Ministry
of Justice

Implementation of Community Orders
Results from the Offender Manager Community Cohort Study

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Disclaimer

Acknowledgements

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1.   Summary

This report uses the Ministry of Justice's (MoJ) Offender Management Community Cohort Study (OMCCS), a longitudinal cohort study of adult offenders who started Community Orders between October 2009 and December 2010. The report describes how Community Orders were implemented by exploring the way sentences were delivered and how this varied for different types of offender. The report also looks at offenders' compliance with their sentence. The findings from this report will be useful in the development of policy and practice of Community Orders and supervision in the community.

1.1   Background

Community Orders, for offenders aged 18 and over, were introduced in their current form in 2005 in England and Wales to enable Judges and Magistrates to tailor sentences according to the particular nature of the offence and the offender.[1] Sentencing decisions are guided by the five purposes of sentencing, namely: the punishment of offenders; the reduction of crime; the reform and rehabilitation of offenders; the protection of the public; and the making of reparation (Criminal Justice Act, 2003; Sentencing Council, 2011).

The management of Community Orders follows the National Offender Management Model (NOMM). The NOMM is an 'end-to-end' process of offender management, which seeks to ensure the requirements of a sentence are delivered to address the offender's criminogenic needs. Key aspects of the role of Offender Manager are to implement the requirements of the sentence, monitor compliance of the offender, take enforcement action and assess the risk of harm that offenders may present (National Offender Management Service (NOMS), 2006.The NOMM requires that the offender is involved in the planning and implementation of the sentence, and that open relationships are developed between the offender and the Offender Manager.

The Government is making changes to the way offenders are managed in the community, including offenders on Community Orders, to reduce reoffending. The Crime and Courts Act 2013 has brought into legislative effect proposals to ensure that every Community Order includes an element of punishment. Proposals have been made to reform the provision of services in the community by opening up the market to a diverse range of new rehabilitation

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[1]   Criminal Justice Act 2003, s177.

providers, incentivised through payment by results to reduce reoffending.[2] Under these proposals, a minimum of 12 months' supervision will be extended to nearly all those leaving custody, including those who receive a sentence length of less than two years. Under this approach a new, public sector National Probation Service will be created, which will carry out risk assessments of all offenders and have responsibility for directly managing offenders who pose a high risk of serious harm to the public. Market-owned Community Rehabilitation Companies will manage low and medium risk offenders who are allocated to them. Against this background, evidence on the implementation of Community Orders will provide a useful insight.

1.2   Approach

The OMCCS aims to provide insight into the application and outcomes of Community Orders; it examines how Community Orders operate, and their effectiveness. The study uses a dataset based on a cohort of offenders given these sentences between October 2009 and December 2010, drawing on three sources:

- A longitudinal survey of a representative sample of 2,919 offenders.
- Central administrative records for all those offenders starting a Community Order during the period (144,407 offenders).[3]
- Local administrative records from the ten Probation Trusts selected for the survey (covering 50,935 offenders).

The analysis in this report concentrates on those offenders who responded to the first and a subsequent OMCCS survey (1,640 offenders out of 2,919 offenders surveyed). The survey excluded offenders on NOMS Management Tier 1[4] as they had minimal levels of interventions in their sentence; therefore the analysis in this report is restricted to offenders on Tiers 2 to 4.

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[2]   See *Transforming Rehabilitation*: *A revolution in the way we manage offenders* (MoJ, 2013a) and the response to the consultation (MoJ, 2013b).

[3]   The first iteration of the dataset included 144,388 offenders; this was later updated and a further 19 commencements were added.

[4]   A system of 'tiering' of offenders is used to identify levels of resource to be directed towards offenders. Offenders are assigned to one of four 'tiers' during their management by the National Offender Management Service (NOMS); Tier 1 is the lowest level. As the tier increases there is an increase in risk, the needs of the offender, demands of the sentence and the level of resource needed to manage them.

1.3   Key findings

Offenders' sentence requirements

- Eighty-nine per cent of offenders in the survey cohort had a supervision requirement. Other common requirements were unpaid work (31%) and accredited programmes (22%).[5]

- Sentence requirements were associated with offenders' risk of reoffending and risk of serious harm. For example, the Drug Rehabilitation Requirement (DRR) was used more often with offenders with a high or very high risk of reoffending and at low risk of serious harm.

- Eighty-one different combinations of requirements were found in the survey cohort, suggesting a substantial level of variation; this may reflect a high degree of tailoring of the Community Order by Judges and Magistrates to meet the purposes of sentencing and the needs of the offender.

When requirements started

- Requirements generally started early in the sentence, except the accredited programme and the specified activity requirements; this is in line with the National Standards.[6]

- Delays in starting requirements were not common, and they tended to reflect a lack of places (one-quarter said they were waiting for a place to become available) or an administrative hold-up (17%).

Delivery of requirements

Supervision

- The supervision requirement was generally delivered according to the National Standards;[7] for example there were a higher number of supervision contacts for offenders on higher tiers.

- The mean number of contacts arranged in the first four months of the sentence ranged from 12 for Tier 2 offenders to 18 for Tier 4 offenders. The number of contacts attended also varied by tier; Tier 2 offenders attended ten contacts

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[5]   A list of all requirements can be found in Appendix B.
[6]   National Standards, set by NOMS, dictate how offenders should be managed on a daily basis, for example by detailing the timescale for completion of risk of serious harm assessments and commencement of Community Order requirements following sentencing. See MoJ (2007) for more information. More flexible standards have since been implemented, which enable more discretion by the Offender Manager but did not apply to implementation during the OMCCS.
[7]   The 2007 National Standards applied at the time of the study (Ministry of Justice, 2007).

whereas Tier 4 offenders attended 16 contacts. The number of arranged and attended contacts did not vary by risk of reoffending.

- Offenders reported discussing more topics with their Offender Manager in the first months of their sentence than in later months.

Curfew and unpaid work

- Curfew and unpaid work requirements are generally considered to be more punitive than rehabilitative, but they can also promote the rehabilitation of offenders.

- Sixty-nine per cent of offenders with a curfew requirement agreed that it would make them less likely to commit crime.

- Offenders with an unpaid work requirement who said they were listened to when the Offender Manager decided when the unpaid work would take place were more likely to say that it benefited the community and that the requirement had made them less likely to commit crime.

Treatment requirements

- The treatment requirements used were the DRR (15%), the Alcohol Treatment Requirement (ATR) (10%) and the Mental Health Treatment Requirement (MHTR) (1%).

- Nearly all of the offenders said they had clear goals set for the treatment (99 % of those with a DRR and 95 % of those with an ATR).

- Offenders with an ATR were less likely to think that the requirement would influence their offending behaviour than offenders with a DRR; for example three-quarters of offenders with a DRR said they needed the treatment to stop taking drugs, while just over half of those offenders with an ATR (53%) said they needed the treatment to stop drinking.

Accredited programmes

- An accredited programme is a series of activities undertaken with an offender to reduce his or her reoffending. Different types of programmes were used depending on the individual's characteristics – for example the type of offence that they had committed.

- Of those offenders who started an accredited programme, 69 per cent completed the programme.

- There were no differences in the percentage of those offenders who completed accredited programmes by tier, risk of reoffending, risk of serious harm, sentence length or sentence type.

- The majority of offenders found their programmes useful, for example 81 per cent of those on a programme aimed at avoiding reoffending found it 'very' or 'fairly' useful.

Completion and compliance

- The majority of offenders (79%) completed their Community Order in a positive way: 70 per cent completed their requirements and served the length of sentence imposed and 9 per cent completed their sentence early due to good progress.

- The overall breach rate[8] was 18 per cent. Breach was related to risk of reoffending, with 10 per cent of those at low risk of reoffending breaching compared with 28 per cent of those at very high risk.

- Ten per cent of offenders breached their Community Order and were ordered to continue the Community Order. Offenders with short sentences were more likely to be breached and ordered to continue than offenders with longer sentences.

1.4   Conclusion

This report found that a wide range of combinations of sentence requirements were used by sentencers to achieve the purposes of sentencing and there was some tailoring of sentence requirements to offenders. There was evidence that Community Orders were delivered in a manner that was consistent with the NOMM, with offenders reporting that the more punitive requirements started first while the accredited programmes began later. In addition, there was encouraging evidence of effective communication between the Offender Manager and the offender and that the Offender Managers formed positive relationships with offenders. This type of good delivery is recognised as important in supporting compliance and reducing reoffending (Dowden and Andrews, 2004; Trotter, 1996).

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[8]   See Appendix C for details of how breach was measured. There are a number of limitations to the breach data and the findings should be interpreted with caution.

2.   Introduction

This report presents findings from the Ministry of Justice's (MoJ) Offender Management Community Cohort Study (OMCCS), a longitudinal cohort study of adult offenders who started Community Orders between October 2009 and December 2010. It aims to describe how Community Orders were implemented, by assessing the way sentences were delivered, and how this varied for different types of offenders. The report considers the level of compliance with the Community Order and the number of offenders who breached their Community Order. The findings from this report will be useful in the development and delivery of Community Orders and supervision in the community.

Previous reports from the OMCCS have focused on assessment and sentence planning (Cattell *et al.,* 2013) and outcomes experienced by offenders on Community Orders, including investigating the levels of reoffending among this group (Wood *et al.,* 2013a).

2.1   Background

Community Orders

Community Orders for offenders aged 18 and over were introduced in their current form in 2005, in England and Wales, to enable Judges and Magistrates to tailor sentences according to the particular nature of the offence and the offender. At the time the OMCCS was carried out, Community Orders comprised a 'menu' of 12 possible requirements: supervision; accredited programmes; drug rehabilitation; alcohol treatment; mental health treatment; specified activity; attendance centre; residence requirement; prohibited activity; exclusion; curfew; and unpaid work.[9]

These requirements can be combined to deliver any of the statutory purposes of sentencing as set out in the Criminal Justice Act 2003: the punishment of offenders; reduction in crime (including its reduction by deterrence); the reform and rehabilitation of offenders; protection of the public; and the making of reparation by offenders to victims. Individual requirements can meet one or more of the statutory purposes of sentencing. For example, unpaid work will impose an element of punishment on an offender, but may also have a reforming or

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[9]   At the time the OMCCS was carried out there were 12 requirements. This has been increased to 13 under the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012, with the introduction of a foreign travel prohibition requirement. Requirements that have been added to statute but not yet enacted are: the electronic location monitoring requirement (Crime and Courts Act 2013) and the alcohol abstinence and monitoring requirement (LASPO 2012). At the time of writing, only the foreign travel prohibition requirement had been commenced.

rehabilitative element if it gets them used to working. Similarly, the curfew may be considered to provide public protection as well as an element of punishment.

The type and number of requirements, as well as the sentence length (up to a maximum of 36 months), is decided upon by the court, and is tailored according to: the seriousness of the offence, the risk of serious harm, the risk of reoffending and the offender's individual circumstances (Sentencing Guidelines Council, 2004).

Implementing the Community Order

The management of the Community Order and its requirements follows the National Offender Management Model (NOMM), implemented in 2006. The NOMM is described as 'an end-to-end' process of offender management which seeks to ensure that the requirements of the sentence are delivered to address offenders' criminogenic needs.[10] The OMCCS report 'Assessment and Sentence Planning' (Cattell *et al.*, 2013) found that offenders were a diverse group with complex needs and that responding in a proportionate manner meant some needs had to be prioritised.

In implementing the Community Order the Offender Manager must ensure that individual requirements or interventions are delivered as a coherent whole and that offenders comply with their Community Orders. This should be done by establishing a team of people who are responsible for delivering the sentence and ensuring that the interventions and resources are available. Generally, the NOMM directs that punitive interventions should be implemented immediately. It also recommends that the offender's life is stabilised prior to implementing 'treatment' type requirements, suggesting that those types of requirements are implemented later in the sentence.

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[10] Needs that are associated with an individual's criminal behaviour and may be associated with their risk of reoffending (see Appendix A for more details).

The NOMM notes the importance of the offender's involvement in planning and implementing the sentence. Their engagement in this process should be as 'active collaborators' with the offender management team. The NOMM is also based on Core Correctional Practice that includes the 'firm, fair and clear use of authority' and the formation of 'warm, open and enthusiastic relationships'. Offender managers should also lead by example, modelling pro-social[11] and anti-criminal attitudes, teach concrete problem solving skills, and broker the use of community resources.

There has been significant development in theories of effective offender management in recent years. For example, the Risk-Need-Responsivity model (RNR) has been highly influential in guiding the risk assessment and treatment process (Bonta and Andrews, 2010) and 'desistance theory' emphasises the importance of the supportiveness of those around the offender and understanding what the offender wants from life (Maruna, 2010). Desistance theory further highlights the importance of adopting an individualised approach to working with offenders. The key tasks for those who carry out this work are to develop motivation, to encourage pro-social relationships between the offender and important people around them, to use strengths and resources, including those within the individual's social networks, and to develop bonds between the individual and wider society (Shapland *et al.,* 2012).

These developments are acknowledged in the 'NOMS Commissioning Intentions' documents (NOMS, 2012a and NOMS, 2012b) and the MoJ report 'Transforming Rehabilitation: A summary of evidence on reducing reoffending' (MoJ, 2013c), which outline the evidence on aspects of offender management, supervision and interventions that can reduce reoffending.

Compliance with the Community Order

Not all offenders comply with their Community Order and that makes implementation more difficult. Here too, the NOMM advocates an active role for the Offender Manager to provide a pro-social role model. The Offender Manager should encourage, motivate and support the offender to complete the Community Order while dealing with any difficulties that impede compliance.

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[11] If staff consistently model pro-social behaviour, there is an increased likelihood that offenders will adopt this behaviour in their own relationships and resolve problems and conflict without recourse to anti-social or criminal behaviour. There is also evidence that the consistent use of pro-social model techniques increases offenders' compliance with court orders and may reduce the likelihood of reoffending (NOMS, 2006).

There are a number of reasons why offenders do, or do not, comply with their Community Order. The risk of prison as a result of a breach may motivate some offenders to comply, often referred to as 'instrumental compliance' (Bottoms, 2001; Robinson and McNeill, 2010). Other offenders may have needs that were not identified or addressed by their initial sentence, such as drug misuse, and as a result of these needs their behaviour may lead to a breach (Mair and Mills, 2009). Others may choose not to comply. Other factors may affect compliance, such as having chaotic lifestyles, poor health or drug problems (Mair and Mills, 2009), and offering the most appropriate interventions in these circumstances is not always easy (National Audit Office, 2008). There is evidence that offenders who are more likely to comply have developed a positive relationship with their Offender Managers (Robinson and McNeill, 2008).

Recent policy developments

The Government plans to make changes to the way offenders are managed in the community, including offenders on Community Orders, to reduce reoffending (MoJ, 2012a). The MoJ consultation 'Punishment and Reform: Effective Community Sentences' (MoJ, 2012b) and the response to the consultation (MoJ, 2012c) proposed that every Community Order should include an element designed to fulfil the purpose of punishment. The Crime and Courts Act 2013 brought these proposals into legislative effect, introducing more punitive elements in Community Orders, such as longer unpaid work hours and longer curfews.

Proposals have been made to reform the provision of services in the community by opening up the market to a diverse range of new rehabilitation providers, incentivised through payment by results to reduce reoffending. Under these proposals, a minimum of 12 months' supervision will be extended to nearly all those leaving custody, including those who receive a sentence length of less than two years. Under this approach a new, public sector National Probation Service will be created, which will carry out risk assessments of all offenders and have responsibility for directly managing offenders who pose a high risk of serious harm to the public. Market-owned Community Rehabilitation Companies will manage low and medium risk offenders who are allocated to them. Against this backdrop, the findings from this report will be useful in the development of policy and delivery of Community Orders and supervision in the community.

2.2   Approach

The OMCCS follows a cohort of offenders who started Community Orders between October 2009 and December 2010 in England and Wales. The study provides insight into the application and outcomes of Community Orders; it looks at how Community Orders operate, and their effectiveness.

This report aims to describe how Community Orders were implemented by assessing the way sentences were delivered and how this varied for different types of offenders, and looking at affected offenders' compliance with their sentences. The way sentences are implemented has been shown to be important in the rehabilitation of offenders, with a positive relationship between the offender and Offender Manager, and quality supervision, case management and tailored approaches supporting and enabling rehabilitation (MoJ, 2013c). This report will provide evidence that can be used to develop practice in the implementation of sentences and supervision in the community.

Data sources

The study uses a dataset based on three sources:

1. A longitudinal survey of a representative sample of 2,919 offenders, drawn from ten Probation Trusts, that provides information on their perceptions and experiences of Community Orders. The first wave of the survey (Wave 1) was carried out around three months after the start of the offender's Community Order, with a subsequent survey (Wave 2) on average at seven months and a third survey following the expected end of the sentence (Wave 3). Those offenders who were classified as Tier 1 and who therefore had the lightest contact with NOMS were excluded from the survey.[12]

2. Central administrative records for all offenders starting a Community Order during the period (144,407 offenders) describing the sentence received, offences and the risks and needs of offenders as assessed by practitioners. This includes: Form 20 data that describe Community Order commencements and terminations; Offender Assessment System (OASys) data; containing details of the needs and risks with which the offenders present; and Integrated Accredited Programmes System (IAPS) data on offenders' attendance in accredited programmes.

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[12] Offenders are assigned to one of four 'tiers' during their management by the NOMS, based on a number of factors including their risk of reoffending, with the aim of directing appropriate resource towards them. Tier 1 is the lowest level, where the aim is largely punishment, whilst substantial management is required of Tier 4 offenders with the aim of controlling risk.

3. Local administrative records from the ten Probation Trusts selected for the survey (covering 50,935 offenders), which describe how offender management operates and how offenders complete or breach their sentences.

Individual offenders' records have been linked across these three sources to form a 'Universal Dataset'. Further details of the methodology can be found in Cattell *et al.* (2013) and in Wood *et al.* (2013b) and Wood and Hussey (2014).

This report uses all three sources of data and focuses on offenders who responded to one of the follow-up surveys (Wave 2 or Wave 3) which enabled a view of implementation several months into the sentence. A total of 1,640 offenders gave permission to link their survey response to the administrative data sources. Not all offenders who responded to the first survey took part in subsequent surveys, and the Wave 3 survey was stopped part way through due to concerns about high levels of attrition. The response rate for the Wave 1 survey was 44 per cent, 67 per cent responded at Wave 2 and at Wave 3 the response rate was 57 per cent. Attrition such as this is common in longitudinal surveys; however this may impact on how representative the later survey samples are compared with the original sample and the general population of offenders on Community Orders during the period. The data were weighted to take account of this and selection bias.[13] Further details on the Wave 2 and Wave 3 surveys are published in Wood and Hussey (2014).

Analysis

For some analysis in this report, the 'latest available' survey response is used; this is the Wave 3 survey response for those who were interviewed at this point, while the Wave 2 survey response is used for those who did not complete the Wave 3 survey.

The analysis presented in this report is based on offenders in Tier 2 or above and, therefore, the findings will be different from published administrative statistics on Community Orders.[14]

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[13] The fieldwork design for the three waves of the OMCCS accounted for different sentence lengths and early terminations of Community Orders. In addition the survey data have been weighted to the population profile of Tier 2–4 offenders beginning Community Orders in October 2009 to December 2010 (see Wood and Hussey, 2014 for further details).

[14] Those offenders who were classified as Tier 1 and who therefore had the lightest contact with NOMS were excluded from the survey. The Ministry of Justice decided to concentrate the resources of the survey on those with more than a minimal level of contact with NOMS. Tier 1 offenders generally had a lower risk of reoffending (as measured by OGRS) and would have little contact with Offender Managers.

The results are presented for all offenders and are then explored by a number of offender and sentence characteristics, such as: risk of reoffending, risk of serious harm, sentence length, offence type, age, and gender.

Figures and tables not included in the report are available as separate 'supplementary' tables, which can be found in a link on the same web page as this report.

Conventions

All analysis of the OMCCS survey data was conducted using weighted data. Unweighted bases (the number of offenders who answered each question) are shown in the tables and figures. Numbers of missing cases are not provided in tables.

Percentages within the tables may not sum to 100 per cent due to rounding. In some cases multiple responses to survey questions were possible and the tables will not sum to 100 per cent. This is noted in the footnotes to the table or figure.

Where the base is smaller than 30 the data were suppressed to prevent misleading findings. Suppressed figures appear as an asterisk (*).

All survey findings are subject to a margin of error. The findings from the OMCCS survey were tested at the 95 per cent confidence level, and only differences which were statistically significant at this level are referred to in the text, unless otherwise stated.

Several terms relating to offenders are used in this report, such as:

- Risk of Serious Harm: 'serious harm' is defined as 'a risk which is life threatening and/or traumatic and from which recovery, whether physical or psychological, can be expected to be difficult or impossible' (NOMS, 2009). This report uses four categories of risk of serious harm, which were labelled from 'low' to 'very high'.[15]

- Risk of reoffending: This report uses the five 'risk of reoffending' categories based on the Offender Group Reconviction Scale (OGRS), which are labelled from 'very low' to 'very high'.[16] OGRS uses static factors (such as age at sentence, gender, offence committed and criminal history) to predict the

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[15] Three per cent of offenders moved from the low/medium risk categories in to the high/very high risk categories
[16] OGRS3 categories: 0–24% (very low risk of reoffending); 25–49% (low risk of reoffending); 50–74% (medium risk of reoffending); 75-89% (high risk of reoffending); 90–100% (very high risk of reoffending). The OGRS measure can underestimate reoffending rates for offenders with certain offence categories such as domestic violence and sexual offences. See Appendix A for further details.

likelihood of proven reoffending within a given time (usually one or two years after starting their Community Order).[17]

- Tier: The NOMS National Offender Management Model identifies four broad modes of case management, known as tiers. Each tier prescribes a different approach, and operates in a cumulative way, starting with punish for Tier 1, adding help for Tier 2, then change for Tier 3 and finally control for Tier 4. A change in risk (both of reoffending and of harm) can result in a change of tier.

See Appendix A for a complete glossary of terms used in this report.

Limitations of data

There are some limitations to the data:

- The offenders were interviewed at different time points in each survey wave. The Wave 1 data were collected on average three months after the start of the sentence, the Wave 2 data were collected on average seven months after the start of the sentence; and Wave 3 data were collected when the Community Order ended. This means the analysis refers to different time points. As Wave 3 interviews were not completed for all offenders, some offenders will have had more opportunity to complete the requirements of their Community Order than others in the analysis. This can be overcome in the analysis by using information on dates (such as the start and end dates of requirements), where available, to standardise time frames and create measures such as 'started by six months into the sentence' rather than 'started by the Wave 2 interview'.

- The Wave 3 survey asked about compliance; but as that wave was not completed by all offenders the results in chapter 6 are only indicative.

- Although the overall sample in the OMCCS survey is large, the numbers of some subgroups are relatively small. For example, due to the higher percentage of males compared with females it is difficult to make comparisons between those groups.

- IAPS data on accredited programmes were unavailable in two of the Probation Trusts where the survey was completed, with the result that IAPS data were unavailable for 327 offenders in the survey. Therefore, the results on accredited programmes do not represent all offenders who had an accredited programme in their sentence.

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[17] This report uses the OGRS3 score, which predicts proven reoffending within two years.

- The local administrative data were not consistently recorded in the ten Probation Trusts. Work was done to produce standardised measures across the ten Trusts, but not all the data could be made comparable.

- The breach measure used in this report is developmental and the results presented are indicative. Appendix C provides details of how the breach measures were created. More accurate measures of breach could be created in future if the issues with the existing data (set out in Appendix C) are addressed.

- This report presents associations and relationships between implementation and level of breach, and this analysis cannot establish causation. There may be unobserved variables that impact on the level of breach.

2.3 Structure of the report

Chapter 3 describes the content of the sentences handed down to the offenders in the study, and chapter 4 explores what requirements started and when, and the sequencing of requirements. Chapter 5 describes how the requirements were delivered and offenders' experiences of them. Chapter 6 looks at how Community Orders ended and explores levels of breach and chapter 7 is the Conclusion.

3. Offenders' sentence requirements

In this chapter, the sentences given to the offenders in the OMCCS are described, and the different combinations of requirements imposed are examined to see whether these combinations varied for different types of offenders. Additional tables are located in the supplementary tables for chapter 3.

3.1 Requirements in sentences

The court decides which requirements are included in a Community Order. This decision is informed by a Pre-Sentence Report (PSR), either written by an Offender Manager or delivered orally in court. The PSR describes which requirements will help to meet the five aims of sentencing for the particular offender, and provides information on the offender and their history of offending, and whether a Community Order (rather than custody) is appropriate.

Table 3.1 shows that 89 per cent of offenders on Tiers 2 and above[18] had a supervision requirement. The most common requirements in the sentence, other than supervision, were unpaid work (31%), accredited programmes (22%), specified activity (17%), the Drug Rehabilitation Requirement (DRR) (15%), curfew (11%) and the Alcohol Treatment Requirement (ATR) (10%).

Table 3.1: Percentage of offenders with each type of requirement in their sentence

Requirement	Percentage[1]
Supervision	89
Unpaid work	31
Accredited programme	22
Specified activity	17
Drug Rehabilitation Requirement (DRR)	15
Curfew	11
Alcohol Treatment Requirement (ATR)	10
Prohibited activity	2
Mental Health Treatment Requirement (MHTR)	1
Residential	1
Exclusion	1
Attendance centre	0
Unweighted base	*1,640*

Base: All offenders on Tiers 2 to 4 (Wave 2/3 survey respondents matched to administrative data).

Source: Form 20 administrative data.

[1] This was a multiple response variable so percentages do not sum to 100 per cent.

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[18] Tier 1 offenders are not included in the analysis presented.

Having particular sentence requirements was related to risk of offending and risk of serious harm. For example, DRRs were more likely to be given to those at low risk of serious harm (25%) and to those who were at high (26%) or very high risk of reoffending (45%), which is likely to reflect the kind of offenders suitable for a DRR; these offenders often commit drug-related acquisitive offence types.

Offenders at high risk of serious harm were more likely to have an accredited programme in their sentence (48% compared with 24%[19] of all offenders for whom a risk of serious harm score was available), while unpaid work was more frequently given to those at low and medium risk of serious harm.[20] Both requirements were more likely to be given to offenders with a low and medium risk of reoffending.[21]

Offenders with longer sentences were also more likely to have an accredited programme: 67 per cent of offenders with a sentence of 19–24 months and 75 per cent of those with a sentence of 25–36 months had an accredited programme compared to 22 per cent of all offenders. Offenders with a shorter sentence (up to 12 months) were more likely to have a DRR, curfew, or unpaid work and those with the shortest sentence (6 months or less) were less likely to have a supervision requirement.

Certain requirements, such as accredited programmes, take time to be delivered, so longer sentences may be necessary when these requirements are included in the sentence. It is also likely that certain requirements are associated with longer sentences because of the offence type that the offender had committed.

3.2   Combinations of requirements

Individual requirements have the potential to address more than one purpose of sentencing, and requirements are imposed in combination to ensure specific sentencing aims are achieved and that the sentence is tailored to individual offenders' needs. Overall there were 81 different combinations of requirements imposed on offenders in the cohort, suggesting substantial tailoring of sentences by Magistrates and Judges.

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[19] Percentage is different to that quoted in the previous paragraph because a different base size is used here: only those offenders who had a risk of serious harm assessment available, rather than all Tier 2–4 offenders.

[20] Most of the cohort fall within the low and medium risk of serious harm categories (93%).

[21] This is based on OGRS. For some offence types – domestic violence and sexual offences – risk of reoffending is not measured using OGRS; this may therefore underestimate the risk of reoffending.

Table 3.2 shows the ten most common combinations of requirements imposed. These ten combinations were used with 77 per cent of the cohort.

Table 3.2: Percentage of offenders who had sentences with each combination of requirements (10 most common combinations)

Requirement	Percentage
Supervision	19
Supervision and an accredited programme	11
Supervision and unpaid work	11
Supervision and a DRR	10
Unpaid work	6
Supervision and an ATR	6
Supervision and a specified activity	5
Supervision, accredited programme, and unpaid work	4
Supervision and curfew	3
Supervision, specified activity and unpaid work	3
Other	23
Unweighted base	*1,640*

Base: All offenders on Tiers 2 to 4 (Wave 2/3 survey respondents matched to administrative data).

Source: Form 20 administrative data.

The most common combination of requirements was a single supervision requirement (19% of offenders). The second most common combinations were: supervision and an accredited programme; and supervision and unpaid work (both 11% of offenders). Supervision was commonly combined with a rehabilitative requirement, such as an accredited programme or a treatment requirement (such as a DRR or an ATR) and/or with a punitive requirement such as curfew or unpaid work.

4. When requirements started

This chapter describes when requirements start and any differences in the sequencing of requirements. Additional tables are located in the supplementary tables for chapter 4.

4.1 Individual requirements

When the OMCCS was conducted, National Standards stated that the Community Order requirements had to start early in the sentence, except for accredited programmes and the specified activity requirements. The findings suggest that the delivery of the requirements did follow the National Standards. Certain requirements started earlier than others, with high proportions of offenders starting supervision (nearly 100%),[22] curfew (91%), unpaid work (89%) and drug treatment (81%), within four months. As set out in the National Standards, accredited programmes tended to start later (Table 4.1).

Table 4.1: Percentage of offenders saying that a requirement had started by 4 months into the Community Order, 9 months into the Community Order and at the time of the last interview

Requirement		By 4 months[1]	By 9 months[1]	By last interview[2]	*Unweighted Base*
Curfew	%	91	91	92	*103*
Unpaid work	%	89	91	91	*407*
Alcohol Treatment Requirement	%	88	89	89	*154*
Drug Rehabilitation Requirement	%	81	83	85	*205*
Accredited programme	%	31	48	55	*338*
Specified activity	%	27	29	31	*227*
Residential	%	*	*	*	*12*
Mental health treatment	%	*	*	*	*19*
Attendance centre	%	*	*	*	*2*
Prohibited activity	%	27	29	29	*38*
Exclusion	%	*	*	*	*15*
All requirements	%	68	73	74	*1,640*

Base: Offenders on Tiers 2 to 4 with the specific requirement (Wave 2/3 survey respondents matched to administrative data).

Source: Survey data (Waves 1, 2 and 3).

[1] Offenders who mentioned that a requirement had started were asked when it had started. This date was used as well as the date the Community Order commenced to calculate the number of months into the Community Order each requirement stated was derived.

[2] Average of 10 months into Community Order.

* indicates that data suppressed as base is smaller than 30.

The local administrative data show a similar pattern; the majority of supervision sessions, unpaid work attendances and DRRs started within one month of the commencement of the

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[22] Supervision is not presented in Table 4.1 because the data on this requirement were sourced from the local administrative data, not the OMCCS survey. For this figure, see Table 4.2.

Community Order (Table 4.2). Accredited programmes started later; less than one-third (29%) of accredited programmes started within three months of the beginning of the Community Order.

Table 4.2: Length of time before requirement started following the commencement of the Community Order

Period since Community Order started	DRR %	Unpaid work %	Accredited programme %	Supervision %
Within a month	80	84	4	97
One to three months	18	12	25	2
Three to six months	1	4	35	0
More than six months	1	1	36	0
Unweighted Base	*204*	*399*	*256*	*1,438*

Base: Offenders on Tiers 2 to 4 with the specific requirement (Wave 2/3 survey respondents matched to administrative data).

Source: Local administrative data (DRR, Unpaid work, Supervision); IAPS administrative data (Accredited programme).

One-fifth of offenders surveyed said that they were waiting for an element of their Community Order to start four months after their sentence commenced. The offenders may have been referring to specific requirements when answering this question, or they may have been considering other elements of their sentence plan, such as counselling. Of the offenders waiting for a requirement of their Community Order to start, 25 per cent said they were waiting for a place to become available and 17 per cent said they were waiting for an element to be organised. These appear to be practical reasons for the delay, related to availability.

4.2   Sequencing

Section 4.1 described how accredited programmes started later than other requirements. This section examines how accredited programmes are sequenced with other requirements. Sequencing – or the order in which these programmes are delivered – is considered to be important, as the failure to first address practical concerns, such as employment, accommodation and debt, may limit the impact of other interventions designed to address other risk factors (Heath, 2010). Further, when the sequence of interventions is not fully considered the Community Order may become complex and overwhelming for the individual offender to complete successfully (McSweeney and Hough, 2006). The consequences and outcomes of particular sentences can be altered as a result (for example, Hovmand and Ford, 2009). However, this cannot be looked at in detail here, due to the design of the OMCCS.

The most common requirements combined with accredited programmes were supervision and unpaid work. As Table 4.3 shows, where an accredited programme was imposed with one or more requirements, the accredited programmes were still more likely to commence later in the Community Order. There was not a difference in the timing of the accredited programme between offenders who had different combinations of requirements. Due to small base sizes, different combinations of requirements cannot be looked at in detail; for example, offenders who had both an accredited programme and a DRR.

Table 4.3: When accredited programme started, by requirements in sentence

		Within a month	1–3 months	3–6 months	More than 6 months	*Unweighted Base*
Accredited programme and supervision only	%	7	23	34	37	*148*
Accredited programme, supervision, and unpaid work only	%	4	25	35	37	*37*
Accredited programme and any other combination of requirements[1]	%	0	30	35	36	*71*
Total	%	5	25	35	36	*256*

Base: Offenders on Tiers 2 to 4 with an accredited programme (Wave 2/3 survey respondents matched to administrative data).

Source: IAPS administrative data.

[1] This category is for offenders with an accredited programme requirement and any other combination of requirements. The accredited programme is meant to be delivered alongside a supervision requirement but 16 offenders had an accredited programme without supervision.

5.   How requirements were delivered

This chapter describes the delivery of requirements for different types of offenders. It also describes the offenders' views of their Offender Managers and their sentence requirements and assesses whether differences in delivery may have affected offenders' attitudes. Separate consideration is given to supervision, curfew and unpaid work, treatment requirements and accredited programmes. Additional tables are located in the supplementary tables for chapter 5.

5.1   Supervision

The supervision requirement aims to 'promote the offender's rehabilitation' (NOMS, 2012c). It is a flexible requirement that can address a range of needs and offending behaviours and involves the offender meeting with the Offender Manager on regular occasions. There should be a higher frequency of supervision contacts in the first month of the sentence and supervision contacts during the first four months should be relatively intense (NOMS, 2012c). This allows the Offender Manager to address immediate problems and plan the sentence. The Offender Manager will arrange contacts with an offender, and if the offender does not attend those contacts the Offender Manager will decide whether the offender's reason for non-attendance was acceptable or not.

This section describes the delivery of supervision among the OMCCS cohort, how this delivery impacted on relationships with the Offender Manager and what was discussed at supervision meetings. Research suggests that practitioners can help offenders desist from crime during the supervision process (Dowden and Andrews, 2004; Trotter, 1996). However, this requires time to allow the Offender Manager to learn more about the offender, and also to enable the Offender Manager and the offender to work together to identify needs and develop trusting relationships (Shapland *et al.,* 2012). An HM Inspectorate of Probation report, based on their inspection of probation service in Kent, suggested that offenders may become frustrated when supervision consists of short 'signing in' sessions, rather than longer structured sessions (OMI/CCJI, 2010).

Supervision contacts

Supervision generally started early in the sentence; 97 per cent of offenders with a supervision requirement had met at least once with their Offender Manager within one month of the start of their Community Order.

The average number of arranged contacts for offenders in the first four months of the Community Order was 13 (roughly one a week). The average number of arranged contacts varied from 12 for Tier 2 offenders to 18 for Tier 4 offenders. The number of arranged contacts varied less by risk of reoffending: offenders with a very low risk of reoffending had 13 arranged contacts compared to 14 for offenders at a high or very high risk of reoffending.

On average, offenders attended 12 contacts in the first four months. The number attended varied by tier; Tier 2 offenders attended ten contacts (out of the 12 contacts that were arranged) on average in the first four months and Tier 4 offenders attended 16 contacts (out of the 18 contacts that were arranged).

The number of attended contacts per month was related to tier, as specified in the National Standards for the supervision requirement. The mean number of attended contacts remained at around four contacts per month for those in the highest tier, but decreased over time for offenders in the other tiers (Figure 5.1). Female offenders generally had fewer attended contacts than male offenders, reflecting the fact that fewer women are in the higher tiers, compared to men. The mean number of attended contacts per month was similar across the risk of reoffending groups.

Figure 5.1: Mean number of attended contacts in each of the first four months of supervision, by tier
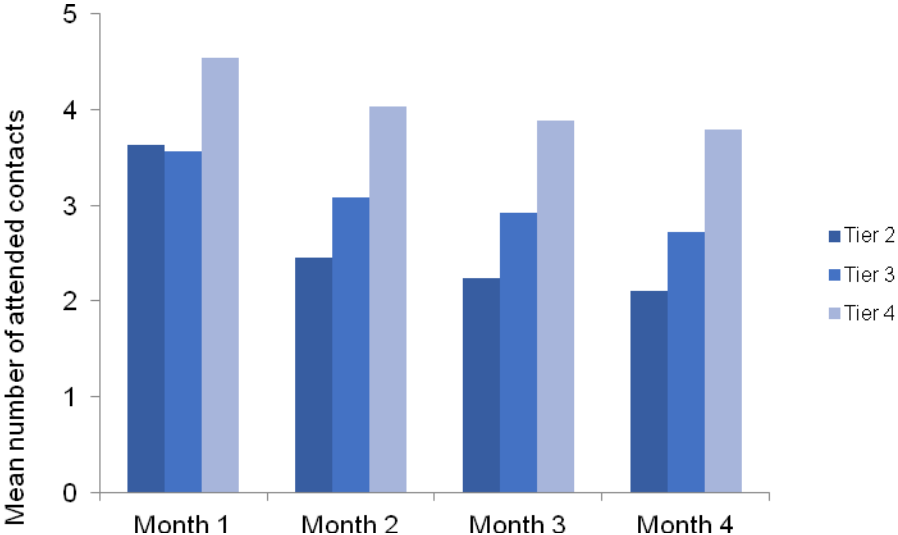
Unweighted base:
Month 1 – Tier 2: 660, Tier 3: 706, Tier 4: 88
Month 2 – Tier 2: 660, Tier 3: 704, Tier 4: 88
Month 3 – Tier 2: 654, Tier 3: 697, Tier 4: 87
Month 4 – Tier 2: 650, Tier 3: 690, Tier 4: 87

Base: Offenders on Tiers 2 to 4 with a supervision requirement (Wave 2/3 survey respondents matched to administrative data).

Source: Form 20 administrative data and local administrative data.

Length of supervision meeting

As discussed in the 'Role of Offender Managers in Community Orders' report (Lord *et al.,* 2014 there was some variation in the typical length of supervision meetings: in Wave 1, the most common length for meetings between offenders and their Offender Manager was 10 to 19 minutes (28% of offenders), followed by 20 to 29 minutes (23% of offenders) and 30 to 44 minutes (26%). The length of supervision meetings did not vary by tier or risk of serious harm. However, those with a very high risk of reoffending were more likely to say that the supervision meetings lasted from 20 to 29 minutes than other risk of reoffending groups.

Lord *et al.,* 2014 found that the intensity of supervision varied; approximately one-quarter of the offenders received a small number of contacts which were of short duration and one-quarter received a substantial number of contacts which were of a longer duration.

Relationship with Offender Managers

Research has highlighted the importance of the 'officer–offender' relationship in the successful reduction of reoffending (Barry, 2000, 2007; Burnett and McNeill, 2005). A relationship within which the offender is valued has been highlighted as being important (McNeill *et al.,* 2012). However, there is little research which explicitly examines the quality of the one-to-one relationship in a supervision context (Shapland *et al.,* 2012).

As discussed in Lord *et al.,* 2014, 95 per cent of offenders said that their Offender Manager listened to them and 82 per cent said their relationship with their Offender Manager was 'excellent' or 'good'. Offenders who had longer supervision meetings were more likely to say that their relationship with their Offender Manager was 'excellent' or 'good': 17 per cent of offenders whose supervision meetings lasted less than ten minutes said they had an 'excellent' relationship, compared to 51 per cent of offenders who had a supervision meetings lasting one hour or more.

Figure 5.2: Typical length of supervision meetings by offender's views of their relationship with their Offender Manager
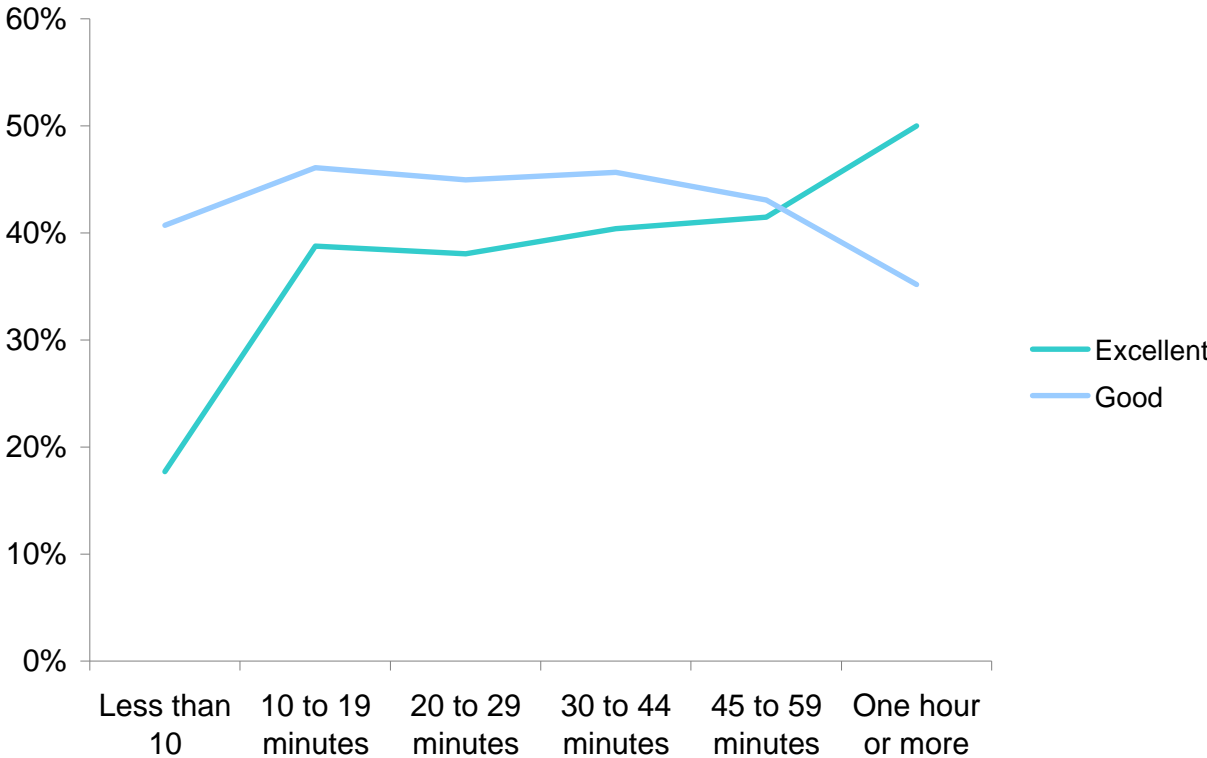
Unweighted base: Excellent: 595, Good: 618

Base: Offenders on Tiers 2 to 4 with a supervision requirement (Wave 2/3 survey respondents matched to administrative data).

Source: Survey data (Wave 1).

Tier 4 offenders were less likely to say that they had an 'excellent' (34%) or 'good' (39%) relationship with their Offender Manager, compared with Tier 2 (39% 'excellent' and 45% 'good') and Tier 3 offenders (37% 'excellent' and 45% 'good'). Similarly, offenders at a very low or low risk of reoffending were more likely to say they had an 'excellent' or 'good' relationship (86% of offenders at very low risk of reoffending, and 84% of offenders at low risk of reoffending) compared to those at very high risk of reoffending; 73 per cent of those offenders said their relationship was either 'excellent' or 'good'. Younger offenders were also less likely to say they had an 'excellent' or 'good' relationship: 74 per cent of 18 to 20 year olds said they had an 'excellent' or 'good' relationship, compared with 84 per cent of offenders aged 40 and over.

Topics discussed with Offender Managers

During supervision meetings the offender and Offender Manager should discuss a range of topics that influence the offender's ability to rehabilitate and desist from reoffending. A higher

proportion of offenders reported discussing all of the different topics in supervision meetings in the Wave 1 survey than in the Wave 2 survey (Table 5.1).

Table 5.1: Percentage of offenders who discussed topics with Offender Managers[23]

Topic of discussion[1]	Wave 1 %	Wave 2 %
Living arrangements	53	43
Family/Children	44	31
Working or getting work	51	42
Alcohol	26	20
Skills education or training	28	23
Drugs	31	24
Mental health	52	43
Physical health or disability	39	31
Finances	46	37
None of these	8	15
Unweighted base	*1,379*	*1,379*

Base: Offenders on Tiers 2 to 4 with a supervision requirement and answered the question in both survey Waves 1 and 2 (Wave 2/3 survey respondents matched to administrative data).

Source: Survey data (Waves 1 and 2).

[1]   This was a multiple response variable so percentages do not sum to 100%.

More offenders at very high risk of reoffending reported discussing some topics than offenders in the other risk of reoffending groups in Wave 1. For example, in Wave 1, 76 per cent of offenders at very high risk of reoffending said they discussed living arrangements compared with around half of offenders at lower risk of reoffending, and 62 per cent of offenders at very high risk of reoffending reported discussing education, training and employment, compared with less than half of offenders at lower risk of reoffending.

Both men and women reported discussing family and children with their Offender Manager in Wave 1 but more women said they discussed the topic (60%) than men (51%). More women also reported discussing this topic in Wave 2; 54 per cent of women said they discussed family and children compared with 41 per cent of men.

Younger offenders were more likely to say they discussed employment, education and training compared with older offenders. Specifically, work or getting work was discussed by a higher percentage of 18 to 20 year olds (63%) in Wave 1 than those aged 25 to 39 (50%) or 40 or over (43%). Skills, education or training was discussed by 49 per cent of offenders aged 18 to 20 in Wave 1, compared with 32 per cent of offenders aged 40 or over.

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[23]   A similar table to this appears in Lord et al, 2014. The difference between the tables is that the analysis in this report is restricted to offenders with a supervision requirement who reported discussing topics at both Wave 1 and Wave 2, whilst in the table in Lord et al*.,* 2014, the base is all offenders.

5.2   Curfew and unpaid work

Curfew and unpaid work are punitive requirements, but can also have other purposes.
For example curfew can provide some public protection, while unpaid work can play a
rehabilitative role if it gets offenders used to working. This section presents key findings on
how curfew and unpaid work were implemented. Further details on curfew and unpaid work
requirements are available in Cattell *et al.,* 2014.

Curfew

The curfew requirement defines periods of the day during which the offender must be in his
or her accommodation to limit their liberty, interrupt offending patterns and provide structure
to a chaotic lifestyle (NOMS, 2011a). The median number of hours per day that a curfew
applied was 12 hours (overnight), while the median requirement length was three months.
Offenders were divided as to whether they found it easy to fit their curfew around existing
commitments; the majority (55%) said it was 'very' or 'quite' easy, but 45 per cent found it
'very' or 'quite' difficult.

An Offender Manager should inform the offender what the curfew requirement is and how it
will work. The majority of offenders agreed that they had received enough information about
the curfew before it began (83%), with 16 per cent disagreeing. Over two-thirds (69%) of
offenders agreed that the curfew made them less likely to commit crime, with 22 per cent
disagreeing.

Unpaid work

The unpaid work requirement orders an offender to complete a set number of hours of work.
It is considered good practice that the offender's situation, work needs and offence are
considered when setting what work to do, to ensure that the implementation of the
requirement takes into account opportunities for reparation and rehabilitation as well as
punishment (NOMS, 2010).

The median number of hours of unpaid work in a sentence was 100 hours, with over
three-quarters (77%) of offenders working between six and eight hours a week (the
equivalent of one day a week). Offenders' opinions were split as to whether they found
unpaid work demanding; 53 per cent said it was 'not very' or 'not at all' demanding, while
47 per cent found it 'very' or 'quite' demanding.

Offenders' views on when unpaid work took place and the type of unpaid work they would do were considered when the requirement was being implemented. The majority of offenders (83%) reported that they had been listened to when deciding when the unpaid work would take place, while over half (56%) stated that they had discussed the type of unpaid work they would do with their Offender Manager.

Being listened to when deciding when unpaid work would take place was related to a more positive attitude to the requirement. While 90 per cent of all offenders believed that their unpaid work had benefited the community, 94 per cent of those who said they were listened to 'a lot' or 'a little' when deciding when the unpaid work would take place believed it had benefited the community, compared with 83 per cent who said they were 'not listened to at all'.

Offenders who were listened to when deciding when they would do their unpaid work were also more likely to believe that the requirement had made them less likely to commit crime. Sixty-nine per cent of offenders 'strongly agreed' or 'agreed' that unpaid work made them less likely to commit crime, compared with 53 per cent of those who said they were listened to 'a little' and 46 per cent of those who said they were not listened to 'at all' (Table 5.2).

Table 5.2: Whether offender believed unpaid work made them less likely to commit crime, by amount listened to when deciding when unpaid work would happen

Whether offender believed unpaid work made them less likely to commit crime	Amount listened to when deciding when unpaid work would happen			
	A lot %	A little %	Not at all %	Total %
Strongly agree	27	19	14	23
Agree	42	34	32	38
Neither agree nor disagree	11	21	19	14
Disagree	16	18	21	18
Strongly disagree	4	8	14	6
Unweighted base	*255*	*72*	*63*	*391*

Base: Offenders on Tiers 2 to 4 and started unpaid work (Wave 2/3 survey respondents matched to administrative data).

Source: Survey data (Wave 1).

No statistically significant relationships were found between offenders' attitudes towards unpaid work and their risk of reoffending, tier, or risk of serious harm.

5.3   Treatment requirements

Drug and alcohol treatment requirements aim to address the link between substance use and offending and the DRR can be tailored to offenders' needs, regardless of the seriousness of the offence, in order to meet public health concerns (NOMS, 2011b). These requirements involve the offender attending treatment, often delivered by a third party provider, and offenders with a DRR must also attend drug tests. Good practice should involve the Offender Manager discussing the treatment with the offender and ensuring there are clear goals for the treatment. This section describes evidence from the OMCCS survey on how these requirements were implemented.[24]

Fifteen per cent of offenders had a DRR and 10 per cent had an ATR. Eighty-two per cent of offenders with a DRR said that the Offender Manager spoke to them about it 'a lot' and 73 per cent of offenders with an ATR said that their Offender Manager spoke to them about it 'a lot'. About two-thirds of those who attended treatment for the DRR (60%) or the ATR (68%) said they attended treatment about once a week. The offenders who attended a DRR described the treatment they received: 66 per cent said they received a prescription drug of some kind, 26 per cent said they attended group counselling and 60 per cent said they attended one-to-one counselling. Nearly all of the offenders with a DRR (99%) or an ATR (95%) said they had clear goals set for their treatment.

The overall engagement with the DRR was high; 60 per cent of offenders with a DRR 'strongly agreed' and 32 per cent 'agreed' that stopping taking drugs was more important than any other treatment goal while three-quarters said they needed the treatment to stop taking drugs (Table 5.3). Offenders with an ATR were less likely to believe abstinence or reducing their substance use was important: 41 per cent 'strongly agreed' and 30 per cent 'agreed' that stopping drinking was more important than anything else while just over half (53%) did not think they would be able to stop drinking without treatment.

Previous research has found that many alcohol-related interventions in community sentences were not completed by offenders, which may indicate a lack of engagement (McSweeney *et al.,* 2009). It is possible that some offenders will want to stop offending, but that they do not want to stop drinking altogether. Research has suggested that alcohol-related interventions that aim to achieve low-drinking goals, rather than the complete cessation of drinking, may help to increase offender engagement (Sobell and Sobell, 2011).

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[24] Approximately 1% of offenders had a Mental Health Treatment Requirement and therefore further analysis of this requirement was not possible.

Table 5.3: Engagement with drug and alcohol treatment

		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	*Unweighted base*
Whether stopping drug taking more important than anything else	%	60	32	4	3	1	*217*
Whether thinks can stop taking drugs without treatment	%	3	13	9	43	32	*217*
Whether stopping drinking more important than anything else	%	41	30	11	15	4	*281*
Whether thinks can stop drinking without treatment	%	9	21	17	35	18	*281*

Base: Offenders on Tiers 2 to 4 and started a DRR or ATR (Wave 2/3 survey respondents matched to administrative data).

Source: Survey Data (Wave 1).

5.4 Accredited programmes

Accredited programmes aim to rehabilitate offenders by dealing with behaviour associated with offending.[25] The OMCCS cohort of offenders attended 15 different accredited programmes. The Thinking Skills Programme (TSP), a cognitive behavioural programme that addresses negative thinking patterns associated with offending, was the most common programme attended (31%). The next most common programme was the Integrated Domestic Abuse Programme (IDAP) (23%), followed by the Drink Impaired Drivers programme (DID) (14%).

Table 5.4: Accredited programmes attended[26]

Programme	Percentage
Thinking Skills Programme (TSP)	31
Integrated Domestic Abuse Programme (IDAP)	23
Drink Impaired Drivers (DID)	14
Low Intensity Alcohol Programme (LIAP)	6
Controlling Anger and Learning to Manage it (CALM)	5
Offender Substance Abuse Programme (OSAP)	5
Community Domestic Violence Programme (CDVP)	4
Addressing Substance Related Offending (ASRO)	4
Aggression Replacement Training (ART)	4
Control of Violence for Angry Impulsive Drinkers (COVAID)	1
Think First Programme	1
Internet Sex Offenders Treatment Programme (i-SOTP)	1
Northumbria Sex Offenders Group Programme (N-SOGP)	1
One-to-one programme	0
Community Sex Offenders Group Programme (CSOGP)	0
Unweighted base	*315*

Base: Offenders on Tiers 2 to 4 and IAPS data available (Wave 2/3 survey respondents matched to administrative data).

Source: IAPS administrative data.

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[25] Data on accredited programmes (IAPS) were identified for 315 of the 355 offenders who had an accredited programme in their sentence. Only 14 of those attended two or more accredited programmes and therefore the first programme attended is described in this section.

[26] See Appendix A for full descriptions of the accredited programmes.

Of these three programmes, the TSP was most frequently used with offenders at medium and higher risk of reoffending, IDAP was used with medium and lower risk offenders and DID was used with low risk offenders. Obviously, these programmes address different offending behaviours and offence type was associated with the type of programme attended. For example, DID was used with offenders who had committed motoring offences, such as driving, or attempting to drive, while unfit through drink or drugs.

Seventy-two per cent of offenders started an accredited programme. Of those, 69 per cent completed it and there were no statistically significant differences in starting or completing a programme by risk of reoffending.[27] Offenders who attended a violent or aggressive behaviour programme,[28] or a programme aimed at reoffending[29] were asked about their views of the programme. Over three-quarters (76%) of offenders on a violent or aggressive behaviour programme or a programme aimed at avoiding reoffending (77%) agreed that the programme was right for them. Over three-quarters (79%) of those on a violent or aggressive behaviour programme or a programme to avoid reoffending (81%) found it 'very' or 'fairly' useful.

5.5   Offenders' attitudes to requirements

This section describes and compares offenders' overall attitudes to different requirements and identifies how engaged the offenders were in those requirements.

Offenders were overwhelmingly positive that the staff who delivered the requirements understood their needs. The DRR had the highest proportion of offenders agreeing that the staff understood their needs (43% 'strongly agreed' and 49% 'agreed'). The 'Avoid Reoffending' accredited programme had the lowest proportion of offenders – although still a large majority – agreeing that the staff understood their needs (31% 'strongly agreed' and 45% 'agreed').

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[27]   It was not possible to look at types of accredited programme used by risk of serious harm or offence category due to small sample sizes.
[28]   In the OMCCS survey offenders were asked to consider the following as examples of programmes aimed at tackling violent behaviours: ART – Aggression Replacement Training; CALM – Controlling Anger and Learning to Manage it; IDAP – Integrated Domestic Abuse Programme; CDVP – Community Domestic Violence Programme; COVAID – Control of Violence for Angry Impulsive Drinkers.
[29]   In the OMCCS survey offenders were asked to consider the following as examples of programmes aimed at avoiding reoffending: ETS – Enhanced Thinking Skills; TSP –Thinking Skills Programme; Think First; R&R – Reasoning and Rehabilitation; Priestley one to one; Cognitive Skills Booster; Women's Acquisitive Crime; DID – Drink Impaired Drivers Programme.

The majority of offenders agreed that the requirements made them less likely to commit crime (Table 5.5). The strength of agreement varied across the different requirements. For example, 38 per cent of offenders 'strongly agreed' and 47 per cent 'agreed' that the DRR made them less likely to commit crime, while 24 per cent of offenders 'strongly agreed' and 31 per cent 'agreed' that the exclusion requirement made them less likely to commit crime.

Table 5.5: Percentage of offenders who agreed or disagreed that a requirement or programme made them less likely to commit crime

Requirement or Programme		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	*Unweighted base*
Alcohol Treatment Requirement	%	38	43	11	7	2	*281*
Drug Rehabilitation Requirement	%	38	47	8	5	2	*217*
Violence programme	%	36	33	14	14	4	*118*
Prohibited activity	%	28	31	13	16	11	*89*
Mental health treatment	%	28	34	18	13	7	*76*
Avoid reoffending programme	%	28	41	14	14	3	*107*
Curfew	%	27	41	8	17	8	*198*
Unpaid work	%	24	39	13	17	7	*391*
Exclusion	%	24	31	14	20	10	*188*
Residence	%	23	45	10	18	5	*102*
Attendance centre	%	23	48	16	10	4	*80*
Specified activity	%	16	45	19	17	3	*175*

Base: Offenders on Tiers 2 to 4 with the specific requirement (Wave 2/3 survey respondents matched to administrative data).

Source: Survey Data (Wave 1).

Around two-thirds of offenders said that they found fitting a requirement around their other commitments 'quite easy' or 'very easy'. Sixty-two per cent of those with a curfew requirement said this, compared with 70 per cent of those with an exclusion requirement[30] and 66 per cent with a prohibited activity requirement.[31]

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[30] This requires offenders not to enter a specified place or area for up to 24 months.
[31] This requires offenders not to complete certain activities on a particular day or days, or during a period of up to 36 months.

6. Completion and compliance

This chapter describes how Community Orders were completed, the number of breaches and offenders' attitudes to compliance with the sentence. It explores whether the way requirements were delivered affected compliance. Additional tables are located in the supplementary tables for chapter 6.

6.1 How Community Orders ended

There are a number of reasons why a Community Order may end. These may be positive, such as:

- the offender completed the requirements and the sentence length was completed (referred to as 'Expired: normal' hereafter); or
- the offender completed the sentence early ('Completed early: good progress').

Other reasons why a Community Order may end include:

- the Community Order was revoked because the offender would not comply ('Revoked: failure to comply');
- the Community Order was revoked because the offender could not comply with the Community Order, e.g. could not physically complete unpaid work ('Revoked: on application');
- the offender reoffended ('Revoked: further offence');
- the Community Order was terminated because the offender died ('Terminated: death'); or
- the Community Order was terminated for some other reason ('Terminated: other reason').

Information on why the Community Order ended was available for 94 per cent of offenders in the OMCCS cohort.[32] Most of the offenders (79%) ended the Community Order in a positive manner, with the Community Order expiring as normal (70%) or with the Community Order completed early for good progress (9%) (Table 6.1).

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[32] The remaining 6% had not terminated their Community Order when the data were collected.

Table 6.1: Reason the Community Order ended

Reason	Percentage
Expired: normal	70
Completed early: good progress	9
Expired: breach listed / recall requested	0
Revoked: further offence	8
Revoked: on application	5
Revoked: failure to comply	8
Terminated: death	0
Terminated: other reason	0
Not known: not National Probation Service supervised	0
Unweighted base	*1,540*

Base: Offenders on Tiers 2 to 4 whose Community Order ended (Wave 2/3 survey respondents matched to administrative data).

Source: FORM 20 administrative data.

Older offenders were more likely to have a positive reason for their Community Order ending (79% of offenders aged 40 and over had a Community Order that expired normally compared with 59% of those aged 18–20). Offenders convicted of vehicle thefts were least likely to have a Community Order that expired normally (50%), and those convicted of Public Order Offences were most likely to have a Community Order that expired normally (76%).

The reason Community Orders ended varied by risk of reoffending (Table 6.2). Offenders at lower risk of reoffending were more likely to have an 'expired: normal' end to their Community Order (76% of the very low risk group compared with 56% of the very high risk group) or to complete their Community Order early for good progress (12% of the very low risk group, compared with 6% of the very high risk group).

Table 6.2: Reason the Community Order ended by risk of reoffending

Reason	Risk of reoffending (OGRS)					
	Very low %	Low %	Medium %	High %	Very high %	Total %
Expired: normal	76	75	70	63	56	70
Completed early: good progress	12	9	8	8	6	9
Expired: breach listed / recall requested	0	1	1	0	0	0
Revoked: further offence	3	6	7	15	12	8
Revoked: on application	5	5	5	5	4	5
Revoked: failure to comply	3	4	10	9	21	8
Terminated: death	0	0	0	0	0	0
Terminated: other reason	0	1	0	0	0	0
Not known: not National Probation Service supervised	1	0	0	0	0	0
Unweighted base	*373*	*413*	*421*	*260*	*73*	*1,540*

Base: Offenders on Tiers 2 to 4 whose Community Order ended (Wave 2/3 survey respondents matched to administrative data).

Source: Form 20 administrative data and OASys administrative data.

Table 6.2 also shows that those who were at high risk of reoffending were more likely to have their Community Order end due to a further offence (15% of high risk offenders compared to 3% of low risk offenders). Offenders at very high risk of reoffending were more likely to have their Community Order end due to non-compliance with their sentence.

The previous sections described elements of supportive offender management: good offender and Offender Manager relationships were reported by offenders, and some tailoring of support was noted. Although it is acknowledged that the consequences of non-compliance can encourage compliance (Bottoms, 2001; Robinson and McNeill, 2010), a variety of research has also shown that when the Offender Manager takes a 'welfarist' rather than punitive approach, compliance can be encouraged (reviewed in Ugwudike, 2010).

6.2   Breaches

If an offender breaches their Community Order by not complying with a requirement this can result in changes to the Community Order, a fine or resentencing[33] and this can mean that:

- the Community Order has a requirement added and it continues ('ordered to continue'); or
- the Community Order is revoked and the offender is re-sentenced.

Breach is a difficult outcome to measure for a number of reasons and these are outlined in Appendix C, which also includes information on the limitations of the data. The results in this report should therefore be interpreted with caution.

The overall breach rate[34] for the OMCCS cohort was 21 per cent.[35] The rate of breach increased with risk of reoffending; 11 per cent of offenders with a very low risk of reoffending breached compared with 34 per cent of those with a very high risk of reoffending (Figure 6.1).

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[33] At the time of the OMCCS it was not possible for a court to impose fines in relation to breach (as per the provisions in the Legal Aid, Sentencing and Punishment of Offenders Act 2012, Section 67); therefore most of this cohort of offenders were likely to have additions or changes to their sentences following breach. However, a small proportion of offenders who received longer sentences may have been affected by the new provisions.

[34] This combines those Community Orders that were 'revoked: failure to comply' or 'revoked: on application' with offenders who breached and were 'ordered to continue'. Offenders who reoffended are not included in this measure, because breach is not a new offence; this is consistent with the MoJ definition of proven reoffending.

[35] This report uses more complete data compared to the data used in Cattell *et al.,* 2014, which is why the breach rates differs between the two reports.

Figure 6.1: Percentage of offenders who breached within 12 months by risk of reoffending
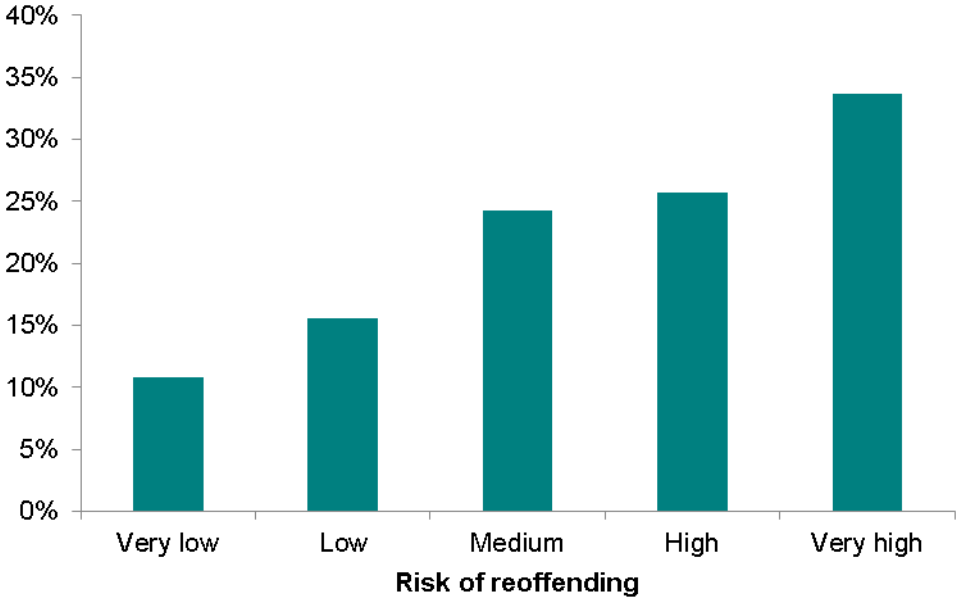
Unweighted base: Very low: 417, Low: 440, Medium: 437, High: 268, Very high: 73

Base: Offenders on Tiers 2 to 4 and did not only have a curfew requirement (Wave 2/3 survey respondents matched to administrative data).

Source: Form 20 administrative data, OASys administrative data and local administrative data.

If an offender breaches their Community Order by not complying with a requirement, then they can be ordered to continue the Community Order. Thirteen per cent of offenders breached and were 'ordered to continue' within 12 months of commencing their Community Order. Levels of breach where offenders were 'ordered to continue' were highest among those with sentences of 7–12 months (15%) compared with 12 per cent of those with a sentence between 13 and 18 months and 10 per cent of offenders with a sentence between 19 and 24 months (Table 6.3).

Table 6.3: Sentence length by whether the offended breached and was 'ordered to continue' (within 12 months)

| Sentence length | Breach and 'ordered to continue' (within 12 months) | | |
	Yes %	No %	Unweighted base
6 months or less	11	89	*178*
7–12 months	15	85	*1,085*
13–18 months	12	88	*183*
19–24 months	10	90	*137*
25–36 months	2	98	*52*
Total	13	87	*1,635*

Base: Offenders on Tiers 2 to 4 and did not only have a curfew requirement in their order (Wave 2/3 survey respondents matched to administrative data).

Source: Form 20 administrative data and local administrative data.

Offenders at higher risk of reoffending were also more likely to have a breach that led to their Community Order being 'ordered to continue'; 18 per cent of offenders who were at high risk of reoffending and 15 per cent of those at medium risk of reoffending breached and were 'ordered to continue', compared with 10 per cent of offenders who were at low risk and 7 per cent who were at very low risk.

6.3 Attitudes to compliance

Offenders were asked about compliance in the Wave 3 survey; and as this wave of interviews was not completed for all offenders, the results are only indicative of attitudes of offenders to the end of the Community Order and compliance.

The majority of offenders found complying with the Community Order easy; 71 per cent of offenders 'agreed' or 'strongly agreed' that it was easy to do the things required of them to complete the Community Order. Of those offenders who said they had not complied with their Community Order,[36] 3 per cent 'strongly agreed' and 11 per cent 'agreed' that seeing their Offender Manager more often would have made it easier for them to comply, while 2 per cent 'strongly agreed' and 16 per cent 'agreed' that the rules and requirements of the Community Order made it harder for them to comply.[37]

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[36] This is based on 278 offenders who reported that they had not complied with their sentence at the Wave 2 survey.

[37] These findings should be treated with caution, as they are based on the Wave 3 survey interview which was not carried out for the majority of the survey cohort.

7.   Conclusion

The statutory purposes of sentencing are the punishment of offenders, reduction in crime, the reform and rehabilitation of offenders, the protection of the public and the making of reparation by offenders. These purposes are not entirely discrete and individual Community Order requirements can often meet more than one of the statutory purposes of sentencing.

While a single supervision requirement was the most common requirement imposed on offenders in the OMCCS cohort, a range of combinations of other requirements were used to achieve the purposes of sentencing, and some tailoring of sentence requirements to offenders was found. For example the DRR was used more frequently with offenders at a low risk of serious harm, and those at high or very high risk of reoffending, while unpaid work was used more frequently with offenders at low and medium risk of serious harm and those at low and medium risk of reoffending.

Community Orders are intended to be delivered through the principles of the NOMM, whereby the sentence should be delivered as a coherent whole and a good relationship should be developed between the Offender Manager and the offender. Punitive and public safety requirements and the Offender Manager getting to know the offender ought to take place before more rehabilitative requirements. The findings in this report suggest that supervision, curfew and unpaid work requirements generally started before the accredited programmes.

Both the NOMM and existing research highlight the importance of the Offender Manager forming a good relationship, founded on effective communication, with the offender. This is important to ensure that the Community Order is completed, but it is also part of a broader process of supporting the offender to desist from offending. Therefore, it is encouraging that this report found that the majority of offenders reported positive relationships with their Offender Manager. Overall, the findings in this report suggest that sentences were being implemented in accordance with the principles of good offender management.

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Appendix A
Glossary and abbreviations

Accredited programmes: These are nationally accredited, structured and planned interventions with offenders. Centred on an evidence base of what works, they provide a consistent approach to reducing offending.

Addressing Substance Related Offending (ASRO): The ASRO programme is an accredited programme for offenders whose crimes are related to alcohol and drug use. It is for both male and female offenders.

Advocacy: Interventions where a representative will often work on behalf of an offender, signposting and accessing available services.

Aggression Replacement Training programme (ART): ART is an accredited programme which is designed for those who are convicted of assault, or serious public order or criminal damage offences. The programme is available for male offenders only.

Alcohol Treatment Requirement (ATR): The ATR provides access to a tailored treatment programme with the aim of reducing alcohol dependency. The requirement can last between six months and three years.

Community Domestic Violence Programme (CDVP): CDVP is a nationally accredited community-based group work programme designed to reduce reoffending by adult male perpetrators of domestic violence. A key part of the programme is the service offered to victims and/or current partners of the men on the programme.

Community Sex Offenders Group Programme (CSOGP): CSOGP is used with men who have been convicted of a sexual offence. This accredited programme encourages understanding of the reasons behind offending and identifies strategies to prevent reoffending.

Criminogenic needs: These are individual risk factors which contribute to or are supportive of offending and which are amenable to change. In other words, they are dynamic attributes which, when altered, are associated with changes in the likelihood of reoffending.

Drink Impaired Drivers' programme (DID): DID is an accredited programme that aims to reduce the incidence of excess alcohol offences, to increase public protection and to challenge offenders to accept responsibility for their crime and its consequences.

Drug Rehabilitation Requirement (DRR): A DRR requires an offender to have treatment to reduce or eliminate dependency on, or likely misuse of, drugs.

Form 20 data: The Form 20 database contains information on all probation sentence commencements, and is held by probation areas at the national level.

Integrated Accredited Programmes System (IAPS): IAPS is a nationally held database containing information about offenders' attendance on accredited programmes and interventions.

Integrated Domestic Abuse Programme (IDAP): The IDAP is a community based, accredited programme designed to reduce reoffending by adult male domestic violence offenders, where the victims are women.

Internet Sex Offenders Programme (I-SOTP): I-SOTP is an accredited programme for male offenders aged 17 and over who have been convicted of sex offences related to use of the internet. Offenders below 21 will follow the programme on an individual basis with their Probation Officer.

National Offender Management Model (NOMM): The NOMM was introduced to provide a more strategic approach to managing offenders. Central to this was the end-to-end management approach whereby interventions are selected, sequenced and delivered. Responsibility for this resides with a single Offender Manager who is responsible for managing, supervising and administrating the whole of an offender's sentence from commencement to termination (NOMS, 2006).

Northumbria Sex Offenders Programme (N-SOG): N-SOG is a nationally accredited programme based upon research into what works to prevent sexual reoffending. It can be a Requirement of a Community Order or Suspended Sentence Order or a condition of a licence. The programme is suitable for men aged 21 and over who have committed contact or non-contact sex offences against children or adult victims of either gender. It is not suitable for female sex offenders, men with an IQ of less than 80, men with mental health

problems or severe drug/alcohol misuse, men assessed as psychopathic or men in total denial of their sexual offending.

Offender Assessment System (OASys): OASys is a national risk assessment and management system used and developed by the prison and probation services of England and Wales to assist Offender Managers with offender management. It uses analysis of static (criminal history and demographics) and dynamic (social and personal) risk factors, risk of serious harm, sentence and risk management planning, a self-assessment (i.e. offender-completed) questionnaire and a summary sheet identifying the risks and needs of an offender to ensure that resources are allocated effectively. Those on Tier 2 with a supervision requirement are eligible for a standard OASys assessment, and the Offender Manager must complete a series of scored items within each of the eight criminogenic needs. Offenders on Tiers 3 and 4 are eligible for a full assessment. Building on the standard assessment, this covers additional issues within the eight criminogenic needs.

Offender Group Reconviction Scale (OGRS): OGRS uses static factors (such as age at sentence, gender, offence committed and criminal history) to predict the likelihood of proven reoffending within a given time (usually one or two years after starting their Community Order).[38] In use since the late 1990s, OGRS has been continually developed and validated and has become the standard method of predicting reoffending in the Probation Service of England and Wales (Howard *et al.*, 2009). Its current iteration (OGRS3) groups scores into low (between zero and 49% risk of reoffending) medium (between 50% and 74%), high (between 75% and 89%) and very high (a 90% or more chance of proven reoffending) risk bands.

Offender Manager: The person with overall responsibility for the offender and delivering the sentence's objectives. This could be a Probation Officer, Probation Service Officer or a Prison Service Officer.

Pre-Sentence Report (PSR): PSRs are produced to provide information about the offender, their offence, and an assessment of likelihood of reconviction and risk to inform sentencing. PSRs are completed between conviction and sentencing and can take the following forms: orally delivered by a probation officer in court, fast delivery (normally completed on the same or next working day), or standard delivery (using a full OASys assessment).

Pro-social role modelling: The approach emphasises the importance of demonstrating respect for individuals, by being punctual, reliable, courteous, friendly, honest and open. For example, the Offender Manager becomes a positive role model acting to reinforce pro-social or noncriminal behaviour.

Punitive requirements: These are interventions or restrictions which are designed to punish an offender (e.g. unpaid work).

Restrictive requirements: These are requirements which are designed to limit an offender's behaviour to reduce the opportunity for reoffending and act as punishment (e.g. a curfew).

Sex Offender Treatment Programme (SOTP): SOTP is an accredited programme to address those who have committed sexual offences.

Supportive requirements/interventions: These are programmes/interventions which reduce the risk of reoffending by addressing a criminogenic need.

Thinking Skills Programme (TSP): TSP is an accredited programme that consists of both group and individual one-to-one sessions for male and female offenders. The programme is based on the premise that the ability to acquire, develop and apply a series of problem-solving and associated skills will enable offenders to manage difficulties in their lives and to avoid future reoffending. The programme focuses upon factors influencing offending behaviour such as problem-solving, self-management, social interaction, values and the individuals' specific offences.

Thames Valley Sex Offenders' Groupwork Programme (TVSOP): TVSOP is an accredited programme that aims to increase awareness of the way an offender's attitudes and behaviour has affected the victim and those close to the victim; confront sex offenders' denial by assessing and analysing risk; teach offenders ways of interrupting their offending behaviour patterns and to understand perceptions and attitudes.

Tier: The NOMS National Offender Management Model identifies four broad modes of case management to ensure that offenders are consistently and appropriately managed. Known as tiers, they prescribe a different approach, and operate in a cumulative way, starting with punish for Tier 1, adding help for Tier 2, then change for Tier 3 and finally control for Tier 4.

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[38]   This report uses the OGRS3 score, which predicts proven reoffending within two years.

An increase in tier represents an increase in the risk mix (i.e. risk of reoffending and risk of serious harm) and needs of the offender, the demands of the sentence and the level of resource required by the Offender Manager (NOMS, 2006). A change in risk (both of reoffending and of harm) can result in a change of tier.

Universal Dataset: A large dataset of offenders who commenced a Community Order between October 2009 and December 2010. Data comprise both national and local level administrative data, matched with responses to a survey of offenders.

Appendix B
Community Order requirements

This appendix provides details of the 12 possible requirements of the Community Order at the time the OMCCS was carried out (based on the Criminal Justice Act 2003 and NOMS (2006)):

1. **Supervision** requires the offender to attend additional one-to-one appointments at the probation office to support the work undertaken through other requirements: up to 36 months.

2. **Accredited programmes** are designed to address the attitudes and patterns of behaviour that contribute to offending: length to be expressed as the number of sessions; usually combined with a supervision requirement.

3. **Drug rehabilitation** requires the offender to have treatment to reduce or eliminate dependency on or propensity to misuse drugs and provide samples for testing: 6–36 months; offender's consent is required.

4. **Alcohol treatment** requires the offender to attend treatment to reduce or eliminate dependency on alcohol: 6–36 months; offender's consent is required.

5. **Mental health treatment** where the court is satisfied that the mental condition of the offender requires and may be susceptible to treatment: up to 36 months; offender's consent is required.

6. **Specified activity**: consisting of packages of work on Basic Skills, Employment, Training and Education or include specialist activities, such as Restorative Justice: up to 60 days.

7. **Attendance centre:** attendees focus on developing their social skills at the same time as challenging their offending behaviour: 12–36 hours with a maximum of 3 hours per attendance.

8. **Residence requirement** that the offender must reside at the place specified: up to 36 months.

9. **Prohibited activity** requiring the offender to refrain from participating in activities on a specified day or days or during a period: up to 36 months.

10. **Exclusion** (usually with electronic monitoring) requires the offender not to enter a specified place (up to 24 months)

11. **Curfew** (usually with electronic monitoring) requires the offender to remain for certain periods at a specified place: up to 6 months and for 2–12 hours in any one day.

12. **Unpaid work** including painting and decorating, gardening, environmental clean-up projects, work with charities or graffiti removal: 40–300 hours.

Appendix C
Measuring breach

This appendix describes the approach taken to measuring breach in this report, and the reasons why it was adopted.

Why measure breach?

A breach occurs when an offender does not comply with the requirements of a Community Order. When an offender breaches, the court can add additional requirements to the Community Order (known as 'ordered to continue') or revoke the original Community Order and re-sentence the offender. One of the aims of the OMCCS was to gain an understanding of the extent to which breaches occurred and which offenders were more likely to breach.

It was important that any approach to measuring breach was capable of describing which offenders had breached and the outcomes of those breaches. Developing this approach was complex due to the variations in how breaches were defined and recorded across the ten Probation Trusts for which local administrative data were collected. To overcome those difficulties, the following actions were taken:

- individual breach records were collated from the Probation Trusts' case management systems (local administrative data);
- initial analysis of the data was conducted and limitations were identified; and
- the results of the initial analysis, including any anomalies in the results, were discussed with information team managers in each Probation Trust. This exercise improved understanding of how the breach data were recorded, defined and used.

Breach data issues

Gaps were found in the data and there were differences in how each Probation Trust defined a breach. Specific issues included:

- There was no consistent definition of breach used across the Probation Trusts. The main difference between the Trusts was that they interpreted the termination reasons 'revoked: did not comply' and 'revoked: on application' differently.
- The 'revoked: on application' definition includes offenders who could not comply with their Community Order because it was not suitable for them. Although this is technically a breach at a court it was not managed as a breach by all of the Probation Trusts in the study.

- The breach process commences with a warning letter. Identifying who was sent a letter would determine who was at risk of breaching; however, it is not possible to measure who received a warning letter from Probation Trusts' data.

- The central administrative data on breach held by the Ministry of Justice (Form 20 administrative data) was incomplete; the data that described breaches that resulted in 'ordered to continue' were only held by the Probation Trust in their local administrative data. Further, it was found that the Form 20 administrative data could indicate that a Community Order had expired normally even in cases where a Probation Trust's data recorded that the breach resulted in a revoked Community Order. Such discrepancies could be due to data entry errors or because the breach officer determined, for valid reasons, that the breach should not be recorded as the reason for termination.

- The court can set a new sentence because of a breach but not revoke the old Community Order. This means that, in such cases, the breach is not identifiable from the Form 20 administrative data, but it can be found in the Probation Trusts' local administrative data.

- During their Community Order an offender can be sentenced for an offence that they committed before the start of their Community Order. In these circumstances, the data could suggest that a breach occurred during the current Community Order, when in fact the offence itself was committed prior to this.

- Tier 1 offenders with only a curfew requirement attached to their Community Order are not managed by Probation Trusts and therefore they do not hold breach data on these offenders. These individuals are excluded from the breach analyses completed.

- Three of the ten Probation Trusts in the study had no formal mechanism for recording breach outcomes at the court. In these three areas a breach was recorded in 'contact logs'. The breach data for the Wave 2 survey sample was therefore coded manually for these areas. Therefore, the number of breaches recorded in these three Probation Trusts was potentially less accurate than in the other Probation Trusts.

How to measure breach?

The issues identified above limited the validity and reliability of any measure of breach that could be created from the data collected in the OMCCS. However, rather than not measure breach, a developmental measure was designed which, although conservative, provided a

basis upon which to improve the measurement of breach in the future. Three measures were created and added to the OMCCS Universal Dataset:[39]

- Breach – ordered to continue;
- Breach – revoked Community Order; and
- Breach – overall.

Breach – ordered to continue

The Probation Trusts' data were used to measure this outcome. This outcome was recorded for an offender where the Probation Trust provided information that the court had found the offender guilty of a breach within 12 months of commencing the Community Order and the Community Order was continued. These data should be treated with caution due to the variations in recording practices between Probation Trusts.

Breach – revoked order

This outcome was recorded for an offender where the Community Order had been terminated within 12 months of commencing the Community Order for one of the following reasons:

- 'revoked non-compliance';
- 'revoked on application'; or
- 'expired breach listed / recall requested'.

These three reasons for termination were used because the Probation Trusts used different definitions of breach. Data from the Probations Trusts were not used to create this measure because there was no agreed definition of what constituted such a breach in this data and it might have overstated the number of breaches (e.g. the offence was before the start of the Community Order). Given these issues, Form 20 administrative data were used to create this measure.

Breach – overall

The 'breach – Community Order to continue' measure and 'breach – revoked Community Order' measures were combined to provide a measure of overall breach. This overall measure helps to advance an understanding of the volume of breach in the ten Probation Trusts for which local administrative data were collated.

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[39] Individual offender records from the different data sources collected for the OMCCS were linked to form a 'Universal Dataset'. See Cattell *et al.,* 2013).

This overall breach measure should not be used as an outcome measure, for example in a statistical model, because of the factors, noted above, that reduce its reliability and validity. Different types of data were used to create the measure (as explained above, there was breach data in seven Probation Trusts and contact log data in three Trusts). Each data source has biases and limitations, and the data are unlikely to be reliable in that they may not be measuring the same factors in each Trust. Consequently, results found in a statistical model might be due to differences in how the data were recorded, rather than a true difference.

In summary, steps have been taken to ensure the measure of breach used in this report provides as complete picture of breach among offenders as possible. Where the overall breach measure is used in this report, it has been used in a descriptive manner, and it was not included in the logistic regression for the reasons outlined above.