

Evaluation of the community sentences and withdrawal of benefits pilots

By Tim Knight, Alice Mowlam, Kandy Woodfield, Jane Lewis,
Susan Purdon and Sarah Kitchen; with Colin Roberts

Under the community sentences sanctions policy, piloted since 2001, social security benefits are sanctioned if offenders fail to comply with their community sentences. The objective of the policy is to link the receipt of benefit more closely to the fulfilment of responsibilities to society and to encourage greater compliance with community sentences. The policy applies to offenders serving community punishment orders, community rehabilitation orders and combination orders, aged 18-59, and in receipt of Jobseeker's Allowance, Income Support or certain Training Allowances. The period of sanction is no more than four weeks. Jobseeker's Allowance is withdrawn 100%; Income Support is reduced by 20% or 40%, depending on the offender's circumstances.

The policy was piloted in four Probation Service areas: Teesside, West Midlands, Derbyshire and Hertfordshire. The evaluation was carried out by the National Centre for Social Research and Colin Roberts of University of Oxford, for the Home Office and the Department for Work and Pensions.

The aims of the evaluation were to assess the operational impact of the policy, to assess its impact on compliance and on offenders more generally, and to identify issues relevant to any national implementation. The study involved analysis of administrative data on attendance and breach rates, 55 in-depth interviews with offenders, 31 in-depth interviews and 18 focus groups with staff in the Probation Service and Jobcentre Plus, and a postal survey of sentencers (with a response rate of 49% and an achieved sample of 213).

Key findings

- It is estimated that the policy led to a 1.8% increase in compliance among those on the relevant benefits. This is based on a change over time

comparison between those on relevant benefits and those not. The evaluation period was 15 October 2001 to 14 October 2002, and the control period was 1 May 2001 to 14 October 2001.

- The impact of 1.8% implies that for every 50 community sentences given to those on relevant benefits, one fewer resulted in breach initiation as a result of the policy.
- Offenders did not see the policy as a major influence on their behaviour. Its impact was constrained by limited consciousness of it and attitudes to compliance.
- There was some evidence that the policy could be a supportive influence on the attention paid to probation requirements and the priority given to attending. It had less potential to influence non-compliance where there were difficult personal issues, substance abuse, a rejection of probation or little personal motivation to comply.
- There was no evidence of widespread change in enforcement among Probation Service staff. The policy was an additional reason for discretion in enforcement in cases where discretion would anyway have been exercised.
- There was also no evidence of changes to sentencing practice, except that the majority of sentencers said they definitely or possibly would take the sanction into account in setting the level of fines for breach.
- Financial impacts were reported by all offenders sanctioned, most severely by those without other financial or practical support.
- Some offenders were already committing crimes during their community sentence, and some reported additional or renewed offending which they linked directly with the policy.

- The sanction provided an added reason to look for work where offenders were already doing so, but otherwise did not appear to influence labour market behaviour.

Summary of research

Profile of the offenders

The majority of offenders on community sentences are young and male. Sizeable sub-groups have spent time in care; have no educational qualifications; have drug and alcohol problems; and have other health problems. Most are not in work and most have previous convictions (Home Office, 2002; Mair and May, 1997).

During the evaluation period, young offenders and, overall, those without a partner or children were disproportionately represented among those who received a community sentence sanction. However, women offenders were also more likely to be sanctioned, possibly because they were more likely to be on relevant benefits.

The operation of the policy

Among staff involved in the qualitative research from both the Probation Service and Jobcentre Plus, the objectives of the policy were broadly understood to be to increase compliance with community sentences, and this was generally supported. However, there were some concerns about the 'fit' of the policy within the work of each agency, in Jobcentre Plus because it was seen as a criminal justice penalty rather than one related to labour market or benefits behaviour, and in the Probation Service because of concerns that the policy would impede the rehabilitation of offenders.

The implementation of the policy was largely said to have been successful by staff who took part in the qualitative research. However, there was a substantial shortfall in the notifications received by Jobcentre Plus of the outcome of breach hearings (using a form called CS Stats 2), which triggered the implementation of the sanction where applicable. In practice it appears that Jobcentre Plus were not informed in all relevant cases, and therefore a sanction not always imposed.

During the evaluation period 396 sanctions were applied. The number of relevant orders commenced in the same period was 16,574. The number of

warning letters issued (following a second unacceptable failure to comply) was 3,124. The rate of non-compliance and of sanctioning was lower than would be expected given national breach rates (Home Office, 2002).

Offenders were warned about the sanction at several stages but many did not recall, absorb or retain the information or relate it to their own behaviour. There were also some gaps in familiarity with the details of the policy among staff, for example about which benefits are affected, the level and duration of the benefit withdrawal, and the availability of hardship payments from Jobcentre Plus in eligible cases.

Impact of the policy on compliance

Overall, it is estimated that the policy had a small but positive impact on compliance. For those on relevant benefits, the rate of breach initiation in the pilot areas was, on average, 2.4% lower during the evaluation period than during the earlier five month control period. Not all of this change was likely to be directly due to the policy: the best estimate available is that, of the 2.4% reduction, about 1.8% is attributable to the policy, and the remaining 0.6% was due to other unrelated factors¹.

This implies that for every 50 community sentences given to those on relevant benefits, one fewer sentence will result in a breach as a direct result of the policy. The impact, measured across all offenders irrespective of benefit status, implies a 0.8 percentage point reduction in breach initiation rates because of the policy.

The estimates are based on data from three of the pilot areas, comparing breach initiations (or in one area two or more unacceptable absences) among benefit and non-benefit populations, during the control and evaluation periods. It was not possible to collect entirely comparable data from all four areas and, because of doubts about data quality, one area was excluded from the impact analysis.

This estimate of impact on offender compliance is in line with the perceptions of sentencers, offenders, Probation Service staff and Jobcentre Plus staff.

¹ For those not on benefits, breach initiation rates fell by 0.6% after the introduction of the policy, almost all of which is likely to be attributable to factors unrelated to the policy.

Among offenders involved in the qualitative research, the sanction was not described as a major influence on their behaviour. The impact of the sanction was constrained by their limited consciousness of it and by existing attitudes to attendance. The sample divided into two distinct groups: those with an existing intention to comply (among whom some said the sanction had a limited positive impact reinforcing this intention), and those without such an intention (among whom no impact of the policy was discernible).

Non-compliance was also affected by factors such as unstructured or chaotic lives, problematic drug and alcohol use, and confrontational attitudes to probation and the consequences of breach. There was some evidence that the experience of a sanction could help to encourage subsequent compliance where the order continued, again in supporting other reasons to do so, although offenders sometimes described these deterrent effects as being temporary.

Overall, the qualitative data suggest that the policy had some potential, as a supporting factor, to influence offenders' clarity about appointments and evidence requirements and the priority placed on attending, but less potential where non-compliance relates to difficult personal issues, problematic substances use, a rejection of probation or where offenders have no personal motivation to address their criminal behaviour.

The perceptions of Probation Service staff involved in the qualitative research were consistent with these reports. The sanction was seen as having the potential to give a small additional incentive to comply among those with other reasons to do so, or whose behaviour was not entrenched. But staff's experience was that offenders generally found it difficult to take on board the implications of the sanction and moderate their behaviour accordingly.

Findings from the survey of sentencers show that 29% of sentencers believed the policy increased compliance to some extent, and 1% that it did so significantly.

Impact of the policy on enforcement

From the qualitative research with Probation Service staff, there was no evidence of widespread changes in enforcement. Staff, before the policy, occasionally deviated from standard practice in exceptional cases, and this continued during the operation of the policy. Although the policy provided an additional reason to do so, this appeared to involve the types of cases

where staff might exercise discretion anyway without the policy, and staff at all levels felt any impact on enforcement practice had been marginal. Analysis of National Standards audit data (carried out by Home Office research staff) also showed no distinctive patterns of change in enforcement practice in the pilot areas compared with the national picture.

Impacts of the sanction on offenders' circumstances

Financial impacts were experienced by all sanctioned offenders who participated in the qualitative research, most severely by those without financial or practical support from partners, friends or family. More severe financial impacts included difficulties in buying food, paying household bills including rent (above Housing Benefit) or board, and the accumulation of debt and arrears. Offenders also reported that financial difficulties had impacted on their families and dependants.

There were varied reports by offenders of the impact on offending, and some had already been offending during the community sentence. But there were reports of additional or renewed offending during the sanction period, which offenders linked directly with the sanction. Others had not offended.

The sanction provided an added reason to look for work for some offenders who were already doing so, but otherwise did not influence motivation to find work. The impact on relationships with probation officers and Jobcentre Plus staff was mixed. For some offenders it was neutral, but it could be detrimental especially if offenders believed they had not been told about the policy in advance. Staff in both agencies were concerned that the policy could lead to some offenders disengaging from the rehabilitative work of their organisations, and some reported having observed this in individual cases.

Impacts on the judicial system

From the survey of sentencers, there was little evidence of any impact on sentencing practice or the court process, except that the majority of sentencers reported that they would definitely or probably take the sanction into account in setting the level of financial penalty for breach. The majority reported no change in the number of community sentences given, the number of not guilty pleas at breach hearings, and the likelihood of sentencers finding offenders guilty. Just under half would have liked more

information on the sanctions policy when it was introduced.

Roughly equal proportions volunteered advantages and disadvantages of the policy, the main advantage being that it may encourage compliance and the main disadvantage that it may lead to more offending.

Implications for national implementation

Key issues for national implementation are the importance of:

- effective mechanisms for informing Jobcentre Plus of sanctionable cases which are efficient, monitored, audited and minimise the scope for human error;
- finding ways of reminding offenders frequently of the policy, emphasising how it applies to them, what its consequences would be, and ensuring they understand the level and duration of sanction;
- supporting staff knowledge of the policy within the Probation Service and Jobcentre Plus;
- supporting sentencers' awareness of the policy and clarifying that the sanction should not be taken into account in setting the level of fines;
- addressing reservations about the policy, particularly among Probation Service staff, by clarifying the aims of the policy and responding to their concerns about its impacts; and
- monitoring, in national implementation, the impacts on compliance and enforcement practice, notification of breach outcomes, reoffending and reconviction rates, the use of fines as penalty for breach (although this would be affected by the new proposals in the Criminal Justice Bill), levels of non-attendance at breach hearings, and levels of successful applications for hardship payments.

References

Home Office (2002) *Home Office Probation Statistics England and Wales 2001*, London: ONS.

Mair G and May C (1997) *Offenders on Probation* Home Office Research Study No. 167, London: Home Office.

The full report of these research findings is published for the Department for Work and Pensions by Corporate Document Services (ISBN 1 84123 621 7. Price £30.00. Research Report 198. November 2003).

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