



National Audit Office

NATIONAL PROBATION SERVICE

The supervision of community orders in England and Wales



SUMMARY

1 The Criminal Justice Act 2003 introduced a new style of community sentence, known as a community order. For offences committed after 1 April 2005, magistrates and judges have been able to tailor community sentences to the severity of the offence and, at the same time, address offending behaviour. This is done by creating an order with one or more of twelve possible requirements, such as unpaid work or drug rehabilitation, to be completed over a defined period. During 2006, the courts gave 121,690 community orders. The most common order contained a single requirement obliging the offender to complete a specified number of unpaid work hours (32 per cent of all orders).

2 The National Probation Service supervises all offenders subject to a community order,¹ plus those released from prison on licence or given other sentences to be served in the community. During 2006-07, the 42 Probation Areas in England and Wales with direct responsibility for supervising offenders in the community spent £807 million.² The Probation Service's total annual offender caseload has increased 32 per cent between 2001 and 2006, while staff increased by 35 per cent over the same period.³ The Offender Management Act 2007 allows providers outside the public sector to deliver probation services which will be commissioned on national, regional or local levels.

¹ With the exception of those offenders subject to a stand-alone curfew monitored by an electronic tag or an attendance centre requirement.

² Of the £807 million it is not possible to isolate how much is spent on community orders.

³ Research Development Statistics NOMS, *Offender Manager Caseload Statistics 2006*. The total offender caseload increased from 177,600 at the end of 2001 to 235,000 at the end of 2006.

3 This report examines how well community orders are managed by the National Probation Service, in particular how well they have been implemented and whether they are meeting sentencing objectives.

Overall conclusion

4 In addition to punishment, community orders offer benefits to the community and offenders. Community orders enable offenders to stay with their families and in their jobs while they serve their sentence and avoid additional pressure on the prison system (although this is not one of their primary purposes). A comparison between the actual reconviction rate and a predicted rate shows community sentences can reduce reconvictions proportionally more than a custodial sentence, although more evidence is required on the effectiveness of individual requirements (for example supervision).

5 Ninety four per cent of the orders we sampled were completed, breached or revoked by the court.⁴ One or more requirements within the remaining six per cent of orders had not been completed when the order expired, due to process and delivery reasons within Probation. No national data on non-completions is available. Some requirements, such as NHS-funded alcohol and mental health treatment, are not available in all Probation Areas, which could limit the effectiveness of an order if offending behaviour cannot be addressed.

6 Given the nature of demands placed on probation and a funding structure which imperfectly matches demand, the Probation Areas we visited are facing increasing challenges to provide probation services to the standard expected by both the courts and the public, which emphasises the importance of improving value for money.

7 The National Probation Service could improve efficiency by increasing the consistency with which community orders are implemented within and between local Probation Areas. Better data on capacity, costs and the number of orders completed as sentenced would help the Service demonstrate value for money in the management of community orders, and will be essential if the move to full commissioning and contestability of probation services, enabled by the 2007 Act is to be successful.

8 To build on the positive impact of community orders to date, our key findings are:

On the components of community orders:

- Some indicators show that community orders achieve positive outcomes such as improvements in offender attitude and behaviour. Recent Ministry of Justice research shows that participation in a group programme has positive effects on reconviction.⁵ However, more research and evaluation is required to determine the effectiveness of requirements, for example the supervision requirement, in achieving the desired sentencing outcomes.
- Some community order requirements, for example alcohol treatment which is largely funded by the National Health Service and delivered in partnership with other agencies, are not available or rarely used in some of the 42 Probation Areas (this is despite strong links between alcohol and offending behaviour). This means orders may not be addressing the underlying causes of offending behaviour as fully as they could.

On how community orders are implemented:

- Excluding cases where an offender is returned to court for failing to comply with their order, some requirements of an order remain uncompleted when the order expires. The National Offender Management Service's (NOMS) own data showed that in 2006-07 2.5 per cent of offenders did not complete their group programme before their order expired. Six per cent of the offenders in our case file review were unable to complete an order requirement before their order ended. Areas need to address the process and delivery issues within Probation which lead to non-completion of sentences given by courts. The chaotic lifestyles of offenders also contribute to the failure to complete requirements.
- There are long waiting lists for some order requirements, in particular group programmes on domestic violence, which increases the risk that requirements remain unfinished when the order ends.
- Neither local Areas nor NOMS can say whether sentences have been fulfilled because data on the completion of order requirements is not routinely reported.

⁴ Source: National Audit Office review of 302 offender case files. National data relating to the accredited programme requirement showed 97.5 per cent of programmes were completed, breached or revoked by the court in 2006-07 (see paragraph 3.4). Completion indicates all the order requirements given by the court were successfully completed before the period of the order expired. Breach occurs when an offender fails to comply with the terms of their order and is therefore returned to court. Probation staff can apply to the court for an order to be revoked if it is no longer considered appropriate to the offender's needs.

⁵ Research Development Statistics NOMS, *Reconviction Analysis of Interim Accredited Programmes Software*, September 2007. Group programmes, also known as 'accredited programmes', involve group sessions run by local Probation Areas to encourage offenders to behave differently. They cover topics such as drink driving and substance misuse.

- Estimates generated for this study of the costs of implementing community orders vary within and between Areas because of variations in the staff grades responsible for certain tasks and local procedures. For example, the Probation staff cost of managing a drug rehabilitation requirement ranges from £1,000 to £2,900 across the five Areas we visited.

On how community orders are resourced, monitored and reported:

- The Probation Service does not know with any certainty how many community orders it has the potential capacity to deliver within its resources, nor has it determined the full cost of delivering community orders. Since the potential capacity of the Service and local Areas is undetermined, the impact of any future changes in, for example, policy or sentencing trends is difficult to estimate and therefore manage.
- Funding of Probation Areas is imperfectly aligned with court demands in terms of the number and type of community orders given.
- The Probation Service's performance targets do not focus sufficiently on outcomes, and in some instances targets can have the potential for unintended consequences. Central demands for data are perceived to be burdensome especially by smaller Probation Areas, and the information returned by the centre lacks sufficient analysis and detail for it to be as useful locally as it could be.

Recommendations

To demonstrate and improve effectiveness, the Ministry of Justice should in the near future:

- a Require Probation Areas to report the percentage of community orders which end before sentence requirements have been completed and the reasons for non-completion, such as breach, revocation by the court or lack of Probation capacity to deliver the requirements, in order to demonstrate effective service provision to sentencers and the local community.
- b Work with bodies such as the Department of Health and voluntary organisations to increase the provision of alcohol and mental health treatment across all Probation Areas to address the causes of offending behaviour.

- c As far as possible, rebalance the range of Probation performance targets to show how well offenders are being managed and the extent to which outcomes of community orders are achieved.

And in the longer term:

- d As far as possible, identify the degree to which the twelve community order requirements reduce reconvictions and achieve other sentencing outcomes for different types of offender to enable sentence planning to be better targeted, for instance through a longitudinal study assessing similar groups of offenders given different sentences.⁶

To improve efficiency, the Ministry of Justice should in the near future:

- e Build on existing work to identify efficient operational practice, disseminate this across the Service and help local Areas implement changes to promote greater consistency in delivery between and within Areas.
- f Rationalise data demands on Areas.

To prepare for the introduction of full commissioning and contestability and enable value for money comparisons to be made, the Ministry of Justice should:

- g Determine the full cost range of implementing different types and volumes of community orders nationally, and assist individual Probation Areas to determine local costs.
- h Identify the capacity in terms of the number and mix of community orders the Service can manage nationally and assist local Probation Areas in identifying their capacity, for example by ascertaining the staff time available at each grade, time needed to manage all offenders under Probation supervision and the costs of services provided by other bodies.
- i Lengthen the funding cycle to three years and increase the flexibility of funding arrangements between Areas so resources can be redirected as necessary to better match courts' demands.

⁶ Any comparison would have to control for the differences in predicted rates of re-offending and other characteristics for different offender cohorts.

Scope and methodology

9 This report considers the delivery of community orders introduced by the Criminal Justice Act 2003 in England and Wales. To limit the study scope, the report does not consider suspended sentence orders⁷ or offenders under licence following release from custody who are supervised by the Probation Service. The number of offenders on licence, which are a priority for the Probation Service as they represent a large proportion of the high risk of serious harm offenders, rose by over 100 per cent between 1995 and 2006.

10 This report does not compare the effectiveness of community orders with the effectiveness of fines or custodial sentences because, in general, the types of offences for which those sentences are appropriate are different from those for which a community order is suitable. Our main sources of evidence are detailed in Appendix 2 and summarised below (Figure 1).

1 Main sources of evidence

Method	Purpose
Semi-structured interviews with Ministry of Justice staff	To gather evidence on strategy and performance monitoring of local Probation Areas.
Semi-structured interviews with Probation staff and senior management from five local Probation Areas	To identify the challenges faced in delivering orders across a range of Probation Areas, understand the operation of performance monitoring arrangements and the level of support from the centre. We visited Wiltshire, Northumbria, South Wales, Lincolnshire and London Probation Areas. These were selected to cover a range of Area characteristics.
Review of 302 offender case files across five local Areas	To gather primary data on the use of community orders and the individuals who receive them. We did not extrapolate to the national population on the basis of this sample.
Analysis of data gathered by the National Probation Service	To gain an understanding of the use of community orders and performance against National Standards.
Analysis of HM Inspectorate of Probation data and reports	To reflect the expert assessment of HM Inspectorate on the quality of offender management, we reviewed their assessments of 641 case files. We did not extrapolate to the national population on the basis of the data provided to us by the Inspectorate, although we triangulated results with our case file review findings, see Appendix 6. We also reviewed eleven of their published reports.
Literature review	We commissioned consultants ¹ to review existing literature on the effectiveness of different types of intervention similar to those used in community orders.
Costing workshops	We commissioned consultants ² to derive estimates for the staff costs associated with the delivery of different types of community order and breach proceedings at the five Probation Areas we visited. Because of the size of the London Probation Area, costing work was performed in just one London borough cluster. ³

Source: National Audit Office

NOTES

- 1 Following competitive tender, RAND Europe were commissioned to perform the literature review.
- 2 Following competitive tender, Accenture were commissioned to carry out the costing workshops.
- 3 Newham, Barking/Dagenham and Havering cluster.

7 If the offence committed breaches the custody threshold but the sentencer does not feel prison is appropriate they can sentence the offender to a suspended sentence order to be served in the community. The offender would be immediately sent to prison if they breached this order.