

Added Value?

A REVIEW OF THE VOLUNTARY AND
COMMUNITY SECTOR'S CONTRIBUTION
TO THE NORTHERN IRELAND CRIMINAL
JUSTICE SYSTEM

November 2006

Criminal Justice Inspection
Northern Ireland
a better justice system for all





Added Value?

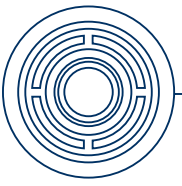
A Review of the Voluntary and Community
Sector's Contribution to the Northern
Ireland Criminal Justice System

November 2006

Presented to the Houses of Parliament by the Secretary
of State for Northern Ireland under Section 49 (2) of the
Justice (Northern Ireland) Act 2002.

**Criminal Justice Inspection
Northern Ireland**
a better justice system for all

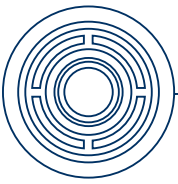






Contents

List of abbreviations	iv
Chief Inspector's Foreword	v
Executive Summary	vii
Recommendations	ix
Part One: Inspection Report	
Chapter 1 Background	3
Chapter 2 Structures and standards	9
Chapter 3 Added value and good practice	13
Chapter 4 Difficulties	17
Chapter 5 Funding	21
Chapter 6 The future	27
Part Two: Appendices	
Annex A VCS organisations which contribute to the criminal justice system in Northern Ireland	33
Annex B Nature of the contribution made by the VCS in Northern Ireland	35
Annex C National comparisons: England and Wales, Scotland and the Republic of Ireland	36
Annex D Methodology of the review	39
Annex E List of organisations consulted in the course of the review	40



List of abbreviations

ASBO	Anti-Social Behaviour Order
CJI	Criminal Justice Inspection
CJR	Criminal Justice Review
CJS	Criminal Justice System
CSU	Community Safety Unit
DEL	Department for Employment and Learning
DHSSPS	Department of Health, Social Services and Public Safety
DSD	Department of Social Development
JOC	Justice Oversight Commissioner
NICCY	Northern Ireland Commissioner for Children and Young People
NIO	Northern Ireland Office
NIPS	Northern Ireland Prison Service
NOMS	National Offender Management Service
OFMDFM	Office of the First Minister and Deputy First Minister
PBNI	Probation Board for Northern Ireland
PSNI	Police Service of Northern Ireland
PSA	Public Service Agreement
PQASSO	Practical Quality Assurance System for Small Organisations
RPA	Review of Public Administration
SSI	Social Services Inspectorate
VCS	Voluntary and Community Sector
VCU	Voluntary and Community Unit
VSNI	Victim Support Northern Ireland
YJA	Youth Justice Agency



Chief Inspector's Foreword

This review addresses a dimension of the criminal justice system which is increasingly important in Northern Ireland, as it is throughout the United Kingdom. Since the inception of the Criminal Justice Inspectorate in October 2004 inspections have repeatedly noted the contribution made by voluntary and community sector (VCS) groups to many aspects of the criminal justice system in Northern Ireland. It therefore seems right that the Inspectorate should formally recognise the value provided by the VCS by publishing this report dedicated to the subject ¹.

This was a high-level review of the VCS's contribution and its interfaces with other sectors, rather than an inspection of individual organisations' efficiency. We primarily wanted to establish a perspective on the added value provided by the VCS, and gain an understanding of the issues that will be important for its future. To do so we asked a range of questions about development of the sector, structural arrangements, funding, comparisons with other jurisdictions, and future proposals that will affect the VCS's contribution. These questions form the basis for this report.

The review sought to be inclusive, and canvassed views from 85 groups. We received feedback in writing and by meetings from 40, including all the voluntary and community organisations whose main work is in support of the Northern Ireland criminal justice system, as well as from the criminal justice agencies themselves. We also received useful views from certain VCS organisations which make a contribution to the system even though their core business is not criminal justice.

The review was led by Tom McGonigle. I would like to thank all who contributed. It is noteworthy that many people were able to set aside personal views, stand back from their own occupational viewpoint and take another perspective in contributing to this exercise. I hope that there will be points of interest here for all the organisations which make up the local criminal justice system, both statutory and VCS.

We heard much interesting detail which it has not been possible to marshal within the confines of a short report. As always we would be happy to elaborate by making presentations in support of the written document. I look forward to reviewing developments in three years' time.

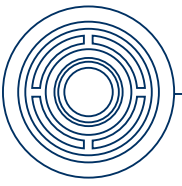


Kit Chivers
Chief Inspector of Criminal Justice
in Northern Ireland.

**Criminal Justice Inspection
Northern Ireland**
a better justice system for all



¹ CJI had benefited from the opportunity to discuss the subject with VCS organisations and official agencies at its Stakeholder Conference in January 2006.





Executive Summary

This report shows that there is in Northern Ireland a well-developed voluntary and community sector, which works within a complex and changing set of arrangements to make an important contribution to the criminal justice system, both directly and indirectly. The report identifies certain tensions both within the sector and between it and the official agencies, and we heard plenty of views about how things might be done better. Overall, however, the position in Northern Ireland compares favourably with elsewhere in the British Isles². The general perception imparted to Inspectors was that such tensions as exist are mostly healthy and that the VCS here is at present flourishing, though there are concerns for the future as sources of finance show signs of drying up.

It is extraordinarily difficult to quantify or map the VCS contribution comprehensively³: as Annex A shows the number of organisations and projects involved is huge, and the composition of the work (illustrated by Annex B) is extremely diverse. The effort is in no sense strategically managed – nor, perhaps, could it be⁴. Individual agencies take the opportunity to employ the wide range of available VCS organisations to provide services on their behalf where they can do so with advantage. They also support other, smaller organisations whose work they believe will be broadly helpful.

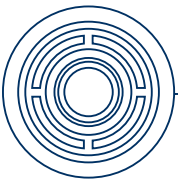
Despite the problems of evidencing the VCS's contribution systematically Inspectors formed a clear understanding of the main areas of added value from a range of perspectives: provision of different or specialised services; cost effectiveness; flexibility and innovation; and citizen participation. Commentators suggested that the criminal justice system in Northern Ireland has become increasingly dependent upon the VCS for a range of service provision, and that this dependence could increase in the future for VCS organisations which are content to fulfil a service delivery role.

While service delivery and contribution to PSA targets were priorities for government and statutory agency funders, the VCS was equally keen that its role in advocacy and policy comment should not be lost. In the absence of devolved government the VCS has had a marked influence on the development of criminal justice policy, especially in relation to children and young people. Executive agencies and government testified that they valued policy comment from the VCS, particularly in relation to matters upon which they were duty bound to consult. There were natural and inevitable tensions over political issues like the evolution of human rights policy and the introduction of ASBOs, but by and large there was excellent co-operation with the official agencies, based on a strong foundation of shared values.

² See Annex C for national comparisons.

³ DSD maintains a website www.volcomgrantsni.gov.uk which aims to provide a conspectus of grants to the VCS, but it is incomplete at present (see paragraph 1.5).

⁴ As noted in Chapter 2, DSD provides a broad strategy for the Government's relationship to the VCS, but it is in terms of modalities rather than substance: 'how to', rather than 'what to'.



We found that the VCS makes a contribution in attracting non-criminal justice resources to the sector, broadly defined, and in bridging the community and formal systems – a particularly important issue in Northern Ireland. There are significant benefits to society from lay engagement in a criminal justice system which is emerging from a lengthy period of insularity and controversy. The VCS also helps by bringing wider national and international perspectives to the criminal justice system. The VCS has made valuable contributions to a number of CJI's thematic reviews, for example those on the management of sex offenders, care for victims and witnesses and delay in the criminal justice system.

Though they are bracketed together in the concept of the VCS, community-based organisations differ in important ways from the national voluntary organisations. There are often questions about the representativeness, accountability and governance of community organisations; and they will come under pressure not only from the contraction of some of their sources of finance but also from the additional disciplines which are likely to be imposed when a Charity Commission is established for Northern Ireland.

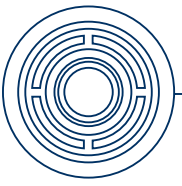
We heard from many people about the elements that are required in order to maintain and develop a flourishing VCS: sustainable funding; independence and flexibility in service delivery; and the need for clarity about the expectations that Government and its agencies have of the sector. These were also recognised in government policy documents, though there were suggestions that the practice did not always live up to the theory.

Perhaps the main benefit from undertaking this exercise has been to benchmark the state of play for the first time in this specialist area, and to pose questions that must be considered at a time of significant change in the criminal justice landscape. These include practical matters and ethical issues. The future seems cautiously positive for those VCS organisations that can adapt to challenges that will be posed by the Review of Public Administration (RPA), competitive tendering, *Agenda for Change*, possible restoration of devolved government, and other developments: they should have an increasingly clear and well-defined role. But funding will be tight and some smaller organisations, sadly, are likely to close, leading to a loss of diversity in Northern Ireland's criminal justice system. Care will be needed to ensure that it does not as a result regress to a less thoughtful and responsive approach to victims and offenders over the next decade.



Recommendations

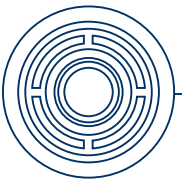
- **The NIO and its associated agencies should seek to develop a structured relationship with the VCS.** paragraph 6.16
- **The NIO should undertake a strategic overview of the criminal justice VCS's contribution during the next 5 years, taking account of the issues raised in this report, informed by developments elsewhere. Its aim should be to provide a framework, setting out the requirements of statutory agencies and considering the capacity of the VCS to match those requirements.** paragraph 6.16
- **The NIO should arrange for a broadly-constituted and inclusive overview group to meet twice annually.** paragraph 6.16
- **CJI should be invited by the Secretary of State to take over the role formerly exercised by the Social Services Inspectorate of inspecting the voluntary sector organisations which are most central to the criminal justice system (Part One of Annex A) and should also have ability to inspect, at its discretion and at the request of the Secretary of State, other relevant organisations which receive funding from central government sources for criminal justice related purposes (Part Two of Annex A).** paragraph 2.8
- **Corporate governance should be a regular theme of those inspections, as well as their service to clients and their level of co-operation with the official agencies of the criminal justice system.** paragraph 4.15
- **CJI should liaise with other inspection, auditing and monitoring bodies involved with these organisations to ensure that there is no duplication of effort or unnecessary burden on the organisations, and should conduct inspections in partnership with other inspectorates wherever relevant.** paragraph 2.10
- **CJI should work with the relevant VCS bodies and funders to agree an inspection programme.** paragraph 2.10
- **The boundary between which services are best provided direct by the state and which are appropriately contracted out to the VCS should be kept under review. Northern Ireland should closely watch the development of the NOMS in England and Wales, with specific reference to its involvement of the VCS.** paragraph 5.13



PART



Inspection Report

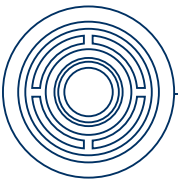


Background

The voluntary and community sector in Northern Ireland

- 1.1 The VCS has played an important part in the Northern Ireland criminal justice system for many years. Indeed, the community at large has long played an active part in the administration of justice and in supporting victims as well as working with offenders and their families. Lay Magistrates, prison visitors, victim support volunteers and trustees of voluntary organisations are just a few examples of this engagement, the range of which is illustrated in Annex B.
- 1.2 There are two sides to the VCS. On the one hand there are the national or regional charities which are prominent in Northern Ireland, referred to in this report as ‘the voluntary organisations’. A few of them receive core funding from Government. In addition there are a great number of relevant organisations or groupings which emerged in local communities here, sometimes originally to support people who had been caught up in the Troubles. By ‘community organisations’ we mean those which are territorial and linked to a local community.
- 1.3 NIACRO and Extern were probably the first non-church organisations to deal with offenders and their families when they were established in the early 1970s. Victim Support Northern Ireland celebrated its 25th anniversary this year. However, criminal justice work is not limited to organisations and individuals who are ‘badged’ as working in this area. A range of charities working to tackle poverty and social exclusion inevitably include offenders and their families or victims and vulnerable groups among their clientele. Conversely Extern, which started in the criminal justice sector, has diversified into providing services across a much wider range, in the Republic as well as in Northern Ireland, and now receives the major part of its funding from the Health Boards and Trusts.
- 1.4 There is no formal register of voluntary and community organisations in Northern Ireland, so it is difficult to estimate how many exist or operate in support of the criminal justice system. However, we know⁵ that there are 4,500 voluntary and community sector organisations in Northern Ireland: the overall VCS makes an immense contribution to life in Northern Ireland.

⁵ *State of the Sector 2005*, published by NICVA, the Northern Ireland Council for Voluntary Action.



1.5 New draft legislation governing the control of charities is currently out for consultation. When implemented this will introduce a Northern Ireland Commission for Charities, together with a Northern Ireland register of charities. DSD administers a funding database on behalf of Government that records all funding relationships between government departments and the VCS. There are plans for rolling this out to include other statutory bodies and, eventually, all funders of the VCS.

The wider VCS

1.6 For many people in Northern Ireland their motivation for engagement in the VCS is faith-based, whereas for others it is about the promotion of human rights and equality, or social involvement and intervention. Northern Ireland's VCS, and particularly the criminal justice VCS, has to some extent developed out of failings in the formal system and in the vacuum created by the absence of general acceptance of the criminal justice system. Distrust of the system has led to community development and community relations being seen as inextricably linked. Consequently the VCS has been cited in OFMDFM's *Shared Future* document⁶ as both an essential partner and a channel for the implementation of government policy objectives.

1.7 Mistrust led to several government agencies developing a tradition of delivering services via third parties, especially in areas where many government agencies were not

welcome. The Catholic Church and its institutions were used to acting as agents for the state in relation to the nationalist community. Northern Ireland's equality agenda has necessitated enhanced levels of consultation of the VCS by government in the process of policy development. The absence of devolved government made it easier for statutory agencies to co-operate with the voluntary organisations, because to some extent politics was taken out of the equation and co-operation was able to proceed on the basis of a broad foundation of shared values.

The pattern of funding

1.8 The community sector in particular has grown in a piecemeal way, fostered by support from European and philanthropic sources as well as government funding. Official agencies have often been glad to work with any organisation that was willing to co-operate with them and accept their money. This has led to complex patterns of funding, with some individual organisations receiving their funding from several government agencies as well as other sources, often for closely related purposes.

1.9 It is not easy to provide an overall figure for the money the government and its agencies spend on the criminal justice VCS in Northern Ireland. Grants are made by the NIO through its Community Safety Unit, by the Probation Board, the Youth Justice Agency, the Prison Service, the Court Service, the PSNI and District Policing

⁶ Office of the First Minister and Deputy First Minister, 2005.

Partnerships, the Housing Executive and the Department for Social Development; and also by the Health Boards and Trusts, the Education and Library Boards and by local Councils. Although the grants by the main criminal justice agencies can be regarded as specifically criminal justice related many of the other grants are less clear-cut, reflecting the fact that there is no clear demarcation around the criminal justice system where issues of drug abuse, mental health, protection of children and young people and community regeneration are concerned.

1.10 Having said that, our broad estimate is that payments by government agencies to the VCS in Northern

Ireland for criminal justice related purposes⁷ in 2004-05 were of the order of £10 million. The table below shows those organisations which individually received more than £100,000 from the core criminal justice agencies.

In addition a number of VCS organisations received relevant funding from public sources outside the criminal justice system, for example from the Housing Executive and DSD and from DHSSPS and DEL and their respective Boards and Trusts. Particularly important were the £1.8 million provided by the Housing Executive for offender hostels and the £0.3 million provided by DSD for community safety purposes.

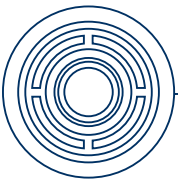
Grants and payments from core criminal justice agencies to VCS organisations in 2004-05⁸ (£'000)

Funding agency VCS organisation	NIO ⁹ / CSU	NIO Policing	PSNI	Prison Service	YJA	PBNI	Total
VSNI	2,032				5		2,037
NIACRO	601			194	62	374	1,231
Extern	419				151	229	799
NSPCC	241						241
Opportunity Youth				221	15		236
Barnado's	126		20	33		19	198
Ulster Quakers				178			178
Include Youth	128					25	153
Northlands				152			152
Others (each <100K in total)	954	895	359	97	10	205	2,520
Total	4,501	895	379	875	243	852	7,745

⁷ For this purpose 'criminal justice related' covers community safety and general policing. It includes grants and payments made by the criminal justice agencies (ie the NIO-funded agencies), but not payments by DHPSS and DEL and their Boards and Trusts or OFMDFM, even though they may be for related purposes. Some payments by the Housing Executive and the DSD are included, since those organisations have public protection and community safety among their declared objectives.

⁸ The figures for policing relate to 2005-06, since figures for 2004-05 were not available.

⁹ Most NIO Youth Branch funding (£373K in 2004-05) has since transferred to the YJA.



History of policy development:

(i) the Compact

1.11 The first framework which set out the values and principles underpinning the relationship between the government and the sector was a Strategy which was issued in 1993. It was followed by the 1998 *Compact between Government and the Voluntary and Community Sector in Northern Ireland*. Scotland, England and Wales also have compacts to govern their VCS relationships. Each compact has the status of guidance that does not have legal authority. Subsequently the Good Friday Agreement and Programmes for Government provided the structure for relationships between the sectors. These were well articulated in the DSD publications which followed the Taskforce report into Funding for the Community and Voluntary sector.

(ii) Partners for Change

1.12 *Partners for Change, the Government's Strategy for Support for the Voluntary and Community Sector* (PfC) is a high level, non-funded policy that attempts to co-ordinate all operational departments and is intended to be amenable to measurement. It provides "a cross-departmental mechanism to operationalise the general principles and shared values governing the relationship between government and the VCS," as articulated in the Compact.

1.13 A taskforce on *Resourcing the Voluntary and Community Sector* was assembled in 2003. It led to a report called *Investing Together* which was presented to government in October 2004.

(iii) Positive Steps

1.14 *Positive Steps* was launched in April 2005 as the Government's response to *Investing Together*. It highlighted core areas for VCS development, including policy skills training, development of an IT Strategy and improving governance and accountability. *Positive Steps* aspires to a range of developments, not all of which have yet been realised including:

- A 5 to 10 year planning framework for the VCS;
- A Community Investment Fund (£5 million) and Modernisation Fund (£3 million) – both much less than was hoped for by the VCS;
- Establishment of a charities review which will, if Parliament approves, lead to a Charities Commission being established in 2008;
- Acceptance of social capital indicators for monitoring and inspection purposes;
- Establishing a funding database (perhaps the main tangible achievement to date);
- Developing the social economy sector;
- Accepting the principle of full cost recovery;
- Extending the VCS service delivery role, often via competitive tendering.



The Criminal Justice Review (CJR)

1.15 The Criminal Justice Review of 2000 recognised

“...the important role the major voluntary sector organisations currently play – and will continue to play – in delivering criminal justice.” (Recommendation 266).

The Review made a number of relevant recommendations, particularly in relation to voluntary sector participation in bodies such as a Criminal Justice Issues Group and an advisory board for Probation, Prisons and Youth Justice issues; accreditation of community restorative justice schemes; the voluntary sector’s role in community safety strategies; and adequacy of Probation Service resourcing to support the voluntary organisations that work alongside it.

The Justice Oversight Commissioner (JOC)

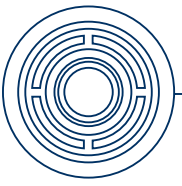
1.16 The Justice Oversight Commissioner, the Rt Hon Lord Clyde, was appointed in June 2003 to monitor progress on implementation of the Criminal Justice Review’s recommendations. Each of his bi-annual reports recognised the significant contribution that the voluntary sector made to the criminal justice system, and potential for future development.¹⁰ The reports identified the sector’s ability

to provide a visible form of community participation in Northern Ireland’s criminal justice system, while highlighting a need for greater cohesion and incorporation of the voluntary sector within the system.

1.17 The JOC was generally positive about the increased participation of lay people in the criminal justice system, and about development and implementation of a community safety strategy, but less positive about VCS participation in policy development. Subsequently the policy development recommendations of the CJR, with agreement of the JOC, were not proceeded with. This has disappointed VCS personnel.

1.18 However, the JOC concluded that once the statutory sector was more firmly co-ordinated a properly structured relationship with the voluntary sector would be useful, while at the same time stressing that the freedom and independence of the voluntary bodies should not be prejudiced or impeded by unnecessary structural links. Now that the Criminal Justice Board has become established as a mechanism for co-ordination of the statutory sector, it seems appropriate to consider other ways that the VCS could be accommodated in a relevant way within the criminal justice system’s architecture.

¹⁰ An extract from Lord Clyde’s sixth and final report will be found at 6.15.



Structures and standards

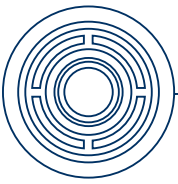


Engagement with the VCS

- 2.1 Inspectors found that there were clear structural arrangements for engagement between government and the VCS. The Joint Government and Community Sector Forum, which was established in 1998, comprised 15 representatives each of government and the VCS. It provided opportunity for discussion of key issues and for the VCS to contribute to early thinking on the development of key policies that affect it. The Department of Social Development had a dedicated Voluntary and Community Unit which provided a focus within government on voluntary and community activity. The governmental representatives on the Forum also comprised an interdepartmental group which aimed to co-ordinate internal government policy in relation to the VCS. The interests of VCS members were collectively represented by the Northern Ireland Council for Voluntary Action, an umbrella body with a wide and diverse membership.
- 2.2 There were several formal and informal structures within the criminal justice sphere. The Community Safety Unit coordinated and administered most NIO core

funding. Each funding agency had direct links with those whom they funded – the closeness of those links varied, depending on the reason for funding and amount involved. As a general rule voluntary organisations providing services had a closer relationship than community organisations, whose funding was piecemeal. The Criminal Justice Board comprised senior representatives from the statutory agencies and Northern Ireland Office. It had recently extended membership of some of its subcommittees to include VCS representatives. While it would be impossible to take account of every organisation's views on every issue, a significant body of VCS opinion suggested that government still needed to build a policy community that extends beyond "safe" organisations, and to learn to be less defensive.

- 2.3 Beyond the criminal justice system Health Boards and Trusts were reported currently to be focusing more on their own future due to the Review of Public Administration (RPA) than on providing stability to the VCS. It was suggested that the RPA missed out on looking at the structure of government departments in Northern Ireland in relation to the



VCS – a missed opportunity, it was thought¹¹ – and the VCS hardly featured in the review.

- 2.4 Some VCS groups felt that government structures as they related to the voluntary and community sector had produced a thriving sector in Northern Ireland. While overall resources were reducing with the winding down of the Peace Programme there was potential, following the RPA, for the restructuring of resources to provide for new financing to the sector.

Standards and accountability

- 2.5 Since the criminal justice system deals with questions of human rights and individual liberty it is crucially important that all practitioners in it should operate to high standards. One of the challenges for agencies which decide to work through the VCS is to ensure that those standards are observed. Another challenge is to ensure that efficiency is promoted in the organisations they employ.
- 2.6 It is not sufficient to rely on the dedication of staff and volunteers in the VCS. VCS organisations are in general highly motivated, but like public sector organisations they are not immune to infighting, conservatism and resistance to change. Volunteers, whether on management boards or in the field, can be harder to manage than employees in that regard. Despite

the greater ability of the VCS to innovate, its management ethos tends in some ways to be closer to the public sector than to the private commercial sector, and management boards are not always willing to allow their chief officers to exercise full operational authority.

- 2.7 As well as seeking efficiency, funding agencies also need regularly to check that their VCS organisations are pointing in the right direction. The priorities of government policy are constantly changing, and a vague sense that the VCS organisations are doing good and useful work will not be enough. It is in the first instance for funders to check on these things and actively to manage the contracts they have with the VCS. But management could usefully be supported by independent inspection of the regime.
- 2.8 The Criminal Justice Inspectorate does not have a statutory remit to inspect the work of the VCS organisations which contribute to the criminal justice system. **We recommend that CJI should be invited by the Secretary of State to inspect the voluntary sector organisations which are most central to the criminal justice system (listed at Annex A) and should also have the ability to inspect, at its discretion and at the request of the Secretary of State, other relevant organisations which receive funding from central government sources for criminal**

¹¹ There were, however, reasons for excluding the structure of Government Departments from the scope of the Review. In particular the structure of Departments could have implications for the operation of the d'Hondt formula in relation to Ministerial appointments under a devolved administration.



justice related purposes. The organisations listed in Part One of Annex A were formerly inspected by the Social Services Inspectorate¹². Other relevant organisations are listed in Part Two¹³.

might be based upon a social capital approach to inspection, as espoused in *Partners for Change and Investing Together*.

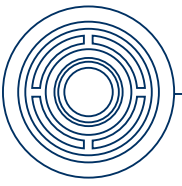
2.9 As VCS organisations were in receipt of funds from a multitude of funders, they had to deal with differing requirements for practice and financial accountability. Women's Aid for example, which is not a large organisation, receives funding from PBNI, DHSSPS, the CSU and DSD. Many funders undertook or commissioned independent evaluations of the work they supported. At the next level some organisations were engaged in internal self-assessment, working to recognised models such as PQASSO, which *Positive Steps* commended as an appropriate quality assurance management tool.

2.10 CJI should liaise with other inspection, auditing and monitoring bodies involved with these organisations to ensure that there is no duplication of effort or unnecessary burden on the organisations, and should conduct inspections in partnership with other inspectorates wherever relevant. CJI should work with the relevant VCS bodies and funders to agree an inspection programme. In addition to utilising CJI's *Common Core* methodology this

12 In relation to the three core-funded organisations, Extern, NIACRO and VSNI, the CSU currently arranges external reviews through independent consultants every six years and internal reviews at the mid-point between them. SSI has undertaken internal reviews for the CSU, though they have not solely been tied to SSI. Inspection by CJI would constitute a form of external review, and the pattern of reviews of these organisations would need to be re-thought accordingly.

13 The mechanism would be that CJI would propose to the Secretary of State that it should undertake an inspection and the Secretary of State would then (if he agreed) 'require' CJI to undertake it under section 47(4) of the Justice (Northern Ireland) Act 2002.





Added value and good practice



The contribution of the VCS

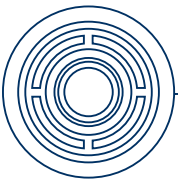
3.1 There was general consensus among interviewees about the respects in which the VCS was able to make a distinctive and additional contribution to the working of the criminal justice system:

- Delivery of a range of services that the VCS could deliver better or more cost-effectively, e.g. accommodation for high risk offenders;
- Working in less conventional ways, such as working out of hours;
- Experimenting with new models of practice, e.g. mentoring and bail support;
- Providing independence. For example the Compensation Agency used Victim Support Northern Ireland to support applicants for compensation. This secured access to independent advice more cost-effectively than by employing solicitors;
- Providing advocacy and policy comment, including acting as a sounding board for policy consultation.

3.2 In broad terms the VCS was seen as most appropriate for social inclusion and support work, including crime prevention, while the statutory sector was seen as fulfilling legal compliance

and enforcement responsibilities. The criteria for whether or not a service was appropriate for the VCS were mainly considerations about governance, about accountability and about the difficulties and risks of working through volunteers, rather than employed staff. But there were positive reasons for favouring VCS delivery in some areas. Early intervention with young people was best done with a voluntary sector label on it to avoid bringing the young person into a criminal justice category at too early a stage. In this respect, the approach to youth justice in Northern Ireland, with significant VCS involvement, was considered to be demonstrably successful, as reflected in very low rates of imprisonment for young people. Where the VCS was employed to work with offenders, as in the case of Extern's Bail Support Project, enforcement remained with the official agency – in this case the YJA.

3.3 There were differences in the degree to which VCS organisations prioritised their policy and advocacy roles as against their roles in service delivery. Whereas for a number of VCS organisations these were vital elements of the work, based upon a belief in participative democracy,



concern for social change, and a desire to improve the criminal justice regime, others were content to focus on service delivery, which made for less strained relations with official agencies. Nonetheless policy comment was still important for government and its agencies in the context of consultation exercises, and was considered to be all the more persuasive when based upon experience of service delivery.

- 3.4 Inspectors asked respondents to identify examples of the added value that the VCS provides. We heard many examples that encompassed the broad areas of service delivery and policy comment.
- 3.5 The provision of supervised accommodation and constructive activity for serious offenders was welcomed by executive agencies as one of the most valuable supports that they received from the VCS in fulfilment of their statutory roles.
- 3.6 From a service user's perspective several contributors commented upon the particular credibility of victims organisations, such as Women's Aid. They were felt to have a special empathy with people who had suffered from particular offending behaviours, an empathy that could not be replicated by any other agency. Likewise one organisation working with young people commented:
- “They view the statutory bodies as being involved because it is their job, whilst the community bodies are viewed as being motivated by

a genuine interest and concern. Experience shows that young people respond much better to a non-threatening environment – meaning an environment that does not carry an aura of state intervention.”

- 3.7 Undoubtedly one of the main benefits for government and statutory agencies was the funding leverage that the VCS could provide – this could add as much as 66 per cent to the ‘match’ funding provided by a statutory agency. For example NIACRO had received some £600,000 of European funding (over three years) for its *Personal Progression System* programme. The relatively small amount of match funding that is received from PBNI and the NIPS could never on its own deliver the range of activity that is made possible by the cumulative pool of money.
- 3.8 PBNI's funding and working relationships with an average 70 VCS organisations were described as the envy of the National Probation Directorate for England and Wales, which had moved away from the VCS and is now trying to regain some of that ground¹⁴. PBNI's funding arrangements were reported to provide important relationships that in some instances went well beyond their mere financial value. The Northern Ireland Prison Service also valued the involvement of many community-based organisations in its prisons. They delivered important services that were beyond the role of Prison Officers, yet minimised the negative effects of imprisonment, and

¹⁴ See Annex C.



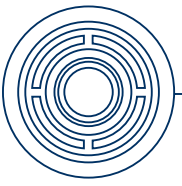
introduced community involvement on the closed custodial world.

3.9 The influence of VCS work with prisoners in encouraging development of the Northern Ireland Resettlement Strategy was cited as a good example of the VCS piloting new approaches. In many cases, these initiatives had the added benefit of introducing European thinking (such as the concept of employability) to the small Northern Ireland criminal justice system.

3.10 The Family Links project, which provides services such as transport and welfare advice to the families of prisoners, had been jointly managed by PBNI and NIACRO for many years, but was transferred completely to NIACRO management in April 2006, funded on a 50:50 basis by PBNI and the YJA. This provided a good illustration of how the VCS could subsume a function that was previously provided by the statutory sector.

3.11 The Roghanna Project, managed and delivered by West Belfast Parent and Youth Support Group, was cited as an example of VCS adapting to meet the service commissioner's (PBNI's) needs. Roghanna started as a generic drugs outreach programme some ten years ago. However in recent years it has undertaken a major shift in focus to provide constructive activity for adjudicated offenders within specific terms, covered by a Service Level Agreement.

3.12 The introduction of the Section 75 duty on public authorities to promote equality of opportunity and good relations has had a significant impact on VCS – statutory sector relationships. Governments' consultation with children and young people about establishment of NICCY was outlined as an example of good practice. So too were the Children's Services Planning processes, where the VCS was represented on *Children in conflict with the Law* and other subgroups.



Difficulties



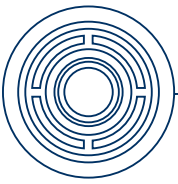
- 4.1 Inspectors heard of good practice and difficulties in equal measure in the course of this review.

A spirit of partnership

- 4.2 Most of the issues that were identified related to funding, which is dealt with separately in the next chapter. Communication, relationships and the power imbalance between funders and funded were also frequently highlighted for Inspectors. The imbalance was accepted as a reality of life by most, but became a concern when the relationship was felt to be too one-sided, when the government and its agencies behaved in a paternalistic way and wanted unilateral control. VCS organisations rightly look for a spirit of partnership in the relationship.
- 4.3 VCS organisations are not commercial enterprises which are there simply to maximise their turnover. They have their own (generally charitable) purposes, and are not free to take on work which does not accord with their *raison d'être*. There can be a tension between being a charitable organisation and being a deliverer, for payment, of services to the government. Organisations showed

different degrees of sensitivity on this score. The NSPCC commented that it would not want, in principle, to provide a service that was 100 per cent government funded. Other organisations were content to accept 100 per cent funding of activities provided they accorded with their charitable objectives. There was discomfort in a few cases about being pressured to take on work which was on the margins of their proper purposes.

- 4.4 Several VCS organisations commented on what they saw as inappropriate conduct by government departments or executive agencies which they said could issue actual or implied threats when they were unhappy with an organisation's stance or policy comments. It is understandable that there can be tension over issues of public policy where challenges from the VCS can be seen as 'political'. In areas such as the evolution of human rights policy there is a perfectly proper tension between the campaigning organisations and the Government, for which neither side need apologise. Such policy disagreements need not detract from mutual respect or inhibit co-operation at the practical level. In the most



recent review of the third sector commissioned by HM Treasury and the Cabinet Office¹⁵ there is to be a specific focus on how the advocacy function can be supported.

Consulting the VCS

4.5 The way in which the Government sought to relate to the VCS was criticised on a number of scores. On the one hand the VCS is keen to make an input to policy, and very much wants to be consulted. On the other hand it cannot afford the staff-time to sit regularly on a large number of working groups. The NIO told us that it was keen to maintain and improve relations with the criminal justice related VCS but that it had not always had a positive response to its invitations. The VCS in its turn was critical of the NIO for seeking to involve one or two VCS organisations as ‘representatives’ of the voluntary sector, which they could not be – especially since there is keen competition among the voluntary organisations¹⁶.

4.6 Organisations reported they were occasionally overlooked in consultation exercises. On the other hand concerns were expressed about consultation fatigue, and questions were raised about how much significance was really attached by government and its agencies to consultation feedback provided by VCS organisations. The introduction of ASBOs was widely seen as a poorly-conducted process with inadequate consultation time, in

contradiction of the Compact’s requirements, and was challenged on legal as well as policy grounds. There were, however, instances where consultation had worked well: an example that was cited was the process that led to *Positive Steps* from the Task Force on Resourcing the VCS.


4.7 In 6.16 we recommend that the Government should establish an ‘overview group’ to make consultation with the VCS more effective. We would see the overview group providing an opportunity for the Government to outline policy plans for the criminal justice area and to gauge feedback through that forum. A number of public bodies in Northern Ireland, including the Health Boards, are beginning to use mechanisms of this kind, which can lead to more substantive consultation and at an earlier stage.

4.8 One of the dangers of having a professional VCS, which fulfils all the various requirements for accountability in matters such as funding and human resource management, is that some of the more developed VCS organisations could become virtual mirror images of statutory organisations: mini-bureaucracies that were little different from the agencies whose work they were meant to complement, rather than replicate¹⁷. But the converse problem is more prevalent: the VCS organisations see themselves as very small and lightly resourced in comparison to the

15 Working Together: Creating a new partnership with the Third Sector (HM Treasury, 2006)

16 One organisation commented that the voluntary organisations only co-operated with one another when they were forced to.

17 Staff terms and conditions and even volunteer expenses often mirror terms and conditions in the civil service or in local government.



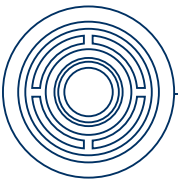
official agencies. They are easily stretched when they are invited to comment on policy matters and find it difficult to relate to all the public organisations they might ideally wish to. The planned reduction in the number of local Councils and Community Safety Partnerships will be helpful in that regard¹⁸.

- 4.9 The tensions that affected working relationships were not only located at the interface between government, executive agencies and the VCS, but also within government and within the VCS. The piecemeal evolution of the VCS had led to a situation where there could be overlap of services and competition for funding. Within agencies and government there could be a lack of agreement about which body, if any, should lead on specific issues, such as work with the children of prisoners.
- 4.10 Inspectors heard examples of VCS organisations producing proposals for new initiatives, which subsequently emerged a year later from local Health Trusts as tender documents. The VCS expectation was that the VCU's work will lead to greater consistency of how they are treated by executive agencies.
- 4.11 At a practical level VCS organisations suggested staff turnover was an issue for them. There had been particular problems when a large allocation

of money was released to several organisations simultaneously. This occurred at the time of the first Children's Fund, and led to major recruitment difficulties when several VCS organisations were seeking to recruit similar staff from a relatively small pool of eligible candidates.

- 4.12 Organisations said that it was difficult to maintain a stable, motivated workforce. Running a project over a three year funding cycle required significant time in Year 1 to recruit, induct and train staff before commencing operation, while in Year Three a lot of time and energy were required for evaluation and wind-down if the project was not to continue. The upshot of this was that the effective lifetime of a project was considerably truncated: effective time was lost to funders and service users as staff came and went. There is a commitment in *Positive Steps* to work towards longer term outcome-focused funding: DSD is developing its Neighbourhood Renewal Strategy on that basis. However as funding towards longer term outcomes becomes the norm there will be a greater expectation on VCS organisations to meet specific targets related to those outcomes.

¹⁸ It is worth quoting from CJI's report on the inspection of Community Safety Partnerships (Nov 2006): "Inspectors were taken aback by the number of other partnerships which exist at local government level. [In addition to Community Safety Partnerships and District Policing Partnerships] there are Local Strategic Partnerships, Neighbourhood Renewal Partnerships, Area Partnership Boards, the Belfast Regeneration Office, Rural Area Partnerships and others. One senior council official in Belfast told us that there were more than 70 strategies which impacted on Belfast alone. Inspectors found it difficult to get a full picture of the extent of such bodies and their local impact. We can only guess at the difficulties posed for community groups and representatives by this level of local bureaucracy."



Volunteers

4.13 Several organisations commented on the particular problems of working with volunteers¹⁹. The NSPCC's Child Witness Service is still primarily volunteer-based, as is VSNI's victim support service. It is a challenge for any organisation using volunteers to ensure that the workforce is stable and properly trained, and to manage the service for quality and consistency. NIACRO has an active volunteer programme on a regional basis. The YJA said that there was a sufficient supply of volunteers for its needs: it sought specific people to do specific pieces of work, such as mentoring. One of the problems, however, was that there was a considerable turnover, with a number of the candidates being students or other young people wanting to enter some work experience on their CVs.

Corporate governance

4.14 There are problems of corporate governance in the VCS, as CJI has discovered elsewhere in the course of its work. Some VCS organisations may not be properly constituted; others may have difficulty in recruiting suitable, competent people to their Boards of Management (or in persuading members who have been there too long to move on); others again may find the increasing demands for financial and operational accountability difficult to meet.

These demands will undoubtedly increase when a Charities Commission for Northern Ireland is established in 2008. Moreover in any organisation with a non-executive Board there are liable to be issues about the precise role of the Board and its relationship to the executive officers²⁰.

4.15 One Chief Executive commented that the most useful thing Inspectors could do for voluntary organisations would be to conduct governance reviews to check that Boards were functioning properly and that audit was being undertaken thoroughly and professionally. **We recommend that when CJI inspects VCS organisations** (as we have earlier recommended it should²¹) **corporate governance should be a regular theme of those inspections, alongside their service to clients and their level of co-operation with the official agencies of the criminal justice system.**

¹⁹ Note, however, that not all 'voluntary organisations' employ volunteers. It is common for the only volunteers in a VCS organisation to be the Trustees or Board of Management.

²⁰ The ideal relationship is often said to be summed up by the phrase "Eyes on, but hands off"; but what that means in a particular organisation needs to be worked out with great care and clarity.

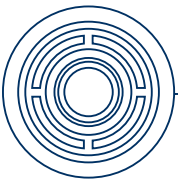
²¹ Paragraph 2.8 above.



The funding relationship

- 5.1 The relationships between the voluntary sector, government and agencies were described as relatively personal and intimate in Northern Ireland, whereas it was more formal and anonymous in England and Wales. There was good potential for joint working in Northern Ireland because the institutions were smaller and more manageable and had shared values.
- 5.2 The NIO was seen by the VCS organisations as an easier funder to deal with, with a more flexible financial regime and a lighter touch than, for example, Health and Social Services Trusts, which were seen as more intrusive and not so good at contract management. The NIO's 'light touch' was sometimes seen, however, as reducing monitoring to a formal procedure rather than a mutually beneficial exercise. Some respondents said that while there was antipathy within the broader VCS towards *Positive Steps* (some organisations felt that the Health Trusts were using them, rather than working as partners) this contrasted with a relatively positive funding environment within the criminal justice field.
- 5.3 While the NIO put a great deal of effort into evaluating its programmes after the event, the Trusts were not so effective at measuring the value of what they were obtaining – organisations said that they tended to measure quantity rather than quality²². Extern and NIACRO said that they felt positively engaged in their external evaluations that were commissioned by the NIO in 2006. Both organisations were engaged as equal partners to design the evaluation process, to assess tenders for undertaking the evaluations, and to oversee the exercise.
- 5.4 Initial allocation of the OFMDFM Children's Fund was cited as an example of good practice in participation. Assessment of applications was conducted jointly with local Children and Young Peoples Committees, whose members were familiar with local priorities. Each of the CYPCs had its own indicative allocation. Although the fund was six times oversubscribed, applications were prioritised by an agreed set of criteria

²² This is a universal criticism, however. As one organisation commented, "One always feels funders are looking for quantitative not qualitative assurance, and given the nature of the provision that does not always work".




(known as the Hardiker principles) and in the end 100 out of 400 applications were funded.

- 5.5 Inspectors were told that funding methods were variable. There was little progress on longer-term funding, and late confirmation of funding was commonplace. More positively there had been some progress on streamlining application and monitoring processes, and information and application processes had improved.
- 5.6 At an operational level it was suggested funders needed to be clearer about the purpose of funding, and decide for each funding programme whether they were engaged in procuring services, supporting a worthy cause or in building capacity in the sector. There were a range of terms being used to lay out the funding arrangements between government and the sector: service level agreements, commissioning, contracting, grant aiding and core funding. Each purpose required a different approach, and each brought with it a slightly different view of what was being purchased for the funding involved. There was little settled practice on whether to use grants or contracts, and both funding models were sometimes inappropriately used. The service-delivery approach to funding implied a need for tightly-specified contracts and procurement processes, and the clarity which attached to these, where review was inbuilt, was generally welcomed by the VCS.

- 5.7 There is clearly a role for different kinds of funding. Core funding provides a stable basis for organisations to develop and deliver a range of services consistent with government objectives. It also provides an opportunity for government to fund other functions such as policy development. There is a place for project funding through shorter term support, for example to test new ideas. And contracts and SLAs are often appropriate where the VCS delivers specific services for government that have clear and agreed service outputs. DSD recognises that there is more work to be done on establishing clarity in this area as part of the *Positive Steps* objective of moving to longer term outcome-focused funding.

The burden of monitoring

- 5.8 Inspectors heard that there had been little success in reducing the burden of monitoring. There was still a need for monitoring systems which were proportionate to risks, and the amounts of funding and the nature of the service involved. The Housing Executive was reported as having a sensible approach to accountability by applying a risk-assessment process based on quality assurance, leading to lighter-touch inspection for organisations that were deemed to be low-risk.
- 5.9 In part this problem of excessive inspection and audit arises because organisations are receiving funding from a variety of different sources.



Inspectors considered whether, as one funding organisation suggested, government should identify a lead department or agency for the funding of each VCS organisation in receipt of core funding. Inspectors decided, however, that that would be impracticable: it would necessarily involve a great deal of duplication of effort in Departments and Agencies and would not guarantee clearer accountability for the public money involved²³.

- 5.10 An alternative approach would be to appoint one Inspectorate (probably in most cases CJI) to exercise a ‘gatekeeping’ function to guard against duplication of inspection effort. But that too would be problematical, and might require a statutory backing. Instead Inspectors recommend, as stated in 2.10, that **CJI should liaise with other inspection, auditing and monitoring bodies involved with these organisations to ensure that there is no duplication of effort or unnecessary burden on the organisations, and should conduct inspections in partnership with other inspectorates wherever relevant.**

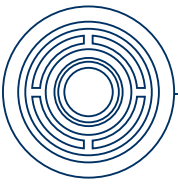
- 5.11 Much of the VCS’ funding passed through executive agencies and Non-Departmental Public Bodies (NDPBs), regional bodies and local authorities. For these bodies, as for departments, funding practices were reported as variable. Indeed, Inspectors heard that everyone would find it helpful if the

complexities and transaction costs of filtering money through a variety of organisations until it reached the front line could be simplified and reduced wherever possible. This would be much easier said than done, but is something which we suggest should be aimed for as part of a more structured relationship between government and the criminal justice VCS. The process has already begun with NIO-sponsored VCS bodies whose main contact is the CSU, though it is by no means complete.

Full cost recovery (FCR)

- 5.12 The principle of Full Cost Recovery for many services was broadly accepted by the VCS and by government. This basically means that each project would have its entire costs met by the funder, rather than partial costs supported by core and ‘match’ funding. The Youth Justice Agency already funds schemes provided by NIACRO and Include Youth on the basis of a fixed cost per head, representative of FCR. While FCR would potentially obviate the need for core funding, allow government greater control of organisations activities and introduce greater accountability to the VCS, it was recognised that complete implementation would require such massive reorganisation and realignment that is unlikely to take place in the next decade.

²³ Likewise Inspectors considered whether it might be possible to arrange for all the funding to the VCS for a particular type of work, such as work with convicted offenders in the community, to be channelled through one agency, but that too raises difficulties, since some of the money would come from the NIO and some from other Departments.



5.13 Even then it may not be appropriate for all services. Making all funding project-based could create excessive uncertainty for some organisations and might have the effect of raising the cost to government. The theoretical advantages of competitive tendering and contracting out, which are being pursued extensively in England and Wales²⁴, are less evident in a small and specialised market place such as that afforded by the criminal justice system in Northern Ireland. There are, however, some services which can usefully be subjected to competitive tendering, and this is being done where it is appropriate²⁵. There is no incompatibility between competitive tendering and a partnership relationship, provided it is handled intelligently²⁶. **We recommend that the boundary between which services are best provided direct by the state and which are appropriately contracted out to the VCS should be kept under review. Northern Ireland should closely watch the development of the NOMS in England and Wales, with specific reference to its involvement of the VCS.**

5.14 With the advent of competitive tendering there were concerns that quality was being compromised if bids

were selected on the basis of price alone. This is a particular danger when resources are under pressure and when the service is not one where true value for money is easy to measure. Sceptics suggested that competitive tendering was intended to force mergers, and may sour relationships between groups who should be working collaboratively. They also believed that competitive tendering was not always being administered fairly as not everyone was aware of funding availability, deadlines or criteria.

5.15 There is still plenty of scope for moving to longer term funding. The 2002 Treasury Review identified that the VCS' reliance on short term funding made it difficult to provide continuity of service, causing avoidable costs for both VCS and funders, especially when award decisions were delayed. This uncertainty could cut into the quality of VCS work by diverting staff away from front-line duties. Some encouraging recent developments were reported, but short-term funding remained the norm. Inspectors were told that this was sometimes felt to reflect a general suspicion and lack of trust, together with a tendency to underrate the sector's professionalism and ability to

²⁴ See the discussion of NOMS in Annex C below.

²⁵ Inspectors were surprised how little mention was made of the private sector as a competitor for contracts in the criminal justice system, compared with its importance in the health and social services sector, for example. Other things being equal, the private sector should have competitive advantage in that it tends to have greater managerial freedom than a voluntary association and to be able to minimise costs by adopting a slightly sharper approach to HR management, with, for example, no compunction about paying the minimum wage if it can get away with it. The comparatively small part played by the private sector must reflect the high level of expertise to be found in the VCS and the confidence which the official agencies accordingly place in it. Inspectors found a case where the VCS was being invited to compete for consultancy work which had hitherto been awarded to private firms. Another factor, however, may be the 'political' risk associated with projects in the criminal justice field. It is one thing to run care homes for the elderly, quite another to run hostels for sex offenders. See also paragraph 10 of Annex C.

²⁶ Good private firms often maintain mutually beneficial long-term relationships with their suppliers while continually benchmarking them against alternative sources of supply, and occasionally switching.

deliver public services. Without trust partnerships cannot work. There is scope for funders to 'mainstream' the sector into public service delivery and thereby secure the full contribution which it can provide.

It was suggested this would be assisted by funders being clear about the nature of the criminal justice activity they want the VCS to deliver when offering funds, e.g. prevention, diversion, supervision or resettlement.

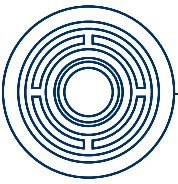
5.16 CJI heard of at least five different funding approaches that were applied by government and executive agencies in Northern Ireland:

- The NIO Criminal Justice Services Division was in the process of moving much of its funding responsibility to executive agencies. Custom and practice have previously determined the destination of much of its funding. The NIO's Community Safety Unit by contrast had an explicit policy and criteria for the funds that it disbursed;
- PBNi was implementing a Community Development policy supported by guidelines under which it allocated a large number of small grants;
- NIPS obtained VCS services by public advertisement, procurement and competitive tendering;
- The YJA had only taken on a funding role in 2006, and did not yet have a funding policy for its budget of £2 million a year. Much of this budget was already committed to existing projects that it had taken over from the NIO;
- PSNI did not have a specific budget for funding the VCS, but local District

Commanders could apply to the Chief Constable's Fund to support VCS organisations that were contributing to relevant aspects of their Policing Plans.

5.17 Whereas the community sector generally received one-off grant-aid monies, the voluntary sector was more likely to be core-funded and to receive recurring funding, although this was only guaranteed for three years on average. In the future the primary funding source for the community sector is likely to be Neighbourhood Renewal funding. This was reported as an unwieldy mechanism which was erratically administered. It was only the latest uncertainty in the community sector's uncertain existence and struggle for survival.

5.18 The DSD policy initiative *Renewing Communities*, which identified specific funding for designated areas, received public criticism on the grounds that decisions were allegedly based on religious and political factors, rather than on objective criteria such as the Noble Indicators of deprivation. However the Programme emerged from a Task Force which identified objective evidence of disadvantage (particularly with reference to educational attainment) in inner city Protestant areas, and most of the action in *Renewing Communities* is targeted on all disadvantaged communities. Some pilot projects will focus specifically on Protestant disadvantaged communities but it is intended that the results should be used to the benefit of all disadvantaged communities.



5.19 Inspectors heard of funding being refused to restorative justice and other applicants because of political impediments. Shankill Alternatives told us: “We are a community safety project dealing with victims and offenders, the government are refusing us funding but are quite prepared to give substantial funding to a statutory body to duplicate what we are doing on the Shankill.”²⁷ We also heard of other groups such as ex-prisoner organisations who found they were unattractive to funders, policy-makers and employers, even within the VCS.

5.20 VCS organisations’ experience of accountability and support relationships were reported as variable. At one end of a lengthy spectrum some organisations chose not to be constrained by applying for government funds, so that they could freely provide policy critique, while others at the other end were *de facto* Next Steps agencies, with 100 per cent government funding. Most were located part way along the spectrum. VCS organisations had to resist the lure of being funding-led, and comply with their mission. This was easier for those which had clear mission statements, and a sense of purpose and direction.

5.21 Those organisations that were closely engaged within the criminal justice sector said they frequently had opportunities for discussion, negotiation and agreement. However in situations where they were

drawing down funding from more generic streams e.g. Peace funding and DEL domestic programmes, the approach was much less flexible given that the programmes were funding a wide range of organisations and needed to have consistency within themselves. It could be much more difficult in these circumstances for VCS organisations to ensure that they accounted for all their programmes consistently when funders made highly-variable demands.

5.22 Everyone reported that there had been a marked shift in the last ten years to clarify for what purpose core funding was given to voluntary and community organisations, and what was expected by way of accountability. For their part government and the statutory agencies were clear that they required much greater clarity about results and outcomes rather than inputs and levels of activity in order to account for the public funds that they administered. In this context VCS organisations reported that they were willing in principle to try to measure their contributions to PSA targets, but that such measurement is often beyond their ability. There needs to be partnership working between the agencies and the VCS organisations in this area²⁸. They suggested that it would be helpful if funders could indicate not just what services they were seeking to purchase but also what value they placed on policy comment, advocacy and innovation.

²⁷ At the time of writing the Government was consulting about a possible Protocol which might govern the operation of community based restorative justice schemes. The Government was not offering funding to the Schemes, but the hope was that agreement on the terms of the Protocol might open the door to funding from one source or another.

²⁸ As an example, NIACRO is working with the NI Prison Service and the NIO Statistics Branch to monitor re-offending by those who have gone through its Personal Progression System.



Government policy toward the VCS

- 6.1 In its publication *Northern Ireland Priorities and Budget 2006-08* the Government stated:

“Developing a strong and appropriate role for the voluntary and community sector is also particularly significant in Northern Ireland, where the sector has and will continue to have a key role in delivering public services and support, often to the most disadvantaged and marginalised in society.”

- 6.2 In *Positive Steps: the Government’s response to Investing Together* (the report of the task force on resourcing the voluntary and community sector) the Government recognised that the VCS should have an increasing role in the delivery of public services:

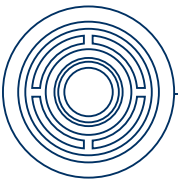
“We will encourage and support more effective and wide-ranging involvement of voluntary and community organisations in the delivery of public services in Northern Ireland where they can add value to those services We want to ensure that organisations wishing

to engage more in the delivery of public services are facilitated to do so. Where there are barriers to greater involvement by the sector we will remove them.”²⁹


- 6.3 A range of factors were identified by interviewees from all sectors that will influence future work of the criminal justice VCS in Northern Ireland. The VCS does not operate in isolation. Its members contribute to, and are affected by broader developments both within the VCS and the CJS. Statutory agencies are continually reviewing their roles and functions, with implications for the VCS. PBNI’s *Strategic Review* of April 2004 suggested that:

“Alternative options relating to the deployment of staff should be considered... PBNI should assess the duties currently undertaken by professional staff to see if they could be undertaken by less-qualified (or differently trained and recruited) practitioners. These duties could include the management of low risk offenders... and monitoring of community and voluntary sector interventions.”

²⁹ Department for Social Development, 2005.



- 6.4 As the remits of statutory bodies change there will always be opportunities for the voluntary and community sector to identify new service needs. It seems that VCS organisations which place significant emphasis on strong bilateral relationships with criminal justice partners will be able to identify opportunities for developing new programmes, and are more likely to prosper.
- 6.5 As the criminal justice system becomes more correctional in nature there will still be a need for interventions that engage offenders in programmes to help them to change their lifestyles, as an aid to reducing their re-offending. Public service delivery has often been seen as a choice between direct state provision and the use of the private sector. In many instances, though, the VCS can provide an alternative, and in some cases may be best placed to deliver a service.
- 6.6 Criminal Justice agencies told Inspectors that they would value initiatives by the VCS to proactively identify services which could be provided more cost-effectively by them, for example tagging, curfew supervision, drug-testing, or other ways of assisting with the management of dangerous offenders. This would still allow the VCS to innovate on the basis of its own agenda and the needs that it identified.
- 6.7 Agencies which are responsible for working to standards need to be reassured that the VCS complies with those standards when providing services for them. This in turn introduces sensitive ethical considerations to be taken into account, e.g. determining the boundaries of responsibility when the VCS undertakes quasi-statutory roles on behalf of executive agencies, and maintaining distinctive social control and helping functions.
- 6.8 Rationalisation of the VCS, which has mushroomed over the past 20 years, is considered inevitable and indeed necessary. *Positive Steps* will move funding relationships away from grant-giving towards financial compliance and contractual relationships wherein the VCS may become an extension of the buyer. It is possible that some VCS organisations will not survive the accountability requirements of such change, as well as the governance and audit requirements that will be placed upon them once a local Charity Commission is established in 2008.
- 6.9 The *Agenda for Change* initiative which has been designed to reduce erosion of the social work workforce, by increasing salary scales and leave entitlements, is likely to cause recruitment and retention difficulties for the VCS, as current and potential staff see more favourable terms and conditions in the statutory sector. The most obvious method of counteracting this is for the VCS to increase their charges, yet that will be difficult in an extremely tight financial environment.
- 6.10 The Review of Public Administration will require the VCS to develop funding relationships with the seven proposed new 'supercouncils' when



they are established (possibly in 2007). It will also change funding relationships with existing bodies that no longer exist, and considerably alter power structures across a wide area of local life.

6.11 Within the context of a devolved criminal justice system local politicians may well be more sensitive than the Government has been to challenges from the voluntary sector, and may want to challenge existing policies and practices themselves. It would therefore be very important for the VCS, post-devolution, to show the progress that had been made and the success that had been achieved in order to protect it. It would be essential for the sector to show that it was fulfilling a unique specialist role which was evidence based rather than ideological. While the case for maintaining a strong voluntary and community sector would remain, there would undoubtedly be pressures on funding, with politicians and government agencies primarily wanting to prioritise service delivery rather than the policy and advocacy functions of the voluntary organisations.

6.12 The funding base is ever-changing and will change further as EU funding declines. The new Peace programme and *Building Sustainable Prospects* will not end in 2008, but there will be a change in the composition of EU funding. The community sector will increasingly depend on the Neighbourhood Renewal programme, which is likely to mean ongoing uncertainty and limited stability in that area.

6.13 While Full Cost Recovery has much to be said for it in relation to certain projects, its general application would create uncertainty for the providers of services and therefore tend to make them more expensive for government. A comprehensive changeover is in any case unlikely to happen soon because the repercussions would be so complicated.

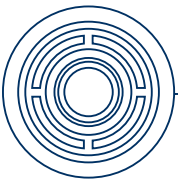
6.14 Possible introduction of the private sector to provide services would challenge and could significantly alter the philosophical basis upon which criminal justice services are delivered. This might pose a major issue for the VCS, though viability of the private sector getting involved in the small Northern Ireland jurisdiction is questionable because the economies of scale that would make it competitive would simply not be available.

Lord Clyde's Comments

6.15 In his sixth and final report³⁰ the Justice Oversight Commissioner, Lord Clyde, commented:

“2.38 In achieving a joined up system the valuable part which the voluntary agencies play in that system requires to be taken fully into account. There is already a fair degree of co-operation between the relevant agencies and the voluntary sector but, as has already been suggested, it may be that there are more opportunities for using the experience and expertise which the voluntary sector may possess both in

³⁰ Sixth Report of the Justice Oversight Commissioner, 15 June 2006 (www.justiceoversight.com).



the planning and the policy making and the performance of the work. While the independence of the voluntary agencies gives added value to their contribution it may also call for particular delicacy in any formalising of their relationships with the central organisation. Their freedom and ability to respond quickly and efficiently to immediate demands is something to be treasured and these qualities relate to the continued enjoyment of their independence. The relationship between the voluntary and the state sectors remains a matter of some difficulty and awaits possible future development. Some form of structured relation might enable the experience of the voluntary agencies, especially in relation to the young, the vulnerable, and the members of minority groups, to be more readily available in the formulation of policy. But the structure which the Review Group saw in Recommendation 130 and 266, as a mechanism which could be usefully expanded, namely the Criminal Justice Issues Group, has not so far proved to be the most appropriate. Moreover the freedom and independence of the voluntary bodies, which is one of their particular strengths should not be prejudiced or impeded by unnecessary structural links.

“2.39 The resolution of this may be made more difficult through the relatively disparate nature of the voluntary sector, compared with the potential for close cohesion which may be achieved under the Criminal Justice Board in the public sector. It may be that a comprehensive structural solution is not feasible, and

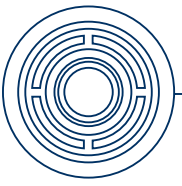
perhaps not desirable. But it may be worth exploring the possibilities of including members of bodies within the voluntary sector in some of the groups presently composed of public sector organisations. At least one example exists in the presence of Victim Support Northern Ireland and the NSPCC among the members of the Victims, Vulnerable or Intimidated Witnesses Steering Group (VVIW). The development of means for joint consultation in particular fields might be one way forward. The study of the role of the voluntary sector in the criminal justice system on which the Chief Inspector has already embarked should assist towards progress on the matter.”

6.16 Our general recommendation is that the Northern Ireland Office and its associated agencies should develop a structured relationship with the VCS, as recommended by the Justice Oversight Commissioner. We recommend that a strategic overview should be taken of the criminal justice VCS’s contribution during the next five years, taking account of the issues raised in this report. It should be informed by policies, funding and other matters that lie out with the criminal justice system. Its aim should be to provide a framework, setting out the requirements of statutory agencies, considering the capacity and needs of the VCS to match those requirements. A broadly-constituted and inclusive overview group should meet regularly – we would suggest twice annually.

PART

2

Appendices





Annex A

VCS organisations which contribute to the criminal justice system in Northern Ireland

It would be extremely difficult to catalogue *all* the VCS organisations which make a contribution of one sort or another to the working of the criminal justice system. The problem is that, not only would the number be very large – perhaps 1,000 – but the definition of what counts as part of the criminal justice system is so elusive. Issues of mental health, drug abuse, family breakdown, children in care and the vulnerable elderly are all highly relevant to crime and the prevention of crime, but charities which concern themselves with such groups are not normally thought of as part of the criminal justice VCS. For example, Age Concern is the contractor for the Community Safety Unit's *Handyvan* project. This illustrates the difficulty of defining the sector.

Part One

The first list, which we refer to as Part One, comprises those VCS organisations which receive core funding from central government or its agencies for criminal justice related purposes. They are of such importance that CJI recommends that it should have a duty to inspect them on a regular basis:

Extern
NIACRO
Offender hostels, provided by a variety of organisations³¹
Victim Support Northern Ireland

Community Restorative Justice Schemes would be added to this list if and when the relevant Protocol is agreed.

Part Two

There follows a second list comprising VCS organisations which are also of significant importance to the criminal justice system. They which receive funding for criminal justice related purposes of at least £50,000 a year and whose relevant projects CJI therefore believes it ought to be authorised to inspect at its discretion³². The list would need to be updated from time to time.

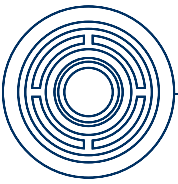
Age Concern
Barnado's
Dunlewey Substance Advice Centre
Include Youth
NSPCC
Northern Ireland Community Addiction Service
Northlands
Opportunity Youth
Ulster Quaker Service Committee
West Belfast Parent and Youth Support Group (Roghanna)
Women's Aid
YMCA

Part Three

There are in addition a great number of VCS organisations which receive smaller amounts of funding from central government sources. These include about

³¹ While the inspection was in progress the Secretary of State agreed that CJI's remit should be extended to include the hostels, and arrangements are now being worked out to implement that decision.

³² Formally, any such inspection would be conducted at the request of the Secretary of State under Section 47(4) of the Justice (Northern Ireland) Act 2002.



70 projects supported by the Probation Board and a further large number supported by small grants by the PSNI out of the Chief Constable's Fund or by the Policing Board through District Policing Partnerships. Grants made by Community Safety Partnerships are also strictly central government money, since the partnerships have no statutory existence. There are also VCS projects funded by local councils, which are not central government funding but are equally relevant to the criminal justice system. The local government sector will be increasingly important under RPA. CJI may from time to time wish to look at any of these projects in the course of its thematic work, but it is not envisaged that any specific statutory authority would be necessary.

Part Four

Finally there are some important voluntary organisations – both service providers and advocacy organisations - which are mainly funded from Europe or from charitable sources and which, though they are important to the criminal justice system, CJI would not consider inspecting. Examples are:

- British-Irish Human Rights Watch
- Children's Law Centre
- Coiste na nIarchimí
- Committee on the Administration of Justice
- EPIC
- Human Rights Consortium
- Mediation Northern Ireland
- The Pat Finucane Centre

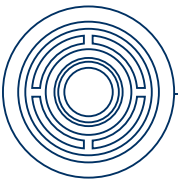


Annex B

Nature of the contribution made by the VCS to the criminal justice system in Northern Ireland

The work of the VCS is extremely diverse, but a rough classification might be as follows:

1. Custody-related services
 - drugs projects
 - art and literacy projects
 - support for young people in custody
 - prison visits (Independent Monitoring Boards)
 - visitors to police cells
 - visitor centres
 - arrangement of family visits
 - visitor transport services
2. Working with offenders in the community
 - community service schemes
 - attendance centres for young people
 - community restorative justice schemes
 - hostels for ex-offenders
 - specialised schemes for high-risk offenders
3. Court-related services
 - lay magistracy
 - witness service
 - child witness service
4. Working with the victims of crime
 - general support for victims of crime
 - assistance with compensation for victims
 - support for specific groups of victims or vulnerable groups
 - community restorative justice schemes
5. Diversionary measures for young people
 - youth clubs and centres
 - sports clubs
 - outward bound projects
 - Duke of Edinburgh's Award
6. Other crime prevention
 - community safety projects
 - neighbourhood watch schemes
 - community regeneration projects
 - residents' and community associations



Annex C

National comparisons: England and Wales, Scotland and the Republic of Ireland

England and Wales

Although there were several differences between Northern Ireland and the rest of the UK in relation to VCS's contribution to the criminal justice system, Northern Ireland took many of its policy leads from the UK. There was, however, a slightly different legislative environment and a unique funding base, including Peace (European Union) and other funding from abroad in Northern Ireland.

There had been significant developments within the VCS in the UK in recent years, particularly within the criminal justice VCS since the inception of the National Offender Management Service in 2005. The 1998 Compact provided the underpinning rationale and direction for relationships. It was supported by many reviews. Key among these were a 2002 Treasury cross-cutting review, *The Role of the VCS in Service Delivery*, the 2004 Gershon Review, and a 2005 National Audit Office Report on *Working with the Voluntary and Community Sector*. Core messages from these reviews were that, as in Northern Ireland, government still had a long way to go on delivering the Treasury's recommended approach to reduced audit of the VCS, increased long-term funding and payment for core costs.

Recent work to examine the efficiency of the public sector as a whole has re-emphasised the importance of effective working with the VCS. Sir Peter Gershon's


2004 Efficiency Review recommended that government should adopt four key principles for VCS funding – longer-term funding, appropriate balance of risk between the funder and the VCS, Full Cost Recovery and streamlined monitoring and reporting. These principles reflect key concerns of the Compact, and would promote efficiency in public funding.

More specifically relevant to criminal justice matters was the National Audit Office report of June 2005 entitled *Home Office working with the Third Sector*. Many of the views and 25 recommendations that flowed from this review mirror the situation in Northern Ireland as reported to CJI's Inspectors, particularly in relation to funding.

The National Offender Management Service (NOMS)

The National Offender Management Service for England and Wales was established in 2005 to provide more joined-up management of offenders between the Probation Service and Prison Service. As part of the reform initiative government required that the core business of both Prisons and Probation should become more corrections-based, and must include effective work with the VCS.

Government considered that Probation's links to the agencies that supply the resources which offenders needed in



respect of healthcare, education, housing and work had been weakened. The use of the voluntary agencies concerned with crime and offenders, which were close to the community, had been reduced as the Probation Service in England and Wales had shifted from its original historic purpose to “Advise, Assist and Befriend” offenders towards a new aim to “Punish, Help, Change and Control”. The Youth Justice Board in England was essentially a commissioning, standard-setting and supervisory body. It undertook no service delivery itself, but purchased a range of services from providers located in various sectors, including the VCS.

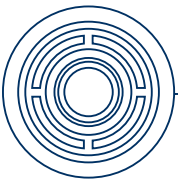
The NOMS introduced the concept of contestability, whereby Probation Officers would deal with offending behaviour, while the VCS and private sectors could tender to provide a range of support services to offenders. The NOMS has invested significantly in developing its relationship with the VCS, and created two teams focusing on engaging with the VCS – a Voluntary Sector Unit to increase the capacity of the sector to deliver services to offenders, and a Community Integration Unit to engage the public, including the VCS, in the work of the correctional services.

Consequently the National Probation Service has already reintroduced a former requirement for a specific proportion (5%) of its main resource grant for 2006-07 to be used to deliver services to offenders by providers from the voluntary, community and private sectors.

Establishment of the NOMS has therefore brought the VCS to a centre stage position in relation to criminal justice matters within the UK. This was generally

welcomed as good news by the VCS, though they were keen to retain their independence and flexibility. There was concern that the VCS should not have a single role of providing public services, possibly in competition with the private sector. This should be only one aspect of the sector’s function in society, and should be pursued alongside other activities like advocacy and campaigning, and acting as the conscience of the system.

There are therefore important matters of principle at stake for the VCS in the rollout of the NOMS, **and Northern Ireland’s criminal justice system would do well to observe these carefully, and take prudent decisions about replicating NOMS models for involving the VCS.** The opportunities for the voluntary sector working in partnership with the private sector must inevitably be balanced against threats to the core values which characterise the VCS. While it has a concern for good business practices and a focus on what best meets needs of customers, the voluntary sector also has a tradition of shaping and contributing to civil society. This carries with it a responsibility to take account of the social and political dimension of its activities. In a purely business environment this can disadvantage the sector in terms of ‘competitive edge’. Where the private sector language of service delivery is used in a morally fraught domain like crime and punishment there can be confusion around the proper application of sanctions. The VCS could therefore be at odds with the private sector in determining how policy should be driven, for instance creating a ‘market’ for profitable forms of penal interventions which do not necessarily meet broader social policy aims.



Scotland

Scotland had a VCS framework that was broadly similar to that of Northern Ireland, with a mixed approach of commissioning and delivering services. Perhaps most significantly it had introduced a NOMS-type model, establishing Community Justice Authorities to ensure consistent delivery of services, and establishing closer working between Probation and Prison authorities. Yet the Scots had not introduced the concept of contestability as part of the new model. The VCS will still remain a significant and distinctive player in Scotland, but unlike England and Wales will not become a competitor for work or resources outside of the sector.

The Republic of Ireland

While there is considerable emphasis on work with the voluntary sector by the Irish Government, and the community and voluntary sectors are key partners in the longstanding Social Partnership arrangements in the ROI, there was no overarching policy for engagement between the VCS and the state in relation to offenders. They are, as a group, recognised as a target group in relation to social inclusion in local area Partnership programmes.

There was a very wide range of community-based organisations that provide services, such as drug treatment, housing initiatives and prison visitor centres. None matched their involvement in service delivery with active policy comment. Only a few, such as the Irish Penal Reform Trust, PACE and the Irish Association for the Study of Delinquency, had overt advocacy and social policy perspectives. There was no agency that carried a national remit and provided

services while also providing oppositional debate at a significant level. This had not been something that had emerged within the Republic and it currently seems unlikely that it will do so.

There was felt to be a real challenge in relation to funding, where the vast bulk came directly through the state or through its agencies. The Probation Service had traditionally been the main sponsor and supporter for most emerging voluntary organisations and initiatives. It currently spends close to ?15 million per year supporting community projects, including core funding for a range of projects. There were also localised projects – many dealing with marginalised young people – that had obtained support elsewhere e.g. through the education sector or the Health Service Executive. The commission responsible for allocating funding to a number of voluntary organisations funded Victim Support Ireland until last year, but following what was described as ‘a crisis’ central funding was discontinued. It is understood that there is now a move to set up a central advocacy function for victims.



Annex D

Methodology of the review

This review was launched at the CJI annual Stakeholder Conference in January 2006, when more than 100 delegates from the statutory and VCS sectors and other observers discussed issues concerning the role and relationship of the VCS in the criminal justice system. The agenda for the conference listed the following questions:

- How have voluntary sector organisations responded to the challenge of working in part as agents of government?
- How difficult has it been for them to reconcile those functions with their charitable status and their voluntary sector ethos?
- How comfortable are they about their relations with their funders?
- Do they find the arrangements for supervision and accounting unduly burdensome?
- From the funders' point of view, what problems do they encounter in working through the voluntary sector?
- Do they consider that the voluntary organisations represent good value for money?
- How effectively can funders quality assure the services that are being delivered?
- What are the elements of best practice in managing service contracts involving the voluntary sector?

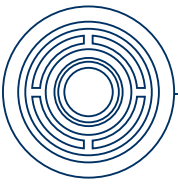
The conference split into four groups to discuss under the following headings:

- A: Support and accountability (the purchaser-provider relationship)
- B: Examples of added value from the voluntary and community sector
- C: Support for criminal justice programmes
- D: Community safety and community engagement

There followed an approach to some 80 organisations (listed at Annex E) with an invitation to comment on these issues. Half of those consulted responded and many were then interviewed by Inspectors to gain a fuller appreciation of their views.

The draft report was then circulated to all those organisations which had responded, before being finalised and submitted to Ministers for publication.

The review was led by Tom McGonigle, with input from Kit Chivers and other Inspectors.



Annex E

List of organisations consulted in the course of the review

ACOVO	East Belfast Mission
Advice NI	Ex Prisoners Interpretative Centre
Age Concern	Extern
Alliance Party	Glenmona Resource Centre
Atlantic Philanthropies	Glen Parents Support Group
Barnardo's Northern Ireland	Green Party
Belfast Door Outreach Project	Help the Aged
Bryson House	Include Youth
Business in the Community	Justice Oversight Commissioner
Challenge for Youth	Law Centre (NI)
Children in Northern Ireland	Lisburn Drugs Watch
Children's Fund	Lisburn YMCA
Children's Law Centre	Living Rivers Lighthouse Hostel
Coiste na nIarchimí	Lower Falls New Start Project
Committee on the Administration of Justice	Lynx Project
Community Relations Council	Methodist City Mission
Community Restorative Justice Ireland	NEXUS
Conservation Volunteers Northern Ireland	NIACRO
Corner House	NICEM
Cuan Mhuire	NICVA
Democratic Unionist Party	NIO Community Safety Unit
Duke of Edinburgh's Award	NIO Criminal Justice Reform Division
Dunlewey Substance Advice Centre	NIO Criminal Justice Services Division



Northern Ireland Alternatives

Northern Ireland Centre for Trauma & Transformation

Northern Ireland Children's Commissioner

Northern Ireland Community Addiction Service

Northern Ireland Court Service

Northern Ireland Housing Executive

Northern Ireland Human Rights Commission

Northlands

NSPCC

Offender Hostel Managers Forum

Opportunity Youth

Pat Finucane Centre

PBNI

Pobal

Presbyterian Church

Prison Arts Foundation

Prison Fellowship

Progressive Unionist Party

PSNI

Public Prosecution Service

Rape Crisis Centre

REACT

SEELB

Simon Community

Sinn Fein

Skills for Justice

Social Democratic and Labour Party

Stadium Youth and Community Centre

Star Neighbourhood Centre

Ulster Quaker Service Committee

Ulster Unionist Party

Victim Support (Northern Ireland)

Voluntary & Community Unit, DSD

VOYPIC

WAVE Trauma Centre Belfast

West Belfast Parent Youth Support Group

Whiterock Base Project

Windsor Women's Centre

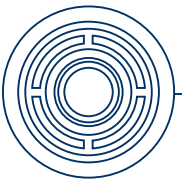
Women's Aid Federation


Workers Party

Youth Justice Agency

Youthnet







Copyright© Criminal Justice Inspection Northern Ireland
All rights reserved

First published in Northern Ireland in November 2006 by
CRIMINAL JUSTICE INSPECTION NORTHERN IRELAND
14 Great Victoria Street
Belfast BT2 7BA
www.cjini.org

ISBN 1-905283-15-6

Typeset in Gill Sans
Printed in Northern Ireland by Commercial Graphics Limited
Designed by Page Setup