

Chapter Thirteen: Marketisation of Women's Organisations in the Criminal Justice Sector

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Abstract

This chapter explores the gendered impacts of the austerity-driven probation reforms, which include the dismantling of community-based services for economically marginalised women and the alarming 131% rise in women recalled to custody. Blame for these deleterious effects has been apportioned to the privatisation of Probation Trusts in England and Wales and the subsequent dominance of 'Community Rehabilitation Companies' – where, in practice, larger, cheaper service providers are pushing out smaller, specialist services. Whilst we don't disagree with this narrative, we argue that the neoliberal tropes of the gender responsive reform programme – that preceded the privatisation of Probation Trusts – is an important policy context for understanding the contractual inequalities that we are seeing unfold today. The roll out of the gender responsive reform programme marked a key moment in the landscape of women's voluntary sector as it encouraged them to compete with other voluntary services and prove 'better value' for money. This form of marketisation, we argue, has resulted in women's services attenuating or, at best, compromising the political values and ethics that previously underpinned their 'specialist' approach to working with women in the criminal justice system.

1 Introduction

A defining element of the women's criminal justice system for some decades has been the lack of strategic oversight and planning, particularly in relation to the role of the voluntary sector (HM Inspectorate of Probation 2016). This lack of strategic oversight has been further compounded under the roll-out of the Transformation Rehabilitation White Paper (TR) in the criminal justice sector, published in May 2013 (see chapter 11 by Annison et al.). The policy agenda set out in TR has resulted in a rapid dismantling of community-based services for economically marginalised women which, in turn, has had significant ramifications for the women's voluntary sector – the key providers of these community-based services – and for

criminalised women. Blame for the dismantling of services has been predominantly apportioned to the privatisation of Probation Trusts in England and Wales and the resultant failure to commission women's services that previously provided a crucial stream of support to criminalised women. The consequences of these reforms and market-based operations include small specialist services that make up a significant portion of the women's voluntary sector being pushed out by larger, dominant players in the probation market economy. Whilst we don't disagree with this narrative, the exposure of the women's voluntary sector to these market-based operations is not new, nor is the women's voluntary sector unfamiliar with organisational insecurity that the private market perpetuates. In this chapter we discuss how the gendered responsive framework, which is predominantly delivered by the women's voluntary sector, previously invited small specialist voluntary organisations to participate in and commit to neoliberal market requirements. We argue that the gender responsive penal reforms and the tandem role of the women's voluntary sector employed to deliver and implement these reforms, has enabled the state to develop the neoliberal market conditions that have resulted in the diminishing profile of small, specialist community services for criminalised women. This chapter begins with a brief overview of the landscape of women's service provision under conditions of austerity and the sharp decline in central and local government funding for service providers that previously catered to economically marginalised women. Second, it will outline the gender responsive framework which previously supported the expansion of the women's voluntary sector and facilitated the neoliberal market model of funding. It will then highlight the scale of privatisation under the austerity-driven Transformation Rehabilitation programme, and the resultant, deleterious impact this is having upon the women's voluntary sector, which is occurring alongside the net-widening effects of this new probation regime.

2 The Rehabilitation 'Revolution', or More Austerity for Women?

Austerity can be understood as an economic programme that, through a distinctly patriarchal policy design, disproportionately impacts on the lives of women and therefore further marginalises already disenfranchised women and children. As we write this chapter, the precipitous effects of austerity cuts and extensive structural reform rolled out in the aftermath of the Global Financial Crash in 2007/08, continues to adversely affect women in a range of key areas: welfare support, housing, legal justice, child-care, social care and pensions. The Women's Budget Group (2018) estimate that, by 2020, in the UK, approximately £37 billion

per year will have been cut from social security budget and women will disproportionately shoulder the brunt of these budget cuts. Currently, the lack of housing availability, caused by an unregulated housing market and dwindling social housing investment, has directly contributed to some 120,000 children now living in temporary accommodation (House of Commons, 2019a). Not surprisingly, austerity is pushing women further onto the margins of the state and bringing them ever closer to the penal net. Sex Worker activist groups, such as the English Collective of Prostitutes (2016), found a sharp rise in women moving into sex work, and/or reducing the price of sex, as a means of surviving the pernicious effects of welfare reforms and expansion of benefit sanctions.

The sharp decline in central and local government funding for support services that previously catered to economically marginalised women and children is compounding these issues further. For example, women's organisations, such as *Imkaan* which represents Black and minority ethnic organisations within the violence against women and girl's sector, have stated that their member organisations have had their funding drastically reduced, causing them to turn women and children away, or close altogether (Imkaan, 2016). This is occurring because austerity measures have amplified the structural inequalities between service commissioners and service providers, where women's organisations have been significantly underfunded or excluded from new funding regimes brought in as a response to austerity cuts. This is particularly the case for women's services operating within the criminal justice sector.

In 2014, the government introduced the Offender Rehabilitation Act which legislated for the privatisation of a significant portion of the probation service in England and Wales. These changes and new probation 'contracts' were rolled out in 2016, under the new umbrella of 21 'Community Rehabilitation Companies' (CRCs), which comprise a range of private companies and charity partnerships. This 'radical reorganisation' (Burke and Collett, 2016) of the probation sector was introduced as part of a wider fiscal consolidation programme that has resulted in austerity cuts. At the heart of fiscal consolidation programmes lies the dismantling of previously 'untouchable' public sector services where public expenditure is clawed back, business investment is crowded in and competition is ramped up (Cooper and Whyte, 2017). The Offender Rehabilitation Act 2014 (ORA) follows this long trajectory of state intervention to privatise public goods, where blame for recidivism, swelling prison population and decaying management structures has been apportioned to the 'system', rather than a lack of resourcing or neoliberal ideology underpinning the system. In analysing the gendered effects and inequalities exacerbated by this privatisation and probation reform, two controversial outcomes

can be evidenced: 1) the exclusion of women's voluntary services; and 2) a 131% rise in recall rates for convicted women, compared to a 22% rise for convicted men (House of Commons, 2019b).

How did we arrive at this critical juncture? How have women's services reached this crisis point? There can be no doubt that austerity is having damaging and pernicious effects on women and on women's voluntary services, however, we are not convinced that blame for the diminishing profile of the women's voluntary sector can be entirely located in the privatisation of probation, introduced in the period of austerity. Austerity, we argue, amplified the marketisation of the women's voluntary sector, but the pattern of policy-making and insecure grant funding regimes that made women's services vulnerable had already been put in place. In this next section we argue that the gendered responsive framework introduced in the UK around 2009 and predominantly delivered by the women's voluntary sector, represents an important neoliberal policy context that, when it was first rolled out, invited small specialist voluntary organisations to participate in and commit to neoliberal market requirements. We argue that gender responsive penal reforms helped to carve the strategic role of the women's voluntary sector and, in so doing, has accelerated and intensified the marketisation of this sector, prior to and during austerity-driven public sector reforms. Furthermore, and in this process, women's organisations were fundamentally changed and pulled more centrally into criminal justice practices, compromising their role and function.

3 Gender Responsiveness

The principles and practices of gender responsive reform policies have been a key feature of criminal justice policy-making in the UK since the 1990's. Gender responsive reforms emerged internationally, first in North America, as part of a concern that the needs of criminalised women were not acknowledged by apparently gender-neutral assessment and programmes designed to address offending behaviour (Bloom et al., 2004). The central logic underpinning gender responsive frameworks is that existing penal policies and practices can be altered and reframed to meet the specific needs of women in prison, address systemic discrimination and reverse the numbers of economically marginalised and disadvantaged women coming into contact with criminal justice systems (ibid.). Extolled as an 'alternative' approach to the harmful treatment of women in prison, the gender responsive approach has been widely accepted and supported by politicians and policy-makers. Convinced that women's prisons can

be made safer by adjusting systems and practices in ways that are ‘gender-informed’, ‘woman wise’ and ‘women specific’, UK governments have made considerable financial investment to implement and advance gender responsive penal reforms.

But prison abolitionists and anti-carceral feminists raise fundamental questions about the extent to which prisons can be made safer, given that the ideological role and purpose of prison is to function as a site of power, control and harm (Russell and Carlton, 2013). In an examination of penal reforms in Canada, Kelly Hannah-Moffat (2001) argues that gender responsive programmes are essentially a neoliberal reform programme that reframe penal strategies in ways that facilitate self-discipline and self-governance and, as part of the organisational management of ‘risk’ and ‘need’, promote ideologies of responsabilisation and empowerment. Gender responsiveness, Hannah-Moffatt argues, is a “flawed attempt to reconceptualise the meaning and experience of punishment to make it more ‘appropriate’ and suitable for women”. (2001:4). Presented as an alternative and feminist response to the gendered inequalities and harms facing women in the criminal justice system, gender responsive penal reforms can be better understood as a different type of punishment. For example, a critical body of scholarship demonstrates how gendered responsive policy reforms have facilitated new strategies of ‘gendered governance’ that immerse women in and force them to respond to normative assumptions associated with the female norm. It has been variously highlighted that gendered modes of governance have reproduced a myriad of disciplinary techniques that seek to address women’s offending behaviour through relationship surveillance (Pollack, 2007), or by regulating desires deemed to be ‘anti-social’ by penal institutions (Haney, 2010). Russell and Carlton (2013) further challenge the ‘unitary frame of gender’ produced by the gender responsive paradigm, pointing out that it ignores the historical processes of racialisation amongst women. For example, in the Australian context, they highlight the various ways that the gendered reform programme “obscures the structural differences between Aboriginal women and non-Aboriginal women” (p.476).

Whilst this body of scholarship has provided a necessary critical lens for conceptualising the ways in which gender responsive reforms align individuals with the goals and desires of the neoliberal state, less is said about the creeping marketisation of the service providers tasked with delivering gender responsive penal reforms. With the exception of some studies, there is a dearth of critical dialogue about how the organisational identity of service providers for criminalised women has been altered and aligned to meet the requirements of the neoliberal market. In this next section, we turn our attention to state partnerships with voluntary sector

providers that emerged during the implementation of the gender responsive reforms in England and Wales.

4 The Gender Responsive Policy Market

In the UK, gender responsive penal reforms have played a key role in the expansion and marketisation of the women's voluntary sector. In 2007, the *Corston Report* (Home Office, 2007) generated a set of changes across the women's voluntary sector. Responding to the acute harms of women's imprisonment and the broader risks and vulnerabilities facing women in the criminal justice system, Corston outlined a 'radically different', 'women-centred approach', where women could be treated 'both holistically and individually' (ibid.). Underpinning this approach was a closer, more active involvement of community-based, specialist services operating from within the voluntary sector. Already equipped with the knowledge and expertise in providing creative, holistic and flexible services for women, Corston drew heavily upon the service provider, Together Women Programme (TWP) - a charity organisation supporting criminalised women in the community - as an exemplary provision of women-specific services delivered at community level. Inspired by TWP, Corston asked whether a similar approach could be adopted on a broader, national scale and contemplated whether it was possible to develop a national strategy for 'sustaining and building the capacity of the women's voluntary sector' via a '*grant-making programme*' (p.82: emphasis added).

Whilst Corston drew urgent attention to the harms facing women in prison and the deplorable conditions of their imprisonment, Corston's recommendations for penal reform can also be seen as the culmination of neoliberal policy-making, which stress the importance of market-based principles and practices delivered in the 'mixed-economy' (Tomczak, 2014; Corcoran, 2011). Arguably, the roll-out of Corston's 'women-specific' and 'radical approach' was as much about 'harnessing the local expertise of local groups' for addressing the 'practical limitations' of state-led institutions, as it was about generating reform (Corcoran, 2011). The reliance on the expertise of pre-existing women's centres and other specialist providers helped to carve the strategic influence of the women's voluntary sector in the delivery of criminal justice interventions and, in so doing, pulled them closer to free market ideology and political aspirations of the state.

Of course, this realignment presents several challenges for voluntary sector organisations that broadly relate ideological re-positioning of values and ethics. In their account of community-

based services for women in Australia, similarly commissioned under a gender responsive penal reform programme, Stubbs and Baldry (2018) conclude that ‘there remains a risk that community organisations are vulnerable to being reshaped by these new arrangements reflecting government agendas’ (p.140). This risk is very much echoed here in England and Wales, where commissioning structures and contractual requirements have aligned the women’s voluntary sector service delivery with the requirements of the neoliberal market. The perennial issue of short-term funding and uncertainty over funding security has overshadowed the political commitments and values of women’s voluntary sector work in the criminal justice system. Throughout the funding cycles, providers have had to demonstrate ‘best value’ to ‘purchasers’ at central and local government and align their work practices, organisational roles and infrastructure to develop more efficient organisational systems and enterprising techniques that meet the demands and requirements of this neoliberal funding model.

Not long after the Corston Report was published, the Ministry of Justice secured £15.6 million in 2009 to develop a national network of women’s centres. This statutory investment was partly secured by the advocacy work of the *Corston Independent Funders’ Coalition* (CIFC), which comprised several trustees and grant making trusts, for example, The Barrow Cadbury Trust, The Bromley Trust and The Nationwide Foundation (House of Commons, 2013). At the time, the Ministry of Justice said of the CIFC that ‘we needed them’ because CIFC’s in depth knowledge and experience of the area made them a strong ally and partner for the Ministry of Justice to secure government funding and roll-out Corston’s key recommendations. Given the nascent role and significance of CIFC in the statutory provision and strategic development, Ministry of Justice funding was transferred to the Women’s Divisionary Fund to provide start-up costs for women’s community centres. In total, 24 grants were awarded, and 50 new women’s centres were added to the diverse profile of community-based provision for criminalised women. *Women’s Breakout* was established in 2011 as the umbrella organisation that oversaw the women’s centres, supporting them in delivering services in ways that are ‘sustainable’ (National Audit Office, 2013). But it was not long after these funds were distributed that concerns began to emerge about the longevity of this annual funding programme and whether those services would receive the same funding the following year.

In 2010-2011, funding powers and overarching responsibility for commissioning women’s services were transferred to the National Management Offender Service (NOMS), which immediately laid out new rules and requirements for grant-funding. For example, NOMS asserted that funding eligibility would be linked to *reduced reoffending*; that service providers

had to evidence how their service-level activities reduce reoffending in order to secure future funding. This new funding – subject to conformity with these new eligibility criteria – was proffered after the original £15.6 million investment under Ministry of Justice was reduced to a markedly smaller amount of £3.2 million (National Audit Office, 2013). The insistence that funding would only follow those women whose ‘journey out of crime’ could be statistically tracked effectively changed the focus of service providers from practices that can broadly be categorised as ‘diversion away from prison’, to those concerned with ‘reducing reoffending’. The impact of this mission shift cannot be overemphasised: where centres had previously focused on early support with a view to preventing and diverting women from lawbreaking and the threat of custody, the new rules placed the onus on centres to reactively respond to women who had already been given a sentence or court order of some sort. This resulted in the decommissioning of some community-based services that catered to non-offending women whose needs were not explicitly aligned with a crime reduction strategy, but who nevertheless experienced the same structural neglect and marginalisation as convicted criminalised women. Service providers that previously catered to non-offending women had limited options under NOMS new commissioning structures. Their options included: (i) turn away women who did not have a conviction; (ii) subsidise this stream of work using other funding sources; or (iii) sever their contractual relationship with NOMS.

Community-based services that continued to receive NOMS funding began concentrating more effort on developing administrative systems and practices to improve their evidence-base on reduced reoffending, even though the production of such evidence is riddled with complications. For example, NOMS later conceded that the data collected from centres between 2009 and 2012 was not useful for understanding the effectiveness of these centres in reducing reoffending (National Audit Office, 2013: page or section?). Nonetheless, service providers channelled a great deal of effort into these data gathering requirements to ensure funding security and eventually produced new systems of data administration to capture the efficiency of their organisation and evidence the positive ‘outcomes’ of their service-level activities (see Chapter 2 by Fox and Albertson). This included but was not limited to, evidencing ‘value for money’, ‘partnership working’ and providing figures for the number of women making positive progress against a list of needs such as ‘skills and employment’, ‘drugs and alcohol’, ‘housing’ and ‘finance and benefits’ (National Audit Office, 2013). Gathering this level of data is often highly technical and complex, and for some services it meant

committing already stretched resources to delivering a daily service to women *and* administering complex bodies of data.

The reconfiguring of organisational practices to adhere to and survive in this neoliberal market model raises fundamental questions about how these changes may have impacted on, or indeed, weakened pre-existing values, ethics and political commitments of those services most affected. In their report, *Run Ragged*, Clinks (2014) captured the mood of community-based services that had to contend with these structural demands and concluded that services were forced to adjust in ways that drives them further from their underlying ethics and political principles. This assessment is consistent with Tomczak's (2014) study, which underlines the various ways in which structural demands and changes generated by neoliberal penal reforms typically result in 'goal distortion', whereby voluntary sector agencies are forced to shift their attention away from campaigning and advocacy work. So, rather than mobilise on issues concerning women's imprisonment and criminalisation, gender responsive policy framework facilitated a shift towards market-type activities, that largely revolve around pursuing contracts and meeting contractual statutory requirements (Tomczak, 2014).

It is important to understand the gender responsive policy background, alongside present-day austerity machinations that have led to the privatisation of Probation Trusts and diminishing profile of women's services. Even though the gender responsive reforms initially led to the expansion of service provision for criminalised women, as seen by a rise in community-based centres and related services available for women, those services have had to compete for and demonstrate their significance within the field, with a shrinking budget and with incongruent and inconsistent funding requirements. There is little doubt, therefore, that the gender responsive reform framework introduced women's services to a precarious policy environment, subsequently causing them to make organisational and ideological shifts that are in alignment with market-based operations and contractual funding models. This, we argue, has resulted in women's services attenuating or, at best, compromising the values and ethics that previously underpinned their 'specialist' approach to working with criminalised women.

5 Transforming Rehabilitation and the Women's Sector

If the women's voluntary sector was already beset with issues prior to 2013, the suite of austerity-driven reforms rolled out across the welfare and criminal justice sectors has further weakened their capacity and influence to reverse the growing concerns with the gender

responsive policy framework. This decline can be attributed to two factors especially: Between 2010 and 2014, statutory funding for women's centres fell from £15 million to £3.8 million (National Audit Office, 2013). Secondly, the dominance of private sector Community Rehabilitation Companies (CRCs) facilitated the systematic dismantling of the system for delivering gender responsive services by withholding contracts and failing to fulfil commitments to commission women's specialist services that cater to criminalised women. This occurred at a time when women are disproportionately and negatively affected by austerity cuts, which in turn exacerbate the demand in service provision for women. But instead of responding by commissioning more women's services, CRCs were commissioning providers with no experience in supporting women, or cutting costs even further by keeping services for women 'in house' while outsourcing only the most basic provision, to the detriment of long-standing expert providers such as women's centres. In turn, the CRCs justify these strategies as reflecting the extremely tight returns, even financial losses, that they are incurring from their contract with the Ministry of Justice (Corcoran et al, 2019).

The second justification of the CRCs is that they are losing money, despite the fact that under TR, one could reasonably expect a significant increase in demand for services from the women's voluntary sector. This is because the Offender Rehabilitation Act (2014), under which aegis TR operates, made provisions for mandatory probationary supervision for all short-term *and* long-term prisoners, which brought an additional 50,000 people under probation supervision regimes. Prior to 2013, mandatory supervision was limited to people who served long-term sentences. During the consultation process on extending mandatory supervision to include short-term prisoners, penal reform organisations argued that mandatory supervision policies would disproportionately target women compared to men, because women are more likely to be given short-term sentences. Thus, the new rules would bring more women under the purview of criminal justice authorities and hold them in the criminal justice system for longer. Community supervision is a legally binding contract, where people must comply with the terms and conditions outlined in the probation licence agreement, and failure to comply can result in recall, i.e., sent back to custody without any court hearing or trial. Framed in this way, mandatory supervision can, at best, be described as a net-widening policy, obfuscated as a reformatory and innovative programme.

Although the architects of TR proposed that mandatory supervision would help *more* people gain access to rehabilitation and reintegration services, there was always a substantial risk that the punitive and controlling aspects of the policy would predominate. This has come to pass

in the form of an alarming 131% rise in recall rates for women, compared to 22% for men (House of Commons, 2019b). Preliminary evidence suggests that women are recalled for failing to ‘attend probation appointments’, for failing to ‘keep in touch’ and for ‘failure to reside [at address agreed with probation]’ (ibid.). Recall rates in England and Wales began to peak after the introduction of the Criminal Justice Act 2003 and now, since the introduction of the TR, they are rising further.

Alongside this sharp rise in women being recalled to custody, we are also seeing the fracturing of relationships previously formed with the specialist voluntary sector. As Burke and Collett (2016: 121) point out, organisational relations have become a ‘battleground of antagonistic actions’ in the new probation market economy because privatisation was always contested by the key agencies and actors involved, but implemented by pro-austerity Coalition government, regardless. From the offset, the women’s voluntary sector has been consumed with ‘antagonistic actions’ and emerging data from Clinks (2014), Howard League for Penal Reform (2016) and National Audit Office (2013) elucidate some of these issues (see chapter 14 by Wong and Macmillan). They reveal that some women’s organisations have been both included and excluded, strategically to suit prime contracts in bidding processes. For example, CRCs encouraged women’s organisations to join consortiums, to increase their funding opportunities, but then allocated funding to single organisations. At the level of service delivery, women’s organisations commissioned by CRCs have been told to reduce their one-to-one work with their clients and instead, increase more ‘cost efficient’ group-work activities. Relatedly, and in some cases, organisations who did receive contracts for the CRCs have been obliged to exclude a cohort of women they previously provided a service to, because their new contractual requirements limited the client group they can work with. These contractual relations deteriorated further and reached its nadir when CRC lawyers inserted ‘gagging’ clauses to prevent some women’s organisations from publicly disclosing how CRCs jeopardised their established advocacy work with criminalised women (Howard League for Penal Reform, 2016). When HM Inspectorate of Probation (2016: page or section) asked CRCs to provide them with the relevant data on the provision of funds to women’s organisations, it noted that CRC managers could not offer any concrete information about these contracts, timescales or funding, or even provide data on the numbers of women being sent to women’s centres.

These testimonies and litany of complaints reveal how the privatisation of Probation Trusts has damaged the profile of women’s specialist services and diminished the provision of support available for women. But the privatisation of probation did not occur overnight and was

preceded by a creeping marketisation of the penal voluntary sector. As such, we see the gendered impacts of privatisation as a *continuation* of the struggles precipitated under the gender responsive policy framework, which marked a critical moment in the marketisation of women's voluntary organisations; encouraging them to compete with other voluntary services and prove 'better value' for money. Given the inherent struggles that marketisation brings – practical and ideological – we have also seen an organisational shift that seriously limits the capacity of those organisations to undertake advocacy and campaign work (see Chapter 12 by Corcoran, Maguire and Williams).

Not only is there a desperate lack of strategy concerning women in the criminal justice system, that would also attend to the diminishing profile of women's services, but any notion of a strategy appears to be left in the hands of private consortiums that have, manifestly, failed to cater to women's gender-specific needs in ways that prevent women from entering custody. In its recent *Female Offender Strategy*, the Ministry of Justice (2018: 24) announced the allocation of £1.5 million for the development of 'residential women's centres', to provide 'intensive residential support' for women who have served short-term custodial sentences. The strategy was welcomed by women's charities and advocacy groups, but only for the reason that it was a partial withdrawal on the controversial *Prison Reform* programme which involved the development of five 'community prisons' for women (Ministry of Justice, 2016). The watered-down proposal to set up 'residential centres' is supposed to provide settled accommodation for economically marginalised women leaving custody, reduce the risk of homelessness and, directly linked to these experiences of abject poverty, prevent women from being recalled to custody (Ministry of Justice, 2018). But the strategy fails to identify mandatory supervision as a draconian and punitive policy that has brought significantly more women serving short-term sentences under the purview of criminal justice authorities; nor does it identify the litany of complaints exposing CRCs lack of provision of gender-specific services for women through the exclusion of women's organisations that provide those services. Disappointingly, the Female Offender strategy merely sits on top of existing net-widening policies and appeared to support the dominance of CRCs in the probation market economy by giving them a central role in the development of residential centres. Apart from the identification of an obligatory 'women strategic lead' on each CRC, there was no clear indication in terms of how CRCs would develop these 'residential centres' in ways that will 'benefit women who offend' (Ministry of Justice, 2018: 24). Adding to these concerns, the Ministry of Justice states that such a strategy could be 'linked to existing women's community service provision such as

women's centres' (ibid.: 21), but again there was no statutory requirement, or at the very least, any clear instruction about the extent to which CRCs should involve women's community services.

There is deep concern brewing that the *Female Offender Strategy* lacks the clear vision 'that was so desperately needed by women affected by the CJS' (Booth et al., 2018: 432; *Women in Prison*, 2018). The depicting of economically marginalised women as 'productive citizens', suggests that the strategy continues to ignore the systemic oppression that contributes to people coming into contact with the criminal justice system in the first place and fails to acknowledge that the least harmful approach might be to not send vulnerable people to prison, or expect them to complete supervision orders. We concur with Booth et al. (2018) that this strategy is 'history repeating itself': it espouses the same gender responsive – and 'neoliberal-citizen' ideologies that ignores the structural context affecting criminalised women and fails to indicate any attempt to reverse the harms facing women in the criminal justice system. As the independent charity, *INQUEST* (2018: 4) emphatically reminds us, the situation facing women in the criminal justice system 'has never felt so desperate'.

6 Conclusion: Towards a radical (re)organisation

It is striking that the continuing crisis in conditions for women in the criminal justice system – such as the 131% rise in recall rates and unprecedented spike in deaths in custody (*INQUEST*, 2018) – occurred in the era of gender responsive penal reforms. While we acknowledge the meaningful support and immeasurable impact women's services have upon the lives of those experiencing systemic neglect, we argue that the 'gender responsive reform programme' proved amenable to the language of innovation in ways which facilitated the alignment of the women's voluntary services with free market ideology. In turn, this adversely exposed women's voluntary services to further structural inequalities in the service provider landscape. Seen against this backdrop, the privatisation of Probation Trusts in England and Wales amplified the marginality facing women's organisations. CRCs repeatedly failed to offer contracts to these established services, undermined the quality of their service provision and effectively curbed their capacity to reach criminalised women.

On the one hand, the advancement of the neoliberal gender responsive reform programme raised the strategic profile of the women's voluntary sector by relying heavily upon and increasing the number of community-based services. On the other hand, the precarious funding

environment and inconsistent contractual requirements that arrived with this reform programme generated operational difficulties and some services were ideologically opposed to the competitive shift that this programme initiated. In essence, the gender responsive reform programme threatened the political ethics and values that informed the unique approach to working with women and underpinned their *raison d'être*. This weakening of values may reflect what other scholars have referred to as 'co-option, or absorption' (Baldry et al., 2015: 169) which can be understood as 'a way of diverting or quietening oppositional struggle and activism' (ibid.: 173).

But the voluntary sector's relationship with the state is never fixed and constantly evolves. We believe that the women's voluntary sector is at a critical juncture to turnaround their fate. Already coined as 'T2', the former Justice Minister, David Gauke, revealed plans to re-nationalise the portion of the probation sector that was previously privatised under the ORA. Probation services will be brought back under the purview of the National Probation Service (a public authority) and commissioning structures will return to national and regional government. This renationalisation may at first appear as good news, but for the women's voluntary sector and for criminalised women too, this will not necessarily reverse the damage already done. The re-nationalisation of Probation Trusts in England and Wales will involve more bureaucratic upheaval, new contractual requirements and more organisational adjustments, necessary to capture grant funding under the forthcoming regime. And CRCs will continue to play in this restructuring. Given the problems we have outlined, perhaps this is a critical juncture for the women's voluntary sector to reflect on the losses and gains of their entanglement with the neoliberal state and creeping marketisation of service provision, and to contemplate a radical (re)organisation of their relationship with the state and how centrally they are aligned with criminal justice practices.

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