

# **Nordic and Scottish Civil Society Organisations Working with Offenders and the Effects of Service-Delivery: Is Pursuing Mission Impossible whilst Bidding for Contracts?**

## **Abstract**

It has been suggested that the CSOs (civil society organisations) at the penal sector may be losing their autonomy, whilst delivering services to the public sector. This interview-based study explores this question in the context of Nordic and Scottish CSOs. The findings reveal that for these CSOs that already are dependent on cooperation with the criminal justice system, service-delivery contracts have generated additional difficulties in remaining truthful to their missions. However, those CSOs that had embedded their core activities in volunteering instead of paid professionals were able to hold on their original missions in greater extent regardless of service-delivery. The article suggests that CSOs that still wish to remain loyal to their original purposes should reinforce volunteer-based working methods within their organisations.

Keywords: civil society organisations; service-delivery contracts; offenders; Nordic countries; Scotland

## **Introduction**

Previous discussions in England and Wales have suggested that civil society organisations<sup>1</sup> (CSOs) working in the area of criminal justice face a danger of losing their status as independent actors due to their increasing service-delivery to criminal justice system. Indeed, an increasing mix of providers from the public, private, and not-for-profit sectors offer criminal justice services –

particularly now as the majority of probation work has been opened to competition with the ‘Transforming Rehabilitation’ programme (Ministry of Justice 2013). However, the growing service-delivery from the CSOs to the criminal justice system has been seen as problematic in many ways. Scholars have argued, for example, that in the effort to try to win contracts from the public sector, CSOs face the danger of ‘goal distortion’ (Kendall and Knapp 1996), the loss of their ability to criticise government policies, and a failure to meet the interest of the people they should be representing. In addition, they may become unable to use their special knowledge and skills and may even contribute to further exclusion of an already marginalised group of people (Mythen et al. 2013; Maguire 2012; Senior 2011; Corcoran 2009; Corcoran 2008; Vennard and Hedderman 2009).

With the spread of neoliberal management ideologies, the trend of outsourcing public sector services to enterprises and CSOs has become a commonplace practice elsewhere too. For instance, Scotland has in many respects followed similar policy-lines to the recent Westminster governments in terms of civil society, hence emphasising the role of CSOs in the future delivery of public services (Alcock 2012). The Nordic countries, which are commonly considered to favour a strong role for the state in welfare provision, are also increasingly utilising private companies and CSOs in the delivery of public services, as this article will later demonstrate. Consequently, the prominence of CSOs in service-delivery has provoked concerns about the diminishing representative and political functions of the traditionally strongly ‘voice-orientated’ Nordic CSOs (Matthies 2006).

However, the actual research evidence about the possible effects of service-delivery contracts on the independence of the CSOs working with offenders and their ability to pursue their missions whilst delivering public services is still scarce, and much of it is based on speculation. For example, one of the few studies in which stakeholders from the CSOs were interviewed, half of the interviewees stated that government contracts muted their critical voice, whilst half of the interviewees had not noted such an effect (Mills et al. 2011). Furthermore, Tomczak (2013) has

lately highlighted the heterogeneity of the CSOs working in the area of criminal justice arguing that CSOs are able to find alternative funding sources instead of becoming ‘junior partners’ of the government. Hence, these observations suggest that the effects of service-delivery contracts may not be as harmful for the civil society sector as previously imagined.

As illustrated, the earlier discussions have scrutinised the possible consequences that acting as a service-provider to the public sector may have for the two widely acknowledged main purposes of CSOs – the roles of CSOs as interest-mediators and spokespersons of certain groups and providers of services to these groups. The aim of this study is to further explore these possible effects of service-delivery on the abilities of CSOs working with offenders to carry out their original missions and it is based on interviews with representatives of seven ‘key CSOs’ in three Nordic countries – Finland, Norway, and Sweden – and in Scotland. Thus, the study offers a comparative perspective on the relationship between CSOs working with former offenders and service-delivery. The article commences with a brief examination of the roles of CSOs in the aforementioned three Nordic countries and Scotland. This section focuses particularly on the roles of the CSOs that operate in the welfare sector, as this is the reference group of the CSOs examined in this study. The next part of the article offers a background about the scale of the penal sectors and discusses about the significance of CSOs in supporting offenders in the four countries. The following findings section exemplifies that interviewees from professionally orientated CSOs and from CSOs that based on peer knowledge experienced the effects of service-delivery contracts and cooperation with the public sector differently, albeit there was also some correspondence in the views. It seemed that the fact that the peer orientated CSOs had embedded their activities in the work-efforts of their members protected them from drifting too far away from their original ethos. Thus, the article closes by arguing that CSOs at the penal sector should reinforce volunteer-based working methods within their organisations, if they still wish to remain loyal to their original missions.

## **Two Civil Society Regimes in Comparison**

The Finnish, Swedish, and Norwegian CSOs can generally be understood to form their own 'civil society regime' due to certain common qualities that distinguish them from CSOs in other European countries (Sivesind and Selle 2009). These common qualities originate from the 19<sup>th</sup> and early 20<sup>th</sup> century popular movements such as women's rights, trade unions, and youth and temperance movements, which have served as a foundation for today's Nordic CSOs. These movements that organised themselves as voluntary associations favoured members' work-efforts in the running of the organisations instead of philanthropy and they were typically more focused on advocacy and interest representation rather than direct provision of services. Furthermore, these associations were not exclusive to the upper classes, but gathered members from all parts of society. (Wijkström and Zimmer 2011; Stenius 2010) In comparison, the roots of the British CSOs are located in the charity distributed by the elite and middle classes to the poor (Taylor 2004; Kendall and Knapp 1996). Hence, those for whom the organisations worked were mostly only receivers of the aid, not actors in the organisations in themselves. For instance, in the 19<sup>th</sup> century, charity was largely run by middle class women for whom benevolence provided a way of acquiring status in the community. The British voluntary organisations also tended to be more remote from the state than the Nordic associations, which have been characterised by close alliance with state institutions (Wijkström 2011; Kendall and Knapp 1996).

Despite the different preferences in terms of giving and self-help, the CSO were important actors in the welfare sector both in the UK and in the Nordic countries until the early 20<sup>th</sup> century. However, after the Second World War, the state adopted the main role in the provision of welfare both in Britain as well as in the Nordic countries. In the UK, this era remained rather more short-lived than in the Nordic countries (Kendall 2009; Taylor 2004). Indeed, the British CSOs

even advocated themselves for a system where the state would provide the funds and the CSOs would deliver the services during the time of substantial privatisation at the end of the 1970s (Taylor 2004). In contrast, at that time the Nordic CSOs adopted more prominent roles as interest groups than as actual service-providers (Wijkström 2011; Alapuro 2010; Julkunen 2000). This difference is still visible for example, in the shares of public funding in the budgets of Nordic and other European CSOs; whereas public sector funding constituted between 29 and 36 percent of the budgets of the Finnish, Norwegian and Swedish CSOs between 1995 and 2000, it covered 46 percent in the UK (Salomon et al. 2004).

Nevertheless, the consequences of the spreading neoliberal *modi operandi* are also reflected in the Nordic CSOs, for instance, in the increasing number of CSOs in welfare provision and in the marketization of the sector, although these developments have not been uniform in the three Nordic countries (Wijkström 2011; Wijkström and Zimmer 2011). For instance, measured by the number of employees, the role of CSOs in welfare provision is higher in Finland, whereas in Norway and Sweden the private sector has been more dominating (Sivesind 2013; Matthies 2006)<sup>2</sup>. Yet, participation to the tendering processes has altered the nature of the Nordic CSOs. Thus, while previously Nordic CSOs imitated the structures of the state, they have now begun to imitate the corporate world and volunteers are becoming increasingly replaced with professional workers (Wijkström 2011).

The prominence of CSOs in welfare provision has continued to grow also in Britain in the 21<sup>st</sup> century. As a result of the ‘third way’ politics that was influential throughout the UK, the Scottish government introduced policy initiatives that were aimed at supporting the CSOs’ capacity to deliver public services and encouraging them to adopt social entrepreneurship (Alcock 2012; Fyfe et al. 2006). Recently, the CSOs have been given an even more prominent role in the future delivery of public services in Scotland; they are now integrated into the planning of public services via the so-called Public Social Partnership models that have also been introduced in the area of criminal

justice (Scottish Government 2014a; Christie Commission 2011). Undeniably, CSOs have an important role in the provision of public services in Scotland. For instance, in 2013, as much as 70 to 98 percent of the funding of large social sector CSOs<sup>3</sup> consisted primarily of contracts with local authorities (SCVO 2014). The importance of CSOs is also evident based on that nearly one third of the employees working in the social care sector are currently employed by CSOs (SSSC 2013). Hence, despite both Nordic and Scottish CSOs are being faced with demands to increase their input in the welfare arena, the virtual involvement of the CSO in the delivery of public services has still remained at a higher level in Scotland than in the Nordic countries.

### **Penal Sectors and the CSOs**

Particularly in the Anglophone literature, the penal policies in the Nordic countries have been described as ‘exceptional’ due to their comparatively low imprisonment rates and more humane prison conditions (Pratt 2008; Pratt and Eriksson 2013). For instance, in 2013 the imprisonment rate per 100 000 of the population was 58 in Finland, 67 in Sweden and 72 in Norway, whereas in Scotland it was 147<sup>4</sup> (Walmsley 2013). Furthermore, Nordic prisons tend to be small, which is likely to have positive effects on relationships both inside and outside the prison establishment (Pratt and Eriksson 2013). In addition, the staffing appears to be on a better level in the Nordic countries in relation to the number of prisoners; the prisons employ roughly 6,300 people in Sweden, 3,500 in Norway, and 2,500 in Finland in contrast to the approximately 4,200 staff employed by the Scottish Prison Service (SPS) (Kristoffersen 2013; SPS 2012).

Although prison conditions may be more humane in the Nordic countries, released prisoners still need support in relation to housing, employment, addictions, mental health, and other services that are crucial to successfully end a criminal lifestyle. Nonetheless, at this stage the support is mainly the responsibility of municipal authorities, which often lack the necessary expertise

(Kalmthout and Durnescu 2008). For instance, in Finland the work of probation officers has focused more on the execution of sentences instead of provision of support for released offenders during the past years. Consequently, CSOs such as CRIS and PFF that are also involved in this study, have become increasingly important in supporting released prisoners (Lappi-Seppälä 2010). However, it would seem that there are more released prisoners needing the support of CSOs in Scotland than in the Nordic countries. For example, the number of released prisoners is about 20,000 per year in Scotland, while it is about 6,000 per year in Finland (Scottish Government 2012; Criminal Sanctions Agency 2013). Nonetheless, the number of personnel working in the probation services indicates that their support for released prisoners cannot be very extensive in any of the countries examined in this study<sup>5</sup>.

Therefore, in all of the four countries, the role of CSOs in the penal sector is above all central to the time when ex-offenders are released back into their communities. There exist various different kinds of CSOs such as religious, mental health and addiction organisations that offer their services to released prisoners. Yet, the number of CSOs that are solely focused on ex-offenders is scarce. While I was collecting information about CSOs for this study, I encountered eight CSOs from Scotland, six from Sweden, five from Finland and four from Norway that had either current or former offenders as their main target groups. Furthermore, as indicated in the following chapter, only few of these CSOs operate nationally.

As this article will later demonstrate, the funding of CSOs working with released prisoners resembles the funding of CSOs in the social care sector described in the previous section. Unfortunately, the degree to which Nordic prison and probation authorities buy services from CSOs is unclear, as this information is not separately recorded. Nevertheless, out of the four countries, the Swedish Prison and Probation Service appears to have the most reserved attitude on the matter; it has specified that, as a rule, cooperation with CSOs should not be based on the buying and selling services, but on other grounds (Swedish Prison and Probation Service 2006). Indeed, the Swedish

Prison and Probation Service as well as the Norwegian Correctional Services are the only prison authorities in this study that allocate grant funding for CSOs (Swedish Prison and Probation Service 2014; Ministry of Justice and Public Security 2014). Unlike the Swedish Prison and Probation Service, the other prison and probation services in this study have not directly raised the question of the appropriate forms of cooperation with the CSOs. For example, the current strategy of the Finnish Criminal Sanctions Agency recognises only that cooperation with CSOs and other actors will become more important in the future, but it does not comment on the appropriate forms for this cooperation (Criminal Sanctions Agency 2011). The Norwegian Correctional Services have emphasised both cooperation with the CSOs as well as the responsibility of the state in the reintegration of offenders in its recent strategy document (Ministry of Justice and Public Security 2008). The funding of CSOs has not been discussed by the SPS either, but apparently, service-delivery contracts with CSOs are not considered inappropriate, as CSOs constitute a share of SPS's service suppliers. However, in comparison with the contracts between private corporations and the SPS, the value of contracts between the SPS and CSOs is still rather modest (Garside et al. 2014).

### **Aims, Data and Methods**

The main data in this study consists of semi-structured interviews with representatives of seven national CSOs working with offenders in Finland, Norway, Sweden, and in Scotland. The purpose of the interviews was to examine what kinds of effects, if any, the interviewees considered service-delivery contracts to have on their organisations' abilities to pursue their missions. The interviews dealt with, for instance, such themes as the aims of the organisations, funding, policy-work, influencing activities, service-delivery, and other cooperation with the public sector. In addition to the interview data, I also used documents produced by the interviewed CSOs as background material.



The examined CSOs were *Criminals' Return Into Society Finland* (CRIS Finland), *Probation Foundation Finland* (PFF), *Wayback* from Norway, *Criminals' Return Into Society Sweden* (CRIS Sweden), *X-Cons* from Sweden, and *Apex* and *Sacro* from Scotland. The CSOs were selected on the basis that they were national organisations that have focused on working with offenders, and thus could be seen as the most significant CSOs in the area of offending in their countries. The interviews were conducted between September and October 2013 by the author. The interviewees were either executive managers or chairpersons of the CSOs as they usually can speak for the whole organisation, and additionally, an ex-employee and a long-time volunteer of CRIS Sweden participated in the interview together with the other interviewee. Some of the executive managers or chairpersons had been involved with the organisations from their beginning (4) and some from between three to four years (3). Hence, the findings of this study are based on the understandings of the interviewees and it is possible that other individuals in the organisations could have shared other kinds of views.

Before the interviews, the interviewees were given an outline of the interview themes and informed consent forms. Interviews with the Finnish CSOs were conducted in person and in Finnish. Other interviews were conducted in English either via Skype video-calls (3) or by telephone (2). The interviews lasted between one and a half and three hours and they were audio-recorded and transcribed. I analysed the interviews by applying Framework analysis, a form of content analysis in which thematic charts are utilised for analysing different cases and themes comparatively (Richie and Lewis 2003). Nvivo 10 software was used for indexing the data and for compiling framework matrices. The citations in this article follow the language used by the interviewees and I have amended them little as possible in order not to lose their original tone or meaning. The quotes from the Finnish interviewees I have obviously been obliged to translate to English.

## Overview of the CSOs: Peer and Professional Approaches

Before moving onto the actual interview findings, this section provides an overview of the CSOs examined. Although the main aim of all seven CSOs is to support current and former offenders to desist from criminal activities, they have different approaches when pursuing this aim. Hence, it is possible to divide the CSOs into two groups according to their approaches. The Swedish and Finnish *CRIS organisations*, the Swedish *X-Cons* and the Norwegian *Wayback* are called peer-support organisations (PESOs), as they are based on the idea that former offenders help other ex-offenders to desist from criminality with the help of their own experience. These organisations have also been established by former offenders themselves. Conversely, the Scottish *Apex* and *Sacro* and the Finnish *PPF* base their work mainly on support and services provided by professional employees, and are subsequently referred to as professional organisations (PROs).

Most of the workers in the PESOs are employed with subsidies provided by employment agencies aimed at employing people with an employment handicap such as a criminal record. As the number of people employed using subsidises fluctuates considerably, the interviewees could not give exact information about the number of paid-employees at the PESOs. Furthermore, as the PESOs are membership-based organisations and their members volunteer regularly as peer-mentors or in other roles, their staff resources exceed the basic number of employees. For instance, the interviewees the Swedish CRIS reported that they had over 5000 members nationally. According to the number of local organisations, the largest of the PESOs is the Swedish CRIS (18 local organisations) and the second largest the X-Cons (11 local organisations). The Finnish CRIS and Wayback both comprise of five local organisations. Apart from Norwegian Wayback, all of the PESOs either already had a national level head organisation or such was imminent (X-Cons). The main work of the PESOs consists of visiting current prisoners and supporting them when they are again at liberty in society. Although the activities in the PESOs are mostly based on volunteering

and grant funding, they also have services that are funded via service-delivery contracts. For example, at the time of the interviews, the Finnish CRIS organisation was supplying drug and alcohol rehabilitation programmes to the Criminal Sanctions Agency, and rehabilitative work experience, and child welfare services to municipalities. The Swedish CRIS and X-Cons were also supplying drug rehabilitation and supported housing services to municipalities. According to the interviewees from the Swedish CRIS organisation, the number of service-deliveries to municipalities had increased for the local organisations in comparison to grant funding during the past few years. The Norwegian Wayback was the only PESO that did not have service-delivery at the time of the interviews.

Sacro is the largest of the PROs and it started as a volunteer-based help and advice service for ex-prisoners and their families. Lately Sacro has shifted its emphasis also to communities instead of focusing solely on individual offenders, which is reflected, for instance, in the mediation services that the charity offers (Sacro 2015). Apex's services constitute mostly from preventative and rehabilitative measures targeted at young people and adults and the organisation has had a particular focus on enhancement of employability in its services (Apex 2015). Finnish PFF aims to improve after-care of people releasing from prison or from other sanctions and its work bases on different kinds of development projects carried out with authorities as well as provision of direct services to its clients (PFF 2015). At the time of the interviews, the Finnish PFF employed 30 people, whilst Apex employed 92 and Sacro 300 people. Number of volunteers in the PROs was considerably lower than in the PESOs; Sacro had about 100 volunteers and Apex 49. The Finnish PFF did not seem to recruit its own volunteers at all, but instead supported voluntary activities in other CSOs working with offenders. Overall, PROs had more service-delivery contracts than the PESOs. Apex and Sacro were particularly reliant on income from service-delivery agreements with the local authorities, whilst the majority of the Finnish PFF's funding is still based on public grants. However, the PFF's supported housing services were largely dependent on contracts with

municipalities and the organisation also had provided some services to prisons through contacting (Apex 2014; Sacro 2014; PFF 2014).

### **Interview Findings**

As a result of the interviews, I was able to detect various situations in which the CSOs' aspirations to pursue their aims seemed to conflict with the conditions of the service-delivery contracts. However, the interviews also revealed that all of the situations in which CSOs experienced difficulties in realising their aims were not due to service-delivery contracts *per se*, but they were caused by the need to cooperate with public sector agents in general, no matter the source or form of funding. Therefore, in the following I will examine the effects of both – service-delivery contracts and cooperation with the authorities – in relation to the CSOs' abilities to influence government policies and use their critical voice and then, in relation to their abilities to offer services that match their organisations' values. Finally, I will look at the situations in which service-delivery and cooperation with the authorities imposed particular challenges for the peer-based approach followed by the PESOs.

#### ***Sleeping with the Enemy: CSOs as Partners in Cooperation and as Campaigners***

One of the concerns that commonly is associated with service-delivery of CSOs to the public sector is the weakening ability of the CSOs to criticise and represent the interest of their clients in relation to public agents (i.e. Neilson 2009), although empirical investigations on the topic have produced mixed results (Mills et al. 2011). Indeed, the interviewees in this study also discussed the limitations that cooperation with the public sector imposes on their organisations' possibilities to express their views, particularly the critical ones. In spite of this, none of the interviewees associated these challenges with the fear of losing service-delivery contracts as such, but the fear of

losing cooperative relationships with the authorities in general. It was also interesting to note that ‘raising voice’ was not much easier for the Nordic CSOs either, although they were less dependent on contracts. For example, it appeared that for the PESOs it was especially difficult to express critique against the prison and probation authorities, because these authorities were in charge of granting them access to visit current prisoners:

‘They cannot be too critical against the prison system, because if they should be, the prison system won’t let them in’. (CRIS, Sweden)

Nonetheless, the Swedish PESOs regarded that it was still part of their role to ‘scare up’ or to be ‘a little pain in the neck for the politicians’, hence to act as kinds of government watchdogs. The interviewees reported examples of some quite critical campaigns that they had organised – although not against the prison and probation authorities, but against government drug rehabilitation policies. The interviewees also referred to their popular movement roots and related that they wanted to challenge the whole prison system, because essentially they regarded it as counter-productive. Nevertheless, as the only way that the PESOs could access releasing prisoners was via the prison system, they were principally bounded to the rules of the prison system or the ‘host environment’ (Mills et al. 2012). Therefore, it was difficult to challenge the rules, whilst being dependent on the definer of those rules:

‘We don’t want prison, but now we must, we are married to the prison, because people are inside the prison, we cannot fight the prison authorities, because then we would have to stop our own work.’ (X-Cons, Sweden)

Although presenting the critique was difficult, all of the interviewees regarded policy-work to be important on the whole. Indeed, the interviewees from the Scottish PROs considered that it was especially important to engage in policy-work at this moment of time due to the competitive climate in which the CSOs operate in the UK today. Thus, influencing policy was an important way to be seen as a ‘player’ in the eyes of the government and other decision-makers:

‘I don’t think the UK government is at all friendly to the idea of voluntary sector or public sector organisations, so [...] unless we are there fighting in our corner and unless we are influencing policy then it would be very easy for us to be marginalised and forgotten about’. (Apex, Scotland)

Notwithstanding that none of the interviewees did consider service-delivery contracts to directly affect their organisations’ willingness to engage in policy-work, the Scottish interviewees presented that indirectly service-delivery contracts had an effect on their ability to influence policy. This was due to the financial resources that the involved policy processes required from the two Scottish PROs. Thus, without the funding provided by the contracts, these CSOs would not have enough financial resources to produce the research evidence that was needed, if they truly wanted to have their views taken into consideration:

‘Our ability to invest in policy is directly affected by ability to meet the affordability element; we need to earn the money to pay for the policy development’. (Sacro, Scotland)

Consequently, the Scottish representatives related that the threshold for any critical influence had become even higher, because nobody was directly paying for such efforts. In this sense, the Nordic

CSOs appeared to in a better position. For instance, the interviewees from the Swedish CRIS regarded that if they lost the funding reserved for policy-work from their budget, it would always be possible for them to continue influencing through volunteering. Overall, there did not appear to be similar pressure for the Nordic CSOs to produce research evidence to support their comments, although the interviewees noted that having such evidence certainly facilitated the possibility to have an influence. Nevertheless, the accounts of the interviewees highlighted that there were factors beyond service-delivery contracts such as the need to maintain cooperation and the requirement of evidencing the views that restrained the CSOs' abilities to influence.

### ***The Scarcity of Contract Funding: Towards Cherry-Picking?***

Besides the concerns relating to the effects of service-delivery to the policy-work of the CSOs, it has been suggested that acting as a service-provider to the public sector, and criminal justice system especially, may be heading CSOs to 'goal distortion' or 'mission creep', as in their efforts to win contracts, the CSOs fail to reach those people, who would need their help the most (Mythen 2013; Maguire 2012). The interviews in this study seemed to partly confirm these notions, at least as far as it comes to representatives from the Finnish PFF and from the Scottish Apex. The interviewees from these two PROs had considerable concerns about their possibilities to operate according to their objectives and offer genuinely beneficial services for their clients via service-delivery contracts. For instance, the representative of Apex noted that when they were delivering services on behalf of public bodies – most often local authorities – it would be in the hands of the buyers to decide who could access their services and how they would be treated:

‘The way in which Apex is set up, it should be to assist people with multiple problems, we have an ethos [...]but if you are just carrying out what another person is paying you to do, that becomes irrelevant’. (Apex, Scotland)

According to the interviewee, even a more pressing problem seemed to be related to the quality of the services that Apex was able to offer their clients via service-delivery contracts. The interviewee related that the terms of the contracts were often so inflexible that they have resulted in a provision of services that, in the end, were useless for the clients as the following example illustrates:

‘If someone comes to us, who has been referred to us to get their CV right, [...] but at the same time they are saying that [...] they don’t know where they are going to sleep that night or [...] maybe they are dyslexic, maybe they can’t spell, they can’t read, they can’t manage the IT, we would say, there is not a lot of point in giving us writing your CV, if you can’t even read it, so we would like to give you some literacy help or no we can’t, because that’s not what we have been paid for. Yeah, so and that happens an awful lot’. (Apex, Scotland)

The Finnish PFF appeared to be in a slightly better position in terms of trying to deliver meaningful services via service-delivery contracts in comparison to the Scottish Apex, because it was able to use some of its rent incomes to cover the shortages in the service-delivery contracts. For example, as PFF considered that the supported housing contracts with municipalities were often too short to improve the situation of the client in reality, the organisation used its rent incomes to prolong the service. However, the interviewee considered that this solution was not sustainable and if the municipalities continued to draw up such short-term contracts, the organisation may have to start ‘cherry-picking’ its clients (Maguire 2012):



‘At the worst case scenario it will mean that we must start to select our clients, that we must take only those clients who already do well and leave out those who need most support’. (PFF, Finland)

By contrast, the other interviewees did not report such serious problems with service-delivery contracts as the interviewees from Apex and PFF, although the interviewees from the PESOs opposed the idea of service-delivery to the public sector in general and considered that contracts might lead exactly to the kinds of situations that the two PROs presented above:

‘If we start to compete at the markets as if we were another company or an organisation producing services, then I think we will lose something substantial in our own purpose, if we take money for that [...] then we start to prioritise people, think who we take as clients and how we get good results’. (CRIS, Finland)

Unlike other CSOs in this study, the Norwegian Wayback had not even bid for service-delivery contracts at all. It is difficult to say, whether the reason for not pursuing service-delivery contracts was that the organisation simply disliked the idea of service-delivery or whether there were more practical reasons behind that decision such as that the organisation lacked the resources that were needed to seriously to compete for contracts. Nonetheless, despite Wayback was struggling with funding as other CSOs in this study, it had not begun to bid for contracts, but relied on grant funding and use of volunteers.

Interestingly, the interviewees from the Scottish Sacro and from the Swedish CRIS did not recognise problems with service-delivery contracts at all. On the contrary, these two CSOs were confident about their abilities to act according to their missions also when delivering services to public agents. For example, the interviewees from the Swedish CRIS considered that when they

were providing services instead of authorities, for example, drug rehabilitation programs, the services had a better quality, which the interviewees ultimately believed to result from the peer background of their employees. The interviewee from Sacro, on the other hand, believed that their tendering system ensured that the organisation would stay focused on its mission whilst bidding for contracts:

‘We have a well-established, system based process for tender and bid management, with specified rules, responsibilities and functions within that system, all of that scrutinises about that we stay focused on our mission’. (Sacro, Scotland)

Thus, there was a particularly wide gap in the views of the two Scottish representatives in terms of how service-delivery contracts affect their organisations’ abilities to serve their clients. One reason for this disparity may have been that the interviewee from Sacro was less willing to share problems. On the other hand, Sacro had recently widened its mission from individual offenders to communities and victims of crime similarly to its counterpart Nacro in England and Wales (Sacro 2014b). Accordingly, Sacro was able to pursue more variety of contracts and remain loyal to its new, broader mission in comparison to Apex that was still focused solely on offenders and those at risk of offending.

Although involvement of CSOs in the production and management of punishment has been considered a particular ethical dilemma concerning CSOs working at the penal sector (Neilson 2009) none of the interviewees raised service-delivery to the criminal justice system as a special problem, but the difficulties seemed to concern more the ability to provide good quality services for their clients via contracts and the ability to reach the right people in these services, thus, ‘cherry-picking’. The obvious reason for this was that most of the contracts that the CSOs had with criminal justice authorities did not include management of punishment apart from supervision of un-paid

work in community sentences or as acting as voluntary support person for those on probation. The two Scottish PROs had previously provided community punishments such as Supervised Attendance Order<sup>6</sup>, but they were no longer involved with delivering these services, as the local authorities – criminal justice social work – delivered the sentences themselves.

### ***PESOs and the Demands of Cooperation: Loosing Distinctiveness and Credibility?***

As explained earlier, the work of the PESOs is based on the idea of peer support and self-help and therefore, their approach is different in comparison to how the public sector or the three PROs work with criminality. For example, the PESOs – or at least most of them – did not allow employing of others than those with their own criminal background, as they wanted to empower former offenders by making them take on responsibility both for their own rehabilitation as well as the rehabilitation of others. Indeed, the interviewees from the PESOs considered that those with their own experiences in criminality are the real experts in helping to desist from criminality. Therefore, allowing other kinds of experts such as professional social workers, to enter the organisations, could be a threat to the aim of empowering ex-offenders:

‘I know some organisations are taking in some experts, but this is a dangerous situation, because when it is coming in experts, you are never going to fill up with the people from the floor, people coming from the shit, people who don’t believe in themselves’. (X-Cons, Sweden)

Subsequently, the respondents from the PESOs presented evident resistance to the institutionalised ideas of professionalism (similarly Corcoran and Fox 2012). However, service-delivery contracts and the need to maintain cooperation with the public agents had created situations in which some of the PESOs have had to compromise with their view of expertise. Namely, as the PESOs had started

to bid for contracts, they had been required to show that they met educational and vocational standards set by the service buyer. The two Swedish PESOs had reacted to this demand by educating their own members to meet the required criteria, for instance, by educating them as drug therapists. Conversely, the Finnish CRIS, which is a younger and smaller than the two Swedish PESOs, had also hired employees that were not former offenders, but ex-employees from the public sector. Although this could be seen as concession to the roots of the organisation and as indication of spreading professionalization – a process in which volunteers become replaced with paid staff (Wijkström 2011) – the interviewee still viewed this as a positive trend, because it showed that the organisation had gained credibility in the eyes of authorities.

Nonetheless, too close collaboration with the authorities had also further challenges for the PESOs. For example, the interviewee from the X-Cons explained that it was extremely important that their members regarded the organisation as distinct from the public institutions, because they had often felt betrayed by the public system and lost their trust to officials. The PESOs, in contrast, were able to portray themselves as ‘one of them’ and distinct from the authorities. It was apparent that this ability to form trustful, personal relationships with the members was one of the most significant assets in the work of the PESOs, despite it often becomes undervalued when evaluating the effectiveness of different crime prevention measures (Mills et al 2011). Nevertheless, preserving the distinctiveness and credibility required constant effort from the PESOs, as they were always obliged to also cooperate with the criminal justice system:

‘Too close cooperation with the prison authorities and too close cooperation with the police make problem for us to work. Yeah, this make problem with the believing of what X-cons is, because they [members] think we are the part of the prison authorities or the police, that’s no good, that’s absolutely not good’. (X-Cons, Sweden)

What made things even more complicated for the PESOs was that they were not required effort to be seen as credible only in the eyes of their members, but also in front of the authorities. For example, the interviewee from Wayback related that due to their background as offenders, they had been expected several times to prove that they and their members had left their criminal lifestyles behind, especially for the police:

‘A lot of our members, which they [police] usually stop everywhere on the street, they are not harassed by the police anymore, because they actually believe that these people have made the changes.’ (Wayback, Norway)

Therefore, maintaining the alternative approach to desistance required special effort from the PESOs in comparison to the PROs that already employed similar ideas concerning, for instance, expertise than the public sector. Thus far at least some of the PESOs had succeeded to hold on their own approach regardless of the more conventional ideas of expertise that service-delivery contracts comprised and despite of the need to be seen as credible partners in front of the authorities.

## **Discussion and Conclusions**

The findings of this article have illustrated that the Scottish and Nordic CSOs working with offenders are partly confronted by similar challenges in relation to service-delivery to the public sector as the CSOs in England and Wales. The interviewees reported, for instance, that the inflexibility of service-delivery contracts has caused them difficulties when responding to the needs of their clients in a meaningful manner. Moreover, the competition for contracts has prompted concerns among the respondents about possible ‘cherry-picking’ of clients and further exclusion of the most disadvantaged groups (Maguire 2012; Mythen et al. 2013). However, as noted by Mills et

al. (2011) in relation to England and Wales, the views at the sector appear to be mixed, and in this study even quite starkly divided especially in the case of the two Scottish PROs. As discussed earlier, this gap between the views may result from Sacro's changed, broader mission or indeed, reluctance to recognise problems. Nevertheless, such disparity between the assessments of the representatives of the two most significant CSOs working in the area of criminal justice in Scotland is worrying and raises doubts about the possibilities of the CSOs to represent a mutual opinion of the sector in front of the government – particularly as the large CSOs often are those whose opinions have the highest importance. In any case, the related problems concerning service-delivery contracts should be taken seriously by the main contractors – municipalities and local authorities – because they indicate that the services they are paying for may be unable to reach the people needing the services the most, or if they do reach the people, they may not allow providers to offer their clients appropriate help. It is difficult to image whose interests provision of such services could serve.

The CSOs in this study represented two different approaches to working with criminality. Although there was similarity between the views of the representatives from these different organisations in some respect, it is possible to detect some patterns that were typical either for the PESOs or for the PROs. First of all, apart from Sacro, the representatives from the two other PROs were experiencing most problems in remaining loyal to the mission of their organisation, while working through service-delivery contracts. Conversely, the interviewees from the PESOs did not feel contract funding to be a particular threat for their organisations, albeit they acknowledged the possible risks that are associated with increasing dependency on service-delivery contracts. However, it seemed that the slightly out of the ordinary type of approach to working with criminality led PESOs to different kinds of challenges in terms of service-delivery contracts and cooperation. Namely, entering into procurement processes subjected the PESOs to the more conventional ideas of expertise than they themselves were used to. PESOs were also required

additional effort in order to be seen as independent from authorities in the eyes of their clients and, at the same time, present themselves as trustworthy partners before the criminal justice system. Indeed, some of the PESOs had already begun to compromise with their original approach. There is a risk that if this compromising continues, it can jeopardise the most important assets that these organisations have in working with criminality; their distinctiveness and ability build confidential and personal relationships with their clients (similarly Mills et al. 2012; Vennard and Hedderman 2009).

In spite of some of the differences in the views of the interviewees from the PESOs and PROs, in some respects the interviewees from these two types of organisations had shared understandings. For example, service-delivery contracts or other dependency on public funding did not seem to be the main reason for hindering the ability of these CSOs to express criticism, but their critique was muted because of their dependency on cooperative relationships with the public sector in general. In other words, without being on good terms with the public agents, it would be far more difficult for the CSOs to try to convince the authorities to listen to them and for the PESOs it would also be difficult to gain access to prisoners. Nonetheless, it appeared that the Nordic CSOs, particularly the Swedish PESOs, had slightly more willingness and – due to the volume of members and volunteers – also resources to pursue critical influencing than the PROs. Additionally, the requirements stipulated for the Nordic CSOs in the policy processes did not appear as rigid as the demands to evidence set on the Scottish CSOs. As noted by Kinchy (2012) in another policy arena, such strict adherence to evidence-based policy can lead to an exclusion of the views of smaller actors that do not necessarily have the resources to produce evidence to corroborate their opinions. In this study it also seemed that the requirement of evidencing made the Scottish PROs more selective in terms of the views that they saw worthwhile of pursuing.

Nevertheless, although for now the Nordic CSOs – and the PESOs especially – appeared to have better possibilities to work independently from the government than their Scottish

counterparts, it is uncertain how long this situation will continue, at least in all of the Nordic countries. For example, it is hard to see that public grant funding will be increased in Finland where substantial austerity measures have been introduced, especially since the trend has been exactly the opposite during the past decade (Saukko 2012). Furthermore, Finnish CSOs already have a higher receipt of service-delivery contracts than the Swedish or Norwegian CSOs (Eronen et al. 2013; Sivesind 2013). Also, it seemed that in comparison to the Swedish and Norwegian CSOs the two Finnish CSOs in this study did not quite fit to the ideal of Nordic popular movements that ground their work on volunteers, but they were becoming more professionalized (Wijkström 2011). Moreover, the CSOs working with offenders in Finland, as well as in the Nordic countries appear to be more homogenous in comparison to the penal voluntary sector in the UK. By this I refer to the fact that apart from the Norwegian Association for Penal Reform (KROM) there does not seem to exist today any especially active campaigning organisations that would represent the interests of current and former offenders, which would not be burdened by the need to maintain cooperative relationship with the authorities. Indeed, as noted, the voice and service roles have traditionally been integrated in the Nordic countries. Thus, although the two Scottish CSOs appeared in the light of these findings more dependent on public funding, the penal voluntary sector in the UK may have more diversity as Tomczak (2013) has illustrated. However, the responsibility for influencing work should not be thrust solely upon campaigning organisations, as it can be assumed that CSOs that participate in service-delivery themselves have a special weight in their opinions before the government. In addition, different kinds of cooperative projects themselves can serve as important influencing opportunities for the CSOs, specifically if they genuinely are projects that all parties can have an influence. In this sense, the Public Social Partnerships introduced by the Scottish government may be a step into right direction, although they still have been designed to respond to the needs of the state.



Finally, I would like to address the question presented in the title of this article and draw attention to one factor that appeared in this study as a concrete possibility to increase independence of the CSOs from public funding. It is quite obvious element, but something that I believe would deserve more consideration both among CSOs and researchers in their efforts to preserve the autonomy of CSOs – that is, volunteering. Indeed, it seemed that in the PESOs influencing as well as their core activities – support of released prisoners – was possible to do without paid staff due to their commitment to the peer-based approach. This allowed them more freedom in terms of deciding, which funding they want to pursue in comparison to the PROs that were much more depended on work of paid professionals. Of course, the PESOs did not rely solely on volunteers, but they also received grants and subsidises from the employment agencies to support their operations. Nonetheless, the backbone of their activities was still formed by the voluntary contributions of their members.

By emphasising the meaning of volunteering, I am not suggesting that it should come to replace work of paid staff or fill in the gaps in contract funding. Nor am I suggesting that CSOs should reject public funding completely and leave the delivery of criminal justice services to the private and public sector. Rather I want to point out the importance of keeping active volunteer-based functions in the CSOs, because they provide opportunities for the CSOs to preserve at least some of their autonomy. It is also important to recognise the risks of increasing professionalization, which is likely to narrow down opportunities for volunteering – at least in the sense that CSOs could act as ‘schools of democracy’ (Putnam 2000), where volunteers are involved in a range of different tasks and have the possibility to develop various skills (Hvenmark 2013). Namely, the PESOs in this study have shown that apart from peer-mentoring that has received increasing attention lately also in the UK (see i.e. Fletcher and Batty 2012), it is possible to build the whole operation of a CSO around peers, which provides them possibilities to acquire diverse capabilities. Naturally, the PESOs have been built on the legacy of popular movements, which offers a

completely different background for volunteering than the civil society tradition in the UK. Nevertheless, despite of the different traditions, reinforcement of volunteer-based activities in various areas of work may offer possibilities for the CSOs to stay truthful to their missions in the midst of expanding contract culture both in the Nordic countries and in Scotland.

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<sup>1</sup> CSOs can also be referred with concepts such as the third sector, voluntary, and not-for-profit organisations among others. For a detailed definition of CSOs see i.e. EU Commission COM (2000) 11).

<sup>2</sup> According to the latest official Finnish statistics 17.5 percent of the employees at the welfare sector were employed by CSOs in 2008, whilst in Norway the share was 6.5 per cent and in Sweden only three percent in 2009 (Eronen et al. 2013; Sivesind 2013).

<sup>3</sup> Large CSOs refer to those with an annual turnover over £1 million (SCVO 2014).

<sup>4</sup> The total prison population was 3,134 in Finland, 3,649 in Norway, 6,364 in Sweden and 7,855 in Scotland at the end of 2012/in 2013 (Walmsley 2013).

<sup>5</sup> Probation service employs 290 employees in Finland, 390 in Norway and 1,000 in Sweden. The Criminal Justice Social Work which is the Scottish equivalent for probation services employs 1,100 people (Kristoffersen 2013; Confederation of European Probation 2015)

<sup>6</sup> Supervised Attendance Orders were replaced by Community Payback Orders in 2011.

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