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Research Summary 3/11

Evaluation of the Intensive Alternatives to Custody pilots

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Ministry of Justice

This summary presents the main findings from a range of research, conducted by Sheffield Hallam University and the Greater Manchester Probation Trust, exploring the learning from the Intensive Alternatives to Custody (IAC) pilots. It also contains background information and statistics collected by the Ministry of Justice (MoJ).

Key points

- The Intensive Alternatives to Custody (IAC) pilot programme ran from 2008/09 to 2010/11 to test the use of intensive community orders in diverting offenders from short-term custodial sentences.
- There were 1,851 IAC orders started across all seven regions in England and Wales between 1 April 2008 and 8 March 2011.
- Stakeholders reported that the benefits of an IAC order over a Suspended Sentence Order (SSO) were the ability to monitor risk more effectively through intensive supervision and greater flexibility in managing breaches.
- Concordance rates (instances of IAC proposals made in Pre-Sentence Reports and the percentage of these which resulted in an IAC order being imposed) were generally high, although they varied considerably across the sites.
- There was considerable variation between the group of offenders targeted in each pilot area and the interventions delivered in each site.
- Each IAC order had an average of 3.4 requirements.
- The most frequently recorded offences IAC orders were issued for were violent offences, theft and handling, and burglary.
- Feedback from stakeholders suggests they saw offenders with the following characteristics to be most suitable for an IAC order: a chaotic lifestyle, multiple needs, previous custodial sentences and motivation to change.
- As of 1 March 2011, the compliance rate for IAC orders was 56%.
- Feedback from a range of stakeholders suggests the IAC order and the way in which it was delivered was perceived to have had a positive impact on offenders and the potential to impact on reoffending.
- The estimated weighted average cost of an IAC order per offender was around £5,000 a year.
- When IACs are compared against short custodial sentences, given the differential costs between these two disposals, IACs are likely to be more cost effective (in terms of the costs of each sentence and the expected costs of future offending), provided that they do at least as well as short custodial sentences in rehabilitating offenders and provided that offenders given an IAC order are those who would otherwise have got a short-term custodial sentence.
- The evidence currently available suggests up-tariffing by sentencers was relatively low, i.e. the IAC sentences were not inappropriately targeted at offenders who might not have been at risk of receiving a custodial sentence. However, this should be explored fully before we can conclude whether there are cost savings from the use of IAC orders.

Introduction

The Intensive Alternatives to Custody (IAC) pilot programme ran from 2008/09 to 2010/11 to test the use of intensive community orders in diverting offenders from short-term custodial sentences.

The IAC pilots enabled courts to use existing community sentencing options in new ways by combining intensive probation supervision with a mix of demanding requirements and interventions delivered by partner agencies. Seven areas were chosen to pilot the orders: Derbyshire, West Yorkshire, South Wales, Dyfed-Powys, Manchester and Salford, Merseyside, and Humberside. Each area had a degree of flexibility in terms of the approach they took, and there was an emphasis on providing an appropriate intervention package that was both demanding and purposeful, with offenders carrying out unpaid work at an accelerated rate.

The pilot areas were very positive about the IAC programme, and they have each investigated ways to either mainstream provision or to expand delivery. At the time of publication, IAC provision had been rolled out and mainstreamed across Wales, while Greater Manchester Probation Trust hoped to include IAC as part of the Transforming Justice pilot which is based on justice reinvestment.

This report presents the main findings from a range of research that was undertaken to examine the use of IAC orders as a viable alternative to custody, and to explore the lessons that can be learnt from the pilots. Feedback was gathered from a range of stakeholders, such as offenders, sentencers, court legal staff, project leads, project board members, mentors, offender managers, partner representatives and Pre-Sentence Report (PSR) writers. There were also observations in court and observations of offender manager contact sessions.

Quantitative analysis of a range of administrative data sources was also undertaken to get a detailed profile of the individuals and the IAC orders. These sources included the Police National Computer (PNC), Offender Assessment Systems (OASys) data, Pre-Sentence Reports (PSR), and case files.

Context

The effective management of short-term prisoners (those sentenced to under 12 months) is a considerable challenge for the Criminal Justice System. In 2009, 64% of all people sentenced to immediate custody were given less than 12 months.¹

Reconviction² rates for adults discharged from custody are higher than for those given community sentences. Highest of all are for those released from short custodial sentences: 59% of those released from a short sentence of under 12 months in 2009 were reconvicted within a year, compared with 49% of the total population discharged from custody. This partly reflects the prolific offending history of this short-sentenced group.³

After controlling for measurable differences between offenders, those receiving community orders had lower proven reoffending⁴ rates than those given custodial sentences of less than 12 months for all years analysed between 2005 and 2008. The proven reoffending rate in 2008 was 8.3 percentage points lower for those receiving community orders.

Offenders receiving Suspended Sentence Orders had lower proven reoffending⁴ rates than those given custodial sentences of less than 12 months, for all years analysed between 2005 and 2008, after controlling for measurable differences between offenders. The difference in proven reoffending rates was 8.8 percentage points in 2008.

This suggests that custodial sentences of less than 12 months are less effective at reducing reoffending than community orders and Suspended Sentence Orders.⁵

¹ Ministry of Justice statistics bulletin (October 2010) *Sentencing Statistics: England and Wales 2009*.

² Reconviction is used when an offender is convicted at court for an offence committed within a set follow-up period and convicted within either the follow-up period or waiting period.

³ Ministry of Justice statistics bulletin (March 2011)

Adult re-convictions: results from the 2009 cohort.

⁴ The term 'proven reoffending' is used to measure when an offender is convicted at court or receives a caution for an offence committed within the follow-up period (12 months) and then disposed of within either the follow-up period or waiting period (further six-month period).

⁵ Ministry of Justice statistics bulletin (10 May 2011) *2011 Compendium of reoffending statistics and analysis*.

What are IACs?

The aim of an Intensive Alternative to Custody order was to deliver cost-effective alternatives to custody that reduce further reoffending by rehabilitating offenders.

The IAC orders combined intensive probation supervision with a mix of demanding requirements and interventions. The orders were managed by probation trusts and supported by partner agencies.

Each pilot area had a degree of flexibility in terms of the approach they took, which meant there was considerable variation between the group of offenders targeted in each pilot area and the interventions delivered in each site.

Stakeholders reported that the benefits of an IAC order over a Suspended Sentence Order (SSO) were the ability to monitor risk more effectively through intensive supervision and greater flexibility in managing breaches. Pre-Sentence Report writers in Derbyshire said they regarded SSOs and IAC orders as of comparable tariff, but they considered the IAC order more suitable for offenders with a high number of needs.

There were 1,851 IAC orders started across all seven regions between 1 April 2008 and 8 March 2011.

Number of IAC starts in each phase and region, up to 8 March 2011

Pilot area	April 08 to March 09	April 09 to March 10	April 10 to March 11	Total
Derbyshire	89	105	80	274
Dyfed-Powys	30	60	22	112
Humberside	0	161	115	276
Manchester & Salford	0	161	161	322
Merseyside	0	114	89	203
South Wales	55	112	19	186
West Yorkshire	88	139	251	478
Total	262	852	737	1,851

Concordance rates give the proportion of IAC proposals made in Pre-Sentence Reports which result in an IAC order being imposed. The concordance rates were generally high, although they varied considerably across the sites.

Concordance between IAC order proposed and disposed,⁶ by area

Pilot area	Concordance percentage ⁷
Derbyshire	53%
Dyfed-Powys – Year 1	39%
Dyfed-Powys – Year 2	58%
Humberside	59%
Manchester & Salford	48%
Merseyside ⁸	-
South Wales	68%
West Yorkshire	79%

The concordance rates in each area are likely to have changed over time. The percentages in the table above were not calculated at the same stage of each pilot, so comparisons should not be made between areas.

A typical IAC order was 12 months, though some were up to two years. The table below shows a breakdown by area of the length of IAC orders.

Length of IAC orders started by 8 March 2011, by area

Pilot area	<=12 months	>12 months	Total
Derbyshire	224	50	274
Dyfed-Powys	46	66	112
Humberside	198	78	276
Manchester & Salford	285	37	322
Merseyside	180	23	203
South Wales	105	81	186
West Yorkshire	413	65	478
Total	1,451	400	1,851

⁶ Concordance rates were calculated at the end of March 2010 for all areas, except for Derbyshire and Manchester and Salford. The rate for Derbyshire was calculated at the end of April 2010 and the rate for Manchester and Salford was calculated at the end of March 2011.

⁷ Instances of IAC proposals made in Pre-Sentence Reports and the percentage of these which resulted in an IAC order being imposed.

⁸ Merseyside are excluded from this analysis due to a lack of available data.

All IAC orders were subject to court reviews which gave sentencers the opportunity to feed back on offender progress and make appropriate adjustments to the supervisory requirements. The majority of sites used mentors to support the supervision of IAC offenders.

The frequency and duration of contacts that offenders were required to have with offender managers varied between sites. The first phase of the order (typically the first three months) was more intensive and structured than the second phase. Derbyshire was the most punitive, specifying 100 hours per week within the first three months of each IAC order.

Each IAC order had an average of 3.4 requirements. This is much higher than the average number of requirements for community orders as a whole, which has remained constant over the last few years at 1.7 requirements per offender.⁹

There was a lot of variation between the interventions that were delivered in each site. In Derbyshire the order included curfews for nearly all IAC offenders, but this was significantly less prevalent in other areas. There were also variations between sites in the amount, type and intensity of unpaid work.

⁹ Ministry of Justice statistics bulletin (July 2010) *Offender Management Caseload statistics 2009*.

Summary of the main IAC requirements up to 8 March 2011, by area

Pilot area	Supervision	Accredited programme ¹⁰	Unpaid work	Curfew	Specified Activity ¹¹
Derbyshire	274	132	173	269	136
Dyfed-Powys	112	50	51	33	72
Humber-side	276	110	86	32	60
Manchester & Salford	322	125	203	231	258
Merseyside	203	43	174	148	153
South Wales	186	82	63	58	170
West Yorkshire	478	138	293	94	611
Total	1,851	680	1,043	865	1,460

¹⁰ Accredited Programmes are nationally approved courses designed to tackle the root causes of offending.

¹¹ Specified activities can include activities which improve basic skills or activities whose purpose is reparation.

The supervision requirement was used in all IAC orders. Other than supervision, the most commonly used requirements were the specified activity requirement and unpaid work. West Yorkshire was most likely to have used the specified activity requirement, with an average of more than one specified activity per order.

Who received IACs?

The only criterion for all sites was that the court must have been considering a custodial sentence of 12 months or less. However, beyond that criterion, there was much variation in the group of offenders being targeted in each area, and over time.

These are the target groups for each pilot area.

- **Derbyshire** – broadly inclusive approach to eligibility and suitability, not dependent on age, gender, need or risk.
- **Dyfed Powys** – focused on offenders with a history of non-compliance to community supervision, or where periods of custody had had limited or no impact in the past. Female offenders were accepted onto the programme.
- **Humberside** – broadly inclusive approach to eligibility and suitability not dependent on age, gender, need or risk. High-risk offenders (Tier 3, 4 and Multi-Agency Public Protection Arrangements (MAPPA) cases) were accepted onto the programme, and there were a large number of Integrated Domestic Abuse Programme (IDAP) cases.
- **Manchester and Salford** – targeted young men aged 18 to 25 years.
- **Merseyside** – at the outset, the primary target group was young (18–30), male, relatively low-risk persistent offenders, likely to have had previous experience of custodial and/or community sentences and a poor history of compliance. As the project developed during the first year, the IAC caseload also included older offenders and women.
- **South Wales** – the initial targeting criteria for offenders was those whose offences involved excessive use of alcohol. As the project progressed through its first year, it included offenders that committed violent offences (mainly common assault and actual bodily harm), persistent shoplifters, and a small but significant number of female offenders.
- **West Yorkshire** – targeted at offenders who demonstrated a range of crime-related needs that required the imposition of an intensive period of supervision.

Feedback from stakeholders suggests they perceived offenders with the following characteristics to be most suitable for an IAC order: a chaotic lifestyle, multiple needs, previous custodial sentences and motivation to change.

Some stakeholders expressed concerns about including: offenders in full-time employment or with caring responsibilities who were unlikely to be able to undertake unpaid work and/or curfew requirements; acute drug users and offenders with mental health problems, due to the intensity and commitment required; and those in rural areas, due to transport difficulties.

Early data in Derbyshire showed that 17 out of the 40 IAC orders not completed were drug rehabilitation requirement (DRR) cases. This suggests the concerns about imposing IAC orders for offenders with drug treatment needs had foundation.

It was generally agreed that offenders with a low number of needs were unsuitable for IAC orders, (even if they were in line for a custodial sentence), because it would be difficult to make up the required number of hours of contact time and they were unlikely to need or benefit from mentoring.

The most frequently recorded offences for which IAC orders were issued were violent offences, theft and handling, and burglary. Over time, these consistently accounted for around 60% of the main offence categories.

Data show the most prevalent needs of IAC offenders were firstly around lifestyle and associates, and secondly around education, training and employment.

How effective were IACs?

Sentencers, probation staff and partners welcomed the IAC order as a viable alternative to custody. They thought IAC orders and the way in which they were delivered had a positive impact on offenders and the potential to impact on reoffending.

Many of the persistent offenders targeted by the pilots were positive about the IAC order, saying it was intensive but provided order and stability, allowing them to move away from a criminal lifestyle.

Compliance and breach

A breach of an IAC order occurs when an offender fails to comply with the requirements of their order. Offenders reported that being psychologically ready to change, or ready to engage, had a considerable bearing on their compliance with the order. Project staff indicated that breaches of IAC orders were most common on curfew and unpaid work requirements.

Some of the reasons offenders gave for failing to comply with their requirements were: major disruption in their lives, missed appointments due to employment, and disillusionment with IAC because they did not feel they were getting the support they needed. With regard to this last point, it is important to ensure that IAC offender managers and other agency staff consider the views of offenders in determining their support/welfare options. If there is a conflict between the view of the offender and that of the professionals, agency staff need to fully explain the rationale for their decision, so that the offender remains engaged with the IAC order.

Offenders could have had their IAC order revoked if they breached their requirements or committed another offence. Evidence collected for the process evaluations suggests that, where engagement with the order as a whole was good and there was positive work being done, revoking or re-sentencing was unlikely. Instead, sentencers tended to add more requirements to the IAC order. As at 8 March 2011, 612 IAC orders had been revoked.

Number of IAC orders revoked, up to 8 March 2011

Pilot area	Number of IACs	Number revoked
Derbyshire	274	134
Dyfed-Powys	111	59
Humberstone	276	100
Manchester & Salford	322	91
Merseyside	203	46
South Wales	186	75
West Yorkshire	478	107
Total	1,851	612 (33%)

Each pilot area targeted different offenders, and some pilots had been running for longer than others as at March 2011, so this may explain the differences between areas in the proportion of sentences revoked.

The overall proportion of IAC orders revoked up to January 2011 was 33%. This was higher than the national proportion of community orders terminated in 2009 due to failure to comply with the requirements or conviction of an offence (26%).¹² This difference may reflect the profile of offenders on IAC orders, the increased number of requirements placed on them, or the intensive nature of supervision for them. For an accurate comparison, we would need to compare the proportion of revoked sentences for offenders receiving IAC orders with a well-matched group of offenders receiving community orders.

Of the 612 IAC orders revoked at the start of March 2011, custody was used in around 70% of cases, which was fairly consistent across all areas. There were, however, some considerable differences where custody was not ordered. Stakeholder interviews, court and contact observations suggested this was because offender performance on the order had a marked impact on how sentencers and offender managers dealt with breaches.

Cases were considered to be compliant if they were completed normally, finished early for good progress, or were still live after 12 months. To ensure a degree of comparability when calculating compliance, only IAC orders which started 12 months ago or more were included. As at 1 March 2011, the compliance rate was 56%.

¹² Ministry of Justice statistics bulletin (July 2010) *Offender Management Caseload statistics 2009*.

Compliance by pilot area, as at 1 March 2011

Pilot area	IACs >=12 months ¹³	Of which		
		Revoked	Normal/early completion	Still live
Derbyshire	181	104	71	6
Dyfed-Powys	86	52	27	7
Humber-side	146	69	67	10
Manchester & Salford	146	59	83	4
Merseyside	95	35	53	7
South Wales	150	60	68	22
West Yorkshire	207	70	129	8
Total	1,011	449	498	64

¹³ IAC orders which started at least 12 months before 28 February 2011, excluding IAC orders which were terminated for medical reasons or in which the offender was transferred to another sentence.

Up-tariffing

Some offender managers reported that the perceived 'attractiveness' of the IAC order, in terms of its rehabilitative potential, could lead to up-tariffing, in that the IAC sentence could be inappropriately targeted at offenders who might not be at risk of receiving a custodial sentence.

Anecdotal evidence suggests that where the court did not follow the IAC recommendation in the Pre-Sentence Report, they generally gave a custodial sentence. This suggests that IAC orders were being recommended for offenders at risk of custody.

The audit in Manchester and Salford showed that, where recommendations of IAC orders were not accepted, some very lengthy custodial sentences were given. This may represent evidence that those proposed were at risk of longer custodial sentences.

Another source which enables us to understand whether the IAC order contributed to up-tariffing in sentencing is the PSR audits. The audit in Derbyshire indicated that IAC proposals were almost entirely made for offenders clearly at risk of custody.

But in Manchester and Salford, 70 reports from the first year of the pilot were sampled where an IAC was proposed, and only 53% clearly indicated that the individual had passed the 'custody threshold'. However, this was because of a lack of information, rather than information to indicate the individual was not at risk of custody.

The limited evidence currently available suggests that up-tariffing of sentences was relatively low. However, analysis of PSRs in other areas, and further analysis of the sentences given to offenders where an IAC was proposed but not disposed, would be useful to get a fuller picture.

Reconviction

An impact evaluation of the IAC pilots should measure proven reoffending in a group receiving IAC with a well-matched comparison group receiving short custodial sentences and a well-matched comparison group receiving court orders. MoJ have not yet commissioned or undertaken an impact evaluation of any of the IAC pilots because the sample sizes are currently too small to ensure conclusions can be made.

However, an early reconviction analysis was carried out for offenders starting IAC orders before March 2009 in Dyfed-Powys, South Wales and West Yorkshire. Police National Computer (PNC) data were analysed to identify offences recorded after the individual offenders had commenced an IAC, up until March 2010.

The reconviction rate recorded for these areas was similar to the national reconviction rate of short-term custodial sentences (less than 12 months). However, an accurate comparison cannot be made due to differences in the offender profiles, but this gives an indication of the level of reoffending for offenders on IACs.

The results should, however, be treated with caution, as the PNC data were drawn from a limited sample of offenders (186 cases); the offenders sampled were early cases in the implementation of the pilot, when delivery may have been less well practised and effective; and the data could include sentencing which took place after the IAC order was issued, for offences committed prior to the IAC order being imposed.

MoJ are exploring the possibility of doing an impact evaluation which will make use of data from all seven pilot areas (to increase numbers) and compare reoffending rates for IAC offenders with reoffending rates for similar offenders receiving custodial sentences of less than 12 months, and similar offenders receiving court orders.

As there are differences in the group characteristics of those assigned to IAC, and in the delivery of the IAC programmes across each of the seven pilot areas, it may not be possible to attribute any effect to a specific type of IAC scheme; but if the individual sample sizes are large enough, the analysis will be broken down by area.

Costs

The estimated weighted average cost of an IAC order per offender was around £5,000 a year, taking into account set-up costs, running costs and the cost of interventions. The cost varied across pilot areas from around £4,000 to nearly £7,000 due to the different range of interventions delivered to offenders and the different contracts set up with partner organisations.

The estimated average annual cost per prisoner is £40,000. This excludes one-off expenditure, such as expenditure related to a new prison that has not yet been fully opened.

Using these estimates of the cost of a typical IAC scheme and custody, IAC would break even compared to 45 days in custody (the time served for an average three-month short custodial sentence) if it reduced the probability of reoffending by only a small amount.

When IACs are compared against custodial sentences of 3-12 months, given the differential costs between these two disposals, IACs are likely to be more cost effective (in terms of the costs of each sentence and the expected costs of future offending), provided that they do at least as well as the short custodial sentences in rehabilitating offenders.

Therefore there are likely to be cost savings if the offenders given an IAC order are those that would otherwise have got a short-term custodial sentence. It is possible that a lack of understanding of IAC may have led to up-tariffing by some sentencers disposing an IAC instead of a community sentence. The evidence currently available suggests up-tariffing of sentences was low, but further analysis is needed before we can conclude whether there are cost savings from the use of IAC orders.

Implications – lessons learnt

There is qualitative evidence that, generally, the pilots had developed well across the sites and had developed an adaptive and flexible approach to dealing with implementation and delivery difficulties.

The evaluation findings highlighted the following issues for delivering effective alternatives to custody.

- **Mainstreaming** – critical to mainstreaming IAC following the end of the pilot funding would be reducing the delivery costs.
- **Delivery in rural areas** – due to transport difficulties and economies of scale, there were difficulties delivering the orders in rural areas. Alternatives for delivery in these areas should be investigated.
- **Impact** – while the qualitative data indicate that IAC had a positive impact, this needs to be tested quantitatively through an impact evaluation.
- **Outcome monitoring** – systems should be developed to monitor the outcomes achieved, such as the rate of reoffending and types of reoffending of offenders on IAC orders, and social outcomes on completion of IAC orders – such as stable accommodation, and drug and alcohol use.

- **Targeting** – tighter prescription of eligibility requirements for IAC would ensure that the most suitable offenders who would most benefit from IAC were targeted, and that sentences were not up-tariffed to IAC.
- **Communication** – managing partner expectations was important, particularly with the police. Co-location facilitated effective partnership working. Opportunities should be explored to engage with local communities and increase confidence in community sentences.
- **Understanding and distinctiveness of the IAC order** – the IAC order should be promoted more effectively as a distinct sentencing option and all court stakeholders need to understand the aims and criteria of the order if it is to establish itself as a credible alternative to custody.
- **Pre-Sentence Reports** – sentencers described PSRs as their primary tool for informing sentencing. PSR writers reported that the complexity of the IAC order required a level of assessment and ‘context setting’ that was difficult within the confines of a Fast Delivery Report (FDR), so standard delivery reports were needed.
- **Compliance and enforcement** – the processes for review and judgements on compliance and enforcement should be formalised, while also leaving flexibility for an appropriate level of individual discretion.
- **Mentoring** – the findings indicate that mentoring can make an important contribution to compliance and support where this is effectively managed.
- **Links between IAC and Integrated Offender Management (IOM)** – these links should be explored, and the potential for transfer of practice and processes in the management of persistent offenders at risk of short-term custody should be assessed.

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