



Ministry  
of Justice

# Unpaid Work Process Evaluation

**Evaluating the delivery of unpaid work  
in a unified probation service**

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Ministry of Justice

Ministry of Justice Analytical Series  
2024



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First published 2024



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ISBN 978 1 91169 50 1

## **Acknowledgements**

We would like to thank all participants who engaged in this research. We are extremely grateful to all the probation staff who helped coordinate this research, and to the people on probation who shared their experiences and views of unpaid work.

We would like to thank Amy Simpson, Tom Rizk, and Katriona Fahy at the Ministry of Justice for their contributions in conducting the fieldwork and analysis. We are also thankful to Caroline Morrison (HMPPS), Caroline Sharp (HMPPS), Isabel Latham (MoJ), Louisa Alvis (MoJ) and Jordana Deighton (MoJ) for their support throughout the research.

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# 1. Summary

This report presents findings from a one-year process evaluation that explored the delivery of unpaid work in England and Wales. The qualitative research design included a total of 102 interviews with: people on probation (25), beneficiaries (6), probation staff (62), and members of the judiciary (9); six focus groups with unpaid work staff; and ethnographic observations of 18 unpaid work projects. The evaluation was designed to assess what works in the delivery of unpaid work following the unification of the probation service and the £93 million investment to aid unpaid work delivery following the Covid-19 pandemic.

The main findings from the evaluation are:

## **Identity and purpose of unpaid work**

- All staff interviewed, believed the purpose of unpaid work is first and foremost a punishment, but it must also have elements of reparation in which people on probation give back to the community. Overall, staff were confident that unpaid work was meeting its aims as a punishment, which they viewed as the time people on probation give up attending their order. Staff also thought that unpaid work met reparative aims by ensuring that work carried out benefits the wider community.
- Perceptions on whether unpaid work is rehabilitative were mixed. Staff explained how unpaid work can be rehabilitative for some individuals by providing an opportunity to learn 'soft' and practical skills. However, the rehabilitative potential of unpaid work was not applicable to everyone and was dependent on employment status, the type of project, and the individual's willingness to engage with rehabilitative efforts.

## **People on probation's experience of unpaid work**

- People on probation identified relationships with supervisors as an important factor that affected their experience of unpaid work. A good relationship with a supervisor could encourage them to return and attend projects led by the same supervisor. Meaningful projects could increase compliance by encouraging people

on probation to return to projects they believed had value. These were usually described as projects that would have benefits for the local community, and/or where people on probation had the opportunity to learn new skills, particularly if they thought these could lead to employment.

- Many people on probation brought up communication issues they had with probation practitioners. These communication issues could make completing hours of unpaid work difficult either because their unpaid work hours were not set up in time or because people on probation could not contact probation to discuss issues they had with attending projects, making it hard to re-arrange hours.
- Many people on probation who were interviewed felt that wearing high-visibility vests, with unpaid work branding, caused them to experience unnecessary stigma and shame which could have negative impacts on their mental health. People on probation and supervisors thought, in particularly public areas, having to wear the branded high-visibility vests could impact compliance.

### **Delivery of unpaid work**

- Supervisors explained how their role can go beyond delivering the court order of getting people on probation through their unpaid work hours by additionally providing people on probation with support and advice to uphold a duty of care.
- Poor enforcement of unpaid work was described as a key barrier to compliance, with unpaid work staff blaming under-prioritisation of unpaid work and disjointed communication. However, unpaid work staff did acknowledge the high workload of probation practitioners in the under-prioritisation of unpaid work enforcement. Staff also explained the longer it was between sentencing and induction, or induction and placement, the harder it was to re-engage an individual and motivate them to begin their unpaid work requirement.
- Many staff were enthusiastic about Education, Training and Employment (ETE) and the opportunities it can offer people on probation, but highlighted barriers and challenges they face in its delivery. For example, staff wanted to introduce in-person ETE classes to support people on probation who struggle accessing the online portal but were unable to do so due to budget constraints.



## **Judicial views**

- Members of the judiciary believed unpaid work served its purpose as a punishment with the opportunity to rehabilitate well. However, most judges could not comment on the ‘true’ effectiveness of unpaid work delivery as they have no information on the journey of people on probation unless they return to court.
- Judges were not enthusiastic about the use of ETE within unpaid work, with some suggesting it risks overlapping with rehabilitative activity requirements, and ETE takes away from the punitive intentions of the sentence.

## **Delivering unpaid work in a unified probation service**

- Despite unpaid work commonly being referred to as “the face of probation”, staff still perceive unpaid work as the “poor relation” in the probation service, as it continues to be under-prioritised compared to other requirements. Additionally, the role of unpaid work supervisors was perceived to be undervalued by probation practitioners. This was thought to impact delivery through poor enforcement of multi-requirement orders and disjointed working relationships.
- Staff perceived the bureaucracy of operating in the public sector to be a barrier to the delivery of unpaid work. For example, barriers in the procurement of tools resulted in incorrect or poor-quality equipment.

## 2. Introduction

### 2.1 Background to the process evaluation

The delivery of unpaid work<sup>1</sup> has been through substantial change. The probation service reforms commenced on 26 June 2021 ('Day 1'), with a transition away from the 2014 Transforming Rehabilitation (TR) model to a new unified model of probation. This included the assumption of all unpaid work services by the probation service, previously managed by private Community Rehabilitation Companies (CRCs), and significant funding to support the reforms.

The Target Operating Model (TOM) for probation services in England and Wales (HMPPS 2021) sets out aspirational design principles for the delivery of unpaid work in a unified probation service. A 'user centred design' was proposed to ensure that unpaid work "will be more responsive to individual needs and will help to secure better outcomes for both supervised individuals and communities" (HMPPS 2021a, p99). On 5 October 2021, a further investment of £93 million over three years was announced to support an increase in the number of unpaid work hours undertaken per year. This included recruiting staff, enabling regional innovation, and updating the unpaid work vehicle fleet. The investment aimed to put unpaid work on stable footing following the impact of the pandemic, enabling His Majesty's Prison and Probation Service (HMPPS) to work through a backlog of hours and implement reforms.

This report presents the findings of a process evaluation that focused on the delivery of unpaid work following the unification of probation services and recent investment. The process evaluation was designed to assess what has been working well, less well, and why, in relation to delivery of unpaid work. Policy implications from this research are set out in Chapter 9. The research was guided by the following research objectives:

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<sup>1</sup> The delivery of unpaid work is termed 'Community Payback', and the sentence itself is called unpaid work. There have been various names for unpaid work over its 50-year history including 'community service' and 'community punishment'. For the purposes of this report it will be referred to as 'unpaid work', for ease of reading and understanding.

1. To understand what delivery of unpaid work looks like post-unification.
2. To explore the operational challenges of delivering unpaid work in a unified model.
3. To examine the range of innovative tools and methods aiding the delivery of unpaid work.
4. To examine how cultural changes have influenced unpaid work delivery.
5. To understand the perceptions of unpaid work from staff, people on probation, beneficiaries, and the judiciary.

A full list of the specific research questions for each objective can be found in Appendix A.

## 2.2 What is unpaid work?

Unpaid work is one of the punitive requirements available to sentencers and can be added to a community or suspended sentence order. Courts can impose sentences of 40-300 hours of unpaid work, depending on the seriousness of the offence. Unpaid work is delivered by the probation service which has the broader responsibility of managing offenders throughout their time in the criminal justice system. This is done through sentence management (building working with relationships with people on probation to assess risk, needs, strengths), interventions (such as specific programmes designed to address offending-related needs and build strengths for people on probation), and unpaid work.

The 2021 'Unpaid Work Operations Manual' sets out mandatory requirements and good practice for the delivery of unpaid work across all probation regions.<sup>2</sup> HMPPS (2021b) describes the overarching aim of unpaid work as being a credible punishment whilst providing reparation to the community. However, HMPPS emphasises that the punishment aspect of unpaid work is inseparable from the rehabilitative potential of the sentence (HMPPS, 2021b). The rehabilitative potential can include gaining employment or vocational skills through a positive work experience or training. The Unpaid Work Operations Manual lists the eight core principles of unpaid work which are designed to

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<sup>2</sup> A new operating manual was introduced in late 2023, but the 2021 version was used during the fieldwork of this evaluation.

achieve these aims, set out in Appendix B. Each probation region should be implementing these principles when delivering unpaid work.

### **Delivery of unpaid work in England and Wales**

Depending on the risks and needs of the person on probation, unpaid work hours can be completed in a variety of ways:

- **Group projects** are run by a supervisor and include a wide variety of different types of work. People on probation work as a team to complete required tasks. Examples of group projects could be grounds maintenance in a local park or growing food on allotments.
- **Individual placements** are a way to enable a person on probation who is unable or unsuitable (e.g., individuals having a disability) for group work to complete their hours in a more flexible way. Placements typically include working in a charity shop, with supervision provided by the beneficiary.
- **Independent projects** were a delivery solution introduced in response to the social distancing restrictions imposed as a result of Covid-19, where people on probation completed projects within their home, such as making face masks. Independent projects were phased out of delivery in 2023.
- **Education, Training and Employment (ETE)** enables people on probation to complete a range of courses and for the hours spent on these to be credited against the hours of their requirement. Since 2021, people on probation can spend up to 30 percent of their hours on ETE, increased from 20 percent previously.

From October to December 2023, 2,071,945 hours of unpaid work were offered and 1,116,660 were credited (which means the person on probation completed those hours of unpaid work) (Ministry of Justice, 2024a). This was around 372,000 hours per month during that quarter. Group projects make up the most of these unpaid work hours.

The delivery of unpaid work is supported by clusters of teams in each of the 12 probation regions. Whilst it can vary by region, there are typically four main roles:

- **Placement Coordinators** are responsible for establishing and maintaining relationships with organisations and stakeholders who are or may become beneficiaries. They will contact potential beneficiaries and review proposed group

projects and individual placements to make sure these are viable and meet all the necessary criteria. They ensure the sufficient availability of projects and placements for people on probation.

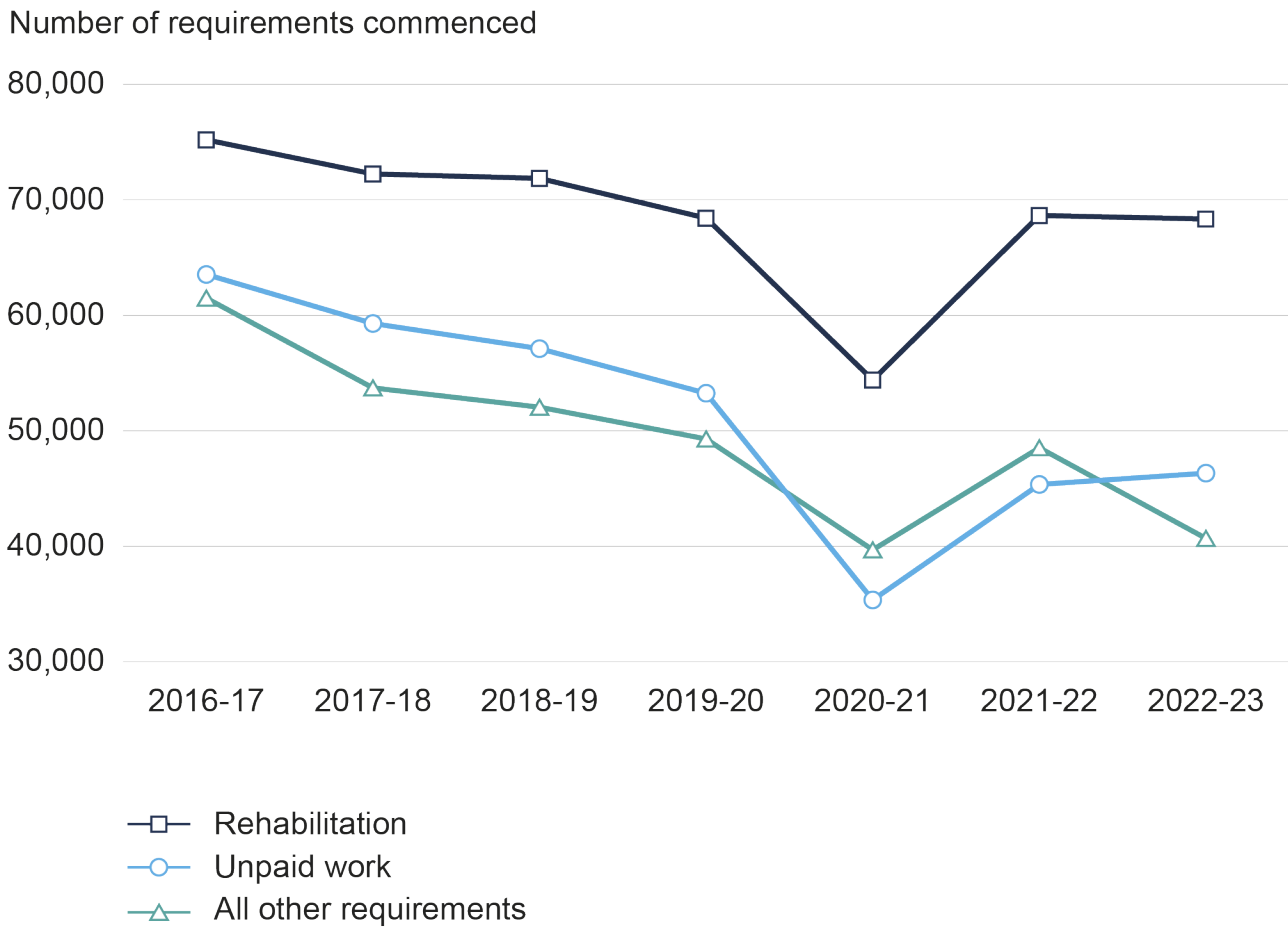
- **Supervisors** ensure the day to day running of group projects. They provide guidance to people on probation to make sure they are working safely and completing their hours.
- **Operations Managers** provide leadership and management for each unpaid work team. They make sure enough placements are available for people on probation to be able to complete their hours and projects are well planned, sufficiently resourced, and effectively managed. There may be multiple operations managers in each region. They usually cover one area and manage the supervisors and placement coordinators working in that area.
- **Heads of Unpaid Work** usually manage operations managers and are responsible for the delivery of unpaid work within their probation regions.

### **Unpaid work commencements**

In the year ending June 2023, 10% (n = 109,361) of people sentenced were given either a community sentence or a suspended sentence order, compared to 6% (n = 66,945) who were given a custodial sentence. Eighty percent of people (n = 864,410) were sentenced to a fine, while 2% (n = 26,706) were discharged (Ministry of Justice, 2024b).

Figure 2.1 shows that in the financial year 2022/23, 46,331 people started an unpaid work requirement, which was the second most frequently commenced requirement under community orders and suspended sentence orders. The most frequently commenced were rehabilitation requirements (n = 68,339). It is possible to be given and start more than one requirement, many people have both a rehabilitation and an unpaid work requirement. The number of people starting an unpaid work requirement, as well other requirements, fell during the Covid-19 pandemic.

**Figure 2.1. Number of requirements commenced under community and suspended sentence orders by financial year, England and Wales**

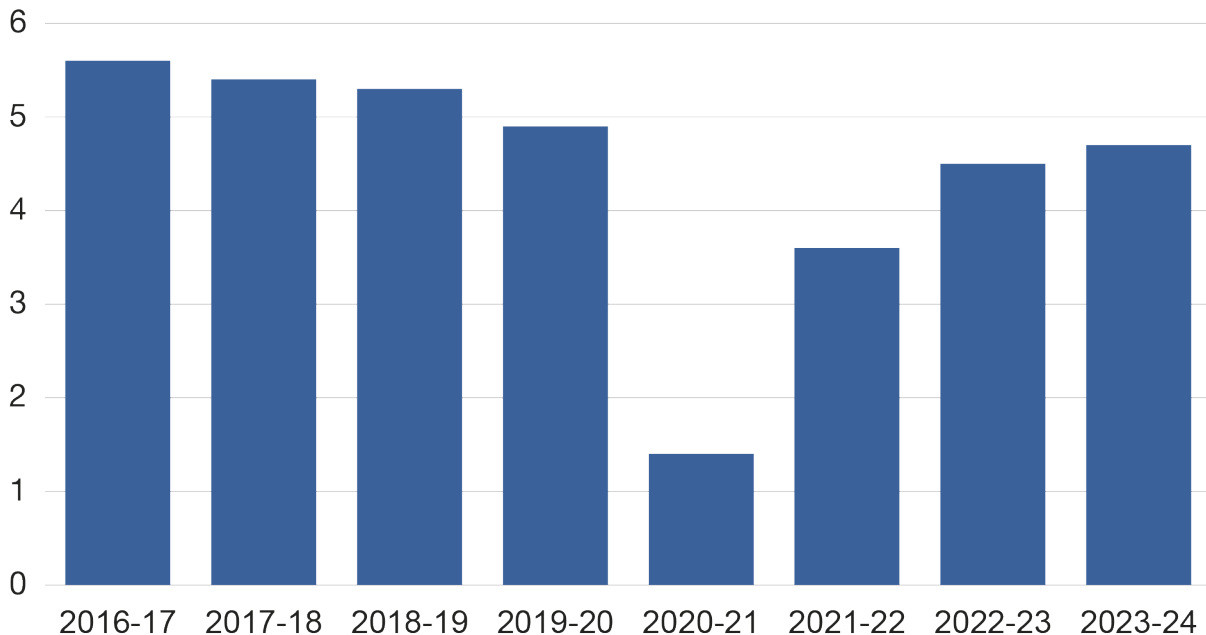


Source: Table 6.4 Ministry of Justice Offender Management statistics quarterly Q1 2016 to Q1 2023.

Since reunification, there has been significant focus on getting the number of unpaid work hours delivered each year back to pre-pandemic levels. Figure 2.2 highlights the decline of unpaid work hours delivered during the Covid-19 pandemic, decreasing from 5.3 million in 2018/19 to 1.4 million in 2020/21. Subsequently, Covid-19 recovery efforts led to a sharp rise in the number of unpaid work hours delivered, reaching 4.7 million in 2023/24.

**Figure 2.2. Number of unpaid work hours delivered before, during and after the Covid-19 pandemic by financial year, England and Wales**

Number of unpaid work hours delivered (millions)



See Footnote for sources<sup>3</sup>

## 2.3 What does the existing literature tell us about unpaid work?

### The historical context of unpaid work

Unpaid work has existed in various forms over its 50-year history in England and Wales. Originally starting as the 'Community Service Order' (CSO) in 1972, it was developed in response to a growing prison population and during a time of economic stagnation and high inflation, marking the end of the post-war boom. A credible alternative to custody was required and given a stronger societal emphasis on 'leisure-time' during the post-war period, the deprivation of such leisure was justified as a means of punishing offenders for their wrong-doings (Kilcommins, 2014).

<sup>3</sup> Figure 2.2 includes data from multiple sources. Data on the number of unpaid work hours delivered from FY 2016/17 to 2020/21 are from Parliamentary written question, HL1613 on 30 June 2021. Data for FY 2021/22 is taken from LC Commission Unpaid Work 25 January 2024. Data for FY is taken from published Unpaid Work Management Information, published 16 May 2024. Data for FY 2023/24 is taken from HMPPS Annual Report 2023.

The origins of unpaid work were outlined in the Wootton Report 1970 as a 'jack-of-all-trades' through the ability to combine 'reformatory' activity with reparative punishment (McCulloch, 2010). However, in its 50-year history, there has been a focus on boosting the 'punitive' nature of unpaid work. The CSO was rebranded the 'Community Punishment Order' following the Criminal Justice and Courts Services Act 2000, then in 2008 was rebranded as 'Community Payback' with a requirement for people doing unpaid work to wear high-visibility vests. The Crime and Courts Act 2013 forced courts when sentencing a person to a community order, to include at least one requirement for punishment, where unpaid work was explicitly categorised as a punitive requirement.

### **The effectiveness of unpaid work**

Unpaid work can be characterised as "all things to all people" (Carr and Neimantas 2022, p.82). The multiple purposes and aims of unpaid work; originally created to divert people from custody and reduce costs on the criminal justice system, to provide proportionate punishment, reparation, and rehabilitation – means its effectiveness can be assessed in multiple ways.

The effects of unpaid work on recidivism are well documented. The Scottish Government (2012) found lower reconviction rates among those with community service compared to those with prison sentences when controlling for criminal histories. Similar effects on reconviction rates of those doing unpaid work compared to prison sentences can be found in international literature (Killias et al., 2000; Werming et al., 2010; Klement 2015). Other studies have compared unpaid work to non-custodial disposals such as electronic monitoring, finding people given electronic monitoring reoffended less than those doing unpaid work (Killias 2010).

### **The delivery of unpaid work**

The way which unpaid work is delivered and perceived plays a role in its effectiveness. McIvor (1992) found that unpaid work in Scotland is associated with better compliance and lower levels of reconviction when people on probation found it worthwhile. The same study recognised that those on unpaid work found it more rewarding when they had contact with beneficiaries and when there were opportunities to acquire new skills. Similarly, a thematic inspection on unpaid work from His Majesty's Inspectorate of Probation (HMIP) in 2016



outlined many qualitative examples of how unpaid work can positively impact people on probation through skill development and working with beneficiaries.

It is important for unpaid work supervisors to have the correct skillset to run unpaid work projects. Supervisors have the most contact with people on probation in comparison to other probation staff and therefore have the foundation to build positive relationships with people on unpaid work. Positive relationships are crucial and a central component of unpaid work, as well as pro-social modelling which supports behavioural change (Raynor et al., 2010). Rex and Gelsthorpe (2002) found a reduction in pro-criminal attitudes amongst people on probation involved in unpaid work projects which were designed to specifically encourage pro-social modelling.

This evidence underscores the importance of how unpaid work is delivered to achieve desired outcomes. People on probation must perceive their sentence as fair and feel that their unpaid work is worthwhile. Staff must have the right skills to deliver unpaid work in a way which encourages people on probation to gain new skills and simultaneously deliver positive work for beneficiaries.

## 3. Methodology

### 3.1 Participant observation and unstructured interviews

Ethnographic data collection was carried out using participant observations of group unpaid work projects. This involved the research team attending group projects across England and Wales, participating in unpaid work activities where safe to do so and observing the project. Participation built rapport between the researchers and the subjects helping to diminish the structural divide. Observations reduced the reliance on self-reported behaviour and enabled the researchers to see nonverbal expressions, interactions, and participants' attitudes to unpaid work.

Two researchers took part in and observed each unpaid work group project to mitigate potential observer bias.<sup>4</sup> Observations were written up by the two researchers, typically during breaks in the project. Individual observation notes were discussed between the two researchers to reflect on any arising biases before being formally written up.

The ethnographical approach also facilitated unstructured in-person interviews throughout the day with people on probation, beneficiaries, supervisors, placement coordinators and operations managers. These interviews were based on a high-level topic guide, giving freedom to explore various observations from the ethnography in more depth.

### 3.2 Semi-structured interviews and focus groups

Semi-structured interviews took place online with heads of unpaid work, placement coordinators and probation practitioners to explore processes which helped or hindered compliance, the role of education, training, and employment (ETE), and the resources required to effectively deliver unpaid work. A further set of online interviews took place with members of the judiciary to understand their confidence in unpaid work as a sentence and the considerations made when sentencing an offender to unpaid work.

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<sup>4</sup> Observer bias comes from pre-existing views and personal beliefs, which risk infringing upon observations.

A series of focus groups were set up with supervisors, operations managers, quality development officers and placement coordinators. These focus groups explored how cultural changes have influenced delivery, how transition has changed delivery of unpaid work, what different ways of working exist now compared to pre-unification, and the extent to which unpaid work staff feel part of the probation service.

### 3.3 Sampling and recruitment

#### **Ethnographic study**

A convenience and purposive sampling technique was used to request unpaid work projects to be involved in the ethnographic study. All 12 probation regions were asked to individually put forward projects which met certain characteristics,<sup>5</sup> ensuring coverage of the wide-ranging scope of unpaid work.

The ethnographic study took place in two phases. Phase 1 from January 2023 to May 2023, and Phase 2 from July 2023 to December 2023. The break between the phases was used to assess whether saturation<sup>6</sup> had been reached. In Phase 1 of data collection, the research team were provided with two projects from each of the six different probation regions to be involved in the study. In Phase 2 of data collection, the sample was reduced to one project from each of the remaining six probation regions to reflect saturation of the data being collected.

The ethnography comprised of 18 group projects across England and Wales, with a total of 127 individuals observed and 69 unstructured interviews. A spread of rural (n = 8) and urban (n = 10) projects was achieved to reflect unique differences and challenges in delivery for rural and urban areas.<sup>7</sup> In terms of the characteristics of people on probation involved in this study (n = 81), the majority were between the ages 18 to 40, over

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<sup>5</sup> Characteristics included: whether the project was in a rural or urban environment, the presence of a beneficiary, the availability of welfare facilities, and projects with national partners.

<sup>6</sup> Saturation was defined as the point in the study where no new findings were being uncovered. When saturation was hit, the fieldwork was scaled back.

<sup>7</sup> The 2011 Rural-Urban Classification for Output Areas in England was used to assess whether a project took place in a rural or urban area. A similar approach was applied for projects attended to in Wales (areas consisting of a population less than 10,000 people were classified as rural).

three-quarters were white, 10% were black and 5% Asian.<sup>8</sup> Some projects involved in this study were mixed-gender projects, however only two women were in attendance out of the 18 group project sample.

**Table 3.1. The sample of individuals involved in the ethnographic study through observation and unstructured interviews**

	Number of observed individuals	Number of individuals who participated in an unstructured interview
Operations Managers	10	10
Supervisors	20	20
Placement Coordinators	10	8
People on Probation	81	25
Beneficiaries	6	6
<b>Total:</b>	<b>127</b>	<b>69</b>

### Semi-structured interviews and focus groups

A convenience sample was used to recruit probation staff across all 12 probation regions. There were 24 semi-structured online interviews with probation staff which took place over Phase 1 and Phase 2 of data collection.

**Table 3.2. The sample of semi-structured interviews conducted with probation staff**

Staff Group	Interviews	Coverage
Head of Unpaid Work	12	London, West Midlands, South West, North East, Greater Manchester, Wales, South Central, Kent Surrey Sussex, Yorkshire and the Humber, East Midlands, North West, East of England.
Probation Practitioner	6	London, West Midlands, South West, North East, Greater Manchester, Wales.
Placement Coordinators	6	London, West Midlands, South West, North East, Greater Manchester, Wales.

There were six focus groups with an average attendance of five participants. These focus groups took place in Phase 1 of data collection in London, West Midlands, South West,

<sup>8</sup> Demographic information of those participating in the study was either self-declared or observed by the researchers in attendance of the project. This information provided an overview of the demographics of the sample.

North East, Greater Manchester, and Wales. They were chosen based on previous CRC coverage, as well as ensuring a range of urban and rural delivery areas.

Approval to interview members of the judiciary was gained from the Judicial Office, who provided a list of ten sentencers who could participate in this research. In total, nine different sentencers from across England and Wales were interviewed online: three magistrates, three District Judges, and three Circuit Judges.

### **Suitability of methods and samples**

The range of qualitative methods used, alongside a sufficient sample, enabled the evaluation to obtain a rich set of perspectives. Participant observation reduced the reliance on self-reported behaviour, which is inherent in semi-structured interviews and focus groups (O'Reilly, 2012). It allowed the research team to observe nonverbal expression of feelings and social interactions. The inclusion of semi-structured interviews and focus groups helped balance any potential observer bias, which is a key limitation of participant observation studies (Kawulich, 2005). The semi-structured interviews and focus groups provided an opportunity to explore observations and generate deeper insights through interviewers asking open-ended questions to guide discussions (Rubin and Rubin 2005).

## **3.4 Qualitative analysis**

Qualitative data were analysed using Braun and Clarke's (2006) approach to thematic analysis. A third-party company transcribed the unstructured interviews that took place during participant observations and the research team transcribed online interview recordings using Microsoft Teams. The transcripts were coded line-by-line, and codes were subsequently grouped into emerging themes and sub-themes. Analysis was conducted using online qualitative data analysis software. The emerging themes were refined during an analysis day attended by all members of the research team, and codes were re-organised into defined themes. A final analysis day was held to ensure the themes reflected the underlying data. This process was quality assured by a separate Government Social Researcher at the Ministry of Justice who independently analysed a sample of the transcripts, which was then cross-referenced with the research team's analysis.

### **3.5 Limitations**

The approach to sampling and recruiting for unpaid work projects introduced a risk of gatekeepers selecting the 'best' unpaid work projects. This limitation was minimised by emphasising that this was a research project aiming to work with regions to better understand 'what works' in the delivery of unpaid work, and not an audit or inspection.

The specific sample of participants may not be representative of the wider population. Consequently, findings from this process evaluation are not generalisable beyond the context they are discussed in. The unstructured interviews with staff and people on probation were voluntary and the report captures the range of experiences and views of the research participants, but these do not necessarily reflect the views or experiences of all staff or people on probation.

A process evaluation does not generate information on attribution of impact and causality, instead findings should develop an understanding around what has worked well and less well, what could be improved, and how the context influenced delivery (HM Treasury, 2020).

### **3.6 Reflexivity**

The research team was made up of Government Social Researchers at the Ministry of Justice, and it is important to acknowledge how the role and position of the researcher can influence the research process. During the ethnography, researchers were aware that their presence at the project could change the behaviour of supervisors and people on probation. To mitigate this, researchers made it clear the importance of natural behaviour and responses to understand the true thoughts and perceptions of unpaid work and emphasised that the research was not an audit or inspection. Participants in the research were reminded that no names or identifying data were taken or recorded, and therefore comments and behaviour could not be traced back to individuals. The extent that behaviour changed due to the presence of researchers at an unpaid work project will remain unknown.

### **3.7 Ethical considerations**

The Ministry of Justice's (MoJ) Ethics Advisory Group (EAG) were consulted in the design of this research to ensure all possible ethical issues had been considered. Participants in the semi-structured interviews and focus groups gave their informed consent to participate in the research. For the participant observations, staff gave their written informed consent to researchers when they arrived at the project site. People on probation were given the choice to verbally opt-out of the research if they did not want to participate after being read the information sheet by researchers. Participants were reminded that individual participation was voluntary and that they were able to withdraw from the research at any point during the study. All data collected were stored securely at the MoJ and destroyed after analysis was complete.

In this report, identifying information has been removed to ensure participants remain anonymous.

## 4. The identity and purpose of unpaid work

The Community Payback Operations Manual states that unpaid work should be a punishment that gives back to the community (HMPPS, 2023) and describes the potential for rehabilitation in unpaid work through the opportunity to learn employment skills and undertake skills-based training. It was understood by staff that unpaid work is mainly a punitive requirement, however, staff interviewed placed different weighting on how 'reparative' or 'rehabilitative' unpaid work could be and whether all three can realistically be achieved.

### 4.1 Punitive mechanisms of unpaid work

Punishment was identified as the key purpose of unpaid work. Staff described a key element of the punishment of unpaid work as being the time that people on probation were required to give up attending their order. This aspect was referred to as a punishment because people on probation were unable to work, see their family or friends, or take part in leisure activities, during the hours they attended unpaid work. Staff articulated that, though they viewed the unpaid work requirement as a punishment, the punitive element is the giving up of hours, with it important that the work carried out remains reparative and rehabilitative.

"I do see it as a punishment, yes, not in terms of the work that they do, but in terms of that they are giving up their time to come here and complete the hours doing certain tasks...they've got to get up on a morning and they've got to prepare for coming here, to be here for potentially seven hours, and then they go home. So for that seven hours while they're here, to me that is their punishment, the fact that they're here, the fact that they can't be spending time with their families, they can't go to work, they can't go in the pub, they can't do what they want to be doing because they've got to come here...to me, that's what the punishment is." – Supervisor



Given the perception that the punishment element of unpaid work was in the hours given up by people on probation, rather than the nature of the work undertaken, the punitive aims of unpaid work were being met.

## 4.2 Reparative mechanisms of unpaid work

Reparation was viewed as the second key aim of unpaid work, in which people on probation give back to the community for the offence(s) committed. Ensuring that people on probation give back to the wider community through unpaid work was seen as important in re-establishing positive links between the individual and community. In some instances, these positive links could lead to volunteering or employment opportunities.

“In my view, the aim is to make reparation to the community to pay back the harm caused in the community by giving time to unpaid work, really, and just doing work for the benefit of the community.” – Probation Practitioner

Not only is giving back to the community important in re-engaging individuals with their communities, but it ensures that charities and beneficiaries, such as churches or local schools, receive essential maintenance and repairs that they otherwise cannot afford.

Staff emphasised how giving back to the community can help create a sense of pride and achievement in people on probation, which can be a crucial factor in ensuring individuals complete their unpaid work requirement. Most staff agreed that all types of work carried out by people on probation on unpaid work, such as litter picking or grounds maintenance of a church, provide reparation because of the positive impact on the local community.

“We get some really good feedback...and the amount of work that we’re able to do in the community for organisations that potentially wouldn’t be able to afford to do it...it is about the benefit to community, the physical benefit, but it’s actually about that communities perception of where they live as well and their fear of crime.” – Operations Manager

According to staff, the visibility of work completed during a project was important in allowing the public to see how work carried out by people on probation benefits local communities. In this context, visibility was also linked to public confidence, particularly for

victims of crime, that people on probation were being punished for the offence(s), “justice seen, justice done”, as one operations manager explained. One placement coordinator expressed that unpaid work requirements are often viewed as a “soft touch...they are kind of getting away with it”, emphasising the role of visibility in increasing public confidence in unpaid work as a harsh punishment and a means of providing meaningful work, often hard manual labour.

“...obviously we want the victims of the crimes of the people on unpaid work to see visible punishment and that offers wider reparation to the wider community.” –  
Head of Unpaid Work

Increased public confidence in unpaid work could, in turn, decrease the negative stigma associated with the requirement and encourage positive engagement between the community and people on probation. Visible reparation encourages positive interactions with beneficiaries and members of the public who frequently express gratitude for the work that people on probation carry out in their local community. This not only facilitates the re-establishment of positive relationships between people on probation and the wider community but encourages people on probation to maintain a good standard of work and attend all sessions of their unpaid work requirement.

Staff, particularly supervisors, expressed frustration about group projects that are less visible and not accessible to the entire community, as they prevent people on probation from giving back to the wider community in a way that is recognised. The same applies to people on probation who do not complete unpaid work in their local area, instead travelling to a different community to avoid being seen by people they know. In rural areas, staff explained the difficulties in finding projects in individuals' local communities due to travel restrictions or lack of accessibility and acknowledged that this could take away from the reparative aspect.

“Historically we were doing football clubs and the like, so you’re kind of hidden in places where they could probably pay for, for work to be done, and it’s only benefitting people who are paying to get access into those areas.” – Operations Manager

### 4.3 Rehabilitative mechanisms in unpaid work

Rehabilitation was considered the third aim of unpaid work as it gives people on probation the opportunity to learn new skills, work in a pro-social environment, stick to a routine and create a positive difference in their community. Though punishment must be delivered first, unpaid work staff often reported rehabilitation to be the most important aim of unpaid work to cultivate a positive change and encouraging desistance from crime.

“...there is a great deal more to unpaid work than just being punitive. It is a fantastic opportunity for rehabilitation. It can be transformative for some people; it can be what allows them the opportunity to change their lives.” – Head of Unpaid Work

Rehabilitation and reparation were seen as intertwined because, through giving back to the community and re-establishing positive connections, people on probation could overcome barriers and learn new skills, potentially leading to volunteering or employment opportunities. This was especially evident in meaningful projects with a visible end result. Such projects often garnered positive attention and appreciation from the beneficiaries and members of the public, reinforcing a sense of accomplishment and positivity in people on probation. This acknowledgment could motivate people on probation to fulfil their unpaid work requirement, where they can continue to learn and apply new skills.

Not all project types were viewed as rehabilitative, particularly if they failed to provide individuals with transferable skills that they could use towards employment. Litter picking projects were also viewed in this way by some staff. However, other unpaid work staff believed that all projects provided the opportunity to develop skills, suggesting that the individual’s willingness to learn and engage determines the rehabilitative potential of unpaid work.

“Plenty of work to do, a variety of work, ‘cos we can go and just cut hedges or something all day long and it’s just boring. It’s keeping the guys engaged and actually learning something from that. And actually people noticing what you’ve done.” – Placement Coordinator

Staff highlighted the range of skills that people on probation had the opportunity to learn on unpaid work, putting these skills in two categories: practical skills and 'soft' skills. Practical skills were relevant to vocations, such as painting, manual tool handling and gardening, and were thought to be important in helping people on probation build up their CV and gain employment. 'Soft' skills were deemed more valuable in helping some individuals prepare for employment through developing a work ethic, experiencing the structure of a working day, and learning how to communicate and work with others. Unpaid work can occasionally provide further opportunity for desistance and rehabilitation through offers of employment or volunteering from the beneficiaries of the project in instances where individuals have provided exceptional work and commitment.

“They come to us, they’ve got no work background and we’ve got a unique opportunity in unpaid work, I think to kind of give them those skills and move on to employment, because employment can often be a reason why they’ve come through the court system in the first place, or lack of employment...we give them those work skills.” – Operations Manager

Pro-social modelling in unpaid work can promote behavioural changes and desistance from crime (Raynor et al., 2010). Through pro-social modelling, unpaid work supervisors can mentor people on probation and help to create the foundations of a future in which they are able to make positive decisions and lead a life of desistance. In the delivery of pro-social modelling, reward and recognition can further empower individuals to engage with the work, which can encourage compliance with the order.

“Effective unpaid work I would say is [...] providing opportunities for rehabilitation, but also the opportunities for them to remain engaged and to empower the people on probation to return for the next work appointment and to give their full attention and 100% effort in carrying out the work...in a way that promotes teamwork, praise and reward and recognition through verbal praise.” – Operations Manager

Staff saw unpaid work as particularly effective in rehabilitating people on probation who are unemployed or have never been employed, particularly young people. However, it was apparent that the rehabilitative potential of unpaid work is not applicable to all people on probation. Staff expressed how rehabilitation cannot be effective if the individual is

resistant to rehabilitative efforts, which is often when they start their unpaid work requirement with a negative mindset and a reluctance to engage with the project. It was acknowledged that many individuals who receive an unpaid work requirement have never been in the criminal justice system before, and find the work and stigma involved with unpaid work enough of a deterrent. In these cases, the punishment element of unpaid work is satisfactory in encouraging desistance.

“I think every part of the requirement can facilitate that change if the person on probation wants to and most don't want to when they arrive and they're very negative ...and don't engage much.” – Head of Unpaid Work

#### **4.4 Summary**

In summary, though punishment was seen to be the primary aim of unpaid work, it was thought that the requirement can simultaneously offer punishment, reparation, and rehabilitation. It was widely perceived that the punitive element is the hours given up by people on probation, while the aims of the work completed should be reparative and/ or rehabilitative. The reparative aims of unpaid work are broadly met, but only when the project was seen to benefit the whole community. The rehabilitative potential of unpaid work is mixed. Rehabilitation was seen as crucial in encouraging desistance from crime, but it was emphasised that unpaid work is not rehabilitative for all. It was understood that unpaid work can be rehabilitative for individuals with specific needs, such as employment or mental health, which can be addressed by unpaid work staff and skills learnt on projects. However, rehabilitation can be dependent on the individual's desire to engage.

## 5. The voice of people on probation and their experience of unpaid work

This section explores the views of people on probation and their experience of unpaid work. It includes their views on what can make unpaid work a positive or negative experience, and factors which help people on probation balance unpaid work hours with their lives.

### 5.1 People on probation's views of unpaid work

When asked if unpaid work was a punishment, rehabilitative or reparative, many people on probation agreed that it was primarily a punishment and held similar views to staff on the extent to which unpaid work is reparative and/or rehabilitative. The punishment aspect of unpaid work was often understood by people on probation as the giving up of their time. The reparative aspect of unpaid work was the understanding that they were giving back to the community, usually by improving the local area. For some people on probation, giving back to the community was a key aspect of unpaid work and encouraged them to attend projects. This is discussed further in section 5.2 as one of the ways that people on probation understand a project to be meaningful.

Unpaid work was also identified by people on probation as a preferable alternative to prison. Some people on probation were aware that they could have received a custodial sentence and were pleased they had been given unpaid work instead. This seemed especially true for those who had experienced custody.

“Okay, yeah, I was in jail, and obviously you’d do anything to get out of prison [...] they give me a suspended sentence, and then part of that punishment was community service, unpaid work. [...] Anything’s better than being in prison ain’t it?” – Person on probation, London

For people on probation who identified unpaid work as rehabilitative, the mechanisms driving this mirrored those identified by staff: mental health improvements from working outdoors, and building positive relationships within groups and with supervisors. Some

people on probation also understood unpaid work as something which improved their outlook on life and gave them a way to engage with their lives in a more positive way. A big part of this was through learning skills or supervisors praising their work on projects causing them to think about working towards employment and desistance.

“It’s brilliant for my mental health, which is huge ‘cos I’ve not got any other type of therapy that I’m doing at the minute, but it’s very good for my mental health, being outdoors and working with the outdoors as well. [...] You do realise it’s a punishment, you’ve got to be here by this time, you’ve got to be there by that time, or we’ll go without you. [...] So it is a punishment, I am benefiting from it.” – Person on probation, West Midlands

Whether or not unpaid work was successful in achieving its rehabilitative potential was in some cases understood as dependent on the person.

“I don’t really gain any positivity from it, I just feel as this is my punishment, I’ve come here to do what I – well what I’ve been found guilty for, this is my punishment. Probation and community service ain’t really bettered me in any way, all it is, because I know from the past you commit a crime, these are the punishments, jail, fine, community service, probation, that’s it.” – Person on probation, London

Some people on probation expressed the view that unpaid work was not rehabilitative but that it should be. They thought unpaid work could be rehabilitative if they learnt skills which they mostly defined as practical or vocational skills that would lead to employment.

“Unless you get something out of it, like I said if you get a skill at the end of it, okay you’re going to be doing unpaid work, you’re going to be pruning trees, or whatever it is, at least if they say, right, you’re going to be doing unpaid work, but you’re going to get a skill at the end of it. Then I could see how that would be better, especially for younger people looking for work”. – Person on probation, London

A further barrier to unpaid work being rehabilitative was that this aim can often conflict with the aim of punishing offenders. This was particularly true in relation to the desire to make it

a visible punishment by requiring people on probation to wear 'Community Payback' branded high-visibility vests which is discussed further in section 5.3.

## 5.2 Enablers to compliance with unpaid work

People on probation were asked what helped them to comply with their unpaid work requirement and what might act as a barrier to compliance. This report refers to compliance in two forms; formal compliance refers to behaviour which meets minimum behaviour requirements, in this context attending unpaid work projects on time, whereas substantive compliance is concerned with the active engagement and cooperation of the person on probation with their order (Robinson and McNeill, 2008).

### Relationships with supervisors

Relationships with supervisors were frequently identified by people on probation as an important factor that affected their experience of unpaid work. A good relationship with a supervisor could encourage both formal compliance (they were more likely to return to a project) and substantive compliance (they were more likely to get involved in the work required and be proactive in completing tasks).

People on probation felt it was important to be treated fairly, with dignity and in a non-judgemental way. It was appreciated when supervisors tried to build rapport with people on probation and created an atmosphere of mutual respect within the group.

"Yeah, just a bit of respect, yeah, I suppose, that's all it is, be respectful, you get respect back isn't it? [...] Do you know what I mean, so for you to come in and be judgemental and be rude and talk in a different manner, you don't know what might trigger someone, you don't know what they will do. [...] So life is the same with everything isn't it, just be respectful and just try and be helpful ain't it?" –  
Person on probation, London

Some supervisors encouraged people on probation to tell them how they were feeling and created an open environment to discuss their problems, which people on probation found beneficial. Supervisors also built relationships by taking the time to teach people on probation new skills and to get involved in the work they were doing.



“I like working with [Supervisor 1] though, because he gets stuck in with you, do you know what I mean? He don't just sit in the van and shout his orders. [Supervisor 2], he sits in the van and just shouts his orders, “Do this, do that.” It's nice that and he gets involved, you know what I mean?” – Person on probation, South West

Some of those who did have negative experiences said that it was the judgement from supervisors which they found difficult.

“Because obviously what you [supervisor] think is going to play on our minds as well isn't it? If I'm coming here and you're looking down on me, I'm a criminal, why am I going to want to show my face to you for.” – Person on probation, London

### **What makes a 'quality' project?**

When people on probation said they enjoyed the work on projects, this was usually because they could see the value of completing the work. This in turn benefited formal compliance by encouraging people on probation to return to projects they believed had value, and substantive compliance through the desire to want to participate in the work.

People on probation said they preferred doing work they could take pride in, “we make a good job of it” (Person on probation, Kent, Surrey and Sussex), and it was important that the work was meaningful to them. This was usually described as being able to see improvement in the area they were working and knowing that this would have benefits for the local community, and/or as projects where they had the opportunity to learn new skills, particularly if they thought these could lead to employment. This is consistent with existing research that found increased compliance and a positive experience of unpaid work considered ‘purposeful, in giving them skills or in creating, restoring places, services of benefit to the community (or both)’ (Bennett & Bowen, 2022, p22; see also Anderson et al., 2015).

Some people on probation said that feelings of achievement and giving back to the community had positive impacts on their sense of self.

“And it can be enjoyable like today, laying these new steps [...] doing the posting, making it right, fixing it right, making it look nice, making it safe. You get a really

good sense of achievement from it, you go home thinking about it and you look forward to coming here again. But if you're turning up and you've just got to turn soil over, for the sake of turning soil over, then you don't." – Person on probation, West Midlands

People on probation talked about getting on with the other people on their project and having positive relationships with them as another factor which helped them to attend projects and make the day's work pass more quickly.

"Yeah, I think, yeah, 'cos the day goes fast, like faster. Like when there's more of us, so it's better 'cos we interact with – we just talk, you talk to different people, you find out different stories, and stuff, the day just like literally – just goes away quite fast." – Person on probation, North East

### **Flexible attendance**

Some people on probation felt that there were no barriers to them completing their unpaid work hours and this seemed to be true for a range of people on probation. Those who were employed talked about the flexibility of unpaid work, meaning they could fit it in on days off or before work. Those who were self-employed could manage their workloads to attend projects without being negatively affected. One person said it had been possible to fit unpaid work around education, being able to defer attending projects when coursework was due.

## **5.3 Barriers to compliance with unpaid work**

### **Communication with the probation service**

When discussing the negative experiences of unpaid work and barriers to compliance, many people on probation brought up communication issues that they had with their probation practitioner. They were unable to contact probation practitioners when they needed to, with one person describing this as the "*faceless probation service*" (Person on probation, West Midlands). Others felt that, despite regular contact, their probation officers had such high caseloads that they did not have the time to engage with them and provide support.

“But my probation officer I get half an hour with him once a week, in that half an hour you can see the guy’s busy, yeah. So he tries to explain and do what he can, because he’s obviously understaffed like everything [...]. So it’s communication, so I don’t know what a RAR is, I don’t know what an ETE is, I just hear these things and I know I’ve got to do them. But you need someone to explain to you, look mate, now you’re out of prison, this is an ETE, this is what it requires, this is what you do, and now this is – there is none of that.” – Person on probation, London

These communication issues could make completing hours of unpaid work difficult for many reasons. Some had been given an unpaid work requirement but reported that they had not been contacted about completing the hours for an extended period. This meant they only had a short time in which to complete their hours before the deadline.

“Like I said to them about doing my community hours, nine months ago when it first started, then they sent me the letter in January. So I had from January to April to complete my hours. So it gives me a short window, and then now I’ve – my probation, not even mentioned about RAR days at all. Until now, so then now I’m going to have to chase them about that, and this stuff, when I guess it’s their job to make sure I’m there.” – Person on probation, London

Others reported that they found it difficult to contact probation to discuss issues they had with attending projects, such as work, sickness or caring commitments. This could lead to them being sent breach letters and then having to spend time proving that they had emailed before the date to re-arrange hours, which they felt was a waste of time. Some noted that they have learnt from experience that it was best to email so they had proof of communication, because telephone conversations or messages left on answer phones were not well recorded.

A lack of organisation within the probation service was also raised by people on probation. For some, it highlighted an imbalance of power in the relationship between the probation service and people on probation. People on probation felt that behaviour that would not be tolerated from them, could be experienced from the probation service. Examples of this included the probation service cancelling meetings last minute or staff being late to appointments without warning.

Some people on probation contrasted their experience with their probation officer with their experience with unpaid work staff. They said that having regular contact with supervisors helped them explain their personal circumstances and that supervisors tried to help them to fit unpaid work hours into their lives.

“I work for myself [...], I try to do my best that I can, I’ve got a young family, [but probation practitioner says] no you’ve got to be at CS [unpaid work] every week, and what – I can’t do every week. [...] You don’t get anywhere with that and explaining that. [For hearing to extend unpaid work requirement] the supervisor wrote me a letter to say, compliant, he goes beyond anyone else; he’s always helping. But I just wanted to explain that, but no one would listen to that at all.” –  
Person on probation, West Midlands

People on probation also experienced issues with how attendance on unpaid work projects was managed, and hours credited. Some people on probation said they had been sent home because a project was full or due to poor weather, not had their hours credited correctly or not been picked up at the agreed meeting point.

### **High-visibility vests**

People on probation mostly agreed on the reasons why it was beneficial to wear high-visibility vests. These were perceived as important for safety, especially if they were working near roads. They agreed that it was not uncommon to wear high-visibility clothing when doing certain types of work and that it helped the supervisors to be able to see them. However, people on probation disliked having the unpaid work branding (branded as ‘Community Payback’) on the back of vests and some felt very strongly about this.

Some of the people on probation interviewed felt that wearing unpaid work branded high-visibility vests, caused them to experience unnecessary stigma and shame which could have negative impacts on their mental health. They described the high-visibility vests as degrading, embarrassing and as a secondary punishment.

“Whether you’ve accepted your crime or not is a different problem, but even for people who have accepted, look I made a mistake, I’m here to pay my dues, etc, shaming is the worst thing you can do, because that’s going to like affect your self-

esteem, it's going to make them feel like a failure, or at least can lead to that." –  
Person on probation, London

Many people on probation worried about members of the public perceiving them as criminals and either wanting to know why they were doing unpaid work or assuming they had done something they thought was worse than what they had done, being “tarnished with the same brush” (Person on probation, West Midlands). People on probation from one site had been called “paedophiles” and “scum of the earth” (Person on probation, West Midlands) by a member of the public, and in some cases had been blamed for thefts which had happen in the area where they were working. Some felt that the unpaid work branding meant that there was a barrier between them and the public which stopped the public recognising the work they were doing.

Several people on probation interviewed thought that, in particularly public areas, having to wear the branded high-visibility vests could stop people attending projects or made them request projects far from home. This was because they did not want people in their life to be aware of their situation or to have to keep explaining what they were doing to people they knew.

“There’s this place [...] people refuse to go to because it’s right by a high street, and so they’re completely embarrassed, they’re like – and I’ve seen people turn up, “Where we going to today?” “[Place]”, “Oh, I’m not coming”, because they don’t want that – they don’t want their friends and family to see, which is a fair enough reason, isn’t it?” – Person on probation, West Midlands

### **Barriers to compliance within group projects**

Many people on probation found it difficult to engage with boring, “pointless”, “demoralising” and repetitive work (Person on probation, London and South Central). This could affect both formal and substantive compliance, as people on probation said that they were less likely to attend meaningless projects and it was harder to feel motivated to complete a repetitive task or one which did not yield a visible result. Examples given of this kind of work were collecting leaves on a windy day, litter picking and cleaning graffiti from a building that was going to be demolished in six months’ time.

Part of this was not feeling like the work was giving back to the community or that it was not being carried out in communities that needed it most. Meaningless projects where people on probation felt they were doing hours for the sake of it and not giving back to the community were viewed as punishment and not payback. People on probation were also less engaged in projects where they were not able to learn any new skills or use skills they have.

I think the actual idea [of unpaid work] overall is brilliant, carry on doing it, but to me it comes from people that have never been in this position, that don't need help. They're in a different world, do you know what I mean? That church we went to, like I say, I think the cheapest house in that village was over £1 million, so how is that Community Payback when we're doing a church and there's eight of us there, with a job that a rotavator could have done for thirty-five quid. – Person on probation, West Midlands

People on probation discussed how the behaviour of the other people on the project was important, some having been on projects where a person on probation was disruptive or had behaved aggressively. In one area, the people on probation felt that age had an impact on behaviour, saying that it was sometimes harder to work on a group with younger people who dislike being told what to do or “do half a job” (Person on probation, West Midlands). Age and maturity levels were also brought up as having an impact on both formal and substantive compliance, some people on probation thought that those who were young, less mature or who had not yet had a job, had more difficulty attending projects regularly.

Some people on probation found that the way unpaid work was delivered could make it difficult for them to complete their hours in time. They discussed their frustration with the backlog in the system, as it pro-longed the time they had to spend on unpaid work. This was because delays in starting meant it was difficult to finish hours within 12 months, and because in some areas there were not enough places on projects for them to attend more than a few times a week. People on probation wanted to finish their hours as quickly as possible and “*move on*” (Person on probation, London) with their lives.

### **Difficulty fitting unpaid work hours in with other commitments**

For people on probation who do shift work or have zero hours contracts, changing work patterns means it could be difficult to commit to a regular day of unpaid work every week and, as discussed previously, it could be hard to contact probation practitioners to change days at short notice. For those who were unemployed, having multiple days a week already committed to unpaid work and other probation requirements could make it hard to find a job that fit with these commitments.

Some people on probation who were self-employed felt missing days of work affected them financially and could cause lasting problems. This led to some expressing the view that it was more of a punishment for those who were self-employed as they were giving up their time and also losing out financially.

“I’ve got a business to run, I work for myself, if I don’t get paid or land a job then one day [of] me being here turns into three four days’ worth of problems when I’m not here.” – Person on probation, West Midlands

Other barriers to formal compliance that people on probation experienced included mental health issues and anxiety around attending groups projects, and the location of placements being hard to access because of poor transport links. Childcare issues were discussed, with some people on probation not being able to attend at short notice because of caring commitments, having difficulty organising childcare so they could attend placements, or having to rush school drop-offs to be on time for a 9am start.

## **5.4 Views on Education, Training and Employment (ETE)**

Staff use Community Campus,<sup>9</sup> a probation-run online platform that hosts a range of courses available in 12 languages to deliver ETE. Staff aim to support people on probation in setting up an account on Community Campus, after which individuals are encouraged to complete courses (to a maximum of 30% of their requirement hours) in their own time. ETE should be offered to people on probation who are unemployed or who have an

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<sup>9</sup> During fieldwork there was a transition to a new in-house ETE provider, Community Campus. This was observed by people on probation with some drawing a distinction between the ‘old’ and the ‘new’ system. This may also account for some of the differing views people on probation had about ETE.

identified employment need. There are three mandatory courses delivered through Community Campus that all people on probation should complete.

For people on probation who said they were aware of the ETE offer but did not want to do any, this was either because they preferred to do all their hours on a project or because they only saw the vocational courses which offered a guaranteed interview or a qualification as beneficial. Some participants reported that they could not complete ETE hours, either because they were not aware of the opportunity, which may be because they were not eligible, or because they had low (digital) literacy levels which meant they could not use the e-learning platform.

People on probation who found ETE beneficial said that they had learnt something they thought was useful and appreciated the opportunity to spend time learning about a subject they were interested in. Some people on probation felt that it was dependent on willingness to engage as to how much they got out of completing ETE hours. If a person wanted to learn from it, they could, but it was also possible on older e-learning systems to flick through without really engaging and still get it done. The e-learning system was in the process of changing and people on probation noted that now they were only credited with the hours they had spent on a course rather than the hours that a course was assumed to take. The fact that courses were better monitored was mentioned. People on probation said that Community Campus included videos that could not be skipped and quizzes which mean that you had to engage with the content of courses.

Some people on probation brought up the fact that they only did ETE because they wanted to get the hours. For some, this was because they felt that they did not need any extra training. Other people on probation felt that if you were employed or already had qualifications, ETE was not beneficial and thought courses were “very basic” (Person on probation, North East). Although this view was not held by all with advanced qualifications.

Those with fewer hours of unpaid work (for example, less than 100 hours) sometimes felt it was not worth it and would just complete their hours on projects. Some mentioned not completing their ETE hours because they preferred being on projects and working outdoors, for some this was partly to do with motivation.



‘Yeah, so if I was at home and I had it on my laptop, I could just be on my phone and not do it, [...]. So like you don’t have a certainty to have to do it. But here, you’re being watched by [name], so you have to do it. And obviously you get seven hours 100 percent. So, that’s why it’s like I might as well just do it, it’s only one day out of my week.’ – Person on probation, East of England

Criticism of ETE as part of Community Campus included that it was not accessible for all people on probation because it was only delivered as e-learning. This excluded those who could not read or write, who were not computer literate or did not have access to IT. It was also mentioned that certain groups of offenders whose offences were committed online may want to avoid being online. People on probation felt that ETE would be more beneficial if courses lead to qualifications or certificates and that it should be possible for courses or training to be delivered in person.

## 6. Delivering ‘quality’ unpaid work

There are several factors which can ensure unpaid work is delivered to a high standard, including the type of project, variety of work and the role of the supervisor. Unpaid work supervisors play an important role in supporting and encouraging people on probation through their hours and are key in delivering high quality unpaid work.

### 6.1 Importance of the role of unpaid work supervisors

The role of an unpaid work supervisor is multifaceted in that they are responsible for delivering unpaid work to a high standard, sourcing adequate projects, maintaining positive relationships with beneficiaries, and managing people on probation through their hours whilst promoting compliance. Most supervisors involved in this evaluation were passionate about their role and place care and wellbeing of people on probation at the forefront of unpaid work delivery.

“You are the captain of that sailing boat” – Supervisor

“As a supervisor, you spend more time with them [people on probation] than anybody else in probation, so you’ve got them for a whole 7 hours in a day, and there’s so much good stuff they can do with them.” – Supervisor

Supporting people on probation through their unpaid work hours was viewed as a key responsibility for unpaid work supervisors by all staff, and many supervisors saw their role as more than delivering an order of the court. Supervisors understood that people on probation may have worries when they start unpaid work, so aim to create a comfortable environment through gestures such as offering a cup of tea upon arrival. By creating a positive environment, supervisors hoped that people on probation view the requirement as manageable and are therefore motivated to return. Supervisors felt that an environment free from judgement helped build a mutually respectful relationship with people on probation, which was vital in establishing rules and boundaries, engagement with the work, and creating a sense of trust in the supervisor. Once trust is established, supervisors have

a unique opportunity to support people on probation, not just through their order but also with regard to their wellbeing.

“They need to be here with me, you know, not so much to supervise, I’m trying to look after them...I’m here to look after them at the end of the day...not to boss them around” – Supervisor

Supervisors frequently check on the wellbeing of people on probation and use their position to provide support and signpost individuals to specific services if needed (e.g., mental health services). Though it was acknowledged that providing support and guidance encouraged people on probation to continue attending and create a more positive working environment, the offer of assistance came from a place of genuine care and concern, as supervisors wanted to help individuals in creating a more stable and structured life.

“It’s vitally important that the biggest skill anyone within the probation service could have is to be a good listener” – Operations Manager

“I talk to every single one of them every day, because I see them regularly...and if there’s a problem it’s pretty obvious” – Supervisor

The approach supervisors use in the day-to-day delivery varies for each supervisor, though most used a ‘firm but fair’ approach. Approaches vary to fit the needs of the people on probation and the dynamic of the group, though most approaches were based on mutual respect and supervisor involvement in tasks, with one supervisor commenting that they “always make a point of never ask them [people on probation] to do anything I wouldn’t do myself”. Through getting involved in tasks, supervisors displayed pro-social modelling by leading by example, which was seen as important in ensuring people on probation obey the set rules and boundaries of unpaid work and comply with supervisors’ instructions throughout the day. Being too lenient in their approach could result in people on probation taking advantage of staff and dominating the group, whereas being too strict could discourage people on probation from returning to complete their order.

“You have to be knowledgeable and authoritative and do it with the right way of treating people.” – Supervisor

Flexibility was seen as key in delivering unpaid work, as a 'one-size-fits-all' approach does not facilitate individual needs and group dynamics. Flexibility, such as allowing a person on probation to quickly answer a doctors' phone call, ensured that respect and a duty of care was upheld. Flexibility also helps to engage and support individuals through their hours and complete their order within 12 months. Nevertheless, supervisors emphasised the importance of strict boundaries, and enforcing the message that individuals would be sent off site if rules were not followed or disruptive behaviour displayed.

"I can't say you treat everyone the same way because people have got different needs, so you can't treat everyone the same" – Operations Manager

However, although the passion supervisors show for their job was paramount, they also expressed a frequent feeling of underappreciation. Some supervisors emphasised that their motives for staying in their role was not salary but love for the role, though some questioned if this was enough long-term. Further, while supervisors acknowledged a duty of care for people on probation, some felt that there was a lack of duty of care for them as concerns raised to probation officers over the placement of high-risk individuals on group projects are frequently overlooked and ignored.

"I don't think that the supervisors get the credit they deserve...they're looked at a lower level." – Quality Development Officer

The role of a supervisor can also be isolating, and this was acknowledged by staff across all levels, with little chance to network or meet other staff face-to-face. Though some supervisors maintain a good level of communication with their management or a provision of online meetings, there is little opportunity for supervisors to catch up or work with other staff in-person.

## **6.2 Compliance**

### **Encouraging formal and substantive compliance**

Induction attendance was viewed as important in encouraging formal and substantive compliance at an early stage in a person on probation's unpaid work journey. More specifically, a quick induction – a short amount of time between the sentencing of the individual and attending their induction – was seen to improve compliance. This is because

it was believed that individual motivation was higher soon after sentencing, and a quick induction meant the momentum was not lost, and individuals were still in the mindset of accepting their unpaid work order. Staff explained the longer it was between sentencing and induction, or induction and placement, the harder it was to re-engage an individual and motivate them to begin their unpaid work requirement.

During the induction, staff outlined the expectations of unpaid work and clearly explained the rules and boundaries, as well as what would happen if they were to be broken. Staff explained they also used the induction to begin motivating and encouraging formal and substantive compliance by demonstrating the benefits of unpaid work to the community and the potential for skill and personal development for people on probation. This was also done to ease the anxieties of some individuals and encourage formal compliance to make individuals recognise it can be a valuable experience. Within the inductions, staff try to schedule unpaid work sessions in line with the availability of individuals to ensure formal compliance is achievable and manageable.

“The quicker from court we can get them into induction, health and safety and on to site, when we do that quickly, we do tend to see that compliance can be better because the momentums there” – Head of Unpaid Work

Like people on probation, staff believed the type of project was vital in encouraging substantive compliance. A meaningful project, where individuals could see the value of the work and the positive impact it has on the community, was seen to improve substantive compliance as it ensured that people on probation were less likely to get bored but remained engaged in the tasks given. Further, a project in which people on probation can see a visible result was seen to improve substantive compliance, as it helped create a sense of ownership of the work produced.

“It’s a lot harder to keep a lot of unentertained people in order than people who have got meaningful work and get their head down and get through the day” – Head of Unpaid Work

Recognition and gratitude of unpaid work from members of the public and beneficiaries was also viewed as important in improving substantive compliance, as it can create a sense of achievement in individuals and emphasise the value of the work carried out.

Group consistency can help improve formal and substantive compliance as it simultaneously creates structure and removes anxieties around turning up to a new group every session.

“Beneficiaries coming out and thanking them, I think that’s a big thing where they see that their work’s been appreciated, and I think that all helps with compliance” – Head of Unpaid Work

“I think it’s really powerful when you’ve got a team working on the same project, rather than bouncing around from week to week in different projects...when they work on the same project they can see that project develop and the work they’ve done and how it’s impact on the community.” – Quality Development Officer.

Staff explained that supervisors can play a key role in encouraging formal and substantive compliance. It was deemed important that people on probation have the same supervisor throughout their journey on unpaid work, as this consistency can help create a sense of structure for individuals and allow them to build a pro-social relationship with the supervisor. Through building a good relationship with people on probation, supervisors can help improve substantive compliance by encouraging individuals to take accountability of their order and emphasising the impact unpaid work can have on the community.

“I think a lot of people...if there’s a supervisor they like, they’ll want to stay with them. It’s more about the supervisor than the project often.” – Head of Unpaid Work

On projects, supervisors aim to address people on probation’s skillsets when assigning work tasks to encourage substantive compliance, particularly in individuals with mental health or physical health needs, where supervisors source tasks that individuals can manage and remain engaged with. Supervisors explained that they attempt to motivate individuals by letting them know how many hours are remaining on their order as it gives people on probation a goal to work towards. Supervisors used messages around absence to try and improve formal compliance by reiterating the purpose of punishment in unpaid work and explain that if they remain compliant, their order will be complete within the 12-month requirement period. Further, supervisors emphasised the consequences of

failing to comply with an unpaid work requirement and state that this can mean custody for some individuals, to ensure people on probation attend their unpaid work sessions.

“So I think some of the tasks in the projects maybe aren’t as ‘nice’ as other but I think it is how the supervisor works with that group, lets them know how much they’re making an impact on the community...and sort of sell it to them that way” –  
Head of Unpaid Work

There were some regional initiatives that have been developed to improve levels of formal and substantive compliance. Most regions aimed to match individuals to the most local projects, which can be useful in improving formal compliance as it makes projects more accessible, as attending projects can often be a financial burden for individuals with a low income.

Some regions used pick-up points, where an unpaid work van will pick up individuals from a meeting place close to where they live, to reduce the financial burden of public transport and ensure attendance. Some regions stated that they provide individuals on a low income with bus passes to ease the financial burden of travelling to unpaid work projects and improve formal compliance. Several regions organise compliance phone calls with people on probation, in which staff will call individuals directly as a reminder of their upcoming unpaid work project or address any barriers to compliance that individuals may raise to try and re-engage them with their order.

However, some staff believed that formal and substantive compliance are dependent upon the individual’s willingness to comply. It was thought that if people on probation are reluctant to engage with or attend unpaid work, compliance will remain low regardless of efforts of staff or regional initiatives. This reiterates the importance of a quick induction process to ensure that people on probation are commencing their unpaid work order soon after sentencing, when motivation and willingness to comply are higher.

“I think if they’re not going to complete, they won’t complete. If they’re motivated to do it, they will.” – Head of Unpaid Work

### **Barriers to formal and substantive compliance**

Staff highlighted barriers to formal and substantive compliance which can impact unpaid work delivery. Accessibility of placements was described by staff as a barrier to formal compliance, particularly in rural areas where public transport runs infrequently. Further, not all regions run pick-up points for people on probation, and in regions where pick-up points are available, staff sickness may result in cancellations. Staff sickness was acknowledged as a barrier to formal compliance as staff shortages often mean that there is no available cover, particularly for pick-up points that some people on probation rely on to attend unpaid work.

“[Some areas] are rural with very limited public transport infrastructure. So for those people who, for whatever reason don’t have a driving license or in the current financial climate where people just don’t have additional money to put petrol in their tank to get them to a pick up point, it can be a real challenge.” –  
Operations Manager

Age was suggested as a barrier to substantive compliance, but only when paired with lack of employment experience. It was believed that individuals with little or no employment history had lower substantive compliance because they often did not have the structure, routine, or work ethic that employment experience can provide.

Echoing the views of people on probation, staff often referred to project work as a barrier to substantive compliance because people on probation can struggle to engage with work viewed as mundane and boring, has little impact on the community, or does not have a visible result. It was emphasised that engaging and meaningful work often improved substantive compliance.

Similar to the views expressed by people on probation, staff reflected that visibility could lower substantive and formal compliance, as people on probation can experience stigma or abuse from members of the public, particularly on projects that are exposed, such as litter picking on a main road.

“Generally work ethic is the main thing and generally, that’s related to age...generally, our younger clientele are less employed than the older ones.” –  
Placement Coordinator



Poor enforcement was described by staff as a key barrier to both formal and substantive compliance. Unpaid work staff expressed frustration at poor enforcement decisions around breaches for failure to attend unpaid work sessions. By failing to enforce breaches for not attending unpaid work, staff explained that it both undermines supervisors' messages around compliance and sets a false precedent to people on probation that such behaviour is acceptable.

“The only thing that supervisors can say, you know, ‘you’ll be breached’ and then they’re coming back laughing the week later going ‘but I wasn’t’.” – Operations Manager

Staff understood that probation practitioners have high workloads but felt that that unpaid work was not prioritised enough, highlighting a disjointed working relationship. People on probation who do not comply with their unpaid work order, but are not properly breached, remain on unpaid work attendance lists and take up spaces for individuals who are waiting to begin their order, increasing waiting times and likelihood of poor compliance. Supervisors expressed frustration in cases where they sent a breach referral to a probation officer, for example for disruptive behaviour during a project, but the breach was not enforced, as this can undermine supervisors' authority on projects. Further, some supervisors highlighted instances in which they have experienced abuse or disruptive behaviour that has failed to lead to a breach but are aware of instant enforcement if a person on probation is disruptive to a probation officer. This emphasises the disjointed relationship and lack of communication around enforcement between unpaid work and probation officers, which can impact compliance levels and unpaid work delivery.

“So it’s the probation practitioners that have to enforce it. Obviously they’ve got massive caseloads. Unpaid work comes at the bottom of their caseload because it’s the lowest risk.” – Placement Coordinator

## 6.3 Types of projects

### **Project variety**

When delivering unpaid work, sufficient variety of work within a single project was seen to be key in effective delivery by ensuring people on probation remain engaged throughout their hours. This links closely with the views of people on probation, who preferred to

engage in work that they are able to take pride in, as valuable work can help create a sense of achievement and improved self-worth. Project variety was viewed as particularly important in instances where individuals are spending an amount of time on projects considered mundane, such as litter picking.

“For me, it’s about a project that can sustain varied work, because people get bored very quickly” – Operations Manager

Adequate welfare facilities were often viewed as an important factor in ensuring a quality project, as they provide an indoor space for people on probation to use toilet facilities and have refreshments during their breaks, particularly during winter and poor weather. Staff stressed that they dislike acquiring projects where it feels like work is being completed for the sake of it and emphasised the importance of value in the work carried out for the community. Work was seen as meaningful when it both benefited the community and provided a service to charities, individuals or similar organisations that otherwise cannot afford to have the work carried out.

“I feel really strongly about the need to have really worthwhile projects...by enabling the groups and the supervisors to have something that they really feel is worthwhile to the community, but also to them, you know, they’re gaining skills out of it and they can really see a change in what they’re doing.” – Operations Manager

Individual projects can offer people on probation a more manageable environment to complete their unpaid work requirement. Staff explained that individual projects within charity shops can directly provide people on probation with volunteering or employment prospects once individuals have completed their requirement, which is less common in group projects as beneficiaries such as churches are unable to provide such opportunities. Individual projects are not directly visible to the public, and staff often questioned if the public therefore view this as a lighter punishment and less opportunity for giving back to the community.

“A charity shop where we put most of our individual placements, yes, it benefits the community, it gives the person on probation more new skills, but does it really benefit the bigger picture? I see a charity shop as a means to an end” – Operations Manager

## 6.4 Staff perspective on Education, Training and Employment (ETE)

### Delivering ETE

As part of ETE, there are three mandatory courses that all people on probation should complete on Community Campus. However, some staff explained that the mandatory courses often take up individuals' ETE hours, which can prevent individuals from completing courses of interest or finding courses to upskill or use towards employment. Some examples of ETE courses available for people on probation to complete are, but not limited to, First Aid, Manual Handling, Food Hygiene, and Health and Safety.

Some staff expressed concerns around the online delivery of ETE and wished to provide in-person ETE classes on unpaid work sites for individuals who struggle to access the portal, but such hopes are diminished due to staff shortages or budget constraints.

“I've said about ETE evenings, again, it's an investment down here, we've got some laptops but no Wi-Fi. So, if we had Wi-Fi, laptops and everything down here, yeah, I'd give up at least one evening a week to work late.” – Supervisor

Many staff were enthusiastic about ETE and viewed it as a valuable opportunity for people on probation to gain skills to use towards employment or to upskill, with one Placement Coordinator describing it as “an educational tool, which points them in the right direction”. However, some staff criticised the fact that individuals' access to the platform ends once they have completed 30 percent of their hours. This was seen as problematic as staff believed it contradicted efforts of trying to encourage employment or training and suggested that people on probation should still be given access to the portal and training courses without being credited the hours. Some staff did not believe that ETE increases employability but suggested that practical in-person courses delivered by third parties, such as Construction Skills Certification Scheme (CSCS) cards or forklift qualifications, would provide better employment prospects. Some staff did not view ETE positively and believed that many people on probation skip through courses and do not take any of the content on board. In this context, staff were in favour of sourcing and delivering practical ETE courses.

“In theory, it's brilliant” – Operations Manager

“If they’re out of work, I think a lot of it should be in person. Like trying to get them a CSCS card or something similar like that...things that will actually give them an opportunity to walk in the door and say ‘I’m fit for work’” – Placement Coordinator

### **Barriers to delivering ETE**

ETE was frequently viewed as inaccessible for many people on probation due to its online format, which requires individuals to have access to the internet and IT equipment or a smart phone, but this may not be realistic for some. Staff thought that the online format therefore put some people on probation at a disadvantage and expressed frustration that unpaid work do not have the resources to deliver in-person ETE classes to support individuals through their hours.

Further, many people on probation struggle with English literacy and therefore cannot access the ETE content. Staff recommended that individuals who struggle with English literacy should have access to literacy courses instead of completing the mandatory online courses.

“I don’t think it’s right that one person can get a 30% reduction in their hours through them being educated, and another would miss out on that through a lack of education...personally I just don’t think that’s right, so I’d rather help someone in that situation” – Supervisor

Some staff felt that ETE did not meet the needs of many people on probation, and suggested the introduction of courses that focus on life skills such as finance management or CV writing. Staff also reflected that the offer of ETE is not right for everyone.

“I had a seventy-one year old fella who’s never had a computer or a telephone in his life...and he laughed at me and said ‘I’m seventy-one years old, I don’t want any job prospects, I’m retired’...so it doesn’t hit everybody” – Placement Coordinator

### **Purpose of ETE**

Many staff believed that people on probation complete ETE to reduce the hours they have to complete on unpaid work projects, and so they choose the easiest courses in order to complete their hours quicker. This was felt to be particularly true for people on probation

with stable employment who do not need skills to increase employability. As such, some staff questioned whether ETE represented the main goals of unpaid work - a punishment while paying back to the community.

“I think it’s just a mechanism to get through the hours” – Supervisor

Staff gave evidence of when ETE can lead directly to employment, in the form of practical courses such as CSCS cards, but many staff believed that the online courses do not lead to employment in the same way. Some staff disagreed, however, and stated that online ETE courses can indirectly lead to employment by providing people on probation with confidence to enter further education or stimulate a desire to gain a qualification that could lead to employment.

“The reason for ETE...it’s obviously going to improve their skills and employability skills. And then therefore they might be able to secure some employment” – Head of Unpaid Work

## 7. Judiciary's views of unpaid work

### 7.1 Unpaid work as a sentence

Most members of the judiciary interviewed as part of this evaluation saw the main aim of unpaid work as a punishment. This is in line with the sentencing guidelines, which explicitly categorise unpaid work as a punitive requirement. Views on secondary aims of unpaid work were mixed. However, some saw reparative and rehabilitative potential. One judge referred to unpaid work as “invaluable” due to the opportunities for people on probation to learn skills and gain knowledge whilst carrying out the punishment. Other judicial members referred to unpaid work in the context of re-engaging individuals with the community through links created and skills acquired on unpaid work.

However, despite the reparative and rehabilitative potential, some judicial members perceived unpaid work primarily as a punishment, and reparative and rehabilitative elements should not detract from this. Judges and magistrates who referred to unpaid work in the context of punishment explained that there are alternative requirements available that aim to rehabilitate people on probation, such as Rehabilitation Activity Requirements (RAR), with emphasis on the use of unpaid work as a form of punishment.

“It’s a punitive requirement. It’s not rehabilitative. That would be a RAR.” – District Judge

“Really the unpaid work it has to be a form of punishment, we hope it will rehabilitate them in some way and we hope it will deter others from wanting to commit similar offences.” – Magistrate

In contrast with unpaid work staff, some judicial members interviewed expressed scepticism about ETE, with some suggesting it risks overlapping with the intentions of a RAR. These judicial members felt that ETE took away the punishment element of an unpaid work requirement and instead provided more rehabilitation, which many did not perceive to be an aim of unpaid work; one Circuit Judge referred to ETE as ‘*more of a reward*’. Some judicial members explained that they understood the idea of providing an

opportunity for individuals to learn and gain skills but questioned the credibility of the online format of ETE, which did not align with the perceived purpose of unpaid work.

“I do think training courses are absolutely brilliant idea for people on unpaid work, but again, they need to be effective training courses and not something that someone can tap a few things on a computer screen and that gives them a qualification. It's got to be something that challenges them, and they do actually get something that is worthwhile at the end of doing a course so effective, work swiftly delivered and promptly breached.” – Circuit Judge

“I have reservations about whether or not simply sitting at a computer doing that [ETE] in one's time amounts properly to what I would consider to be or expect to be unpaid work.” – Circuit Judge.

## **7.2 Who is suitable for unpaid work?**

Judicial members interviewed explained the importance of Pre-Sentence Reports (PSRs) alongside sentencing guidelines in the sentencing of people on probation to unpaid work. PSRs are written by probation officers who meet with the person on probation to discuss their circumstances around and leading up to the offence(s), and what they perceive to be the most appropriate sentencing outcome and why. In a PSR, it is expected that the probation officer outlines if unpaid work would be a suitable sentence for the person on probation and, if appropriate, propose the hours that would be a suitable sentence length for that individual. PSRs are used alongside sentencing guidelines, which outline the minimum and maximum tariffs of available sentences based on offence severity.

“If the probation service are involved, they will be providing me with information about whether they consider that person to be suitable to do unpaid work, both in terms of whether probation services would accept any risks associated with it, whether or not that person is fit to undertake unpaid work, whether [there are] physical or mental health reasons why they could or couldn't undertake unpaid work, whether [there] are the limitations on them being able to undertake unpaid work.” – District Judge.

Largely, judicial members felt that they received adequate information in PSRs on the background of the individual and circumstances around the offence(s). However, some stated that information was often lacking on the suitability of unpaid work as a sentence. Judicial members stated that they would not perceive unpaid work to be unsuitable for an individual unless it has been stated within the PSR. Deciphering self-reported elements from the individual against recommendations from the probation officer regarding the individual's physical health and work capacity can be challenging. Inaccurate judgement of the suitability of an unpaid work requirement can result in the person on probation returning to court as the order is deemed unworkable.

“Suddenly within fairly short space of the order having been made, excuses are being given that were not present at the time...because the probation officer doing the report has been misled and anything is better than going to prison” – Circuit Judge

### **7.3 Overall confidence in unpaid work delivery**

#### **Confidence in the delivery of unpaid work**

Most judges and magistrates involved in this research expressed that as they had not been told otherwise, they assumed that unpaid work was being delivered as intended and continued to sentence people to unpaid work regularly. However, some judges and magistrates felt they did not have enough information about what happened post-sentencing to hold an informed view on their confidence on unpaid work delivery. Those who expressed this view felt that, because the only time they saw a person on probation again was when they returned to court for not completing their order, they did not have an accurate picture of unpaid work.

Members of the judiciary interviewed felt that there was a lack of information available about unpaid work. There was a desire for more information about unpaid work in terms of overall numbers of completions and reasons for non-completion, as well as a narrative from people on probation about their experiences of unpaid work. They would particularly like to hear from cases which have not returned to court where usually there would be no further contact.



“As well as hearing what they have to say, if they were then able to tell us what would work because we do these things to other people, we impose these things, but also knowing what they think would work as individuals on the receiving end, it would be helpful to know what would help them” – Magistrate

Some judges and magistrates expressed they would like more information about the type of unpaid work available in their local area, which projects have been completed and what the benefits and successes of these have been. It was felt that this would be especially helpful for newer members of the judiciary who may not understand what unpaid work consisted of.

“So we have very little information that comes back about the success or otherwise of unpaid work or even what unpaid work has been done in our local community.” – Magistrate

Some members of the judiciary made a broader point about unpaid work initiatives not being well explained or publicised when they were implemented. For example, there was a view that ETE was not well monitored and that a stronger message about the importance of ETE, its aims and the outcomes achieved would make members of the judiciary feel more confident about ETE being delivered within unpaid work.

Judges and magistrates reflected that lack of enforcement, monitoring and resource issues had impacted their confidence in unpaid work. Judges noted times where people on probation were being returned to court for a breach, but felt that probation had not done enough to support people through their unpaid work order or had not breached a person in a timely way.

“Judging by the breaches that I get, that I see frequently, where there's been a significant lack of compliance and it hasn't been brought back to the court for a long time.” – District judge.

“[I] don't have full confidence in it, largely because of the issues that we experienced with regards to its monitoring and enforcement. So I can't say I've got full confidence in it, I've got some and I've got an expectation that it takes place.

Too many times when the orders come back, that expectation is not being fulfilled.” – Circuit Judge

Some judges expressed that they had lost confidence in unpaid work when it was delivered by CRCs because of failures to properly breach people on probation. Their impression was that unpaid work teams were making changes post-unification and post-pandemic and confidence was slowly returning.

[Interviewer] “Is current delivery of unpaid work, meeting its purpose as a sentence requirement?”

“Short answer, no. I think they're getting better. I think this goes back to the outsourcing of unpaid work and it was plain to the judges when it was outsourced that they were chaotic. They often just didn't bother to breach people because if they didn't breach people then they didn't need to bring anyone back to court [...]. I just think it was almost a joke and because it was almost a joke, many judges have lost absolute confidence in giving unpaid work, which is a tragedy because it's actually a really good sentence.” – Circuit Judge

## **8. Delivering unpaid work in a unified probation service**

Following the termination of Community Rehabilitation Companies (CRCs), the Target Operating Model (TOM) set out that core staff delivering unpaid work would continue doing so in the new probation service from 26 June 2021 (HMPPS, 2021). The reunification of the probation service was an opportunity to build on best practice to improve the quality and consistency of unpaid work when delivered in the public sector.

### **8.1 The challenges of delivering in a unified probation service**

The unification of the probation service was an opportunity to create “a true partnership ethos, with a joint vision and joint working to address any issues encountered” (HMPPS 2021, p95), and move away from long-standing perceptions of unpaid work being seen as the ‘poor relation’.

“For me personally, I didn't want to go back into probation because I felt my experience before was that unpaid work was always the poor relation, was never given the respect either from sentence management or from higher managers, or from procurement and finances and things like that and we were always underfunded, always you know, dealing with poor quality tools, equipment and stuff like that.” – Head of Unpaid Work

Following unification, the sentiment of unpaid work being the ‘poor relation’ within probation remains. Despite unpaid work commonly being described as the ‘face of probation’, it was described by staff as taking the ‘back seat’ in multi-requirement order cases. When probation practitioners are dealing with a case with multiple requirements, it was commonly thought that an order must be sequential, with programme requirements and rehabilitative activity requirement (RAR) days being prioritised over unpaid work. This is problematic as unpaid work orders need to be completed within 12 months of the sentence and if not, can contribute towards the backlog of unpaid work cases.

“I think when you have got competing demands, unpaid work probably takes the back seat often because they [probation practitioners] focus on risk-related requirements. It isn't the right thing, they should all be sequenced to happen together.” – Head of Unpaid Work

Under-prioritisation of unpaid work by probation practitioners was also apparent when it comes to enforcement. Frustration amongst unpaid work staff was raised at how compliance rates for standalone unpaid work orders are perceived to be higher than multi-requirement orders. Whilst the characteristics of those on a multi-requirement order are likely to have higher risk and needs (and therefore be more challenging to manage), unpaid work staff felt that absences were not being enforced properly by probation practitioners. These frustrations around multi-requirement orders not being enforced and the consequences of not enforcing consistently have contributed towards the feeling of unpaid work being undervalued.

“It's really damaging when we've got people on multi requirement orders and people on standalone orders who are on the same groups, they talk, they'll say 'oh well I was in breach because I missed that session'. And then you'll have someone else who's like. 'Ohh, I've missed 50 sessions, nothing happened to me' ... It can cause a lot of confrontation and difficulties with the supervisor so it can make quite an unsafe place to be.” – Head of Unpaid Work

A divide between legacy NPS and CRC colleagues also contributed to the sentiment of unpaid work being under-valued. Some unpaid work staff reflected that they were still seen as 'legacy CRC staff', which led to them being 'viewed as different'. This view was aligned with findings in Millings et al, (2023) and suggested a fractured working environment. Other unpaid work staff went further and described concerns about reverting to long-standing views of unpaid work held by some NPS colleagues:

“When announced that we're all going back in [unification], unfortunately, although we have had money thrown at us and additional spending and stuff like that for tools and equipment, I still feel that as far as sentence management goes, we've taken a massive step back because I feel that the legacy NPS colleagues have now just carried on with 'oh unpaid work is not important' and some of the

sentence management from the CRC has now sort of fallen back into that culture as the unpaid work isn't really, you know, we'll deal with it as and when. And that's my personal experience.” – Head of Unpaid Work

Across multiple probation regions, staff reflected a “common misconception that unpaid work is less difficult to manage or less challenging” (Head of Unpaid Work) by those working in sentence management. Others highlighted instances of those in sentence management referring to supervisors as just ‘van drivers’, downplaying the challenging nature of the role. When prompted why these views exist, staff explained it was because probation practitioners see those on unpaid work as lower risk and feel they need to prioritise their time elsewhere.

A further explanation why unpaid work is undervalued relates to the geographical structure of the probation service. Unpaid work teams typically sit outside of Probation Delivery Units (PDUs) and in some instances will have their own physical offices. This makes information sharing, building relationships between staff, and understanding how different roles in probation operate more difficult.

“I think there are still issues with culture around and how CP fits into offices and how we're seen in those kind of offices. It still can be a bit of a culture of this is a PDU and we're almost like visitors, which is not the case obviously, but it can feel like that for staff sometimes.” – Head of Unpaid Work

Despite the long-standing sentiment of unpaid work being undervalued, there were instances of steps being taken by senior regional staff to improve the culture. In one region, monthly live Q&As with the Heads of Unpaid Work, Regional Probation Directors (RPDs), and Heads of Interventions (HoI) were being held to engage staff across the area and raise the importance and priority of unpaid work. In another region, steps were being taken to ensure unpaid work staff were included in PDU engagement events to change the culture of unpaid work being perceived as a less important part of probation. Staff have reflected that attempts to get probation practitioners and unpaid work staff to communicate better can lead to positive change, for example:

“Even when we were private, it was sort of – as stupid as it was, it was just like unpaid work didn’t matter. We were just sort of like left out on a limb as like the poor relations of the family ... now I think a lot of the PPs [probation practitioners] have took it on board that, if you speak to each other and you communicate, it is important, it does work.” – Operations Manager

## 8.2 Delivering unpaid work in a privatised model

On 26 June 2021, the Probation Services unified, bringing probation professionals into a new unified model away from the privatised approach. Prior to unification, there were eight different CRC providers operating across 21 areas in England and Wales and the experience of working in a privatised model varied by provider and area.<sup>10</sup> Supervisors reflected that their day-to-day job had mostly remained the same pre- and post-unification, but two issues were frequently raised by supervisors when comparing delivering in the different models. The first was difficulty with some CRC providers who were reluctant to spend on tools and equipment. The justification was for staff to ‘work with what you’ve got’, which makes undertaking ambitious projects challenging. The second issue was that learning and development opportunities for staff were limited under some CRC providers.

Staff in another probation region raised that the experience of delivering unpaid work under a privatised model can create a progressive culture. The ability for CRC providers to create local models of delivery removed the levels of bureaucracy faced by unpaid work teams compared to working under the civil service, “I don’t think it would be as progressive in practice, so progressive in thought, as it is within [region], if we hadn’t had those breaks to the norm.” (Operations Manager). The removal of bureaucracy and allowing for regions to lead on decision making gave this region the space to do “what really works, for real people” (Operations Manager). Other regions stated that their biggest concerns with reunifying was the fear of increasing bureaucracy.

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<sup>10</sup> On 29<sup>th</sup> October 2014, it was announced that the eight CRC providers would be: Sodexo with NARCO, Working Links (who went into administration in 2019 with Seetec taking over), ARCC, Purple Futures (an Interserve-led partnership), MTCnovo, the Reducing Reoffending Partnership (Ingeus UK and St Giles Trust), and EOS Works LTD (later PeoplePlus), and Seetec.

### 8.3 Unification and working through bureaucracy

The concerns relating to bureaucracy in unpaid work that existed before Transforming Rehabilitation have returned. Most staff felt that the bureaucracy of operating in the public sector was a barrier to delivery. This was often shown in the process of securing the right tools and equipment for unpaid work. Supervisors and operations managers could identify the tools and equipment needed to undertake a project, but noted the lengthy process required to get these. After going through the process, the tools which arrived could sometimes be of lesser quality than those requested.

“You have to go through the specific procurement route, there’s absolutely ridiculous red tape and hoops to jump through and stuff just to buy something that we need all the time. You know, we can’t wait, people without proper gloves on, they’re gonna injure themselves.” – Operations Manager

It was understood by unpaid work staff that a robust process for purchasing goods was needed to ensure public money was being used properly, but staff reflected that the current process could create a “*false economy*” (Head of Unpaid Work) by equipment arriving late or not fit for purpose.

This reflects a broader pattern that some operational staff felt their views can go ignored in decisions which affect how they deliver unpaid work. This was frequently raised when discussing the fleet. The fleet of vehicles are used by supervisors to drive people on probation to projects, transport tools and equipment to projects and can be used to hold welfare facilities such as a break area or a toilet. However, there were reported instances of new vehicles arriving that could not fit the required tools within them. In one region, a response to this problem was to order trailers which, once received, were also not big enough for use. Supervisors adapt when they face these scenarios, but expressed frustration at not being consulted in decisions which affect how they do their job. Where supervisors were still using older vehicles, they stressed how expensive it can be as they constantly need servicing and repairs, once again creating a ‘*false economy*’ in obtaining and using the resources required to deliver unpaid work.

“I think we’ve had about four grand’s worth of work done on it [van]. It should’ve been scrapped; a new van should’ve been bought. There’s no way we should’ve spent that amount of money on a van that’s twelve, thirteen years old. But we’re in a situation where we need to get that van, so chuck a card at it, get it going, do group runs. There’s no bigger picture when it comes to our vans.” – Placement Coordinator

Staff commonly reflected the lengthy civil service recruitment process for supervisors was not fit for purpose. The time it takes to recruit and get through the vetting process means that even when offered a job, many successful candidates cannot wait months to start and therefore look and apply elsewhere. Other staff reflected that the recruitment process is not the best way to assess whether someone can do the job and suggested the need to get applicants to demonstrate they can do the job by being out with an existing supervisor.

“The main problem is that if you have someone that is right for the position, you offer them the position and then for six months they are waiting to start, then in that five or six months they’ve looked for another job and they’ve gone and been a bus driver or something because at least they’re making a living and that is the problem. I think we’ve probably lost a lot of potential good supervisors purely because the vetting procedure is so long.” – Placement Coordinator

## **8.4 The right place for unpaid work delivery**

Whilst experiences of delivering unpaid work under a privatised model will vary across England and Wales, many staff felt relieved when they heard that reunification was happening. This relief came from a sense of belonging to the probation service and working as part of the public sector. Recent investment has gone a long way to making staff feel that unpaid work is in “the best position it has been in a long time” (Head of Unpaid Work). However, the civil service has been described as “an organisation that didn’t understand, and I think to a degree, still doesn’t understand unpaid work.” (Operations Manager), as demonstrated through challenges in purchasing tools and equipment, managing the fleet and recruiting staff. Whilst staff feel that it is right for unpaid work to be delivered in the public sector, the bureaucratic and lengthy processes are a price to pay.



## 9. Conclusions and implications

This evaluation explored the delivery of unpaid work in the context of Covid-19 recovery and re-unification of the probation service.

### **What does effective UPW delivery look like and has this been achieved?**

Overall, the main aim of unpaid work was perceived as punishment, but it was deemed important that work is meaningful and benefits the local community. Site visits, interviews and focus groups highlighted how meaningful work can be multifaceted as it can provide people on probation with the opportunity to learn new skills whilst giving back to the local community, showing its rehabilitative potential, and can be key in encouraging substantive compliance. Meaningful work was thought to be more prominent in group projects as the visibility of projects can allow people on probation to see the value their work has on the local community and receive positive feedback from beneficiaries and members of the public. Throughout the evaluation, staff were able to identify success stories of how unpaid work has provided some people on probation with opportunities for further education or stable employment. Where projects lack perceived value, motivation from supervisors was vital in encouraging substantive compliance and completion of orders.

Where many unpaid work staff perceived ETE to be a valuable learning opportunity for people on probation, some judicial members contested that ETE does not fit within an unpaid work requirement. Some unpaid work staff, alongside judicial members contended that ETE fails to provide reparation, a key aim of unpaid work. However, many unpaid work staff were enthusiastic about the rehabilitative potential of ETE and the opportunity it provides for people on probation to gain further education and skills towards employment. The reality of delivering ETE, however, often sees people on probation using it as a means of decreasing their unpaid work requirement hours, particularly those with stable employment.

The views of staff and people on probation alike suggest that the delivery of unpaid work projects, including maintenance of relationships with beneficiaries and sourcing meaningful projects, is both effective and valuable. However, where efforts could be made to improve

the effectiveness of unpaid work delivery, is in the enforcement of unacceptable absences and breaches. In this sense, unpaid work delivery can often be challenging when efforts to increase formal and substantive compliance are not supported by consistent enforcement.

Enforcement was related to issues around staff culture, and where unpaid work sits within the probation service. Findings suggest that the high workloads of probation staff and subsequent low prioritisation of unpaid work in multi-requirement orders can hinder effective delivery.

Judicial members, however, were unable to comment on their confidence in the current delivery of unpaid work as they are not provided with information regarding the delivery and outcomes of the sentence. It was suggested that such information would be useful and could help judicial members ensure they are sentencing the right people to unpaid work. Further information on ETE would be helpful to judicial members, as its use in a punitive requirement was not understood.

### **How has Covid-19 and re-unification influenced unpaid work delivery?**

Staff involved in the evaluation generally felt that unpaid work was not prioritised in practice, despite it being viewed as the 'face of probation'. Unpaid work staff believe they are often seen and treated as a separate entity within the unified probation service. Staff provided examples of a lack of understanding of unpaid work delivery in areas such as recruitment, procurement, and enforcement, which further emphasises feelings of detachment from the probation service. When reflecting on the period of transition, staff acknowledged that the timing (during Covid-19) made the transition a challenging and stressful time. However, despite challenges around staff culture, many staff were enthusiastic about working under one central organisation.

### **Implications**

- Whilst unpaid work can simultaneously offer punishment, rehabilitation, and reparation; in order to maximise the rehabilitative and reparative potential of unpaid work, the punitive mechanism of unpaid work should be recognised only as the time given up, rather than the type of work being conducted on a project. Projects typically seen as repetitive, meaningless, and demoralising, were perceived to have adverse consequences on formal and substantive compliance.

- Most projects delivered by unpaid work staff involved in the evaluation were deemed 'quality projects' that ensured meaningful work was carried out in which people on probation could give back to the wider community and learn valuable skills. Efforts to source quality projects should be maintained and encouraged.
- When sourcing unpaid work projects, consideration could be given to the accessibility of sites in instances where regions do not offer pick-up points. Site visits, interviews and focus groups highlighted the financial burden some people on probation face in attending unpaid work. Regional incentives such as bus passes for people on probation with a low income should be considered nationally to ensure people on probation have an equal opportunity to attend unpaid work projects.
- In the provision of tools, equipment and fleet, regular communication with unpaid work operational staff must be upheld to ensure that the correct equipment is provided, and equipment is robust and of good quality.
- When delivering ETE, thought could be given to the accessibility or usefulness of online courses for people on probation, and the fairness in introducing mandatory online courses. Where possible, access to the ETE portal should still be available even after 30% of a person's hours have been credited towards ETE.
- If the purpose of ETE is to encourage skill development and learning to enable people on probation to gain employment, consideration should be given to the re-introduction of in-person ETE courses, if possible, within budget constraints. Practical courses were perceived to provide a more direct to employment route for people on probation who lack the qualifications or work experience to obtain stable employment.
- In attempts to improve staff culture and working relationships between probation officers and unpaid work staff, greater consideration should be given to incorporating unpaid work project site visits into the training of probation practitioners, to ensure an in-depth understanding of how unpaid work is delivered and the barriers that can hinder delivery, namely enforcement.
- Where judicial members rely on information provided in PSRs, alongside sentencing guidelines, qualitative and quantitative data on the delivery and experiences of unpaid work could provide further insight and ensure that judges

and magistrates are able to sentence the right people to unpaid work. Further information could also strengthen judicial confidence in the use of unpaid work as an effective sentence requirement. Additional information on the use of ETE, would be beneficial to judicial members to help them understand its purpose and why it is beneficial for people on probation.

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## Appendix A

### Research objectives and questions

As agreed with the Unpaid Work (UPW) Steering Group, the specific research objectives for the process evaluation of UPW are specified below. These served as a broad guide for the research with some questions not answered in this study.

#### **Objective 1: To understand what delivery of UPW looks like post-unification**

- What types of placement are perceived to be most suitable for individual people on probation, in terms of meeting individual needs, compliance, and access to longer term employment and educational opportunities? What do the early outcomes indicate?
  - What are the benefits and limitations of visible and demanding projects?
  - What are the benefits and limitations of group, individual, and unsupervised placements?
- What is the role of ETE within UPW?
  - What do people on probation learn from ETE during UPW?
  - How can supervisors best tailor UPW with transferable/educational skills that also meet local job markets and skills gaps?
  - Which parts of the ETE provision is most beneficial? ETE as part of the 30% component, or softer ETE during a placement? Online ETE or practical ETE opportunities?
  - What are the barriers and enablers to the uptake of ETE as part of an UPW requirement?
- What resources are required to effectively run UPW placements?
  - What resources to deliver UPW are available? (e.g. staffing, clothing, equipment.)
  - How has the modernised fleet been used? (e.g. welfare facilities?)
  - What are the barriers to effective delivery of UPW?



**Objective 2: To explore the operational challenges of delivering UPW in a unified model**

- Compliance
  - What are the compliance rates? How do these differ by people on probation characteristics such as age, sex, and ethnicity? How do they differ between a community order and a suspended sentence order?
  - Who is most likely to comply with UPW? Someone on standalone UPW or as a multi requirement order, and which requirements? i.e. does additional RAR help to motivate to engage.
  - Is there anything about specific placements that makes people more likely to comply?
    - Having a consistent group on a placement?
    - What type of work is being completed?
  - What difference is there in compliance between tailored placements versus generally allocated placements?
  - Is there a link between the time between when the induction is completed and when the UPW hours begin and compliance? i.e. if the process is slow are people less likely to engage?
  - How are placements allocated? Do people on probation have a say in which placement they were allocated to? If so, do they feel this would impact compliance?
  - What methods do practitioners use to facilitate and encourage compliance? Is this consistent across areas? What role does a responsible officer have in managing a breach? How are people on probation re-engaged post-breach?
- Acceptable absences
  - What might constitute an acceptable/ unacceptable absence from UPW and is this consistent across areas?
- What staff training, skills, and tools are required for effective delivery of UPW for supervisors?
  - How does pro-social modelling support people on probation on UPW?

- What pro-social modelling training is provided and how does this vary across regions?

**Objective 3: To examine the range of innovative tools and methods aiding the delivery of UPW**

- What innovative tools and methods are being used by individual regions to deliver UPW?
- What are the benefits/limitations to remote and unsupervised placements?
  - What groups of people on probation are most likely to benefit from remote and unsupervised placements? (e.g. placements completed at home without a supervisor, such as Project in a Box (PIAB))
  - How is compliance measured through remote and unsupervised supervision?
  - To what extent has PIAB worked to sustain delivery during the pandemic?
  - Does PIAB deliver 'quality' UPW? What is defined as quality/ what does a quality placement look like?

**Objective 4: To examine how cultural changes have influenced UPW delivery**

- How has the transitioning to civil service changed and impacted delivery of UPW? (e.g. in terms of procuring services, ability to spend money, additional resources)
- What are the different ways of working compared to pre-unification?
- To what extent do UPW staff feel part of the probation service? How has this change over time?
- What are the experiences of onboarding new UPW supervisors and training materials?

**Objective 5: To understand the perceptions of unpaid work from staff, people on probation, beneficiaries, and the judiciary.**

- People on probation:
  - What do people on probation consider UPW to be: a punishment, reparative, rehabilitative? How does this vary by characteristics of people on probation?

- What types of placements are considered more or less punitive than others?
- What constitutes punishment? The giving up of time? Other?
- Sentencers
  - Is UPW being delivered in a way that meets its purpose?
  - When sentencing, what do sentencers view as the key purpose of UPW? Primarily a punishment? Reparative? Rehabilitative? Does this vary? If so, when and how?
  - Do sentencers have confidence in UPW delivery?
  - Do sentencers feel they have the information they need to identify those suitable to be given UPW as a sentence requirement?
- Beneficiaries
  - How did beneficiaries get involved in UPW? Did they submit a bid on gov.uk?
  - How do they perceive UPW? Punishment, reparative, rehabilitative?

## Appendix B

1. Core principles of unpaid work from 'Community Payback Operations Manual, Mandatory requirements and good practice for the delivery of Unpaid Work' (HMPPS, 2021b) Unpaid work is primarily a punishment with rehabilitation of supervised individuals being a secondary, although important consideration.
2. Unpaid work can support the rehabilitative aspects of a community order, for example, through developing work ready skills, such as good timekeeping and working cooperatively with others.
3. The safety of the public, staff and the supervised individual are paramount. Risk assessment and risk management are shared responsibilities of the probation practitioners and the unpaid work team.
4. There are four key principles of procedural justice: voice, neutrality, respect and trust. Adherence to these principles is linked to improved compliance and positive outcomes.
5. The public can nominate unpaid work projects and receive feedback on their progress. The range of projects probation regions provide should engage, and be relevant to, all sections of the community.
6. Partnerships, staff recruitment and project/placement arrangements will reflect diverse communities. Attendance on unpaid work must not be prevented or restricted because of a protected characteristic that could lead to discrimination or behaviour that creates exclusion.
7. Placements should be 'local' to supervised individuals, meaning that they should not travel more than a total of 90 minutes each way from home to the initial worksite unless exceptional reasons apply.
8. Unpaid work must not directly replace paid employment by others. However, it can add value to the work undertaken by public bodies, voluntary organisations, community groups and social enterprises.