “We have engaged with [names voluntary organisation] who will come in a month before any one person is due to be released, and try to get them an interview, and hopefully line them up with a job for when they are released. They will meet them at the gate, take them to their new accommodation should they require it and also take them to their new place of work”.

An important feature of this PVO's work is its sustained contact with prisoners after their release into the community. This work is carried out in partnership with the partner voluntary organisation and involves meeting with ex-prisoners “weekly at their place of work to see how they're getting on” (VM1). Taking this approach means that problems can be identified quickly and dealt with, even finding alternative employment if required. VM1 pointed out high reoffending rates: “I think the current statistic is 70% reoffend within the first year of release”. But, the “graduates” of this PVO project have a reoffending rate of less than 5%: “Out of the 75 people that we've had released since starting in [year], we've only had 3 reoffend. And the majority of them are still working” (VM1). The continuing personalised support and interaction with prisoners after release was cited as a crucial and unique quality of the PVO's work:

VM1: “Basically the difference between us and everyone else is that we have the on-going aftercare. So a lot of the other things you can do, once you're released you're just left on your own with a list of contact numbers, you can call these people, these people'll help [...], but its just all done by us from cradle to grave. And we stay in contact with them, and we bring them to our events to show success stories, we do write-ups on them, etcetera. And, yeah, that's why its working”.

During the interview, it emerged that this PVO have recently managed to expand their operations from their original host prison onto two further prison sites, and have also secured some funding from the MoJ: “we will be getting part-funding from the MoJ on the future sites, which will make life a little bit easier for us, but erm yeah, otherwise we'll still be raising a lot of the money ourselves and getting funding from various other sources” (VM1). The interview did not establish whether this expansion was initiated directly by the PVO or by the MoJ. Although this example has a more limited impact than the macro-scale policy translation examined in Chapter 6, it demonstrates that PVOs are not just affected by (or subject to) macro-scale translations, but can make some impact at the

macro-scale, in this case undergoing a rapid and significant expansion of their operations enabled by MoJ support and funding.

7.7 Broader modes of regulation

The analysis within both Chapter 5 and this chapter has illustrated some independence and autonomy amongst PVOs. Although PVOs need to construct and maintain relationships with prisons/ probation trusts and their activities are bounded by penal protocols (such as prison security procedures), it is incorrect to reduce PVOs to biddable subjects of macro-level policy. Indeed, they exercise some influence over policy. Section 7.6 illustrated how a PVO-sponsored programme went on to triple in size and gained partial MoJ funding. Furthermore, voluntary organisations lobbied and “fought a hard battle” on behalf of prisoners' families (Silvestri, 2009: 4). As a result of these efforts, the needs of prisoners' families and their part in reducing recidivism “have now been widely accepted and – to a degree – addressed by public policy” (Silvestri, 2009: 4).

However, it is simultaneously important to consider how broader modes of regulation affect micro-level practices (Carrabine, 2000). For example, VR3 explained that funding may be easier to secure if working with a “priority group”. VR3 detailed how, in their fundraising experience, policy makers identify a “priority group”, which is often subsequently prioritised by “other grant sources” such as grant-making trusts and foundations. This indicates that broader modes of regulation, such as identifying priority recipient groups, can affect PVO work at the micro-level to some extent. VR3 explained how their PVO had 'homed in' on the priority group of women in order to win funding following the Corston Report's emphasis on females (Home Office, 2007). The PVO then moved from working with male (ex-)offenders to working with women in the community:

VR3: “What you find is, it will come from the Home Office, Government, to say 'right, this is the priority that we want to work with now', so all the money seems to go to that priority group, whether its young offenders, women offenders or whatever, and then the money's available from other grant

sources, who say, 'right this is the priority group now'. So its a case of homing in on that, and trying to get the applications in to win that funding. [...] The results from the Corston report gave us evidence and scope to have additional funding, to have more staffing hours just to concentrate on the women's centre, which we won earlier on in the year”.

Two interview participants (VD1, VM2) also indicated that the macro-level discourse of marketisation might be 'trickling down' to affect PVO practices at smaller scales, although this effect should not be overstated. VD1 explained that their PVO had worked in only one prison for many years, but was now trying to expand their services into a further prison. The PVO's work had previously been undertaken at no cost to the MoJ or host prison, and had been supported by charitable trust and foundations. However, if the PVO did manage to expand their operations, they intended to stipulate that statutory funding must be provided in exchange for their services. This significant change in the prison's identity in the PVO's problematisation could be *linked to the policy discourse* of further marketising penal services e.g. in *Breaking the Cycle* (MoJ, 2010; see Chapter 6). This discourse has perhaps created the expectation that PVO work should involve a financial relationship with the statutory agencies of criminal justice. However, this quotation also illustrates another possibility for resistance. If PVOs are indeed “giving prisons” substantial services “for free” (VD1), PVOs are perhaps shoring up and financially supporting carceral regimes. Withdrawing these services could therefore interrupt the translation of penal power, as explained in Section 7.4.4, but again this might have negative consequences for prisoners:

VD1: “We are looking to potentially expand our services into either [names prison] or [names prison], but if we did that we'd make them pay. Partly because they're private prisons and partly because we can't just keep giving prisons all these things for free”.

VM2 explained that their PVO was seeking to build partnerships with other PVOs, and named St Giles Trust as a potential future partner organisation. This was interesting because VM2's PVO had “traditionally [...] never applied for statutory funding”, but was now looking to interact with the PVO at the heart of the HMP Peterborough PbR pilot (see

Chapter 6). The attempt to 'scale-up' operations by constructing relationships with a larger PVO may simply make good business sense for a PVO that believes in the value of its own work and wishes to benefit from economies of scale. However, it may also be linked to the policy discourse of marketisation, within which only large PVOs can compete:

VM2: "We are currently building, you know, trying to build relationships with other organisations in the sector, because it seems like often we're doubling up the effort, and especially now that it's harder and harder to get funding, if you can gang together with another organisation, especially if they're a bit bigger, then erm, you can achieve a lot more. Erm, for example, St Giles Trust, I have good contacts there, good relationships there and we hope to do something with them. That kind of thing really, but yeah, we hope to do more of that in the future".

This idea of partnership working could also be a consequence of the emphasis upon marketisation in policy and academic discourse, at the expense of understanding non-contractual relationships between PVOs and the statutory agencies of criminal justice. Although increasing awareness of informal PVO work may have negative consequences (see Section 7.4.4), the limited awareness of the non-marketised and non-contractual work undertaken by PVOs may feed into the dominance of the marketisation discourse and shore up the firm policy emphasis upon the expanding penal service market (see also Chapter 9).

Without negating the agency and heterogeneity of PVOs, or their diverse relationships with the statutory agencies of criminal justice, this section has illustrated some of the ways in which broad macro-level modes of regulation (e.g. the privatisation of previously public services, and the implementation of service delivery contracts involving consortia of private and voluntary sector organisations) may 'trickle down', to affect PVO activity at the micro-scale. However, the scale of this impact should not be overstated. The potential role for scholarship in countering this discourse has been signposted, and is fully explained in Chapter 9.

7.8 Discussion

Chapter 6 explained how relationships between PVOs and the statutory agencies of criminal justice may result from macro-scale policy reforms such as the *Breaking the Cycle* Green Paper (MoJ, 2010). Section 7.7 of this chapter has also discussed how macro-level reforms and discourses may 'trickle down' to impact upon PVO practices at the micro-scale, although the potency of the former should certainly not be over-estimated or assumed.

This chapter has principally explored translations that are smaller-scale than those examined in Chapter 6. It has demonstrated that relationships between PVOs and the statutory agencies of criminal justice may also be sponsored by an agency such as an individual prison or probation trust, approaching a PVO to deliver a specific service (see Section 7.2.2). Furthermore, relationships may result from *individual PVOs* approaching individual statutory agencies of criminal justice and sponsoring translations (see Sections 7.2.3 and 7.2.4). Relationships between PVOs and the statutory agencies of criminal justice are therefore established in a variety of ways and may be *sponsored by PVOs*. Exploring these relationships in addition to the effects of macro-level policy translations provides a more theoretically complete understanding of PVO activities. The importance of these activities for prisoners and probationers is discussed in Chapter 8, and the importance of gaining a more complete account of PVO activities is explored in Chapter 9.

Chapter 8: The effects of penal voluntary organisation work

8.1 Introduction

“We [...] should not move [...] to the conclusion that nonprofits and community providers simply extend the net of state control or mindlessly reproduce state-operated forms of control. This is the folly of the nihilistic net-widening literature, to reduce every change to no change at all. [...] By remaining open-minded about the meaning of reform we can better understand the implications of its consequences.” (Armstrong, 2002: 365).

The value and contribution that penal voluntary organisations (PVOs) can provide for prisoners and probationers has been acknowledged by many (e.g. Maguire, 2012: 484; Mills et al., 2012: 392; see also Section 2.3.2). Penal voluntary sector (PVS) literature rests on the general “presumption that [...] there is something in the quality of being 'nonprofit' and 'community-based' that meaningfully improves upon the model of 'state' institutions” (Armstrong, 2002: 346). However, the distinctive benefits of PVO work remain *under-theorised*, perhaps because the symbolic value of voluntary sector status “seems to confer a kind of immunity which protects the nonprofit sector from scrutiny” (Armstrong, 2002: 362; see also Crawford, 1997). This final analysis chapter addresses this gap in understanding by examining the range of effects that may result from PVO work, to provide an improved theoretical foundation for scholarship about PVOs and the marketisation of the PVS (see Section 2.5).

Chapters 6 and 7 have used the the actor-network theory (ANT) process of translation to study how interactions between heterogeneous actors create (and fail to create) power at various scales of penal organisation (Law, 1992: 380; see also Chapter 3). These translations have studied how PVO relations with the statutory agencies of criminal justice are constructed and maintained (cf. Carrabine, 2000: 312). But, the translations have not considered the effects of PVO work per se, i.e. how PVO work affects prisoners and probationers. Following ANT, actors can be either intermediaries or mediators of an actor-network (Latour, 2005; Latour, 1996; see also Chapter 3). Intermediaries transport meaning

or force without transformation and can be black-boxed in analysis, whilst mediators transform, translate, distort and modify the meanings and elements that they are supposed to carry (Afarikumah and Kwankam, 2013).

As explained in Chapter 2, there is a tension in existing literature regarding the effects of PVO work. One body indicates that PVO work may *expand punishment and social control*, and widen the carceral net (Armstrong, 2002; Cohen, 1985; Ignatieff, 1978; Foucault, 1977). This broadly corresponds to an *intermediary* action in ANT, in that PVOs are considered to transport and extend the force of the formal penal system without *transforming* it (cf. Afarikumah and Kwankam, 2013; Latour, 2005; see also Section 3.4.1). Another body of literature points to the potential *enabling* functions of PVO work, in terms of improving the experience of punishment (Liebling, 2004), constructing social capital amongst prisoners and probationers, and supporting desistance from crime (Lewis et al., 2007; see also Brown and Ross, 2010; Burnett and McNeill, 2005). This broadly corresponds to a *mediator* action in ANT, in that PVOs are considered to transform, translate, distort and modify the meanings, elements and experience of punishment (cf. Afarikumah and Kwankam, 2013).

Following ANT's aim of learning from actors *without* imposing an a priori definition of their world building capabilities, or the *effects* of their actions, upon them (Latour, 1999: 20; see also Nimmo, 2011: 109; Law, 2004: 157; Chapter 3); this chapter explores the potential *range of effects* that can result from PVO work, by mapping how PVOs can act as *intermediaries* of punishment and can also *mediate* it. This involves rejecting the Foucauldian position that all penal reforms are reducible to the will to power (Garland, 1990: 168-9), and rather considering *exactly how* control and enabling effects may *both* result from PVO work. This ANT-inspired approach also aligns with Armstrong's argument for "remaining open-minded about the meaning of reform" (2002: 365; see also Chapter 9).

Informed by the original data and the existing literature examined in Chapter 2, this

chapter considers the potential control *and* enabling effects that can result from PVO work with prisoners and probationers. Without applying the tenets of ANT, this *range of effects* might have remained obscure (cf. Nimmo, 2011: 109; Law, 2004: 157) amidst the debate about the macro-level marketisation of penal services and the dangers that state patronage apparently poses to the PVS (Corcoran, 2011; Neilson, 2009). Again, this account is not intended to be representative of every PVO's work and case studies have been selected because substantive data was available to illustrate them.

The analysis presented here is *exploratory* for two reasons. First, the distinctive benefits of PVO work remain unproven and *under-theorised* (Armstrong, 2002: 362; see also Section 2.5). Second, the role of intermediary actors is under-developed in ANT, perhaps because the purpose of ANT analysis is to multiply the “mediating points” in translations (Latour, 1996: 378). However, it is a key ANT tenet that world building capabilities should not be imposed upon actors (Latour, 1999: 20; see also Nimmo, 2011: 109; Law, 2004: 157). It is therefore important to be sensitive to the ways in which PVOs mediate punishment, without rejecting the position that PVOs can act as intermediaries or assuming that transformations must enable prisoners and probationers. This is particularly important for Criminological research, which ought to acknowledge the wide control and net-widening literatures (explored fully in Section 8.2).

ANT was applied to consider the effects of PVO work by undertaking thematic analysis of the PVO publications and interview transcripts. This involved identifying data which dealt with the effects of PVO work (e.g. Fine Cell Work, 2010; Shannon Trust, 2011; Storybook Dads, 2010; see Section 8.3), and then coding these effects as mediator or intermediary. ANT was useful here because it supported a novel integrated account the range of effects of PVO work, which may otherwise have remained obscure (cf. Nimmo, 2011: 109; Law, 2004: 157). However, the analysis did not have a strong theoretical foundation of intermediary actions to draw upon.

This analysis applies the tenets of ANT and the arguments of two distinct bodies of literature (which indicate that PVO work may have control and enabling effects) to the data, to explore how PVO work affects prisoners and probationers, and build theory in this important area of inquiry (see Section 2.3). This chapter begins by exploring the potential control effects of PVO work (Section 8.2) and then discusses its potential enabling functions (Section 8.3).

8.2 Expanding Control

8.2.1 Section overview

Historical literature (McWilliams, 1986; Ignatieff, 1978; Foucault, 1977; see Section 2.4) sheds light on the role of voluntary action/philanthropy in the establishment of the Prison and Probation Services, and explains associated increases in the *scale of punishment and social control*. Through the apparently “simple humanitarian crusade” to incorporate criminals into civil society using the disciplinary regime of the penitentiary, the power to punish was inserted more deeply into the social body (Ignatieff, 1978: 213; see also Garland, 1990: 136; Foucault, 1977: 82). Net-widening scholarship contributes a related understanding of how PVO work may widen and deepen the carceral net (Armstrong, 2002; Cohen, 1985; see Section 2.4.4). This scholarship highlights that intensified support services and intervention can lead to previously 'included' populations being drawn into the net of carceral power (Cohen, 1985: 15, 268). Together, the historical and net-widening literatures indicate that PVO work could be an “insidious means of netting more people into the formal criminal justice realm for more reasons” (Armstrong, 2002: 354). This provides an important critique of the “widespread assumption” that PVOs can be “unconditionally trusted to behave altruistically” (Armstrong, 2002: 346). Informed by these literatures, this section draws on the data to examine how PVOs may act as *intermediaries* who supplement and expand penal control rather than transforming it (cf. Afarikumah and Kwankam, 2013; Latour, 2005). Data from the document analysis is

explored in Section 8.2.2 and interview data is examined in Section 8.2.3.

8.2.2 Secondary data

The MoJ-sponsored translation of penal reforms that began with the problematisation set out in the *Breaking the Cycle* Green Paper (BtC) (MoJ, 2010) and mobilised in *Transforming Rehabilitation: A Strategy for Reform* (MoJ, 2013c) was examined in Chapter 6. The payment by results (PbR) pilot schemes which ran with *PVO involvement* at HMPs Peterborough and HMP Doncaster formed part of this translation, and a *discursive voluntary sector* of service delivery organisations was also mobilised by the MoJ within it. In Chapter 6, the ANT four-phase process of *translation* was applied to map how the MoJ translated the phenomena of PVO engagement with prisoners and probationers into a biddable and governable resource, which the MoJ mobilised to expand *control* (cf. Clegg, 1989: 204) by introducing a mandatory post-release supervision requirement for short-sentence prisoners (MoJ, 2013c: 6). As such, this analysis demonstrated how community control expanded (Cohen, 1985: 15) through this translation, which involved two PVOs and a discursive PVS, to include the new group of short-sentence prisoners.

It is undeniable that short-sentence prisoners have high reoffending rates and are likely to experience difficulties (re-)integrating into the community post-release (MoJ, 2010). Furthermore, the new supervision requirement not yet been implemented and could have some valuable effects e.g. by helping prisoners find housing. However, the introduction of this “unprecedented” supervision requirement for short-sentence prisoners (MoJ, 2013c: 6) through the translation presents *parallels* to the historical and net-widening literatures described above, which are now explored.

First, the new statutory supervision requirement for short-sentence prisoners is likely to increase the *scale of punishment*. Increasing the scale of supervision is predicted to increase the prison population and the costs thereof, through increasing recalls to custody and up-

tariffing by Magistrates (Howard League, 2013: no pagination; Prison Reform Trust, 2013: 1; see Section 6.6.2). This likely outcome mirrors the increased scale of imprisonment which followed the introduction of the penitentiary (Moore, 2009: 13; Ignatieff, 1978: 108; see Section 2.4), and the expanded breadth of offenders requiring supervision which occurred through the development of the Probation Service (Jarvis, 1972: 10; see Section 2.4). The expansion of imprisonment which followed the introduction of the penitentiary was facilitated by the apparent need to discipline and reform *petty* criminals who would not previously have been formally punished, to prevent them proceeding “unimpeded to the commission of more dangerous offences” (Ignatieff, 1978: 28; see also Moore, 2009: 13). Similarly, the early ‘probationers’ were solely “trifling” offenders, so this power targeted those who would not previously have been punished (Jarvis, 1972: 10).

BtC emphasised the need to “tackle offending by young people”, based on the premise that “the young offenders of today will become the prolific career criminals of tomorrow” (MoJ, 2010: 1). This is a problematic statement, because offending rates have repeatedly been found to decline with increasing age after a peak in the mid to late teenage years (Farrington, 1986; Hirschi and Gottfredson, 1983). Juvenile offending tends to be a transient phenomenon and non-violent in character (Newburn, 2003: 188). By tackling young offenders, BtC is likely to be targeting a relatively *petty* group of offenders. Furthermore, the new mandatory supervision requirement is being applied to short-sentence prisoners (MoJ, 2013c: 6). By virtue of having a short prison sentence, this group are unlikely to have committed serious or violent crimes. This measure thus mirrors the *petty* offenders targeted in the early stages of developing the penitentiary, which enabled a dramatic increase in the scale of imprisonment (Moore, 2009: 13; Ignatieff, 1978: 108; see Section 2.4).

Second, BtC's proposals could expand punishment by further fragmenting the legal power to punish and increasing the “army of technicians” involved in punishment (Foucault, 1997: 11; see also Garland, 1990: 136; Section 2.4). The decentralising proposals set out in

BtC involve drawing “on the expertise of everyone who can make a contribution” to the rehabilitation revolution, which will ostensibly improve public safety (MoJ, 2010: 5; see Section 6.2). It is, however, questionable whether BtC represents progress towards more effective punishment and better public safety; or rather further fragmentation of the legal power to punish and further increases in the scale of punishment (cf. Garland, 1990: 136; Foucault, 1997: 11). That is, whether the effect of involving a broader set of “providers from all sectors” (MoJ, 2010: 9) in competing for and delivering penal services is likely to be more effective punishment, or merely *more punishment* (cf. Cohen, 1985: 254). As such, PVO staff and volunteers could be equated to Foucault's subsidiary authorities of punishment and “minor civil servants of moral orthopaedics”, whose presence means that the modern criminal justice system is “constantly growing” (Foucault, 1977: 10). This idea is tested in Section 8.3.

Third, and closely related to the first two parallels, these reforms are likely to insert the power to punish more deeply into the social body (Ignatieff, 1978: xiii; Foucault, 1977: 82). The liberty that short-sentence prisoners have been automatically entitled to following release will have more restrictions and conditions attached to it, due to the new mandatory supervision requirement. The sentences of short-sentence prisoners will therefore no longer end when they are released from prison, and a “further year” will be added “to the ambit of the criminal justice system” (Prison Reform Trust, 2013: 1). Because short-sentence prisoners “currently do not get support they need” to resettle in the community (MoJ, 2013c: 3), a mandatory and *coercive* supervision requirement is being introduced. The continued liberty of short-sentence prisoners post-release will become conditional on their willingness and capacity to comply with the requirements of their mandatory supervision orders (cf. Cohen, 1985: 286), just as prisoners' decent treatment in the new penitentiaries was conditional on their willingness to reform (Ignatieff, 1978: 78, 214).

As such, the BtC translation explains one way that the phenomena of PVO engagement

with the statutory agencies of criminal justice can result in expanding networks of *control* (cf. Clegg, 1989: 204). This section, and the analysis in Chapter 6, have illustrated how control was translated from proposals set out in the BtC document into practice. The involvement of the PVOs Clean Break and St Giles Trust in this translation through the PbR pilots demonstrates how PVO work can result in expanded punishment and control (see Section 6.6), and how apparently inclusionary 'support' policies may mean that penal institutions remain, intervention is intensified, control is extended and the net of carceral power is widened (cf. Cohen, 1985: 15, 286).

The discursive foundation of BtC was improving public safety and supporting prisoner resettlement (see Section 6.2), but this was translated into the mandatory coercive statutory supervision requirement. The expansion of penal power in this translation operated through PVO involvement in the PbR pilots (cf. Carrabine, 2000: 319; see Section 6.1). Although these reforms were publicly opposed at every stage of the translation by other PVOs, including the Prison Reform Trust and the Howard League (see Sections 6.3 and 6.6), this counter-movement did not prevent the translation of BtC's proposals through the ultimate passage of the *Offender Rehabilitation Bill* (see Section 6.6.2). The failure of this counter-movement is perhaps attributable to these individual PVOs challenging the proposals of the MoJ's more powerful and longer actor-network (cf. Latour, 1996: 371; see Section 3.1). However, this does not imply that PVOs are inherently unable to disrupt the translation of penal power. This analysis of control effects is expanded in the next section, which draws on the interview data.

8.2.3 Interview data

The interview data relates to the macro-level policy analysis presented in Section 8.2.2, but refers principally to smaller-scale interactions. Drawing on the interview data, this section illustrates how smaller-scale interactions between PVO staff, probationers and statutory staff can increase the scale of punishment and social control. However, this does not infer

that expanded control is the certain or sole possible outcome of PVO work.

VR2 explained how PVO work could increase the monitoring and surveillance of (ex-)offenders in the community. VR2 described gaining privileged access to information about one of their service users, which the PVO subsequently passed on to Probation. This resulted in the service user being recalled to prison. There is a clear argument to support the practice of monitoring known serious (ex-)offenders following their release into the community. Furthermore, PVO staff may not always pass on the knowledge that they gain and create about (ex-)offenders (cf. Foucault, 1977: 125), e.g. through undertaking monitoring and surveillance, to the statutory agencies of criminal justice; and passing on information so gathered must not always result in more punitive and controlling outcomes. However, VR2's case illustrates how PVO work with probationers and PVO interactions with the statutory agencies of criminal justice can expand the reach of the formal criminal justice system into the community:

VR2: "I think there's a whole chunk of monitoring that goes on as well, I'm going to talk to someone after you on a video link who's been recalled to our local prison, but that was because we'd got some information and I think we stopped something happening to be honest. It was actually me who rang up the Probation Officer, because I had concerns, and then they got the Police in, you know, but I view that as part of the job really".

It is particularly notable that PVOs may gain information about service users through *apparently non-punitive interactions*. Four interview participants explained how their PVOs invested in building supportive relationships and rapport with their service users. For VR2, this work occurred in non-punitive, non-institutional community settings such as cafes. VR3 explained how staff of their PVO considered themselves to be 'separate' from the statutory agencies of criminal justice, and emphasised this to their service users. VR3 also indicated that this information was well-received by their (ex-)offender service users:

VR2: "I really am spending *a lot* of my time, I joke actually, I spend a lot of my time sitting in cafes with [serious] offenders having coffee, assessing them, getting relationships going, assessing who really could most use the volunteers" (emphasis in recording).

VR3: “When we go and do our introductions to our service users, we try to tell them that we're not the system, you know, we're not the Police, we're not Probation, we're not Prison, we're a charity that wants to help them. [...] We are independent, away from that sort of sector. And they do seem to respond to that quite well”.

PVO staff can also gain additional information about service users because they have more contact time with them than statutory staff. For example, VR1 explained how their PVO staff had significantly more time to spend working with their (ex-)offender service users and more regular contact than Probation Officers or Psychiatrists:

VR1: “They (Probation Officers) have *the most ridiculous* caseloads. They have *really* high numbers of people. [...] We tend to see the women a lot. Erm, you know, if a woman [...] sees her psychiatrist once every *six months*, and we see them every week” (Emphases in recording).

This emphasis upon building relationships and rapport, and having time to spend with service users may form valuable and enabling aspects of PVO work with (ex-)offenders, which are discussed in Section 8.3. However, apparently non-punitive interactions between PVO staff and (ex-)offenders in the community may also result in PVO staff gaining privileged access to information about the (ex-)offenders that they work with. This privileged access to information may be lubricated by the relatively informal locations where contact occurs, the apparent separation between PVO staff and the statutory agencies of criminal justice, and the capacity of PVO staff to interact with their clients more frequently than statutory staff are able to. PVO work may also enhance the physical monitoring of (ex-)offenders. VD3 worked for a PVO who support prisoners after release and provide housing. VD3 explained that drug testing was a condition of entry into the PVO's accommodation. A positive result would deny access to the accommodation and be relayed to the Offender Manager:

VD3: “We test on entry, if they are positive for class A drugs we refuse entry, because that means they have taken drugs between prison and us, so they're not going to be ready. For cannabis, we're more flexible, 'cause that's in the system for longer. We say: 'we will take you in but if you're positive in 28 days time, we will evict you'. [...] What we do is we'll say to the Offender Manager: 'this person turned up positive’”.

PVO work can therefore translate into net-widening and the extension of control, through PVOs' privileged access to information about their service users and enhanced monitoring of them. The practices described in this section are all reasonable, but it is questionable whether (ex-)offenders who engage with PVOs fully comprehend that their interactions with PVO staff may be relayed to statutory staff, and the control implications if this does occur. VR3's PVO openly informed (ex-)offenders that information may be shared with the Offender Manager, but this may not always be clear:

VR3: "We try to tell them that [...] we will have to feed back if there's any issues, to the Offender Manager."

This section (8.2) has illustrated how PVO work may translate into expanded punishment and control through both the macro- and micro-scales of action. These potential effects are important, but it is not correct to infer that PVOs simply extend the net of state control (Armstrong, 2002: 365). In this section of analysis, PVOs equate to *intermediary* actors (cf. Afarikumah and Kwankam, 2013; Latour, 2005), who do not transform the experience of punishment but simply transport the force of the statutory agencies of criminal justice and extend their reach further into the community. However, it is also possible that PVO staff may affect the operation of punishment. For example, PVO staff may pass information onto the statutory agencies of criminal justice but prevent a more controlling outcome through their presentation thereof, e.g. by advocating against recall and pointing out the (ex-)offender's progress. Without denying that PVO work may result in expanded control, the aim of analysis using ANT is to multiply the "mediating points between any two elements" rather than black-boxing actors as intermediaries (Latour, 1996: 378; see also Afarikumah and Kwankam, 2013). The next section therefore examines the potential positive and enabling effects of PVO action, or the ways in which PVOs can *mediate* the experience of punishment and perhaps meaningfully improve upon the model of statutory institutions (cf. Armstrong, 2002: 346).

8.3 Positive effects of PVO work

8.3.1 Section overview

Previous studies have indicated that PVO work may have valuable effects in terms of increasing the social capital of (ex-)offenders and enabling their desistance from crime (e.g. Brown and Ross, 2010; Mills and Codd, 2008; Lewis et al., 2007; Burnett and McNeill, 2005; see Section 2.3). Informed by this literature, this section draws on the data to examine the positive effects which can result from PVO work. The value of PVO enrichment activities for prisoners is analysed in Section 8.3.2, making reference to the concept of social capital (see Section 2.3.2) to illustrate how PVOs may *mediate*, or transform the experience of imprisonment (cf. Afarikumah and Kwankam, 2013; Latour, 2005). PVOs are also highly likely to enhance the social capital of probationers, e.g. by providing education and training opportunities. However, because the data did not demonstrate this in sufficient detail probationers are not referred to in this section. Relationship factors which may also *mediate* the experience of punishment and could support desistance from crime are examined in Section 8.3.3.

8.3.2 Social capital

The data indicated that PVOs may widen the range of opportunities available to prisoners (Meek et al., 2010; Smith et al., 1993), which may have valuable effects. This section explores the range of these opportunities, and the effects thereof. The additional opportunities offered by PVOs included learning in prison (e.g. to read or learning a particular craft) and the opportunity to volunteer in PVO programmes whilst in prison and the community (e.g. as a peer mentor).

The work of The Shannon Trust demonstrates how PVOs may build social capital by widening the educational opportunities available to prisoners and working to address the very poor literacy amongst prisoners through its reading plan, having the vision: “every

prisoner a reader” (Shannon Trust, 2011: 3). The Trust aims “to transform lives by inspiring prisoners who can read to teach prisoners with poor reading skills, thus providing learners with opportunities to develop *life skills* that better equip them for the challenges of living as contributing members of society” (Shannon Trust, 2011: 3, emphasis added). The learners may gain the key life skill of reading competence and the prisoner mentors may also develop new skills through the process, e.g. teaching and interpersonal skills. As such, this mutual aid function (see Section 5.2.1) *creates capabilities* for both prisoner teachers and students, *enhancing their social capital* through the network of mutual support and improvement operated by the Trust (cf. Faulkner, 2003: 291; Hagan, 1994: 67).

The Trust's website²⁵ provides convincing results from questionnaires in 2012 which suggest the PVO's work is valued by prisoners and does create capabilities. Through participating in the reading plan, 95% of learners and 85% of mentors felt more confident about the future. 76% of learners and 86% of mentors felt their communication skills had improved. Of the mentor responses, 97% felt that mentoring had given them new skills and 98% felt that they understood others better through the reading plan. However, there is no information available about the data collection and interpretation procedures used to produce these results, so their validity cannot be determined.

The secondary data illustrated that PVO enrichment work may also provide *psychological benefits* for prisoners (cf. Digard et al., 2007: 4; Lippke, 2003: 35; see Section 2.3.2) and opportunities for *self-development* (cf. Bilby et al., 2013; Henley et al., 2012; Tett et al., 2012; Cohen, 2009), thus enhancing social capital. Billy's story forms part of the 2010 Storybook Dads Annual Report (see Section 7.5) and explains how engaging with the PVO as a computer editor has affected him positively. Ross' story is available via the Fine Cell Work website²⁶. Fine Cell Work “trains prisoners in paid, skilled, creative needlework undertaken in the long hours spent in their cells” in order “to foster hope, discipline and self-esteem” (Fine Cell Work, 2010: 2). Ross' story indicates that this life-sentenced prisoner

25 <http://www.shannontrust.org.uk/our-work/our-achievements/>. Accessed 16/11/2013.

26 http://www.finecellwork.co.uk/prison_stories/testimonials/279_ross_story. Accessed 15/11/2013.

greatly valued the opportunity to sew whilst in his cell:

Billy: "Being part of Storybook Dads has made me believe that you can do anything if you put your mind to it. Not only have they given me computer skills but also a renewed vigour and confidence (which I admit was waning)" (Storybook Dads, 2010: 7).

Ross: "About nine o' clock I got it out and started sewing. Before I knew where I was they were unlocking us for breakfast, a whole night had come and gone with no thoughts of suicide and no tears of melancholy. I promptly joined the class as it offered me the escape I had been looking for. [...] The hope, the self-respect and pride. I am no longer dirty and smelly, I'm quite respectable, my self-worth has been restored. [...] How good it is to be alive, to feel that I am accomplishing something and that my life has real meaning." (Fine Cell Work website).

Psychological benefits for prisoners (Digard et al, 2007: 4; Lippke, 2003: 35) are illustrated by the quotation from Ross, which explains how sewing helped this prisoner to find respite from melancholy and suicidal thoughts. Opportunities for self-development (Bilby et al., 2013 inter alia) are illustrated by both quotations, which detail how these prisoners gained a sense of increased confidence (Billy) and increased self-worth (Ross), through participating in PVO enrichment activities. Both quotations also illustrate how PVO work has created capabilities for the prisoners and enhanced their social capital (cf. Faulkner, 2003: 291; Hagan, 1994: 67), by developing their computer skills (Billy) and sewing skills (Ross).

Turning to the interview data, VM3's interview supported the idea that PVO work can promote prisoner engagement with productive activities (Maguire, 2012; Mills et al., 2012; Light, 1993; see also Bilby et al., 2013; Tett et al., 2012; Lewis and Meek, 2012; Section 2.3.2). VM3 explained the "unusual" way that prisoners positively engage with the PVO's creative training opportunities, which would not be available in prisons if the PVO did not offer them:

VM3: "Prisons like it [...] it brings something else, that they can't, within their regime, offer. Or they don't have the resources or the manpower to actually offer. [...] The officers, yeah they do, they kind of have some value of what we do do and they see how the prisoners talk and how they engage and the positive way that they're willing to work, which to be honest is quite unusual".

This section has explained how PVOs *mediate* punishment, by providing additional *opportunities* for prisoners which may transform or modify the experience of imprisonment. Data from the interviews and publications has illustrated that prisoner social capital and engagement may be enhanced through PVO-run enrichment activities. These activities may have a stand-alone value in terms of improving the material experience of imprisonment (Liebling, 2004; see Section 2.3), but could also enable desistance from crime by supporting engagement with productive activities and offering distinctive supportive relationships (cf. McNeill et al., 2012; Maruna, 2007; McNeill, 2006). The next section examines the latter, by exploring how *interpersonal relationships* (cf. Liebling, 2004) between PVO staff and prisoners/probationers may also *mediate* the experience of punishment.

8.3.3 Relationship factors

Personal relationships between PVO staff/volunteers and prisoners/probationers may be distinctive from those with statutory staff (Maguire, 2012; Mills et al., 2012; Brookman and Holloway, 2008; Lewis et al., 2007; Armstrong, 2002; Light, 1993; see Section 2.3.2). PVO staff might be able to pay attention to the needs of individual prisoners/probationers, and have the ability to provide personal and emotional support in a way that statutory staff do not (Lewis et al, 2007: 47). This argument links to scholarship which has emphasised the importance of strengths-based interpersonal relationships in supporting desistance from crime (Phoenix and Kelly, 2013; Robinson and McNeill, 2008; McNeill, 2006; Burnett and McNeill, 2005; see also Section 2.3.2). This section examines how interpersonal relationships with PVO staff may mediate the experience of punishment and support the process of desisting from crime. This section principally refers to prisoner relationships with PVO staff. Data referring to probationers is labelled accordingly.

Some of the secondary data briefly indicated how PVO staff may mediate the experience

of imprisonment. New Bridge emphasised that the “patience and support of our team” is instrumental in helping vulnerable prisoners “eventually start to understand their potential and their worth” (New Bridge, 2010: 6). Fine Cell Work explained that their volunteers made a special contribution and “profoundly encouraged” the prisoners’ motivation to engage with the PVO (Fine Cell Work, 2010: 2). Billy’s story from the 2010 Storybook Dads Annual Report also noted that Billy valued his supportive relationships with the PVO staff, stating “the support that the team gives us is priceless” (Storybook Dads, 2010: 7; see also Section 8.3.2).

The interview data provided significantly more detail illustrating why PVO staff may be able to form *distinctive* relationships with prisoners and probationers. The ability to create positive and enabling relationships with prisoners and probationers is by no means exclusive to PVO staff (cf. Phoenix and Kelly, 2013; Robinson and McNeill, 2008; McNeill, 2006; Burnett and McNeill, 2005). However, the interviews explained that PVO staff may have some degree of separation from punishment, which can support particularly positive and trusting relationships with (ex-)offenders and thus mediate their experience of punishment in a valuable and distinctive way.

The interview data illustrated that PVO staff created some psychological distance between service users and their punishment by consciously adopting a non-judgemental, person-centred approach towards them. This is in line with the enabling, strengths-based interactions that have been cited to enable desistance (McNeill, 2006; see also Section 2.3.2). The terminology used by PVO staff to refer to their prisoner and probationer service users demonstrates strengths-based conceptualisations of them, which are likely to be reflected in interactions. The terminology used by PVO staff to refer to their service users included: “amazing women, who have faced *so much* and *still* keep going” (VR1, emphases in recording); “normal people who have made a mistake in their lives” (VM1); and “people with goodness inside them” (VD4). These approaches are perhaps enabled by PVOs’ ability to conceptualise their clients as being “in need rather than a threat to public

safety” and to focus on socialisation and economic integration rather than risk management and security (Goddard, 2012: 357). Statutory staff do not have the distance from these aspects of punishment that PVO staff and volunteers may draw on.

Three interview participants specifically referred to their non-judgemental, person-centred and strengths-based interactions with their prisoner and probationer service users (VM3, VR1, VR3). VM3 explained that PVO staff adopted a non-judgemental approach to their prisoner clients and indicated that the judging of offences was beyond the PVO's remit, being the concern of the judges who hand down sentences and the prison who administer them. VR3 also stated their PVO's commitment to remaining non-judgemental of past offending by service users. VR1 illustrated how the non-judgemental and person-centred approach of PVO staff was valuable and *appreciated* by probationers:

VM3: “You know, it's not for us to make judgement about what they've done or what the prison... you know, sentencing and all the rest of it”.

VR3 (probation): “We have to take everybody on an individual basis and look at what they want to do. We take people as they come, I mean we've had a range of offences that come to us and obviously, through our training and induction and what we believe in, you know, you've got to remain non-judgemental and you know, you can't pass comment.”

VR1 (probation): “What I am absolutely passionate about and I think, I know all my colleagues are, its about saying actually 'I know what you've done, *I'm not bothered what you've done and its you now that I'm interested in*' and I think that's why we're so successful, because *women really feel that*” (emphases added).

By distinguishing prisoner and probationer service users from their criminal offences and behaviours, PVO staff may create some psychological separation from the 'offender' label and identity. Such psychological distance could enable strengths-based interactions and support willing prisoners and probationers to explore new ways of being, which underpin the cognitive transition from offender to resettled person (cf. Corcoran, 2012; Maruna, 2011, 2007; Burnett and Maruna, 2006; Giordano et al., 2002). This process is illustrated by Billy's story, which forms part of the Storybook Dads 2010 Annual Report. Billy indicated

that he had experienced some positive shifts in his identity (cf. Burnett and Maruna, 2006) through working with Storybook Dads, which may positively affect his behaviour after release:

Billy: “ It gives you a sense of responsibility and normality which helps in the planning for a life outside of prison. A life that doesn’t involve ending up back inside. [...] If you ask me who I am, I no longer reply 'A criminal. One of life’s screw-ups'. [...] I’ll tell you now who I am; I am a father, an artist, an editor and producer, a teacher and a friend. [...] That’s what I have found out about myself these last years with the help of the team at Storybook Dads. It’s fair to say these last few years have changed my life because I’ve realised that people *do care*” (Storybook Dads, 2010: 7, emphasis in original).

This analysis does not imply that all Prison and Probation Officers approach (ex-)offenders as one-dimensional characters or define them entirely by their index offence. But, PVO staff considered that their person-centred approach to prisoners and capacity for strengths-based interactions could never be replicated by statutory staff, because statutory staff never have the same distance from coercive punishment, risk management and enforcement roles. Although PVO staff might also consider risk (see Section 8.2.3), the interview data suggested they may have a distinctive separation from punishment, and may therefore *mediate* the experience of punishment *by offering distinctive interpersonal relationships to prisoners and probationers*. Because PVO practitioners do not have the same direct involvement with the coercive aspects of punishment, they may be better able to focus on the person behind the offence and remain non-judgemental.

For example, VD1 explains how their PVO (and, in VD1's opinion, all charities) see themselves as providing interpersonal relationships that are distinct from interactions with statutory staff. For VD1, PVO staff are able to approach the prisoners that they work with as women rather than offenders, because they do not have the same focus on prison security that officers must “always” maintain. VR1 also indicated that relationships between PVO staff and their service users can be qualitatively different to those with statutory staff, who too often lose sight of the people serving the sentences (see also Goddard, 2012: 357). Similarly, SD1 pointed out that that PVO staff may be able to avoid

interpreting all of their clients' behaviours “through the lens of offending” and focus on (ex-)offenders' strengths and “potential”. SD1 also made the important point that this is not always the case, as PVOs are at risk of being “captured” by the punitive concerns of the criminal justice system:

VD1: “If you're a prison officer, your key role is *always* security, it always has to be security, so when they're working with the women they're primarily defined by the fact that they're offenders, and then anything else will be secondary to that. [...] I think it is, all charities provide that, it is a different role, its seeing them *first as a woman* [...] rather than as an offender. [...] We approach them as a woman... that needs our support” (emphases in recording).

VR1 (probation): “In criminal justice services it can be easy to lose sight of that *woman* in the prison sentence” (emphasis in recording).

SD1: “Instead of seeing people as offenders, which the criminal justice system too often does [...] Instead of sort of seeing everything through the lens of offending, which is always through the lens of risk and, and the lens of need, so you define people as being risky and needy [...] I think that is where the voluntary sector, if it doesn't get completely captured by the criminal justice system, if it doesn't *let itself* just be part of, [...] a carceral experience, or an offender-based experience, that is where voluntary sector skills can come in. So viewing offenders as people with potential” (emphasis in recording).

A further quotation from VD1 (see overleaf) explained how statutory staff's punitive and coercive roles may diminish their ability to maintain supportive and trusting relationships with prisoners. This demonstrates how the distinctive and valuable separation of PVO staff from punishment may underpin trusting relationships and mediate the experience of punishment in a way that statutory staff never could, due to their control responsibilities:

VD1: “Lots of them [prison officers] are very good and provide lots of support to the women, but nonetheless (pause) in prison its just a thing, if you kick off on the landing, the same officer who may have been being really supportive earlier, their job is to take your privileges away and to lock you up and if necessary to drag you off somewhere if you're really kicking off and you won't go behind your doors. And I think the, the sort of care and control (pause), erm, aspect is very difficult to merge.”

This analysis does not suggest that PVO staff and volunteers are all non-judgemental and supportive to the prisoners and probationers that they work with. Nor does it imply that all PVO staff have a degree of separation from punishment in the eyes of their prisoner and probationer service users. Chapters 5, 6 and 7 have explained the important

differences between PVOs, which can all affect their work with prisoners and probationers. But, this section has demonstrated how PVOs and their staff can *mediate* the experience of criminal justice by providing distinctive interpersonal relationship opportunities for prisoners and probationers. These distinctive relationships may improve the experience of punishment and could also support desistance from crime.

The unique position of PVO staff, being involved in punishment yet potentially relatively separate from the punitive and coercive aspects of criminal justice work, may mean that PVO staff possess a distinctive ability to separate prisoners and probationers from their offending, which could support strengths-based interactions with service users. As such, although PVOs could be seen as subsidiary authorities of punishment (Foucault, 1977: 10), they should not be reduced to intermediaries of punishment that merely expand the carceral net. It remains to be seen whether this unique separation from punishment can be maintained by PVOs providing services under the emergent marketised penal service delivery relationships (Corcoran and Hucklesby, 2013).

8.4 Conclusions

This chapter has examined the effects of PVO work alongside the statutory agencies of criminal justice by considering how PVOs can act as *intermediaries* and *mediators* of punishment. This analysis has been exploratory. Because the distinctive benefits of PVO work remain unproven and under-theorised (Armstrong, 2002: 362), it has drawn on two bodies of literatures which offer different conceptualisations of PVOs. Furthermore, the role of intermediary actors is under-developed in ANT and rarely analysed (see Section 8.1). Whilst the process of translation is a very helpful framework, this process is concerned with how actors become powerful and does not go on to consider the effects of what those actors do. There is a bias towards conceptualising actors as mediators in ANT (Gherardi and Nicolini, 2000; Latour, 1996), which may be unhelpful for Criminology

where the concepts of net-widening and extending penal control are very important.

There is some evidence to support the conceptualisation of PVOs as intermediaries of punishment, and the notion that the work of PVOs can transmit and extend penal control (Garland, 1990; Cohen, 1985; Foucault, 1977), e.g. by extending the reach of the statutory agencies of criminal justice further into the community. PVOs may act to translate government penal policy, which has often implied “greater use of imprisonment, for longer periods, and more intensive supervision in the community” (Faulkner, 2007: 144; see also Maguire, 2012: 486); and reproduce controlling discourses and practices which operate within penal institutions (cf. Carrabine, 2000: 317). The net-widening and control implications of PVO work are deserving of further analysis (Armstrong, 2002: 365).

However, there is also evidence suggesting that PVOs may make more positive contributions to their prisoner and probationer service users, and valuably *mediate* the experience of punishment. PVOs can widen the range of opportunities and material provisions available to prisoners (cf. Meek et al., 2010; Smith et al., 1993; see also Liebling, 2004), thus enabling prisoners to build social capital (cf. Brown and Ross, 2010; Lewis et al., 2007) and promoting engagement with productive activities (cf. Maguire, 2012; Light, 1993). PVOs may also offer distinctive interpersonal relationships to prisoners and probationers, due to their person-centred, non-judgemental and strengths-based interactions with service users (Maguire, 2012; Mills et al., 2012; Meek et al., 2010).

Without unduly extrapolating these positive effects across all PVO projects or all PVOs, the evidence presented in Section 8.3 indicates that PVO work can transform the experience of imprisonment (cf. Liebling, 2004) and provide valuable support for probationers (see also Lewis et al., 2007). All of the aforementioned benefits may support willing service users to desist from crime (cf. McNeill et al., 2012; Brown and Ross, 2010; Mills and Codd, 2008; Maruna, 2007; McNeill, 2006). By potentially interrupting the 'revolving door' of re-offending through micro-level interactions with prisoners and

probationers, PVOs may liberate individuals from the carceral net.

It would be wrong to imply that PVO work is always an uncomplicated 'good'. Indeed, Chapter 6 indicates that this is not the case. The social control and net-widening effects of PVO work must also be taken seriously. However, parts of the PVS really do seem to make a distinctive difference to the lives of prisoners and probationers, as described in Section 8.3. It is notable that the convincing evidence of effects was all provided by PVOs which are not heavily reliant on statutory contract funding (Fine Cell Work, Shannon Trust, Storybook Dads). Future research could usefully consider how, when and why PVOs usefully mediate punishment, and the conditions under which intermediary actions result. It is very important to assess whether positive effects can result from PVO work undertaken on a payment by results basis, on a non-compulsory basis, or by PVOs that are heavily reliant on statutory contract funding. This is discussed further in Chapter 9.

Chapter 9: Conclusions

9.1 Introduction

This thesis has conceptualised the penal voluntary sector (PVS) in England and Wales. Actor-network theory (ANT) provided a structured theoretical framework which guided the research. ANT has enabled a conceptualisation of the PVS that extends beyond the market policy reforms which form the focus of recent PVS scholarship (see Section 2.2). Following Armstrong's recommendation (2002: 362), "clear understandings" of interactions between penal voluntary organisations (PVOs) and the statutory agencies of criminal justice have been provided. The analysis Chapters 5, 6, 7 and 8 have drawn on empirical examples of these interactions. The effects of PVO work have also been questioned, again drawing on actual examples rather than relying on the symbolic imagery attached to the PVS (Armstrong, 2002: 355). As such, this thesis has provided an original, more complete and empirically-derived understanding of the roles played by PVOs in punishment and the effects of their work upon prisoners and probationers.

Following the tenets of ANT (see Chapters 3 and 4), this original analysis has shown that the activities of the PVS and its component PVOs are *diverse* and extend beyond marketised service delivery relationships with the statutory agencies of criminal justice. Three key findings emerged: that the *marketisation* of penal services directly affects only a small number of large, corporate-style PVOs; that there are a range of *interactions* between PVOs and the statutory agencies of criminal justice; and that the *effects* of PVO work vary. This analysis has not considered the justifications for PVO work with prisoners and probationers, but the findings have implications for the way the PVS is viewed by academics, and for the broader Sociology of Punishment within which the research is nested (see Section 1.1). This concluding chapter summarises the research findings, explains their implications for PVS scholarship and the Sociology of Punishment, and

reflects on areas for future PVS research.

ANT's principle of generalised symmetry has been applied to examine the agency of diverse PVOs, and to consider scale in relation to PVOs and the statutory agencies of criminal justice (see Chapters 5, 6 and 7). The resultant analysis has considered how PVOs can modify and resist market reforms to the delivery of penal services, and illustrated the limits of these reforms upon the PVS. ANT's process of translation was used to explore a range of interactions between PVOs and the statutory agencies of criminal justice in Chapters 6 and 7. Chapter 8 explored how PVOs *mediate* the experience of punishment and illustrated the enabling effects of PVO work for prisoners and probationers, which may support desistance from crime; *alongside* assessing how PVO work can extend the reach of carceral power into the community.

The research findings have practical implications for Criminological scholarship, which are illustrated in the remainder of this chapter. This application of ANT also has theoretical implications for the broader Sociology of Punishment. ANT's ability to acknowledge the *agency of micro-scale actors* using the principle of generalised symmetry (Herbert-Cheshire, 2003: 459; see also Nimmo, 2011: 109; Sage et al., 2011: 275) and to map the transmission, extension, modification and subversion of penal power using translation forms an important counterpoint to the Foucauldian tradition of reducing all penal reforms to the will to power (Garland, 1990: 168-9). Translation provides a structured method of mapping exactly how control is expanded through disciplinary strategies *and* how penal power can be modified and resisted by heterogeneous actors.

Although values and power always exist in an integral relationship, Garland explains the need to adopt "more pluralistic" accounts in the Sociology of Punishment (1990: 157; see also Garland, 1990: 169). Criminologists are well practised in explaining the forces that "lock us into an institutionalised culture of control" (Garland, 2001: xii), but perhaps less

skilled at detailing resistances to, and means of escape from, controlling forces. ANT is not the only means of exploring these countervailing forces, but it provides useful conceptual tools for the task and can illuminate how texts affect practices by contributing to the formation of discourses (Carrabine, 2000; see also Section 9.5, and Chapters 3 and 4). If it is possible for texts to further embed controlling practices, it follows that texts can contribute to alternative outcomes (Zedner, 2002). This argument is illustrated with respect to PVS scholarship in Section 9.5.

The aim of this research has been to appreciate the complexity of the PVS rather than produce an absolute evaluation of it. Although this conceptualisation is broader than that provided by recent PVS scholarship, it remains a partial conceptualisation of the sector. Conscious boundary choices were made due to the need to delimit an area for analysis (Pollack et al., 2013: 1121; see also Section 4.3). The most significant exclusion was the interaction between PVOs and private companies who deliver penal services, although this was acknowledged in the analysis of the payment by results (PbR) pilot scheme at HMP Doncaster (see Chapter 6). Private companies do mediate some translations involving PVOs and the statutory agencies of criminal justice, so it would be valuable if future work were to explore these interactions and consider how interacting with private companies can influence PVO practices and the effects of PVO work.

9.2 Summary of analysis

Chapters 5, 6 and 7 illustrated the important diversities between PVOs, and the range of relationships through which PVOs interact with the statutory agencies of criminal justice. ANT was used to examine this heterogeneity. The principle of generalised symmetry was applied to explore questions of scale and agency in relation to PVOs, by approaching apparently disparate bodies of voluntary and statutory sector actors from the same analytical perspective and focussing on interactions (cf. Nimmo, 2011: 111; Carrabine,

2000: 312). This addressed the lack of attention to micro-scale PVOs and emphasised PVO agency (see Chapters 3 and 4). Chapter 5 explored diversities in the *scale* of PVO and statutory operations; along with the *agency* of PVOs to participate in, resist and negotiate neoliberal penal reforms (see also Chapters 6 and 7). This problematised the argument that marketisation is seeing 'reformatory' PVO agendas become appropriated by punitive concerns (Corcoran, 2012; Meek et al., 2010; Neilson, 2009). Marketisation is having a significant impact upon the operations of large, corporate-style PVOs. However, these PVOs are atypical of the sector (Corcoran, 2011: 41; Silvestri, 2009: 4). At different scales of analysis and for different types of PVO, marketisation is significantly less important.

Building on the analysis of PVO heterogeneity and awareness of scale and agency, the four-phase process of translation was applied to illustrate how PVOs *and* the statutory agencies of criminal justice sponsor translations. Chapter 6 demonstrated that PVOs can be influenced by and also influence translations of penal policy. Chapter 7 illustrated that PVOs may sponsor translations and successfully construct relationships with the statutory agencies of criminal justice, thus providing further services and opportunities for prisoners and probationers. Chapter 7 also explored the relatively informal relationships between PVOs and the statutory agencies of criminal justice (as opposed to newer marketised relationships). These relationships are largely absent from academic and political commentary (see Section 3.3.1), but may comprise the *modus operandi* for much of the PVS. This informal model of interactions may also best enable PVOs to make valuable contributions to prisoners and probationers (see Section 9.4). This analysis therefore forms a particularly original aspect of the research.

The final analysis chapter (Chapter 8), explored the complex and multiple effects of PVO work. Without applying ANT to 'deploy uncertainties' relating to the PVS, this *range of effects* might have remained obscure (cf. Nimmo, 2011: 109; Law, 2004: 157) amidst the debate about the macro-level marketisation of criminal justice services, and the dangers

that state patronage apparently poses to the PVS (Corcoran, 2011; Neilson, 2009). The key findings are now summarised in three sections, which present the implications of this thesis for academic studies of the PVS. The three principal implications are: the need to recognise diversities within the sector (see Section 9.3), questioning the effects of PVO work (see Section 9.4), and the political impacts of academic theorisation (see Section 9.5).

9.3 Recognising diversities within the sector

“The symbolic value of the 'nonprofit' descriptor is very powerful; it encourages us to think of nonprofit status as the most important means of categorising extremely diverse organisations” (Armstrong, 2002: 355-356).

Underpinned by the tenets of ANT, Chapters 5, 6 and 7 illustrated the diversities present amongst the “bewildering variety” of PVOs in England and Wales (Kendall and Knapp, 1995: 66). Key diversities included: PVO functions, the scale of PVO operations; the relative proportion of volunteers and paid staff within PVOs; PVO emphasis on employing ex-service users; PVO focus on voluntary participation in their programmes; PVO income ranges and sources; and the varied interactions between PVOs and the statutory agencies of criminal justice. Indeed, the only constants amongst the diverse PVOs which comprise the PVS is that they are registered as charities with the Charity Commission, and that their client group includes (ex-)offenders and/or their families.

Although all PVOs must demonstrate their pursuit of charitable objectives to comply with the requirements of the Charity Commission, these organisations have more points of difference than similarities. As such, it is almost impossible to make claims which hold across the PVS. It is therefore crucial that scholars maintain awareness of the diversities within the PVS, and note that arguments which are true for certain PVOs ought not be extrapolated across the heterogeneous PVS. Although there are some acknowledgements of this diversity within recent PVS scholarship (see Section 2.2.3), it has not been

sufficiently explored. The political impacts of this reductionism and the benefits of broader accounts and are explored in Section 9.5.

Chapter 5 questioned whether diverse PVOs can be considered as a collective 'penal voluntary sector'. Armstrong (2002: 356) has also queried whether "a multi-million (or even billion) dollar nonprofit agency can and should be analysed in similar terms as a neighbourhood-based organisation with income in the tens of thousands, even if both provide services to the same population". The diversities illustrated in Chapters 5, 6 and 7 could indicate that the nomenclature of the 'penal voluntary sector' is inappropriate and suggest that this should not be employed as an analytical concept. Perhaps conceptualising *the* 'penal voluntary sector' wrongly implies some unity of form or purpose amongst this group of incredibly different organisations. Conversely, there is a need to locate and identify this sector of organisations for analysis and theory-building.

One way to proceed is by using the 'penal voluntary sector' terminology more cautiously and paying close attention to the heterogeneity of PVOs in scholarship. The sector can be classified into three principal components. First, a group of 'Big Players'/corporate-style PVOs (Morgan, 2012: 478; Corcoran, 2012: 21; Benson and Hedge, 2009: 35; Corcoran, 2008: 37), then smaller PVOs with some paid staff, and thirdly the smallest volunteer-led or volunteer-run PVOs. This tripartite classification would be particularly useful for the debate about the effects of marketisation upon the PVS, as these processes principally involve the small group of large PVOs or 'Big Players'. Although marketisation may 'trickle down' and affect smaller PVOs to some extent (see Section 7.7), it is very important that conclusions relating to the 'Big Players' who are atypical of the PVS (Corcoran, 2011: 41; Silvestri, 2009: 4) are not extrapolated across the sector.

Adopting this tripartite classification is one means of moving towards the broader approach to studying this sector advocated in Section 5.6. Maintaining awareness of these three classifications of PVOs could stimulate a more complete debate about marketisation

by addressing commentators' tendency to over-estimate its importance across the PVS (see Chapters 2 and 5) and encouraging an examination of how marketisation is affecting all three 'types' of PVO. This tripartite classification also has implications for considering the effects of PVO work and the political impacts of PVS scholarship, which are explored in Sections 9.4 and 9.5 respectively. However, the suggested classification has not been drawn from a representative sample of PVOs so could be tested in future work.

9.4 The effects of PVO work

Chapter 8 made a preliminary exploration of the effects that PVO work may have upon prisoners and probationers. This chapter illustrated how the work of PVOs may extend power and control, and can contribute to the widening of the carceral net (Garland, 1990; Cohen, 1985; Foucault, 1977; see also Chapter 2). For example, PVOs may increase the monitoring and surveillance of service users, and share knowledge so created with the statutory agencies of criminal justice. In some cases, such knowledge sharing can directly result in probationers being recalled to custody (see Section 8.2.3). These control effects were particularly prominent in analyses of PVO work with probationers. A notable example of net-widening was the introduction of the mandatory statutory supervision requirement for short-sentence prisoners following the PbR schemes run with PVO involvement at HMPs Peterborough and Doncaster.

These findings therefore align with Armstrong's recommendation (2002: 365) that the net-widening and control implications of PVO work require further acknowledgement and analysis. Armstrong's argument that PVO programmes *clone* "overtly coercive forms of control" (2002: 358) also recasts the terms of the marketisation debate. Following the analysis provided in Section 8.2.3, if some PVOs can be conceptualised as intermediary actors (Afarikumah and Kwankam, 2013; Latour, 2005) who extend the power of the statutory agencies of criminal justice rather than transforming punishment, perhaps little

is at stake through market reforms?

However, although PVOs may extend control, this argument should not be extrapolated across the PVS or considered in isolation. Following ANT's aim of multiplying the mediating points in translations (see Section 3.4.1), Chapter 8 also explored the idea that PVO programmes may enable prisoners to build social capital (Brown and Ross, 2010; Lewis et al., 2007) and promote prisoner engagement with productive activities (Maguire, 2012; Light, 1993). The data suggested that PVOs may offer distinctive interpersonal relationships to prisoners and probationers; through their person-centred, non-judgemental and strengths-based interactions with service users (Maguire, 2012; Mills et al., 2012; Meek et al., 2010). This indicates that PVO work may improve the experience of punishment, build social capital and support desistance from crime (cf. McNeill et al., 2012; Brown and Ross, 2010; Mills and Codd, 2008; Maruna, 2007; McNeill, 2006; Liebling, 2004; see also Chapter 8).

This distinctive approach may be enabled by the relative separation of PVOs from the punitive and coercive aspects of punishment. But, if the reach of market reforms extends beyond larger PVOs in future, or begins to affect PVO action at the micro-scale more significantly (see Section 7.7), this contribution could be at risk through PVOs becoming more involved with the punitive and coercive aspects of criminal justice work (Corcoran and Hucklesby, 2013; see Section 8.4). Further research is required to substantiate the exploratory argument that the separation of PVOs from more punitive and coercive aspects of criminal justice work can indeed make a distinctive and valuable contribution by improving the experience of punishment and supporting desistance from crime.

Simultaneously, PVOs may make little contribution to the prisoners and probationers that they work with, and could extend the reach of the statutory agencies of criminal justice into the community. Future research could therefore consider how the heterogeneity

found amongst PVOs influences the effects of PVO work upon prisoners and probationers. It seems clear that enabling and controlling outcomes can result from PVO work, so which aspects of PVO heterogeneity may contribute towards these outcomes? Mapping the interactions between PVOs and the statutory agencies of criminal justice using ANT's four-phase process of translation provides a specific means of analysing how these outcomes occur, and could better illustrate which aspects of the interactions lead to these outcomes (as explained in Section 3.4 and applied in Chapters 6 and 7).

Mills et al. (2012: 401; see also Chapter 2) argue that smaller-scale and volunteer-led PVOs are “more likely to bring the so-called ‘added value’ to their work with offenders, particularly the building of social cohesion through their connections to the local community”. Future work could therefore apply the suggested tripartite classification of the PVS (see Section 9.3), to begin considering whether the *type of PVO* and the *form of its interactions* with the statutory agencies of criminal justice (e.g. contractual, PbR, informal) affect its *impacts* upon prisoners and probationers. Potential research questions include: What effects do the PVO 'Big Players' have upon prisoners and probationers? Are PVO staff working under contract relationships with the MoJ valued less than volunteer staff by prisoners and probationers? If so, why? Conversely, are volunteer PVO staff working under informal relationships with the statutory agencies of criminal justice valued more? If so, why? Does working under contract with the MoJ necessarily negate all positive or enabling effects of PVO work? Can PVOs with existing social welfarist orientations (Goddard, 2012; see Chapter 2) preserve these in contractual relationships? Can any positive outcomes result when prisoners/probationers are forced to engage with PVO programmes? Are PVOs who focus on employing ex-service users particularly valuable because they offer employment opportunities to (ex-)offenders?

This thesis has provided an exploratory analysis of the effects of PVO work, finding that enabling and controlling outcomes are possible. Although these outcomes may not be

dichotomous, assessing if and how the *heterogeneity* of PVOs and their diverse interactions with the statutory agencies of criminal justice can *influence the effects of PVO work* would provide valuable conclusions. These conclusions could be applied to PVO practice and would contribute to the marketisation debate, by discerning the value of the 'Big Players' who are involved in these reforms.

A key limitation of this research project relates to the effects of PVO work. Although Chapter 8 contains a small number of quotations from prisoners, these quotations were taken from PVO publications. Data from PVO and statutory publications, and interviews with PVO and statutory staff were essential to understand the heterogeneity of PVO relationships with the statutory agencies of criminal justice. These questions formed the bulk of the thesis and so these data sources were appropriate selections. However, future work assessing the effects of PVO work should directly seek the experiences of prisoners and probationers. Section 6.5 pointed out that the prisoners' voices were silent in the translation which followed the publication of *Breaking the Cycle* (MoJ, 2010). PVO publications give voice to prisoners to some extent (see Chapter 8) but these voices have been mediated by PVOs, who have a vested interest in representing their work positively.

There is hardly any independent information or research considering whether prisoners and probationers engage with PVO programmes voluntarily, whether they consider such programmes beneficial, and what their experiences of interacting with PVOs are (cf. Bosworth et al., 2005). Armstrong (2002: 358) states "it would be interesting to know whether and to what degree juvenile delinquents prefer group care to state residential care", with group care being provided by nonprofit organisations in this case (see also Section 2.4.4). However, the experiences of the prisoners and probationers who are most affected by the operations of PVOs and the statutory agencies of criminal justice are *crucial* to the debate about the effects of PVO work (cf. Bosworth et al., 2005), rather than forming an interesting addition to it (Armstrong, 2002: 358). In conclusion, there remains further

work to be done in terms of assessing the circumstances and conditions under which PVO work may be beneficial to prisoners and probationers, and can support desistance from crime. Translation provides a specific means of mapping these circumstances and conditions.

9.5 A politically enabling conceptualisation of the sector

Recent PVS scholarship has focussed heavily on the potential neutralisation of distinctive PVO qualities through marketisation and associated closer involvement with the punitive and coercive aspects of criminal justice work (Corcoran and Hucklesby, 2013; see also Section 2.2). These reforms are certainly important for some PVOs and PVO involvement in the market for penal services must be discussed. But it is also important to remember that the theorisation of processes has political impacts (Hart, 2002: 813; Zedner, 2002). Following ANT, sociological texts do not merely represent reality, but also order and organise it to some extent (Hitchings, 2003: 100; see Section 3.2.1). Accepting market reforms, and the associated potential for penal expansionism, as monolithic and inexorable forces is reductionist and likely to create a self-fulfilling prophecy (Tomczak, forthcoming). This approach also diverts attention from insufficient scholarly understandings of *why* PVOs are valuable, e.g. they may extend control, improve the experience of punishment and support desistance from crime.

Corcoran (2011: 48) claims that the 'business' case for marketising penal services in policy rhetoric works to commodify PVS expertise and "does the voluntary sector a disservice at many levels". However, by mirroring the statutory conceptualisation of the sector, commentators have also done it a disservice. Recent PVS scholarship has provided a significant contribution to the body of knowledge, by defining the terrain of this topic and constructing the foundations for further analysis (see Section 2.2). However, the focus on the market for penal services has thus far come at the expense of analysing the diversity,

agency, innovation and resistance amongst PVOs. The existence of these qualities must not be overstated, but ignoring them provides an impoverished account of the PVS, works to denigrate those qualities and prevents analysis of *how* PVO work can usefully mediate the experience of punishment.

This thesis has provided a broader and *more theoretically complete* conceptualisation of the PVS in England and Wales by applying ANT to move beyond the macro-scale, marketised account of the PVS. This has been achieved by examining PVO heterogeneity, and scoping a wider set of interactions between PVOs and the statutory agencies of criminal justice, following the principle of generalised symmetry and the process of translation. In addition to exploring contractual relationships driven by macro-level policy reforms (see Chapter 6), Chapters 5 and 7 analysed smaller-scale and informal relationships between PVOs and the statutory agencies of criminal justice. Sections 6.3 and 6.6 also considered how PVOs can exercise resistance to policy reforms, drawing on the publications of the Prison Reform Trust and the Howard League.

This conceptualisation has multiplied the mediating points (Latour, 1996: 378; see Section 3.4.1) in translations involving the PVS, by focussing on interactions between actors rather than relying on agent and subject dichotomies to characterise the MoJ and PVS respectively. It has illustrated that there are limits to the influence of marketised penal policy reforms, and that these reforms are neither monolithic nor cohesive forces in shaping the sector (cf. Hart, 2002: 813). Assessing the heterogeneity of PVOs and mapping their diverse relationships with the statutory agencies of criminal justice is valuable because it has laid the foundations for a more complete and politically enabling understanding of the PVS. Further research is required to substantiate this exploratory analysis and assess exactly *how* PVO work can make a valuable impact upon prisoners and probationers, and support their desistance from crime (see Sections 8.3 and 9.4).

Future research could also further consider how PVOs can resist penal practices that they

object to. Section 6.6 explained the campaigning work of the Prison Reform Trust and the Howard League in resisting the passage of the *Offender Rehabilitation Bill*, although their counter-movement was ultimately not large or powerful enough to prevent the *Bill* being adopted. Section 7.4.4 also suggested that PVOs could collectively have profound powers to bargain for penal change, indicating that PVOs could disrupt the translation of penal power by collectively threatening to withdraw, and/or actually withdrawing their services from prisons *on a large scale* (cf. Carrabine, 2000: 319). Although this assertion should be 'handled with care', it would be useful if future research could examine this idea, and other means through which PVOs can effectively resist expansions in punishment and control.

This analysis has demonstrated how the MoJ successfully enrolled a small number of PVOs and, to some extent, a discursive PVS of biddable service delivery organisations in its translation of *Breaking the Cycle* (MoJ, 2010). Whilst PVOs did influence this translation, Chapter 6 demonstrated how PVOs involved in the PbR pilots at HMPs Peterborough and Doncaster, and a discursive PVS of service delivery agents were translated into the expanding network of penal control through the new mandatory statutory supervision requirement for short-sentence prisoners. The involvement of PVOs in these pilots also worked to legitimise the further marketisation of criminal justice services using the PbR payment mechanism. Although privatisation has not been specifically examined here, applying the profit motive to penal service delivery is also likely to expand the scale of punishment (Tomczak, 2012; Genders, 2002).

However, this analysis also examined the involvement of PVOs in criminal justice at a smaller scale and on a non-marketised basis following the principle of generalised symmetry (see Chapters 3 and 4). Including such analysis provides a fuller and politically enabling conceptualisation of the PVS, which is now illustrated. A key argument of this thesis is that there is an independence and autonomy within the PVS that has so far been unexplored. As such, PVOs are not necessarily biddable agents and they can exercise their

agency to influence penal policy and practice. As explained in Section 9.1, further research is required to assess whether interacting with private companies who are motivated by making profits changes PVO practices and influences how they affect prisoners and probationers.

The scholarly tendency to present neoliberal penal reforms as inexorable forces, and to produce “grimly pessimistic” accounts of the 'criminal justice state' is problematic, and risks reinforcing the very situation that commentators seek to expose (Hart, 2002: 817; Zedner, 2002: 342; see also Section 9.1). Determinedly pessimistic commentary creates its own set of problems, because the emphasis upon dystopic visions of crime control leads scholars to overlook trends that point in a different direction (Zedner, 2002: 342, 355) and prevents analysis of how punishment could be improved. A very basic analogy is researching the devastating impact that AIDS can have upon the health of sufferers, without researching potential treatments for the disease and means of disrupting its transmission. Identifying the “dangers and harms implicit in the contemporary scheme of things” is a crucial task for commentators (Garland, 2001: 3). But, highlighting the vulnerability of the PVS to market policy reforms risks embedding and fortifying that vulnerability and extending social control through punishment.

In earlier work, Garland emphasises the need to avoid reducing all changes to the will to power (1990: 168-9). This tendency is the “folly of the nihilistic net-widening literature” (Armstrong, 2002: 365). There is, therefore, an equally important need to consider the representativeness of PVS conceptualisations, and their political impact. Regarding the potential risks posed to the PVS by the further marketisation of criminal justice services, Maguire points out that “there is no certainty that the fears of pessimists will materialise. Whether they do or not depends to a considerable extent on the attitudes, actions and decisions of individuals across the system” (2012: 491). But this is one of very few such acknowledgements in recent commentary.

Armstrong (2002: 365) counsels that “by remaining open-minded about the meaning of reform we can better understand the implications of its consequences”. It is therefore important that theory can describe and envision alternative possibilities and countermovements to neoliberal penal reforms, penal expansionism and the extension of control. As such, theory and commentary must progress *beyond* the centrality of market policy reforms and the extension of control; and consider how PVO work may make positive effects upon the prisoners and probationers who experience it.

This thesis has made a contribution to this task by offering a new approach to conceptualising the PVS informed by ANT. ANT has been particularly useful for moving beyond the marketised account of the PVS. Its theoretical tools have supported a conceptualisation which can acknowledge the potential for outcomes other than the co-option of the PVS to emerge from recent market reforms and can explore the agency of micro-scale actors such as PVOs (Herbert-Cheshire, 2003). The principle of generalised symmetry and the four-phase process of translation have provided a set of tenets and an analytical structure within which many aspects of PVO heterogeneity have been drawn out. ANT has provided a framework enabling the multiple effects of PVO work to be explored, without having to impose a singular theoretical interpretation upon the situation (Pollack et al., 2013: 1120). This is encapsulated by the aim of learning “from the actors without imposing on them an a priori definition of their world building capabilities” (Latour, 1999: 20).

Moving beyond the narrow view of PVOs as biddable instruments of neoliberal policy, the ANT approach has accounted for PVOs who are ideologically opposed to neoliberal policy reforms; PVOs who exercise their agency to pursue alternative funding streams; PVOs who resist the further marketisation of penal services and the expansion of control; and PVOs who are simply not involved in marketisation. Acknowledging the heterogeneity of PVOs, for example by applying the three-part conceptualisation to studies of the PVS (see Section 9.3), and acknowledging PVOs' diverse relationships with the statutory agencies of

criminal justice following the principle of generalised symmetry; provides one means of producing a more complete and politically enabling account of the PVS, and its effects upon prisoners and probationers.

The approach and conceptualisation offered here is not presented as a conclusive theory of the PVS, but is intended as a 'step in the right direction' and a springboard for further work. Following ANT's aim of appreciating the complexity of the world rather than producing absolute evaluation (Hitchings, 2010: 100) has enabled a more pluralistic account of PVO work and the effects thereof, rather than seeking a general theory of PVO involvement in punishment (cf. Garland, 1990: 157). Although pluralistic accounts may be messier and lack the satisfaction provided by reductionist conclusions, they are more practically and politically enabling. By mapping the diverse forms of PVO work, this thesis has provided a greater awareness of its enabling and controlling effects upon prisoners and probationers (e.g. social capital and net-widening), and a greater awareness of the factors which may influence these eventual outcomes (e.g. employing ex-service users, and maintaining non-judgemental and strengths-based interactions with service users through separation from the coercive aspects of criminal justice work). This provides a springboard from which future work can seek to identify exactly *how* PVOs can make a positive and distinctive contribution to prisoners and probationers, *how* PVOs can resist net-widening and the extension of control, and the factors which may mean that they do *not* achieve these outcomes.

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Note

1. Charitable accounts were accessed through the Charity Commission, using their website: <http://www.charitycommission.gov.uk/>.

Appendix 1: 'The penal voluntary sector in England and Wales: Beyond neoliberalism?'

Philippa J. Tomczak

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Abstract

In response to policy developments aiming to increase the involvement of penal voluntary organisations in criminal justice, a recent flurry of commentary has provided a *marketised* understanding of the penal voluntary sector and attempts to privatise it. Although this commentary has contributed significantly to the limited literature on the sector, the centrality of neoliberal policy in analysis is problematic. This article provides a critique of relevant commentary and offers a new exploration of the penal voluntary sector that extends beyond neoliberalism and marketisation. A preliminary exploration of an alternative model is made, using political economy to provide a nuanced and politically enabling understanding of the role of voluntary organisations in criminal justice.

Key Words

Voluntary sector. Criminal justice. Commissioning. Market reform. Relationships with the state.

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Corresponding author:

Philippa J. Tomczak, The School of Law, University of Manchester, Oxford Road, M13 9PL.

Email: philippa.tomczak@gmail.com / @manchester.ac.uk

Tel : 0161 275 4792

Philippa Tomczak is in the final stages of her PhD in Criminology at the University of Manchester. Her research examines the relationship between punishment (in particular imprisonment) and charity.

Introduction

Recent policy developments suggest a further increasing role for penal voluntary organisations (PVOs) through marketisation in the criminal justice system (CJS). Notable developments include the broad Big Society initiative, the public service reforms suggested in the *Modernising Commissioning* Green Paper (Cabinet Office, 2010) and the criminal justice specific *Transforming Rehabilitation: A Strategy for Reform; Breaking the Cycle* Green Paper and Corston report (MoJ, 2013; MoJ, 2010; Home Office, 2007). In response, a flurry of academic commentary has discussed the government's "dramatically increased engagement" with the penal voluntary sector (PVS) as a potential provider of criminal justice services under contract (Neilson, 2009: 408; see also Maguire, 2012; Morgan, 2012; Corcoran, 2011; Gojkovic et al., 2011; Mills et al., 2011; Meek et al., 2010; Benson and Hedge, 2009; Corcoran, 2009; Silvestri, 2009). The impact of neoliberal policy reforms has been a key theme in academic commentary and commentators have discussed the PVS *in terms of* its links to the "wider agenda of 'post-welfare' state modernization" (Corcoran, 2011: 34) and the "marketisation of criminal justice" (Maguire, 2012: 484; Morgan 2012). The aim of this article is not to critique neoliberal policies and the the marketisation of criminal justice per se. Rather, it critiques the centrality of the market in recent commentary and makes a preliminary indication of an alternative analytical direction which is more theoretically complete and politically enabling.

This recent body of commentary has stimulated discussion about the PVS and made an important contribution to the limited body of knowledge in this area. Scholars have acknowledged that research examining the role of the PVS in criminal justice is "lacking" (Mills et al., 2011: 195) and that the PVS remains "a descriptive rather than theoretically rigorous concept or empirically defined entity" (Corcoran, 2011: 33). Nevertheless, commentators have made strong arguments about the impact and importance of neoliberal reforms on the PVS. Market reforms have apparently raised "troubling issues

for the voluntary sector” (Neilson, 2009: 401), impacting upon “the sector’s independence and ethos” (Mills et al., 2011: 193). Such reforms are threatening the “distinctiveness and critical voice” of the PVS (Mills et al., 2011: 193) and causing “contemporary dilemmas of institutionalization” (Corcoran, 2011: 33).

Although timely and important, these arguments are problematic because the centrality of marketisation in this literature results in a *partial* analysis that tends towards economic determinism and neglects the agency and heterogeneity of the PVS. This article is by no means intended to imply that the PVS is beyond the effects neoliberal policies or immune to marketisation and institutionalisation. Neoliberal penal reform undeniably effects upon the PVS and forms an important area of inquiry. Furthermore, PVOs clearly take proposed market reforms seriously. Following the publication of *Breaking the Cycle*, Clinks (the umbrella organisation for penal voluntary organisations) consulted with their members and produced a formal response to the paper (Clinks, 2011). At least 28 PVOs also produced individual responses to the paper (e.g. Howard League, 2011).

However, a *broader* approach to studying the PVS is required. Neoliberal penal reforms are undeniably occurring, but it is imperative that scholars acknowledge the considerable political impact of how these processes are theorised (Hart, 2002: 813; Zedner, 2002). Neoliberal penal reforms are neither monolithic nor cohesive forces and to portray them as such is reductionist and politically disabling (Hart, 2002: 813). It is therefore necessary to theorise the relationship between the PVS and the CJS in a way that *does not neglect* economic variables, but considers them in a wider context. This article provides an introduction to the PVS and contextualises neoliberal penal reform, before offering a new exploration of the penal voluntary sector informed by political economy. This new exploration extends beyond neoliberalism and examines the agency, innovation and heterogeneity found amongst PVOs.

Neoliberalism and a Brief Political Context

Neoliberalism is a complex and often ill-defined term (Mudge, 2008). The key tenet of neoliberalism is that privatising previously public services stimulates cost-efficiency and therefore saves public money (Corcoran, 2009: 33). Neoliberalism is comprised of three interconnected 'faces' (Mudge, 2008). Its intellectual face places an “unadulterated emphasis” on the market as the source and arbiter of human freedoms; its political face evinces a new 'market-centric politics'; and its bureaucratic face can be seen in privatisation policies which aim to 'desacralise' institutions such as criminal justice and health care, which had previously been protected from private market competition (Mudge, 2008: 703-4; Corcoran, 2009: 33). Although all three faces are evident in and relevant to this discussion, it is the bureaucratic face that is most significant here.

The process of reconfiguring the delivery of criminal justice services began in the 1980s and continued under a series of successive governments. The Conservative Thatcher government introduced neoliberal policies in the 1980s and 1990s, which saw previously public services (e.g. criminal justice, health) become privatised through the creation of competitive service delivery markets (Ryan, 2011). In theory, these markets would drive down the cost of the expensive Welfare State (Ryan, 2011: 517; Corcoran, 2009: 33; Garland, 1996: 453). This government enacted the *Criminal Justice Act* in 1991, part of which enabled prisons to be transferred to private management and required Probation boards to commission drug programmes for offenders from voluntary and private providers (Corcoran, 2011: 36-7). This unsettled the state monopoly on the allocation and delivery of punishment which had been established around 1877 (Ryan, 2011: 517; Maguire, 2012: 484). It is important to note that this monopoly was unsettled due to neoliberal *economic* concerns that developed *outside* the penal apparatus (Ryan, 2011: 516).

The Conservative-inspired changes were then “substantially endorsed by New Labour” (Ryan, 2011: 518) who continued the process of externalisation to create a 'mixed

economy' of public services (Corcoran, 2011: 37). The *Offender Management Act* of 2007 emphasised the role of market discipline in regulating performance and further enabled some of the responsibilities traditionally associated with probation to be taken on by private and voluntary organisations (Meek et al., 2010: 4; Corcoran, 2011: 37). Furthermore, in response to the Corston report in 2007, £12 million of Ministry of Justice (MoJ) funding was allocated to voluntary organisations for the provision of community-based support to women offenders and women at risk of offending, to divert them from custody (NEF, 2012: 7; Mills et al., 2011: 104). This short term funding was then replaced by the Women's Diversionary Fund, which was established in 2010 to sustain and develop the women's community services sector following heavy MoJ budget cuts. The MoJ contributed £1 million to the fund and the Corston Independent Funders' Coalition of 20 independent philanthropic foundations matched this sum (NEF, 2012).

With the publication of the *Breaking the Cycle* Green Paper (MoJ, 2010), it seems the ConDem coalition government are "set to continue along Thatcher's radical path and roll back the state still further" (Ryan, 2011: 518). This Green Paper emphasised the failures of the "top-down approach" and stated the government's "clear commitment to decentralisation" (MoJ, 2010: 6,8). By emphasising the role for voluntary, charitable and profit-making groups in running penal services, this strategy combines the ideological imperative for a smaller regulatory State with the material imperative for fiscal austerity at this time of a record UK public deficit (Ryan, 2011: 518).

Commentators argue that the voluntary sector has been *harnessed* to this "wider agenda of 'post-welfare' state modernization" (Corcoran, 2011: 34, Maguire, 2012: 484). The voluntary sector has had a clear political appeal, being in line with the Conservative ideology of privatisation and then the New Labour rhetoric of community (Ryan, 2011: 517; Corcoran, 2011: 36). In addition to these ideological links, the voluntary sector has had a pragmatic appeal, as it can sometimes operate criminal justice interventions very cheaply. The series of neoliberal modernization projects described above have ostensibly

been “*shaping* voluntary sector agents to the demands of the penal marketplace” (Corcoran, 2011: 45, emphasis added).

The Penal Voluntary Sector

In their simplest form, voluntary sector organisations are located between the market and the state (Kendall and Deakin, 2010: 221). Corcoran (2011: 33) provides a useful working definition of penal voluntary organisations as “charitable and self-defined voluntary agencies working with prisoners and offenders in prison- and community-based programmes”. The limits of the penal voluntary sector are blurry, and at present the term encompasses both organisations who are *solely focussed* on offenders and/or their families (e.g. FPWP Hibiscus, Nacro, Prisoners' Advice Service, The Howard League for Penal Reform) and organisations for whom offenders and/or their families are one of their *multiple client groups* e.g. The Fawcett Society (campaign for women’s equality); Phoenix Futures, RAPt (provide drug and alcohol services); Hampton Trust (support the vulnerable and socially excluded); Ormiston Children’s Charity, Barnardo’s, Catch 22 (support young people).

Voluntary organisations have a range of functions and most voluntary organisations are multi-functional (Kendall and Knapp, 1995: 67). Many PVOs perform a *service delivery* function, whereby voluntary agencies supply a direct service to clients, either in kind or in the form of information and support (Kendall and Knapp, 1995: 67). For example, Fine Cell Work trains prisoners in paid, skilled, creative needlework (FCW, 2010: 2). Where PVOs are involved in 'privatised' or contracted-out work, this usually entails service delivery. But the activities of the PVS extend beyond service delivery.

Numerous PVOs also have a *campaigning* function, where they collect information about a specific interest and use this information to put pressure on decision makers in a public arena through direct action, campaigning, lobbying and advocacy to change policy

and practices (Kendall and Knapp, 1995: 67). The work of The Prison Reform Trust (PRT) illustrates this function: the PRT aims to create a “just, humane and effective penal system” by “influencing Parliament, Government and officials towards reform” (PRT, 2010: 4).

Some voluntary organisations have a *mutual aid* function, where the focus is on self-help and exchange around a common need (Kendall and Knapp, 1995: 67). For example, The Apex Trust run the ACT 4 Women Project in Merseyside, a women-only peer support project providing opportunities for project beneficiaries to also support their peers in building self-confidence and self-reliance (Apex, 2010: 4). There is also a *co-ordinating* function, which involves umbrella organisations providing services to other voluntary sector bodies (Kendall and Knapp, 1995: 67). CLINKS is one such organisation, supporting voluntary and community organisations who work with or for offenders and their families (CLINKS, 2010: 2).

The Market in Criminal Justice and the PVS

As a result of neoliberal reforms over the last three decades, there is now a mixed economy of service provision in criminal justice, with private and voluntary providers operating alongside the public sector (Ryan, 2011: 517; Corcoran, 2009: 33; Garland, 2001: 98). Numerous areas of the penal system are privatised at present, across a spectrum of activities that runs from individual regime elements e.g. prison catering services being outsourced to private companies, to the wholesale transfer of responsibility to private contractors for the provision and daily running of penal institutions (Zedner, 2004: 276). HMP Wolds was the first private prison in the UK, which opened in 1992 and there are now 11 prisons managed under contract by private companies such as Serco and G4S Justice Services. The first private probation contract was won by Serco in 2012, involving the supervision of probationers on community payback sentences in London (Travis, 2012). Although there was no PVS involvement in that contract, Serco formed a

'pioneering' probation alliance with two PVOs shortly after, in order to bid for probation service delivery contracts (Serco, 2012).

PVOs are directly involved in 'privatised' or contracted out service delivery in a number of ways. No charity has taken sole responsibility for the provision or daily running of a penal institution. But, the charities Turning Point and Catch 22 are "leading voluntary sector partners" to the private provider Serco. This consortium holds a £415 million contract to construct the new prison at Belmarsh West and operate it for 26.5 years, with the two charities providing rehabilitation and resettlement services (Serco, 2010). Whether charities in such consortia are in fact equal partners or junior partners who are essentially 'bid candy' is under debate (Maguire, 2012: 485). PVOs are also involved in low-level privatisation, i.e. the contracting out of individual regime elements (Zedner, 2004: 276). The Prison Advice and Care Trust hold contracts to run visitor centres at 15 prisons (PACT, 2011: 18). On a smaller scale, Contact Cheshire Support Group holds a three year contract to run the visitor and first night centre at HMP Styal (CCSG Annual Report, 2010; CCSG, 2011: 10).

In a similar vein, payment by results (PbR) pilot schemes are currently being run in the CJS. In order to encourage greater efficiency and effectiveness in service delivery, the contractor's payment is linked to results achieved (Puddicombe et al, 2012; Maguire, 2012; Fox and Albertson, 2011). If results fall below an agreed performance threshold, the contractor may receive reduced or no payment. A notable pilot is based at HMP Peterborough, which is privately run by Sodexo. The pilot programme has been coordinated by Social Finance, who raised funding of £5 million to operate the programme working with both short-sentence prisoners inside prison and after release, with the aim of reducing reconviction rates. Charities involved in the pilot include St Giles Trust, Ormiston Children and Families Trust and YMCA (Social Finance, 2011).

An Overview of Recent Commentary

The *Breaking the Cycle* Green Paper emphasises that decentralising criminal justice services “provides a once in a generation opportunity” for providers from all sectors to work alongside staff in the criminal justice system in order to make a “real difference” (MoJ, 2010: 9). Despite this positive policy rhetoric, commentators have detailed how participating in the market for criminal justice services brings *risks* for PVOs. It is easy to see the clash between the voluntary sector's distinctive ethics of compassion and focus on the needs of individual offenders (Silvestri, 2009: 3,4; Corcoran, 2008: 37) and Government policy, which has often implied “greater use of imprisonment, for longer periods, and more intensive supervision in the community” (Faulkner, 2007: 144; see also Maguire, 2012: 486). As a result of neoliberal penal reforms, PVOs are argued to be under threat of becoming servants of government and, ultimately, agents of penal expansionism (Meek et al., 2010: 7; Silvestri, 2009: 4).

The market in criminal justice services puts voluntary organisations at risk of 'goal distortion', i.e. moving away from their original mission in the pursuit of contract funding and compromising their campaigning and advocacy roles, in favour of delivering services for statutory organisations (Mills et al., 2011: 207; Neilson, 2009: 407; Kendall, 2003: 78). The potential risks to the *campaigning* roles of voluntary organisations posed by the growth of penal service markets have been well-documented, with concerns thus far centring around the 2008 Nacro bid to run a prison. This has an understandably prominent place in the literature, being contentious because of Nacro's “strength as a campaigning organisation”, with a “firmly established policy line on the expanding secure estate” (Neilson, 2009: 406, 404; Corcoran, 2011: 31; Mills et al., 2011: 195). Although the Nacro bid was ultimately unsuccessful, it threatened to undermine the organisation's campaigning and advocacy roles (Neilson, 2009: 406).

As a result of the market in criminal justice services, it is feared that increasing numbers of voluntary organisations will compromise their independence and become quasi-governmental: engaged with and dependent on the government (Neilson, 2009: 408). Operating in this market therefore poses risks to the “potential loss of the sector's distinctiveness and critical voice” (Mills et al., 2011: 193). Similar dilemmas apply across the voluntary sector (Carmel and Harlock, 2008; Paxton and Pearce, 2005; Ilcan and Basok, 2004; Kendall, 2003; Evans and Shields, 2002). However, these dangers could be particularly pertinent for the penal voluntary sector, as the “unpopular nature of work with offenders” means that voluntary organisations working in the criminal justice arena “are more likely to be dependent on contracts” (Mills et al., 2011: 207; Gojkovic et al., 2011: 18).

The Centrality of Markets in Recent Commentary

Funding is at the heart of the argument for a marketised understanding of the PVS. Commentators suggest that because many penal voluntary organisations are *heavily reliant* on statutory funding (Gojkovic et al., 2011: 18; Corcoran, 2011: 32; Mills et al., 2011: 193; Ryan, 2011: 519; Neilson, 2009: 401; Silvestri, 2009: 3), the voluntary sector is highly *vulnerable* to “being drawn into [...] marketised penal reform” (Corcoran, 2011: 46) because it is feared that voluntary organisations could therefore be compelled to respond to policy developments geared to increase their role in criminal justice provision (Mills et al., 2011: 194). If they do not, their survival could be threatened, because “funding will follow those organisations willing to adapt their priorities to fit those of the criminal justice system” (Mills et al., 2011: 195).

Voluntary organisations are apparently unable to resist neoliberal reforms, because they “do not have the [...] option” to avoid participating in the market for penal services (Garside, 2004: 9; Mills et al., 2011: 207). If voluntary organisations like Nacro or SOVA fail to win contracts to provide services to the CJS, the implications are “serious”, because,

unlike private sector organisations, they do not have the option to sustain their existence through alternative operations (Garside, 2004: 9). The growth of competitive service commissioning has occurred alongside reductions in government grant funding, which further increases the imperative to participate (Maguire, 2012: 485; Meek, et al., 2010, p.8). Following this line of argument, PVOs are either “rolling over” in the face of pressures to compete for service delivery contracts “or going under” and failing to survive (Benson and Hedge, 2009: 35). Just as “the official conception of the voluntary sector is that of biddable service deliverers” (Corcoran, 2009: 32), the criminological literature tends to selectively focus on the role of voluntary organisations as *competitors in the market for penal services*. Following this literature, becoming proactively competitive appears to be a *financial necessity* for penal voluntary organisations (Corcoran, 2011: 43).

There are a group of PVOs who are “highly dependent” upon statutory sources of funding (Corcoran, 2011: 41). Examples include Langley House Trust, Nacro and St Giles Trust (Langley House Trust 2011: 8; Neilson, 2009: 403; St Giles Trust, 2010: 3). There is a particular dependence on statutory sources of funding amongst the *largest* PVOs, which could be argued to have the greatest impact amongst the sector. However, the aforementioned concept of funding following organisations that adapt their priorities to fit those of *the criminal justice system* (Mills et al., 2011: 195) is too simplistic and overlooks the agency of PVOs. This is not to say that the PVS has inviolable agency and an unassailable ability to innovate. Neoliberal policies and the growing market in criminal justice have an important impact on the PVS, but these are neither omnipotent nor monolithic forces and commentators must analyse these developments critically.

The PVS: Beyond Neoliberalism

Political Economy

Political economy provides a useful theoretical approach, which emphasises that the

economic “must be seen as part of a complex set of interdependencies with individual, moral, cultural and other social dimensions” (Reiner, 2012: 302). Although economic factors undeniably form an important element of analysis, the broader and more nuanced theoretical approach provided by political economy stands in contrast to the “unadulterated emphasis” that neoliberal approaches place on the market as the source and arbiter of human freedoms (Mudge, 2008: 704). Although early work using political economy (such as that of Rusche and Kirchheimer) is acknowledged to be economically determinist, a sophisticated use of this approach can provide an analysis of how economic pressures operate alongside other *non-economic forces* to shape penal practice (Garland, 1990: 110).

Theorising the PVS in this way enables the production of nuanced accounts that acknowledge the multilayered and diverse acquiescences, struggles and contestations that have resulted from and exist independently of neoliberal penal reforms (Hart, 2002: 813). More broadly, political economy can provide “an account of interacting structures and processes, in which class relations are sustained (or transformed) by means of ideological and political struggles as well as by economic forces” (Garland, 1990: 111). The approach provided by political economy has many potential applications for studying the PVS. In this piece, it is used primarily to counter the tendency towards economic determinism and to stimulate an examination of the PVS that moves beyond the market-centric perspective by discussing the agency, innovation and heterogeneity found amongst PVOs. This preliminary application of political economy challenges the dominant argument that market reforms bring the risk that the PVS will become institutionalised and ultimately servant to government. Instead, the examples provided below indicate that contract funding is not a universal draw or necessity for PVOs. Some PVOs will not 'buy in' to neoliberal reforms because their organisational ideologies will not permit it, or they may participate in the market for criminal justice services on their own terms. The transformative potential of the PVS and its role in increasing the social capital of a vulnerable group is largely beyond the scope of this introductory article, but it is

important to note that the campaigning and advocacy work of organisations that remain outside the market in criminal justice services will not be compromised as a result of financial dependence on government.

A nuanced economic analysis

First, a nuanced analysis of economic factors is provided. Although commentators have tended to present statutory funding as a unitary entity, in fact there are multiple sources of statutory funding. Charities obtain grant and contract funding from a variety of statutory agencies, within and outside criminal justice. The sources of statutory funding used by penal voluntary organisations include: HM Prison Service; The National Probation Service; Individual Probation Trusts; NOMS; The Ministry of Justice; The Department of Health; Primary Care Trusts; The Department for Education; City and County Councils; The Homes and Communities Agency; Supporting People and even the European Commission.

Even amongst criminal justice funders, there are multiple agencies involved, e.g. The National Probation Service, individual Probation Trusts and NOMS. These sources do not exercise monolithic control and their money will come with varied restrictions (and freedoms). The priorities of funders are complex and a product of the structures and aim(s) of individual agencies. Although money from any funder will usually be accompanied with some exercise of influence on the recipient (Ellis Paine et al., 2012), it is important to problematise the impact of these influences.

Furthermore, it is important not to infer that the apparently “unpopular nature of work with offenders” (Mills et al., 2011: 207; Maguire, 2012: 491) precludes the possibility of charities fundraising from non-statutory or non-contractual sources, as this is not the case. In fact, a plurality of funding sources are used by PVOs to sustain their operations. Grants from charitable trusts and foundations, donations from individuals and other

organisations, social enterprise and corporate support are also vital to the continuing existence of many PVOs. Grant-making trusts play a particularly important role, being “one of the most significant funders – if not the most significant funder – amongst charities working in the criminal justice system” (The Joseph Rank Trust, 2012: 5).

Non-statutory sources of funding have a twofold importance: as primary sources of funding for over 40% of PVOs and as secondary sources of funding for PVOs that are mainly public-funded. Using a dataset from the 2008 National Survey of Third Sector Organisations (NSTSO), Gojkovic et al. found that public monies comprised the *primary* source of funding for 56% to 59% of organisations who work with offenders (2011: 17). This dataset and associated analyses make an important contribution to the evidence base on the third sector in the UK but potentially privilege the responses of organisations in receipt of public funding, as these organisations are likely to have a greater interest in returning completed surveys (Gojkovic et al., 2011: 17; Clifford et al., 2010). PVOs with a particular dependence on statutory sources of funding are amongst the largest in the sector and thus have the greatest levels of contact with prisoners and (ex-)offenders. Again, although public funding is evidently important, it is not the only source of funding available to or used by PVOs. Statutory grants may have reduced alongside the growth of commissioning and the availability of funds from other charitable bodies may have reduced as a result of the economic climate and the significant philanthropic investment made into the Women's Diversionary Fund, but *alternative options remain* and are used by charities. To provide a more theoretically complete account of the PVS, scholars should acknowledge and discuss this.

A large number of voluntary organisations are not dependent upon statutory funding, or even in receipt of it. The Howard League for Penal Reform is a notable example that has a multimillion pound income yet is on principle reliant on donations from individuals and trusts to carry out its work (Howard League, 2010). These PVOs do tend to be smaller than corporate-style organisations such as Nacro that figure heavily in

the literature, but nevertheless should not be entirely overlooked. Furthermore, the spectrum of funding runs from organisations that are *heavily* dependent on statutory sources of funding to self-proclaimed *independent* organisations who do not receive any statutory funding, e.g. INQUEST, Prisoners' Advice Service (PAS, 2010: 2) and Unlock (Unlock, 2010: 2). At various points between these two extremes of the funding spectrum, there are three other key configurations. First, there are a group of organisations that receive *no income* from statutory sources without necessarily being ideologically opposed to it, e.g. AFFECT, Birth Companions (Birth Companions, 2010: 6) and Prisoners' Penfriends. Second, organisations that are *mainly* dependent on grants from trusts and charitable foundations might also earn *some income* from statutory sources e.g. Action for Prisoner's Families (APF, 2010: 5), The Concord Prison Trust (Concord Prison Trust, 2010: 7, also 4) and Feltham Community Chaplaincy Trust (FCCT, 2010: 11, also 8,14). Finally, some voluntary organisations earn a percentage of their funds from *social enterprise*, e.g. Fine Cell Work (FCW, 2010: 2) and The Prison Advice and Care Trust (The Prison Advice and Care Trust, 2010: 13).

Even organisations that deliver services under contract to statutory organisations often simultaneously run other programmes that are not funded through statutory sources. Alongside their MoJ contract to provide resettlement services at HM YOI Thorn Cross, New Bridge run a nationwide befriending service for prisoners that receives no Prison Service or statutory funding (New Bridge, 2010: 21). New Bridge deem their befriending service to have transformative potential, providing this example of a life-sentenced prisoner: "A letter, a visitor, a New Bridge befriender, changed this man's life completely. Somebody did care and that gave him hope and with hope came the willpower to better his life" (New Bridge, 2010: 3). Similarly, Contact Cheshire Support Group run the visitor centre at HMP Styal under contract to HM Prison Service, but simultaneously employ a Family Link Worker who works with the families of offenders and prisoners in the First Night Centre, funded by the Westminster Foundation (CCSG Annual Report, 2010).

It is undeniable that statutory sources of funding are important for PVOs, that there is a market in criminal justice services or that many voluntary organisations face financial difficulties. However, the inference that competing for service delivery contracts and accepting the associated operating parameters is the only means of survival for PVOs is misleading. Sources of funding used by the PVS are in fact multiple and varied.

PVO Heterogeneity

Commentators have acknowledged that the PVS is far from “homogeneous” (Mills et al., 2011: 204), being composed of organisations that are “highly differentiated” (Corcoran, 2011: 40). But, the heterogeneity of organisations in the penal voluntary sector remains largely overlooked by commentators. The arguments about the financial necessities of participating in the market for penal services are powerful, but only directly relevant to *certain* voluntary organisations. Although the proportion of penal voluntary organisations that are in receipt of statutory funding is unknown, across the general voluntary sector “three quarters of charities receive *no government funding*” (Corcoran, 2011: 41, emphasis added). Nevertheless, commentary is focussed to emphasise the impact of the market in criminal justice services.

For example, Mills et al. (2011: 193) discuss the relationship that is developing between the penal voluntary sector and the state *through* neoliberalism and the process of commissioning. Corcoran (2011: 33) stresses that political reforms “are poised to contribute to the exponential growth of a penal voluntary sector”. But this selective focus obscures how participating in contracted-out service delivery will only ever be a priority concern or even a possibility for a certain type of voluntary organisation (Unwin and Molyneux, 2005: 37). Those without the organisational capacity, infrastructure and funds

required to participate in commissioning processes, those without the need or desire to do so and those *ideologically opposed* to market reforms will be largely unaffected. As such, the government's "dramatically increased engagement with the sector" (Neilson, 2009: 408) could better be conceptualised as *economic* engagement with *part of* the PVS.

Smaller organisations seem notable only as a result of concerns about their "future viability" (Mills et al., 2011: 195) due to their inability to participate in the market of criminal justice: such providers are ostensibly "being crowded out by a 'Tesco-effect' in commissioning cycles, whereby the economies of scale and national programmes provided by large players prove attractive to cautious statutory purchasers" (Corcoran, 2011: 41). But not entering this market (either by choice or necessity) does not render these organisations extinct. Operating with smaller numbers of service users does not mean that such organisations are worthy of scholarly oversight.

Agency and Innovation: Individual Dimensions

The agency of PVOs ought not be overstated. But, the scholarly emphasis upon how governments have shaped the voluntary sector masks how the growth of the market in criminal justice services has actually elicited a *variety of responses* from voluntary organisations. The claim that PVOs are "rolling over" to pressures to compete for service delivery contracts "or going under" is misleading (Benson and Hedge, 2009: 35) and taking this line of argument means that the *agency* and *innovation* displayed by some organisations remains undiscussed.

In fact, attitudes to contracting vary widely across the sector. I now provide three examples of the attitudes to contracting expressed by three PVOs in their annual accounts. These examples come from PVOs with very different organisational structures and income levels and are intended to demonstrate the range of attitudes that exist in the sector. Nacro

are “actively working with government to identify opportunities in our market sector where government has announced an intention to outsource services” and are responding to increases in performance related contracts by “adapting our operational structures to address the monitoring of performance” (Nacro, 2010: 6-10). Fine Cell Work (FCW) make no mention of contracting or intention to contract in their accounts, rather they are mitigating the risk of a funding drop through a business plan “that seeks to expand the charity’s product sales” with the aim of building “a sustainable social business and charity with the prisoners as stakeholders in the enterprise”. In 2010, the year of the economic recession, FCW saw an increase in voluntary income and product sales and their donations income (as opposed to income from grant-making trusts) rose by 70% (FCW, 2010: 2-9). Community Resettlement and Support Project deem attracting funding to be a “significant challenge” as they are a small, new, local charity working with an “unpopular” client group; have “insufficient resources and capacity to bid for or enter into partnerships for the delivery of contracts”; and their principal activity is befriending, which is often considered “an ambiguous activity by many funders who are concerned with targets and outcomes”. Nevertheless, the charity has secured funds from Volunteering England and is thus “in a good position to move forward and achieve its objectives” (CRSP, 2010: 13, 14, 19). These examples indicate that the apparent necessity for PVOs to become proactively competitive in order to survive is not applicable across the sector.

Despite widespread struggles for funding amongst voluntary organisations, it is important for commentators not to overlook the capacity of PVOs to pursue sources of income that fit with their organisational priorities. Even organisations that have previously received high proportions of statutory funding may be able to minimise or remove this reliance. For example, Apex Charitable Trust experienced two extremely challenging years due to statutory funding agreements coming to an end alongside reduced stock market values and dividend income. In order to ensure its “ongoing viability”, all head office staff accepted a reduction in their paid hours of work, without

which “the work of the Trust would have ceased”. The Trust also designed and adopted a new strategy of developing “services that are multi-funded, not dependent upon statutory contracting” (Apex, 2010: 4-10).

Although public funding apparently exerts a “magnetic pull” (Corcoran, 2009: 32), this is not *universally* applicable to penal voluntary organisations. The strength of the magnetic pull has been overstated and some appreciation of how PVOs engage with statutory institutions other than *economically* is also important. For example, Unlock (the National Association of Reformed Offenders) have a clear policy of “not seeking Government funding for service delivery”, instead sustaining their activities through fundraising from grants and trusts (Unlock, 2010: 14, 28). Unlock characterise participating in service delivery under contract as akin to becoming an “instrument of the state” (Bath, 2011: 16) and emphasise that “the rhetoric of partnership in service delivery should not be confused with a relationship of equal partners” (Bath, 2011: 15). For Unlock, the contract relationship between the statutory agencies and PVOs is “purchaser/provider, master/slave” (Bath, 2011: 15). Unlock have a significant campaigning role and engage with statutory institutions on a non-economic basis. Unlock recently submitted their review of a draft leaflet for prisoners to the Parole Board, initiated a round table with the Home Office and made submissions to the review of the Criminal Records Regime (Unlock, 2010: 20).

It even remains possible to fundraise for advocacy work. Mills et al. (2011: 207) provide a relatively optimistic analysis of this area. They acknowledge the tension between voluntary organisations receiving government funding and maintaining organisational autonomy, but point out that “despite the lack of funding for such activities, service provision organisations have found time and space to engage in advocacy”. However, even this positive analysis overstates the *threat* to the campaigning roles of penal voluntary organisations. The Revolving Doors Agency work across England to change

systems and improve services for people with multiple problems, including poor mental health, who are in contact with the CJS. They have recently established a new organisational model, giving a *greater focus to influencing policy*, and have obtained *significant* “new model funding” from grants and trusts to enable this work to be carried out alongside their service delivery activities (The Revolving Doors Agency, 2010: 11, also p. 7). To overlook counterexamples such as this has political impacts.

The Political Impacts of Reductionism

Corcoran (2011: 48) claims that the 'business' case for marketising criminal justice services commodifies voluntary expertise and “does the voluntary sector a disservice at many levels”. But, by mirroring the official conception of the PVS, commentators have also done the sector a disservice. This recent commentary has provided a highly significant contribution to the literature, defining the terrain of this topic and laying the foundations for further analysis. However, the focus on the market for criminal justice services has so far come at the expense of recognition and analysis of the agency and innovation that exists amongst certain voluntary organisations. Although the existence of these qualities must not be overstated, ignoring them provides an impoverished account of the PVS and works to denigrate those qualities. This article has made a preliminary exploration of a more nuanced and politically enabling model, using political economy as an analytical framework. This framework has been used to provide an introductory awareness of thus far underacknowledged dimensions of the PVS which extend beyond neoliberalism and beyond the economic. The discussion highlighted how the agency, innovation and heterogeneity found amongst PVOs can be used to pursue and sustain their organisational ideologies, which may not enable participation in the market in criminal justice services and may stand in opposition to neoliberal reforms. The key argument of this article is that there is an independence and autonomy within the PVS that has so far been unexplored. PVOs are not necessarily biddable agents of policy and although beyond the scope of this

article, they can exercise their potential to influence policy.

The tendency to present neoliberal penal reforms as inexorable and to produce “grimly pessimistic” accounts of the 'criminal justice state' risks reinforcing the very situation that commentators purport to expose (Hart, 2002: 817; Zedner, 2002: 342). Determinedly pessimistic scholarship creates its own set of problems, as emphasising dystopic visions of crime control leads scholars to overlook trends that point in a different direction (Zedner, 2002: 342, 355). Highlighting the vulnerability of the penal voluntary sector to neoliberal policy reforms therefore risks embedding and fortifying said vulnerability. Identifying the “dangers and harms implicit in the contemporary scheme of things” is undeniably a crucial task for commentators (Garland, 2001: 3). However, there is a simultaneous responsibility to consider the political impact and *representativeness* of the accounts produced. Maguire points out that “there is no certainty that the fears of pessimists will materialise. Whether they do or not depends to a considerable extent on the attitudes, actions and decisions of individuals across the system” (2012: 491). Yet this is one of very few acknowledgements of such contingencies in recent commentary. Again, this exploration of the PVS based on the principles of political economy acknowledges the potential for outcomes other than the co-option of the PVS to emerge.

Neoliberalism is important. The developing market in criminal justice services and the involvement of charities in this market must be discussed. As acknowledged previously, the PVS is not 'beyond' the effects of neoliberalism. However, uncritical acceptance of neoliberalism and associated penal expansionism as monolithic and inexorable forces is damaging and is likely to create a self-fulfilling prophecy. It is therefore important that theory can describe and envision alternative possibilities and countermovements to neoliberal penal reforms and penal expansionism. As such, theory and commentary must progress *beyond* the centrality of neoliberalism. This article has made a contribution to this task by offering a new approach to the PVS informed by political economy. Moving beyond the narrow view of PVOs as biddable instruments of

neoliberal policy, this approach can account for PVOs who are ideologically opposed to neoliberal policy reforms. Without ignoring the impacts of neoliberalism upon the PVS, this approach can also include those who are outside the realm of economic engagement with the PVS and those who exercise their agency to pursue new organisational models and funding streams. The approach offered here is not presented as a complete or conclusive theory, but is intended as a step in the right direction and a springboard for further work.

Rather than suggesting endlessly open possibilities and alternatives to neoliberal reform (Hart, 2002: 819), this article is a call for theory and analysis that can account for the diversity of responses elicited by neoliberal reforms and avoids economic determinism. Cultivating such theory and analysis rather than merely assuming and embedding the dominance of neoliberalism and continued penal expansionism not only provides more complete accounts, but will help to check the criminological propensity towards dystopia.

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Notes

- Charitable accounts were accessed through the Charity Commission, using their website: <http://www.charitycommission.gov.uk/>

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Appendix 2: 'Research and the voluntary sector'

Philippa Tomczak

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Charitable organisations (also called voluntary, non-governmental, and third sector organisations) play a significant role in the institutions of detention (see Martin, 2013 and Neuberger, 2009). Yet, their involvement in the penal and immigration detention estates has not been well-researched and as such, this sector has not been rigorously theorised (Corcoran, 2011). A number of important questions thus remain unanswered. There are gaps in scholarly understandings of exactly what charitable organisations are doing in these institutions; if and how charities are changing the nature and practices of detention institutions and regimes; and what the impacts of charitable work are on all actors involved. Furthermore, the category of 'voluntary', 'non-governmental' or 'third sector' organisations includes a great diversity of organisations. Beyond their title, these organisations may in fact have little in common with each other. Analyses of this group of organisations often only pay 'lip-service' to these differences, which include: whether their focus is on service delivery or campaigning/advocacy work (or both); where their funding comes from; the type of work they do (i.e. whether it supplements the detention regime or provides a core service); their conceptualisations of detainees and the role of their own organisations; and whether the detainees/probationers are involved as active stakeholders in the programme design (for further information see Tomczak, forthcoming).

There are two crucial debates in this field of inquiry. The first concerns the tension between penal/detention reform and abolitionism. It is questionable whether such organisations are empowering detainees and enabling them to build social capital (see Lewis et al, 2007); are subverting and contesting the construction of new detention settings (see Wilson Gilmore, 2007 and the work of Critical Resistance in the US); or whether this 'benevolent' charitable work legitimises failing carceral regimes and (re)produces existing power disparities (see Ignatieff, 1978; Foucault, 1977). These impacts may not be

dichotomous. The second debate surrounds the increasing privatisation of penal regimes and the participation of certain voluntary/non-governmental organisations in the market for penal services on a contractual or payment-by-results basis. It is questionable whether the growing market in penal services is changing the nature of charitable work (see Corcoran, 2011; Neilson, 2009).

I must question Julia Morris' assertion that access into detention institutions is granted only to organisations whose work is uncritical and in alignment with the aims of statutory institutions and policy. Building and maintaining good relationships with institutional staff is undeniably an important aspect of gaining and keeping access to detainees (for further information and discussion see Mills, Meek and Gojkovic, 2012). However, charitable organisations are not passive subjects in the environments of neoliberalism and institutional access. Neoliberalism may function as a creative force which charities negotiate to meet their own aims (see Goddard, 2012; Goddard and Myers, 2011). Furthermore, charities may be highly critical of the penal/detention industrial complex but consider that providing programmes and support for detainees is their prime objective and thus subdue other concerns to achieve this aim.

Julia Morris also questions what the role of academics researching these organisations is and ought to be. She rightly points out that on a basic level, there is work to do in terms of scoping the activities of charitable work in carceral settings and acknowledges the need to consider detainees' views and experiences. I suggest that the most pressing task for academics is to attempt to give some voice to those who are most directly affected by both these detention regimes and the work of charitable organisations: the detainees themselves. These voices are almost always absent from debates in this topic, however they are the only means of properly determining the value (or otherwise) of charitable work in detention settings. A small amount of evidence is available through some voluntary organisations: e.g.

http://www.finecellwork.co.uk/prison_stories/testimonials/filter/prisoners;

<http://www.storybookdads.org.uk/page123.html>. But, there is hardly any independent information or research about whether detainees engage with charitable programmes voluntarily, whether they consider such programmes to be beneficial and what their experience of being in contact with these organisations is (see also Bosworth, 2005). I must confess that my PhD research on the penal voluntary sector has also focussed on the voices of the Ministry of Justice, staff within the statutory institutions of punishment and charitable organisations.

Although research that focusses directly on the experiences of detainees is not a value-free exercise in itself, it seems to me that this is where the energy of academics (as slightly detached observers) ought to be focussed. Statutory bodies and charitable organisations already have voice through their own publications, websites and media statements. Detainees of all kinds have very few such outlets.

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Appendix 3: 'Punishment and Charity: The penal voluntary sector in England and Wales'

Philippa Tomczak

Published in the February 2014 ECAN Bulletin (Howard League)

Philippa Tomczak is a PhD candidate at the University of Manchester, and was the 2013 recipient of the Howard League's bursary to attend the British Society of Criminology Conference.

Introduction

In recent years, both policy developments and academic commentators have referred to the increasing role that penal voluntary organisations (PVOs) are likely to play in the delivery of criminal justice services. This is a result of market reforms, including service delivery contracts and payment by results mechanisms. Particularly relevant policy documents are the criminal justice specific *Transforming Rehabilitation: A Strategy for Reform* (MoJ, 2013) and *Breaking the Cycle* Green Paper (MoJ, 2010). A more detailed discussion of recent policy reforms and academic commentary is largely beyond the scope of this piece but can be found in Tomczak, forthcoming.

Voluntary organisations are formally constituted organisations outside the public sector, whose main distinguishing feature is that they do not make profits for shareholders (Maguire, 2012: 493; Corcoran, 2009: 32). Various terminologies are used to refer to organisations in this area, which include: third sector organisations; not for profit organisations; non-governmental organisations; charitable organisations; civil society organisations; the voluntary and community sector; and community based organisations (Maguire, 2012: 493; see also Tomczak, 2013; Goddard and Myers, 2011; Armstrong, 2002). Penal voluntary organisations are those charitable and self-defined voluntary agencies that

specifically work with prisoners and offenders in prison- and community-based programmes (Corcoran, 2011: 33). Examples include organisations that are solely focused on offenders and/or their families (e.g. FPWP Hibiscus, Nacro, the Howard League for Penal Reform) and organisations for whom those who offend and/or their families are one of their multiple client groups. Examples include The Fawcett Society, which campaigns for women's equality, and RAPt, which provides drug and alcohol services.

Recent academic commentary has stimulated discussion about the penal voluntary sector (PVS) and has made an important contribution to the body of knowledge in this area (examples include: Maguire, 2012; Morgan, 2012; Corcoran, 2011; Mills et al., 2011; Neilson, 2009 and, referring to similar developments in the USA: Goddard, 2012; Armstrong, 2002). However, the impact of market policy reforms has been over-represented in academic commentary and this has skewed analysis of the PVS (Tomczak, forthcoming). Scholars have discussed the PVS in terms of its links to the 'wider agenda of 'post-welfare' state modernization' (Corcoran, 2011: 34) and the 'marketisation of criminal justice' (Maguire, 2012: 484; Morgan 2012). Although timely and important, these arguments are problematic because the centrality of marketisation in this literature results in a partial analysis that tends towards economic determinism and neglects the agency and heterogeneity of the PVS.

Academia and the PVS

Surprisingly little is known about the sector. Scholarly understandings remain 'lacking' (Mills et al., 2011: 195) due to the relative dearth of research in this area (Corcoran, 2011: 33; Armstrong, 2002: 345). As such, the PVS remains 'a descriptive rather than theoretically rigorous concept or empirically defined entity' (Corcoran, 2011: 33). I suggest that this situation is both peculiar and problematic. It is odd that there has not been more commentary regarding the work of PVOs, because the impact and value of the PVS upon criminal justice is considered to be significant, perhaps to such an extent that: 'there can

hardly be a prison in the country that could continue to work as it does if there was a large scale collapse of voluntary, community and social enterprise services for people in custody' (Martin, 2013: no pagination). Similarly, Neuberger notes 'the amazing contribution and dedication that volunteers bring to the criminal justice system' (2009: 2).

As I have argued elsewhere, there are two key debates in this field of inquiry (Tomczak, 2013). The increasing privatisation of penal regimes and the concurrent participation of certain PVOs in the market for penal services undeniably raises important questions, which scholars have now begun to analyse. There remain unanswered questions over whether the growing market in penal services is changing the nature of charitable work (see Corcoran, 2011; Neilson, 2009). However, the other key debate concerns the impact of charitable work in punishment. The academic literature indicates that 'benevolent' charitable work may act to legitimise coercive carceral regimes, extend control and (re)produce existing power disparities (Cohen, 1985; Foucault, 1977). Yet, other scholars have indicated that the PVS can provide some value and contribution that may impact positively upon prisoners and probationers (Maguire, 2012: 484; Mills et al, 2012: 392; Neuberger, 2009: 2). This latter body of scholarship underpins recent articles which raise concerns about the impacts of marketisation on PVOs. As such, our lack of a clear understanding of exactly what the PVS does and the value (or detriment) it can bring to prisoners and probationers is problematic. According to Mills et al. (2011: 205), 'discussion of how voluntary sector organisations themselves will be affected by recent policy developments remains sparse and underdeveloped'. This is true, but there is a concurrent (perhaps preceding) need to understand the impact that the PVS and PVOs make. Discussions about how policy changes will affect the PVS and PVOs will otherwise be constructed on shaky foundations.

In this article, I provide a case study of the Storybook Dads PVO, explaining exactly what the organisation does and the value it can bring to the prisoners it works with. The case study draws on data which is freely available in the public domain. This case study is

intended neither to provide any theories about the impacts of the PVS, nor to negate the potential detrimental effects of charitable work in punishment. Rather, it is a specific exploration of one PVO's work, and its impact upon one prisoner.

Case Study

Storybook Dads works to address the damage that imprisonment does to the ties between parent and child. They point out that 'half of all prisoners lose contact with their families completely' (Storybook Dads, 2010: 5). Their work provides a solution to this problem, by providing a programme through which imprisoned parents record stories and messages for their children (Ibid.: 4). These recordings are then edited and presented to the children as a gift (Ibid.: 4).

Through this work, Storybook Dads enables imprisoned parents 'throughout the UK to maintain meaningful contact with their children' (Ibid.: 4) and provides prisoners with 'the opportunity to reduce the damage done to their child as a result of the forced separation' imposed by imprisonment (Ibid.: 4). This programme is considered valuable because it can reduce the 'stress and trauma experienced by the children of imprisoned parents', and can enable imprisoned parents to help develop their children's literacy skills (Ibid.: 4). The prisoners who participate can also gain valuable literacy, parenting and computer skills through producing and editing the recordings (Ibid.: 4).

The work of Storybook Dads is argued to 'greatly increase outcomes' for parent and child (Ibid.: 4). Outcomes are improved through enhancing the literacy skills of both parent and child, and reducing the children's feelings of 'abandonment, shame and isolation, which can in turn lead to anti-social behaviour and delinquency' (Ibid.: 4,6). The PVO also point out that improved family ties are 'inextricably linked with reduced re-offending' when prisoners are released (Ibid.: 44). Prisoners who maintain contact with their families are noted to be "up to 6 times less likely to re-offend" (Ibid.: 5, emphasis in original). Overall,

Storybook Dads deem their work to provide 'social and financial benefits to society (which) are immeasurable' (Ibid.: 4).

This idea was not an initiative from the MoJ, Prison Service or an individual prison and is run neither through a commissioning programme nor on a payment by results basis. The idea for the project was initially developed by the woman who later became CEO of Storybook Dads, when she was volunteering in HMP Channings Wood (Ibid.: 11). She then successfully operationalised the organisation in HMP Dartmoor in 2002 (Ibid.: 11). The PVO's work is funded by 'grant giving trusts' (Ibid.: 12, see also 18) rather than directly by the prisons. Host prisons are therefore required to enable the operation of this service in their prisons, but not to directly fund the work.

Billy's story forms part of the Storybook Dads 2010 Annual Report. It indicates that this prisoner greatly valued the supportive relationships he was able to build with the PVO staff while in prison. Billy explained that he had experienced some shifts in his identity (Burnett and Maruna, 2006) as a result of working with Storybook Dads, which have the potential to impact positively upon his behaviour after release:

*Billy: The support that the team gives us is priceless. [...] It gives you a sense of responsibility and normality which helps in the planning for a life outside of prison. A life that doesn't involve ending up back inside. [...] If you ask me who I am, I no longer reply 'A criminal. One of life's screw-ups'. [...] I'll tell you now who I am; I am a father, an artist, an editor and producer, a teacher and a friend. [...] That's what I have found out about myself these last years with the help of the team at Storybook Dads. It's fair to say these last few years have changed my life because I've realised that people **do** care.*

(Ibid.: 7, emphasis in original).

Conclusions

There are several important lines of inquiry which relate to the PVS. Furthermore, this sector includes a highly diverse and complex set of organisations. It is therefore difficult to create theory about the PVS and draw conclusions about the impacts of PVO work in punishment. However, working towards a thorough conceptualisation of the PVS is an important task, particularly in light of the extent to which voluntary organisations may be involved in and influence punishment (Martin, 2013; Neuberger, 2009).

Charitable work is certainly not a panacea or all-inclusive solution to complex social issues (Corcoran, 2012: 22) and it remains questionable whether the prison can ever be an appropriate site for social work. Nevertheless, there is some evidence that charitable work may in some cases be valuable to those with a history of offending, for example through its capacity to support education and resettlement. These qualities are often implied in the PVS literature but rarely made explicit or given substantive consideration.

Having considered this, the most pressing task for academics is to attempt to give some voice to those who are most affected by both penal regimes and the work of charitable organisations: the prisoners and probationers themselves (Tomczak, 2013). These voices are often absent from debates on this topic, but they are the only means of properly determining the value (or otherwise) of charitable work in penal settings. There is hardly any independent information or research about whether detainees engage with charitable programmes voluntarily, whether they consider such programmes to be beneficial and what their experience of being in contact with these organisations is (Bosworth, 2005). Although research that focuses directly on the experiences of detainees is not a value-free exercise in itself, this is where the energy of academics ought to be focussed (Tomczak, 2013), in order to rigorously conceptualise the role of charitable work in the penal sector.

About the author

Philippa Tomczak is in the final stages of her PhD in Criminology at the University of Manchester. Her research is situated within the Sociology of Punishment. Particular research interests are imprisonment; the penal voluntary sector; penal reform and activism; and actor-network theory. She tweets @PhilippaTomczak.

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Appendix 4: 'Using Actor-Network Theory to Understand the Penal Voluntary Sector'

Philippa Tomczak

Published by SAGE Research Methods Cases (Online)

Relevant Disciplines: Criminology, Sociology, Geography, Social Policy, Economics.

Academic Level: Undergraduate dissertation, Masters study.

Methods Used: Semi-structured interviews, document analysis, purposive sampling.

Keywords: Actor-network theory, Interviews, Voluntary sector, Criminal justice, Market reforms, Relationships with the state.

Contributor Biography: Philippa Tomczak (Twitter: @PhilippaTomczak) is in the final stages of her PhD in Criminology at the University of Manchester. Philippa is particularly interested in imprisonment, penal reform, activism and abolitionism. Her research is situated within the Sociology of Punishment and examines the relationship between Punishment and Charity, focussing on the Penal Voluntary Sector in England and Wales. She won the Howard League for Penal Reform bursary to attend the 2013 British Society of Criminology conference and the John Howard Postgraduate Essay Prize in 2012. Further information can be found at: <http://manchester.academia.edu/PhilippaTomczak>.

Abstract

I began my PhD research in 2010, aiming to provide an original study that addressed the long-standing gap in understanding surrounding the penal voluntary sector (PVS) and its work alongside the criminal justice system. The context for this research was the

increasing prominence of the sector in policy rhetoric and academic literature. Despite this increasing importance of the PVS, I found that although the sector seems to play a significant role in the operation of criminal justice, it has received limited scholarly attention. I used actor-network theory (ANT) address this gap in the literature and to provide a more theoretically complete and politically enabling understanding of the PVS. This case study explains why I used ANT as the framework for this research and illustrates how I applied the theory to the data collection and analysis processes.

My study gathered qualitative data in two ways. I analysed the financial accounts, annual reports and publications of over fifty charities and also carried out thirteen semi-structured interviews with a broad range of voluntary and statutory stakeholders. The document analysis allowed me to look at a range of organisations whilst the interviews enabled me to gain more specific information on topics of particular interest.

Learning Outcomes

After reading this case you should:

- Have a better understanding of the process of PhD research;
- Have an understanding of how ANT can be used to direct a piece of research;
- Be able to assess the benefits of this theoretical approach;
- Be able to consider the political impacts of research.

Project Context: “Punishment & Charity: The Penal Voluntary Sector in England & Wales”

Voluntary organisations are formally constituted organisations outside the public sector, whose main distinguishing feature is that they do not make profits for shareholders. A working definition of *penal* voluntary organisations is provided by Mary Corcoran:

“charitable and self-defined voluntary agencies working with prisoners and offenders in prison- and community-based programmes”. I have adopted the labels 'voluntary sector' and 'voluntary organisations' in line with the majority of policy rhetoric and existing literature, but an array of terminologies are used to refer to organisations in this area, which include: third sector organisations, not for profit organisations, civil society organisations and the voluntary and community sector. Amongst some circles, the impact of this sector is considered very significant. According to Clive Martin: “there can hardly be a prison in the country that could continue to work as it does if there was a large scale collapse of voluntary, community and social enterprise services for people in custody”.

ANT is an approach to sociological analysis that developed in the field of Science and Technology Studies and was mainly propagated by the work John Law, Bruno Latour and Michael Callon. ANT has been applied to a broad range of case studies to explain the interaction between humans and technologies; these include electric vehicles, scallops and fishermen, the Portuguese spice trade to India and seatbelts. More recently, this theory has been used for Criminological studies by Eamonn Carrabine. ANT focusses on the *mechanics* of power and organisation, which encourages an interrogation of the origins and operation of macro-social systems (such as the criminal justice system). Studies using ANT are based upon the idea that minute relations between heterogeneous human and non-human actors bring about the world. Phenomena such as power, size, inequality and domination are therefore understood as effects that are continually (re)produced and as such always remain open to challenge. Without denying the existence of powerful individuals and organisations or reifying resistance to them, the focus of ANT is upon how power relations are constructed and maintained. This is achieved by mapping the means through which agents translate phenomena into resources and those resources into networks of control. Such an approach opens up analysis and suggests that organisation *could be otherwise*, which is particularly valuable in light of Criminology's tendency towards dystopic accounts that raise few possibilities for activism.

My interest in the PVS began when I was writing my MSc Criminology & Criminal Justice dissertation. I was interested in the role of Prison Listeners who were trained by the Samaritans. After seeking input from my then supervisor, this quickly expanded into research about the relationship between charities/voluntary organisations and the criminal justice system. Partnership working was the 'buzz phrase' at the time and my PhD proposals were built around this idea. I began the PhD research in 2010 against a backdrop of policy reforms that further encouraged the creation of markets involving public, private and voluntary sector providers in criminal justice services.

Particularly notable policy developments were the broad *Big Society* initiative, the public service reforms suggested in the *Modernising Commissioning* Green Paper and the criminal justice specific *Breaking the Cycle* Green Paper and *Corston Report* on Women in the Penal System. A flurry of academic commentary in journals responded to these policy developments, discussing the government's increased engagement with the PVS as a potential provider of criminal justice services. This body of literature provides a marketised account of the sector which focusses on its contractual relationships with the agencies of criminal justice and the sector's links to the wider agenda of neoliberal state modernisation (see Tomczak, forthcoming for further information). It is feared that increasing numbers of voluntary organisations will compromise their independence and ultimately become dependent on the government for funding and direction. The market in criminal justice services is therefore considered to threaten the distinctiveness and critical voice of the PVS.

This body of commentary is valuable for several reasons. It has put the sector on the criminological radar, made a significant contribution to the body of knowledge about the PVS, raises valuable questions about the potential privatisation of the PVS and goes some way towards creating an understanding of the sector. Yet, surprisingly little is known about the sector. Mary Corcoran explains that understandings are still lacking due to the relative dearth of research in this area in comparison to studies in housing and social care.

As such, the PVS remains a descriptive term and has not yet become a theoretically rigorous concept. I felt strongly that the diversity, agency and autonomy of the PVS were underestimated in the emergent literature. Along with a number of other features that I do not have space to cover here, these were key lines of analysis that I wanted to pursue in the PhD. Whilst marketisation is undeniably occurring and impacting upon certain organisations within the sector, I considered this focus to be problematic.

A PhD is, amongst other things, an exercise in patience and uncertainty. Retrospective accounts of the process and outputs often fail to mention this but it is always the case. I was initially far confident about my ideas but had three 'hunches' that contributed to my counterargument. First, I had done a small amount of volunteer work for charities (both in prison and more generally). My real-world experience indicated that charities were not as malleable as the emerging literature would lead readers to think. Second, I had a nascent interest in ANT and had tentatively begun to apply the principles of this approach during my MSc. Third, I was interested in ideas about prisoner agency and the political impacts of dystopic scholarship, which again I had begun to explore during my MSc. After carrying out the empirical research and following lots of refinement, these ideas ultimately formed my PhD argument, which I summarise below.

Although scholarly accounts of voluntary sector marketisation and privatisation are undeniably valid as responses to political reforms, the selective conceptualisation of penal voluntary organisations as competitors in the market for penal services is problematic and limiting. This marketised account of the PVS mirrors broader voluntary sector publications in placing market reforms at the centre of analysis. Whilst raising the important critical concern that the government conceptualises the voluntary sector as biddable agents of service delivery, this selective scholarship in fact perpetuates the very effect that it seeks to expose and works to denigrate the agency and innovation of the PVS (explored further in Tomczak, forthcoming).

Carrying Out the Research

This PhD ran between September 2010 and December 2013. The work was funded by the University of Manchester's School of Law Scholarship, where I was based throughout the project. I spent the first year of the PhD reviewing relevant literature and applying for ethical approval to undertake data collection. I looked for literature principally using Google Scholar with keywords such as voluntary sector, prison, probation and community. I also made some valuable contacts and increased my awareness of the sector's operations by taking a chance and attending a practitioner conference run by a specific voluntary sector project working with serious offenders at the very beginning of my PhD. This first year could mainly be characterised by bewilderment, after the initial thrill of winning funding had begun to wane. Fear and panic delayed me greatly! I was uncertain about my status and role as a PhD student and so was unnecessarily tentative about going to conferences and meetings, joining mailing lists, speaking about my work, entering essay prizes, applying for conference funding and submitting publications. Although rejections are sometimes really difficult to handle, I've learnt to take chances and have a go at things (within reason). There's a tendency to feel that you should have polished all your work before you do anything with it, but doing something polishes your work.

I also became very panicked about almost every milestone at the beginning of my PhD. My department required me to make written submissions for a Mid-Year Review and Annual Review. It also had a formal ethics application procedure. Although the grapevine led me to believe that all three of these events would be painful, drawn-out and traumatic they were in fact three seminal events which helped me to pull something together and leap forwards with my research. Although I was nervous and uncertain before each and every of these events, I managed to focus on the task in hand and they were all ultimately very valuable. The ethics panel was particularly famous for being horrendous. However, after getting some sample applications from helpful senior students and seeking feedback from my department's research director on my submission, I sailed through with no

amendments. More beneficially, I'd put together a really useful plan for my data collection and all the requisite documents to support the interviews without really noticing.

The Method

My approach to this research was guided by the tenets of ANT. I learnt about this theory during my undergraduate studies in Geography, where I studied how ANT had been used to explore the relationship between nature and the city. Although it was confusing and mentally 'stretching' at the time, this was the part of my course that I was most stimulated by during those three years. When I began to study Criminology at Masters level, I thought that aspects of the theory would be useful to carry across to the discipline. I wasn't particularly confident about doing this, but I'm really glad that I was brave enough to pursue the idea.

ANT conceptualises the task of sociology as characterising how materials join together to (re)produce institutional and organisational patterns in social networks. The theoretical focus is on uncovering and understanding the mechanics of power and organisation, or exactly how power and organisations operate. This demystifies the power of the powerful. ANT therefore encourages exploration of the organisational means through which the powerful became powerful and overcame resistances that operated against them. As such, phenomena such as power and organisation are treated as precarious effects that are always subject to disruption and must be maintained, rather than being given in the nature of things. This approach therefore produces more theoretically comprehensive accounts which recognise the immanent nature of all organisation. Effects such as power and organisation must be reproduced by actors in their networks in order to endure. Some have more durability and thus exist less precariously than others. When a network is embodied in and performed by a range of durable materials (e.g. buildings and texts) and ordered through time it is relatively stable.

However, ANT highlights that every element in an organisation has some capacity to resist the ordering of that network. As such, the elements that produce an organisation could always be assembled anew. This approach also contests assumptions that one type of actor drives the other, by highlighting that organisation, size, inequality and domination are continually produced by *interactions* between different human and non-human actors. This treatment of social order as a contested process thus upsets analytical differences between agency and structure. Importantly, using ANT avoids the pitfall of reproducing existing power relations through reductionist analyses. Organisation could always be otherwise. The principle that all the actors in a network have the opportunity to collude in or resist its reproduction is politically enabling and is a useful counter to the Criminological tendency to produce dystopic accounts of the proliferation of crime control and surveillance.

Applying the Method

The first step of analysis underpinned by ANT is to examine all the actors in a network on the *same terms*. A core assumption of ANT is that the powerful are no different in kind to the wretched, because order can be disrupted (sometimes by the wretched), as seen in the 1990 Strangeways prison riots. Crucial to treating all the actors in a network on the same terms is the *principle of symmetry*, which dictates that the macro and micro should be approached from the same analytical perspective.

To move beyond the marketised account of the PVS as a biddable and acquiescent agent of government will, I needed to gather empirical evidence and find examples of organisations other than the corporate-style Big Players of the sector. With few leads in the existing literature, identifying and exploring penal voluntary organisations initially seemed to be an almost overwhelming task. I gathered data from published documents between September 2011 and March 2012, finding the majority of data through the Charity

Commission's website (which I stumbled across by chance). I started with the few organisations that I had heard of and the sample snowballed from these and web searches. Just reading through the CLINKS bulletin provided quite a few leads.

One difficulty here was in defining the sample and making the group of organisations that I included meaningful in some way. I decided to limit the sample to charitable/voluntary organisations whose *principal focus* is some aspect of criminal justice in England and Wales. This led to the exclusion of certain organisations, such as general voluntary sector umbrella organisations e.g. ACEVO, NAVCA and organisations with a more general focus e.g. The Fawcett Society (women's equality), Phoenix Futures, RAPt (general drug and alcohol services); Hampton Trust (supporting the vulnerable and socially excluded); Ormiston Children's Charity, Barnardo's, Catch 22 (supporting young people).

Eventually, I gathered a sample of fifty organisations that fitted the criteria and organised them into a series of databases to help me make sense of the large volume of heterogeneous data. I then constructed initial databases that illustrated basic information about each organisation and listed their functions, geographical location and income sources. The sample was not intended to be representative of the sector but rather formed a purposive sample that illustrated the range of penal voluntary organisations and examined their diverse relationships with the criminal justice system. Although this data certainly gave me further ideas and useful evidence to illustrate my arguments, I struggled with the variety of information contained in the financial accounts. Some charities provided the bare minimum of financial information, whilst others included interesting analyses of their activities and their various funders. Although I was unsure of how I would make sense of this varied data, ultimately I resolved this by realising that the aim was not to provide a rigorous positivist analysis of any single aspect of the sector. Rather, I set out to illustrate the diversity of charities and charitable work. Large-scale positivist comparison of data was not a prerequisite.

The subsequent semi-structured interviews took place between January and May 2012. These interviews were informed by the findings from the documentary analysis but sought to obtain richer data and enable broader inquiry. The sampling method was purposive again, as participants were approached because their specialist knowledge was relevant to the research. I had a particular interest in organisations whose accounts had showed that they had funding income from non-statutory sources and were therefore not entirely reliant on service delivery contracts and more separated from the will external bodies.

I carried out 13 interviews, two of which were with senior ranking statutory staff who had recently retired from the Prison and Probation Services. These interviews were obtained through personal contacts. The further eleven interviews were with penal voluntary organisation staff. Following on from my document analysis, I approached 22 penal voluntary organisations by email to request an interview, mainly through 'cold' approaches using contact information that was freely available on the internet, but I had 2 contacts from the practitioner conference. I received 11 positive replies and 2 replies from organisations that were unable to participate. Five of these eleven interviewees were directors of penal voluntary organisations, three were central office managerial staff and three were regional project managers. Of the eleven organisations represented, the principal client groups were prisoners (4/11 organisations), probationers (4/11) and families of prisoners (3/11).

Analysis

A number of key research avenues emerged from the data and I will explain how I used ANT to explore two of these here: the diversity of relationships between penal voluntary organisations and the criminal justice system, and the under-explored agency and autonomy of the PVS. Finally, I will consider the political impacts of academic research.

The marketisation literature provided a very limited understanding of the different relationships that exist between charities and criminal justice, being focussed on the service delivery contract relationships that certain charities are buying into and the ways in which the PVS is being moulded by policy. I used two tenets of ANT to counter this argument. First, by contesting the assumption that the government and the statutory agencies of criminal justice always drive the PVS and rather conceptualising the relationship as a product of continual interactions between the different actors involved. Second, I used ANT to structure analysis of the different relationships that exist between penal voluntary organisations and the criminal justice system, using the four inter-related and overlapping points demonstrated by Michel Callon. The first is the '*Problematization*' phase, which describes a system of alliances or associations between entities, defining the identity of each and what they want from the alliance. In short, actors are made interested in joining an actor-network. At the problematisation stage, the entities and relationships have been identified and envisaged but not yet tested. A series of trials of strength will follow, which test whether the actors adopt their assigned roles. The outcome of these trials ultimately determines the solidity of the problematisation. The second is the '*Interessement*', which involves an entity attempting to impose and stabilise the identity of the other actors it defines through its problematisation. Each entity enlisted by the problematisation can submit to integration on the terms envisaged, or can refuse the transaction. The interessement shapes and consolidates social structures comprised of both human and non-human entities, whilst attempting to interrupt potential competing associations of actors. The '*Enrolment*' phase involves the focal actor defining and attributing a set of interrelated roles to other actors who accept them. Enrolment occurs when interessement successfully leads to alliances: the other actors accept the interests defined by the focal actor, through the process of multilateral negotiation and making concessions. The greater the number of actors enrolled into an actor-network, the greater its power and influence will be. However, translations are never stable because enrolment is never permanent and actors can always join competing networks. Finally, the '*Mobilisation*' involves the designation of spokesmen to represent the actors and

collectivities through a series of intermediaries and equivalences.

I mapped each of these four stages in the data analysis but principally used this model to explore how penal voluntary organisations were not necessarily made interested in joining a network of criminal justice. The document analysis and interview data demonstrated that many organisations were proactive in contacting and pursuing the agencies of criminal justice in order to work alongside them. In addition to contractual relationships, I found that many relationships are based around informal agreements and there are a number of penal voluntary organisations that self-identify as social enterprises. I also spoke to a number of organisations who were actively opposed to entering contractual relationships with the agencies of criminal justice.

I then used the ideas of problematisation and interessement to explore the conflicts, negotiations, compromises and resolutions involved in building and maintaining a relationship with one of the statutory agencies of criminal justice. This is closely linked to the second research avenue of charitable agency. The marketisation literature emphasises how governments have shaped the PVS, which is valid and valuable. But, taken alone, this line of argument masks how the growth of the market in criminal justice services has actually elicited a *variety of responses* from voluntary organisations. The approach provided by ANT highlights that the power of the state apparatus to regulate the convicted is a result of networks of actors, devices and strategies. As such, each actor in the network of penalty is actively involved in the translation (or manipulation) of thought and action from centres of calculation; giving rise to struggles, accommodations, alliances and separations. This was demonstrated in Eamonn Carrabine's study of the Strangeways prison riots. Since these associations only have a relative durability, the pattern of accommodations, alliances and separations is always able to shift, with resistances and struggles over power being permanent features of social life. As such, whilst penal voluntary organisations can undeniably act as agents of penal expansionism through their contractual relationship with the agencies of criminal justice, I also demonstrated how

they actively interpret the legitimacy of penal practices and exercise their capacity to resist processes of penal expansionism and at times keep their clients from being sucked back into the criminal justice system.

Methodological Implications & Conclusions

Although the marketisation literature provides a valuable account of the contractual relationship developing between certain penal voluntary organisations and the agencies of criminal justice, this literature shares the Criminological tendency towards dystopia and is therefore politically disabling. Broadly, scholars raise concerns that the PVS's state-sponsored participation in the market for criminal justice services will result in the extension and intensification of penalty and will see the PVS lose its valuable distinctive qualities and ultimately risk becoming assimilated into the mainstream criminal justice system.

Following the work of Lucia Zedner on the dangers of dystopic Criminological research and guided by the tenets of ANT, my PhD provides a more nuanced and politically enabling understanding of the PVS. I apply Zedner's ideas about how determinedly pessimistic scholarship creates its own set of problems, because emphasising dystopic visions of crime control leads scholars to overlook trends that point in a different direction. Therefore, highlighting the vulnerability of the PVS to market policy reforms therefore risks embedding and fortifying said vulnerability.

I argue that the scholarly focus on the market for criminal justice services has so far come at the expense of recognition and analysis of the diversity, agency and innovation that exists amongst certain voluntary organisations. Although the existence of these qualities must not be overstated, ignoring them provides an impoverished account of the PVS and works to denigrate those qualities. Moving beyond the narrow conceptualisation of penal

voluntary organisations as biddable instruments of neoliberal policy, I sought out and illustrated the existence of penal voluntary organisations who are ideologically opposed to market reforms. Without ignoring the impacts of market reforms upon the PVS, I also demonstrated the existence of charities that are outside the realm of economic engagement with the PVS and those who exercise their agency to pursue new organisational models and funding streams that are not based on contracts.

Web Resources

For actor network theory:

- Law, J. (2003) Traduction/trahison: Notes on ANT. On-Line Papers, Centre for Science Studies Lancaster University. Available at:

<http://www.lancs.ac.uk/fss/sociology/papers/law-traduction-trahison.pdf%>.

- Law, J. (1992). Notes on the theory of the actor-network: ordering, strategy, and heterogeneity. *Systems Practice*, 5(4), 379-393. Provides a set of questions which can be used to explore the mechanics of organisation on p389.

On charities:

www.thirdsector.co.uk

www.cjif.org

www.criminaljusticealliance.org/organisations.htm

www.prisonreform.org.

Exercises and Questions

- Should academic work be written with a consideration of its political impact or should it strive to be neutral? Explain your answer.

- Should theory drive research or should research drive theory?
- What other theoretical approaches could I have used to explore the PVS?
- Can you see any limitations in using ANT to explore the PVS?
- Do you think the methods used (document analysis and semi-structured interviews) were appropriate for this research?

References

- Bosworth, M., & Carrabine, E. (2001). Reassessing Resistance Race, Gender and Sexuality in Prison. *Punishment & Society*, 3(4), 501-515.
- Callon, M. (1986). Some elements of a sociology of translation: domestication of the scallops and the fishermen of St Brieuc Bay in Law, J. *Power, action and belief: a new sociology of knowledge?* London: Routledge, 196-223.
- Carrabine, E. (2000). Discourse, governmentality and translation: Towards a social theory of imprisonment. *Theoretical Criminology*, 4(3), 309-331.
- Corcoran, M. (2011). Dilemmas of institutionalization in the penal voluntary sector. *Critical Social Policy* 31 (1): 30–52.
- Law, J. (1992). Notes on the theory of the actor-network: ordering, strategy, and heterogeneity. *Systems Practice*, 5(4), 379-393.
- Martin, C. (2013) 'Dazzled by the fireworks: realising detail in the overwhelming scale of reform'. Blog Post. Available at: <http://www.clinks.org/community/blog-posts/dazzled-fireworks-realising-detail-overwhelming-scale-reform>. Accessed 31/05/2013.
- Tomczak, P. (forthcoming) 'The penal voluntary sector in England and Wales: Beyond neoliberalism?' *Criminology and Criminal Justice*
- Zedner, L. (2002). Dangers of dystopias in penal theory. *Oxford Journal of Legal Studies*, 22(2), 341-366.

Appendix 5: Questions for exploring the mechanics of organisation

- What are the kinds of heterogeneous bits and pieces created or mobilised and juxtaposed to generate organisational effects?
- How are they juxtaposed?
- How are resistances overcome?
- How it is (if at all) that the material durability and transportability necessary to the organisational patterning of social relations is achieved?
- What are the strategies being performed throughout the networks of the social as a part of this?
- How far do they spread?
- How widely are they performed?
- How do they interact?
- How it is (if at all) that organisational calculation is attempted?
- How (if at all) are the results of that calculation translated into action?
- How is it (if at all) that the heterogeneous bits and pieces that make up organisation generate an asymmetrical relationship between periphery and centre?
- How is it, in other words, that a centre may come to speak for and profit from, the efforts of what has been turned into a periphery? How is it that a manager manages?

(Law, 1992: 389).

Appendix 6: Interview schedule

Formed part of the application for ethical approval

INTERVIEW SCHEDULE:

Semi-structured interview to explore the relationship between the penal voluntary sector, the criminal justice system and the State.

Introduction

Hello, my name is Philippa. General chat – build rapport.

I'd like to ask you some questions about your experience of the voluntary sector. I hope to use this information to develop theory about the relationship between the penal voluntary sector, the criminal justice system and the state. I'd like to emphasise that: it is **your** experiences and opinions that are of interest. You are able to refuse to answer any of the questions I ask. You are able to stop this interview and are free to withdraw from the research, without explanation, at any time.

I'd like to record this interview but only I will have access to the recording and I will destroy it as soon as I've transcribed it. We can turn the tape off at any time. The data will remain confidential and I will report it using a pseudonym for you. Is that ok?

Discuss 'descriptor' and sign consent form.

If there's anything that isn't clear or you don't understand, please tell me and I'll try to explain it better!

Any questions before we start?

N.B. Prompts:

'That's interesting, can you tell me more about _____?'

'Can you give me an example of _____?'

Participant's Background

Explore:

- Their career to date (what brought them to their current position, previous jobs, how they became involved in the voluntary sector, why they wanted to work within the voluntary sector).
- Their involvement with the penal voluntary sector (Organisation, how long, their role within the organisation).
- Any previous involvement with statutory agencies?

The Voluntary Organisation

- As far as you know: What does this organisation do (service delivery, advocacy, campaigning. Scale(s) – grassroots, larger projects)? How big is it? Clarify what work the organisation does within, alongside and outside the criminal justice system.
- What are the aims of your organisation? How does it work to fulfil those aims? What are its goals? How does it work to fulfil those goals? Who decides those aims and goals? Have you seen these principles change over time?
- Discuss how work inside and outside the criminal justice system shapes the work and principles of the organisation.
- In your opinion: Is it similar to other voluntary agencies? Is it 'special' or 'different'? How? - Is it representative of the voluntary sector?
- What is this organisation like to work/volunteer for?
- What are the strengths of your organisation? What 'skills' does it/the people within it have? What are the weaknesses of your organisation? (Link this to the aims).
- How difficult is it for your organisation to do its work: to deliver services, act as an advocate, campaign?
- What are the problems in managing this type of organisation? How are workers recruited? Is this difficult?

Funding

- How does your organisation fund its work?
- Have you noticed any changes to this funding over time?

The Penal Voluntary Sector

- Can you describe and/or define the penal voluntary sector for me? In your experience, how is the sector organised? What is its political role?

The Political Background

- As far as you know, what changes have occurred in the voluntary sector after the election of the current government?
- How is the future looking for the sector?
- Is the political landscape (e.g. the current coalition government) important in this future? If so, why is it?
- Have there been any changes in your organisation as a result of government policy?
- How is the future looking for your organisation?
- Is the political landscape important in this future? If so, why?

Partnership Working

- What do you think of the idea of partnership working? Can it fulfil the aims and principles of your organisation? Can the partnerships be equal?
- Does this organisation work with the CJS? What types of work does it do with the CJS? Check: service provision and/or consultative role.
- How does this organisation obtain work? Is it entrepreneurial?
- Any experience of the commissioning/contestability process?
- Any bids or work in partnership with private organisations?
- Have you worked with prisons, probation, youth justice? What are the positive and negative aspects of these experiences?
- In your opinion, should voluntary organisations work with or outside the state?

- What do you think the relationship between the voluntary sector and the state? How should this relationship be, ideally?

Participant's Feedback

- Is there anything else you want to talk about? Anything you think I've missed?

- How have you found this interview? Any tips/areas of improvement/suggestions for me in the future?

Appendix 7: Ethics application form

Formed part of the application for ethical approval

UNIVERSITY OF MANCHESTER

COMMITTEE ON THE ETHICS OF RESEARCH ON HUMAN BEINGS

Application form for approval of a research project

This form should be completed by the Chief Investigator(s), after reading the guidance notes.

1. Title of the research

Full title: Problematizing The Penal Voluntary Sector: Partnerships, Privatisation and Policy.

2. Chief Investigator

Title: Miss

Forename/Initials: Philippa J.

Surname: Tomczak

Post: PhD Student

Qualifications: MSc (Oxon.), BA (Hons) (Oxon.)

School/Unit: Law/ Criminology

E-mail: philippa.tomczak@gmail.com / philippa.tomczak@postgrad.manchester.ac.uk

Telephone: 07910 288765

3. Details of Project

3.1 Proposed study dates and duration

Start date: October 2010

End date: June 2013

3.2 Is this a student project?

Yes/No

If so, what degree is it for? PhD Criminology. 3 Years Full Time.

.....

3.3. What is the principal research question/objective? (Must be in language comprehensible to a lay person.)

To examine the relationships between the State, the criminal justice system and the penal voluntary sector.

3.4. What is the scientific justification for the research? What is the background? Why is this an area of importance / has any similar research been done? (Must be in language comprehensible to a lay person.)

The penal voluntary sector has historically played a role in the delivery of criminal justice and was instrumental in the nineteenth century prison reforms that laid the foundations for the current penal system. The Probation Service and youth justice services also grew from charitable organisations prior to their incorporation as state agencies into the criminal justice system at the beginning of the twentieth century.

The role of the voluntary sector in the delivery of criminal justice interventions is likely to increase in future. The *Breaking the Cycle* Green Paper (2010) emphasised the importance of the penal voluntary sector and proposed to engage with the voluntary sector to increase competition for service delivery contracts. The Green Paper proposes to draw upon the skills of both civil society and the private sector, in order to provide more effective offender rehabilitation and thus better guarantee the safety and the security of the law-abiding citizen (MOJ, 2010: 1-2).

Although the policy rhetoric presents the voluntary sector as a panacea to the current difficulties experienced in the criminal justice system, there are also dangers and harms implicit in partnership working and these need to be explored. Contemporary criminological literature highlights critical concerns that partnerships with the voluntary sector could be used as a technique of penal expansionism. Scholars argue that the state's mission will creep into the voluntary sector and that the state will come to shape the activities of penal voluntary organisations, resulting in the “co-optation of reformers into expansionist penal service networks” (Corcoran, 2011: 32). It does appear that there is an enormous gap between the voluntary sector's distinctive ethics of compassion and focus on the needs of individual offenders (Silvestri, 2009: 3,4; Corcoran, 2008: 37) and Government policy, which has often implied “greater use of imprisonment, for longer periods, and more intensive supervision in the community” (Faulkner, 2007: 144). As such, it is argued that the voluntary sector could become an agent of penal expansionism and netwidening. The perceived benevolence of the sector could act to legitimise increases in the size of the prison estate and to expand the networks of social control through punishment in the community (Cohen, 1985).

Whilst such concerns are undeniably important, the **existing criminological literature** is highly reductionist and theoretically deficient. Although the voluntary sector as a whole is at risk of co-optation into the punitive criminal justice system, the diversity of organisations within the sector is almost entirely overlooked. The spectrum of organisations within the voluntary and community sector runs from grassroots projects to large, corporate organisations, but this is hardly documented in the literature. The agency and potential resistance of voluntary and community organisations are overlooked and as a result, the vulnerability of the sector is over-emphasised.

As existing analyses appear not to be equipped to account for the diversity within the sector, and the consequent multiple impacts of partnership working, I propose a novel approach to studying the penal voluntary and community sector that counters the existing reductionist tendencies and theoretical deficiencies within the literature. I use Actor Network Theory to problematise existing dystopic accounts. As such, address the history and diversity of the voluntary sector and problematise questions of scale and agency.

3.5. How has the scientific quality of the research been assessed? (Tick as appropriate)

- Independent external review
- Review within a company
- Review within a multi-centre research group
- Internal review (e.g. involving colleagues, academic supervisor)
- None external to the investigator
- Other, e.g. methodological guidelines (give details below)

If relevant, describe the review process and outcome. If the review has been undertaken but not seen by the researcher, give details of the body which has undertaken the review.

I have regular meetings with my academic supervisor and have an annual review panel within the School of Law.

3.6. Give a full summary of the purpose, design and methodology of the planned research, including a brief explanation of the theoretical framework that informs it. It should be clear exactly what will happen to the research participant, how many times and in what order. Describe any involvement of research participants, patient groups or communities in the design of the research.

(This section must be completed in language comprehensible to the lay person.)

Purpose: I aim to develop substantive theory that explores and accounts for the relationships between **different types** of voluntary agencies and the State. The focus on the diversity of voluntary agencies will illuminate the resultant complexity of voluntary organisations' relationships with each other and the State. I will also examine the different ways in which voluntary organisations exert influence, and question why some organisations fail to become influential.

Design: Qualitative research is most appropriate to illuminate the nuances and complexities of these relationships. I will carry out an in-depth qualitative investigation of the relationships between the penal voluntary sector, the criminal justice system and the state.

Theoretical Framework: I adopt aspects of actor network theory, which examines the mechanics of power and organisation and therefore illuminates how structures of power and organisation are produced. This theoretical perspective enables me to problematise the relationships in question.

Methodology: I will undertake both documentary analysis and semi-structured interviewing. The documentary analysis will utilise publications from the state and voluntary organisations and will examine the stated objectives and practices of the organisations. The semi-structured interviews will be with relevant policy makers and members of penal voluntary organisations (at director and management level and also volunteers). The structure will enable comparison between interviews, but also enable new themes to emerge. Using a semi-structured approach and providing participants with the opportunity to introduce new themes means that the interview design will be flexible and evolve through responses. Participants will be interviewed and asked a series of questions on one initial occasion, with the potential for follow up interviewing if they agree to this.

Involvement: The interviews have been designed with reference to the existing commentary on partnership working (from political, umbrella and voluntary groups). I will ask participants whether they think there are any omissions in the interview questions and give them the opportunity to include aspects that are not covered by the interview questions.

3.6.1. Has the protocol submitted with this application been the subject of review by a statistician independent of the research team? (Select one of the following)

- Yes – copy of review enclosed
 Yes details of review available from the following individual or organisation (give contact details below)
 No – justify below
The research is qualitative and no statistics will be used.

3.6.2. If relevant, specify the specific statistical experimental design, and why it was chosen?

N/A

3.6.3. How many participants will be recruited?

If there is more than one group, state how many participants will be recruited in each group. For international studies, say how many participants will be recruited in the UK and in total.

The study is based in England and Wales. I will create a 'typology' of the penal voluntary sector to illustrate the variety of organisations and the work that they do. I will then approach representatives from each 'area' that I identify in this typology. Exact numbers depend on the snowballing of participants, but I am to include: c. 2 policy-makers from the Ministry of Justice, 15 Directors/Executives/Trustees of Voluntary and Community Organisations and 15 Volunteers who carry out the work of organisations.

3.6.4. How was the number of participants decided upon?

If a formal sample size calculation was used, indicate how this was done, giving sufficient information to justify and reproduce the calculation.

These numbers are achievable given the detail required and the time and resources available for this research. This sample will not be statistically representative, but will provide theoretical generalisability.

3.6.5. Describe the methods of analysis (statistical or other appropriate methods, e.g. for qualitative research) by which the data will be evaluated to meet the study objectives.

I will transcribe all the interviews verbatim. I will then analyse the data using Nvivo. I will identify themes about the relationships in the data and also explore emerging themes.

3.7. Where will the research take place?

I will endeavour to accommodate the location preference of the participants, as long as they are appropriate for a lone researcher. Examples of locations are: the offices of relevant professionals, or community based locations such as coffee shops if the participant does not have an office space or prefers to meet on neutral ground or privately.

3.8. Names of other staff involved.

Jon Spencer and Jo Deakin are my academic supervisors. Jon Spencer is the joint applicant.

3.9. What do you consider to be the main ethical issues which may arise with the proposed study and what steps will be taken to address these?

Anonymity: I will explain to participants and provide an information sheet detailing that their responses will be anonymised when they are transcribed. I will discuss a 'descriptor' with each participant, i.e. how I could describe their involvement and rank within the penal voluntary sector in a way that they are comfortable with. I will reassure participants that their anonymity will be maintained. I will explain that I may use direct quotations from the interviews, but that these will not be directly attributed to the participants. If participants describe an event that could identify them I will seek their permission before including this information in my thesis. Only the chief investigator will have access to the raw data and pseudonyms will be used. I will record the interviews if participants agree to this, but will delete recordings when they have been transcribed. Transcribed interviews will be encrypted and kept on a password protected computer.

Informed Consent: I will explain the research process, topic and purpose to participants and also provide an information sheet in advance of the interview. I will explain that participants are free to opt out of the research at any stage if they wish. The expectations of participants about the impact of this research may not be met. I will provide an honest summary of the objectives of this research for participants in advance of the interview. I will answer any queries from participants before beginning the interviews. Consent forms will be stored in a locked filing cabinet for 12 months after the completion of the research and will then be shredded. At the end of the interview, participants will be provided with a participant information leaflet, including a contact name, and a copy of the consent form.

Secondary Data: This will be collected from sources in the public domain (e.g. the internet) and is therefore not sensitive data.

Data Security: I have created a bespoke data management plan for this project, following the guidelines for qualitative data security provided by Aldridge, Medina & Ralphs (2010) in their paper *The problem of proliferation*. Some of the problems described by Aldridge et al are mitigated because I do not use a smart phone and only myself and my supervisor will have access to the raw data. The plan consists of 5 points:

- Strong **passwords** (8 characters or longer, using a combination of numbers and upper and lower case letters) are to be used on all computers, devices (e.g. USB memory sticks) and individual files that are involved throughout the course of the project. 'Remember my password' options are to be avoided.
- All research data and associated files using raw data is to be **encrypted** using software such as TrueCrypt. Files attached to emails and back up data must also be encrypted.
- Data is to be **anonymised** asap after collection. Original recordings and field notes are to be destroyed asap.
- Software such as CleanUp is to be used monthly on all computers to ensure all **digital files are permanently deleted**.
- Before archiving data, any sensitive information is to be **redacted**. If other researchers request access, access agreements can be individually negotiated.

3.9.1. Will any intervention or procedure, which would normally be considered a part of routine care, be withheld from the research participants?

Yes No

If yes, give details and justification

4. Details of Subjects.

4.1. Total Number

c. 30

4.2 Sex and Age Range

Both sexes. Ages likely to be 18-70.

4.3 Type

Professionals and volunteers.

4.4. What are the principal inclusion criteria? *(Please justify)*

People who have experience of the relationships between the state and the voluntary sector and are therefore able to provide data. I will seek to include participants from a range of organisations to include different experiences of these relationships, i.e. policymakers, organisation directors, volunteers and operational staff.

4.5. What are the principal exclusion criteria? *(Please justify)*

Lack of knowledge about the research subject – would not be able to make a contribution to the research.
Age under 16 – unlikely to have appropriate knowledge and would be a vulnerable group.

4.6. Will the participants be from any of the following groups? *(Tick as appropriate)*

- Children under 16
- Adults with learning difficulties
- Adults who are unconscious or very severely ill
- Adults who have a terminal illness
- Adults in emergency situations
- Adults with mental illness (particularly if detained under mental health legislation)
- Adults with dementia
- Prisoners
- Young offenders
- Adults in Scotland who are unable to consent for themselves
- Healthy volunteers
- Those who could be considered to have a particularly dependent relationship with the investigator, e.g. those in care homes, medical students.
- Other vulnerable groups

Justify their inclusion

No vulnerable groups

4.7. Will any research participants be recruited who are involved in existing research or have recently been involved in any research prior to recruitment?

Yes No Not known

If Yes, give details and justify their inclusion. If Not Known, what steps will you take to find out?

4.8 How will potential participants in the study be (i) identified, (ii) approached and (iii) recruited?

Where research participants will be recruited via advertisement, please append a copy to this application

Potential participants have already emerged from my attendance at conferences. I will supplement these existing contacts with web searches for relevant groups and individuals. I will approach potential participants by email or over the telephone if appropriate, explaining what my research is about and why I would like to include them in it. I will email an information sheet and consent form to participants two weeks in advance of the interviews. I will also advertise the study on the CLINKS newsletter to identify participants I have not already come into contact with. Participants will be recruited if they have the experience required to be able to contribute to the research.

4.9 Will individual research participants receive reimbursement of expenses or any other incentives or benefits for taking part in this research?

Yes No

If yes, indicate how much and on what basis this has been decided

5 Details of risks

5.1 Drugs and other substances to be administered

Indicate status, e.g. full product licence, CTC, CTX. Attach: evidence of status of any unlicensed product; and Martindales Pharmacopoeia details for licensed products

DRUG	STATUS	DOSAGE/FREQUENCY/ROUTE
------	--------	------------------------

None

5.2 Procedures to be undertaken

Details of any invasive procedures, and any samples or measurements to be taken. Include any questionnaires, psychological tests etc. What is the experience of those administering the procedures?

An interview, with the potential to follow up this interview if further queries emerge and participants agree to this.

No invasive procedures.

5.3 Or Activities to be undertaken

Please list the activities to be undertaken by participants and the likely duration of each

None

5.4 What are the potential adverse effects, risks or hazards for research participants, including potential for pain, discomfort, distress, inconvenience or changes to lifestyle for research participants?

Inconvenience, but participants will be aware that the interview will last approximately one hour and that they are free to withdraw at any time. Interviews will be conducted at a time and place that is convenient for the participant.

Potential discomfort at the questions, but they are not particularly sensitive so this is unlikely to occur.

5.5 Will individual or group interviews/questionnaires discuss any topics or issues that might be sensitive, embarrassing or upsetting, or is it possible that criminal or other disclosures requiring action could take place during the study (e.g. during interviews/group discussions, or use of screening tests for drugs)?

Yes No

If yes, give details of procedures in place to deal with these issues:

5.6 What is the expected total duration of participation in the study for each participant?

1-2 hours

5.7 What is the potential benefit to research participants?

No direct benefit.

5.8 What is the potential for adverse effects, risks or hazards, pain, discomfort, distress, or inconvenience to the researchers themselves? (If any)

Inconvenience if I have to travel a long way to meet participants.

Although I will be meeting participants alone, I will conduct interviews in safe places where other people are present nearby and will follow the School of Law Lone Worker Policy throughout my time in the field.

6. Safeguards

6.1 What precautions have been taken to minimise or mitigate the risks identified above?

I will be exposed to the usual risks of life in a city but will meet participants in their offices, at sensible times (where there should be other people present nearby) or community locations, not their homes.

As a lone worker, I will carry a mobile phone with me at all times during this research and will inform my supervisor of where I am interviewing participants and the time I expect to return. I will contact my supervision upon my safe return from the fieldwork site. There are unlikely to be any unusual risks.

6.2 Will informed consent be obtained from the research participants?

Yes No

If Yes, give details of who will take consent and how it will be done. Give details of the experience in taking consent and of any particular steps to provide information (in addition to a written information sheet) e.g. videos, interactive material.

If participants are to be recruited from any of the potentially vulnerable groups listed in Question 4.6, give details of extra steps taken to assure their protection. Describe any arrangements to be made for obtaining consent from a legal representative.

If consent is not to be obtained, please explain why not.

Where relevant the committee must have a copy of the information sheet and consent form.

The chief investigator will take consent. This will involve the chief investigator explaining, in clear and simple language, the research topic and purpose to the participant, along with information about how the research will be used. The investigator will check that the participant has understood this and will emphasise that the participant is able to withdraw from the research at any time, should they choose to.

The investigator has previous experience of conducting interviews and obtaining consent (in 2007 and 2010).

6.3 Will a signed record of consent be obtained?

Yes No

If not, please explain why not.

6.4 How long will the participant have to decide whether to take part in the research?

They can take as long as they wish to reply to the initial email which will explain the nature of the research. They will have only a minute or two in person.

6.5 What arrangements have been made for participants who might not adequately understand verbal explanations or written information given in English, or who have special communication needs? (e.g. translation, use of interpreters etc.)

N/a

6.6 What arrangements are in place to ensure participants receive any information that becomes available during the course of the research that may be relevant to their continued participation?

N/a

6.7 Will the research participants' General Practitioner be informed that they are taking part in the study?

Yes No

If No, explain why not

This research will have no impact on participant's health

6.8 Will permission be sought from the research participants to inform their GP before this is done?

Yes No

If No, explain why not

N/A

6.9 What arrangements have been made to provide indemnity and/or compensation in the event of a claim by, or on behalf of, participants for (a) *negligent* harm and (b) *non-negligent* harm?

Manchester University's insurance arrangements for students conducting research.

7 Data Protection and Confidentiality

7.1 Will the research involve any of the following activities at any stage (including identification of potential research participants)? (Tick as appropriate)

- Examination of medical records by those outside the NHS, or within the NHS by those who would not normally have access
- Electronic transfer by magnetic or optical media, e-mail or computer networks
- Sharing of data with other organisations
- Export of data outside the European Union
- Use of personal addresses, postcodes, faxes, e-mails or telephone numbers
- Publication of direct quotations from respondents
- Publication of data that might allow identification of individuals
- Use of audio/visual recording devices
- Storage of personal data on any of the following:
 - Manual files including X-rays
 - NHS computers
 - Home or other personal computers
 - University computers
 - Private company computers
 - Laptop computers

Further details:

7.2 What measures have been put in place to ensure confidentiality of personal data? Give details of whether any encryption or other anonymisation procedures have been used and at what stage?

Data is to be anonymised asap after it is collected. Original recordings and field notes will be destroyed asap.

Strong passwords will be used for files, devices and computers. All research data will be encrypted using TrueCrypt as soon as it is saved.

Before data is archived any sensitive information will be redacted.

I have created a data management plan for this project, see p6-7 of this document.

7.3 Where will the analysis of the data from the study take place and by whom will it be undertaken?

By the chief investigator, on a personal computer that is password protected and stored at home in a private study area. Nobody else will have access to the data.

7.4 Who will have control of and act as the custodian for the data generated by the study?

The chief investigator will have control of the data.

The academic supervisor (Jon Spencer) will act as the custodian of the data.

7.5 Who will have access to the data generated by the study?

The chief investigator and their academic supervisor.

7.6 For how long will data from the study be stored?

5 Years 0 Months

Give details of where they will be stored, who will have access and the custodial arrangements for the data:

On the chief investigator's computer, in an anonymised form, encrypted, on a password protected file. Nobody other than the chief investigator and their supervisor will have access. If I leave the university before the 5 year period my supervisor will become the custodian of the data.

Consent forms will be stored for 12 months after the completion of the research in a locked filing cabinet at the university.

8. Reporting Arrangements

8.1 Please confirm that any adverse event will be reported to the Committee Yes

**8.2. How is it intended the results of the study will be reported and disseminated?
(Tick as appropriate)**

- Peer reviewed scientific journals
- Internal report
- Conference presentation
- Thesis/dissertation
- Written feedback to research participants
- Presentation to participants or relevant community groups
- Other/none e.g. Cochrane Review, University Library

8.3 How will the results of research be made available to research participants and communities from which they are drawn?

Participants will be able to request a copy of a short research report.

8.4 Has this or a similar application been previously considered by a Research Ethics Committee in the UK, the European Union or the European Economic Area?

- Yes
 No

If Yes give details of each application considered, including:

Name of Research Ethics Committee or regulatory authority:

Decision and date taken:

Research ethics committee reference number:

N/A

8.5 What arrangements are in place for monitoring and auditing the conduct of the research?

Regular supervisory meetings.

Will a data monitoring committee be convened?

- Yes
 No

What are the criteria for electively stopping the trial or other research prematurely?

N/A

9. Funding and Sponsorship

9.1 Has external funding for the research been secured?

- Yes No

If Yes, give details of funding organisation(s) and amount secured and duration:

Organisation: N/A

UK contact:

Amount (£):

Duration: Months

9.2 Has the external funder of the research agreed to act as sponsor as set out in the Research Governance Framework?

- Yes No Not Applicable

9.3 Has the employer of the Chief Investigator agreed to act as sponsor of the research?

Yes No

9.4 Sponsor (must be completed in all cases where the sponsor is not the University)

Name of organisation which will act as sponsor for the research:

10. Conflict of interest

10.1 Will individual researchers receive any personal payment over and above normal salary and reimbursement of expenses for undertaking this research?

Yes No

If Yes, indicate how much and on what basis this has been decided:

10.2 Will the host organisation or the researcher's department(s) or institution(s) receive any payment of benefits in excess of the costs of undertaking the research?

Yes No

If Yes, give details:

10.3 Does the Chief Investigator or any other investigator/collaborator have any direct personal involvement (e.g. financial, share-holding, personal relationship etc.) in the organisation sponsoring or funding the research that may give rise to a possible conflict of interest?

Yes No

If Yes, give details:

No conflict of interest.

11. Signatures of applicant(s)

.Philippa J. Tomczak.....
Signed

.01/09/2011.....
Date

.....
Signed Date

.....

12 Signature by or on behalf of the Head of School

The Committee expects each School to have a pre-screening process for all applications for an ethical opinion on research projects. The purpose of this pre-screening is to ensure that projects are scientifically sound, have been assessed to see if they need ethics approval and, if so, go to the relevant ethics committee. It is **not** to undertake ethical review itself, which must be undertaken by a formal research ethics committee.

The form must therefore be counter-signed by or on behalf of the Head of School to signify that this pre-screening process has been undertaken.

I approve the submission of this application

.....
Signed by or on behalf of the Head of School

.....
Date

Appendix 8: Study advertisement

PARTICIPANTS REQUIRED for study researching the PENAL VOLUNTARY and COMMUNITY SECTOR

Study Title: Problematising the Penal Voluntary Sector: Partnerships, Privatisation and Policy

In this study, I aim to expand our current understanding of the relationships between the penal voluntary sector, the criminal justice system and the state.

Do you have experience of the penal voluntary sector (in prisons, probation, working with offenders)?

If so, I would like to speak to you. Volunteers, paid members of staff, organisation executives and trustees would all be able to make a valuable contribute to this research.

Participating in this study would entail one interview, which would probably last between one and two hours. Interviews can be arranged at a time and place to suit you. It is also possible to be interviewed by e-mail.

For further information, please contact Philippa Tomczak on philippa.tomczak@postgrad.manchester.ac.uk.

Appendix 9: Participant information sheet

Problematism The Penal Voluntary Sector: Policy, Partnerships and Privatisation

Participant Information Sheet

You are being invited to take part in a research study as part of my PhD in Criminology. The study aims to examine the relationships between the penal voluntary and community sector, the criminal justice system and the state. Before you decide it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Please ask if there is anything that is not clear or if you would like more information. Take time to decide whether or not you wish to take part. Thank you for reading this.

Who will conduct the research?

The researcher is Miss Philippa J. Tomczak, at The School of Law, University of Manchester, Oxford Road, M13 9PL.

Title of the Research

The Title is: Problematism The Penal Voluntary Sector: Policy, Partnerships and Privatisation.

Through 'problematism' current understandings of the sector I am questioning and expanding ideas about who and what we include when we refer to the penal voluntary sector.

What is the aim of the research?

The objectives of this research are:

- ▲ to examine how the penal voluntary sector interacts with the criminal justice system and the state
- ▲ to highlight the benefits and harms of partnership working between the penal voluntary sector and the criminal justice system
- ▲ to provide a broader representation of the diverse penal voluntary sector in academic literature.

Why have I been chosen?

You have been approached because your experience of the penal voluntary sector would be very helpful for my study. Around thirty participants will be involved in this study in total.

What would I be asked to do if I took part?

Participants will be interviewed about their experiences of and opinions about the relationships between the the penal voluntary and community sector, the criminal justice system and the state. This will take between one and two hours. You are free to refrain from answering any questions you do not wish to. You may be asked to provide more information at a later date if you agree to this.

What happens to the data collected?

It will form part of my PhD thesis and associated publications.

How is confidentiality maintained?

Your responses will be anonymised as soon as possible after the interview. You will be referred to with a 'descriptor' that you agree to, i.e. a pseudonym and a description of your involvement within the penal voluntary sector. I may use direct quotations from the interviews in publications, but these will use the 'descriptor' so will not be directly attributed to the participants.

I have a data management plan for this project that requires me to use passwords and encryption to protect all the data generated in this study.

I will audio record the interviews if you are happy with this, but will delete recordings as soon as possible. Transcribed interviews will be encrypted and kept on a password protected computer.

What happens if I do not want to take part or if I change my mind?

It is up to you to decide whether or not to take part. If you do decide to take part you will be given this information sheet to keep and be asked to sign a consent form. If you decide to take part you are still free to withdraw at any time without giving a reason and without detriment to yourself

Will I be paid for participating in the research?

No payment for participants is available.

What is the duration of the research?

The interview will last around one hour. If you agree to this, a small amount of further information may be requested after the interview.

Where will the research be conducted?

The location and time of the study will be arranged to suit you as far as possible. The location could be your public office, or a coffee shop.

Will the outcomes of the research be published?

Yes. Information and results from this study will be circulated through academic channels (e.g. journal articles, in a book and as part of conference presentations). Participants will be provided with a short report of the results from this study if they would like to read this.

Contact for further information

In the first instance, please contact Philippa Tomczak. Alternatively, you may contact the University of Manchester's Law Research Manager, Mrs Louise Gorton, at Williamson Building 3.44, School of Law, University of Manchester, M13 9PL, or on 0161 275 0903.

What if something goes wrong?

The University of Manchester's Law Research Manager, Mrs Louise Gorton, can be contacted at Williamson Building 3.44, School of Law, University of Manchester, M13 9PL, or on 0161 275 0903.

If you wish to make a formal complaint about the conduct of the research, please contact the Head of the Research Office, Christie Building, University of Manchester, Oxford Road, Manchester, M13 9PL.

Appendix 10: Participant consent form

Problematising The Penal Voluntary Sector: Policy, Partnerships and Privatisation

CONSENT FORM

If you are happy to participate please complete and sign the consent form below

**Please
Initial
Box**

I confirm that I have read the attached information sheet on the above project and have had the opportunity to consider the information and ask questions and had these answered satisfactorily.

I understand that my participation in the study is voluntary and that I am free to withdraw at any time without giving a reason and without detriment to any treatment/service.

I understand that the interviews will be audio-recorded

I agree to the use of anonymous quotes

I agree that any data collected may be passed to other researchers

I agree to take part in the above project

Name of participant	Date	Signature
Name of person taking consent	Date	Signature

Appendix 11: Sample PVO database 'Location'

↓ ORGANISATION	Area
Action for Prisoner's Families	Thro Eng & Wales (TE&W)
AFFECT	Dorset, Hampshire, E&W Sussex
Angulimala	TE&W
Apex Trust	TE&W
Bridging the Gap Trust	TE&W
Christian Prison Resources	TE&W
Christmas Letters to Prisoners	TE&W & Scot./NI/ROI/Abroad
CIRCLES UK	TE&W
Clean Break	Camden, London
Clinks	TE&W
Community Resettlement Suppt Proj (CRSP)	Bedfordshire/Luton/Hertfordshire
Concord Prison Trust	TE&W
Contact Cheshire	E&W Cheshire, Chester
Feltham Community Chaplaincy Trust (FCCT)	Throughout London
Fine Cell Work	TE&W , Scot.
Footprints Project	Bournemouth/Dorset/Poole/Somerset
FPWP Hibiscus	TE&W & Ghana/Nigeria/Jamaica
Griffins Society	Throughout London
Howard League for Penal Reform	TE&W
INQUEST	TE&W
Nacro	TE&W
National Appropriate Adult Network (NAAN)	TE&W
NEPACS	NE England
New Bridge Foundation	TE&W
Partners of Prisnrs & Fams Suppt Grp (POPS)	Throughout England
Prison Advice & Care Trust (PACT)	London & regions
Prison Chat UK	Online
Prisoners' Advice Service	TE&W
Prisoners Education Trust	TE&W
Prisoners' Families & Friends Service (PFFS)	TE&W
Prison Fellowship	TE&W
Prisoners' Penfriends	TE&W
Prison Phoenix Trust	TE&W , Scot., ROI
Prison Reform Trust	TE&W
Revolving Doors Agency	TE&W
Safe Ground	TE&W
Shannon Trust	TE&W , Scot.
SHARP	TE&W , ROI
SOVA	TE&W
St. Giles Trust	Throughout England
Stepping Stones Trust	TE&W
Unlock	TE&W
Wish	TE&W
Women In Prison	TE&W

Appendix 12: Sample PVO database 'Function'

↓ ORGANISATION

Primary Function

Action for Prisoner's Families	National org. for those interested prisoners' families
AFFECT	Support services for families of serious offenders
Angulimala	To teach & practice Buddhism in prisons & custody
Apex Trust	Helps people with criminal records obtain employment
Bridging the Gap Trust	Helping prisoners & ex-prisoners adjust to life outside
Christian Prison Resources	Resourcing Prison Chaplaincy departments
Christmas Letters to Prisoners	To provide hand-written letters to prisoners at Christmas
CIRCLES UK	Helping sex offenders live offence-free lives
Clean Break	Uses theatre to support women affected by CJS
Clinks	Supports voluntary organisation that work with offenders
Community Resettlement Suppt Proj (CRSP)	Befriending & Support to men leaving HMP Bedford
Concord Prison Trust	Teaches basic counselling skills to prisoners
Contact Cheshire	Supports families & friends of the accused
Feltham Community Chaplaincy Trust (FCCT)	Supports young people (U21) leaving Feltham YO1
Fine Cell Work	Trains & pays prisoners to do craft work in their cells
Footprints Project	Trains volunteers to mentor ex-offenders leaving prison
FPWP Hibiscus	Welfare advice & advocacy work with women prisoners
Griffins Society	Supports women offenders
Howard League for Penal Reform	Works for a safer society with fewer victims of crime
INQUEST	Supports those bereaved by deaths in custody
Nacro	Works to reduce offending
National Appropriate Adult Network (NAAN)	Supports appropriate adult organisations
NEPACS	Supports prisoners and their families
New Bridge Foundation	Resettlement advisory services in prisons
Partners of Prisnrs & Fams Suppt Grp (POPS)	Supports those with a link to someone in prison
Prison Advice & Care Trust (PACT)	Supports prisoners' families
Prison Chat UK	Supports those with a loved one in prison
Prisoners' Advice Service	Provides prisoners with legal advice about their rights
Prisoners Education Trust	Supports offender learning as key to rehabilitation
Prisoners' Families & Friends Service (PFFS)	Supports prisoners' families & close friends
Prison Fellowship	To restore those affected by crime/Prisoner Education
Prisoners' Penfriends	Forwards letters from correspondents to prisoners
Prison Phoenix Trust	Teaches prisoners meditation & yoga
Prison Reform Trust	To prevent crime & promote improvements in CJS
Revolving Doors Agency	To improve services for those with multiple needs in CJS
Safe Ground	Uses the arts to rehabilitate prisoners
Shannon Trust	Delivers a peer-led reading scheme
SHARP	Supports relatives & friends of prisoners
SOVA	Provides services for offenders & those at risk of offending
St. Giles Trust	Supports offenders with housing & employment problems
Stepping Stones Trust	Supports resettlement, works in prisons also
Unlock	To overcome social & financial exclusion of ex-offenders
Wish	Supports women with mental health needs in CJS
Women In Prison	To support women in prison

Appendix 13: PVO database categorising functions

→ FUNCTION	Serv. Del.	Mut. Aid	Pol. Advoc.	Co-ord.
Action for Prisoner's Families	*		*	**
AFFECT	**	*	*	
Angulimala	**			
Apex Trust	**	*		
Bridging the Gap Trust	**			
Christian Prison Resources	**			
Christmas Letters to Prisoners	**			
CIRCLES UK	*			**
Clean Break	**	*	*	
Clinks			*	**
Community Resettlement Suprt Project	**			
Concord Prison Trust	**			
Contact Cheshire	**			
Feltham Community Chaplaincy Trust	**			
Fine Cell Work	**			
Footprints Project	**			
FPWP Hibiscus	**		*	
Griffins Society	**		*	
Howard League for Penal Reform	*		**	
INQUEST	*		**	
Nacro	**		*	
National Appropriate Adult Network				**
NEPACS	**			
New Bridge Foundation	**			
Partners of Prisoners & Families Suprt Grp	**			
Prison Advice & Care Trust	**		*	
Prison Chat UK	*	**		
Prisoners' Advice Service	**		*	
Prisoners Education Trust	**	*		
Prisoners' Families & Friends Serv.	**			
Prison Fellowship	**		*	
Prisoners' Penfriends	**			
Prison Phoenix Trust	**			
Prison Reform Trust	*		**	
Revolving Doors Agency	*		**	
Safe Ground	**			
Shannon Trust	*	**		
SHARP	**			
SOVA	**	*		
St. Giles Trust	**	*	*	
Stepping Stones Trust	**			
Unlock	**		*	
Wish	**		*	
Women In Prison	**		*	*
KEY				
Primary Function	**			
Additional Functions	*			

Appendix 14: PVO database categorising principal funding sources

↓ ORGANISATION	Principal Income Sources FYE 2009-2010
Action for Prisoner's Families	Grants from charitable trusts and foundations (GCTF)
AFFECT	GCTF
Angulimala	Donations from Individuals (DOI)
Apex Trust	GCTF & Statutory Funding (SF)
Bridging the Gap Trust	Accounts exempt
Christian Prison Resources	Regular DOI, Gift Aid, Christian Organisations
Christmas Letters to Prisoners	Accounts exempt
CIRCLES UK	SF/ Futurebuilders' loan/ GCTF
Clean Break	SF & GCTF
Clinks	SF & GCTF
CRSP	GCTF
Concord Prison Trust	GCTF, Small amount from HM Prisons for courses
Contact Cheshire	SF, GCTF
FCCT	GCTF
Fine Cell Work	Substantial unrestricted grants from GCTF
Footprints Project	GCTF, DOI
FPWP Hibiscus	GCTF & SF
Griffins Society	Investments
Howard League for Penal Reform	GCTF (inc. £2m from Lord Parmoor's trustees)
INQUEST	GCTF
Nacro	SF (NOMS)
NAAN	SF
NEPACS	SF/ Rent from property
New Bridge Foundation	SF/GCTF
POPS	SF
PACT	Earned income from trading. GCTF. SF="a small proportion of our income"
Prison Chat UK	Accounts exempt
Prisoners' Advice Service	GCTF/Contract with the Legal Services Commission
Prisoners Education Trust	GCTF/DOI/Open University contract
PFFS	GCTF
Prison Fellowship	HMP/GCTF/Donations from churches)
Prisoners' Penfriends	Accounts exempt
Prison Phoenix Trust	Legacy gifts/GCTF/DOI
Prison Reform Trust	Legacies/GCTF/publications sales
Revolving Doors Agency	GCTF
Safe Ground	GCTF, DOI
Shannon Trust	GCTF
SHARP	GCTF
SOVA	SF
St. Giles Trust	74% SF (grants and contract income) 26% GCTF & DOI
Stepping Stones Trust	Sharp increase in SF, GCTF
Unlock	GCTF
Wish	Contract income much increased (not all SF), GCTF
Women In Prison	SF, Also GCTF

Appendix 15: PVO database categorising incomes and assets

↓ ORGANISATION	Turnover 2009-2010 (£)	Assets (£)
Action for Prisoner's Families	628884	121147
AFFECT	3463	933
Angulimala	48550	54349
Apex Trust	181062	47431
Bridging the Gap Trust	52	deficit
Christian Prison Resources	101387	18712
Christmas Letters to Prisoners	15409	deficit
CIRCLES UK	321794	deficit - 28305
Clean Break	937076	1051589
Clinks	944014	388716
CRSP	43232	14883
Concord Prison Trust	53425	36279
Contact Cheshire	119111	26661
FCCT	150256	114527
Fine Cell Work	498868	69906
Footprints Project	123095	109453
FPWP Hibiscus	535870	89093
Griffins Society	40350	349739
Howard League	3310455	6998600
INQUEST	419548	35736
Nacro	61043000	4503000
NAAN	111907	101408
NEPACS	984265	337828
New Bridge Foundation	1059165	297104
POPS	322304	493233
PACT	2826243	267945
Prison Chat UK	exempt	exempt
Prisoners' Advice Service	374653	141890
Prisoners Education Trust	909442	451414
PFFS	195652	122685
Prison Fellowship	132636	70884
Prisoners' Penfriends	exempt	exempt
Prison Phoenix Trust	323172	333805
Prison Reform Trust	1884547	1613430
Revolving Doors Agency	1400961	598914
Safe Ground	277197000	87231000
Shannon Trust	446870	311788
SHARP	117801	106509
SOVA	6494640	478115
St. Giles Trust	5311262	1862599
Stepping Stones Trust	490493	287936
Unlock	216668	314528
Wish	272323	1983
Women In Prison	1382279	419968