

How has the introduction of essay



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The aim of this report is to find out how the introduction of contestability and the mixed economy affected Offender Management in the UK? It shall do this by first explaining what contestability and the mixed economy are in this specific context. Critical evaluations will then be made on the macro and micro effects of this policy on Britain's offender management from the different agencies involved e. g. the Public sector, Voluntary sector (TSOs) and Private sector. The report will then gather the evidence collected and provide future recommendations on how contestability and mixed economies can work in offender management.

Mixed economy in context

When explaining the mixed economy in the framework of offender management it should be noted that it isn't a phenomenon that has occurred in recent history. Private and Voluntary organisations have had historical significance in offender management in one form or another as early as the Middle Ages. It has been noted that prisons were privately run from the middle ages up until the 19th century, the church as a voluntary sector also had involvement as well (Cavadino and Dignan, 2007).

The mixed economy in this context is a combination of the three different sectors (voluntary, private and public) involvement in offender management. However each sector has varied degrees of involvement, for example the voluntary sector is focused primarily on rehabilitation of offenders via the avenues of working with probation and prison services in various forms such as community groups e. g. Catch 22 (Catch-22. org. uk, 2013). The public and Private sectors both seek to be providers of prison services and

probation so are in direct competition with each other (Mcculloch, T. and Mcneil, F, 2007) . The aim of the mixed economy approach implemented by NOMS is to ensure the best value for money from public services (Justice.gov.uk, 2013).

Contestability in context

The concept of contestability in offender management was primarily instigated by New Labour to create competition within offender management amongst the three sectors. This was based on the findings in the carter report which established contestability as a viable option for offender management as a part of NOMS (National Offender Management service) (Carter, P. 2003) . It is stated by NOMS that “ contestability is not another word for competition. It is a situation where a provider faces a credible threat of competition in the provision of some or all of the services they deliver. For NOMS it is a programme for Prison & Probation Services to demonstrate that services are provided to the highest possible standard and achieve results” (Policy Exchange, 2010). The aim of contestability within offender management is to create an environment which creates competition which reduces costs and makes room for innovation.

The mixed economy and contestability have been brought to the forefront of offender management for this report because the current coalition government is following where New labour left off pursuing further making radical changes.

Macro level effects on offender management by contestability and the mixed economies

Prison Services

Privatisation of prison services hasn't had any dramatic macro effects on the number of private prisons nor public. The number of privately run prisons in England and Wales is only 14 out of 141 (Justice. gov. uk, 2013) this shows that the public sector still retains its monopoly over running prisons.

However on a wider societal level the ideas of contestability and mixed economies being implemented into the prison service show the changing ideological shifts of successive British governments becoming more reliant on the private sector and their favourability towards the free market (Genders, E. 2002) . This can be shown by the growth of provision of services within the prison system being completely commissioned to the private sector such as prisoner escorting being transferred to companies such as (Newburn, T, n. p.) :

- Serco

- Sodexo

- G4S

This is due to the coalition governments application of ' Payment by results' which has allowed all three sectors to compete in prison services and follows the private sectors views of cost reduction which may provide problems in the future (Newburn, T, n. p.). The voluntary sector has also taken provision of prison services in the form of counselling (VCOs) with groups such as (Carter, P. 2003):

•Phoenix Futures •Catch 22 •Partners of Prisoners & Families Support Group (POPS)

Nevertheless not enough time has passed nor research been undertaken to be able to clearly identify which contracting models of prison service have been most effective e. g. (Panchamia, N. and Gash, T. 2013). What results that have been gathered are mixed, for example private prisons are some of the best and worst prisons in the country and both private and public sectors measure effectiveness differently so comparisons between the two cannot be based on conclusive evidence (ibid).

Probation

Most recently under the coalition government there have been very radical macro changes to probation and how it will be dispensed in the UK through NOM's and Payment by results (Dominey, J. 2012). This wasn't an unforeseen circumstance as each successive government since the partnership initiatives of the 1990s have been attempting to reduce the public sectors role in probation services and open them up to mixed economies (ibid). As touched on earlier though, probation does have its roots in the voluntary sector which explains their current interest in it (Pycroft, A. and Gough, D. (2010). The public sector's monopoly over the probation service isn't completely compromised because they'll still be the sole providers for tiers 3-4 (most serious) offenders.

However the majority of offenders come under tiers 1 and 2 (less serious) which have been completely opened up to the mixed economy, this undermines the probation service and shows a poor understanding of

dynamic risk and could lead to dangerous practice (Dobson G 2012).

Nonetheless neither enough time has passed to be able to provide a wider perspective or enough research been made to provide convincing evidence (Panchamia, N. and Gash, T. 2013).

Wider macro effects

On reflection it should also be taken into consideration that macro effects such as economic and social change is having an effect on contestability and mixed economies thus affecting offender management. The combination of penal populism and economic depression have created a society which sees probation and prison services as commodities and desire ‘value for money’ (Mcculloch, T. and Mcneil, F, 2007).

Is there really contestability in the mixed economy?

Furthermore contestability in the mixed economy should be put into question on how likely prison or probation contracts are obtainable for each sector. In theory, contestability and the mixed economy should provide offender management with innovation and value for money however the reality may prove to be very different (Read, J. and et al. 2011). This is because when looking at the whole of the CJS, contestability has been selectively introduced rather than being used as a blanket policy (Crowther-Dowery, C., 2012). Once again not enough time has passed nor research been undertaken in this area to have conclusive results. Even so there is still the concern that in the mixed economy the private sector will first work with the TSOs but eventually consume them and inevitably monopolizing the mixed

economy and consequently removing contestability from offender management (Meek, R. and Gojkovic, D., et al., 2010).

Micro level effects on offender management by Contestability and the Mixed Economies

Before discussing the Micro level effects on offender management by Contestability and the Mixed Economies. It should be understood that very little research has been undertaken in this area. So this report will analyze the theory of how employees in offender management should be acting and comparing it to their performances whilst looking at officer-offender relationships. This is to understand their behaviour on a local level.

Prison service

Offender-prison officer relationships and Performance (rehabilitation rates) is the clearest method to analyse the micro level effects on offender management. There is the theoretical risk of vested interests in the private sector which could have detrimental effects on the implementation of service and the intrinsic conflict between external supervision and autonomy (Genders, E., 2002). The private sector has shown mixed results in these areas because some private prisons rank alongside the top public prisons in the UK showing higher prisoner well being (Newburn, T, n. p.). Conversely there are private prisons that have performed poorly in both areas (ibid). These mixed results have been summarised by Liebling that the best private prisons outperform the best public prisons but the worst private prisons perform poorer than even the worst public prisons (Liebling, A. and Arnold, H., 2004).

The mixed economies show mixed micro affects in Offender Management. However making direct comparisons between the two sectors proves difficult because their performance is assessed in different manners and different private prisons are run in different manners (Hough, J. and Allen, R., et al., 2006) . Private prisons are measured by contractual performance figures whereas public prisons have performance targets (Panchamia, N. and Gash, T., 2013). So there's no conclusive empirical evidence comparing the micro effects between these sectors, but the findings still hold validity.

Probation

According to the carter report the mixed economy and contestability would encourage probation workers from all of the sectors to show greater innovation and break down silos between the sectors (Carter, P., 2003). However other theories suggest that contestability on a micro level will have the opposite effect and will instead create new silos between staff in the different sectors (Policy Exchange, 2010). This is because if there is only a limited amount of resources, all of the sectors will be competing with one another and therefore less likely to work together and providing the end to end offender management aimed by NOMS (ibid).

The mixed economy and contestability also poses danger for the voluntary sector and its workers in that their ideals will be compromised due to their reliance on government contracts for funding (Meek, R. and Gojkovic, D., et al., 2010). This would jeopardise the voluntary sectors autonomy from the government and their unique critique (ibid). This has been adequately put “ it is not possible for the third sector ‘ to have their cake and eat it too’

(Meek, R. and Gojkovic, D., et al., 2010 p. 11). That is to be financially dependent on a Government's contract and campaign against some of its initiatives at the same time.

Recommendations

One recommendation for the increasing use of privatisation in offender management is that Britain shouldn't follow suite with Americas penal populist CJS (criminal justice system) and to not put aside Britain's CJS workers core values of restricting prison growth (Newburn, T, n. p.). Also the private sectors interests shouldn't be allowed to have influence on public policy making in offender management because if the private sectors core values are to make profit, it would therefore be safe to interpret that prison population growth would be in their best interests as well (Gilbert, M. and Schichor, D., 2001). Careful regulation of private sector involvement in public policy is recommended to retain CJS core values and best interests.

Another key recommendation is that there should be a level playing field for all the sectors involved in the mixed economy to compete in so as to make contestability a fair policy (Meek, R. and Gojkovic, D., et al., 2010). This can be done by providing:

- Regional and local commissioning and delivery implementation strategies;
- Commissioning and partnership survival guide for small and local providers;
- Clear future government plans for all sectors involvement in the criminal justice system.
- Equal government support for TSO's alongside the other sectors.
- All providers should be subject to the Freedom of Information Act

for activities directly related to offender management •Equal accountability across all sectors

The provision of exceptional standards across the sectors for offender management is an additional recommendation. This means that “ front-line staff, whatever their employing organization, are properly trained and qualified” (Dominey, J. 2012, p. 350). Despite economic constraints and sector principles, there are certain aspects of offender management that cannot be sacrificed and this is one of them.

One final recommendation is to increase the amount of research being undertaken on the implementation of these policies in offender management. It is useful to observe these policies on a systemic and theoretical level. Nevertheless it is imperative to have a greater understanding on how the policy is being implemented and received on a micro level by Frontline workers and Offenders.

Conclusion

In summary of all the data that has been collected contestability shows some promise in the forms of the mixed economies and possibilities of ingenuity and from a criminological perspective it is interesting to see such drastic changes being made to offender management. There is also the usual fear from public sector workers and academics that the private sector will take over and corrupt offender management. Nevertheless as aforementioned not enough time has passed nor research been undertaken on macro and micro levels of offender management to afford conclusive evidence on how

contestability and the mixed economy affected Offender Management in the UK.