Response to consultation on changes to proven reoffending statistics
England and Wales

Ministry of Justice

28 April 2016

Contents

1. Introduction

In "Transforming Rehabilitation: A Strategy for Reform", published in 2013, plans were set out to introduce a new system for the management and rehabilitation of offenders in the community across England and Wales.

The programme, which was fully implemented in February 2015 aims to bring down reoffending rates while continuing to protect the public.

From 30 July 2015 to 30 October 2015, the Ministry of Justice ran a consultation on changes to the proven reoffending statistical publication.

The key change that was proposed was to align the existing reoffending measure with those measures necessary for assessing progress against the rehabilitation reforms.

The consultation set out the following key proposals:

1. To extend the existing reoffending quarterly publication of headline statistical information on adult and juvenile reoffending with one that will include

   - reoffending outcomes for the payment by results (PbR) element of the reforms, split by relevant cohorts and Community Rehabilitation Companies (CRCs); and

   - reoffending outcomes for the National Probation Service (NPS), split by relevant cohorts and the seven NPS divisions;

2. Three month cohorts for all measures of reoffending including for juveniles, which will then align with the adult PbR element of the reforms.

3. To replace the 'adjusted to baseline' reoffending rates previously available in the proven reoffending bulletin with OGRS4/G (Offender Group Reconviction Scale); and

4. To produce interim PbR figures, this will help to address the information gap created by switching to three month cohorts for reporting reoffending and will allow CRCs' progress to be assessed at the earliest opportunity.

Users' views were invited on these proposed changes and 19 responses to the consultation were received.

This document provides feedback on the comments received and clarifies the changes to future publications of proven reoffending statistics that are planned in response to those comments.

If you have any feedback, questions or requests for further information about this statistical consultation response, please direct them to statistics.enquiries@justice.gsi.gov.uk.

2. Summary of changes

The key change that was proposed was to align the existing reoffending measure with those measures necessary for assessing progress against the rehabilitation reforms. Other proposals were around how this change would be supported.

	Proposal	Post consultation position
1	**To change to three month cohorts to measure all reoffending and the creation of annual cohorts, combining the preceding quarterly cohorts, to permit geographical breakdowns at LA level.**	Proven reoffending measures will be published using the proposed 3 month cohorts. In response to user feedback we will also publish average reoffending rates which will be formed by taking a weighted average of the four preceding 3 month offender cohorts on a quarterly basis. This will enable local rates to be monitored on a quarterly basis.
2	**To use OGRS4/G for all offender groups for assessing the likelihood of reoffending including juvenile offenders.**	Respondents were concerned about the suitability of using OGRS4/G for juveniles. As a result OGRS4/G will be used for adult cohorts only; for juvenile cohorts the Youth Offender Group Reconviction Scale (YOGRS) will be used.
3	**To provide 'interim estimates' for publication as management information until headline results become available.**	We will provide 'interim estimates' by counting any proven reoffending to date as recorded on MoJ's PNC data extract.
4	**A new outline structure for the bulletin including reoffending splits by CRCs and the NPS divisions.**	The new outline structure will be adopted. In addition to this we will publish average reoffending rates to enable local rates to be monitored on a quarterly basis (see proposal 1).
5	**To remove existing tables and increase the use of pivot tables and CSV files (with appropriate disclosure measures) for additional breakdowns of reoffending data.**	Some tables will be replaced by pivot tables and CSV files. We have made some of these changes with the existing reoffending publication from October 2015.
6	**To include some statistics which show little quarterly change, for example long term reoffending rates, in an annual publication?**	We will publish some additional analysis on proven reoffending in the annual publication. In addition to this we will publish average reoffending rates to enable local rates to be monitored on a quarterly basis (see proposal 1).

3. Summary of responses

19 responses were received in response to the consultation and there was a wide range of respondents. These included Police, Charities, NPS, CRCs, Youth Offender Teams (YOTs), Local Authorities, Youth Justice Board, internal Ministry of Justice, Mayor of London, Office for Policing and Crime and HMI Probation. A full list of those that responded can be found at Annex A.

The majority of respondents used the questionnaire but a few respondents preferred the format of a free letter. Of those who responded to the consultation, the vast majority supported the proposals.

Below is a summary of the main comments received.

Proposal 1: Do users agree with changing to three month cohorts to measure all reoffending (not just PbR outcomes) and the creation of annual cohorts, combining the preceding quarterly cohorts, to permit geographical breakdowns at LA level including those used by the Youth Justice Board (YJB) for Youth Offending Teams (YOTs)

From the comments provided there was general agreement with changing to a three month cohort.

Some respondents expressed concerns at the loss of geographical information on a quarterly basis as this was vital to manage reoffending at a local level. There was some concern that there would also be a loss of comparability as there would be a break in the series where the measure changed.

One respondent was concerned that the measure would be to bias towards prolific offenders. Another respondent expressed concerns that measures such as previous offences per offender and serious reoffending may be lost; proposing that two different sets of reoffending measures should be produced for adults and young people.

Respondents expressed interest on longer term reoffending rates (for example 2, 5 and 9 year proven reoffending rates). It is foreseen that these will be published on an ad-hoc basis.

Proposal 2: Are users content with the use of OGRS4 for all offender groups for assessing the likelihood of reoffending?

The majority of respondents welcomed the inclusion of the use of OGRS4 but there would need to be appropriate explanation of the measure and its comparison to OGRS3 at the time of introduction.

There was concern of the suitability of using OGRS4 for juveniles. Respondents suggested alternative measures such as YOGRS or asset plus as more appropriate measures for assessing the likelihood of youth reoffending.

One user opposed as they wanted to use OGRS3.

Proposal 3: Does the proposal for providing 'interim estimates' for publication as management information until headline results become available, cover users' needs?

Users supported the proposed move to provide 'interim estimates' by counting any proven reoffending to date as recorded on MoJ's PNC data extract.

Respondents also expressed interest in receiving these estimates for different follow-up periods, an estimate of the accuracy of these results and inclusion of different breakdowns, such as by local authority area and CRC owner.

A few respondents requested offender level data for offenders they manage.

One respondent objected to providing 'interim estimates' as had concerns that the information would be misleading.

Proposal 4: Do users support the outline structure for the bulletin including reoffending splits by CRCs and the NPS divisions?

Users supported the outline structure.

However, over half of the respondents were concerned about the loss of geographical information on a quarterly basis as these data are used to manage reoffending at a local level. They would require reoffending information broken down by local authority area and youth offending team on a quarterly basis as well.

Other geographical breakdowns were also requested; one respondent requested the data be broken down by Community Safety Partnerships and another requested that the information be broken down by Crime and Disorder Partnership level, ward and police beat level.

A few respondents requested information for all prisons and not just for 'resettlement' prisons.

Two respondents were concerned over the counting of offenders managed by NPS or CRCs.

Proposal 5: Are users content with the proposed removal of existing tables and the use of pivot tables and CSV files (with appropriate disclosure measures) for additional breakdowns of reoffending data?

Users supported the proposed move to CSVs and pivot tables with several commenting that they required offender level detail for management of offenders.

Proposal 6: Are users content with including certain statistics which show little quarterly change, for example long term reoffending rates for inclusion in an annual publication?

Generally respondents agreed with this proposal. One respondent did express concerns as even if trends show little change, this information will still help inform them about their activities and what they should or should not be doing. There was also concern that, if only high level data were reported on, too much detail would be lost as although national statistics may not show any change, locally they may.

Respondents requested quarterly geographical information be available.

4. Changes to proven reoffending measure

The quarterly publication from October 2017 onwards will provide proven reoffending statistics for adult and juvenile offenders who were released from custody, received a non-custodial conviction at court, or received a caution within a three month period (e.g. 1 October 2015 to 31 December 2015). All statistics will be provided for both adult and juvenile (under 18) offenders.

4.1 Measuring proven reoffending

A proven reoffence, for all offenders, is defined as any offence committed in a one year follow-up period that leads to a court conviction or caution in the one year follow-up or within a further six month waiting period to allow the offence to be proven in court as shown in the diagram below.
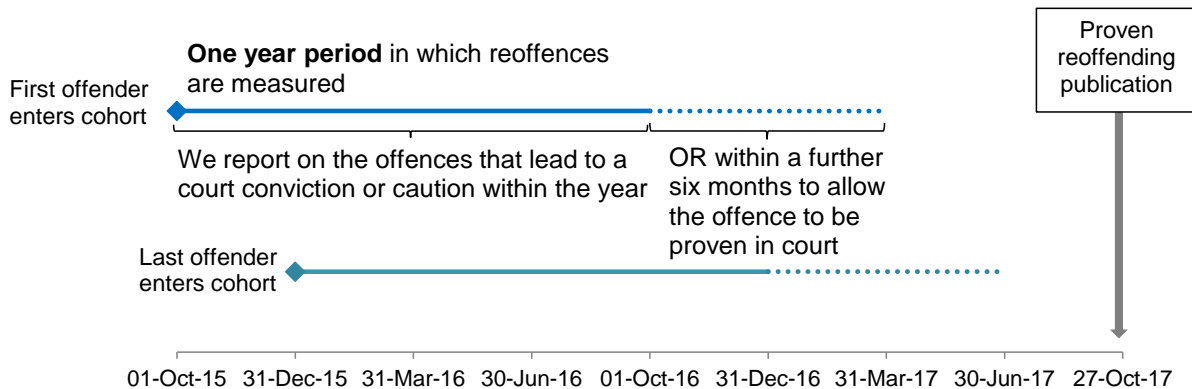
An offender enters the cohort if they are released from custody, received a non-custodial conviction at court, or received a caution in the period October 2015 to December 2015.

Information regarding the proven reoffending behaviour of offenders will be compiled using the Ministry of Justice's extract from the Police National Computer (PNC), probation data from the nDelius system managed by the National Offender Management Service (NOMS) and data from the eAsset system managed by the Youth Justice Board (YJB).
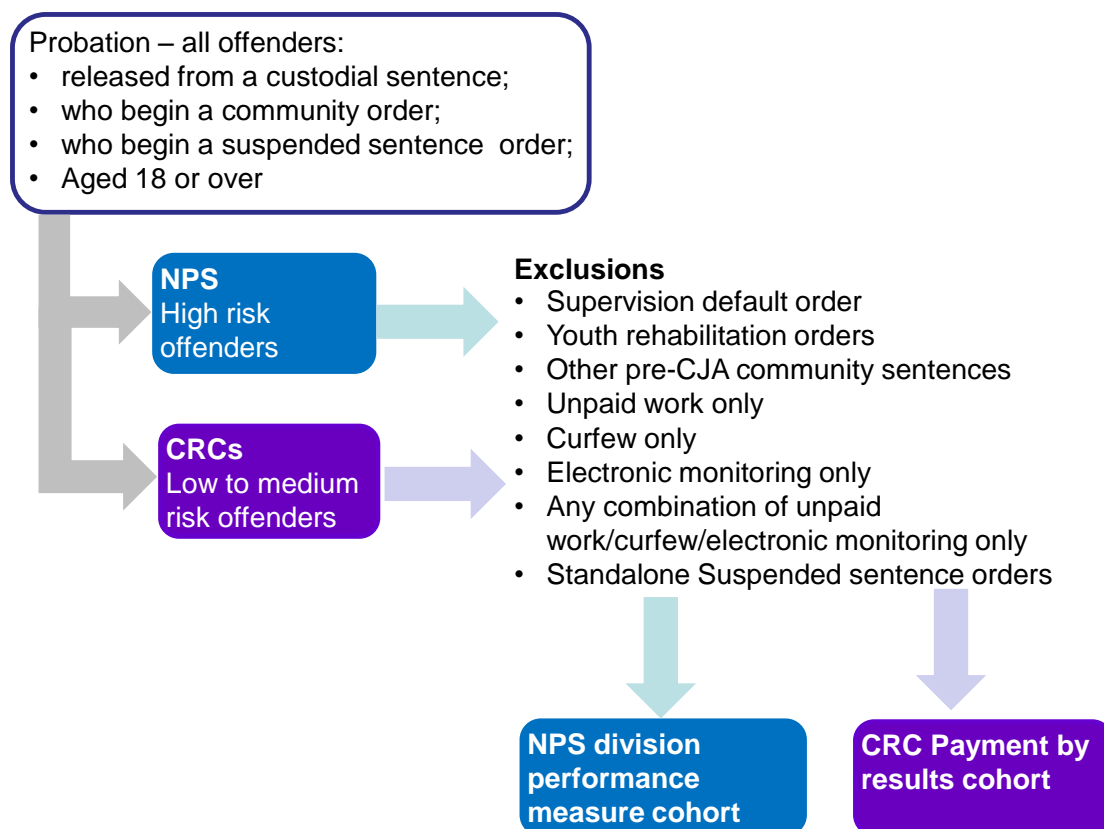
The definitions and measurements document that is published alongside proven reoffending quarterly statistics provides further information about the data sources mentioned above and it will be updated when interim results are published in October 2016 and the new publication is implemented in October 2017 to reflect any changes in methodology.

4.2 Payment by results and National Probation Service proven reoffending performance measure

The Transforming Rehabilitation reforms included opening up the probation service to a diverse range of rehabilitation providers from the private, voluntary and social sectors through 21 Community Rehabilitation Companies (CRCs) and creating a new public sector National Probation Service (NPS), to manage high risk offenders.

A Payment by Results (PbR) approach was adopted for the 21 CRCs to develop and implement effective ways of rehabilitating offenders and rewarding providers that devise and deliver the most effective rehabilitation programmes.

Offenders are only included in a CRC's PbR cohort the first time they commence an eligible sentence (see below for exclusions) in the three month period. The same methodology will be used for each NPS division's proven reoffending performance measure.

Probation – all offenders:
- released from a custodial sentence;
- who begin a community order;
- who begin a suspended sentence order;
- Aged 18 or over

NPS
High risk offenders

CRCs
Low to medium risk offenders

Exclusions
- Supervision default order
- Youth rehabilitation orders
- Other pre-CJA community sentences
- Unpaid work only
- Curfew only
- Electronic monitoring only
- Any combination of unpaid work/curfew/electronic monitoring only
- Standalone Suspended sentence orders

NPS division performance measure cohort

CRC Payment by results cohort

Payment by Results for the binary rate (proportion of offenders who reoffend) and frequency rate (average number of reoffences per reoffender) will be assessed for each CRC against a baseline year of 2011[1]. Using the same methodology as the 2011 baselines, 2012 and 2013 binary and frequency rate estimates will be produced. A time series of PbR binary and frequency rates estimates from 2005 to 2013 will be published prior to the October 2017 publication.

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[1] PbR is paid for the achievement of statistically significant reductions in reoffending against the baseline year of 2011 as set out in Transforming Rehabilitation Contracts with CRCs.

4.3 Offender cohort breakdowns

As well as PbR and the National Probation Service reoffending performance measure, key statistics will be provided for the following measures:

The headline measure - An offender is included in the cohort the first time they are released from custody, convicted at court with a non-custodial sentence or receive a caution within the three month period.

Index disposal (sentence type) - An offender is included in an index disposal cohort (e.g. custody, caution, court order etc.) the first time they receive that disposal within the three month period.

National Probation Service (NPS)/Community Rehabilitation Companies (CRC) - An offender is included in an NPS division or a CRC's offender cohort the first time they are managed by that entity within the three month period.

Prison - An offender is included in a prison's offender cohort the first time they are released from that prison within the three month period.

4.4 Three month offender cohorts

The current proven reoffending statistics publication reports on offenders who are released from custody, received a non-custodial conviction at court, or received a caution within a 12 month period. The new proven reoffending statistics publication will report on adult and juvenile offenders who are released from custody, received a non-custodial conviction at court, or received a caution within a 3 month period, which will then align with the adult Payment by Results element of the transforming rehabilitation reforms.

A proven reoffence, for all offenders, will continue to be defined as any offence committed in a one year follow-up period that leads to a court conviction or caution in the one year follow-up or within a further six month waiting period to allow the offence to be proven in court.

The impact of changing from 12 month offender cohorts to 3 month offender cohorts is that there will be a greater proportion of prolific offenders and hence higher reoffending rates when compared to the current measure of reoffending. On a financial year basis, annual average reoffending rates will be formed by taking a weighted average of the four preceding 3 month offender cohorts.

A comparison of the current measure and the new measure for April 2013 to March 2014 is presented below. It has been included to provide an indication of the impact of changing the cohort, and the figures presented may not exactly match those in any future publication. The new reoffending rate is around 4-5 percentage points higher for both adult and juvenile offenders than the current proven reoffending rate.

Proportion of adult and juvenile offenders who reoffend in the current measure and new measure: April 2013 to March 2014 quarterly and annual data

	New: 3 month cohort				New: Annual average cohort	Current: 12 month cohort
	Apr-Jun 2013	Jul-Sep 2013	Oct-Dec 2013	Jan-Mar 2014	Apr 2013- Mar 2014	Apr 2013- Mar 2014
Adult offenders						
Proportion of offenders who reoffend (%)	**30.6**	**30.4**	**29.5**	**29.4**	**30.0**	**25.2**
Average number of reoffences per reoffender	3.58	3.54	3.57	3.62	3.58	3.12
Number of reoffences	148,522	149,562	143,403	145,224	586,711	367,605
Number of reoffenders	41,489	42,216	40,114	40,143	163,962	117,864
Number of offenders in cohort	135,480	138,676	135,827	136,558	546,541	468,134
Juvenile offenders						
Proportion of offenders who reoffend (%)	**42.9**	**42.6**	**42.6**	**43.5**	**42.9**	**38.0**
Average number of reoffences per reoffender	3.36	3.37	3.46	3.46	3.41	3.12
Number of reoffences	19,380	19,514	19,093	18,568	76,555	50,184
Number of reoffenders	5,772	5,790	5,518	5,364	22,444	16,083
Number of offenders in cohort	13,443	13,600	12,943	12,321	52,307	42,299
All offenders						
Proportion of offenders who reoffend (%)	**31.7**	**31.5**	**30.7**	**30.6**	**31.1**	**26.2**
Average number of reoffences per reoffender	3.55	3.52	3.56	3.60	3.56	3.12
Number of reoffences	167,902	169,076	162,496	163,792	663,266	417,789
Number of reoffenders	47,261	48,006	45,632	45,507	186,406	133,947
Number of offenders in cohort	148,923	152,276	148,770	148,879	598,848	510,433

Users should refer to supporting consultation Excel tables to see a time series of the 3 month cohorts.

4.5 Historical data and geographical breakdowns

Proven reoffending rates for the annual and quarterly cohorts will be provided at the national level back to 2000 to ensure trends are available on the same time series as the current measure, and since this is the earliest date from which the data can be reliably produced. Data are not available for 2001 due to a problem with archived data on Court Orders.

The three month cohorts limit the scope for geographical breakdowns owing to the smaller number of offenders. We had originally proposed only providing geographical breakdowns on an annual basis. There was, however, high user demand for these statistics on a quarterly basis. Therefore, on a quarterly basis we will publish average reoffending rates which will be formed by taking a weighted average of the four preceding 3 month offender cohorts. This will enable local rates to be monitored on a quarterly basis.

We will provide local-level breakdowns of this data back to 2005 to provide a trend for local areas. Data will not be provided at local level further back than 2005, reflecting both concerns over quality of postcode information and the resources required to produce this additional data.

4.6 OGRS4/G and YOGRS – adult and juvenile likelihood of reoffending

As proven reoffending is related to the characteristics of offenders, the actual rate of proven reoffending will depend, in part, on the characteristics of offenders coming into the system. This actual rate provides users with sufficient information on what the level of reoffending is (e.g. in their local area) and how it is changing over time.

In addition to the actual rate, we will use the OGRS4/G (Offender Group Reconviction Scale) score to control for some differences in offender characteristics across different offender groups. OGRS4/G is based on a well-established, peer-reviewed methodology for assessing and representing reoffending risk.

OGRS4/G uses age, gender and criminal history to assess the reoffending risk of a given group of offenders by producing a score between 0 and 1. These scores can be used to compare the relative likelihood of reoffending either over time or between different groups of offenders, with a higher rate meaning a group of offenders who are more likely to reoffend. Reoffending rates (excluding frequency measures) will be adjusted by using OGRS4/G, to take account of the influence that differences in offender mix can have on binary reoffending rates. OGRS4/G adjusted rates will be used to determine PbR outcomes.

The OGRS4/G adjusted reoffending rate for a given CRC cohort will be calculated as the observed reoffending rate for that cohort plus any difference between the OGRS4/G score in that cohort and the 2011 CRC baseline cohort. This calculation standardises the mix of offenders in each cohort of a given CRC to the 2011 mix for that same CRC. A similar approach will be used for other offender groups (for example, Local Authority).

OGRS4/G is a model specifically developed for adult offenders and after consideration of responses to this consultation, OGRS4/G will not be provided for juvenile offenders. We will instead use the Youth Offender Group Reconviction Scale (YOGRS) to produce an adjusted reoffending rate for juveniles. YOGRS is based on a similar methodology to OGRS4/G but has some adjustments for younger age groups, its application to our data is in development. Any substantial changes to OGRS4/G or YOGRS will be published in the accompanying measurements and definitions document.

How to interpret OGRS4/G and YOGRS

In the example below we would say that the proven reoffending rate in CPA A has increased by 1 percentage point from 2011. However, when controlling for changes in offender characteristics, the proven reoffending rate fell by 1 percentage point since 2011.

OGRS4/G adjusted binary rate example

CPA A	Baseline 2011	Cohort period (e.g. Oct-Dec 2015)	Difference
OGRS4/G	53%	55%	2pp
Proportion of offenders who reoffend (%)	56%	57%	1pp
OGRS4/G adjusted reoffending rate	**56%**	**55%**	**-1pp**

4.7 Interim results

One year proven reoffending statistics for PbR will not be available until October 2017; we will produce interim PbR figures from October 2016. This will help to address the information gap created by switching to three month cohorts for reporting reoffending and allows CRCs' progress to be assessed at the earliest opportunity. We will also produce the equivalent interim figures for the NPS divisions.
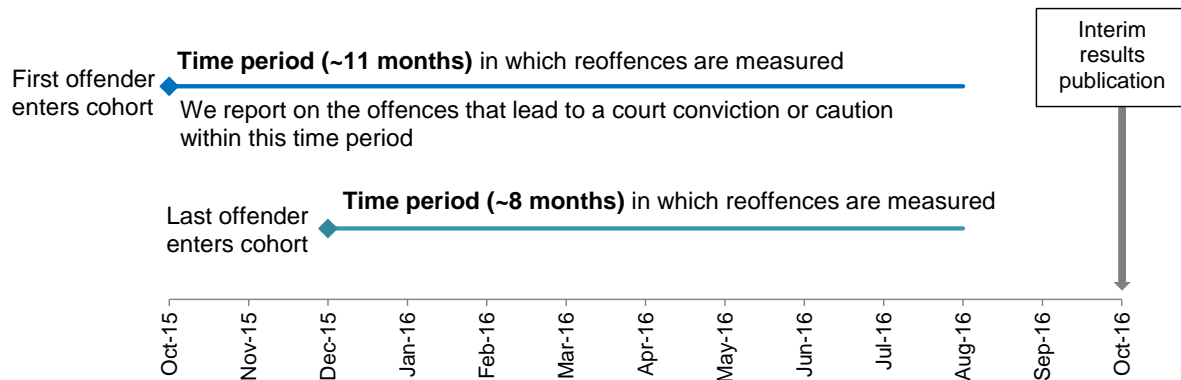
An offender enters the cohort if they are released from custody, received a non-custodial conviction at court, or received a caution in the period October 2015 to December 2015.

Users supported the proposed move to provide 'interim estimates' by counting any proven reoffending to date as recorded on MoJ's PNC data extract instead of measuring reoffending with a defined follow-up and waiting period. Some offenders in the three month cohort will have a longer follow-up period in which to reoffend. Despite this difference, its key advantage is to provide users with a more accurate picture of reoffending to date.

For this very reason we will use the 'reoffending to date' measure to produce interim reoffending information. While this does not represent real time management information, which CRCs might be able to procure themselves through local police force arrangements, it will provide our best indication of progress to date for both CRCs and NPS divisions. We will publish this as management information.

This addresses the desire of users, including the CRCs and the NPS divisions, to have early indicators of progress in an accessible format. CRC's are not obliged to share the real time reoffending information they collect so this management information will address this information gap until headline results are published. These estimates, however, will only give an indication of progress and, therefore, care should be taken when interpreting them.

Alongside the current proven reoffending tables, early estimates of proven reoffending for young offenders by Youth Offending Teams (YOTs) are published as management information. This provides an earlier indication of proven reoffending trends for young offenders. Following the publication of this consultation response they will be discontinued, but will be replaced by interim results as described above by YOTs in the future.

4.8 Publication outline

The existing adult and juvenile reoffending statistics will continue in their current form until the reoffending outcomes for the first Payment by Results cohort become available in October 2017.

The proven reoffending publication from October 2017 will provide proven reoffending statistics by:
- offender characteristics (e.g. gender, age group, ethnic group, index offence)
- type of reoffence (e.g. Violence Against Person, Burglary)
- index disposal (sentence type)
- individual prisons
- local authority
- Community Safety Partnerships
- Youth Offending Teams

The publication will include an additional chapter on CRC Payment by Results and NPS division proven reoffending performance measure.

For all offender cohorts the following reoffending measures will be published:
- The proportion of offenders who reoffend
- The average number of reoffences per reoffender
- Average OGRS4/G score for adults and average YOGRS for juveniles
- OGRS4/G adjusted reoffending rate for adults and YOGRS adjusted reoffending rate for juveniles

These will be published alongside these supporting values:
- Number of offenders
- Number of reoffenders
- Number of reoffences

The number of reoffenders, reoffences and previous offences based on less than five offenders will be suppressed. This is to prevent the disclosure of individual information.

From October 2016 interim results as described in section 2.7 will form part of the quarterly statistics. The October 2017 publication will include a summary on the differences in methodology from those presented in the previous publication.

Proven reoffending statistics will be published in a set of Excel tables which provide key statistics, and data tools (pivot tables and CSVs) which provide more detailed breakdowns. We have made these changes with the existing reoffending publication from October 2015 onwards so users will be familiar with this format.

On an annual basis from January 2018, further analysis on proven reoffending statistics in emerging areas of interest will be published, for example, long term reoffending rates as described below and additional analysis on Serious Further Offences (SFOs). This will provide users with the opportunity to comment on plans for future reoffending analysis.

In the headline measure a proven reoffence is defined as any offence committed in a one year follow-up period that leads to a court conviction or caution in the one year follow-up or within a further six month waiting period to allow the offence to be proven in court. Long term reoffending rates would be where reoffending is measured over a longer follow-up period (e.g. two years, five years).

4.9 Publication timetable

Publication date	One year reoffending rate Quarterly cohort	One year reoffending rate Annual average	Interim reoffending rate Quarterly cohort
Oct-16	-	-	Oct15-Dec15
Jan-17	-	-	Jan16-Mar16
Apr-17	-	-	Apr16-Jun16
Jul-17	-	-	Jul16-Sep16
Oct-17	Oct15-Dec15	-	Oct16-Dec16
Jan-18	Jan16-Mar16	Apr15-Mar16	Jan17-Mar17
Apr-18	Apr16-Jun16	-	Apr16-Jun17
Jul-18	Jul16-Sep16	-	Jul16-Sep17
Oct-18	Oct16-Dec16	-	Oct16-Dec17

Annex A: List of respondents

The list of respondents who gave details consisted of the following organisations:

- South Yorkshire Police

- Merseyside Criminal Justice Board (MCJB)

- Prison Reform Trust

- Barnsley Council

- Youth Justice Board

- Wales CRC

- Midlands NPS

- Kent, Surrey and Sussex CRC

- Reducing Reoffending Partnership (Derbyshire, Nottinghamshire, Leicestershire and Rutland Community Rehabilitation Company and Staffordshire and West Midlands Community Rehabilitation Company).

- Interserve Justice / Purple Futures

- False Allegation Support Organisation

- The Bristol, Gloucestershire, Somerset and Wiltshire CRC

- Dudley's Community Safety Partnership – on behalf of Safe & Sound (Dudley's Community Safety Partnership). Members includes West Midlands Police, West Midlands Fire and Rescue Service, Dudley CCG, Staffordshire and West Midlands CRC, Staffordshire and West Midlands NPS, Dudley MBC and a number of partners from the Community and Voluntary Sector.

- NPS Development and Business Change, Performance and Quality team

- MoJ Reducing Reoffending Analytical Programme

- County Durham Youth Offending Service

- The Solihull Partnership

- MOPAC – Mayor of London, Office for Policing and Crime

- HMI Probation

Contact points

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General information about the official statistics system of the United Kingdom is available from http://statisticsauthority.gov.uk/about-the-authority/uk-statistical-system

Alternative formats are available on request from statistics.enquiries@justice.gsi.gov.uk.