

BHA BRIEFING: NOMS 'Believing We Can' Consultation



Introduction

The **National Offender Management Service** (NOMS), which has responsibility for prisons and probation, is running a consultation which seeks to promote and increase, through commissioning and large amounts of public funding, the role, number and influence of 'faith-based' organisations working with offenders in prison and in the community.

The consultation document, '**Believing We Can. Promoting the contribution faith-based organisations can make to reducing adult and youth re-offending**', was published in November 2007 and the consultation closes on 22nd February 2008. It can be accessed at <http://tinyurl.com/2sc2sr>.

This consultation will feed into both the NOMS Third Sector Action Plan (<http://tinyurl.com/ysj865>) and the Ministry of Justice Third Sector Action Plan (<http://tinyurl.com/28czc9>).

'Believing We Can' outlines the work already being done by and with 'faith-based' organisations in prisons, probation and in the community and is asking for responses about the expansion of separate and exclusive support to them, which is unlikely to include secular organisations.

Why are we bringing it to your attention?

We have a **number of concerns** about the consultation itself and the intended outcomes.

This consultation is **focused totally on 'faith'**, to the **exclusion of secular organisations**. To privilege 'faith-based' organisations through giving them special assistance and focus, there is potential to disadvantage other, secular organisations within the Voluntary and Community Sector (VCS), which **may risk the provision of the best services for reducing re-offending**.

'Believing We Can' praises the distinctive contribution that specifically faith-based organisations can make to reducing re-offending. The Government has adopted this position, despite:

- There being '**no hard evidence**' (p13) that 'faith-based' interventions actually have **any direct impact on re-offending rates**. Neither is there evidence that religious organisations have better, measurable outcomes than secular organisations.
- Many of the issues facing 'faith-based' organisations, such as lack of capacity and experience, are very similar if not the same to other VCS organisations working in the area, yet the consultation is seeking ways to give **them privileged and special treatment and assistance**.
- There being **no clear definition** of what makes an organisation '**faith-based**'.

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In addition, there is no discussion or any evidence given that an increase in 'faith-based' interventions in their programmes both in prison and in the community is desired by offenders or their families. In fact, one of the most notable characteristics about the **UK prison population** is that the number of inmates with '**no religion**' 'consistently outstrips growth among any other group in each year'¹ and now, as broadly proportionate to the general population, those with 'no religion' account for the largest religion and belief group².

Religious organisations in particular are singled out for special assistance and support and, rather than creating a 'level playing field', this seems to give religious organisations privileged access to Government and funding which comparable secular organisations do not have.

Other concerns

Aside from the problems of the consultation itself, we have a number of concerns regarding what will happen should 'faith-based' organisations be increasingly commissioned by NOMS to provide services. This is because **religious organisations have exemptions from equality laws, which allow them to discriminate on grounds of religion or belief and on sexual orientation** in employment and to discriminate on grounds of religion or belief in the provision of goods, facilities and services. Such organisations are also **not bound by the Human Rights Act 1998**, and we consider there to be a risk that they will breach the human rights of offenders and their families, such as the right to freedom of belief.

There are also legitimate concerns that public money will be used to **fund religious activity** and not solely for the service that organisations are commissioned to provide.

For more details on this, please see the BHA's new report on the contracting out of public services to religious organisations, '**Quality and Equality: Human Rights, Public Services and Religious Organisations**', available at <http://tinyurl.com/25w2hb> or in hardcopy from the BHA.

Our position

We oppose this consultation for a number of reasons as set out above. **In principle, we do not think that the state should be using public money to fund religious organisations to provide services on its behalf** – the fairest and most desirable way would be for the state to remain neutral on matters of religion and belief – privileging none. This is impossible when the Government is proposing to pour millions into funding religious organisations – many of which are evangelical and proselytising organisations – and to contract out probation, rehabilitation and prison services to them.

As partners, religious organisations remain under state control, but if they are awarded contracts directly to manage offenders, in prisons or in the community, this would **effectively legitimate religion as an authority in the criminal justice system.**

¹ Guessous, F., Hooper, N. and Moorthy, U. (2001) *Religion in Prisons 1999 and 2000 15/01 England and Wales*. London: Home Office

² Home Office (2006a) *Statistical Bulletin. Offender Management Caseload Statistics 2005. 18/06*. London: Home Office

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What are we doing?

As part of our wider, ongoing **campaign to keep our public services secular**, we will continue to lobby government on related, key matters of interest, such as the risks to equality and human rights posed by the inclusion of religious organisations providing public services on behalf of the state.

We are making a **formal response to this NOMS consultation**, as well as responding to the NOMS and Ministry of Justice Third Sector Action Plans.

We hope to meet **Rt Hon David Hanson MP**, Minister of State for the Ministry of Justice and head of the NOMS ‘Believing We Can’ consultation.

What can you do?

It is the firm recommendation of the British Humanist Association that local authorities, secular organisations working with offenders in prisons or the community and any other organisation or individual, with an interest in reducing re-offending in their community, should contact the National Offenders Management Service to raise their concerns about **the exclusion of secular organisations** from the Believing We Can consultation.

If you are **concerned** about the **increase of religious organisations directly involved in management of offenders**, please respond to the consultation as soon as possible.

You will find the **response form** at <http://tinyurl.com/2gnj7w>.

The contact details are:

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January 2008
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