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Parliamentary Under Secretary of State
Ministry of Justice
102 Petty France
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4 March 2011

Breaking the Cycle: Green Paper Consultation

I write on behalf of the responsible trustees and officers of thirteen independent trusts and foundations with long experience in the field of work in criminal justice towards effective prison sentences, the rehabilitation of offenders and thus the reduction of crime. I enclose our joint response to the Green Paper, *Breaking the Cycle, Effective Punishment, Rehabilitation and Sentencing of Offenders*.

We have consulted widely with other foundations and you will also have received carefully considered responses from a number of our beneficiaries.

In making our response, we have concentrated on our experience of working with Government and the National Offender Management Service in the past and prospects for the future. We describe the value of our contribution, the knowledge and experience we hold, and our direct awareness of what works in the hands of the charities we support at the level of the individuals they work with and the communities they live in. We draw attention to the need for public funding and investment for charities appropriate to their nature and the impacts only they can produce, and we propose a mechanism by which Government and the wider justice system can engage with the knowledge, evidence and access to expertise we and our extensive networks have to hand.

Yours sincerely

Mark Woodruff
The Monument Trust

On behalf of:

Teresa Elwes, The Bromley Trust
Andrew Cooper, The Diana, Princess of Wales Memorial Fund
Amelia Fitzalan-Howard, The Henry Smith Charity
Elizabeth Rantzen, J Paul Getty Jnr Charitable Trust
Peter Kilgarriff, The LankellyChase Foundation
Linda Kelly, Lloyds TSB Foundation for England & Wales
Katherine Payne, The Mercers' Company
Liz Cadogan, Paul Hamlyn Foundation
Jenny Oppenheimer, The Pilgrim Trust
David Sanderson, The Rank Foundation
Brian Wheelwright, The Wates Foundation
Edwina Grosvenor, The Westminster Foundation
Kate Quigley-Ruby, Prison Service, seconded to foundations and charities

A Response to the Ministry of Justice Green Paper:

Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders;

From 13 Independent Trusts and Foundations

About the Independent Voluntary Trusts and Foundations making this joint response

This response represents the views of thirteen independent UK Trusts and Foundations, with a combined experience of over 200 years of funding and supporting voluntary and charitable work in the field of prisons and criminal justice. We have consulted widely and we also wish to refer to the responses in specific fields involving our colleagues in other Trusts and Foundations. Among these we note the response of the Barrow Cadbury Trust in respect of its Transition to Adulthood programme, the response of the Esmée Fairbairn Foundation in respect of its Rethinking Crime and Punishment programme, the response of the Lord Ramsbotham conveying views from the Helen Hamlyn Trusts and the responses of the Arts Alliance and the Corston Independent Funders' Coalition, with which many of us are involved.

Our grant recipients work with men and women of all ages and ethnic backgrounds living in the UK. During the course of a year, independent Trusts and Foundations contribute to charities and community organisations working in criminal justice and directly related fields grants of £40 million. This includes rehabilitation and resettlement in work and housing, prevention and diversion, drugs, behaviour and health interventions, work with prisoners' and their families, education and training, the arts and restorative justice. All concern the development of effective services that involve and meet the needs of the wider community, including victims, in the lasting reduction of crime through rehabilitation.

The role of independent Trusts and Foundations

While a great deal of what is discussed in the Green Paper is welcome, important elements related to the substantial and long-standing contribution, knowledge and participation of independent Trusts and Foundations are missing.

Some of what is missing can be addressed by a more intensive engagement with the Trusts and Foundations, beyond our role as discretionary funders. Because of our knowledge and directly informed experience of what works over a considerable time and in a very wide range of circumstances, particularly for those the system finds hardest to reach, consulting us on policy development, at an appropriately high level and from the outset, could improve criminal justice outcomes.

Furthermore, the large body of knowledge we hold is founded on a significant base of data, evidence of outcomes and wider impact, and rigorous economic, as well as social, evaluation. It can be said that our track record of funding with years

of informed judgment, from taking the risk of trialling new approaches to taking interventions proven to enhance resettlement and reduce crime further, in fact amounts to payment by results.

The Green Paper ignores this experience and expertise that Trusts and Foundations possess both individually and collectively. This means that the valuable role we can play and the contribution we make will not achieve their full potential.

As investors of many millions of pounds, otherwise unavailable to the criminal justice system, we are significant stakeholders through the charities and community initiatives we support, especially as they tend to concentrate on hard work to ensure rehabilitation and resettlement are more likely when other have been unsuccessful.

The work we support in the resettlement of the individual, in family, social and workplace settings where it is known to be most effective, benefits from innovative interventions by small, medium-sized and local service-providing charities which should be protected and encouraged.

And because of the knowledge we have acquired over the years the discretionary nature of our grantmaking is not random – it is planned and strategic. For instance, in order to maximise the chances of a body of work leading to real change, many of the Foundations focus their efforts in particular fields (such as work with women offenders, or young people, families, or in the arts and education). Furthermore, this consultation response is evidence of the way in which the Trusts and Foundations make a concerted effort in order to improve the criminal justice system and rehabilitation.

So we are players who are integral to the positive development of offender rehabilitation both in prisons and the community. The value we add comes from nowhere else and is indispensable. It is in the interests of Government to seek out this proven experience in designing both policy and interventions that work for both rehabilitation and value for money.

It is worth noting that the body of our grant-making over time, and the organisations and approaches we fund, have long been in tune with aspirations to develop stronger local and community solutions set out in the Green Paper in terms of “The Big Society” and “Localism”. But this wealth of experience, proven good practice, and the voluntary civil society infrastructure currently in place is at risk if Government establishes plans and systems that have the effect of undermining the capacity and coherence of the individual charities, local initiatives, community-level philanthropic work and the structure and networks that lie behind their strength and collaboration. Instead, to benefit from this enormous asset, Government will urgently need to recognise what will be lost to society and its own hopes to benefit from the vitality and impact of the “voluntary sector”, if it does not sustain it in ways that are appropriate to it. Again, a great deal of independent knowledge and assessment of this world is held by Trusts and Foundations and it would be in the interests of Government to draw on this.

In previous engagements with public services and Government we have consistently shown we are an effective partner in the work to be done. We thus make a particularly valuable contribution to the development of policy through the practice we support and we are interested in working with Government to a greater degree, in order to share the benefits of our experience and knowledge.

Our commitment to a vibrant and effective voluntary and community sector and a 'fair playing field' for investment

A diverse, strong and locally embedded voluntary sector leads to better expertise on rehabilitation work with individuals in the family, work and the community settings they live in. This is how best we get to grips with the challenges to reducing offending. So the organisations we typically support are essential to the finer design of quality provision for rehabilitation to you too.

When it comes to constructing tendering processes and contracts for public funding, we are very concerned that these vitally important small charities and community bodies will be disregarded in favour of larger organisations and consortia. We are always concerned that the charities we support learn from each other and work in collaboration, especially for wider effectiveness and influence. But we are equally clear that innovation, responsiveness to fast developing problems, and the freedom to work with those in greatest need lie in the hands of the smaller organisations closest to people and their communities.

We are concerned that relying too heavily on the "Payment by Results" and Social Impact Bond investment models will not sufficiently protect our interest in funding organisations with some of the deepest effects in our experience. Valuable as these investment models can be in many circumstances, they will not be suitable for all. They can treat charities and community organisations as if they were businesses, without taking into account the financial realities faced by many charities on a daily basis. These include the absence of business investment for growth, the overriding motive of service not profit, and the realities of cash flow and constant fund-raising. The proposed investment models will thus be especially unfair in the case of smaller organisations. They may even be harmful. They could either distort the way work is conducted to suit the criteria of the funding model rather than what works directly with people, or they may effectively squeeze out whole swaths of voluntary organisations from the process. You should also note that, while Trusts and Foundations fund a wide range of work within what can be described as charitable, we cannot invest in developing organisations that are for profit.

The need for alternative models of Payment by Results for the voluntary sector

Small and medium-sized charities will find it difficult to compete for contracts with a business. There may also be the unintended consequence of counterproductive competition between charitable and community organisations, impeding their ability to collaborate and thus strengthen civil society. So we believe that it is important to protect the viability and role of small and medium-sized charities towards rehabilitation by retaining funding systems more suited to their needs.

Applying the proposed models too narrowly and indiscriminately could also restrict the independence of the voluntary and community organisations. It is important that charities are not seen as mere contractors for Government services, but genuinely as partners with the discretion and ability to challenge set objectives in the delivery of interventions, when these are found to fail to get through to those most in need of them, yet public services find hardest to reach.

Moreover, too great an emphasis on financial considerations and poorly designed targets takes focus off the central importance of working with the individual to address their offending and cultivate aspiration for rehabilitation. It can treat all people and their challenges as the same. This is characteristic of previous attempts at “reducing reoffending” through contestability for service contracts. But in our experience, work that takes the individual user as its starting point is most effective in delivering strong results and value for money.

We examine the question of investment in voluntary and community organisations at some length because we feel that, should this constituency be lost or weakened, a great deal of learning and value you can draw on will be lost. This includes experience and capacity currently in place that would take years to replace once dismantled.

Our value and contribution

Our role in enhancing the effectiveness of the criminal justice system, the impact and innovation of a vibrant body of charity initiatives towards the rehabilitation of offenders and the strengthening of local communities is much greater than the funding we provide. As well as financial resources, we have tried and tested many new approaches to better rehabilitation work in prison and beyond, informed by years of experience of good practice that we can demonstrate lead to lasting change.

Between us we have a strong awareness of evidence, through the robust research and evaluation we commission, concerning the best solutions to long term and persistent social problems. Through our extensive networks, we play an important role in enabling the organisations we support, as well as public service providers, to collaborate and learn from each other. We can also apply the leverage of our own investment to attract further investment and thus increase the value of rehabilitation work on the front line. We have the capacity to support pilot schemes and trials, test experimental new approaches, especially where they may carry a greater risk, and, where evidence of strong impacts and effectiveness looks likely to emerge, soon invest in promising ideas.

We have an informed overall view of the criminal justice system and service provision as a result of the great number of applications we review and fund. We therefore wish to enable Government and its services in the field of justice to benefit from the abundant learning and good practice available for dissemination through our extensive networks in the field.

Lastly, our independence ensures that we are free, as critical friends with considerable experience of prison and rehabilitation work, to challenge the *status*

quo where it does not work and promote the innovation that our risk-taking can identify and our grant-making can develop and replicates.

A way forward

We suggest that you and we establish a permanent mechanism which will provide the Ministry of Justice and the National Offender Management Service with the opportunity to engage with the independent Trusts and Foundations in a substantial exchange of the knowledge, evidence and experience in our possession, to strengthen recent experience of collaboration (of which the Reducing Reoffending Arts Forum and the Corston Coalition Women's Diversion Fund are strong examples) and to improve mutual understanding, plan towards the achievement of common objectives, and thus co-operate more effectively on our shared aspiration for the lasting rehabilitation of offenders and safer local communities free of crime.

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