Ministry of Justice

How the measure of proven re-offending has changed and the effect of these changes

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Background

The MoJ launched a statistical consultation on improvements to the transparency and accessibility of our information in 2010 and a response to the consultation was published in March 2011[1]. One aspect of the consultation was the measurement of proven re-offending.

Prior to the consultation there were six different measures of proven re-offending:

- National adult proven re-offending;
- Local adult proven re-offending;
- National youth proven re-offending;
- Local youth proven re-offending;
- Prolific and other priority offending (PPO); and
- Drug-misusing proven offending.

The new approach to measuring proven re-offending integrates these approaches into a single framework. This allows users to:

- form a clear picture of proven re-offending at national and local levels;
- compare adult and youth results, and enable other work on transition between the youth and adult criminal justice systems;
- understand how results for different offender groups (such as those managed by the prison and probation services, those under the PPO schemes, drug-misusing offenders, first time entrants, etc.) fit in to the overall picture on proven re-offending; and
- continue to analyse proven re-offending behaviour for particular types of offender.

[1] The response to the consultation is available here: webarchive.nationalarchives.gov.uk/20111121205348/http:/www.justice.gov.uk/consultations/565.htm

Comparing trends in re-offending

Table 1 shows the proportion of offenders with a proven re-offence/re-conviction using the new measure of re-offending and the previous measures of adult re-conviction and juvenile re-offending. Comparisons we make use cohorts up to 2009.

Re-offending rates are lower using the new measure than using the previous measure. The differences are as follows:

- For adult and juvenile offenders the new measure is based on all offenders released from custody, receiving a non-custodial conviction at court, a caution, reprimand, warning or tested positive for opiates or cocaine over a 12 month period, but the previous measures only included offenders released from custody or commencing a court order in the first three months of the year. Using a three month sample over-represents prolific offenders in comparison to a full year's worth of data.

- For adults the new measure counts all offenders including those who received a caution, fine or discharge, where the previous adult measure only included those who commenced a court order or who were discharged from custody.

- For adult offenders, the new measure is a measure of proven re-offending (which counts offences proven through a court conviction or a caution) whereas the previous measure is a measure of re-conviction (which only counts offences proven through a court conviction).

As a result, re-offending rates are 14.4 percentage points lower for adults and rates for juveniles are 4.1 percentage points lower using the new measure.

However, the re-offending rates are similar for adults given a court order or who received a custodial sentence, including those given a sentence of less than 12 months. Rates are between 1.0 and 2.6 percentage points lower using the new measure.

Table 1: Re-offending using the new and previous measures, 2009

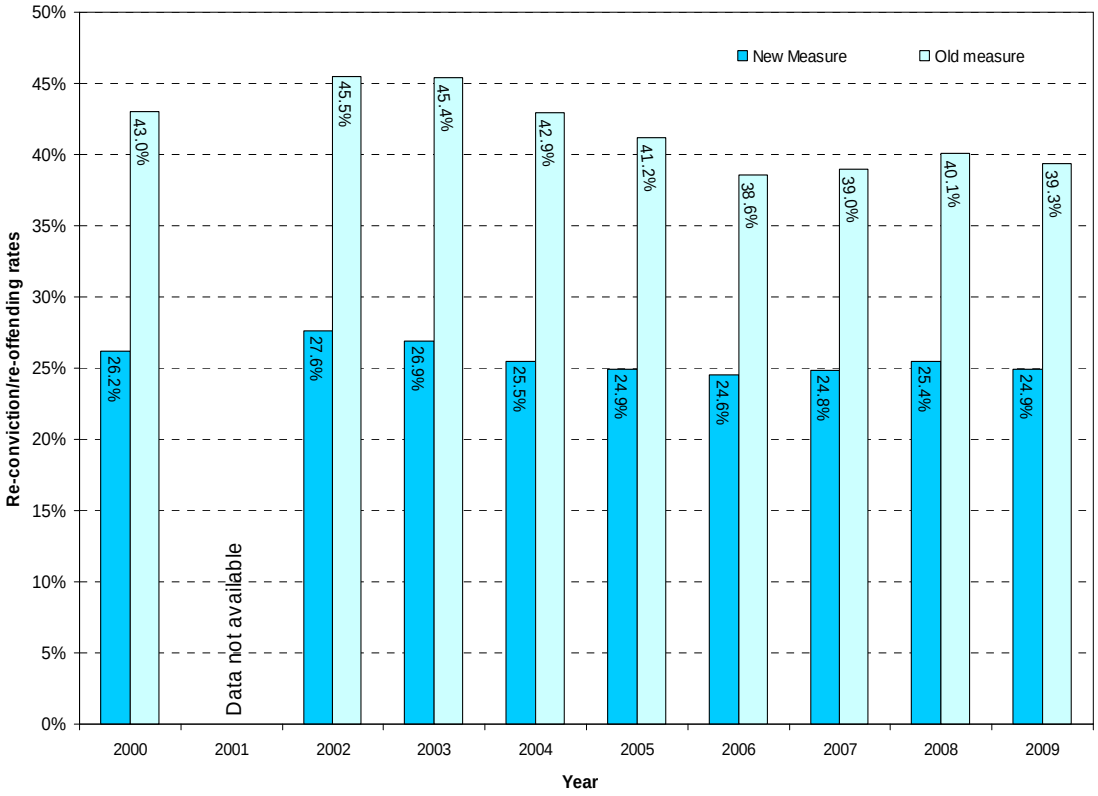
	New measure	Previous measure(s)
Adults	24.9	39.3
Juveniles	32.8	36.9
Adults given a court order	34.5	35.5
Adults given a custodial sentence	46.8	48.5
Adults given a custodial sentence of less than 12m	56.8	59.4

Figure B1 shows re-offending rates for adult offenders between 2000 and 2009 using the new and previous measure.

For 2009, 24.9% of adult offenders have a proven re-offence within 12 months using the new measure compared to 39.3% using the previous re-conviction

measure. However, trends for adult offenders are similar using the two measures. The proportion of offenders with a proven re-offence/re-conviction rose between 2000 and 2002, fell between 2002 and 2006, rose between 2006 and 2008, and fell between 2008 and 2009 using both measures.

Figure B1: Adult re-conviction/re-offending, by re-offending measure, 2000, 2002 to 2009

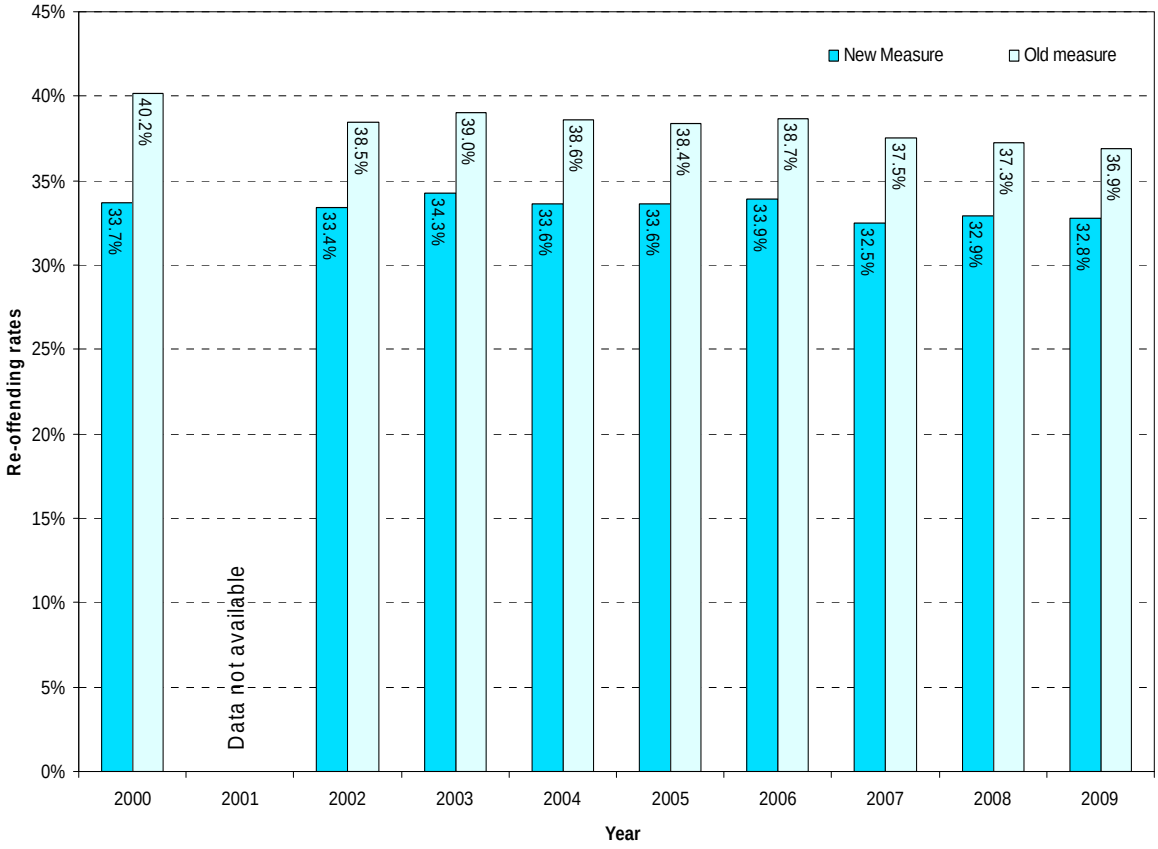


The overall reduction in re-offending is smaller using the new measure (1.2 percentage points between 2000 and 2009 and 0.5 percentage points between 2008 and 2009) than using the previous measure (3.7 percentage points between 2000 and 2009 and 0.8 percentage points between 2008 and 2009).

Figure B2 shows re-offending rates for juvenile offenders between 2000 and 2009 using the new and previous measure.

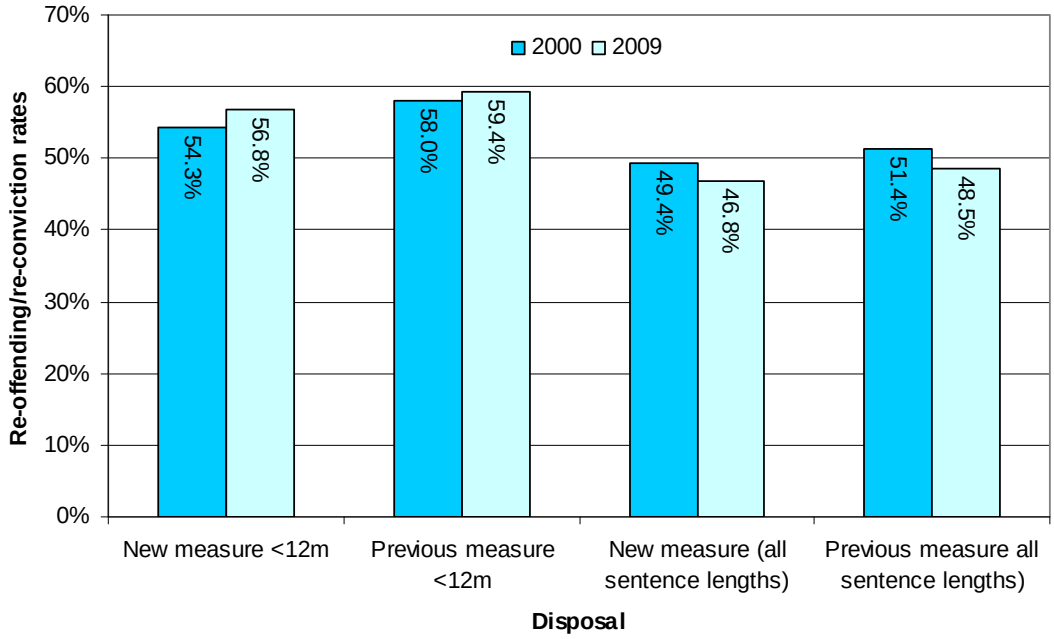
In 2009, 32.8% of young offenders re-offended within 12 months using the new measure compared to 36.9% using the previous measure. The reduction in re-offending is smaller using the new measure (0.9 percentage points between 2000 and 2009 and 0.1 percentage points between 2008 and 2009) than using the previous measure (3.3 percentage points between 2000 and 2009 and 0.4 percentage points between 2008 and 2009). Overall, the trends are broadly similar.

Figure B2: Juvenile re-offending, by re-offending measure, 2000, 2002 to 2009



Trends in proven re-offending/re-conviction rates for adult custodial offenders are similar using the new and previous measures. The proportion of offenders given a custodial sentence of less than 12 months who re-offended rose between 2000 and 2009 using both measures (by 2.6 percentage points using the new measure and 1.4 percentage points using the previous measure). The proportion of offenders given any custodial sentence who re-offended fell between 2000 and 2009 using both measures (by 2.6 percentage points using the new measure and 2.9 percentage points using the previous measure).

Figure B3: Adult re-conviction/re-offending of custodial offenders, by re-offending measure and sentence, 2000 and 2009



The change in methodology

The following sections provide detail regarding the change in methodology between the methods in measuring re-offending and how those changes impact on the data.

The table below provides a comparison of the previous methodologies with the new approach.

Table 2: Re-offending using the new and previous measures

Comparison of previous and new measures of proven re-offending

	Previous measures of re-offending						New measure of re-offending
	National adult re-conviction	**Local adult re-offending**	**National youth re-offending**	**Local youth re-offending**	**Prolific and other Priority Offending (PPO)**	**Drug-misusing offending**	
The cohort	Offenders aged 18+ discharged from custody or commencing court orders under probation supervision between January to March	Offenders aged 18+ on the probation caseload at the end of each calendar quarter	Offenders aged 10-17 discharged from custody, receiving a court conviction or receiving a caution/reprimand or final warning between January and March	Offenders aged 10-17 discharged from custody, receiving a court conviction or receiving a caution/reprimand or final warning between January and March	All offenders identified as being on the PPO scheme as at 1 April	All Class A drug offenders identified through positive drug tests on arrest, OASyS or drug requirement as part of a court order, CJIT identification, or identification on prison release between January and March	All offenders who received a caution/reprimand or warning, were convicted at court (other than custody), were discharged from custody, or tested positive for cocaine or opiates on arrest over a 12 month period.
The follow-up period to measure re-offending	12 months for offences to occur and a further 6 months for offences to be proved	3 months for offences to occur and a further 3 months for offences to be proved	12 months for offences to occur and a further 6 months for offences to be proved	12 months for offences to occur and a further 3 months for offences to be proved	12 months for offences to occur and a further 3 months for offences to be proved	12 months for offences to occur and a further 3 months for offences to be proved	12 months for offences to occur and a further 6 months for offences to be proved

Comparison of previous and new measures of proven re-offending

	Previous measures of re-offending						New measure of re-offending
	National adult re-conviction	**Local adult re-offending**	**National youth re-offending**	**Local youth re-offending**	**Prolific and other Priority Offending (PPO)**	**Drug-misusing offending**	
The headline measure	Frequency of re-offending (the number of proven re-offences per 100 offenders)	Proportion of offenders re-offending, compared to the rate that would be expected based on the offender characteristics	Frequency of re-offending (the number of proven re-offences per 100 offenders)	Frequency of re-offending (the number of proven re-offences per 100 offenders)	Number of further offences compared to number in previous year, against the reduction that would be expected given time on the PPO scheme	Number of further offences compared to what would be expected based on their previous offending history	Proportion of offenders re-offending We also include information on the frequency of re-offending and information on the predicted rate based on offender characteristics
What counts as a proven re-offence	Offences committed within the follow-up period which were proved by a court conviction either within the follow-up period or in a further six months	Offences committed within the follow-up period which were proved by a court conviction or caution either within the follow-up period or in a further three months	Offences committed within the follow-up period which were proved by a court conviction or reprimand or final warning either within the follow-up period or in a further six months	Offences committed within the follow-up period which were proved by a court conviction or reprimand or final warning either within the follow-up period or in a further three months	Offences committed within the follow-up period which were proved by a court conviction or caution either within the follow-up period or in a further three months. Breach offences that lead to substantive recorded convictions are included	Offences committed within the follow-up period which were proved by a court conviction either within the follow-up period or in a further three months	Offences committed within the follow-up period which were proved by a court conviction or caution/reprimand or warning either within the follow-up period or in a further six months

Comparison of previous and new measures of proven re-offending

	Previous measures of re-offending						New measure of re-offending
	National adult re-conviction	**Local adult re-offending**	**National youth re-offending**	**Local youth re-offending**	**Prolific and other Priority Offending (PPO)**	**Drug-misusing offending**	
Use of a predicted rate	A predicted rate of re-offending was included for the proportion of offenders expected to re-offend based on their characteristics Logistic regression was used	A predicted rate of re-offending was included for the proportion of offenders expected to re-offend based on their characteristics Logistic regression was used	A predicted rate of re-offending was included for the proportion of offenders expected to re-offend based on their characteristics Logistic regression was used	No predicted rate	Evidence on the link between time on the PPO scheme and expected reductions in further offending were used to assess reductions in number of offences compared to the previous year	A predicted rate of re-offending was included for the proportion of offenders expected to re-offend based on their previous criminal history Response surface methodology was used	A predicted rate of re-offending is included for the proportion of offenders expected to re-offend based on their characteristics Logistic regression is used
Data source	Police National Computer	Police National Computer	Police National Computer	Youth Offending Teams data	Police National Computer	Police National Computer	Police National Computer
Geographic breakdown	None	Region, Probation area, Local Authority	None	Youth Offending Team level	Police Force and Local Authority level	Drug Action team and Local Authority level	Upper and lower tier local authority areas for all offenders. Other breakdowns for specific categories of offender.

The effect of the changes

Adults

Differences in methodology are reflected in different results. Table 3 shows the impact on reported rates of adult re-conviction/re-offending. The table breaks down the changes between the previous measure and the new measure to identify the different effects of the changes in methodology.

Table 3: Re-offending/re-convictions data for adult offenders, 2000, 2002 to 2009

	Previous[1] measure: re-convictions (prison and probation offenders only), first quarter of the year	Previous measure: re-convictions (prison and probation offenders only), whole year	New measure: re-offending (prison and probation offenders only), whole year	New measure: proven re-offending (all offenders), whole year
		Proportion		
2000	43.0	40.0	40.9	26.2
2002	45.5	42.0	43.0	27.6
2003	45.4	41.5	42.4	26.9
2004	42.9	38.6	39.8	25.5
2005	41.2	36.6	38.4	24.9
2006	38.6	35.6	37.6	24.6
2007	39.0	35.9	37.9	24.8
2008	40.1	36.1	37.9	25.4
2009	39.3	34.7	36.2	24.9
		Frequency (average per offender)		
2000	1.85	1.66	1.69	0.89
2002	2.13	1.84	1.87	0.99
2003	2.05	1.73	1.76	0.93
2004	1.81	1.51	1.54	0.83
2005	1.66	1.36	1.40	0.77
2006	1.44	1.26	1.31	0.73
2007	1.47	1.27	1.32	0.73
2008	1.55	1.27	1.31	0.75
2009	1.41	1.15	1.18	0.70
		Frequency of re-offenders (average per re-offender)		
2000	4.30	4.15	4.13	3.39
2002	4.68	4.39	4.36	3.59
2003	4.52	4.18	4.15	3.44
2004	4.23	3.91	3.87	3.27
2005	4.03	3.70	3.65	3.10
2006	3.73	3.54	3.48	2.95
2007	3.78	3.53	3.48	2.94
2008	3.88	3.51	3.46	2.93
2009	3.57	3.31	3.27	2.80
		Number of offenders		
2000	42,734	148,052	148,052	477,698
2002	43,247	157,243	157,243	495,664
2003	44,095	159,686	159,686	520,660
2004	46,532	163,775	163,775	512,600
2005	43,429	170,021	170,021	532,045
2006	50,281	181,726	181,726	571,458
2007	50,085	190,418	190,418	595,020
2008	53,718	197,035	197,035	589,948
2009	56,616	200,077	200,077	576,255

1. Based on the national adult re-convictions publication (March 2011)

Among adult offenders in 2009, the previous national measure (the first column) shows that 39.3% of adult offenders were re-convicted within a year based on a sample of 56,616 offenders.

The second column shows the re-conviction rates from the previous measure looking at offenders who were released from custody or commenced a court order, but at any point during the year. The inclusion of offenders from a full 12 month period means the results are calculated using the full proven offender population rather than a sample – this ensures we do not over-represent prolific offenders in the cohort, which is a problem in using a January to March sample as in the previous adult re-conviction measure.

This leads to a lower proportion of re-convicted offenders (between three and five percentage points, e.g. 34.7% compared to 39.3% in 2009). The change to a full year also increases the number of offenders, to 200,077 in 2009[2].

The third column shows the proven re-offending rates from the new measure, but still based only on those offenders who were released from custody or commenced a court order at any point during the year. Proven re-offending includes offences which result in a caution in addition to those resulting in a conviction at court. The proportion of offenders who were proven to re-offend is between one and two percentage points higher than for those who were re-convicted (36.2% compared to 34.7% in 2009). There is little difference at this stage because we are still only considering offenders who already have a prison or a court order.

The fourth column shows the re-offending rates from the new measure looking at all adult offenders who received a caution, a conviction at court, discharged from custody, or tested positive for cocaine or opiates. The inclusion of these offenders increases the numbers considerably. In 2009, the previous adult measure tracks the re-offending behaviour of 56,616 offenders; the new measure tracks 576,255 offenders. The inclusion of offenders who received less severe disposals and are generally less prolific in nature reduces the proportion who re-offend by around 11 to 16 percentage points (36.2% compared to 24.9% in 2009).

Change over time

Compared to the previous measure, the reduction over time in the proportion of offenders who re-offend is much lower using the new measure. Using the previous measure, between 2000 and 2009, the proportion of offenders who were re-convicted fell 3.7 percentage points (from 43.0 to 39.3%). Using the new measure, the proportion of offenders who committed a proven re-offence fell 1.2 percentage points (from 26.2 to 24.9%).

Juveniles

[2] The previous measure includes offenders released from custody or who commenced a court order in the first three months of the year, shown in column one. Column two includes offenders released from custody or who commenced a court order in the 12 month period. The number of offenders shown in column two is less than four times as many as in column one. This is because some offenders commence a court order or are discharged from custody more than once in a year. These calculations only count each offender once e.g. offender Y is discharged from custody in the first quarter of the year, and discharged again in the second quarter, but he is only counted as a single offender

The only change between the previous measure and the new measure of re-offending among young people is the move from a one quarter sample to including all young offenders over the period of a year.

Table 4: Re-offending data for juvenile offenders, 2000, 2002 to 2009

	Previous measure[1] proven re-offending	New measure proven re-offending
	Proportion	
2000	40.2	33.7
2002	38.5	33.4
2003	39.0	34.3
2004	38.6	33.6
2005	38.4	33.6
2006	38.7	33.9
2007	37.5	32.5
2008	37.3	32.9
2009	36.9	32.8
	Frequency (average per offender)	
2000	1.51	1.12
2002	1.42	1.10
2003	1.42	1.09
2004	1.32	1.03
2005	1.25	0.98
2006	1.23	0.97
2007	1.16	0.90
2008	1.14	0.91
2009	1.10	0.90
	Frequency of re-offenders (average per re-offender)	
2000	3.77	3.32
2002	3.69	3.29
2003	3.63	3.19
2004	3.43	3.06
2005	3.26	2.91
2006	3.18	2.86
2007	3.08	2.77
2008	3.06	2.75
2009	2.99	2.75
	Number of offenders	
2000	41,176	139,326
2002	40,753	136,401
2003	40,297	138,379
2004	44,153	149,452
2005	45,337	163,545
2006	48,938	171,061
2007	52,544	171,454
2008	44,837	145,579
2009	37,472	121,107

1. Based on the national juvenile re-offending publication (March 2011) publication

As for adults, using the whole year reduces the proportion of offenders who re-offended because we do not over-represent prolific offenders in the cohort, which is a problem in using a January to March sample. Table 4 shows the reduction is between four and seven percentage points.
For 2009, with the previous measure, 36.9% commit a proven re-offence within one year; with the new measure, 32.8% do so. The new measure,

which is based on offenders from a 12 month period, includes over three times as many offenders as the existing measure.

Change over time

Compared to the previous measure, the reduction in the proportion of offenders who re-offend between 2000 and 2009 is much lower using the new measure.

Using the previous measure, between 2000 and 2009, the proportion of offenders who were proven to re-offend fell 3.3 percentage points (from 40.2 to 36.9%). Using the new measure, the proportion of offenders who committed a proven re-offence fell 0.9 percentage points (from 33.7 to 32.8%).

Drug-misusing offenders

Published results for drug-misusing offenders on the previous measure covered 2008 and 2009; results using the new measure cover from 2004 onwards.

The previous measure:

- Includes offenders who have been identified in the first quarter of the year, whereas the new measure includes offenders from any point during the year.

- Includes all drug-misusing offenders irrespective of the date of proven offence, whereas the new measure includes identified drug-misusing offenders who have received a caution, been convicted at court, been discharged from custody, or tested positive for cocaine or opiates on arrest during a 12 month period.

- Counts re-offences that were proven through a court conviction, whereas the new measure counts re-offences that were proven by a court conviction or caution.

As for adult and juvenile offenders, using the whole year to identify offenders reduces the proportion of offenders who re-offend, because we do not over-represent prolific offenders in the cohort, which is a problem in using a January to March sample. Table 5 shows the impact on reported rates of re-offending/re-conviction by drug-misusing offenders.

Table 5: Re-offending data for drug-misusing offenders, 2004 to 2009

	Previous measure[1] proven re-conviction	New measure of proven re-offending
	Proportion	
2004		67.3
2005		65.3
2006		58.6
2007		57.2
2008	61.0	56.4
2009	57.0	54.7
	Frequency (average per offender)	
2004		3.20
2005		2.94
2006		2.37
2007		2.34
2008	2.6	2.29
2009	2.2	2.10
	Frequency of re-offenders (average per re-offender)	
2004		4.75
2005		4.51
2006		4.03
2007		4.09
2008	4.3	4.06
2009	3.9	3.84
	Number of offenders	
2004		20,652
2005		29,112
2006		44,597
2007		54,474
2008	20,934	59,039
2009	20,109	53,109

1. Based on the national drug-misusing offenders publication (December 2010)

Table 5 shows that the proportion of offenders who commit a proven re-offence is between two and five percentage points lower using the new measure (57.0% using the previous measure compared to 54.7% using the new measure). The new measure, which follows offenders over a 12 month period, includes between two and three times as many offenders as the existing measure.

Prolific and other priority offenders

Published results for prolific and other priority offenders (PPOs) on the previous measure presented the frequency of proven re-offending for all PPOs; results using the new measure cover the proportion of offenders proven to re-offend, and the frequency of proven re-offending for all offenders and for re-offenders from 2005 onwards.

The previous measure:

- Includes offenders who have been identified in the first quarter of the year, whereas the new measure includes offenders from any point during the year. However, PPOs are generally on the PPO programme for a sustained period of time so this only has a moderate impact on numbers of offenders included.

- Includes all identified PPOs, whereas the new measure includes identified PPOs who have tested positive for cocaine or opiates, received a caution, been convicted at court, or been discharged from custody during a 12 month period.

- Counts re-offences that are proven through a court conviction or caution and also includes breach offences that lead to substantive recorded convictions. The new measure only includes re-offences proven through a court conviction or caution.

Table 6 shows the impact on reported rates of proven re-offending by PPOs and on numbers of offenders included in the measure.

Table 6: Re-offending data for Prolific and other Priority Offenders, 2005 to 2009

	Previous measure[1] proven re-offending	New measure of proven re-offending
	Proportion	
2005		77.0
2006		75.7
2007		75.8
2008		77.2
2009	56.0	75.1
	Frequency (average per offender)	
2005		4.01
2006		3.83
2007		3.80
2008	2.6	3.80
2009	2.4	3.49
	Frequency of re-offenders (average per re-offender)	
2005		5.21
2006		5.06
2007		5.01
2008		4.93
2009	4.3	4.65
	Number of offenders	
2005		8,555
2006		8,239
2007		8,309
2008	10,771	8,607
2009	10,635	8,156

1. Based on the national Prolific and other Priority Offenders publication (March 2010)

The average number of proven re-offences committed by PPOs in 2009 is lower for the previous measure than for the new measure in 2008 (2.4 re-offences per offender using the previous measure, but 3.49 using the new).

The previous measure includes PPOs who have not been proven guilty of an offence or been discharged from custody in the 12 month period when the re-offending cohort is formed. This type of offender is likely to have a lower level of re-offending.

These differences may help to explain:

- why the frequency of re-offending is lower for the previous measure than for the new measure in 2009 (2.4 re-offences per offender using the previous measure, but 3.49 using the new); and

- why the previous measure includes nearly 2,500 more PPOs in 2009 than does the new measure.

Local adult re-offending

The most similar results for the new measure of re-offending and the existing local measure of adult re-offending are the early estimates of re-offending of offenders given a court order. Like the existing measure of local adult re-offending, the early estimates of offenders given a court order:

- measure re-offending over three months;

- only measures offenders under probation supervision;

- provides results by probation trust; and

- compares actual re-offending rates with a predicted re-offending rate.

There remain significant differences between the early estimates and the existing local adult measure of re-offending, including:

- The existing local adult measure includes offenders on licence – the early estimates include offenders commencing court orders only;

- The existing local adult measure uses a ‘snapshot’ approach. This means offenders are counted if they are on the caseload at certain times in the year. Offenders who are on the caseload for a short period of time may not get counted with the existing measure. The early estimates count every offender who commences a court order;

- Because the existing local adult measure uses a ‘snapshot’ approach some offenders may get counted up to four times if they are on the caseload for over 12 months. The early estimates count every offender once;

- The existing local adult measure measures the re-offending of offenders at any point during the court order – the early estimates measure re-offending in the first three months after an offender commenced a court order; and

- The predicted score for the existing local adult measure was derived from analysis of 2007 re-offending data and the prediction for the early estimates was derived from analysis of 2008 re-offending data.

These differences explain why the re-offending rate is higher with the early estimates of re-offending by offenders commencing a court order than with the existing measure of local adult re-offending:

- offenders on licence have lower rates of re-offending than those commencing a court order; and

- offenders serving a court order have lower rates of re-offending the longer they are on that court order.

However, the prediction for the early estimates has been tailored specifically to the relevant group of offenders.

Local youth re-offending

The previous measure of youth re-offending used data that Youth Offending Teams (YOT) collected themselves from their local police and courts. The measure was used as management information and was never published or put into the public domain. The new measure uses data from the Police National Computer (PNC). Internal analysis and discussion with stakeholders has highlighted a number of differences between the two data sources:

- The PNC includes a number of offenders who have received a reprimand or final warning which do not always appear on the YOT systems. As a result, there are more youth offenders and a higher overall youth re-offending rate using the new measure than using the previous local youth re-offending measure.

- The PNC includes more comprehensive data on re-offending as adults by offenders who originally offended as youths.

- Using PNC data reduces the data-collection burden on YOT and local police forces.

- PNC data measures re-offending on recordable offences and YOT data measures re-offending on all offences. Offences which are not recordable include speeding offences, parking offences and other minor motoring offences. As a result, YOT data is more comprehensive for motoring re-offences.

- The new measure allocates offenders to a locality using their home address data from the PNC; the previous local youth measure allocated offenders using offender management data. As a result, Looked After Children (LAC) who are in foster care, or in a children's home, or in a boarding school or live with another adult known to children's services, maybe allocated to a different YOT under the previous youth measure than the new measure.

- For their re-offending to be included in the new measure, administrative data on young people in custody and secure accommodation has to be matched to the PNC. Some cases are not successfully matched. This process was not required for these offenders to be included in the previous local youth measure. As a result, YOT data can be more comprehensive regarding custodial offenders or those in secure accommodation.

- Using PNC data provides an external measure of youth re-offending, which makes it an appropriate data-source to support any future policies which tie local funding to re-offending performance.

- Using PNC data allows local youth re-offending to be measured on the same basis as national youth re-offending and adult re-offending, permitting adult and youth re-offending to be measured on a like-for-like basis and a more comprehensive picture of re-offending to be formed.

Work is underway to fully quantify the extent of these differences.

Contact points

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