

**National Offender Management Service. Third Sector Action Plan. A Draft.
Securing effective partnerships to reduce re-offending and protect the public.
2008-2011**

Response from the British Humanist Association.

About the British Humanist Association

The British Humanist Association (BHA) is the national charity representing the interests of the large and growing population of ethically concerned non-religious people living in the UK. It exists to support and represent people who seek to live good and responsible lives without religious or superstitious beliefs.

The BHA is deeply committed to human rights, equality, democracy, and an end to irrelevant discrimination, and has a long history of active engagement in work for an open and inclusive society. In such a society people of all beliefs would have equal treatment before the law, and the rights of those with all beliefs to hold and live by them would be reasonably accommodated within a legal framework setting minimum common legal standards.

One of our largest campaigning areas at the moment is that of public service reform – and specifically the contracting out of public services to religious organisations. In November 2007 we published our report, 'Quality and Equality: Human Rights, Public Services and Religious Organisations'. This can be accessed at <http://tinyurl.com/25w2hb>, or in hardcopy from the BHA.

Introduction

We welcome the opportunity to respond to this NOMS Third Sector Strategy. We are submitting this together with our response to NOMS 'Believing We Can' consultation. There are a few specific areas of the Third Sector Action Plan on which we comment in this response, but each of our points is detailed more fully in our response to 'Believing We Can'. Therefore, we request that this response be read in conjunction with our response to 'Believing We Can'.

We would, however, like to make clear that we have serious reservations about the inclusion of faith-based organisations as contracted providers of services within NOMS. In fact, it is our firm position that no publicly-funded public service be contracted out to a religious organisation. This position is based both on matters of principle – that the state should remain neutral on matters of religion and belief – and because of a number of serious practical problems that are specific to commissioning to religious organisations, and which the Government has thus far failed to address. These include:

- The risk of discrimination against employees and potential employees;
- The risk of lower standards of service;
- The risk of discrimination against service users;
- The lack of human rights protection.

In addition, we are outraged at the privileged position that NOMS continues to give to faith-based organisations, seeing and treating them as distinct within the third sector and affording them unique and exclusive channels of communication and consultation, funding and assistance. This position has been adopted despite there being no evidence to support that faith-based organisations are effective in reducing

re-offending in any way, nor that faith-based organisations are suitable as service providers.

The 'religion or belief' equality strand includes the religious and non-religious equally, but it is evident that in the 'Believing We Can' consultation non-religious belief has not been taken into account at all, let alone been treated equally with the religion component. This discrimination against the non-religious is completely unacceptable. We are confident that the courts would find this unlawful under section 6 of the Human Rights Act 1998.

Further, we question the entire rationale of the decision to include faith-based organisations in the commissioning process – changing their role from volunteers or partners to performing functions on behalf of the state. The 'Believing We Can' consultation:

- states that there is no evidence to suggest that faith-based organisations or their interventions have any direct impact on re-offending;
- makes clear that there is no evidence to suggest that they have similar let alone better outcomes than comparable secular organisations;
- admits that there are dangers of proselytising and other religious activity that faith-based organisations cannot separate from the service that they have been contracted to provide;
- makes a number of references to faith-based organisations' lack of capacity, lack of governance and lack of coverage and implies their unsuitability as contractors;
- and fails to provide statistical data on the religions and beliefs of offenders and so no rationale for the 'need' to increase the number of 'faith-based interventions'.

Transforming public services

Do you believe we have identified the right outcomes? If not, what might you want to see?

P17

'Creating an effective diverse and mixed provider market within which the third sector has improved opportunities'

- Enable consortia building and delivery, including to involve small and diverse organisations – women; BME; faith-based etc

We do not agree that faith-based organisations are suitable as contracted providers of NOMS services. We also believe that to look exclusively at faith-based organisations rather than religion or belief organisations is unlawfully discriminatory against the non-religious – as organisations, employees and service users. Please see our response to the 'Believing We Can' consultation for more details on these serious matters.

P18

'Building capacity'

- Support, advice and signposting for diverse organisations through the new NOMS national infrastructure grants programme

We have serious concerns that the exclusive focus and treatment towards faith-based organisations and 'faith-based interventions' that NOMS has adopted will lead to such organisations and services being privileged in terms of funding and other

assistance compared to other third sector organisations. Please see in particular our response to section 3 of the 'Believing We Can' consultation.

What are your views about how to achieve the outcomes?

Please see our recommendations in our response to the 'Believing We Can' consultation.

Voice and campaigning

Do you believe we have identified the right outcomes? If not, what might you want to see?

P19

'Better engagement of smaller/diverse organisations'

- Implement actions resulting from NOMS/YJB consultation on faith-based organisations working to reduce re-offending

We believe that any actions implemented from the above consultation would privilege only faith-based organisations and increase engagement with them, while unlawfully discriminating against non-religious organisations, who should be treated equally with 'faith' organisations as set out in equality and human rights legislation. Please see our response to the 'Believing We Can' consultation for more details.

'Effective partnership working / strategic local commissioning engagement'

- Identify mechanisms for better cross-sector partnership working within the justice sector at local level – to strengthen reducing re-offending focus within LSPs / LAAs and other local arrangements

We believe that this outcome would only be effective if the non-religious are properly and equally represented on local arrangements, such as LSPs, whenever religious people and interests are represented. It is vital that LSPs include representatives from the non-religious in the community – who may well be the majority religion or belief group in a local area – yet this often does not happen.

Interfaith groups are often on Local Strategic Partnerships (LSP), and often either purport, or are seen by others, to represent 'religion and belief'. However, most such groups and networks exclude humanists and others with non-religious beliefs. Wherever 'faith' groups and communities are represented in such partnerships, we expect non-religious groups to be represented as well – it is simply not legitimate to have religious groups 'representing' the needs and interests of the non-religious within the community.

Despite equality and human rights legislation making quite clear that people with religious and non-religious beliefs (such as Humanism) must be seen and treated equally before the law, we are only too aware of the Government's increasing tendency to see 'faith' groups, organisations and communities as distinctive within the third sector. This not only privileges those with religious beliefs, for example through special funding and assistance and unique opportunities for consultation and representation, it actively (and unlawfully) discriminates against those with non-religious beliefs, whose exclusion from policy, consultation and representation leaves them at a comparably distinct and severe disadvantage.

What are your views about how to achieve the outcomes?

Please see our recommendations in our response to the 'Believing We Can' consultation.

Strengthening communities

Do you believe we have identified the right outcomes? If not, what might you want to see?

P20

'Stronger role for local communities and community organisations in reducing re-offending and public protection'

- Implement actions resulting from consultation on the NOMS/YJB paper on the role of faith-based organisations

We believe that any actions implemented from the above consultation would create a stronger role for faith-based organisations and self-described and inherently exclusive 'faith communities', to the exclusion of both the non-religious within the community and to others who do not 'belong' to a 'faith community' (the majority of people). Please see our response to the 'Believing We Can' consultation for more details.

What are your views about how to achieve the outcomes?

Please see our recommendations in our response to the 'Believing We Can' consultation.

Do you have any other comments you wish to make?

While it seeks to privilege faith-based organisations, faith communities, 'faith-based interventions' and so on, we oppose the implementation of this Third Sector Action Plan. We recommend that NOMS adopts a more inclusive, legally sound, neutral and evidence-based Third Sector Action Plan.

**British Humanist Association
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