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of Justice

Process Evaluation of the Electronic Monitoring as Licence Variation Project

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1. Executive Summary

The Electronic Monitoring (EM) as a Licence Variation (LV) project commenced as a pilot on 8 August 2022 in one probation region of England and Wales, which increased to five probation regions on 28 March 2023. The project allows probation practitioners in participating probation regions to vary a prison leaver's licence by imposing electronically monitored conditions, where they believe that it would be beneficial to do so. This can take the form of Global Positioning System (GPS) location monitoring or Radio Frequency (RF) curfew monitoring.

The EM as LV tool is intended for use on a discretionary basis by probation practitioners as a response to an escalation of risk or as an alternative to recall, as is the case with other licence variations, so as to support the successful completion of the licence period. Moreover, EM as LV should only be used as an alternative to recall when the recall threshold is met and the risk is assessed by probation as manageable in the community with additional licence conditions.

The purpose of this process evaluation is to assess how the discretionary use of EM as LV has contributed to the management of people on probation in the community by HM Prisons and Probation Service (HMPPS) across the five participating probation regions. The evaluation is also intended to help identify any improvements that could be made as part of any future roll out of the intervention to further probation regions.

This report summarises the findings of the process evaluation led by the Ministry of Justice (MoJ). It explores stakeholders' views and experiences of the EM as LV project to understand how it has been operating, its perceived effects and its observed limitations.

The process evaluation fieldwork was carried out during summer 2023.

1.1 Key findings

Methodology

Quantitative data on EM as LV order starts were provided directly by the main EM supplier, which were analysed to provide a distribution by geography and by month

between go-live in early August 2022 and the end of December 2023. The EM as LV data were also matched to management information (MI) recorded by the Probation Service using unique identifiers so as to obtain estimates of a set of protected characteristics and other variables, which were subject to missing values and potential data input errors.

Comparisons were provided with respect to all prison leavers released on an adult licence over the same time period, where relevant.

The qualitative data regarding stakeholders' perceptions were obtained using primarily interviews that were conducted among police officers, probation practitioners, EM service provider staff and people on probation who were enrolled in the EM as LV project.

The main limitation was that the views expressed by respondents were only representative of those individuals who chose to participate. In particular, the number of people on probation who responded was small.

Quantitative data

Between the EM as LV project's go-live date of 8 August 2022 and 31 December 2023, the available MI showed that:

- There were 506 EM as LV valid order starts in total, of which 85 per cent had resulted in a successful EM tag installation at the time of writing in early 2024.
- Among EM as LV order starts, 94 per cent involved the use of GPS tags for location monitoring. The remaining six per cent involved the use of RF tags for curfew monitoring.
- The number of EM as LV order starts averaged about four per month when the project was only operating in the East Midlands probation region (August 2022 – March 2023). However, the average number of EM as LV order starts increased to 53 per month (April 2023 – December 2023) when the project expanded to include four more probation regions.¹
- The monthly number of EM as LV order starts was equivalent to approximately 0.2 per cent of the relevant monthly probationary caseload between April and December 2023 across the five participating probation regions.

¹ The West Midlands, North West, North East, Yorkshire and the Humber and continuation in the East Midlands probation region.

- The West Midlands probation region was the largest contributor to the total volume of EM as LV order starts up to December 2023.
- Among prison leavers released on an adult licence on or after the EM as LV go-live dates in the participating probation regions, the average number of days between the date of release and the date of the valid EM as LV order start was 50. The median number of days was 31.
- In terms of EM as LV order starts for which there were dates of tag installation and removal recorded, the average tagging duration was 71 days. The median tagging duration was 61 days.
- The most common index offence type was Violence Against the Person, which was the case in 37 per cent of EM as LV order starts. Among all prison leavers released on an adult licence over the same time period, the most common index offence type was also Violence against the Person, which was the case in 25 per cent of instances.
- The average likelihood of reoffending within 24 months was 54 (out of a maximum value of 100) among the group of EM as LV order starts, as measured by the static risk factors in the Offender Group Reconviction Scale (OGRS). The median OGRS value was 58. The values among all prison leavers released on an adult licence over the same time period were higher at 57 and 63 respectively.
- A majority of EM as LV order starts was associated with a “high” risk of serious harm with regard to future reoffending. In contrast, the most common risk of serious harm among all prison leavers released on an adult licence over the same time period was “medium”.
- The protected characteristics associated with EM as LV order starts were: almost all male; most likely to be 25–34 years old; mostly of white ethnicity; mostly had no religion; mostly heterosexual; and nearly all of British nationality. About 41 per cent reported having a disability of some kind.

Perceptions of the EM as LV project

Probation practitioners, people on probation and EM service providers generally held a positive perception of the EM as LV project. This was mainly because it was seen to allow probation practitioners to help manage people on probation in the community when their risk was escalating. Moreover, it was felt that the intervention allowed people on probation

the opportunity to show that they were compliant with other licence conditions and that it was an effective alternative to recall when they responded well to the intervention. Many probation practitioners described the tool as a “last chance” before recall to prison.

Despite positive perceptions of the tool, there were many perceived barriers to use, including resource constraints, poor communication between stakeholders and a lack of awareness of the underlying guidance or process for implementation.

Feedback from people on probation

As there was a small sample size of people on probation respondents, the findings may not be representative. Respondents conveyed that being tagged after release provided them an opportunity to prove that they could comply with their licence conditions.

However, there were some concerns expressed about the accuracy of the location monitoring function, where it was claimed that the EM tag would indicate they had been to locations that they had not visited.

Some respondents said that having an EM tag negatively affected relationships with family and friends, as well as causing some adverse effects on their mental wellbeing. They also said that the size of the tag caused them discomfort, and they felt it drew attention and judgement when they were doing day-to-day activities.

Use of EM as LV

EM as LV was mainly used as a response to the person on probation’s observed escalation in risk, for example, after testing positive in drug tests, contact being made with people precluded by their licence, failure to attend probation meetings, etc. It was considered that the use of location and/or curfew monitoring allowed probation practitioners to aid decision making as to whether the person on probation could be safely managed in the community.

Some probation practitioners explained that they would use EM as LV more if they were able to track the live location of a person on probation using an internal IT system, instead of being limited to a maximum of seven days of data upon request from EM service providers.

Interactions between stakeholders

Probation practitioners generally commented that their relationship with EM service providers was poor, with reported delays in communication as well as reported delays to installing tags on people enrolled in the EM as LV project.

EM service providers stated that probation practitioners often did not complete the dedicated EM as LV notification form, which sometimes caused delays in implementing the tagging process.

Resource

Both probation practitioners and EM service providers generally believed that they had sufficient resource to deliver the EM as LV project, stating that they do not think it added substantially to their workload.

On the other hand, both groups expressed the view that, due to workload pressures and staff constraints, they did not have the capacity initially to familiarise themselves with the guidance due to time constraints. However, once they had experience of how to implement the tool, it was reported that this process was seen to be straightforward.

Training and support

There was positive feedback from probation practitioners and EM service providers about the different channels through which EM as LV training was delivered. It was appreciated that people learn in a variety of ways and having the flexibility to re-watch pre-recorded training was useful for some individuals who did not have the time to engage in the training when the project was first introduced. Moreover, some stakeholders stated that having written guidance aided further comprehension of EM as LV and was helpful to reference back to when implementing the tool. It was noted that both stakeholder groups found the flow chart aspect of the guidance very useful and easy to follow.

Nevertheless, probation practitioners expressed that they would like more guidance on how to interpret data sent by EM service providers.

Most probation practitioners felt that they understood EM as LV after familiarising themselves with the guidance, although some believed the project was not well advertised or promoted within their probation region. Some were unaware of the training/guidance

until they were referred to it by colleagues or the use of the tool was suggested by managers.

Implications

Probation practitioners suggested it would be more useful to have a system where they were able to track people on probation using an internal location monitoring system, rather than requesting the previous seven days' worth of data from EM service providers, so as to reduce delays in receiving data and fasten the ability to act on observed risk escalation.

There were proposals on how to improve communication between probation practitioners and EM service providers: having certain EM service provide members of staff specifically managing EM as LV orders; having one probation practitioner who is responsible for liaising with the EM service provider on behalf of fellow probation practitioners in that probation region; and allowing the main EM service provider to install tags inside probation offices.

To improve engagement with the EM as LV tool, there were various suggestions – e.g., regular reminders of new pilots at team briefings; posters around probation offices; and ensuring that probation practitioners know all the guidance is available on the internal Probation Service information source, EQuIP.

Probation practitioners said that it would be helpful to have more guidance on how to interpret data from the EM service provider. EM service providers suggested that the guidance on EM as LV should be simplified. Both stakeholder groups recommended more visual aids in the guidance to inform them of how to implement EM as LV.

There were multiple suggestions as to how probation practitioner demands could be alleviated so they are able to use EM as LV more effectively: one person attending training so they can relay information back to the team instead of all practitioners attending training; and implementing a live location tracking system so they are not reliant on EM service providers.

2. Introduction

2.1 Background information

The Electronic Monitoring (EM) as a Licence Variation (LV) project started as a proof of concept in the East Midlands probation region on 8 August 2022 and was rolled out to an additional four probation regions on 28 March 2023. These were the West Midlands, North West, North East and Yorkshire and the Humber probation regions. The project is part of the EM Strategy² being delivered by the Ministry of Justice (MoJ).

Outside of the five EM as LV project areas, the Probation Service of England and Wales can only use EM as a licence condition in specific circumstances: for Home Detention Curfew³; for certain Parole Board releases; for prison leavers in scope of the EM Acquisitive Crime Project; and for Alcohol Monitoring on Licence. Prior to the EM as LV project, probation practitioners did not have the power to vary a prison leaver's licence to add EM post-release outside of these instances anywhere in England and Wales.⁴

Differences with other EM uses

The primary difference with other EM cohorts is that EM as LV is not a mandatory or court-based measure. Instead, it is initiated by probation practitioners when their professional judgement indicates that the additional use of EM as a post-release licence condition could aid offender management through the use of curfews and/or location monitoring. In contrast:

- Court bail – judges can decide to use EM as a mechanism to remand defendants on bail instead of remanding them into custody.⁵
- Court sentence – judges can impose the use of EM as part of most types of sentences following the conviction of a defendant.⁶

² <https://www.gov.uk/government/publications/electronic-monitoring-strategy>

³ <https://www.gov.uk/government/publications/home-detention-curfew>

⁴ [Licence conditions Policy Framework \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

⁵ <https://www.gov.uk/government/publications/electronic-monitoring-court-bail-protocol/electronic-monitoring-court-bail-protocol>

⁶ <https://www.sentencingcouncil.org.uk/sentencing-and-the-council/types-of-sentence/>

- Home Detection Curfew – permits eligible prisoners to be released before their conditional release dates under strict licence conditions and under a curfew monitored by an EM tag.⁷
- On release – some other prisons leavers may have EM licence conditions imposed on release by the Parole Board or by the Probation Service that require the individual to submit to the use of EM as part of their management in the community.
- Immigration – the Immigration Act 2016 places a duty on the Home Secretary to electronically monitor individuals on immigration bail who could be detained because they are subject to deportation proceedings or a deportation order.⁸

Licence conditions

There are standard conditions which form part of every prison leaver's licence.⁹ These include: good behaviour; not to commit any offence; to keep in touch with the supervising officer and attend/receive visits; and to reside permanently at the approved address.

Additional licence conditions can be added to the licence that are relevant to the individual being released. These include: drug testing conditions; maintaining/restricting contact with a specific person; and EM conditions (such as restriction in freedom of movement and/or curfew arrangements).

EM conditions can require the wearing of a Radio Frequency (RF) tag, which monitors compliance with a curfew, whereby the individual must be at a specified address during set times each day. They can alternatively require wearing a Global Positioning System (GPS) tag, which involves location monitoring such as compliance with an exclusion zone whereby the individual is not permitted to enter a specified area. EM conditions can also

⁷ Between 2003 and mid-2023 the maximum duration of Home Detention Curfew was 135 days, which was increased to 180 days for eligible prison releases starting on or after 6 June 2023. Those prison leavers released before their conditional release date under the Home Detention Curfew scheme are subject to a mandatory EM curfew for a minimum of nine hours each day. Probation practitioners may also impose additional EM licence conditions, including GPS location monitoring and alcohol monitoring, if assessed as necessary to help reduce reoffending and support rehabilitation.

⁸ <https://www.legislation.gov.uk/ukpga/2016/19/schedule/10>

⁹ <https://www.gov.uk/government/news/licence-conditions-and-how-the-parole-board-use-them>

require the wearing of an alcohol tag, which monitors compliance with restrictions on alcohol consumption.

Licence duration

The length of time that a prison leaver spends on licence is dependent on the total duration of their custodial sentence. Those individuals who have served a determinate sentence must spend time on licence for the remainder of their sentence after the prison leaver's release from custody.

Since the implementation of the Offender Rehabilitation Act 2014, every prison leaver whose determinate sentence exceeds one day is subject to a "post-sentence supervision" (PSS) period after their licence expires so as to provide ongoing support. Where individuals have served an indeterminate sentence (e.g., a life sentence), the prison leaver is placed on licence indefinitely after release from custody.

Recall to prison

People on probation can be recalled to prison when they breach their licence conditions and their behaviour indicates that they present an increased risk of serious harm to the public or have an increased likelihood of reoffending where these risks cannot be managed in the community.¹⁰

In general, a recall to prison can take the form of: a fixed term recall of 14 or 28 days, depending on the individual's custodial sentence length; a standard recall, where the offender serves the remainder of their custodial sentence in prison; or an indeterminate recall, where any re-release is decided by the Parole Board.¹¹

Potential need for EM as LV

It is the responsibility of probation practitioners to supervise prison leavers on licence within the community and to manage their behaviour and needs accordingly.¹² As it stands, the licence of a prison leaver can be varied by adding or removing licence

¹⁰ [Recall, review and re-release of recalled prisoners \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

¹¹ <https://www.gov.uk/guide-to-probation/being-taken-back-to-prison>

¹² [Sentence management in the community policy framework \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

conditions. Historically, this has not included the post-release addition of EM conditions for curfew and/or location monitoring.

Consequently, the EM as LV project is intended to address this potential gap by enabling probation practitioners in the five participating probation regions to use EM as a new additional licence condition in instances where the behaviour of the prison leaver on licence is manifesting increased risk.¹³ The rationale is that EM as LV may be an appropriate tool for the use of probation practitioners as they can better respond to the deteriorating behaviour.¹⁴

The use of EM as LV in the participating regions is, therefore, at the discretion of the probation practitioner's professional judgment when this is deemed necessary and proportionate to do so such that the person on probation can still be safely managed in the community. The person eligible to be monitored under the project must have been serving a standard determinate sentence and have been released from prison on licence as an adult.

The EM as LV tool is intended as a response to observed risk escalation or as an alternative to recall, which are two of the five standard justifications for any kind of licence variation.¹⁵

As an intervention, EM as LV aims to encourage prison leavers to comply with their licence conditions and therefore to avoid recall to custody. It is proposed that encouraging better compliance with licence conditions through the targeted use of EM post-release can limit reoffending and assist with the successful reintegration of the person on probation into the community.

¹³ When using EM as LV, Probation Practitioners can add either a curfew monitoring condition using a Radio Frequency tag, a location monitoring condition using a GPS tag or both curfew and location monitoring conditions using a GPS tag.

¹⁴ Probation practitioners are responsible for assessing the person on probation and deciding on any additional licence conditions above the standard ones that are automatically included in every licence. The conditions are then sent to the prison and formally signed off by the prison governor. However, prisons do not have a supervisory role in respect of offenders being managed in the community, which is a matter for the Probation Service.

¹⁵ There are five standard justifications for any kind of licence variation: alternative to recall; correction of error; response to risk escalation; reward for good behaviour; and response to change in circumstance.

EM as LV conditions have to be imposed for a minimum of 30 days and up to a maximum of 12 months, subject to the licence expiry date. The continuation of the EM condition has to be reviewed at least every three months to ensure the condition is still necessary and proportionate.

The roles of different stakeholder groups are summarised in chapter five.

2.2 Evaluation aims and objectives

The purpose of this report is to set out the process evaluation findings of the EM as a LV project to assess to what extent the project has contributed to offender management across the five probation regions participating in the pilot and to identify any improvements that could be made.

This process evaluation is the first part of a series of evaluations of the EM as LV project. It is intended that the process evaluation will be followed by an impact and economic evaluation. These evaluations will inform the future use of EM as LV and whether the project should be rolled out to further probation regions.

The research objectives of the process evaluation were to:

- Understand how the use of EM as LV was working from an operational perspective and to identify potential improvements.
- Understand the extent to which the use of EM as LV supported the management of people on probation in the community.
- Gather perspectives of people on probation who were subject to EM as LV.

3. Methodology

3.1 Quantitative

Data collection

The numerical data on EM as LV order starts was supplied by the main EM service provider, EMS Capita during the study period, to the MoJ. A cumulative weekly data file was sent to the MoJ research team containing newly created EM as LV orders plus the latest management information (MI) regarding existing orders.

An eligible EM as LV order start was defined as any EM order that had the recorded order types of “GPS Determinate Sentence – add EM” for a GPS tag (i.e., location monitoring) and “Determinate Sentence – add EM” for an RF tag (i.e., curfew monitoring). The order start dates were between the project’s go-live on 8 August 2022 and 31 December 2023.

The data on EM as LV order starts were matched to wider data contained in nDelius, which is the Probation Service’s case management system.

Approach and analysis

The EM as LV dataset from the main EM service provider was interrogated and linked to data from nDelius. This allowed protected characteristics of the person on probation to be matched to the corresponding EM as LV order start, as well as for the identification of the relevant date of release from prison. Data were matched using NOMIS IDs and PNC numbers, as both variables were included in the data received from the main EM service provider and the data extracted from nDelius.

Following the correction of erroneous matching variables and the addition of missing identifiers, 100 per cent of EM as LV order starts over the time period were successfully matched to individual people on probation recorded within nDelius.

Descriptive statistics were derived from the matched dataset. These included the protected characteristics – specifically, sex, age, ethnicity, religion, nationality, disability, sexual orientation and gender identity where data were recorded. EM as LV order start volumes by month and by probation region were also analysed.

For the purposes of comparison, summary estimates of the same protected characteristics were also obtained from nDelius in respect of all prison leavers released on an adult licence across England and Wales over the same time period as the EM as LV order starts. This totalled 97,979 prison leavers whose dates of releases were recorded on nDelius as falling between 8 August 2022 and 31 December 2023 inclusive. Note that not all of this group was made up of unique individuals – some of them would have been released from prison on more than one occasion during this period.

Limitations

A common limitation to using data from MI systems is that they were not created for the specific purpose of evaluation and were therefore subject to some missing values and data input errors. These were manually corrected where it was possible to do so.

The MoJ research team obtained identifying information from the EM as LV order starts recorded in the weekly data files that were received from the EM service provider so as to check a selection of subjects' case notes on nDelius. Given the variable quality of recording on the probation case management system, the presence of risk escalation among prison leavers on licence who were being enrolled in the EM as LV project could not be consistently verified.

Separately, it was observed that a number of EM as LV orders started very shortly after release from prison. This was potentially anomalous given the need for probation practitioners to observe risk escalation before deciding that the EM as LV would be an appropriate response to deteriorating behaviour. Notwithstanding that the presence of risk escalation could not be verified using nDelius in respect of these instances, it remained the responsibility of HMPPS to quality assure the decision-making of probation practitioners, which in the case of EM as LV entailed the sign-off by the Probation Delivery Unit (PDU) head of any request to undertake the licence variation.

Two issues also arose during the study period: a number of order starts where an individual was reportedly enrolled in the EM as LV project, but where they resided outside of a participating probation region; and the order starts that had been added to the cumulative EM as LV dataset provided by the main EM service provider when they actually

belonged to other pilots – notably, the Acquisitive Crime or Domestic Abuse Perpetrators on Licence (DAPOL) Projects.

These two subsets of cases were subjected to a rigorous investigation by the MoJ research team. These further checks – which took the form of detailed examination of nDelius case notes and queries of records maintained by the EM supplier – resulted in the removal of 48 EM order starts from the total count because their validity could not be confirmed with confidence.

All order starts excluded from the EM as LV valid dataset were reported to HMPPS colleagues for any further actions that they felt necessary, given the agency's responsibility for administering the EM as LV project.

Following these exclusions, the total count was put at 506 valid EM as LV order starts between go-live and the end of December 2023, of which 430 resulted in a successful tag installation by early 2024.

3.2 Qualitative

Sample

Interviews were held with volunteers working for the main EM service provider and among probation practitioners working in the five participating probation regions to gain their views on the implementation, operation and perceived effects of the EM as LV project.

A small sample of people on probation were also included as part of this research to gather their perspectives of being electronically tagged under the project. A survey was conducted among other volunteers in this stakeholder group where a survey was their preferred method of providing their views on being electronically monitored. Interviews and surveys were carried out between July and September 2023.

The total number of respondents was 42, which was made up of:

- 32 probation practitioners (nine from the East Midlands, six from the North West, four from Yorkshire and the Humber, four from the North East and nine from the West Midlands probation regions);

- five members of staff working for the main EM service provider (which was EMS Capita during the study period); and
- five people on probation who were monitored under the EM as LV project.

Approach

A total of 40 in-depth semi-structured interviews were conducted across the participating regions using telephone or video call. A further two surveys were completed by two anonymous people on probation monitored under the project. Probation practitioners were identified by reviewing the EM as LV order starts flagged in the data provided by the main EM service provider. The EM service provider members of staff were identified by liaising with a principal contact in the company and asking for volunteers to be interviewed for the purposes of research.

Open questions were asked of probation practitioners and EM service provider staff around their understanding of the project, their views on working with stakeholders on the project and whether any improvements could be made to the project from their perspectives. In addition, probation respondents were also asked questions around their use of EM as a LV and the process around varying a licence. People on probation respondents were asked open questions regarding their experience of being monitored under the project including questions around the physical aspect of the tag and whether it has affected any parts of their lives. Topic guides assisted in steering the interviews, but the semi-structured format of the interview allowed respondents to elaborate on specific areas of interest.

One-to-one interviews were conducted to give respondents the freedom and time to discuss their experiences of the project without the influence of others in a group to minimise the potential for any response bias. With consent, all interviews were recorded and transcribed. An interview or survey was offered to the monitored people on probation so as to boost the number of volunteers among this often hard-to-reach group.

Analysis

The interview transcripts and survey responses were analysed using a thematic analysis. The analysis incorporated both deductive coding (i.e., derived from predetermined themes) and inductive coding (i.e., themes emerging from responses).

By employing a deductive approach, the analysis of the data confirmed the predetermined themes such as “resource”, “guidance”, “interaction with stakeholders”, etc., and allowed for a comprehensive understanding of the issues discussed by the participants.

However, an inductive approach uncovered new themes emerging from the interviews/surveys such as “perceptions of EM as LV”, “accuracy of GPS tags”, “physicality of the tag”, etc.

Limitations

While there were periodic efforts by the EM Evaluation team to stimulate responses among the stakeholder groups, recruitment remained challenging.

The main reason for this is that many probation practitioners and EM service provider staff had high workloads and did not have sufficient capacity to participate in interviews. Furthermore, to gain the participation of people on probation, the MoJ research team had to reach out to probation practitioners to ask them if any people on probation would volunteer to take part in an interview or survey. However, workload pressures also meant that probation practitioners often did not have the time in which to seek participation. To combat this, the research team had regular meetings with probation leads to encourage participation in their probation region.

The probation practitioners who did not participate in the study when invited to do so either did not wish to participate, said they not have the time due to work pressures or had minimal involvement with varying a licence using EM as LV.

Staff working for the main EM service provider who had direct experience of the EM as LV tool were restricted in number, so there was a limited pool of potential respondents on which to draw.

The people on probation enrolled in the EM as LV project were a particularly hard-to-reach group. This was partly due to probation practitioners having an important role in seeking the consent of people on probation enrolled in the project to participate in an interview or survey.

As a result, a small sample of five people on probation volunteered (three interviews, two survey respondents)¹⁶ for the research, despite repeated encouragement from probation practitioners in the five participating regions. The views presented in this report may not therefore reflect the full range of views held by all people on probation who were being monitored as a result of EM as LV.

Survey results were more restrictive as the respondents were unable to provide an in-depth account of their experiences of EM as LV compared to those who were interviewed. However, it was possible to gather more insights using surveys on the grounds that the respondents may be hesitant to engage in interviews.

Upon reflection, future projects can consider implementing a survey option for other stakeholders as a way to increase engagement in evaluating the project. Surveys are a less time intensive method compared to interviews, so some probation practitioners and EM service provider staff may have engaged with this option more willingly, although responses may not have been as detailed.

¹⁶ Respondents were recruited from different probation regions. As surveys were anonymous, it cannot be reported in which regions these volunteer people on probation resided.

4. Summary of quantitative data

This chapter summarises the numerical data with regard to the observed use of EM as LV between 8 August 2022 and 31 December 2023 in participating probation regions and compares these figures graphically to estimates for the population of all prison leavers released on adult licences (“All prisoners released on licence”) across England and Wales over the same time period, where appropriate.

Sections 4.1 and 4.2 present volumetric summaries by month and by probation region for all order starts (“All EMLV order starts”) and for the subset that resulted in a successful tag installation (“All EMLV tagged”), which are based on the available MI.

Sections 4.3 and 4.4 provide respective distributions for the recorded time between release from prison and the EM as LV order start date, and for the recorded time that an individual spent being monitored.

Sections 4.5. and 4.6 set out distributions of the recorded index offence type and estimated reoffending risk respectively.

Section 4.7 discusses the various protected characteristics for which data were recorded.

All EM as LV order starts are only shown in Section 4.5 onwards because this variable and the percentage estimates of all EM as LV successful tag installations are largely identical. These distributions are compared to all prison leavers released on adult licence over the same time period.

Statistically significant differences between the EM as LV and adult licence prison leaver groups are highlighted in Section 4.5. onwards.¹⁷

¹⁷ A two proportion Z-test is used to determine whether there is a difference between two estimated percentages. A Welch t-test is employed to test whether the estimated means of two variables are different. A statistically significant difference for either test is determined by a “p value” of 0.05 or less. The “p value” represents the probability of an estimated difference being as large or larger if the null hypothesis of no difference is true, given the sample sizes in question.

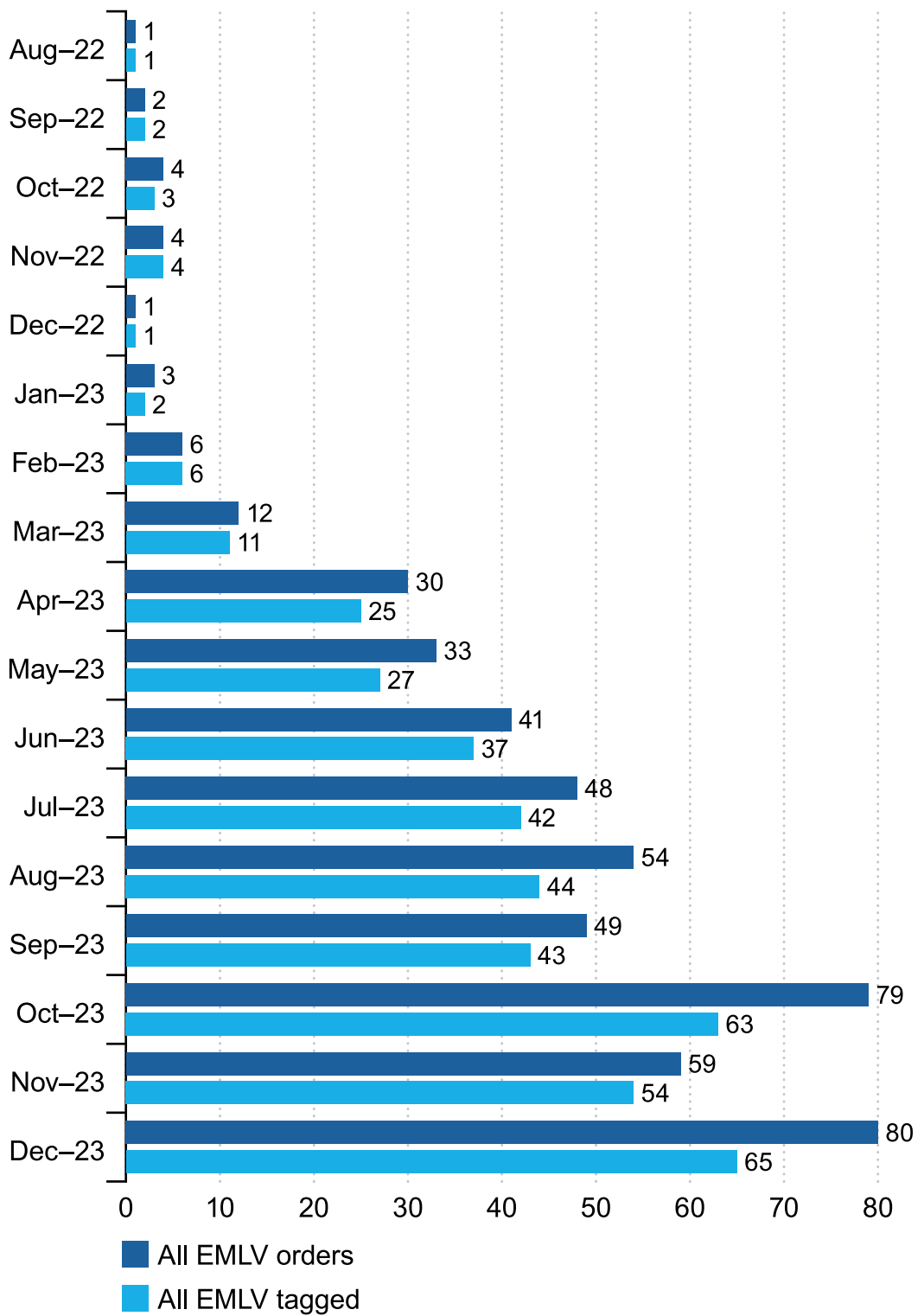
Where percentage estimates are presented in this chapter, they are rounded to the nearest one per cent to avoid spurious accuracy and may not always sum to 100 per cent. In addition, estimates are suppressed where there were fewer than three individuals in any sub-group so as to avoid disclosure.

4.1 Volumes by month

According to the data supplied by the main EM service provider, there were 506 EM as LV valid order starts reported between 8 August 2022 and 31 December 2023, of which 85 per cent resulted in a successful tag installation by early 2024. Non-installations were typically due to the prospective tag wearer not making themselves available for installation on the appointed date.

Figure 4.1 shows the number of EM as LV order starts and tag installations each month up to December 2023 across all the probation regions participating in the project at the time.

Figure 4.1: Monthly number of EM as LV order starts, August 2022 – December 2023



The number of EM as LV order starts and successful tag installations ranged between one and just over 10 per month between August 2022 and March 2023, which was equivalent to a monthly average of about four.

Following the expansion of the EM as LV project to an additional four probation regions¹⁸ in late March 2023, the number of EM as LV order starts increased to about 30–80 per month between April and December 2023, which represented a monthly average of about 53. The number of successful tag installations increased to a range of around 20–70 per month, which was equivalent to a monthly average of about 44.

Breakdown by tag type

About 94 per cent of all EM as LV order starts were for GPS tags and the remaining six per cent were for RF tags.

Share of monthly caseload

As stated above, there was an average of about 53 EM as LV order starts per month between April and December 2023, which was when all five probation regions were participating in the EM as LV project.

Over the same period the average monthly caseload of prison leavers released on an adult licence and being managed by probation practitioners across the five regions was around 26,400, according to the nDelius MI where a probation region was identifiable.

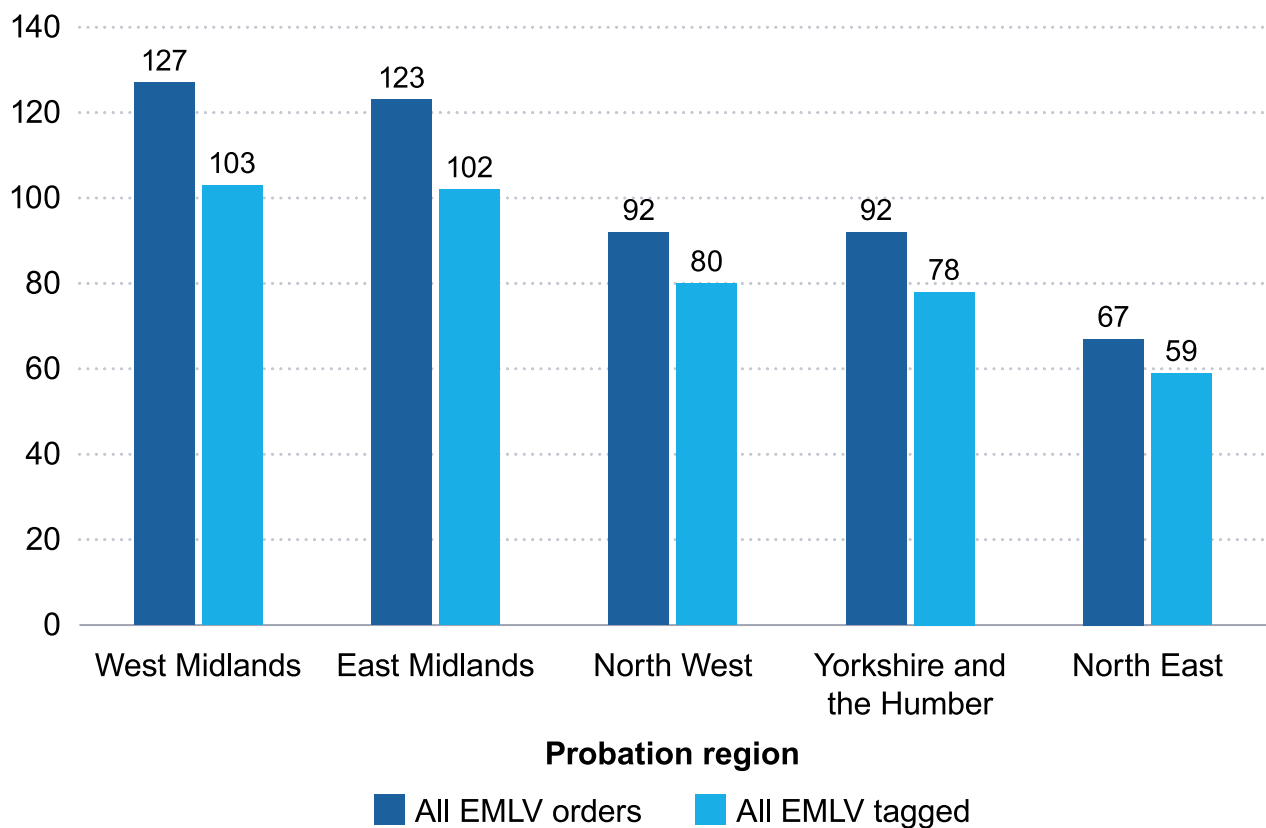
Consequently, one can infer that the monthly number of EM as LV order starts applied to some 0.2 per cent of the relevant monthly probationary caseload on average.

¹⁸ The project's proof of concept stage took place in the East Midlands probation region. The project subsequently expanded to include the North West, North East, Yorkshire and the Humber and West Midlands probation regions.

4.2 Volumes by probation region

As shown in Figure 4.2, the largest contributor of EM as LV order starts was the West Midlands probation region, with around 130 orders, of which around 100 resulted in a tag installation over the period. The smallest contributor was the North East probation region, where there were about 70 order starts, of which around 60 resulted in tag installations.

Figure 4.2: Volume of EM as LV order starts by probation region, August 2022 – December 2023

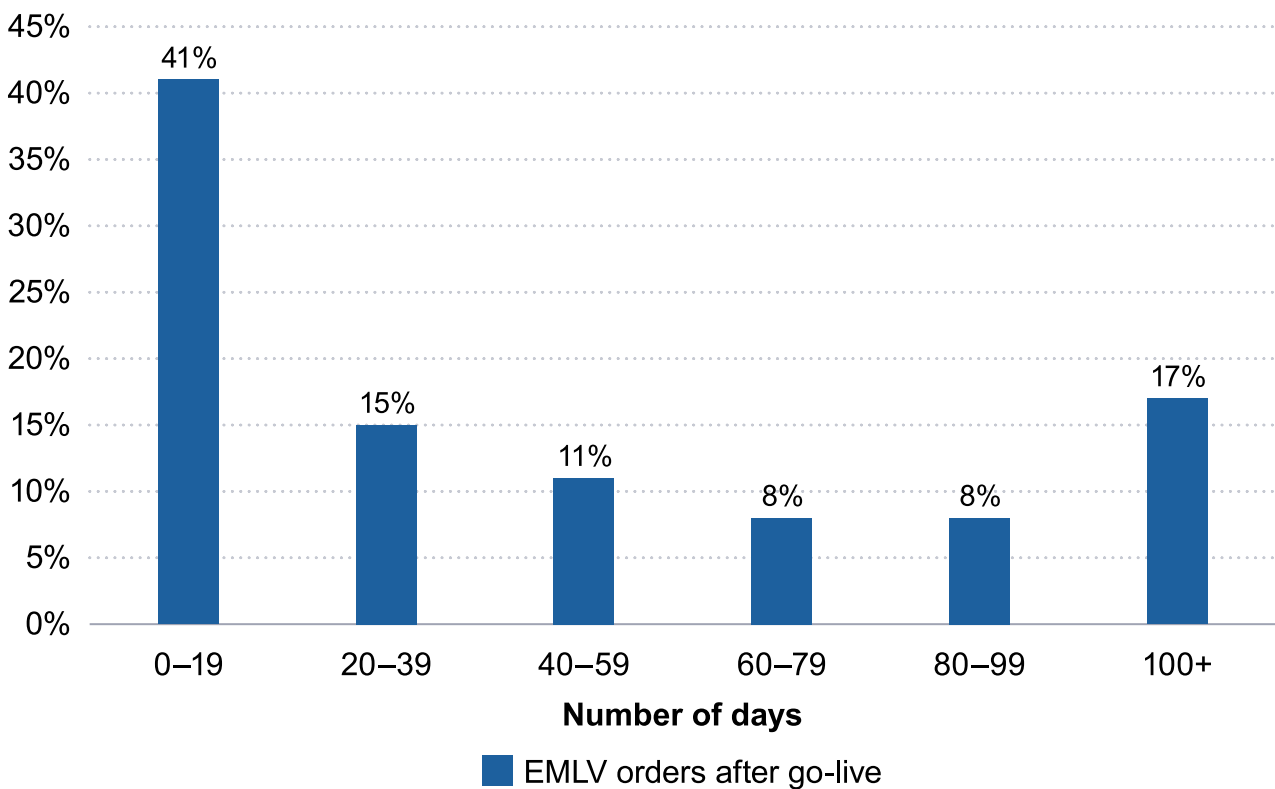


4.3 Time to EM as LV

Among prison leavers released on or after the EM as LV go-live dates in the participating probation regions (247 of the 506 EM as LV order starts), there were 50 days on average between the recorded dates of release and their EM as LV order start dates. The median number of days was 31.

Figure 4.3 summarises the time distribution of this subset of EM as LV order starts, which was skewed toward a smaller number of days spent on release before the use of EM as LV. For instance, 41 per cent of the subset was under 20 days.

Figure 4.3: Distribution of EM as LV order starts by time spent on release before EM as LV, August 2022 – December 2023

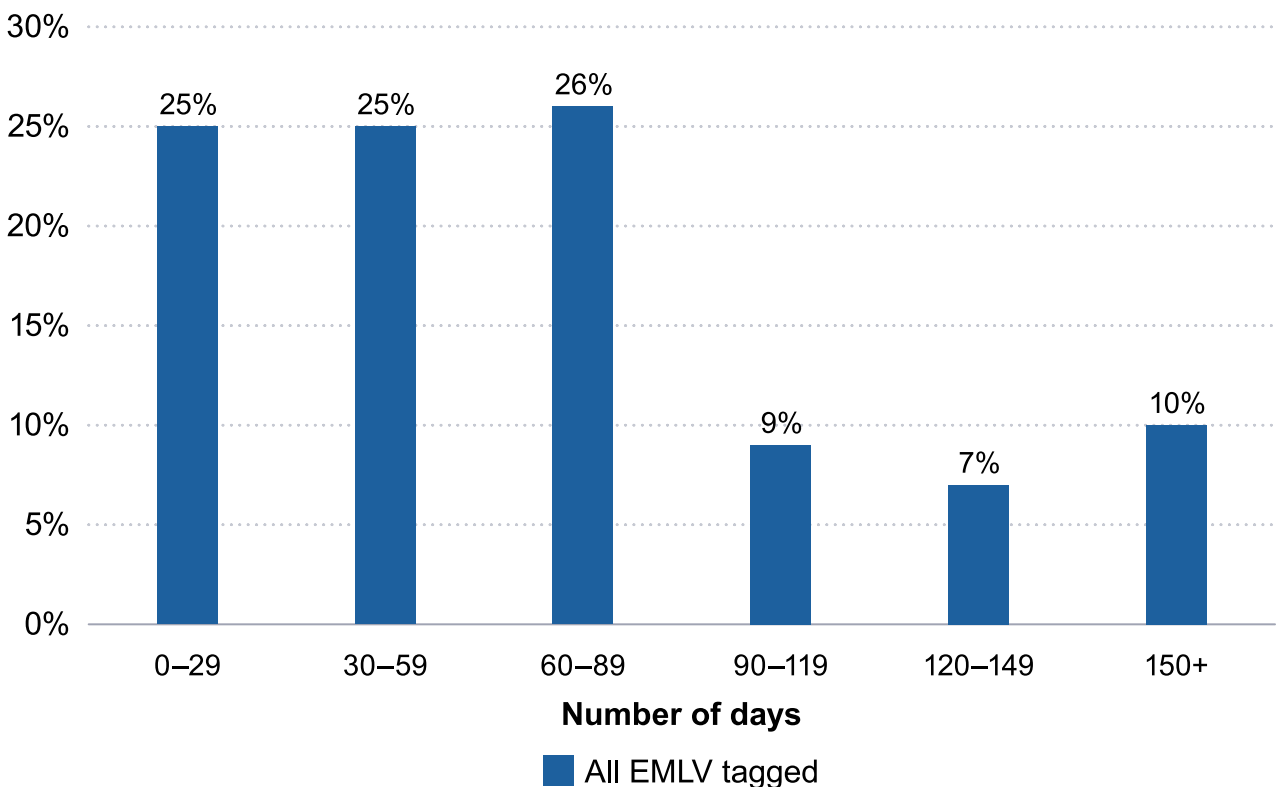


4.4 Tagging duration

Among those EM as LV order starts that resulted in a tag installation and removal in the period up to December 2023 (285 of the 506 EM as LV order starts), there were 71 days on average in which a GPS or RF tag was installed. The median tagging duration over the period was 61 days.

Figure 4.4 illustrates the time distribution of this particular group of EM as LV order starts, which shows that there was a fairly even distribution in the period under 90 days covering 75 per cent of cases.

Figure 4.4: Distribution of EM as LV order starts by tagging duration, August 2022 – December 2023



4.5 Index offence type

Where recorded, the most common index offence types associated with EM as LV order starts were violence against the person¹⁹ (37%), drug offences (14%) and theft offences (10%).²⁰ The least common offence types were fraud and criminal damage and arson (2% collectively).²¹

In terms of adult licence prison leavers, the most common index offence types were recorded as violence against the person (25%), drug offences (14%) and theft offences (15%) over the same time period.²² The least common offence types were also fraud and criminal damage and arson (2% collectively).

Figure 4.5 shows a comparison between the distribution of index offence types of both groups, as recorded on nDelius.

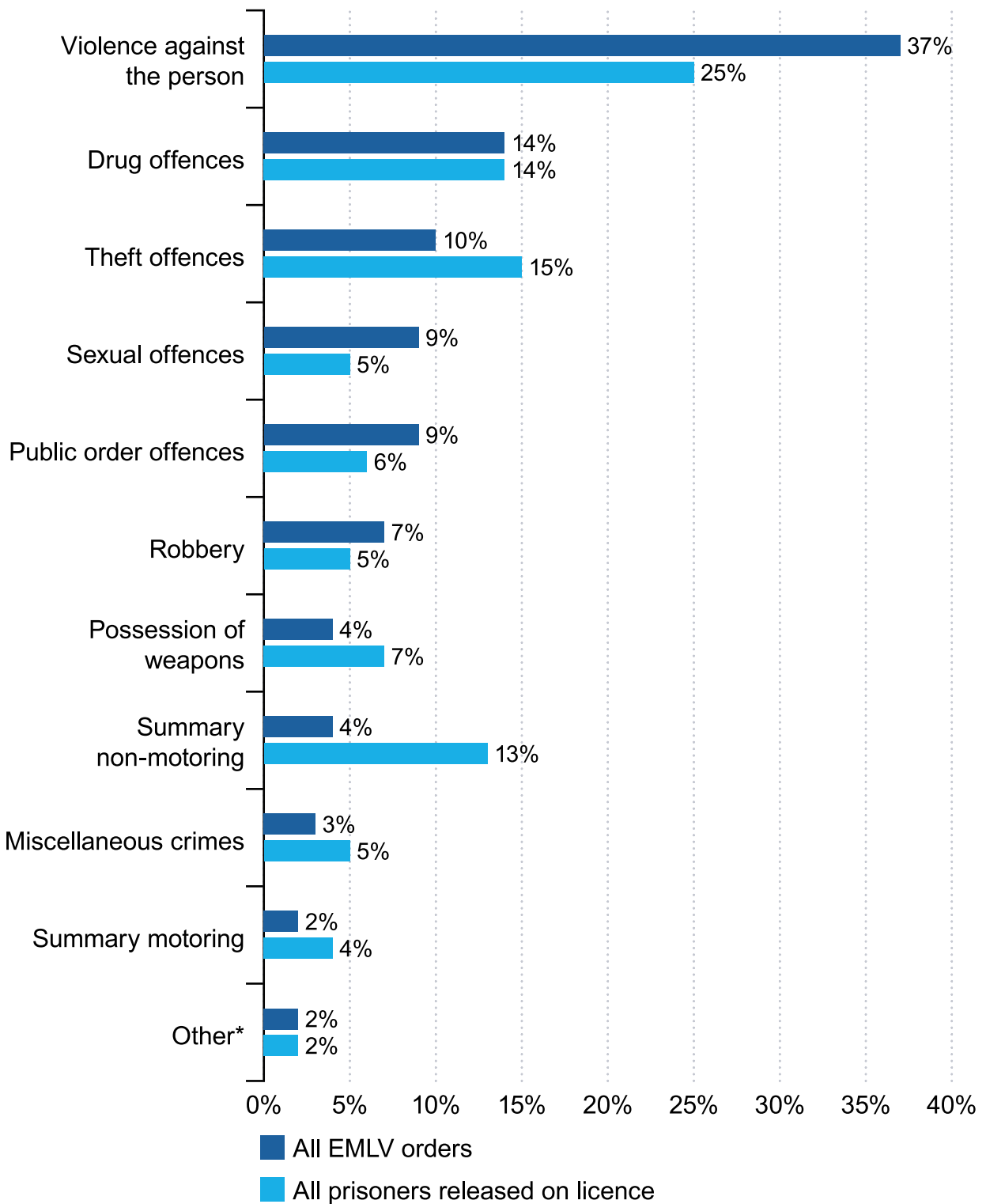
¹⁹ According to the Home Office classification, the broad offence category of violence against the person includes the sub-classes of homicide, “violence with injury” (e.g., inflicting grievous bodily harm) and “violence without injury” (e.g., many forms of common assault). See <https://www.gov.uk/government/publications/counting-rules-for-recorded-crime> for more information about the Home Office counting rules for the police.

²⁰ N=441 after excluding the 65 EM of LV order starts for which an index offence was not recorded.

²¹ The offence types have been combined so as to avoid the risk of identifying individuals.

²² N=85,037 after excluding the 12,919 adult licence prison leavers for whom an index offence was not recorded.

Figure 4.5: Distributions of index offence types, August 2022 – December 2023



* Composed of fraud offences and criminal damage/arson

According to the data recorded on nDelius, the group of EM as LV order starts was 12 percentage points more likely ($p < 0.01$) to have a violence against the person index offence

type than all prison leavers on adult licences. In contrast, all EM as LV order starts were nine percentage points less likely ($p < 0.01$) to have a summary non-motoring index offence type than all prison leavers on adult licences.

Both of these largest differences are unsurprising: the less serious nature of the summary non-motoring index offence type arguably makes it an unlikely candidate for the use of EM as LV among this subset of prison leavers; whereas violence against the person is the most serious index offence type, so the greater use of EM as LV among this subset of prison leavers is to be expected.

Separately, the EM as LV orders starts were four percentage points ($p < 0.01$) more likely in respect of sexual offences, which is consistent with an expectation that EM as LV would be used more often among the more serious offence types.

One possible reason for the group of EM as LV order starts being five percentage points less likely ($p < 0.01$) with regard to theft offences is that many of this group of prison leavers on adult licences will have been automatically enrolled in the pilot areas of the Acquisitive Crime Project (which does not include all acquisitive offence types).

The shares of the remaining index offence types differed by no more than three percentage points between each group, where drug offences, robbery and the combined fraud offences and criminal damage/arson categories were not significantly different (i.e., $p > 0.05$).

It is important to highlight that safeguarding checks have to be carried out before anyone has an EM tag installed, so this should prevent a domestic abuser from effectively being confined to the same accommodation as a (potential) victim.^{23,24}

²³ The DAPOL project is ongoing, which is investigating the effectiveness of EM in relation to domestic abuse perpetrators at the point of release.

²⁴ [Written questions and answers – Written questions, answers and statements – UK Parliament](#)

4.6 Reoffending risk

OGRS

The likelihood of reoffending within 24 months can be measured using the Offender Group Reconviction Scale (OGRS).

This is a predictor of reoffending that is based on static risk factors – notably, age, sex and criminal history.²⁵ The predictor is expressed as a number between one and 100, where higher value numbers represent a greater probability of reoffending. OGRS values have been obtained for the people on probation monitored under the EM as LV project, as well as a comparator of all prison leavers released on an adult licence between August 2022 and December 2023, using the data recorded on nDelius.

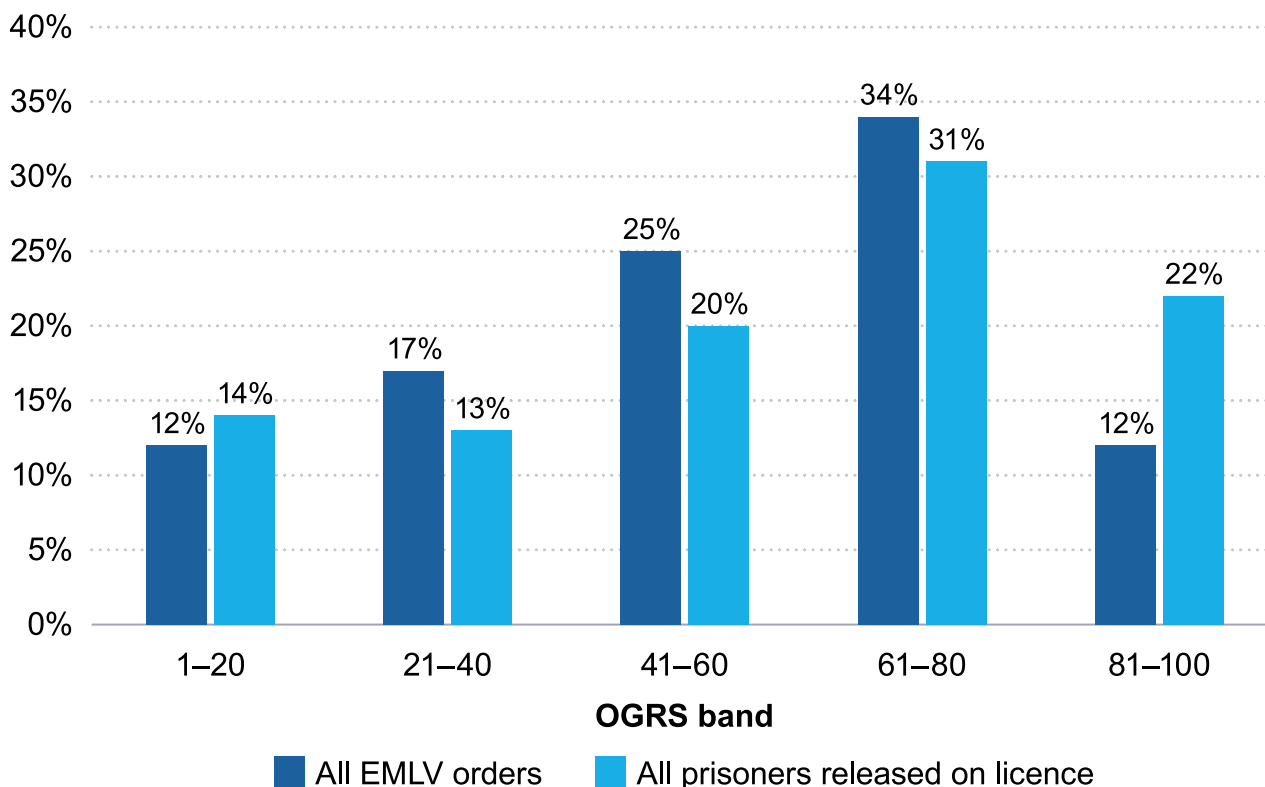
Figure 4.6 presents the range of estimated OGRS values within 24 months across five bands of all EM as LV order starts²⁶ and all prison leavers²⁷ released on an adult licence, where recorded, which shows that the most common likelihood band among both groups was 61–80.

²⁵ It is a statistical risk score based on a logistical regression analysis of data of a large sample of offenders who have been convicted in the recent past, where a two year history of reconvictions can be traced through official records. Dynamic risk factors (e.g., substance misuse) are not included. See <https://core.ac.uk/download/1556521.pdf> for more information.

²⁶ N=506. Every EM as LV order start had an estimated OGRS value.

²⁷ N=95,712 after excluding the 2,244 adult licence prison leavers for whom an estimated OGRS value was not recorded.

Figure 4.6: Distributions of OGRS values by band, August 2022 – December 2023



Generally, prison leavers enrolled in the EM as LV project demonstrated a lower reoffending risk than all prison leavers on adult licences. For instance, the average OGRS value was 54 among all EM as LV order starts and 57 among all prison leavers on adult licences, which was a statistically significant difference ($p < 0.01$). The respective medians were 58 and 63.

The largest difference between the two groups was in the 81–100 band of OGRS values, where the group of EM as LV order starts was 10 percentage points less likely ($p < 0.01$) to be represented than all prison leavers on adult licences.

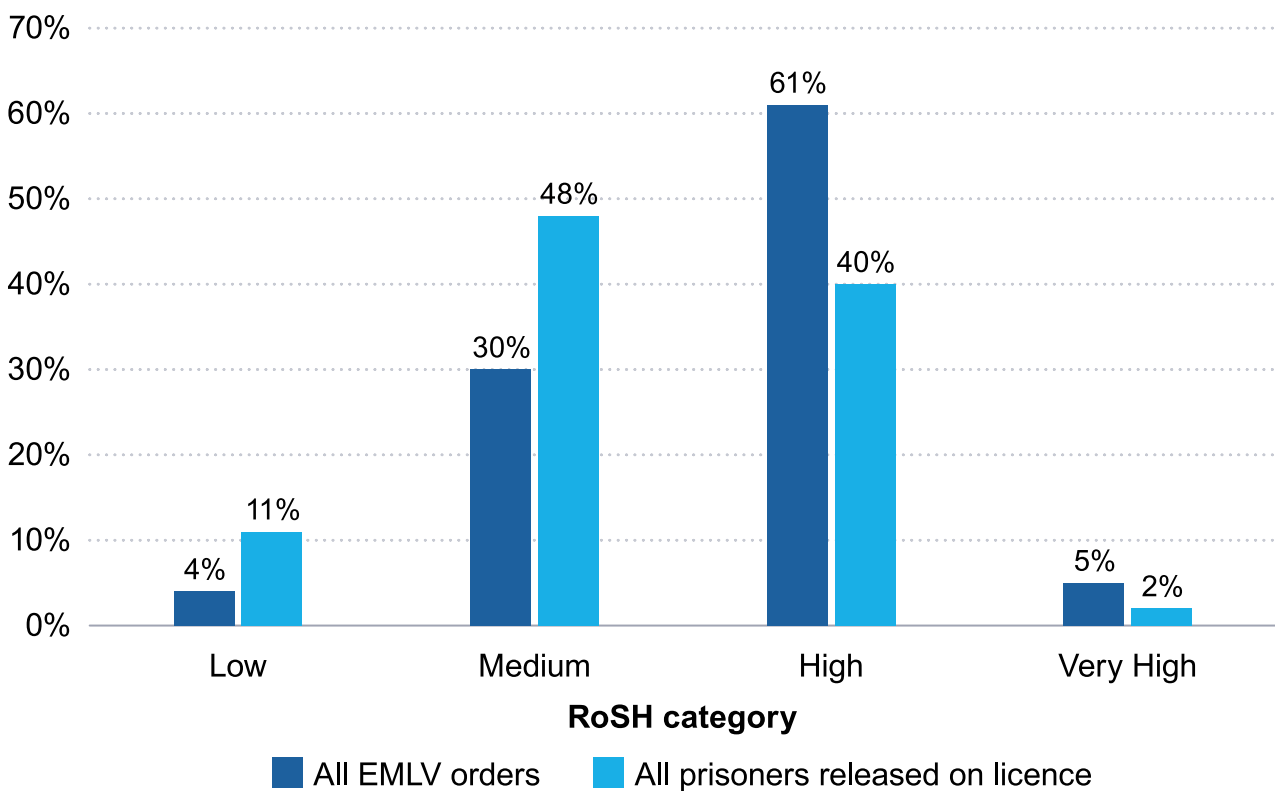
In contrast, all EM as LV order starts were five percentage points more likely ($p < 0.01$) to feature in the 41–60 band and four percentage points more likely ($p < 0.05$) to fall within the 21–40 band of OGRS values than all prison leavers on adult licences. However, there were no significant differences between the two groups in the 1–20 and 61–80 bands of OGRS values.

RoSH

The Risk of Serious Harm (RoSH) is the probability that a future offence will be one of serious harm, which is defined as “the likelihood of a life-threatening and/or traumatic event” from which the victim’s recovery is “expected to be difficult or impossible”.²⁸ Note that RoSH is a conditional probability in that it is the likelihood of an outcome given that another event has already happened. An individual’s RoSH is normally represented as one of five broad categories that range from “low” to “very high”.

Figure 4.7 shows a comparison between the distribution of RoSH amongst the EM as LV order starts²⁹ and all prison leavers³⁰ released on an adult licence, where recorded.

Figure 4.7: Distributions of estimated RoSH, August 2022 – December 2023



²⁸ [Risk_of_Serious_Harm_Guidance_v3.pdf \(publishing.service.gov.uk\)](#)

²⁹ N=502 after excluding the four EM as LV order starts for which a RoSH estimate was not recorded.

³⁰ N=93,980 after excluding the 3,976 adult licence prison leavers for whom a RoSH estimate was not recorded.

A majority of people on probation monitored under the EM as LV project were judged to be of high risk of serious harm in terms of any future offence (61%), followed by medium risk (30%), very high risk (5%) and low risk (4%).

With respect to all adult licence prison leavers over the same time period, the most common RoSH types were medium (48%) and high (40%). Very high RoSH was the smallest component (2%) of adult licence prison leavers and the remainder was low RoSH (11%).

All of the differences between the groups' shares were statistically significant. The largest difference was in the high RoSH category, where the group of EM as LV order starts was 21 percentage points more likely ($p < 0.01$) to fall in the high risk category than all prison leavers on adult licences.

The second largest difference was the medium RoSH category, where the group of EM as LV order starts was 18 percentage points less likely ($p < 0.01$) to be in the medium risk category than prison leavers on adult licences.

The next largest differences were in the low RoSH category, where the EM as LV group was seven percentage points less likely ($p < 0.01$) to fall, and in the very high RoSH category, where the EM as LV group was three percentage points more likely ($p < 0.01$) to fall.

The higher risk of serious harm profile is consistent with the anticipated use of EM as LV, which is a discretionary intervention that is intended to be targeted at prison leavers on adult licence who are exhibiting increasingly risky behaviour and where the use of EM is considered a necessary and proportionate response by probation.

These results coupled with the distribution of the OGRS bands suggest that individuals within the group of EM as LV order starts were generally more likely to be at a higher risk of serious harm in a future offence, but were generally less likely to reoffend within 24 months than prison leavers released on an adult licence.

4.7 Protected characteristics

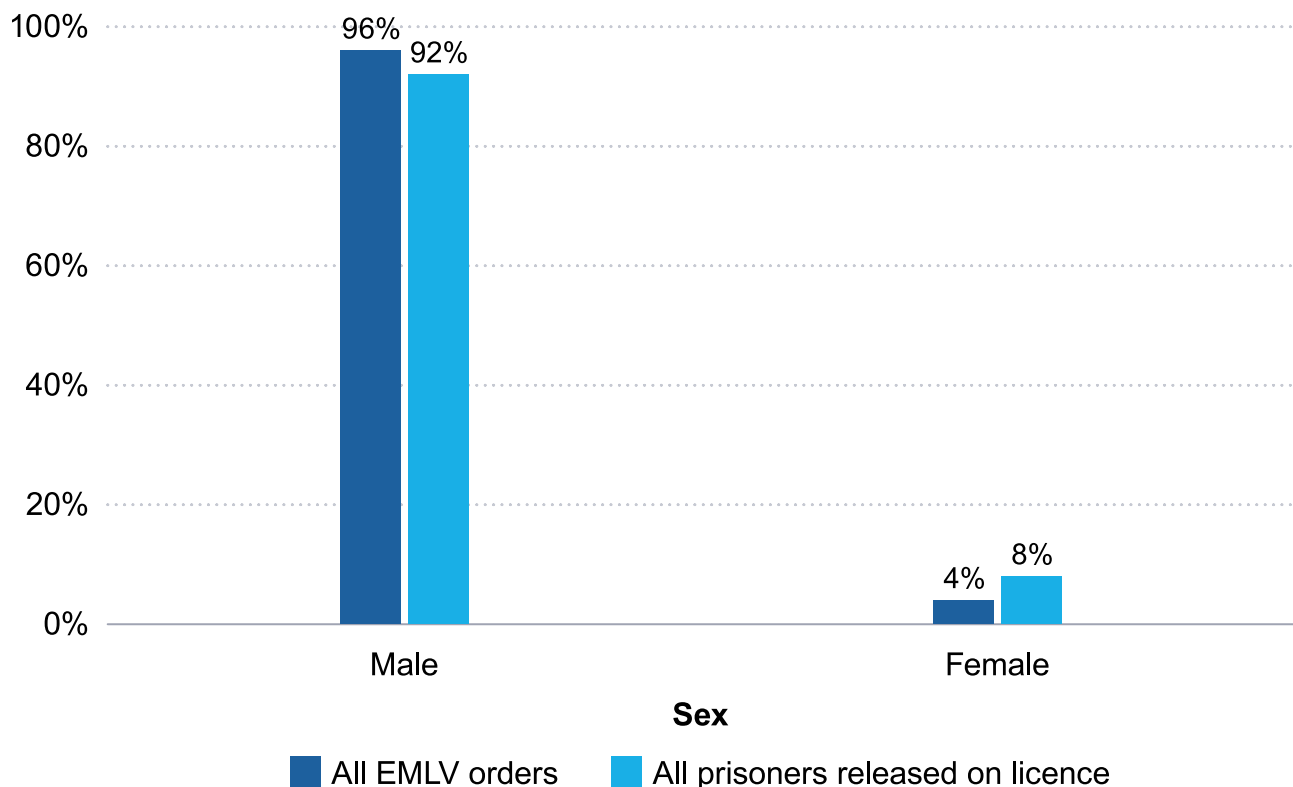
Descriptive statistics and figures are presented below showing various protected characteristics associated with all EM as LV order starts. The data were collated using the available MI from the main EM service provider and from nDelius.³¹ Estimates are rounded to the nearest one per cent and therefore may not always sum to 100 per cent.

The figures below compare the estimated distributions of protected characteristics associated with all EM as LV order starts and with all prison leavers released on an adult licence across England and Wales between August 2022 and December 2023.

Sex

Figure 4.8 makes clear that nearly all (96%) of the group of EM as LV order starts³² was male. Only 4 per cent of the group was female.

Figure 4.8: Distribution by sex, August 2022 – December 2023



³¹ The available MI from EMS Capita only records the protected characteristic of sex specifically, although age can be derived using the date of birth listed. For other demographic variables, datasets were joined with data from nDelius.

³² N=506. Every EM as LV order start was associated with a recorded sex.

Compared to all prison leavers³³ released on an adult licence, the group of EM as LV order starts was four percentage points more likely to be male ($p < 0.01$) over the period.

Age

Figure 4.9 presents an age distribution of all EM as LV order starts³⁴ and of all prison leavers released³⁵ on an adult licence. The former is based on recorded order start dates and the associated dates of birth, where recorded, while the latter is based on the recorded dates of release and the available dates of birth.

The largest age group among all EM as LV order starts was 25–34 years old (38%) followed by those aged 35–44 (28%). The smallest age group was 65+ years old (3%).

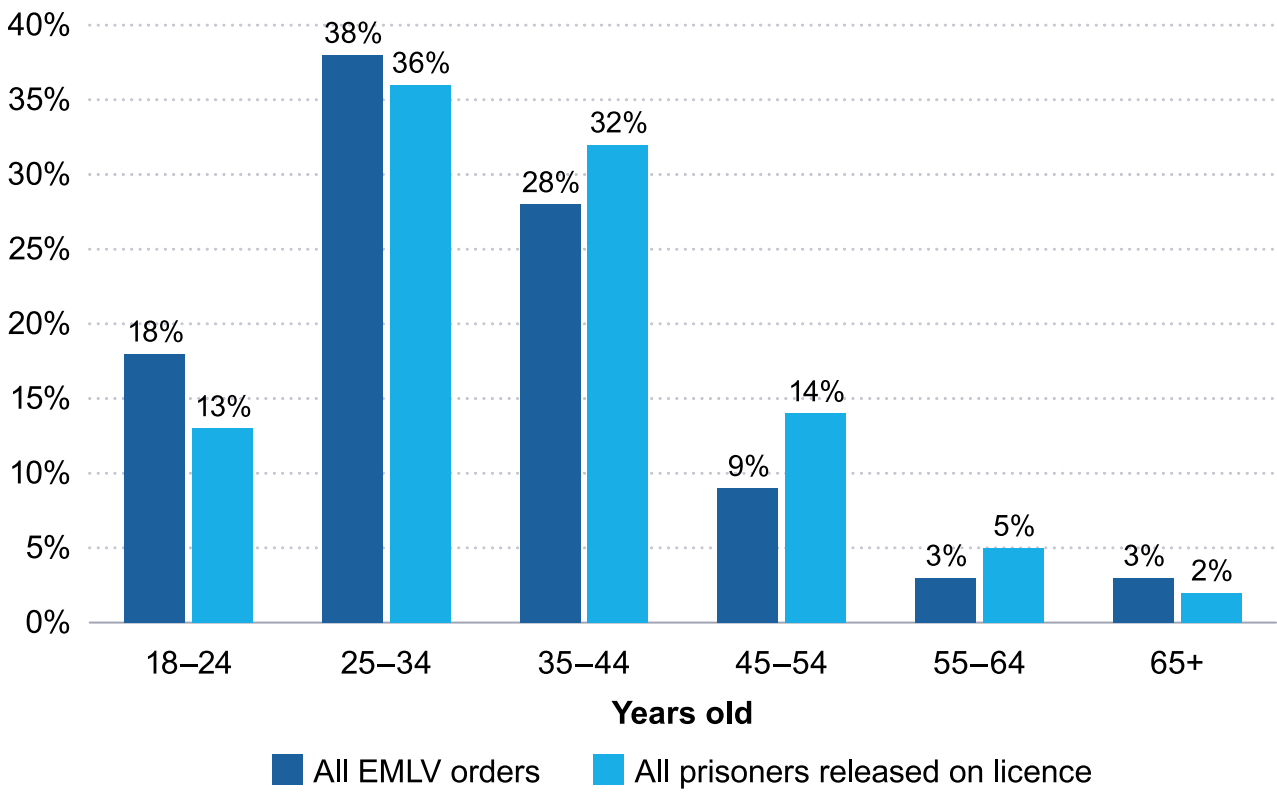
It was also the case that the most common age group of the adult licence prison leavers was 25–34 years old (36%) followed by 35–44 years old (32%) over the same time period. Equally, the 65+ year old age group was the smallest (2%).

³³ N=97,881 after excluding the 75 adult licence prison leavers for whom a sex was not recorded.

³⁴ N=506. Every EM as LV order start had a date of birth recorded.

³⁵ N=97,901 after excluding the 55 adult licence prison leavers for whom a date of birth was not recorded.

Figure 4.9: Distributions by age group, August 2022 – December 2023



The age distributions of the two groups had several similarities: although a statistically significant difference ($p < 0.01$), the average age among all EM as LV order starts was 35 years old and 36 among all prison leavers on adult licences; and the median ages were 33 and 35 respectively.

The largest difference was that the group of EM as LV order starts was five percentage points more likely ($p < 0.01$) to be 18–24 years old than prison leavers on adult licences. In contrast, all EM as LV order starts were five percentage points less likely ($p < 0.01$) to be 45–54 years old. The only other statistically significant difference was that EM as LV order starts were one percentage point more likely be 65+ years old ($p < 0.05$).

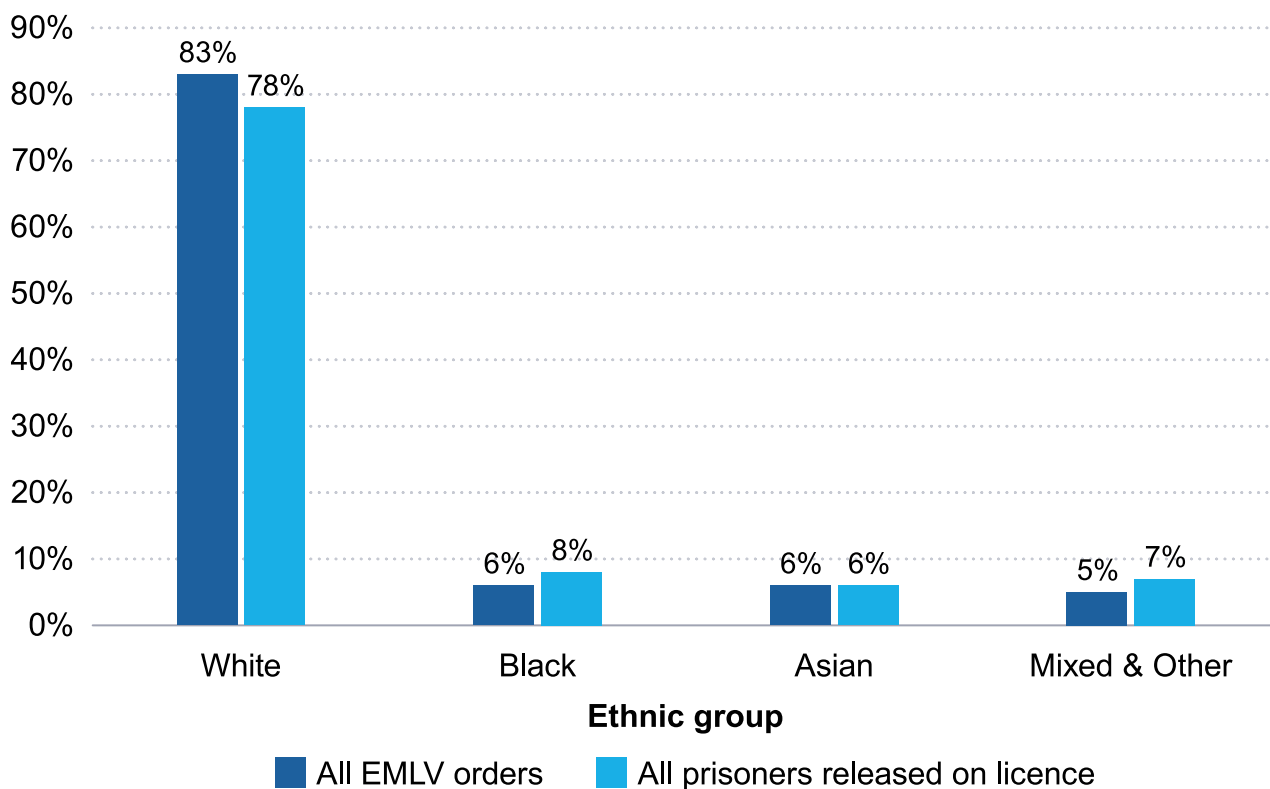
Ethnicity

Figure 4.10 shows the distribution of ethnicities among all EM as LV order starts³⁶ and all prison leavers³⁷ released on an adult licence, where recorded.

In terms of the former group, the most common ethnicity was White (83%). The next most common ethnicities were Black (6%), Asian (6%) and Mixed or other ethnicity (5%).³⁸

Among all prison leavers released on an adult licence, the available MI indicated that the most common ethnicities followed the same overall pattern: White (78%); Black (8%), Asian (6%); and Mixed or other ethnicity (7%).

Figure 4.10: Distributions by ethnicity, August 2022 – December 2023



In comparison to prison leavers on adult licences, two of the four broad ethnicities had statistically significant differences among all EM as LV order starts: the White ethnicity was

³⁶ N=501 after excluding the five EM as LV order starts for which an ethnicity was neither recorded nor disclosed.

³⁷ N=96,135 after excluding 1,821 adult licence prison leavers for whom an ethnicity was neither recorded nor disclosed.

³⁸ The ethnicities of "Mixed" and "Other" have been combined so as to avoid the risk of identifying individuals.

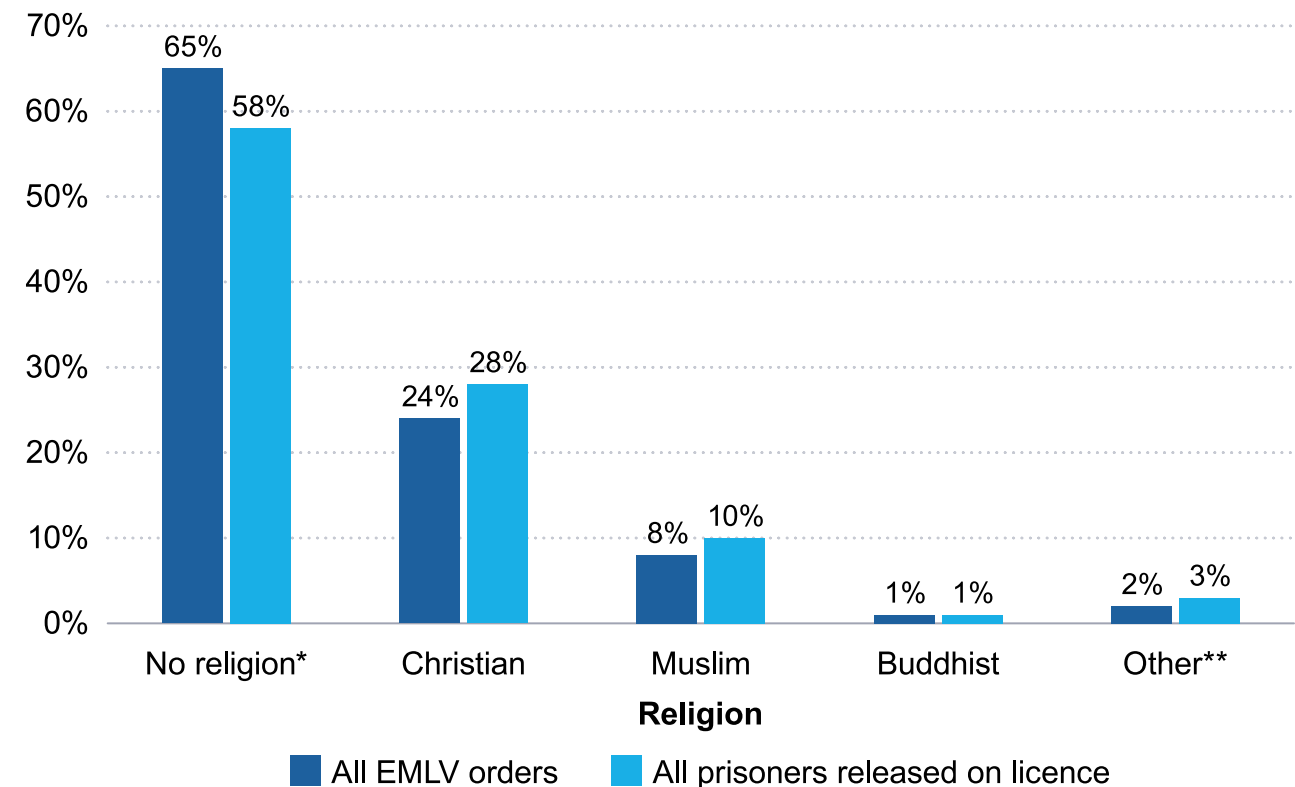
five percentage points higher ($p < 0.05$); and the Mixed/Other combined ethnicity was two percentage points lower ($p < 0.05$).

Religion

Figure 4.11 shows that, where recorded, the most common religious faith among the EM as LV order starts³⁹ was “no religion” (65%), followed by Christianity (24%), Islam (8%), Buddhism (1%) and all other religions (2%).⁴⁰

The religious faiths among all prison leavers⁴¹ released on an adult licence were similar in terms of the sequence of religions.

Figure 4.11: Distributions by religion, August 2022 – December 2023



* Includes “agnostic” and atheist

** Includes Sikhism, Hinduism and Judaism

³⁹ N=451 after excluding 55 EM as LV order starts for which a religion was neither recorded nor disclosed.

⁴⁰ Sikhism, Hinduism and Judaism have been combined with every remaining religion so as to avoid the risk of identifying individuals.

⁴¹ N=84,903 after excluding the 13,053 adult licence prison leavers for whom a religion was neither recorded nor disclosed.

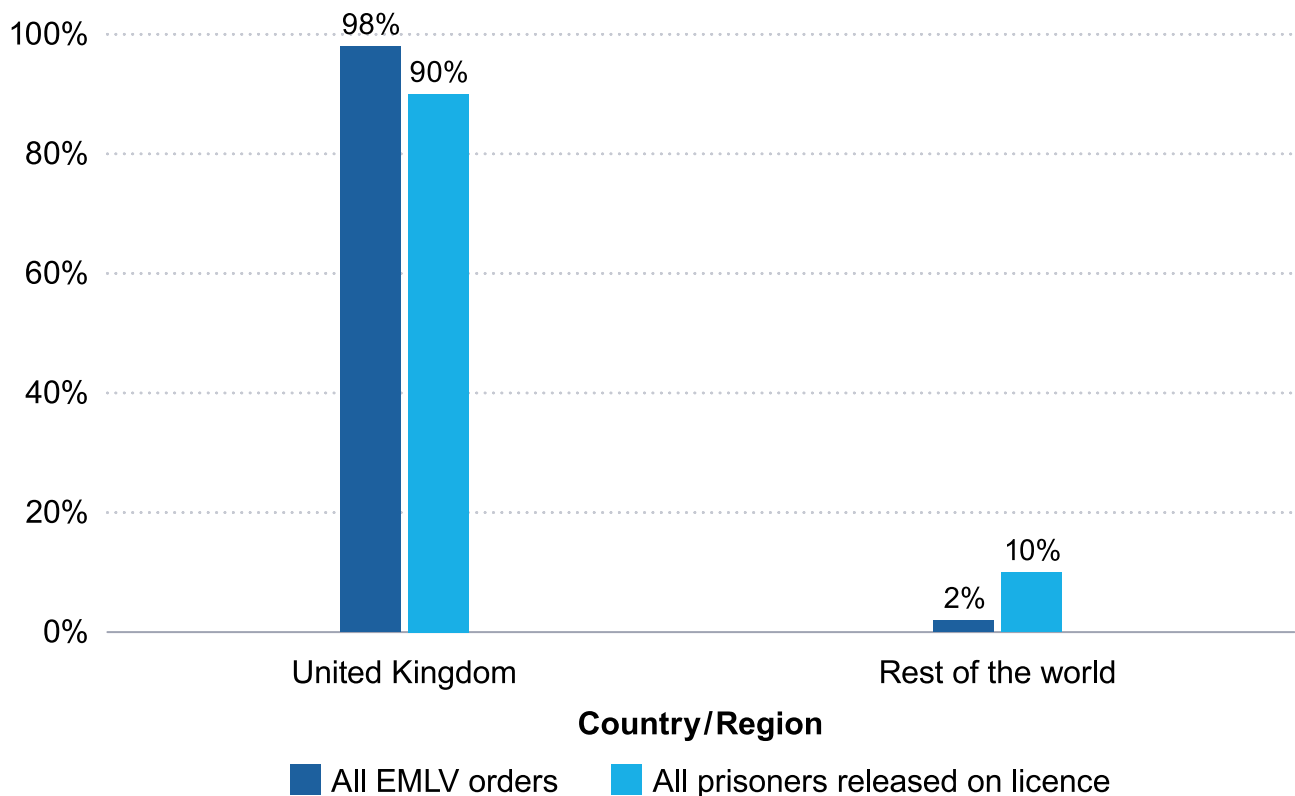
However, there were two notable differences between the distributions: the group of EM as LV order starts was seven percentage points ($p < 0.01$) more likely to have no religion than all prison leavers on adult licences; and the group of EM as LV order starts was four percentage points less likely to be Christian ($p < 0.05$). There were no statistically significant differences between the groups' shares of the other religious categories.

Nationality

Figure 4.12 shows that nearly all individuals within the group of EM as LV order starts⁴² were British citizens (98%), where a nationality was recorded.⁴³

The nationalities of all prison leavers⁴⁴ released on an adult licence were similar in that the majority were British (90%).

Figure 4.12: Distributions by nationality, August 2022 – December 2023



⁴² N=495 after excluding the 11 EM as LV order starts for which a nationality was neither recorded nor disclosed.

⁴³ The "Rest of the world" has been combined so as to avoid the risk of identifying individuals.

⁴⁴ N=95,853 after excluding the 2,103 adult licence prison leavers for whom a nationality was neither recorded nor disclosed.

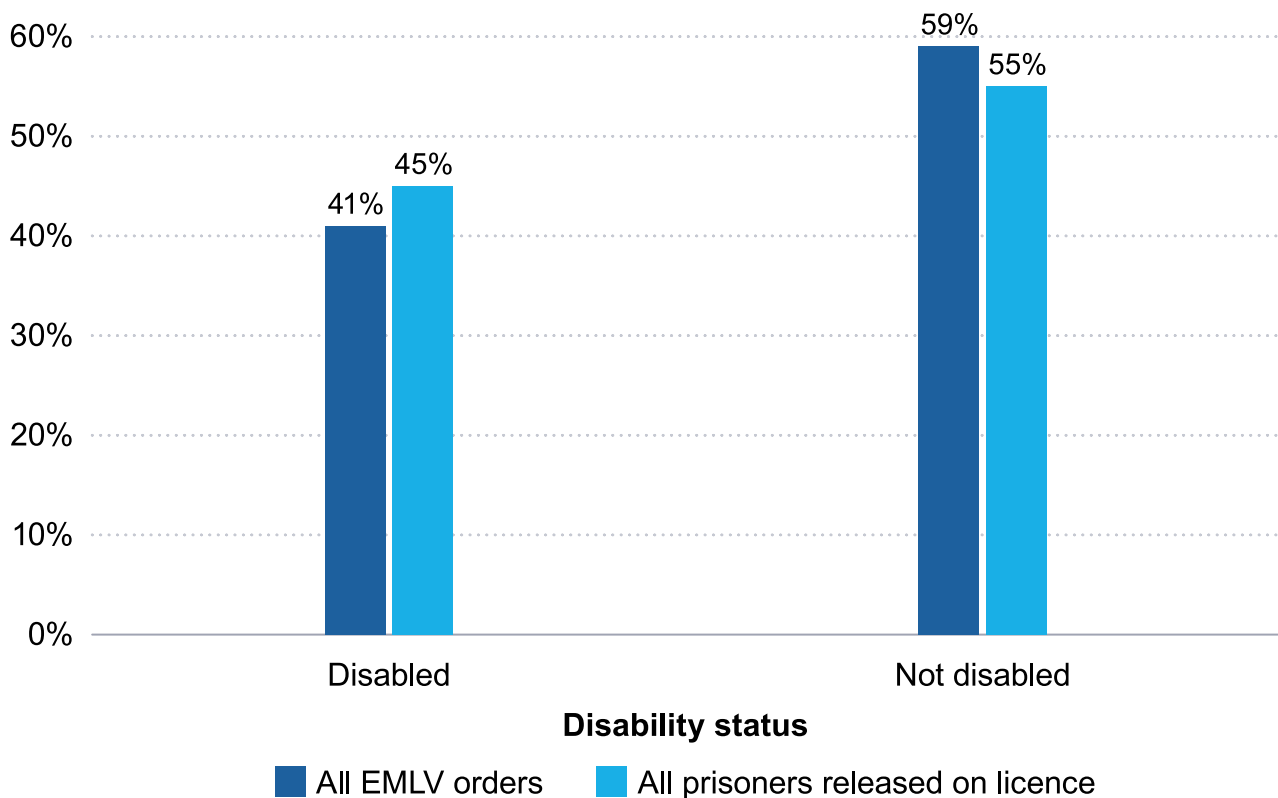
All of the estimated differences between the groups were statistically significant: compared to prison leavers on adult licences, the group of EM as LV order starts was eight percentage points more likely ($p < 0.01$) to be British.

Disability

As shown in Figure 4.13, about 41 per cent of all EM as LV order starts⁴⁵ were associated with at least one kind of disability on release from prison – e.g., autism, dyslexia, hearing, learning, mental, mobility, disfigurement, speech and/or sight. The remaining 59 per cent was not recorded as having any disability on release.

In contrast, around 45 per cent of all prison leavers⁴⁶ released on an adult licence over the same period were recorded as having a disability of some kind and the remaining 55 per cent was not.

Figure 4.13: Distributions by disability status, August 2022 – December 2023



⁴⁵ N=506. Every EM as LV order start was associated with a binary disability status.

⁴⁶ N=97,881 after excluding the 75 adult licence prison leavers for whom a disability status was not recorded.

The estimated differences were statistically significant: the group of all EM as LV order starts was four percentage points ($p < 0.05$) less likely to have a recorded disability than prison leavers on adult licences.

The more granular data recorded on nDelius indicated that the most common type of recorded disability was listed as “mental illness”, which represented around 70 per cent in the subset of each group that had a recorded disability on release from prison.

In terms of the cognitive conditions⁴⁷ of autism, dyslexia, learning difficulty and learning disability, 32 per cent of all EM as LV order starts with a recorded disability had at least one of these conditions, and 32 per cent of all prison leavers released on adult licences with a recorded disability had one or more of these conditions. The difference between the two groups was not statistically significant.

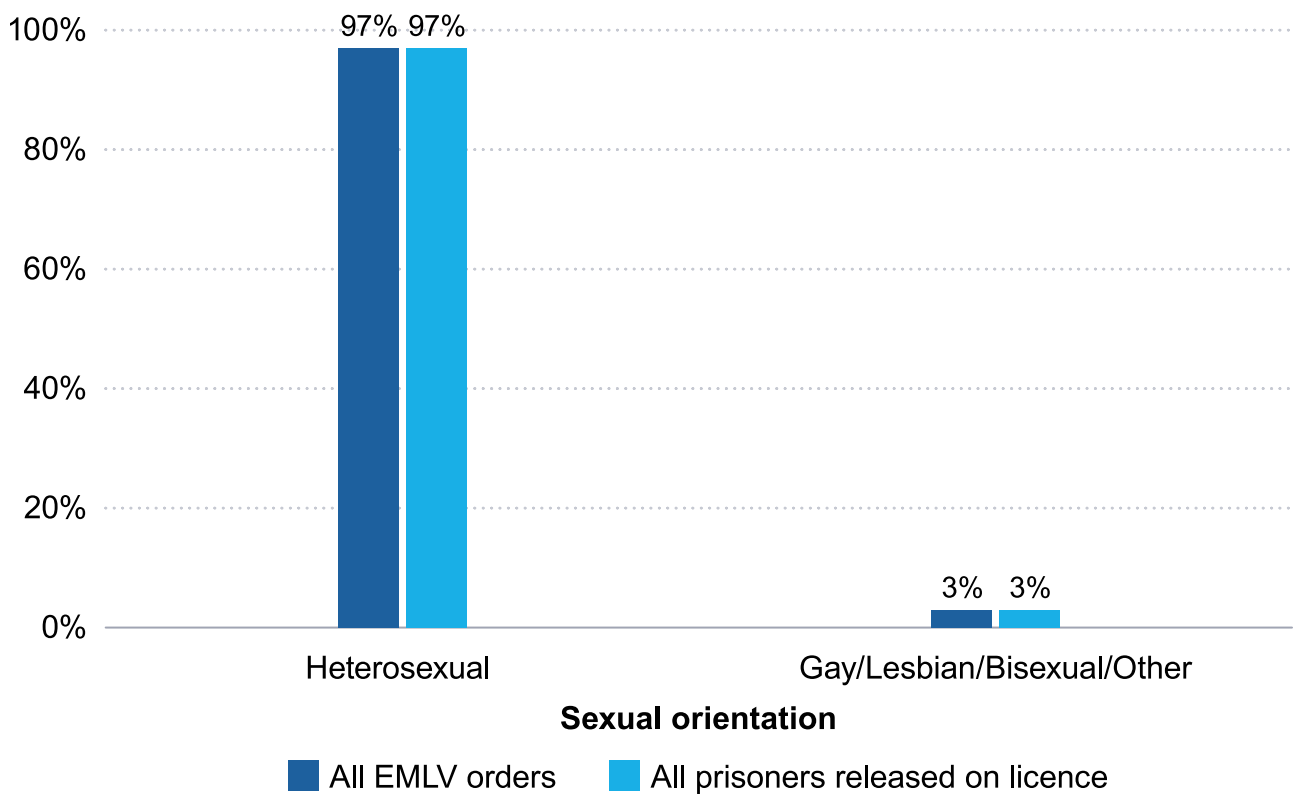
⁴⁷ Cognitive issues may contribute to poor planning/organisation and memory for managing one’s behaviour.

Sexual Orientation

Figure 4.14 shows that around 97 per cent of all EM as LV order starts⁴⁸ were described as heterosexual, while 3 per cent of were described as being gay, lesbian, bisexual or “other”, where a sexual orientation was recorded.

A very similar distribution was recorded among prison leavers⁴⁹ released on an adult licence.

Figure 4.14: Distributions by sexual orientation, August 2022 – December 2023



Consequently, there was no statistically significant difference between the two groups.

⁴⁸ N=465 after excluding the 41 EM as LV order starts for which a sexual orientation was neither recorded nor disclosed.

⁴⁹ N=89,766 after excluding the 8,190 adult licence prison leavers for whom a sexual orientation was neither recorded nor disclosed.

Gender Identity

The ability to draw inferences about the distribution of gender identities is constrained by the available data: 25 per cent of EM as LV order starts⁵⁰ and 23 per cent of the prison leavers⁵¹ released on an adult licence were missing any gender identity descriptive record.

Where there was a gender identity record, about one per cent of EM as LV order starts had a different gender identity to that of their legal sex, preferred “to self-describe” or explicitly preferred not to say.

Among all prison leavers on adult licence released between August 2022 and December 2023, around one per cent had a gender identity record that was not the same as their legal sex.

The difference between the estimated shares was not statistically significant.

⁵⁰ N=377 after excluding the 129 EM as LV order types for which a gender identity was not recorded.

⁵¹ N=74,970 after excluding the 22,986 adult licence prison leavers for whom a gender identity was not recorded.

5. Overview of project roles

Probation

Probation practitioners in the participating regions are responsible for identifying the people on probation who meet the criteria of the EM as LV project. If a probation practitioner determines that a prison leaver released on licence should be enrolled in the project, then their licence is varied to include an EM condition, subject to sign-off within the Probation Service.

This could include EM to monitor compliance with specific conditions imposed (e.g., curfews, exclusion zones, attendance at appointments) or location monitoring to track movements, where no specific condition is being monitored. One or more of these EM licence conditions can be applied. Probation practitioners should also set the EM end date, which must be added to the licence.

Probation practitioners should ensure that the person on probation is sufficiently prepared for installation of a tag under the EM as LV project – notably, that they are physically able to wear the tag and they are mentally capable of complying with the requirements of EM. Probation practitioners are then responsible for sending the licence and dedicated EM as LV notification form⁵² to the main EM service provider so that it can organise the tag's installation.

Probation practitioners receive alerts for any non-compliance with EM, giving them evidence to inform their supervision activities. Location monitoring gives the ability to identify the movements of people on probation by obtaining movement data on request from the EM service provider. Probation practitioners can request a maximum period of seven days of data. However, the guidance advises that probation practitioners requests are specific (e.g., “Where was X at Y time?” or “Has X visited Y address?”). The location data can only be reviewed in retrospect.

⁵² An electronic form specifically developed for the EM as LV project for probation to complete and send to the EM service provider to initiate the installation of a tag for an EM as LV order start.

Probation practitioners are responsible for amending or ending the EM as LV order. The EM condition must be imposed for a minimum of 30 days and should not exceed 12 months, with a review being carried out every three months to ensure the condition remains necessary and proportionate. The person on probation must have a minimum of 30 days remaining on their licence period to impose an EM condition. EM as LV is not available for those prison leavers subject to Post-Sentence Supervision (PSS), which follows completion of the licence period.

If the person on probation is formally transferred to another probation region that is not one of the EM as LV participating regions, they become ineligible for the project. The probation practitioner must then remove the licence condition and request that the main EM service provider removes the tag. However, if the person is still supervised by a probation practitioner in a participating region, then the EM as LV tag can remain.

It is for the probation practitioner to assess whether the person on probation meets the recall threshold and can still be safely managed in the community with an EM condition, which is subject to approval from the Head of their Probation Delivery Unit (PDU).⁵³

People on probation

To be eligible for the project, an offender must be serving a standard determinate sentence and have been released on licence for a minimum of 30 days and have at least 30 days of their licence period remaining. EM can be used as a LV for any offence type and risk level including MAPPA⁵⁴ Levels 2 and 3, county lines, violent and sexual offences.

The behaviour of the person on probation must be observed as escalating in risk, including non-compliance with licence conditions, and/or having reached the threshold for recall for them to be considered for the imposition of an EM condition post-release.

Where considered necessary and proportionate, an EM condition is added to a licence so as to encourage wider compliance with licence conditions and better to manage risk. The

⁵³ The 108 Probation Delivery Units are the sub-regional bodies that undertake local delivery within the 12 probation regions of England and Wales. PDUs have existed since unification of the Probation Service in June 2021.

⁵⁴ The three levels of Multi-Agency Public Protection Arrangements (MAPPA) are: Level 1 – multi-agency support; Level 2 – multi-agency management; and Level 3 – enhanced multi-agency management. For more info on MAPPA, see <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa-guidance>.

probation practitioner alerts the person on probation that they have not complied with their current licence conditions and that their licence is then varied to include an electronic monitoring condition.

If a resident at an Approved Premises, the person on probation is required to stay on site to have the tag installed and removed by the main EM service provider. Probation practitioners inform the person when they can expect to have their EM tag installed and removed.

EM service providers

The main EM service provider, which was EMS Capita during the study period, receives a completed EM as LV notification form from probation practitioners who have identified an eligible person on probation.

When directed to do so, the EM field officers install tags on and remove them from the relevant person on the appointed date. The field officers typically go to the person's addresses to install or a remove a tag between 7pm and midnight. They also visit if there is evidence that a tag has been tampered with.

If the person is not at their address during fitting or a visit, EM field officers return for a second time. If they are still unable to make contact, this will be recorded as non-compliance and the relevant probation practitioner notified.

In the event of an episode of non-compliance, the main EM service provider reports this occurrence to probation practitioners via email. The EM service provider also notifies them when the batteries of GPS tags drop to 20 per cent or under.

The main EM service provider supplies specific data to probation practitioners on request. However, it is only able to provide data from the most recent seven days prior to the request.

6. Summary of qualitative data

6.1 Probation practitioners

Interviews were held with frontline probation practitioners. Generally, this group held positive perceptions of the EM as LV project. In particular, it was commonly seen as an effective tool to manage escalating risk and as an alternative to recall for relevant people on probation, thereby helping to prevent reoffending.

However, some negative views were reported, including perceived poor communication and efficiency of EM tag installation, sometimes making them hesitant to use the tool.

A challenge experienced by the EM as LV project was resource constraints within probation regions. This finding was also reflected in the Acquisitive Crime Project process evaluation. Many probation practitioners believed that this affected how well they understood when to use the tool as they were not able to dedicate time to read the guidance in depth, contributing to their frequency of use of EM as LV.

There was confusion about how to receive monitoring data. Probation practitioners were not able to monitor people on probation using a live tracking system, in contrast to the Acquisitive Crime Project. Instead, they contacted the EM service provider who gave them specific monitoring data from the past seven days. Many respondents said that it was difficult to interpret the data supplied and that there were often delays in communication.

Furthermore, some stated that there were delays in responding to data requests, which reportedly meant the monitoring data had become outdated and that the EM as LV tool was less effective in assisting risk management.

Perceptions of EM as LV

Most probation practitioner respondents held a positive view of EM as LV and believed that it worked well. For instance, it was proposed that EM as LV gives people on probation

an opportunity to prove that they were complying with their licence conditions in general, which helps them to avoid returning to custody and thus losing their protective factors.⁵⁵

“It’s been helpful to have that on for him [a GPS tag] because it makes us actually aware what’s actually going on with him. So we can kind of basically challenge him and try and help him to rectify his behaviour before it gets to the point that we have to recall him because of his behaviour.” **Probation practitioner**

Probation practitioners also discussed the perceived benefits of the “knock on effects” that the tool could have on the demand for prison places, as some suggested that EM as LV would allow them to avoid recall to prison where appropriate to do so.

It was also perceived to be an effective tool for providing evidence of when there has been intelligence of risk escalation, in comparison to other licence conditions.

“...this process, it’s black and white. It’s simple. If he breaches, I have it on paper where he was. And so there’s no grey area, which is why it’s a really effective tool, I think.” **Probation practitioner**

However, some probation practitioners questioned how efficient the service for location monitoring was in tracking someone’s whereabouts. This was because they could not track live location and had to request data from the EM service provider.

There was a comment that the monitoring data from EM service providers were “redundant” due to delays receiving the data, meaning that the information was no longer useful. Moreover, some probation practitioners stated that it was not the most effective tool because, if there were delays, a person on probation could reoffend in this time.

Probation practitioners raised further concerns regarding some aspects of the project including resource constraints, guidance materials, data sharing arrangements and their interactions with EM service providers.

⁵⁵ Protective factors are characteristics or environmental factors associated with a lower likelihood that the person on probation will engage in criminal activity – e.g., accommodation, work, relationships (Kitson-Boyce and Betteridge, 2022).

Use of EM as LV

Some probation practitioners explained that EM as LV was used as a tool to aid decision making by providing evidence of behaviour.

Many held a belief that some people on probation may not have been residing where they claimed or were breaching curfew. It was argued that EM as LV allowed for the monitoring of this behaviour and the addition of further conditions to licences based on the evidence provided by the EM tag.

Moreover, if there was intelligence that the people on probation were reoffending or their behaviours were becoming increasingly risky, many probation practitioners said they could use GPS EM tags to gain information of their whereabouts to help manage risk.

An observation of increased risk often included a person on probation testing positive in a drug test.⁵⁶ Consequently, it was felt that a probation practitioner could opt for EM as LV to manage this risk.

There were contrasting comments that EM as LV was seen as a “bit of punishment” for breaching other licence conditions, and that it was a useful tool to monitor medium risk people on probation who were not eligible for an Approved Premises – e.g., displaying risky behaviours, but not at the threshold for recall to prison. EM as LV was described as “filling a gap” for certain people on probation.

A similar description was used to describe how EM as LV could be seen to occupy the space between suspected behaviour and the threshold of recall to prison.

“...it’s not to say it stops someone being recalled, it’s kind of more to rectify behaviour. So someone’s done something outrageous or done something that means that we can’t manage the risk and we would just have to recall them, but it certainly gives us more awareness of what’s actually going on and we can say, right, we’ll put him on, we’ll put them on tag. That can assure us that there isn’t offending or that the risk is manageable.” **Probation practitioner**

⁵⁶ The academic literature indicates that substance misuse is one of the strongest predictors of risk of reoffending (Baillargeon et al., 2009; Walter et al., 2011).

Some probation practitioner respondents said they used EM as LV in conjunction with other additional licence conditions, depending on the nature of the observed risk escalation. For example, one person on probation was expected to be drug dealing due to the nature of their index offence, as well as being found with several “burner phones”⁵⁷ and being found late at night in a car with a lot of money. A location monitoring condition was added to their licence through EM as LV, as well as a phone disclosure licence condition.

However, there were remarks that it was easier to add one licence condition than adding several due to admin resource. It was explained that this also ensured that the person on probation did not feel like they were being overly punished, which could make compliance with other licence conditions problematic.

Many probation practitioners described EM as LV as a “last resort” licence condition before recall to prison. This was mainly because all other possibly useful licence conditions had been added to the licence.

“...he was obviously quite reluctant to have this at first, but then, you know, he understood that it was taking his best interests into account, with the variation, as opposed to just recalling him, which we could have easily done. So, it was very useful to have that as an option because without it, he would have gone back to prison because we couldn’t necessarily manage his risk in the community without that tag. We thought it was the only option left to be able to manage that.”

Probation practitioner

Process of applying EM as LV

Most probation practitioners agreed that getting the EM as LV signed off by their head of PDU was a simple process. They also said that completing the dedicated EM as LV notification form for the EM service provider was straightforward and easy to understand. Many reported that completion was fairly quick, and some stated it only took them no longer than five minutes to complete. However, there were some reports that finding the

⁵⁷ Burner phones are disposable mobile phones with a prepaid service and without a formal contact with a communications provider. They are sometimes used purposefully to obscure the contact information of the user. They can be associated with criminal behaviour.

form was time consuming as EQuIP⁵⁸ was difficult to navigate and that there are “far too many drop down boxes to pick from”.

Most respondents expressed that putting all necessary information on nDelius⁵⁹ was not much different to when they added other licence conditions. However, some stated that it was usually their admin team’s responsibility to add necessary documentation regarding the new EM licence condition or updated licence to nDelius.

There was also some confusion with the process being different to other pilots, such as the Acquisitive Crime Project. For example, some probation practitioners thought it was the prison’s responsibility to complete the LV.⁶⁰

People on probation suited to EM as LV

There were mixed views as to what types of people on probation would be most suited to the use of EM as LV. Most probation practitioners suggested that it was a good tool for risk reduction in general and should be used for all types of people on probation where monitoring their location would be useful. Some respondents felt that EM as LV would be better suited to specific cohorts (such as sex offenders and domestic violence perpetrators) to help monitor proximity to victims and help keep them safe.

It was also stated that young adults may be particularly suited to EM as LV as it was felt that they are sometimes difficult to engage. It was explained that sometimes young adults lack stabilising factors (e.g., in relationships, employment, housing) and that it takes time for them to build protective factors. EM as LV was described as giving these people on probation a “bit of a second chance”.

In contrast, some probation practitioner respondents highlighted concerns around tagging domestic abuse perpetrators.

⁵⁸ Excellence and Quality in Process Processes (EQuIP) is the probation in-house store of guidance material.

⁵⁹ nDelius is the Probation Service’s case management system.

⁶⁰ Note that in the Acquisitive Crime Project, it is the responsibility of probation practitioners to identify prison leavers as suitable to be enrolled. However, prison leavers have EM tags installed at the point of release and it is the prison offender managers who are responsible to sending the individual’s licence and notification form to EM service providers, whereas in the EM as LV project, it is the responsibility of Probation Practitioners to complete the LV and notify EM service providers.

“It shouldn’t be considered for domestic violence simply because there were too many variables in terms of people getting tagged to addresses which may have familial links that we are not aware of.”⁶¹ **Probation practitioner**

Furthermore, some respondents believed that EM as LV may be unsuited to people on probation in less stable circumstances.

“I’m not going to put a tag on someone who’s accommodation is completely chaotic. And you’re not going to make someone stay in seven [pm] till seven [am] in the family home if they’re violent.” **Probation practitioner**

Resource

Some probation practitioners believed the EM as LV project did not significantly affect their workload. This is because it was felt that, if they had not added EM to the licence, then in many cases they would have had to initiate recall to prison, which would have equally weighed on their workload.

Others explained that their current probation region was resource constrained, but if there was a viable alternative to recall, they would prioritise this.

However, it was reported that EM as LV may not have been used to its full potential or as often as it should have been because many staff did not have time to dedicate to learning about new tools to manage people on probation.

Indeed, most respondents referred to working over capacity and “firefighting”.

“I’ve been working at about 170 per cent for about over a year now, I’d say.”

Probation practitioner

As a result, there were reports of a lot of staff sickness and probation practitioners having to take leave due to stress, which meant that colleagues had to take on more cases.

⁶¹ “HMPPS mandated that [safeguarding] enquiries to police forces and children’s services should be made in all cases where there is a recommendation for an electronically monitored curfew from April 2022” (<https://questions-statements.parliament.uk/written-questions/detail/2023-04-19/181761/>)

“...when you’ve got a higher level of cases and you’ve got a lot going on in the cases, you might get a new case and you haven’t got time to go through with a toothcomb. You skate over the surface of the information that you’ve got, but you’re not really having the reflective time to get it in your head and decide whether there’s a problem... It’s like, right, that’s on the backburner because this person is right in my face now causing some bother.” **Probation practitioner**

Guidance

There were mixed views on how helpful the guidance was regarding EM as LV.

Some probation practitioners were unaware of the existing guidance and added EM to licence conditions based on suggestions from their line managers or PDU heads. Independently, these respondents felt like they did not have all the necessary information to judge whether someone was suitable for EM as LV and needed to familiarise themselves with the guidance.

Additionally, a common theme was resource constraints, which meant that there was not the time to become familiar with the guidance.

“The thing is, if it, I mean I get hundreds of emails a day, so it’s kind of like if an e-mail comes saying read this guidance, it’s kind of I’ve gone on the back burner. You know, I’ve got immediate problems to deal with.” **Probation practitioner**

Some probation practitioners also felt that there needed to be more clarity in the guidance around criteria of who qualifies for EM as LV. For example, whether it includes a person on probation who was convicted of a juvenile sentence and who is now aged over 18 years old and released on licence.

Other respondents felt they generally have a good understanding of EM as LV and were satisfied as to where to find guidance on applying the tool, if they needed it. Some mentioned that the flow charts in the guidance were particularly useful because it saved probation practitioners having to read lots of text.

“...it was very well presented, I think. So the quality, I think, was right and the quantity was just sufficient.” **Probation practitioner**

Many respondents highlighted the importance of making training flexible. They stated that having the training for EM as LV recorded was very useful to refer to later due to their heavy workload.

“All the information’s there that I need, I know it’s on EQuIP. I know that as I said before, just locally within our team, we have shared information between ourselves. You know like everyone, people give a light summary, an update of what’s coming or what the rationale and that sort of stuff. So yeah, I’d say I’m quite generally well informed.” **Probation practitioner**

Contrary to this, many described EQuIP as being difficult to navigate. For instance, one probation practitioner said they had dyslexia and found that EQuIP was not accessible for them. There was a preference for using the platform OneNote⁶² instead.

A common theme that arose regarding the guidance for EM as LV was that the training was provided some time in advance to the project commencing. Some respondents reported forgetting about the project and guidance that they had read, and they often implemented EM as LV after suggestions from colleagues or heads of PDU.

“Unless something is very fresh in our heads, it goes straight out the window and only gets pulled back at the point that we need it. So like I say, you know, it’s very much reliant on people having experience of using the system and stuff like that.”
Probation practitioner

However, other probation practitioners reported feeling confident in the use of EM as LV once they had executed the process and had learnt from their experience.

There were many different preferences for receiving training and notifications of the guidance – e.g., the choice of face to face training or e-learning.

“...the more varied the better and then you hit all of the probation population.”
Probation practitioner

⁶² OneNote is a Microsoft digital note-taking tool.

Many respondents said that emails get lost, but they prioritised local emails, sent by their PDU heads or managers. Consequently, they were more likely to look at the latter group of emails – if there was a short explanation about what the new tool is, with the guidance attached, then they would be aware of this and could refer to it at a later date.

There was a proposal that if one dedicated person from their PDU was to do the training and relay their learning to the team, this would ease the pressure on staff resources and staff would be more likely to acknowledge the new tool if a member of their team recognises it as useful.

Many respondents reported that managers being aware of the EM as LV tool was very useful for probation practitioners as they could recommend using EM as LV. It was also suggested that if managers were to hold two minute briefings highlighting how the tool would benefit frontline probation practitioners, then they would be more likely to engage with the guidance.

Interaction with stakeholders

EM service providers

There were conflicting views on the efficiency of the EM service providers. Some probation practitioners explained that the main EM service provider installed tags and responded to data requests in a timely manner. This enabled probation practitioners to be responsive to possible risk escalation.

“...when you request it, though, they you know it’s fitted quite quickly, which is good because it’s responsive. We’re dealing with dynamic risk all the time. So it’s very responsive to what we want. So that works well.” **Probation practitioner**

Respondents expressed that the tag installation process worked well if the person on probation was compliant and if the EM field officers were able to install the tag on the appointed date and time.

“I told the service user that he had to remain in the property during seven till seven even though he hadn’t been curfewed. And as I said he was compliant in, you know, most things except for living at the address. So he complied and they found him in and everything went really smoothly.” **Probation practitioner**

However, it was reported that the main EM service provider sometimes took too long to install the tags, meaning that probation practitioners had to consider how immediate was the risk of the person on probation. In cases where probation practitioners had bad experiences of EM service providers taking too long to install a tag, it was argued that the person on probation would often be recalled instead.

“...I think risk is the most imminent between 24 hours and 48 hours [after requesting EM to be installed]. And I think if we knew that EMS [the main service provider] weren't going to go out until sort of two days later or it wasn't going to get done, I think we would have obviously had to say we'll have to recall because we can't manage that risk.” **Probation practitioner**

A common theme among probation practitioner respondents was that communication with EM service providers was seen as poor. For example, there were reports of probation practitioners not being notified that the tag had been installed until they asked the main EM service provider or were informed by the person on probation. Moreover, there were reports of not being given an installation date to relay to the person on probation, leading to confusion or hostility from them when the EM field officers arrived to install the tag, leading to possible further escalation of risk.

“.. it could have triggered him to go off and do something because he had [a belief that] he's going to prison anyway, so he might as well go and do something.”
Probation practitioner

There was a suggestion that EM as LV may be a more useful tool for less chaotic cases on account of reported inconsistencies in the main EM service provider's responsiveness.

Respondents commented that the main EM service provider was not responsive if there was a problem with a tag that requires EM field officers having to go back to the address to fix, such as the tag not charging properly or the tag being fitted too tightly. There were several reports of having to telephone and email the main EM service provider on multiple occasions to resolve a problem with the tag.

It was felt that there was a lack of consistency in communication with EM service providers, with reports of frustration due to queries to the main EM service provider often

being dealt with by different members of their team. Some respondents stated that it would be more beneficial to have a single point of contact rather than having to re-explain their query to different staff members in the EM service provider team.

It was also stated that, on occasions, EM field officers did not visit to remove the tag when the licence ended, meaning that some people on probation had to go to their nearest police station to have it removed or to return it.

“It’s a reward for their compliance [removal of tag] and they’re not getting rewarded, so then it’s a fake carrot” **Probation practitioner**

Interactions with the police

There was some confusion among respondents in terms of who was responsible for obtaining the monitoring data from the EM service provider.

It was remarked that the police would request data from probation practitioners, adding to their workload as they had to contact the EM service provider on behalf on the police. However, other respondents explained that the police would contact the EM service provider directly if they needed further intelligence on the tag wearer.

Most reported having positive interactions with the police and that EM as LV was a mutually beneficial tool.

“So, I discussed the option with them [the police] and they said it’s a good idea and at least we know where he is and obviously from a policing perspective, they can pinpoint him at a location if a further offence was to happen.”

Probation practitioner

Interactions with other stakeholders

Respondents said that they thought sharing EM data with other stakeholders was helpful. Many used the data to inform social services on issues regarding the whereabouts of the person on probation – e.g., whether they were remaining in their Approved Premises and/or outside their exclusion zones.

Barriers to use

A commonly reported barrier to using the EM as LV tool, in the view of probation practitioner respondents, was that tags were sometimes not installed in a timely manner, even though the need for tag installation was urgent.

Due to resource constraints, some respondents noted that there was not enough time for them to participate in training. Moreover, some felt they were unfamiliar with or had a lack of knowledge about EM as LV, which made them reluctant to make use of the intervention.

There were comments that the initial process of implementing EM as LV was confusing such as becoming accustomed to the dedicated EM as LV notification form. However, it was the general view that, once probation practitioners had used the tool, it was easier to use again.

Some respondents stated that EM as LV was not a priority for senior management due to resource constraints. It was argued this meant that it was sometimes easier to recall the person on probation than add an EM condition to a licence, especially if it was being added as an alternative to recall. There were reports that probation practitioners would prioritise preparing licence conditions for someone coming out of prison and that this would take precedence over someone who was already being managed in the community.

Interactions with EM service providers have also caused a reported hesitancy in using the EM as LV tool. Some respondents stated that they were not being informed of EM violations and/or there were delays in receiving location data. Communication and efficiency concerns reportedly led some respondents to believe that EM as LV was not an effective tool.

“I would have to go through alternative means because public protection has to trump, and so unless they sharpened things up and actually could promise me that they can fit [a tag] within a certain number of hours to be that effective alternative to recall, I would actually have to look at other things [alternative options to EM as LV]. So it has put me off in that way.” **Probation practitioner**

Other respondents said they were overly informed about EM violations, such as when the battery charge has fallen to five per cent, which created more work for probation practitioners because they were then obliged to investigate.

“So it’s probably just the extra paperwork, the extra forms, the extra emails that it brings with it really.” **Probation practitioner**

Other reported barriers were those people on probation with medical issues and those who were located in rural areas or in atypical living situations.

“There’s a lot of people who don’t have stable or suitable accommodation and that’s the biggest barrier that I feel we face. I feel that possibly a lot of theft, type related offences, are committed by people who are homeless or living an itinerant lifestyle, who could be tagged but can’t be tagged because they don’t have the facilities and the infrastructure to do it.” **Probation practitioner**

A final reported barrier to using EM as LV was the homeowner’s refusal to have the monitoring equipment installed, which was suggested might have been a calculated refusal in some cases.

“...he was staying at his mum’s house and his mum owns her own house outright. They turned up to fit it and he got winded off somebody in prison, if you own your house, that they can’t fit it. And she said no, you’re not fitting that in my house.”
Probation practitioner

6.2 People on probation

Views of being monitored under EM as LV

The small sample of monitored people on probation (three interviewees and two survey respondents) held a generally positive view of being enrolled in the EM as LV project.

Respondents said they understood why they had to wear an EM tag and what information their probation practitioner received from the tag, including information on locations visited.

However, there were mixed views on whether the tag helps to deter further offending, where some respondents stated that the tag acts as a deterrent to commit crime and others were less sure.

“At first I thought it was a bit invasive of your privacy, but then I also thought, well, it’s there as a reminder to keep me on the straight and narrow...it’s better than the other option [prison].”

“For people who have that mindset of ‘I’m not really bothered’, it’s not going to be a deterrent... there’s people that will boast about having them [the tag]... that they’ve got an exclusion zone or they’re on a tag for something... They might just think is that all that I’m going to get [as a result of licence violations]... I just have to wear this... I can’t go to that area, I’ll go do the same thing that got me in trouble but I’d do it in another area.”

People on probation

Accuracy of GPS EM tag

There were reported instances of inaccurate location information provided by the GPS tag (which was in line with findings from the Acquisitive Crime Project).

For example, one respondent said that the GPS tag showed they had “walked through walls” in a discussion with their probation practitioner, while another person spoke about this inaccuracy undoing all the hard work that they had done to try and live a law-abiding life and how their confidence was lost as a result.

It was also mentioned this reported inaccuracy had an impact on some respondents’ mental health.

“[The GPS tag] was saying I was in my exclusion zone at random points when I was sat inside. It said I had randomly darted off to someone’s house and then came back...there was one time where it said I was in the exclusion zone at 2 o’clock in the morning while I was charging my tag...it’s just not very accurate.”

Person on probation

Physicality of the tag

Most respondents mentioned the physical tag in a negative way.

For instance, there was a comment that the Home Monitoring Unit that was fitted at the person's address was not convenient.

“You have to put the box to the GPS tag in a mains socket, you can't have it in an extension [power lead], so I've had to put it in my mum and dad's bedroom because there's only two sockets in my bedroom which are taken up with extension [power leads] for everything else.” **Person on probation**

Furthermore, some respondents mentioned they had two tags – one for alcohol monitoring (part of a separate EM project) and another GPS tag under the EM as LV project. Although they mainly mentioned issues with the alcohol tag, such as it being uncomfortable against their leg and not being able to go swimming (as the alcohol tag cannot be submerged in water), they also mentioned issues with the GPS tag. It was suggested that the GPS tag was too big and that the tag should be made lighter and smaller to help with day-to-day activities.

Some respondents said that they got used to the GPS tag, while others said that they never got used to it and that it caused discomfort if the tag was not fitted properly.

It was also mentioned they were conscious that other people could see their tag – there was a comment that this discouraged going to the gym to exercise (which was in line with findings from the Acquisitive Crime process evaluations):

“You can't wear shorts ... Why can't you put it around people's waist or something?” **Person on probation**

Respondents noted that the EM tag often gets caught on their work boots and that it was more difficult having to wear two separate tags (one for alcohol monitoring and one for GPS monitoring). They suggested the tag should be combined so only one had to be worn.

However, other respondents reported that the EM tag had not affected their day-to-day activities.

Battery charging issues

Some respondents stated that they had experienced difficulties in keeping their tag battery charged. It was indicated that a level of planning was required to charge the EM tag.

“Especially when I got a job, I’d have to go home, sit for about two hours so it charges and then by the time that’s done it would be bedtime.”

Person on probation

There were comments that it would be helpful if the tag’s battery lasted longer and that the logistics of charging the tag were difficult.

“I’ve got bad legs. I can’t walk along with a charger pack on. I have to put a charger pack on when I go to bed...you walk along with them and they just fall off.... If you go to bed [and wear the tag] and roll over, it’ll knock it [the tag charger] off.” **Person on probation**

Some respondents were afraid that they could be recalled to prison if it was determined they breached their licence due to the tag’s battery going flat.

Relationships

With family and friends

Some respondents said that the EM tag had negatively affected relationships with their friends or family members.

“It’s had an effect on social life because, with the battery, I don’t really want to go to someone’s house and then have to stick my plug in to the wall and plug myself in to charge the tag... I go out quite a bit, but not as much as usually someone my age would because I’m always wary that you might be able to see it under my clothes, like the outline of it.” **Person on probation**

It was also suggested that the tag can also affect the intimate side of personal relationships because it cannot be hidden.

Other respondents commented that it had affected the relationship with family members – e.g., when asked to help a relative move house, the person could not do so because the address was located within their exclusion area.

With the EM service provider

There were mixed responses regarding the interactions of people on probation with the main EM service provider.

Some respondents said that their interactions with EM field officers was positive when they attended to install the tag. In contrast, there were concerns about a lack of discretion on the part of field officers during their visits.

“Even from the get go when they came, they always say we’ll be discreet. They weren’t. They were banging about as loud as they could on the door. I opened the door and he basically shouted... well, he had a raised voice like, ‘we’re here to fit your tag’, and I’m like, well, ‘don’t tell the whole street’.” **Person on probation**

There were also comments that it was difficult to get in contact with the EM service provider to answer a query about the tag such that some eventually “gave up” trying to do so.

Some respondents said that they had issues with the initial fitting of their GPS tag.

“The phone signal the GPS runs off can be weak from my house, so he [EM field officer] tried one in the house, in the back yard... It wasn’t having any of it, so they put another on and tried it again in the house and went out in to the backyard and it worked on like the second time.” **Person on probation**

With probation staff

All people on probation respondents reported receiving all the information that they needed regarding the EM tag from their probation practitioner. They said they had a positive relationship with their probation practitioner and were aware of what they can see in terms of their visited locations when wearing the GPS tag.

6.3 EM service providers

All EM service provider respondents were from the same order entry team, which was responsible for processing new orders received from probation and logging them on their internal MI system, Integrity, to initiate the EM as LV order start.

EM service provider respondents were generally supportive of the EM as LV project and described the potential benefits of it such as aiding compliance, keeping people on probation in the community and giving probation practitioners more control. Respondents stressed the importance of both the main EM service provider and probation staff being “on the same page” regarding the requirements of the project.

The three themes to emerge were: interactions with probation; views on project guidance; and staff resources/workload.

Views on probation staff

Queries

Most respondents stated that there were sometimes repetitive queries from probation practitioners.

“A lot of the time it’s with [EM as licence] variations ... asking ‘how do we vary this?’ or ‘what do I fill in?’” **EM service provider staff**

There were comments that EM service provider staff must sometimes query the information submitted by probation practitioners as they can supply wrong or incomplete documentation, which caused delays or someone being incorrectly classified.

“It could be the fact that they’ve sent us the wrong paperwork [or] it could be the fact that they’ve not sent the licence. It could be clarifying that it’s supposed to be that order type [EM as LV] because they’ve [probation] not been clear with it.”

“I’d probably say 50–50 [half the time], sometimes they might just send the licence, which is sufficient enough; and then in the cases where they do send the notification form, it might not be the notification form⁶³ that they should be filling in, it could be the HDC one.”

“If the standard determinate sentence box [on the form] is not ticked, then EMS may accidentally tag someone under AC [Acquisitive Crime Project].”

EM service provider staff

⁶³ An electronic form specifically developed for the EM as LV project. Probation staff are supposed to complete and send the form to the main EM service provider to initiate the tag installation of a person on probation.

However, some respondents also stated, in instances where the EM service provider does have to query anything with probation, they are usually quick to respond.

There was a view that EM service provider interactions with the courts and prisons differed in comparison to interactions with probation.

“The courts are very admin focused [and] they always give us a form and the prisons are the same, whereas probation tend to send things in emails to us – which we can do, but it then makes it more difficult for us [because] you’ve got to interpret the e-mail as opposed to when it’s in the [notification] form. So they do tend to try and communicate via e-mail more [than the courts and prisons] and that is a bit different.” **EM service provider staff**

It was noted that the Probation Service was a “new submitter” of EM orders in comparison to the courts and prisons, which could explain the differences in communication style and frequency. Although EM service provider respondents said that they mostly interacted with probation, some commented that they also interacted with the courts and prisons where common queries arose.

“A lot of queries are around, this is just general so not probation specific necessarily, addresses not being right when they [stakeholders in general] send it to us.” **EM service provider staff**

Understanding of the project

EM service provider respondents felt that probation practitioners did not have a firm understanding of the project.

“I don’t know how it works when probation get told new things or you know with new changes and stuff, but a lot of the time they ask us a lot of questions which you think they should really know already or ask us for certain blank [EM as LV] forms to fill out.”

“There is the odd time where probation officers are a bit, not confused, but I don’t know if their knowledge on it [the EM as LV project] is up to date, you know, with the [probation] areas that are eligible.” **EM service provider staff**

Some respondents also stated there were times when probation staff sent cases to them that were not eligible for the EM as LV project.

“We had a subject who had a Home Detention Curfew years ago but has recently had a community order, but [probation] wanted to put them on a licence via licence variation. Like no, you can’t give someone a licence variation if they’ve not been in prison.” **EM service provider staff**

Other respondents commented that some probation practitioners ask them for the EM as LV notification form because they said that they did not have it.⁶⁴ It was suggested that the receipt of incorrect information from probation practitioners may lie with them not fully being up to speed with the EM as LV project.

“Having probation be completely aware of what they need to send to us, what information they need to give us from that first e-mail, because we know what we need to do our side. But a lot of the time they [probation] won’t give us that information and then it’s back and forth because probation think everything they’ve done is right, but actually it isn’t and they can’t understand why we need this specific amount of data. It’s the only way we can successfully get the order on the system to get that person monitored and I think, definitely, a lot of it lies with sort of getting probation essentially up to speed with what they do and don’t need to do.”
EM service provider staff

Project guidance

Methods to receive guidance

Respondents generally agreed that a combination of face-to-face training and receiving documentation via email would be the best way to receive project guidance.

It was suggested it would have been helpful for all staff to attend the initial briefing meeting held between EM service provider managers and the MoJ at the inception of the project.

Other suggestions put forward the ideas of “floor walking” by trainers in EM service provider offices, which would have helped EM service provider staff to ask any questions

⁶⁴ A blank EM as LV notification form is available for probation practitioners on EQuIP, which is a national resource for the Probation Service.

after receiving the initial guidance, and of refresher workshops some time after the go-live of the EM as LV project.

Views on initial project guidance

Some senior members of staff stated that the guidance received from the MoJ at the start of the EM as LV project was “information overload”, so the EM service provider had taken it upon themselves to create their own simplified guidance.

“What we did was put the information you [MoJ] gave us into some online learning because it’s [guidance sent by MoJ] several pages long and it’s difficult. So I think that more visuals would have [been more useful] and I think what we thought we needed to do was a bit of a yes, no, just flow chart really for it.... [for example] has the person been released today? Yes – well then, no it’s not a [valid EM as LV] case”. **EM service provider staff**

It was argued that more straightforward guidance on EM as LV would have helped. However, some believed this was more a responsibility for the EM service provider than expected from the MoJ. Others said that receiving guidance including a “decision tree” would have been useful clearly to inform them under what circumstances someone can be enrolled in the EM as LV project and that this information would:

“Help my guys [those processing the new EM as LV orders] on the frontline when it comes to some of the paperwork that’s coming in”. **EM service provider staff**

Some respondents also believed the guidance from the MoJ could have been more helpful.

“I didn’t find a lot of it [MoJ guidance] very helpful. A lot of what we go off now is sort of like data sheets we’ve built ourselves in-house just from information that we have been given because it [MoJ guidance] just hasn’t been as helpful or as clear or as detailed as we would like it to be. So I’d probably say it’s not been as helpful as it should have been considering it was a new process that we were supposed to go live with.”

“The provisos around what curfews they [EM as LV tag wearers] could have, or what monitoring they could have...some of us were scratching our heads and I’m

really experienced in all the paperwork, and I can decipher quite a lot, but it was getting confusing what we could and couldn't do."

"I guess there's two different groups of people. There is myself and the managers and then there's the people who are processing the orders...and they get lots of this information... There's loads of different order types, so they don't need to know everything because it's not relevant to what they're trying to do ... so I suppose it's some information for one group [needed] and some information for another group."

EM service provider staff

It was stated that the main information the EM service provider needed to know in the guidance is what probation regions were in scope, the circumstances under which people on probation should be enrolled and the rules governing EM as LV. Respondents commented that receiving examples of when someone should be enrolled would also be useful information to have received in the EM as LV guidance.

Respondents generally stated there was confusion regarding the project from both the EM service provider and probation staff at the start of the project.

"So I think a lot of issues, and it's probably the case of probation were in exactly the same situation as us, we were just not as informed. But we've kind of took it upon ourselves to educate ourselves more because a lot of what the probation do send through, we either have to push back or the data just isn't as detailed as we would need it to put the orders on the system." **EM service provider staff**

Staff resources and workload

Some respondents said that their company had sufficient resources to support the EM as LV project. It was felt that more staff resources were needed generally (not specifically because of the EM as LV project) and that the project had added to the company's workload.

“It has probably taken up more time explaining to people [EM service provider staff], I think, partly why there’s been some mistakes is that it’s so infrequent to people. They do the training three months before it [an EM as LV case] comes up.”

EM service provider staff

However, some respondents who process the EM orders expressed the view that the additional workload associated with EM as LV cases was low.

“Me, personally, I’ve seen very, very few, you know. They do seem to be few and far between and whether I’ve just been unlucky, and they’ve just not been allocated to me because they just get bulk allocated.” **EM service provider staff**

Other respondents stated that, although the workload for EM as LV cases appeared to be low, more attention had to be paid to the paperwork submitted by probation staff. It was also expressed that the EM service provider had seen an uplift in EM cases generally.

“It’s hard to tell whether it’s added to the workload because we’ve sort of gained a lot everywhere.” **EM service provider staff**

7. Over-arching themes

There are some common themes across stakeholder groups that are summarised in this chapter.

Perceptions of using EM as LV

The probation practitioner and people on probation respondents generally held positive views on the EM as LV project. Many respondents believed the tool to be effective in enforcing compliance with other licence conditions.

Both stakeholder groups saw the tool as a reoffending deterrent to the extent that EM influences the behaviour of people on probation because they would be conscious that they were being monitored and therefore less likely to engage in risky behaviours, which was a similar finding to the Acquisitive Crime Project. Most of the limited number of people on probation respondents understood that recall to prison would likely be the alternative to the use of EM as LV.

Both groups saw the tool as a “last chance” to prove that the person on probation could comply with their licence conditions.

Staff resources

The EM service provider and some probation practitioner respondents stated that, although they felt generally under-resourced relative to demand, the EM as LV project did not significantly add to their workloads and that they had sufficient resource to support the project. Probation practitioners expressed that, in the majority of cases, if they were not adding EM to a licence condition, they would probably be recalling the person on probation to prison, which would potentially take up more resource.

However, a common theme among both stakeholder groups was constraints on staff resource or time to engage in the training and familiarisation with respect to EM as LV due to heavy workloads. It was also highlighted by some respondents that the training was provided months in advance of using the tool. This would reportedly cause an increase in

time requirements when employing the tool as both groups had to re-familiarise themselves with the training material.

Once the groups understood the tool and were aware of the processes of implementation, most reported feeling capable of using EM as LV.

Communication between stakeholders

The main EM service provider and probation practitioner respondents raised concerns about communication between their respective groups.

The main EM service provider respondents noted that probation practitioners sometimes did not complete the dedicated EM as LV notification form correctly and often relied on email. Probation practitioners expressed that there were delays in responses to requested monitoring data from the main EM service provider, as well as delays in being informed whether the tag had been installed.

Some probation practitioners also stated that the main EM service provider was not very responsive if there was a problem with the tag post-installation, which was a finding reflected in the Acquisitive Crime Project. Many probation practitioner respondents expressed the view that the reported inconsistency in communication with the main EM service provider would affect their decision to use EM as LV again.

Guidance

Most of the main EM service provider and probation practitioner respondents agreed that a combination of face-to-face training and receiving documentation via email was the most effective way to learn how to use EM as LV.

Respondents from both stakeholder groups suggested that briefings from managers would also be useful in highlighting the importance of using the EM as LV tool.

8. Implications

The following suggestions are based on feedback from stakeholders who contributed to the process evaluation of the EM as LV project. They included probation practitioners, EM service providers and a small number of people on probation.

Generally, perceptions of the EM as LV tool were positive, although all stakeholder groups highlighted areas of the project that could be improved to help inform a future roll-out to more probation regions.

The MoJ will review the suggestions, which may be of particular interest to strategic and operational teams involved in further developing the EM as LV tool in the future.

Living tracking system

Many probation practitioner respondents suggested that it would be useful to have a system where they were able to track the people on probation using an internal location monitoring system, rather than requesting the previous seven days' worth of data from EM service providers. A system similar to the Buddi tag system⁶⁵ used by the police was suggested or the Self-Service Portal⁶⁶ used in the Acquisitive Crime Project. Such a reform could mitigate the issue of delays in receiving data requested from the main EM service provider and thus allow probation practitioners to act more promptly.

Communication between stakeholders

Poor communication and information sharing between stakeholders was reported which has also been found in previous EM research (Kerr et al., 2019). To improve communication issues between stakeholders, some probation practitioner respondents suggested that the main EM service provider should have staff who manage certain probation regions or who are specifically involved in the EM as LV project.

⁶⁵ A voluntary EM tagging system to encourage rehabilitation.

⁶⁶ A tool available to probation practitioners to manage people on probation who are being monitored under the AC Project. The live location feature allows probation practitioners to monitor compliance with curfews and exclusion zones.

However, they did comment that the main EM service provider may also be struggling with resource constraints.

Alternatively, one probation practitioner stated that there was a specific person in their probation region who was responsible for liaising with the EM service provider on behalf of probation practitioners involved in the EM as LV project. They explained that this was very useful because of the demands on staff generally.

Another suggestion was having EM field officer install tags in probation offices, meaning that the people on probation would come to them to have their tag installed, thereby reducing delays in tags installation at home addresses and strengthening communication with probation practitioners.

Provision of EM services

People on probation respondents argued that the tags can be too big in size and uncomfortable to wear. This was echoed by some probation practitioners who stated that tags should be small enough to wear on a wrist. It was suggested there should be a fingerprint tagging system similar to the one used by the Home Office.^{67,68}

There were reports that EM location monitoring data indicated that the person had visited areas where they had not in fact been. Investigations into why this might have been observed would be beneficial.

Furthermore, EM service providers could investigate and address the reasons as to why there are delays in installing and removing EM tags, as well as delays in sending the data to probation practitioners when requested. EM service providers could review the distribution of time taken for tag installation and removal once they have received notification from probation practitioners.

It is also suggested that whether EM field officers could attend home addresses to install and remove tags earlier in the day (i.e., before 7pm) or at probation offices during

⁶⁷ These are known as non-fitted devices, where the device fits in the palm of the hand. It has GPS technology and so records location. The device gives a sound or vibrates to alert the person that their fingerprint should be taken and their biometrics should be submitted. The person is required to always carry the device with them.

⁶⁸ [Immigration bail: caseworker guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/611111/immigration-bail-caseworker-guidance.pdf)

conventional working hours is considered. Probation practitioners suggested that such a change could reduce the need for re-visits by EM field officers as it is more likely that people on probation would be available, which could result in more successful installations on a first visit. It may also be safer for EM field officers to install tags at other times of the day, rather than during the late evening.

Engagement with the project

Due to reported staff constraints, probation practitioner respondents stated that it was often the case that they and their colleagues would not be aware of new pilots because they do not have time to read generalised emails. To improve engagement with the EM as LV tool, there was a number of solutions suggested such as: regular reminders of new pilots at team briefings; posters around probation offices; and ensuring that probation practitioners know all the information is available on EQuIP.

Additional training and guidance

Probation practitioners stated that guidance on how to interpret monitoring data would be helpful as many expressed that they found it difficult to understand this data.

Some probation practitioners reported that EQuIP was hard to navigate – e.g., they need to have the exact phrasing of a document's title so as to find it. One respondent stated that it is not an accessible platform to use for those with visual impairments and learning disabilities due to the bright colours and formatting. Some respondents explained that they find the One Note platform more accessible and prefer using this. It is therefore suggested that the accessibility of EQuIP is reviewed, not least as an outlet for guidance on new projects.

There was a suggestion that it would be useful if there was one dedicated member of staff in their probation region who attends training and relays it back to their local team, which could be more time efficient and impactful.

EM service providers highlighted that the EM as LV guidance they received was excessive and that a simplified version would be more beneficial. Both EM service providers and some probation practitioner respondents said that they learn best through visual means, where flow charts are useful to promptly inform them how to undertake particular processes.

Additionally, an issue raised by both EM service providers and probation practitioners was that there was confusion between the EM as LV project and the Acquisitive Crime Project, which were projects that were running simultaneously in overlapping areas. To some extent, both stakeholders reported that this led to errors in the process of implementation. A consideration in any further project guidance is to identify current ongoing projects and how they differ from the new project that is being implemented, to avoid any confusion.

Resource

Generally, the findings in this report suggest that probation practitioners did make use of EM as LV, despite reported staff constraints. However, respondents said that it would be more effectively used if the communication with and efficiency of EM service providers were each improved because this would decrease time spent pursuing responses.

As discussed above, probation practitioner respondents suggested numerous ways that demands on their time could be alleviated so that they are able to use EM as LV more effectively. The proposals for consideration included a specific “ambassador” in their team who liaises with EM service providers (i.e., requests data and sends queries on behalf of probation practitioners using the tool), one person attending training so as to relay information to the team and implementing a live location tracking system so they are not reliant on EM service providers.

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Appendix A

Ethical considerations

All research activities were conducted adhering to the Government Social Research (GSR) guidelines on ethical evaluation practice and to the MoJ Ethics Advisory Group (EAG) principles such that:

- Confidentiality and anonymity of research participants and information gathered about participants is maintained.
- The research avoided personal and social harm.
- Informed consent was obtained before individuals participated in the research.

All ethical issues were considered by the Electronic Monitoring Evaluation team at the onset and throughout the course of the research. The evaluation has undergone to MoJ's Analytical Quality Assurance (AQA) process by which an ethics checklist was completed and reviewed by the MoJ EAG.

Written and verbal consent was given before the interviews took place over Microsoft Teams or by telephone. Transcriptions were made of the interviews and they were recorded. Participants were made aware before the interview that they had the right to withdraw at anytime from the interview, for any given reason, and the recordings/transcriptions would be deleted if they wished. However, if they disclosed any information that would indicate a risk of harm to themselves or others, then this information would need to be shared with the relevant bodies.

The EM Evaluation team provided an information sheet to interviewees prior to their interview regarding:

- The purpose of the research and how the information would be collected.
- How the interview data would inform the process evaluation.
- How participation is voluntary.
- Confidentiality and anonymity.
- Withdrawing consent.

All data collected, including recordings and transcripts, was stored securely and could only be accessed by members of the Electronic Monitoring Evaluation team. Interviewees were informed that the information provided would be anonymised and treated in confidence and in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR).

Appendix B

Glossary

Term	Meaning
Curfew	A curfew requires a wearer to be present at their home during specified hours (e.g., between 8pm and 8am).
Electronic Monitoring (EM)	EM (sometimes known as ‘tagging’) is a technology used for enforcement purposes within the criminal justice system of England and Wales – notably for curfews, location monitoring, exclusion zones and/or sobriety.
Electronic Monitoring (EM) service providers	The providers of EM services for the EM as LV project were EMS Capita, Airbus and G4S. For the purpose of this report, ‘EM provider’ refers to both EMS Capita and Airbus. (G4S were not interviewed as part of this evaluation.)
EQuiP	The acronym for the probation in-house store of guidance material, which is called Excellence and Quality in Probation Processes.
Field officers	Field officers are electronic monitoring service provider staff and are responsible for installing and removing the GPS monitoring at the offender’s address or supported accommodation.
GPS tag	An electronic tag fitted around an individual’s ankle. The tag uses signals from GPS satellites to calculate its location, which is then sent over a mobile network to a central monitoring centre.
Licence Variation	An amendment to a licence due to non-compliance with initial licence conditions set when a prison leaver is released from custody on licence.
nDelius	The Probation Service’s case management system.
Person on probation People on probation	In the context of this report, a person on probation refers to an individual serving a sentence in the community and being managed by the Probation Service. People on probation enrolled in the EM as LV project are those who meet the eligibility criteria to be electronically monitored under a post-release licence condition.
Probation practitioner	Refers to both frontline probation officers and senior probation officers, who are responsible for managing offenders in the community who are subject to probationary supervision.

Term	Meaning
Self-Service Portal	A tool that manages offenders under the Acquisitive Crime Project. It is used to check tagged people on probation are compliant with licence conditions.
Standard Determinate Sentence	Where the court sets a fixed length for a custodial sentence following conviction.