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# **Intensive Alternatives to Custody**

## Process evaluation of pilots in five areas

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# Summary

## Context

This evaluation assessed the implementation and development of the Intensive Alternatives to Custody (IAC) Pilot Programme in 2009/10 in Dyfed Powys, South Wales, West Yorkshire, Humberside and Merseyside. The programme was funded centrally until March 2011. IAC orders targeted offenders at risk of short-term custody and represented a repackaging of existing and new requirements including intensive supervision, control/punishment, rehabilitation and compliance elements. At the time of the research, they were the latest iteration of community orders aimed at this group.

## Approach

The fieldwork was primarily qualitative, including: 105 interviews with agency stakeholders and 80 offender interviews; focus groups with 25 partner representatives and 32 pre-sentence report (PSR) writers; 55 court observations and 18 offender contact observations; analysis of 249 Pre Sentence Reports and 15 case files. Police National Computer (PNC) and Offender Assessment System (OASys) data were analysed. The pilots, and evaluation, were largely undertaken during the Labour Government administration, and the language used by interviewees may reflect that period.

## Findings

The resourcing of the pilots was adequate with interventions determined by funding from the Ministry of Justice and local sources. Pilots used generic or specialist probation teams which had a differential impact on embedding practice. Stakeholders commented that local boards were effective in leadership, resolving compliance and enforcement issues, monitoring implementation, identifying media risk and securing resources. Some stakeholders reported that targets for the number of IAC orders commenced had impacted adversely on implementation and that outcomes such as reoffending were not measured. Mainstreaming IAC was perceived to be challenging. Pilot implementation built on existing agency links between probation, public, private and Voluntary and Community Sector (VCS) agencies and prioritised engagement with sentencers and court staff. Managing partner expectations was important, particularly with the police. Co-location facilitated effective partnership working.

The pilots generally targeted persistent offenders at risk of a custodial sentence of less than 12 months and focused on local problems and needs such as poor compliance history and alcohol problems. A total of 756 orders were made to the end of March 2010 in the five pilots.

There were differences between the pilots in terms of the levels of need and risk of the offenders sentenced to IAC, and stakeholders confirmed that pilots were flexible in adapting criteria to changes in interventions. PSR writers and offender managers (OMs) reported they had a good understanding of local targeting frameworks. However concerns were raised by other stakeholders regarding the inclusion of certain offenders such as those with mental health problems, in employment and with caring responsibilities. The data suggested that the type of offender most suited to an IAC order had a chaotic lifestyle, multiple needs, previous custodial sentences and motivation to change. OASys data demonstrated the most prevalent needs were lifestyle and associates; and education, training and employment (ETE).

Sentencers across the sites described PSRs as their primary tool for informing sentencing and these were largely judged to be of high quality. PSR writers reported that the complexity of the IAC order required a level of assessment and 'context setting' that was difficult within the confines of a Fast Delivery Report (FDR). This was supported by the PSR analysis where Standard Delivery Reports (SDRs) received higher quality scores than FDRs on average. Sentencers and court staff strongly supported the use of IAC orders as an alternative to short-term custody and welcomed the punishment and control elements, regarding them as stringently maintained by probation staff. Lack of understanding of IAC had led to up-tariffing by some sentencers disposing an IAC with a suspended sentence order. The data suggested that there were considerably different concordance rates across the sites.

Agencies delivering offender interventions supported a matrix model of case management with probation at the core and partners (including mentors) contributing to supervision, compliance and engagement. However, tracking and auditing activity was not a priority for some external agencies. Many OMs and offenders reported that supervision was flexible (confirmed through observations) accounting for individual needs and transport problems. For a typical twelve-month order, the first phase of the order (the first three months) was intensive and the second phase was a less intensive nine months. Some OMs commented that the reduction in structure between the second and first phase of orders was difficult for offender motivation although ameliorated by mentoring and ETE support. Stakeholders and offenders reported individualised interventions with offenders commenting that this could be enhanced by better tailoring to need, pacing and sequencing of activities. VCS agencies provided continuity for offenders post order completion.

Compliance was facilitated by texting reminders and providing transport to take offenders to unpaid work. The data suggest that OMs took into account the offender's overall performance and responsiveness to the order when considering whether or not to breach an

offender for non-compliance. Observations confirmed that where positive responsiveness was noted during breach hearings, a re-sentence was unlikely. Court reviews were positively received by sentencers, offender managers and offenders. Stakeholders and offenders reported that court reviews assisted compliance through positive and negative feedback to offenders. Case files illustrated that reducing the frequency of court reviews was used as an incentive and marker of good progress. OMs and police reported that compliance support delivered through neighbourhood police was less effective than dedicated officers. There were differences between sites in the types of non-custodial sentences ordered where IAC orders were revoked (because of breach).

## Implications

Many of the persistent offenders (those with at least 29 prior convictions) targeted by pilots were positive about the IAC order. Although intensive, it provided order and stability, allowing them to move away from a criminal lifestyle. Sentencers welcomed the order as a viable alternative to custody. Probation staff and partners were equally positive about its efficacy. Only one in four IAC orders were revoked because requirements were breached, which suggests that the pilots had managed to engage many of the offenders. If MoJ were to continue the IAC pilot programme, development and research should focus on the following.

- Assessing the effectiveness of mainstreaming and the implications for any potential national roll-out of IAC given reduced public funding.
- Impact should be tested quantitatively through an impact evaluation.
- The pilots should ensure that they capture data around the reconviction of offenders on IAC orders and social outcomes on completion of orders.
- Tighter prescription of eligibility requirements for IAC would help ensure that the most suitable offenders were targeted.
- Projects should promote IAC more effectively as a distinct sentencing option to court legal staff and sentencers.
- IAC orders should be proposed using an SDR rather than FDR, however this has resource implications.
- Differences in concordance rates and sentencing outcomes following a revocation (for breach) require further investigation.
- Mentoring could make an important contribution to compliance and support but would require adequate resources to facilitate this.
- The transfer of practice and processes between IAC and IOM should be examined.



# 1. Context

The process evaluation of five pilot projects in the Intensive Alternative to Custody<sup>1</sup> (IAC) Programme was commissioned by the Ministry of Justice (MoJ) in August 2009. The aim was to examine and assess good practice and barriers across the sites, in particular the processes for identification of suitable offenders, sentencer confidence in IAC, and development of tailored approaches to offender management including compliance. This report documents the factors that shaped the implementation and development of the pilots over 2009/10 in Dyfed Powys, South Wales and West Yorkshire (which had initially commenced in August or September 2008); and Humberside and Merseyside (which commenced in April 2009).

The idea of intensive supervision as an alternative to custody is not new. Merrington and Stanley (2005) cite schemes dating back to the late 1980s and early 1990s which allowed for a community disposal for offenders who might otherwise have received a custodial sentence. The MoJ Penal Policy Paper (MoJ, 2007) outlined the intention to develop high intensity community orders as an alternative to short term custody. In 2008 the then Justice Secretary announced a new initiative to pilot intensive community sentences. This aimed to provide courts with a robust and realistic alternative to short-term custody and to address, in part, the growing prison population and increased use of short-term custody (characterised by limited rehabilitation work and high rates of reoffending). Seven probation areas were selected to set up and develop IAC orders with dedicated programme funding until March 2011. The two other pilot sites, Derbyshire and Manchester, have been separately evaluated.<sup>2</sup> Across the programme, the pilots have worked with a small number of Crown and magistrates' courts and have developed IAC orders that combine requirements from the Criminal Justice Act 2003.

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<sup>1</sup> In Wales, the IAC orders were referred to as Intensive Supervision and Control orders (ISAC). For this report IAC orders refers to both IAC and ISAC orders.

<sup>2</sup> This was due to differing start times of the pilots.

The management of short-term prisoners (less than 12-month sentence) is a growing problem for the criminal justice system. In 2007, 65% of all sentences for adult offenders were to custody of 12 months or less (MoJ, 2008). Statistics indicate that they present a heightened risk of reconviction (MoJ, 2008). The development of Integrated Offender Management (IOM) processes across England and Wales<sup>3</sup> aimed in part to deliver more effective management of this cohort on release from custody. IAC aimed to divert these offenders from custody. Previous evaluations of initiatives designed to provide intensive supervision programmes for offenders at risk of custody such as the Intensive Supervision and Surveillance Programme (ISSP, Youth Justice Board, 2004) and Intensive Control and Change Programme pilots (ICCP, Partridge *et al.*, 2006) have produced mixed findings of impact. Research from America on intensive supervision probation (ISP) (see Petersilia and Turner, 1992; see also Siegel, 2010) showed that “a state that has a pool of low-risk offenders in prison is well advised to divert them to less expensive community-based programs” (Petersilia and Turner, 1992: 650). Whilst the picture becomes more complex for higher risk offenders the findings still provide support for the view that ISP may still be a valid form of intervention.

Some wider literature on desistance suggests that intensive community orders may be more effective in reducing reoffending than imprisonment. Mair and May (1997) reported that offenders perceive community sentences to be useful in their reintegration. Worrall and Mawby (2004) (cited in Merrington and Stanley, 2005) found that offenders on a Prolific Offender Programme reported that it had helped them with their drugs problems, to rebuild relationships with their families, and build their confidence to deal with everyday problems such as finding accommodation.

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<sup>3</sup> Integrated Offender Management Government Policy Statement MoJ and Home Office, June 2009.

## 2. Approach

The evaluation was conducted over nine months from September 2009 to May 2010. The methodology was primarily qualitative. Documentation from the sites was reviewed and purposive samples of the main stakeholder groups were obtained through consultation with the sites. In summary (details in Appendix 1), across the five sites, fieldwork included the following.

- Stakeholder interviews: 29 with sentencers, 20 with court legal staff; 36 with project leads and project board members; and 20 with offender managers.
- 58 interviews with offenders on an IAC order; 16 interviews with offenders who had completed IAC orders; and six interviews with offenders who had orders revoked and had been re-sentenced due to breaches.
- Five focus groups with representatives from partner agencies (25 participants in total) and five groups with Pre-sentence Report writers (32 participants in total).
- 55 observations of court sentencing, reviews and breaches.
- 18 observations of Offender Manager contact sessions.
- Quality analysis of 249 Pre-sentence Reports across pilot areas.<sup>4</sup>
- Analysis of case files for 15 offenders.<sup>5</sup>

The interview data were transcribed, then coded and analysed by theme using the MAXQDA software package. Other qualitative data were analysed against the same themes. The risk of bias may have impacted on the data due to the purposive sampling of interview and focus group participants. Despite set criteria provided to project leads, more motivated and positive stakeholders and offenders may have participated. The observations of court activities and OM contact sessions were also dependent on which offenders attended. The analysis of case files was restricted by difficulties in extracting relevant data, the quality of case recording and variations in coding and recording of activities.

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<sup>4</sup> A tool was developed to assess reports for quality in the following areas: targeting, criminogenic needs, current offence, previous offending, risk, proposal, language and presentation. Each PSR was given a score out of 3 (3 = yes, 2 = in part, and 1 = no) on 35 questions, depending upon how well the report had addressed key issues in the areas outlined. Overall scores were calculated accordingly.

<sup>5</sup> These were based on CRAMS data from three of the pilot sites – Dyfed Powys, South Wales and West Yorks. It was not possible to obtain these data from Humberside and Merseyside.

The evaluation also analysed available quantitative Police National Computer (PNC) and OASys data held by the MoJ to compare the offending characteristics and needs of offenders who received IAC orders with those who received alternative sentences following an IAC proposal. The analysis of the quantitative data was impacted by the inability to construct a random sample of the 'proposed but not disposed' to IAC cohort.<sup>6</sup> The pilots, and evaluation, were largely undertaken during the Labour Government administration, and the language used by interviewees may reflect that period.

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<sup>6</sup> Ideally, areas would have provided a complete list of such offenders, and a random sample would have been drawn, but in practice, areas were unable to provide this, and as such this cohort was assessed through an opportunity sample constructed by the areas themselves.

## 3. Findings

This section examines the factors which impacted on the implementation and delivery of the IAC order in the pilots, triangulating data from the wide range of sources detailed above. This report focuses on aspects that will be of most interest to those delivering or planning to implement similar initiatives, highlighting good practice and barriers. Descriptive detail is contained in the appendices. Summaries of resourcing, staffing, partnership arrangements, the focus and interventions of the pilots are at Appendix 2.

### 3.1 Implementation and development

#### Nature and level of resourcing

Each of the sites received differing amounts of MoJ funding (from £486,817 to £1,247,000 to the end of March 2010), which reflected differences in their original bids and design of the pilots. The funding was provided with limited central prescription and was generally used to finance probation staff and resources and to contract interventions from partner organisations, but this also varied across sites. For example, one site contracted a private organisation to undertake compliance activity, whereas another arranged with the police to support compliance work within their existing resources. Whilst project board members and partner agencies generally reported that there were adequate resources for the pilots, some OMs indicated that there were insufficient resources to cover the level of work required. Without interventions delivered by non-probation agencies, which offered opportunities to support supervision and compliance, some commented they would have found it difficult to cope. In some sites this was addressed through additional staff being deployed later on during the pilot. In other sites it was reported that resources were stretched in order to meet increased performance, for example from 100 targeted starts to 150 actual starts on orders in one site.

The range of interventions available to pilots was determined in part by the MoJ funding but also by local funding (e.g. the neighbourhood fund for alcohol treatment). As a result of the additional IAC funding, some stakeholders commented on the disparity between the level of interventions devoted to offenders on IAC orders compared to those available to higher risk offenders who were not on IAC orders. Two sites reported an under-spend on funding from MoJ, which in part reflected a reduction in their targeted number of IAC starts and also the availability of interventions to which IAC offenders were referred (which were contracted without IAC related funding). Given the wider financial situation in probation of stringent budgets and cuts to funding, the majority of stakeholders acknowledged that mainstreaming

IAC was going to be challenging after the pilot funding ceased, since it had been used to support relatively intensive offender management and intervention.

## Staffing

The probation staffing arrangements differed across the sites. Most had established specialist central OM teams that were dedicated to managing IAC offenders, but one site was delivering IAC through generic OMs. In the latter case, strategic stakeholders reported that it may have contributed to a slower start to IAC in 2008, but that it had also helped to embed IAC across a wider staff group. However, some probation staff at this site commented that dedicated IAC OMs would have optimised delivery. At another site it was reported as problematic that the number of high risk (Tier 3 and 4) offenders given IAC orders did not match up with the configuration and responsibilities of the IAC probation team. For example, probation service officers were dealing with cases which should have been dealt with by probation officers. At an operational level, one site reported that waiting for CRB checks had delayed some staff from taking up their posts, impacting on implementation. Generally it was reported that IAC probation case managers learnt 'on the job', though in one site 'formal' training included an event on restorative justice conferencing and visiting an early pilot site. Across some sites, it was reported that probation staffing levels were affected by maternity and staff leaving the pilot due to mismatched expectations of the work. In some instances OMs reported that IAC caseloads were in part managed by ending orders early where offenders had made good progress. In two sites re-organisation within probation appeared to have impacted on the pilots by diverting energy and attention away from delivery. In one site, stakeholders expressed concern about the over-reliance on the project manager for delivering the pilot, which they felt could place too much burden on the individual and create a risk to business continuity. The majority of sites used mentors to support the supervision of IAC offenders. Where volunteer mentors were used, their availability and delays in allocation impacted on delivery at times. In one site however the provision of peer mentors was reported to have eased workloads by 'picking up on things' probation staff struggled to find the time for (e.g. motivational work throughout the order).

## Governance structures

Governance was distributed between the central IAC Programme Board, local project boards and Probation Trusts. Most sites felt that this had worked well, with the central Board serving as a useful forum for sharing information, particularly between earlier and later projects and for establishing a relationship with NOMS staff. However, stakeholders in Wales reported tensions and some duplication between the responsibility of the Wales and the central Programme Board. Local project boards were established at different times during the

implementation across the pilots. A stakeholder at one site reported that the pilot would have benefited from establishing the board earlier to promote the pilot and establish the contribution of partners to it. This was confirmed at a different site where the board was established earlier and where it was reported that this had contributed to a more seamless implementation. Stakeholders commented that the boards had been effective in providing leadership, resolving issues around compliance and enforcement, providing a forum where key stakeholders could be held accountable for implementation, identifying potential risk in the media reporting of IAC and securing additional dedicated resources such as funds for working with women offenders. However, the effectiveness of some boards was diminished by lack of attendance by partner agencies, difficulties distinguishing between the role of the board and that filled by meetings of the project teams, and having a joint board covering two pilot sites in Wales which some stakeholders suggested had diluted focus. In two sites the IAC order was re-branded as Intensive Supervision and Control Order (ISAC) to command the confidence of the public that this was a robust alternative to custody.<sup>7</sup>

### Performance management

The pilots had two central targets for IAC starts and compliance. Stakeholders at some sites reported that targets for securing IAC orders had impacted on implementation. In one of these sites, stakeholders reported that set-up was hurried, resulting in disputes over service level agreements with partners and the selection of high-risk offenders who were inappropriate for IAC. Concerns about '*taking anybody in order to meet our targets*' (Project Board member) were expressed. The perceived success of some of the interventions introduced through IAC, such as Alcohol Activity Requirements, led to these being available as part of other community orders. At some pilot sites, this may have led to probation staff diverting potential eligible offenders away from the IAC order to alternative orders following the mainstreaming of (previously) IAC tailored requirements. Some partners reported that contributing to the IAC pilots may have conflicted with their own agency targets. For example, a police officer providing intelligence for IAC would not be contributing to arrest targets. Other partners reported that meeting targets set for them in relation to offenders on IAC orders were dependent on the referrals passed on by IAC probation case managers. Concern was expressed by some stakeholders that the targets were outputs not outcomes. For example, an offender could be complying with an order but continuing to reoffend. The rationale behind the setting of compliance rate targets was questioned by stakeholders at one site where they were targeting previously non-compliant offenders:

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<sup>7</sup> It was reported that in June 2010 the branding was changed back to the original IAC, in part to ensure that sentencers understood that IAC was an alternative to custody.

*'compliance rate is set at the DRR [Drug Rehabilitation Requirement] compliance rate, well most of the people... have been on DRR...and been non-compliant so our bar has to go down a bit.'* (Project Board member)

IAC order targets were reduced at two sites from those submitted as projected targets (within pilot bids) when local stakeholders realised that they were not going to be met. In one site this was reduced from 180 to 110 orders providing a more realistic goal for the pilot. During the operation of the pilots, sites had instigated more localised measures of performance to reflect the activity and impact of IAC such as reductions in the number of police intelligence submissions on offenders on IAC orders. However, it has not been possible within this phase of the evaluation to assess the impact of this.

### **3.2 Targeting and suitability**

Across the pilots, considerable time and resources had been spent in establishing targeting criteria and producing guidance for PSR writers and sentencers.<sup>8</sup> As of 31 March 2010, the five sites had met or exceeded their targets with 756 offenders being assigned IAC orders (see Appendix 3 for details). Against a policy aim to reduce short-term custodial sentences, the pilots targeted offenders at risk of receiving a custodial sentence of less than 12 months. Within this target group, pilots focused on particular groups of offenders based on local problems and needs. Order requirements and interventions were established to address these needs. Appendix 2 provides further details on targeting, requirements and interventions in each of the pilots.

Although, at inception, pilots had a clear idea of appropriate target groups for their sites, it was evident from stakeholders that targeting was an evolving process and strategies were positively influenced by needs and experience:

*'We're identifying people better now than we were at the beginning, as to who may benefit most from the order.'* (Pilot Project Manager)

Pilots also adapted criteria to changes in available service provision and interventions. In one site additional accommodation became available during the course of the pilot which meant that exclusion on the basis of 'no stable accommodation' was revised. Systems were developed to ensure appropriate targeting so that suitable cases were not missed. In one site, the Project Manager reviewed all PSR requests for possible IAC orders and the PSR writer was contacted to discuss these cases.

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<sup>8</sup> Effective targeting plays a key role in the success of any new community order (Hedderman, 1999).



Most PSR writers and OMs interviewed felt they had a clear understanding of the targeting framework in their pilot. However, concerns were raised around the inclusion of offenders in full-time employment or with caring responsibilities who were unlikely to be able to undertake unpaid work and/or curfew requirements, some domestic violence cases (where risk was too high to be managed in community), first time/non-habitual offenders (although they crossed the custody threshold due to seriousness of offence, they had low needs), acute drug users, and offenders with mental health problems (due to very little chance of coping with the intensity and commitment required).

Despite differences in eligibility criteria across the sites, a common picture of the offender most suited to an IAC order emerged: chaotic history and/or lifestyle, a multiplicity of needs and a high number of previous convictions, but for whom there was still a possibility of a 'turning point'. The nature of this target group meant that the IAC order could have become a *'potential dumping ground for the people that other people don't want to work with'* (OM). However, stakeholders reported that the holistic approach of IAC and its wide range of interventions offered real potential for change with this most difficult category of offender. Offenders' motivation to engage was a key component in effective targeting and there were conflicting views on this issue. It seemed contradictory that 'chaotic' offenders would succeed on such an intensive order. However, some stakeholders felt this type of offender would respond better to a very structured and intensive order than one which required minimal commitment.

Table 3.1 demonstrates that there are noticeable differences in the previous offending histories of the IAC cohorts across different areas. The IAC cohort for Merseyside has the lowest average number of previous recorded convictions (just over 20) prior to starting on an IAC order, with an average of 10.4 prior sentencing occasions.<sup>9</sup> In an attempt to consider the compliance history of the different cohorts, the number of re-sentences for breach of a community order were also analysed. Here Dyfed-Powys and Humberside showed noticeably higher levels of re-sentencing occasions<sup>10</sup> recorded on the PNC.

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<sup>9</sup> The Police National Computer, from where these data are taken, distinguishes between primary and other offences: primary offences are the most serious offence related to an incident, while other offences may also be considered within the same incident.

<sup>10</sup> The figures do not refer to breaches of community orders that have been dealt with without the recourse to re-sentencing.

**Table 3.1: Previous offending history of IAC participants, by site**

<b>Site</b>	<b>Average number of previous recorded convictions</b>	<b>Average number of previous sentencing occasions</b>	<b>Average number of re-sentencing occasions due to breaches for non-compliance</b>
<b>Dyfed-Powys</b>	34.7	19.4	4.5
<b>Humberside</b>	33.8	14.9	5.3
<b>Merseyside</b>	20.1	10.4	2.2
<b>S Wales</b>	28.1	12.9	2.6
<b>W Yorkshire</b>	28.3	14.0	3.4
<b>Average across the sites</b>	29.0	14.0	3.6

A quantitative comparative analysis<sup>11</sup> identified statistically significant differences between the areas suggesting that the Dyfed-Powys cohort represents the highest risk in terms of reoffending (as evidenced by the Offender Group Reconviction Scale OGRS score) and also the highest proportion rated as being of medium to high risk. Conversely, the West Yorkshire and Merseyside cohorts are towards the lower end of the risk of harm and risk of reoffending continuums. Further analysis explores the demographic characteristics, previous offending history as evidenced by the PNC data and criminogenic need as evidenced by OASys data. The profile of the offender most suitable for the IAC order evident in qualitative data is borne out to some extent by this analysis with IAC offenders having a higher average number of needs than non-IAC offenders (4.2 versus 3.8 out of 7).<sup>12</sup> Data showed that the most prevalent needs of IAC offenders were firstly those around lifestyle and associates, and secondly, education, training and employment. A slightly higher average number of previous offences were reported for the non-IAC cohort (29.0 versus 32.1 for the IAC cohort). The most prevalent categories of previous offending were property crime<sup>13</sup> and 'other'<sup>14</sup> offences. Whilst this gives some indication of effective targeting, it is not known whether these differences between IAC and non-IAC cases are significant, thus the findings should be treated with caution. Analysis of PNC and OASys data indicates that IAC cohorts broadly reflected the targeting criteria outlined by the five sites across a number of key variables, details of which are provided below.

<sup>11</sup> See Appendix 3 for full details.

<sup>12</sup> Needs based on reoffending pathways: accommodation, ETE, relationships, lifestyle and associates, drugs misuse, alcohol misuse, thinking and behaviour.

<sup>13</sup> OASys offence category – includes burglary, theft and handling stolen goods, fraud and forgery, and criminal damage.

<sup>14</sup> OASys offence category includes other indictable offences, summary offences excluding motoring, unknown, offences outside England and Wales.

**Table 3.2: Targeting by pilot site<sup>15</sup>**

<b>Pilot site</b>	<b>Intended target group</b>
<b>Dyfed Powys</b>	History of non-compliance on previous community orders, past custody had limited impact, 'problem drinkers', female offenders
<b>Humberside</b>	Inclusive approach, not dependent on age/gender/need or risk. Tier 3/4, MAPPA and domestic cases will be considered
<b>Merseyside</b>	Young (18–30), male, relatively low-risk persistent offenders. Poor compliance history
<b>South Wales</b>	'Problem drinkers', violent offences (mainly common assault and actual bodily harm (ABH)), shop theft, female offenders
<b>West Yorkshire</b>	Poor compliance history, criminogenic needs that require intensive supervision

Dyfed Powys and South Wales had the highest percentages across the five sites of offenders with Alcohol Misuse as an identified need (60.7% and 80.1%). Similarly, in line with their targeting criteria, South Wales had the highest percentage of violent offences (66.7%). Dyfed Powys, Merseyside and West Yorkshire aimed to target offenders with poor compliance history and this was reflected in Dyfed Powys and West Yorkshire with the two highest figures for breaches (84.3% and 78.8%), but less so in Merseyside with the second lowest breach figure across the five sites (71.1%). In more general terms, having the lowest number of identified needs and the lowest number of previous convictions, the Merseyside IAC cohort is reflective of the 'relatively low risk offender' outlined in their targeting criteria.

Despite having a specific support service for female offenders available in South Wales and Dyfed Powys, they had not achieved as many female starts as some other areas (Dyfed Powys had the lowest percentage of 5.6% of total starts). Also, although West Yorkshire identified high level of need as a targeting requirement, offenders in this pilot actually had the lowest average number of needs across the five sites (3.8 out of a possible seven, compared with the highest number in Dyfed Powys at 4.7). This suggests that the targeting process within courts and pre-sentence reports was less effective on some criteria (i.e. gender and needs) than on others (i.e. offence type and compliance history).

### **3.3 Pre-Sentence Report**

In all sites sentencers usually gave some indication of the sentence they had in mind, either in open court or in a court report. Occasionally, a statement of 'custody inevitable' was made as opposed to the more commonly used 'all options considered'. This was considered very helpful by probation staff in flagging up potential IAC cases. This information was noted by

<sup>15</sup> These data have been obtained via documentary review and interviews and have been verified by pilot sites, thus reflecting the most current thinking available to the evaluation team re: targeting criteria.

probation staff in court (who may or may not be part of a dedicated IAC team, depending on area) and passed on to the PSR writer. Across the sites, sentencers described PSRs as their primary tool for informing sentencing decisions. It provided them with the opportunity to assess *'what the real issues are at the heart of their offending'* and sentence accordingly. PSRs were generally judged to be of very high quality by sentencers across all sites and the PSR quality audit (details in Appendix 4) found that reports consistently achieved high quality ratings in terms of meeting the range of audit criteria. When an IAC order was proposed in a PSR, sentencers and PSR writers reported that the following represented quality: detailed analysis; an explanation of why an IAC was more suitable than an alternative sentence; detailed analysis of managing risk in the community; verification of facts from non-offender sources, analysis (not description) of offending behaviour; a clear indication of the potential for change if the offender remained in the community; emphasis on IAC as an alternative to custody and effectively conveying the 'unique selling points' of the IAC (rigorous nature and rehabilitative aspects).

PSR writers reported receiving information on IAC from briefing sessions, specific training events, email contact, meetings and written guidance. Whilst no specific training needs were expressed by PSR writers in relation to IAC, they welcomed the opportunity to liaise with dedicated IAC staff. A named point of contact was viewed as the ideal. Sentencers highly valued the opportunity to liaise with report writers over individual cases. PSR writers also valued feedback on their reports from sentencers and other court staff, though mechanisms for this were limited. PSR writers reported feeling pressured by performance targets to propose IACs, particularly in one site where all PSRs which resulted in custody were identified and the writer held to account if IAC was not proposed.

There was considerable variation in PSR templates used across pilot sites. For example, West Yorkshire, Humberside and Merseyside all produced reports that were formal and businesslike, whereas Dyfed Powys took a more narrative approach. Humberside offered a summary graph of criminogenic and offender-related needs. How these different approaches relate to quality is somewhat unclear. Whilst West Yorkshire and Humberside used a similar style of report, Humberside had the highest overall quality score whereas West Yorkshire had the lowest.<sup>16</sup> Both Standard Delivery Reports and Fast Delivery Reports were used to propose IAC orders. Within the PSR analysis, 71% were SDRs and 29% were FDRs. Concerns were expressed by PSR writers in two sites around the use of FDRs for IAC cases. The complexity of the order required a level of assessment and 'context setting' that was

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<sup>16</sup> Mean quality scores – 88.25 (Humberside) versus 84.63 (West Yorkshire) out of a possible 96.

difficult to undertake within the confines of an FDR. It was felt that the ‘full story’ was needed for sentencers to decide if an IAC was suitable. Offending triggers and motivations were not included, nor reporting of positive steps by an offender to address his/her behaviour. Supporting these views, the PSR analysis showed that SDRs were of significantly higher quality than FDRs. Based on this evidence, it is possible to suggest that an SDR format may be more appropriate for a pilot of this type where a new order is as yet unproven, and ensuring conversion of proposals into orders is key to its success.

Some PSR writers suggested that SDRs should be used for all IAC cases. However, others felt that the use of SDRs ran the risk of deterring PSR writers from proposing IACs as they simply did not have the time nor the workload allocation to produce a large number of very lengthy and detailed reports. Many stakeholders felt that IAC placed an ‘extra burden’ on report writers. PSR analysis reveals that reports where an IAC was proposed had significantly higher mean quality scores than non-IAC reports.<sup>17</sup> This may indicate that PSR writers were likely to prepare a higher quality report where an IAC proposal was made, due to awareness that securing IAC orders was a high priority for the probation service. It may also reflect the training and guidance which PSR writers received within the IAC pilots.

‘Generic’ PSR writers reported that effective systems needed to be in place to remind them to make IAC proposals in all cases where offenders were at risk of short-term custody. In the words of one PSR writer, ‘*no prompt, no IAC*’. In addition, to write effective reports, PSR writers needed to be fully aware of what each IAC requirement entailed. Amongst generic PSR writers this information was not always readily available. Both specialist and generic PSR writers reported they would welcome feedback on how IAC orders had progressed in order to help evidence new proposals and increase confidence in the order. It is unclear whether specialist IAC PSR writers produced higher quality reports than generic PSR writers. In the one area where a dedicated person wrote all the PSRs where an IAC was considered, the mean quality scores were slightly lower than in two of the areas where generic PSR writers were employed.<sup>18</sup>

### 3.4 Sentencing

Sentencers and court staff strongly supported the use of IAC orders where they could reflect the seriousness of the case without using custody. Sentencers welcomed the punishment and control elements and felt that these were being stringently maintained by probation staff.

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<sup>17</sup> Mean quality scores – 88.82 (IAC proposed) versus 84.70 (IAC not proposed) out of a possible 96.

<sup>18</sup> Mean quality scores – 86.79 (area with specialist PSR writer) versus 88.25 and 88.13 (areas with generic PSR writers).

They also welcomed having an alternative to short-term custody (which was generally regarded as ineffective). There was some variation across pilot sites site in the average number of requirements imposed to March 2010 (Dyfed Powys, 3.5; Humberside, 2.4; Merseyside, 3.7; South Wales, 3.2 and West Yorkshire 3.4). The different averages in requirements should not be interpreted to signify the intensity of orders. For instance, although the average for Humberside was lower than others, within the supervision component the team delivered more intensive contacts that did not appear as formal sentence requirements. Key factors which could potentially enhance sentencer confidence in the order were identified as:

- a perception of potential for change and a desire to stop offending in the offender;
- evidence of success on orders already granted;
- immediate actioning of orders by OMs following sentence;
- the provision of appropriate information from court personnel on offender suitability for an IAC at the time of sentence; and
- a positive relationship between sentencers and probation staff.

In one site, the presence of an IAC specialist probation officer in court who was able to answer questions and provide information 'on the spot' was welcomed by sentencers. Court observations revealed that the role of the Legal Advisor varied across areas with some having a 'purely administrative role' but a small number advising sentencers on sentencing options available. Sentencers and probation staff across the sites reported good communication. In one site, regular meetings were held between the two groups which facilitated discussion of individual cases and best practice. In another a sentencer reported having easy informal access to probation staff due to co-located offices.

Sentencers reported that new community orders needed to be proven over time. This highlighted the need for effective feedback mechanisms for reporting progress on orders between sentencers, OMs and offenders themselves:

*'Obviously the magistrates they would want to see results...they want to see that they've made the best choice, if they don't see that then they're not going to know whether these orders work or not, they probably won't make them'.*

(Court Personnel)

Feedback on progress was limited with very few examples of sentencers following orders from sentencing and review to completion. This may have reflected that the pilots had not

been running for long. Establishing effective feedback loops was viewed as problematic in large, urban jurisdictions where there were small numbers of IAC cases relative to the large number of sentencers. The exception to this was in the Community Justice Court in Liverpool where the Judge ensured that he dealt with any reviews or breaches of IAC cases where he made the order.

Stakeholders reported that the benefits of an IAC order over a Suspended Sentence Order (SSO) were the ability to monitor risk more effectively through intensive supervision and greater flexibility in managing breaches. Despite strong support for IAC, some stakeholders (especially OMs) felt there was lack of clarity among sentencers and court personnel around the order as a true 'alternative to custody' and its perceived 'severity' or value compared to other sentences. Within the current sentencing structure it was possible to make an 'ordinary' community order with a number of requirements, or an SSO with two requirements attached. There was evidence that the specific value of IAC was not immediately apparent. In one site a sentencer accepted a PSR proposal for IAC but imposed it as part of an SSO, inventing an 'IAC SSO' and up-tariffing in the process. Stakeholders suggested that this type of confusion ran the risk of undermining the credibility of IAC:

*'Because it's so high-level, it has to be a direct alternative. If you're using it for silly things, it's a waste of the funding apart from anything else'. (Sentencer)*

Some OMs and court personnel reported that the perceived 'attractiveness' of the IAC order, in terms of its rehabilitative potential, could lead to up-tariffing.<sup>19</sup> Where this had occurred (in a few cases) respondents suggested this was due to a lack of understanding of the IAC order and lack of contact with the specialist IAC team. OMs also reported that sentencers were sometimes unaware of the time needed to complete certain requirements (e.g. misinterpreting a 'session' as being a couple of hours when it could be a whole day commitment), risking overloading an offender with requirements. Related to this, the PSR quality audit examined the effectiveness of reports in explaining IAC requirements where an IAC is proposed. This section received the lowest quality score of all sections<sup>20</sup> indicating that sentencers may not be adequately informed about the delivery of IAC, potentially reducing confidence in imposing the order.

Stakeholders acknowledged the importance of enhancing sentencer knowledge of, and confidence in, IAC. However, interview data highlighted the need to consider the wider

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<sup>19</sup> 'Up tariffing' is where the IAC sentence becomes inappropriately targeted at offenders who might not have been at risk of receiving a custodial sentence.

<sup>20</sup> Mean quality score of 5.88 out of a possible nine.

professional and societal context in which sentencers worked. This context included guidelines which dictated that in some cases an IAC order was not an option (regardless of perceived offender suitability), but a need to ensure that sentencing decisions fit with a public perception of just deserts and variations in local 'court cultures' which may have influenced receptiveness to IAC.

A quantitative analysis of the process by which IAC proposals were accepted or rejected by sentencers (see Appendix 3 for details) found across the sites that a higher proportion of the disposed cohort<sup>21</sup> had previously received a community penalty than the non-disposed.<sup>22</sup> Disposed cases consistently demonstrated a higher degree of need than non-disposed, both in the number of needs identified, and in particular needs associated with Education, Training and Employment (ETE), lifestyle and associates, and thinking and behaviour. In West Yorkshire, gender was an important factor in an IAC proposal being accepted, but not elsewhere. Regarding previous offending history, previous breaches appeared to be much more common in the non-disposed cohort in South Wales, perhaps pointing to reluctance by sentencers to consider a further community option in such circumstances, but this pattern was reversed in West Yorkshire, where breaches were considerably more prevalent in the disposed group. In Dyfed-Powys custodial experience was more prevalent in the non-disposed group, whilst in Humberside and particularly West Yorkshire, this pattern was reversed. It is important to note, though, that this comparative analysis drew on a small non-random sample of non-IAC offenders. Many of the differences are small, and are unlikely to be statistically significant. See Appendix 3 for details.

Table 3.3 presents the concordance percentages of instances of IAC proposals made in PSRs which were disposed, i.e. resulted in an IAC order being imposed. Merseyside was excluded from this analysis due to lack of availability of data. Some diversity across the sites is observed: in particular the figures for Dyfed-Powys showed a particularly low concordance percentage of 38.71% in the first phase of the pilot, but this greatly improved in the second year.

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<sup>21</sup> Where the IAC proposal was accepted by the sentencer.

<sup>22</sup> Where the IAC proposal was rejected by the sentencer.



**Table 3.3: Concordance between IAC order proposed and disposed**

	<b>Concordance percentage</b>
Dyfed-Powys <sup>23</sup>	(Year 1) 38.71 (Year 2) 57.69
Humberside	58.55
S Wales	67.62
W Yorks	78.75
<b>Total</b>	<b>61.93</b>

**3.5 Offender management and supervision**

Intensity and sequencing of an IAC order varied according to area and individual need but a consistent feature was very high intensity during the early stages ‘to hook them in very quickly’ (OM). This was typically followed by: several further appointments in the first week to establish enforcement/control elements of the order, commencement of unpaid work activity, meetings with partner agencies to set up specified activities tailored to individual need (e.g. ETE), pre-programme work and finally programme work. Intensive supervision was an integral part of the IAC order though the number of contacts varied across area and may have been dependent on tiered allocation of the offender. In all areas the first three months of an order were the most intensive with intensity tapering off over the remaining nine months (see Appendix 2 for further details on intensity and sequencing).

There were mixed views around the appropriateness of intensive supervision for some offenders and at what point in the order supervision should taper off. This was illustrated by an OM questioning the value of treating all IAC cases as Tier 4 with weekly reporting requirements even when the offender was complying with all requirements and making excellent progress. The majority of offenders interviewed found the initial intensity of the order was overwhelming. This reduced when they began to identify benefits of being on an IAC:

*‘At first I thought ‘this is too much, I’ve got to be here, there and everywhere’ but as I went to see the different people....I found them very helpful and friendly I didn’t see them as the enemy, I just decided to take advantage of these services rather than think of it in a negative way’. (Offender – Completed Order)*

The close relationship and support from OMs also helped. Motivational interviewing and pro-social modelling techniques were noted in all the supervision sessions observed.

<sup>23</sup> Dyfed-Powys was able to provide a greater level of detail for the data used to assess concordance data, including the ability to disaggregate concordance across the two years of the pilot.

Offenders welcomed having structure which had previously been lacking in their lives and reported such intense attendance requirements as leaving less time for *'getting into trouble'*. Some OMs struggled with balancing the number of IAC cases coming through with the required intensity for each individual:

*'I think as the order has gone on and caseloads have got bigger we have struggled to do the nicer running around after people that we could do more at the beginning'*. (OM)

This was a particular risk where OMs had responsibility for writing PSRs plus 'additional duties' with partner agencies (e.g. attending meetings). Once relationships with partners were established and activities agreed, some of the pressure on OMs was alleviated.

Accredited programmes formed key elements of the IAC orders<sup>24</sup> and were the most problematic part of sequencing. OMs had no control over when certain programmes became available. In one site it was reported that IAC offenders should (but did not) have priority. This proved de-motivating if pre-programme work was completed and the offender was 'programme-ready'.

OMs and offenders reported that supervision was managed flexibly accounting for individual needs. For example one offender had referred himself for a week-long residential course to address his self-esteem which was verified and risk assessed by the OM prior to commencement. Another OM reported home visiting to enable offenders to comply with orders when practical problems were encountered (e.g. rural home location, long distance between the offenders' homes and the office and poor public transport). Where changes were made (in reporting requirements for example), offenders were consulted by OMs. A small number of offenders interviewed felt that it was 'too easy' to miss appointments but the majority reported that prison was a very real possibility if they failed to comply with the order.

OMs identified offender 'ownership' of IAC orders and active involvement in decision making processes as important factors in engaging offenders. Whilst understanding the punitive nature of the order, the majority of offenders reported having a clear voice in identifying needs, risks and potential barriers to success from an early stage. As far as possible within the remit of a court imposed order, sentence planning and goal setting was a collaborative venture between offender and OM:

*'She did ask me like what it is I wanted from the order, and what it is I thought should be done about it, like'. (Offender, Current Order)*

This was verified by OM contact session observations where all of the sessions reported the offender as 'very engaged' (75%) or 'engaged' (25%). Only a couple of offenders interviewed felt that they had not had active involvement. One had his order revoked and described the order as *'just put on me'*.

The majority of offenders interviewed found the initial intensity of the order was overwhelming. However, as they began to identify benefits of being on an order, negativity tended to reduce:

*'At first I thought this is too much, I've got to be here, there and everywhere but as I went to see the different people...I found them very helpful and friendly I didn't see them as the enemy, I just decided to take advantage of these services rather than think of it in a negative way'. (Offender on an IAC order)*

Whilst the OM within probation had the case management role for IAC offenders, the multiplicity of agencies involved in delivering interventions to the offender offered a matrix model of case management with all partner agencies contributing to supervision, compliance and engagement, with VCS having a key role. Whilst having numerous benefits, the multi-agency nature of IAC created problems with case management information. Tracking and auditing of activity was not a priority for some external agencies though in one site partners had direct access to CRAMS<sup>25</sup> for inputting contacts with allocated offenders. This, at times, impacted on the ability of probation staff to case-manage effectively:

*'They will see the offender...fill in a form saying what they discussed... and they send it to us and meanwhile there has been another appointment [by the time the form arrives] so our records are not straight'. (Project Board Member)*

The evaluation team identified problems with case recording based on their experiences of data extraction and analysis of cover sheets and case file information from three sites. The problems may have impacted negatively on the clarity of case records and reduced the capacity for individuals (other than the case manager) to understand the case. Some of the

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<sup>24</sup> A range of programmes were available for IAC offenders at the sites with Thinking skills being the most common.

<sup>25</sup> The case management and recording system used by probation at four of the five sites.

problems were case notes frequently reading as 'notes to self' and therefore being difficult to understand, variable reporting of court reviews (sometimes not mentioned at all), dual case files on the same client, lack of clarity around dating/order of entries, some forms of contact (e.g. mentor appointments) were often not recorded, and there was insufficient detail on the purpose of some meetings between offender and OM.

### 3.6 Interventions and activities

Interventions and activities (confirmed by stakeholders and through observations) were used flexibly by OMs to supplement and where appropriate replace elements of supervision. For example, an offender manager allocated the majority of a supervision session to enable the offender to resolve housing problems with an accommodation support worker from an external agency. Formal order requirements were also used in this way:

*'We find its not beneficial for them to keep seeing us probably more than once a week if they have...thinking skills work or a service user group...we may also get them to do the unpaid work twice or...education, employment and employment meetings which they can go to as part of supervision'. (OM)*

Some OMs suggested that the reduced structure between the second and first phase was a potential difficulty for offenders, particularly with regard to maintaining motivation:

*'I just feel we lose them slightly in the second part of the order'. (OM)*

However, this was in part addressed through mentoring which played a more prominent role during the latter part of the order and assisted with motivation work. Also, where ETE support was brought in during the latter stages, this was generally valued by offenders and OMs, particularly in one site where a designated ETE worker delivered this intervention.

Stakeholder interviews and focus groups evidenced that pilots had developed and refined the management and delivery of requirements and interventions over the duration of the programme by individualising (where possible) interventions for offenders. Examples included tailored ETE provision rather than a one size fits all package, combining appointments where appropriate, and allowing flexibility within the punishment element of orders by renegotiating curfew restrictions. Offenders spoke very positively about the range and quality of interventions available to them and the assistance they received in accessing them.

*'it's the opportunities that it gives...they're talking to all other agencies and so they can say, 'here's an appointment to go there'. (Offender, IAC order)*

Some felt the impact of interventions could be enhanced by better tailoring of the interventions to offender need (e.g. one to one, rather than group work), better pacing of activities so that one was completed before another commenced, and more logical sequencing of activities (e.g. ensuring ETE support was available towards the end of the order, when the other needs of offenders such as accommodation had been addressed and therefore when offenders' lives were stabilised sufficiently so that they could realistically think about entering the job market).

OMs and partner agencies were alert to issues of diversity and gender and, where possible, interventions were organised to attend to these. Examples included arranging for thinking skills groups where the majority of attendees were women, widening the pool of mentors to reflect offender intake and a black and minority ethnic mentoring scheme. There were particular issues for female offenders in some sites in relation to the appropriateness of unpaid work order activities which impacted on their ability and willingness to comply, the sole female working with a group of men, lack of toilet facilities for women at some work sites and the timing of activities interfering with childcare. However, attempts were made to address such barriers and women offenders in particular recognised the value of IAC over custody:

*'Five appointments a week is a big thing but its nowhere like prison...at least now I am doing this order I know that I am coming here and I am going back home to my kids.. so yes this order the way it is, is perfect to be honest with you'.*

(Offender, IAC Order)

The management and deployment of mentors provided some challenges. OMs and offenders reported that not all offenders needed or wanted a mentor thus the service was most effective when provision was individualised rather than prescribed for all. Some offenders felt they simply could not *'fit it in'* around all their other appointments. The effectiveness of volunteer mentoring activities (in one site) was questioned by OMs and offenders where there was inconsistency with the service. In some instances volunteers had cancelled appointments with offender mentees or had not turned up for appointments. OMs (at this site) suggested that it might be more effective if the mentors were paid. In another site delays in recruitment and in the matching process were also reported as problematic. However, interview data also contained very positive examples of mentors fulfilling social as well as welfare needs, for example accompanying an offender to tai chi and/or having a coffee with them. In addition, the contribution of mentoring to motivation and compliance was valued by OMs, and partner agencies commented on the importance of enhancing engagement through mentoring support. A psychologist service (in two sites) provided risk assessment of

offenders and support to OMs. It was generally positively received by OMs and offenders, although there was some initial confusion (which was later resolved) among OMs about whether the service provided assessments pre-sentence or post-sentence.

Offenders who had successfully exited the order generally reported that they had been prepared for exiting and they were able to use VCS services after the end of the order (e.g. Family Intervention Project, Together Women in Bradford, and a mentoring service in Humberside). Some offenders who were told that their order may end early because of good progress were concerned about losing the support they had received while on IAC, the loss of the social aspects of interventions, and that they would not have enough to occupy their time. It was not possible to investigate their experiences further.

### 3.7 Compliance, breach and court reviews

Research evidence suggests a complex range of reasons why offenders comply or fail to comply with community orders (Bottoms, 2001). These include perceptions of procedural fairness, appropriateness of the order itself and its processes, individual motivation, and attachment to their family and social networks. Offenders whose orders were terminated following breach of requirements reported that they had failed to comply due to major disruptions in their lives, disillusionment with IAC due to perceived discrimination and missing appointments due to employment.

**Table 3.4: Outcome of revocations for breach, by site**

	<b>Number revoked for breach</b>	<b>Community sentence (% received)</b>	<b>Custodial sentence (% received)</b>	<b>New IAC (% received)</b>
Dyfed-Powys	30	6.9%	69.0%	24.1%
Humberside	51	20.0%	70.0%	10.0%
Merseyside	16	7.7%	69.2%	23.1%
S Wales	46	13.0%	80.4%	6.5%
W Yorks	50	24.5%	73.5%	2.0%
<b>Total</b>	<b>193</b>	<b>16.6%</b>	<b>73.3%</b>	<b>10.2%</b>

Table 3.4 shows that there was a fairly high degree of consistency across the areas in the use of custody to respond to breaches in IAC orders. Around three-quarters of revocations due to breach resulted in a custodial sentence. There were, however, some considerable differences where custody was not ordered. In Dyfed-Powys and Merseyside, a new IAC order was more common than an alternative community sentence, while in the other areas

alternative community sentences were more commonly used. It was not possible to determine reasons for these differences.

Project staff indicated that breaches of IAC orders were most common on curfew and unpaid work requirements. Further new offences had also resulted in the termination of IAC orders. It has not been possible to verify this with quantitative data as case log data did not record breaches against particular requirements. Stakeholder interviews, and court and contact observations suggested that offender performance on the order had a marked impact on the process of breach. This was a key decision making factor for sentencers and OMs, rather than simple failure to comply. Failures to comply due to medical or family circumstances such as childcare sometimes only became clear at the breach hearing itself. Where engagement with the order as a whole was good and there was positive work being done then revoking or re-sentencing was unlikely. Instead sentencers added requirements such as more unpaid work hours, an increase in curfew time or attendance at another programme. This was confirmed by court observations and case file data. Some stakeholders expressed concerns about adding requirements (as a punishment for breaches) to an order which was onerous at the outset. However, court observations suggested that where the offender had demonstrated motivation to comply, there was a presumption that these additional elements were achievable. Where there was little evidence of offender engagement then a custodial sentence was more likely.

OMs collected evidence for breaches and reviews from curfew and unpaid work coordinators and information from Compliance Officers about offender responses to enforcement. Some OMs reported that the intensity of the order made it hard to keep track of offender attendance:

*'You have got to keep your eye on the ball all the time haven't you, you have to make sure that you are looking at entries all the time because the information comes through from the other agencies'. (OM)*

Strategies for increasing attendance at appointments such as texting reminders and providing transport to take offenders to unpaid work were reported as effective. The latter was regarded as controversial at the outset due to potential charges of pandering to offenders but was perceived by local stakeholders, including sentencers, to be an important part of the order in reinforcing motivation.

Information exchange between police intelligence and Compliance Officers facilitated the administration of the order in some sites. In one site, techniques developed in Integrated

Offender Management, such as the use of intelligence reports, meant informed advice about breach behaviour was obtained and influenced the reporting process.

Police involvement in compliance support varied across the sites. In one site, OMs and police reported that compliance support delivered through neighbourhood police teams was less effective than that delivered through a dedicated officer (or officers). In another, 'assertive outreach' by the police was not used, instead intelligence was supplied. This compliance work was strongly supported by sentencers who clearly outlined the consequences of failure to comply with the order in the sentencing, review and breach hearings observed by the researchers.

The vast majority of offenders reported custody as a constant threat and an effective motivator. Only one offender felt that it was *'easy to get out of your appointments'*.

*'If you miss an appointment I'm back to court and prison so I've got that hanging over my head so that makes me come to all my appointments'*. (Offender, IAC Order)

Offenders and stakeholders reported that the court review facilitated compliance and positive reinforcement for offenders. Often engagement was brief<sup>26</sup> but meaningful interaction between sentencer and offender was evident with the offender being given the chance to put his/her point across in all cases. Court reviews were viewed as a positive experience for offenders to receive compliments rather than criticism and also for sentencers to witness progress and problems. Observations also revealed that where the probation court officer had good knowledge of the IAC scheme this produced both formal and informal learning for sentencers and encouraged them to give credence to the officer's input. Negative feedback to offenders, in the forms of warnings and reminders of their requirements to attend, was also reported to have a positive impact on engagement. Case study data illustrated that reducing the frequency of court reviews from monthly to every two months was used as an incentive and marker of good progress. There was a wish from sentencers to attend all the reviews associated with particular offenders as a further reinforcement measure. Crown Court reviews had more continuity of personnel but this was much more difficult to achieve in magistrates' courts.

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<sup>26</sup> An average of 7.4 minutes in those observed (n= 37) by the research team.



### 3.8 Partnership working

The delivery of IAC orders extended partnership work between probation teams and external organisations to deliver the requirements of the IAC order. Pilot implementation was built on existing links between probation and public, private and VCS services, for example through the development of IOM in one site. Some sites had focused on establishing their relationship with the court since many stakeholders regarded sentencer engagement as critical. All the pilots held briefings with relevant agencies and provided individuals with written or email information at the outset. Service providers were involved at some sites in the earlier stages of set up and implementation, others later on. Stakeholders across the sites acknowledged that there was a need to regularly update external partners about the implementation and continued development of IAC in order to maintain their interest and involvement. In some sites partner agencies sought information as affirmation that they were collaborators with the pilot rather than sub-contractors. Some pilots managed the latter more effectively through partner agency meetings, briefings, training and (in one site) co-location. In these sites partners commented that they felt they had participated in the development of the pilot. Such updating and engagement was also required within probation itself (as an internal partner) where one stakeholder expressed concern that IAC could be regarded merely as the latest fad which may soon go '*out of fashion*'.

Managing partner expectations was important. Concerns were expressed by police in one site that the IAC was oversold to them prior to commencement. In practice the pilot included higher risk offenders who, in their view, should have been in custody. While interviewees acknowledged the need for the pilots to engage with agencies for the purposes of delivery and implementation, they also recognised that offenders, local communities and the media also had a stake. In one site project board members reported that the IAC order was designed to meet the needs of sentencers and offenders. Across the sites the demands of community confidence in the order and media scrutiny that it was not a soft option (as an alternative to custody) were paramount.

It was reported that the relationship between the police and probation was problematic in some sites resulting from a poor response from the police supporting compliance, and lack of clarity about the responsibility for compliance between the police and probation:

*'The whole thing has become bastardised really between IAC and the compliance checks...how much probation are expecting us to deliver which I would say is their core work not our core work'. (Police)*

Project Board members and partner agencies also felt it vital that the police had an accurate understanding of the purpose of IAC including both its punitive *and* wider rehabilitative aspects rather than simply viewing it as *'two strikes and you're out'*.

Establishing effective partnerships with VCS providers was regarded by some probation staff as enabling some continuity of intervention for offenders following the end of the order. Stakeholders reported that the pilots benefited from the trust and understanding generated by effective partnership working that arose from the co-location of agencies. Examples of co-location included IAC staff with other probation staff, police within a probation office, a probation office within the magistrates' court, IAC team co-located with IOM and Total Place teams, staff responsible for interventions co-located with IAC case managers and private sector compliance staff based alongside probation.

### 3.9 Perceived impact of IAC

Whilst this is not an impact study in terms of measurable quantitative outcomes, it has been possible to make some process-based assessments of perceived impact. Across the sites, stakeholders were positive about IAC orders. The pilots had generated commitment and enthusiasm from all stakeholders and buy in to the change theory that IAC could have a greater impact on reducing reoffending than short-term custody. However, there were reservations from some police about the efficacy of the order, and concern from some public agencies that the impact of IAC was not overstated to secure resources that could be taken away from police and prison.

Offenders were very positive about the IAC order and the potential for it to change their lives for the better. This was particularly true for persistent offenders who had experience of prison, and felt that in comparison IAC offered them structure, support, access to services and regular, valued engagement from probation and/or partner agency staff.

*'It was the support that I got, the four times a week coming in and having someone to talk to...and it give the options of what I can do'. (Offender, IAC Order)*

Offenders also acknowledged the opportunity that IAC provided to maintain relationships which a custodial sentence could have hampered.

*'If I was put back in prison there was a good possibility that I'd lose my relationship that I had with my kids, I'd lose the relationship that I had with my girlfriend'. (Offender, IAC order)*

In sites where police had worked effectively alongside probation to support compliance, offenders reported that this had had a positive impact on their view of the police. Offenders and stakeholders generally agreed that in relation to the allocation of resources, the IAC order was more appropriate for persistent rather than first-time offenders. While offenders and stakeholders generally regarded IAC as a viable alternative to custody (because of the intensity, supervision and compliance elements), probation staff in one site commented that IAC had not worked (in that site) because offenders had ended up in custody. This ran counter to the view of project board members from the same site who viewed the pilot very positively. Across all sites, offenders generally reported that the IAC order had enhanced their self esteem. For those with drug and alcohol misuse problems, the interventions they received had enabled them to regain some control and stabilise their substance misusing. This seemed particularly so for some offenders who had previously not accessed services in the community.

*'I'm getting clean on the out...before I've always had to go to jail to get clean'*

(Offender on current IAC order)

Some of the new interventions initiated and tested through the pilots such as Alcohol Activity Requirements (AARs) were mainstreamed. In Wales this was made available for other community orders.

For persistent offenders who could have received a custodial sentence, it was significant that across the sites only one in four IAC orders were revoked because of breaches<sup>27</sup> (see Appendix 3 for details). In one site which specifically targeted offenders with a history of non-compliance, the majority of offenders were maintained on the order with only 38% of these revoked because of breaches.

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<sup>27</sup> It should be noted that the probability of revocation increases with time and the IAC pilot had only been operational in two of the sites for only twelve months i.e. these areas will show a lower figure of breaches simply because they have not been running as long.

## 4. Implications

IAC orders represented a systematic and innovative packaging of existing and new requirements and interventions which combined punishment with rehabilitation. There was qualitative evidence from this process evaluation that this type of order and the way in which it was delivered was perceived to have had a positive impact on offenders and the potential to impact on reoffending. Offenders, sentencers, probation staff and partner agencies were in broad agreement that IAC offered a structured and robust alternative which was making a difference in dealing with persistent offenders who would otherwise receive short-term custody. There was qualitative evidence that generally the pilots had developed well across the sites and had adopted an adaptive and flexible approach to dealing with implementation and delivery difficulties.

Based on the findings from this report, if IAC were to be continued in any form, further practice development and research should focus on the following areas.

- *Mainstreaming* – at the time of writing some of the pilots were planning to mainstream IAC across some or all parts of Probation Trust areas. Assessing the effectiveness of this would be important as it has implications for any potential national roll out of IAC, particularly given the resource implications of the intensity of supervision and the requirements for interventions, in an environment of reduced public funding.
- *Impact* – while the qualitative data indicated that IAC was perceived to have had a positive impact this should be tested quantitatively through reconviction analysis.
- *Performance monitoring* – IAC sites should review the type of monitoring data that they collect to ensure that they capture data around the rate of reoffending and types of reoffending of offenders on IAC orders, and social outcomes on completion of IAC orders such as stable accommodation, drug and alcohol use.
- *Targeting* – the findings indicate that tighter prescription of eligibility requirements for IAC would ensure that the most suitable offenders who would most benefit from IAC were targeted. IAC sites should review their targeting requirements accordingly, while ensuring flexibility in the way that offenders are able to complete orders.
- *Communication* – the findings indicate variance across the sites in the extent to which projects systematically communicated and engaged with delivery partners and sentencers during the delivery of the pilot. Projects should review the way

that they engage with all their stakeholders, to ensure that sentencers receive feedback about the progress of IAC orders, that the pool of sentencers who are aware of IAC is widened, and that delivery partners (in particular the police) are fully involved as collaborators.

- *Distinctiveness of IAC order as a coherent package* – the findings indicate that projects should promote this more effectively as a distinct sentencing option (compared to other community orders and SSOs) for offenders at risk of short-term custody to court legal staff and to sentencers.
- *Format of a PSR* – the findings indicate that IAC orders should be proposed using an SDR rather than FDR. However, this has resource implications for probation and courts.
- *Breaches* – differences in concordance rates and sentencing outcomes following a revocation (for breach) require further investigation.
- *Mentoring* – the findings indicate that mentoring can make an important contribution to compliance and support where this is effectively managed to ensure regular and consistent contact between mentors and mentees, appropriate matching of mentor to mentee, and the timely provision of monitoring data to probation case managers. However this requires that adequate resources are allocated to this activity.
- *IOM and IAC* – the links between IAC and IOM should be explored and the potential for transfer of practice and processes in the management of persistent offenders at risk of short-term custody should be assessed.

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## Appendix 1 Fieldwork activity

Task	South Wales	Dyfed Powys	Merseyside	West Yorkshire	Humberside	Total
PSR Analysis	Data received	Data received	Data received	Data received	Data received	
Sentencer interviews	6	6	6	6	5	<b>29</b>
Court personnel	4	4	4	4	4	<b>20</b>
Interviews with project board	4	4	4	4	4	<b>20</b>
Court observations (sentencing)	2	2	2	2	2	<b>10</b>
Interviews with stakeholder leads	3	4	3	2	4	<b>16</b>
Court observations (breach)	1	2	1	3	1	<b>8</b>
Court observations (review)	2	2	2	20	11	<b>37</b>
Interviews with offenders (ongoing)	11	5	11	20	11	<b>58</b>
Interviews with OMs	4	4	4	4	4	<b>20</b>
Observations of contact sessions	4	3	4	4	4	<b>18</b>
Focus group with practitioners	1	1	1	1	1	<b>5</b>
PSR writers focus group	1	1	1	1	1	<b>5</b>
Interviews with offenders (exit)	4 <sup>28</sup>	3 <sup>29</sup>	1	9 <sup>30</sup>	5 <sup>31</sup>	<b>22</b>
<b>Total</b>	<b>47</b>	<b>40</b>	<b>44</b>	<b>80</b>	<b>56</b>	

<sup>28</sup> Three successful completions and one revocation.

<sup>29</sup> Two successful completers and one revocation.

<sup>30</sup> Seven successful completers and two revocations.

<sup>31</sup> Two successful completers and three revocations.

## Appendix 2 Site summaries

### Dyfed Powys

The IAC project was piloted in Wales under the brand name of Intensive Supervision and Control Orders (ISAC). In Dyfed Powys the ISAC project was based upon the Llanelli and Carmarthen Probation Offices, which served the local magistrates' courts (Llanelli, Ammanford and Carmarthen). The site received £486,817 MoJ funding to the end of 2010. There was a small dedicated ISAC team comprising a senior probation officer, 1.5 probation officers, 1 PSO, 1 researcher plus admin support. For the vast majority of cases PSRs and OM supervision was carried out by staff from within the dedicated team.

The prime target group of offenders for the Dyfed Powys ISAC order were those offenders at risk of, or likely to receive, a short-term period of imprisonment as indicated by sentencers. There was a particular focus on developing intensive alternatives to custody for those offenders who had a history of non-compliance in respect to community supervision or for whom periods of custody had past had limited or no impact.

The ISAC option typically contained a supervision requirement, at least one activity requirement, a minimum of one control and/or punishment element and, where appropriate to the needs of the offender, additional accredited programme(s) or rehabilitation interventions. The Offender Management Model was at the core of the ISAC order. Offenders subject to this order were expected to attend regular appointments with their OM for at least the first 16 weeks of the order (the frequency and duration of the supervision sessions was dependent on the tiering allocation of the offender).

A number of key partnerships were in place to provide interventions which met a range of offender needs. These included the Women's Turnaround Project who provided voluntary support for female offenders sentenced to an ISAC, and also provided a supplementary report for women offenders at PSR stage identifying how the project could assist and support that particular offender if placed on an ISAC order. In addition a new and intensive Alcohol Activity Requirement was developed in conjunction with PRISM Alcohol Advisory Service based in Carmarthen. This requirement was exclusively for ISAC orders and was aimed at those offenders who were 'problem drinkers' (as opposed to being physically dependent upon alcohol). The Stepping Forward Programme was also developed as an intensive requirement exclusively for ISAC orders. This rolling programme involved offenders for three



days each week, divided into an employment basic skills day, work experience day and a day working on environmental projects and developing traditional skills such as horticulture, carpentry, hedge-laying and dry stone walling. Participants also had the opportunity to gain qualifications in these fields.

An additional key feature of the Dyfed Powys ISAC project was the provision of police intelligence reports to the dedicated PSR writer. This assisted in the assessment of suitability and ensured the provision of requirements that were appropriate to the criminogenic needs of the offender. For example, Exclusion, Curfew and Control Requirements could be imposed where offenders had committed a large number of offences in a specific location. When an exclusion requirement was ordered by the court, local police were expected to be informed within 24 hours.

A psychologist was available to help engage offenders who had in the past been regarded as 'difficult' or 'non-compliant'. They provided a structured framework designed for the OM and offender to work together in partnership towards an agreed set of objectives. The psychologist also provided training, support and assessment when requested. A distinctive feature of Dyfed Powys was the higher than expected number of people given ISAC requirements attached to an SSO. This issue may have in part been due to the decision taken at the outset to avoid the term 'alternative to custody' and the use of the term intensive supervision and control.

## **Humberside**

The Humberside IAC Pilot commenced in April 2009, supported by Humberside Police, Hull's Safer Communities Partnership Board and Hull Drug Intervention Programme. It received £1,210,000 MoJ funding to the end of 2010. The project was located in Hull and received orders from the magistrates' and Crown Courts within the city. The team consisted of dedicated IAC specialist OMs and supervisors who were co-located within Liberty House which also contained the OM Units that serviced the city. The IAC team was managed by a senior probation officer who was also the project manager for IAC. A local implementation group met regularly to oversee the management and development of the pilot and this group reported back to the steering group, chaired by a senior manager within the probation trust and attended by key partners including Legal Services, sentencers, Humbercare Mentors (who provided mentoring for the pilot), the police, probation managers and information officers.

IAC in Humberside was targeted at offenders who were assessed as at risk of short custody. Frequently these offenders demonstrated a range of crime-related needs that required the imposition of an intensive period of supervision. When an IAC order was imposed it was declared in court by the sentencer to have been made as an alternative to custody. There was a broadly inclusive approach to eligibility and suitability. The most common offence types were Theft/Handling and Violence. High-risk offenders (Tier 3, 4 and MAPPA cases) were accepted on to the programme and the Humberside pilot also had a large number of IDAP (Domestic Violence) cases.

The IAC order in Humberside was characterised by a minimum of four appointments a week during the first three months with at least 10 hours of contact. Typically an order had an average of 2.4 requirements. All orders were subject to enhanced supervision as a consequence of high levels of contact with OMs and supervisors. Forty-three per cent contained accredited programmes requirements; 31% Unpaid Work; 12% Curfew; 32% Drug Rehabilitation Requirement (DRR)/Alcohol Treatment Requirement (ATR); 24% Specified Activities. All offenders subject to an IAC undertook a 12 session one-to-one Victim Awareness Module. The intensity of the order was not reflected by the number of court requirements imposed but rather by the contact levels with OMs and the range of additional resources that were accessed via the enhanced supervision. These included mentoring, health screening, family interventions, ETS, police home visits and women-focused support.

Engagement and compliance was supported through the inclusion of a compliance module, home visits by police officers ('assertive outreach'), contact with mentors and a degree of flexibility in managing the frequent contact with OMs. All IAC orders were subject to court reviews which provided opportunities for sentencer feedback on offender progress and making appropriate adjustments to the supervisory requirements. In addition there was recognition within the courts that breaches might not automatically result in custody and that when offenders were making substantial progress, there were opportunities to support this by order continuation.

The Humberside project developed a range of partnerships to deliver interventions as part of IAC orders. Partners included Humercare Mentors, Family Intervention Project (an intensive support service for vulnerable families), Alcohol and Drug Service (ADS), Compass Forward (a support service for alcohol and drug dependency), Refresh (an advice and support service for drugs and alcohol aimed at young people), National Health Service (NHS) Nursing Service, SOVA (Supporting Others through Volunteer Action), who provided mentoring,

education support and help with resettlement) and First Steps (an ETE intervention provided through SOVA).

## Merseyside

Merseyside IAC, established in April 2009, covered offenders resident in the Liverpool city area (and a very small adjoining part of South Sefton), the majority of them sentenced in North Liverpool Community Justice Centre (NLCJC), Liverpool Magistrates' Court and Liverpool Crown Court. It received £841,000 MoJ funding to the end of 2010. The project was based at North Liverpool Probation Centre and was delivered by a dedicated small team of OMs, Probation Service Officers (responsible for ETE work and volunteer mentoring) and Group 4 (G4S) staff. The Senior Probation Officer for IAC was also based at North Liverpool, though they had responsibilities additional to IAC.

The order was intended as an alternative to a short custodial sentence. At the outset, the primary target group was young (18–30), male, relatively low-risk persistent offenders, likely to have previous experience of custodial and/or community sentences and a poor history of compliance. The order was not proposed where acute drug and alcohol dependency was identified, the offender was in unstable accommodation, there were significant emotional health needs, index offences were for domestic violence or sexual offending, and/or the risk of harm to others was assessed as very high and could not be safely managed within the project. However, some domestic violence cases were assessed as suitable for IAC on a case-by-case basis. As the project developed during the first year, a core of participants fitted the envisaged profile but the IAC caseload also included older offenders (some with relatively serious offences but limited previous convictions) and women (approx 20% of the caseload).

The core components of the Merseyside IAC were intensive supervision (a minimum of two appointments per week with an OM, curfew with electronic monitoring (up to 70 hours per week), unpaid work (at an accelerated rate) and specified activities with a community integration focus (ETE provision, Skills Development). The order was divided into three distinct phases.

- 1) Weeks 1 to 13 – intensive phase focused on punishment and restriction.
- 2) Weeks 13 to 26 – building on Phase 1 through development of relevant and tailored re-integration packages.
- 3) Weeks 27 to 52 – consolidation of Phases 1 and 2 and focus on relapse prevention.

During Phase 1, interim reviews of the order took place with the OM on a four weekly basis. Intensity of supervision tapered off following the first phase though the core requirements continued to be addressed throughout Phase 2, where still current. A mentoring component was available as an option rather than a requirement, normally located after the intensive phase. There was some flexibility within the requirements including variation of curfew or unpaid work hours, or in exceptional cases dropping one of these requirements altogether in order to meet individual circumstances.

Development of the Merseyside IAC project involved consultation with NLCJC, the Senior District Judge at Liverpool Magistrates' Court, Merseyside Police, SOVA, Mercia Partnerships (initial ETE providers), The Princes Trust (personal and skills development), Liverpool Drugs Intervention Programme, the Lighthouse Project (substance misuse interventions providers) and Together Women Project. Partners continued to be involved in varying degrees, though the involvement of the Together Women project ceased following the financial collapse of their service provider. There existed a very close working relationship with G4S who provided enhanced curfew with out of hours contact available and provision of compliance officers who ensured that offenders attended appointments. Mentoring and a number of other activities were coordinated by Merseyside Probation Trust (MPT) staff, with some areas such as women's provision and coordination of ETE work being brought in house after the project commenced. Additional partners, such as Business in the Community, were brought on board by the ETE coordinator, while other provision such as a counselling service and health assessments undertaken by a PCT nurse were brought in externally.

## **South Wales**

The South Wales (SW) ISAC project was based upon the Pontypridd, Merthyr Tydfil and Swansea Probation Offices, which served both local magistrates' courts and the Merthyr Tydfil and Swansea Crown Courts. It received £613,500 MoJ funding to the end of 2010. Although there was a designated ISAC team (comprising a manager, administrator and researcher), pre-sentence reports concerning ISAC cases were prepared by generalist PSR authors and ISAC cases were supervised by OM's with generalist caseloads.

The initial targeting criteria for offenders to be considered for ISAC were those at risk of short-term custody (6 to 12 months) whose offences involved excessive use of alcohol, mainly being sentenced in the magistrates' court, but also the Crown Court. As the project progressed through its first year, key groups were identified for inclusion, such as offenders committing violent offences (mainly common assault and actual bodily harm (ABH)), those

committing persistent shop thefts, and a small but significant number of female offenders. PSR authors were instructed to focus on the court's indication of seriousness and sentence and also the specific criteria for the ISAC when proposing an ISAC.

An Alcohol Activity Requirement (AAR) was developed in partnership with two local alcohol advice agencies for those whose offending was alcohol-related but were not 'alcohol dependent'. In this requirement, work took place over 20 sessions and initially included an assessment/care plan, motivational work and reviews with the OM. Further sessions included one-to-one work, support group attendance, other constructive activities and a final review. This programme was the most used within the pilot and a 'typical' ISAC comprised supervision, a curfew enforced via tagging and the AAR. An unpaid work requirement was also imposed where appropriate. SW also encouraged the use of more than the minimum three requirements.

A number of services and requirements were developed using partnerships. In addition to the AAR, SW made use of the Future Skills programme and a mentoring service provided by BTCV (British Trust for Conservation Volunteers), a Psychologist Service and the Women's Turnaround Project (WTP). The Future Skills Programme was a 16-week group activity covering various aspects of citizenship, including social skills, plus preparation for work, including Curriculum vitae (CV) writing, interview skills and communication. It was available to any offender on a community order and ISAC offenders were often in mixed groups. The mentoring programme began in November 2009 and was a one-to-one mentoring process that was not fixed but dependent upon identified needs. The initial meeting was three way with the offender, the mentor and the OM. Thereafter there could be any number of sessions, with the main aim being to help the offender engage with the wider community including other VCS organisations.

The mentoring programme was for ISAC only. SW had a prison service forensic psychologist for one day per week, providing consultancy to OM's and PSR authors as well as face to face assessments of offenders. The Women's Turnaround Project provided initial assessments via ISAC funding for any woman referred. Thereafter WTP offered voluntary support sessions to women offenders on the same basis as it did to other women, this being provided through its own 'normal' funding. Finally, one of the punitive requirements available, the curfew via electronic tagging, was provided via a partnership with Serco. Where a curfew or an exclusion or prohibited activity requirement was included in the order, the OM ensured that the police 'Single Point of Contact' was made aware of this and operational procedures were developed accordingly.

This combination of compulsory requirements and voluntary assistance, alongside supervision, case management and enforcement provided an overall approach that was flexible to individual needs whilst remaining consistent and able to provide enforcement and punitive control elements. It provided a potentially intensive package, with as many as four appointments weekly in the initial phase.

## **West Yorkshire**

The West Yorkshire IAC Pilot commenced in August 2008 and received £1,247,000 MoJ funding to the end of 2010. The initial project implementation group comprised the local assistant chief officer, the project manager, an OM, a probation partnerships manager, a Bradford UPW manager, a probation programmes manager, VCS providers, a representative from the Bradford Police, a representative from Her Majesty's Court Service and the Chair of the local magistrates' bench. The project is located in Bradford and received orders from Bradford Community Justice Court, Bradford Crown Court and Bingley Magistrates' Court. The team consisted of dedicated IAC specialist OMs and supervisors, a police officer and a compliance officer who were co-located within Merchants House, Bradford, which also contains the Integrated Offender Management Unit that serviced the city. The IAC team was managed by a senior probation officer who was also the project manager for IAC. The local implementation group met regularly to oversee the management and development of the pilot and this group reported back to the project board, chaired by a senior manager within the probation trust and attended by key partners including Legal Services, Sentencers, YMCA, Together Women Project (TWP), Community Service Volunteers (CSV), victim services, the police and probation managers and information officers.

IAC in West Yorkshire was targeted at offenders who were assessed as at serious risk of short custody and who also demonstrated a range of crime-related needs that required the imposition of an intensive period of supervision. The programme was rolled out in Leeds from April 2010. Intensive Community Orders were individually tailored with a sentence plan developed to ensure that each offender had housing, income and skills development support; interventions to address their offending behaviour and/or interventions to address alcohol problems; and reparation demonstrated through either unpaid work or a Restorative Justice requirement. Attendance at YMCA, TWP, CVS and the Restorative Justice element was part of a specified activity requirement. This could include compliance up to a maximum of 60 days/sessions.

The IAC order in West Yorkshire was characterised by a minimum of five appointments a week during the first 16 weeks. There were three pathways.

- **Pathway 1:** for 18 to 25-year-old male offenders. They accessed, via specified activity requirements, YMCA resources which were delivered from the existing YMCA one stop shop in Bradford. Specially commissioned YMCA project workers delivered a range of intensive mentoring and interventions (programmes, ETE, accommodation advice, money advice etc.) to offenders.
- **Pathway 2:** for female offenders and delivered through the women's centre run by Together Women Project offering a one stop shop facility.
- **Pathway 3:** for male offenders aged over 26 who engaged with a mentoring project. Offenders were matched with a trained CSV volunteer mentor, who would support them to access learning and development opportunities including volunteering activities in the community.

Engagement and compliance was supported through the support of a compliance officer, home visits by police officers similar to IOM arrangements, contact with mentors/partner agencies and a degree of flexibility in managing the frequent contact with OMs. All IAC orders were subject to court reviews which provided opportunities for sentencer feedback on offender progress and made appropriate adjustments to the supervisory requirements. Failure to attend two scheduled appointments and failure to provide acceptable explanations resulted in breach action being commenced. Agreement was reached that IAC cases would be subject to robust and fast track enforcement action to ensure an early return to court in the event of non-compliance.

## Appendix 3

### Quantitative data analysis

**Table A3.1: The number of IAC orders made to end of March 2010**

Area	08/09	09/10	Grand total
Dyfed-Powys	30	60	90
Humberside		161	161
Merseyside		114	114
South Wales	55	110	165
West Yorkshire	85	141	226
<b>Grand total</b>	<b>170</b>	<b>586</b>	<b>756</b>

**Table A3.2: OGRS and Risk of Harm Characteristics of IAC Cohorts**

Area	Mean OGRS 3 Scores	% rated Medium Risk of Harm or above
Dyfed-Powys	70.6	82.6
Humberside	66.2	71.4
Merseyside	62.0	58.8
South Wales	64.5	79.4
West Yorkshire	60.0	76.4
<b>Grand total</b>	<b>64.0</b>	<b>74.0</b>
<b>Summary statistic</b>	<b>F=3.153</b>	<b>Phi=.166</b>
<b>P-value</b>	<b>.014</b>	<b>.000</b>

**Table A3.3: Index offences (grouped): percentage of offence categories by area**

Area	Violent offences	Property offences	Drugs offences	Vehicle offences	Other offences
Dyfed-Powys	23.3	40.0	12.2	6.7	17.8
Humberside	33.5	36.6	4.3	6.2	19.3
Merseyside	21.9	37.7	14.0	9.6	16.7
South Wales	32.7	37.0	7.9	11.5	10.9
West Yorks	24.3	42.0	8.4	16.8	8.4
<b>Grand total</b>	<b>27.6</b>	<b>38.9</b>	<b>8.7</b>	<b>11.1</b>	<b>13.6</b>



**Table A3.4: IAC breach and reoffending analysis**

Area	IAC Case data		Police National Computer (PNC) data	
	Total number of IAC cases as of March 10 2010	% breached	Number of IAC cases for PNC analysis (starting prior to March 09)	% of IAC PNC cases which reconvicted after start of IAC
Dyfed-Powys	90	33.33%	31	74.2
Humberside	161	31.68%	*	*
Merseyside	114	14.04%	*	*
South Wales	165	27.88%	60	60.0
West Yorks	226	22.12%	91	54.9
<b>Grand total</b>	<b>756</b>	<b>25.53%</b>	<b>186</b>	<b>59.7</b>

The data in the above table come from two different sources. The percentage breached figures are produced from the case data recorded by the pilot areas. The reconviction figures were produced by analysing Police National Computer (PNC) data, and identifying offences recorded there that occurred after the individual offender had commenced an IAC order. It should be noted that 'pseudo reconvictions' (Lloyd, 1994) could be present here, i.e. sentencing occasions that took place after the IAC order had been imposed, but which relate to offences prior to the IAC order being imposed. Unfortunately, the extent of such occurrences cannot be assessed using PNC data. Clearly, those areas that had been running longer (South Wales, West Yorkshire and Dyfed Powys) had a commensurately greater risk of revocation.

To ensure a degree of comparability between the sites, only cases that started the IAC order twelve months prior to the data extract (March 2010) were included otherwise cases with a shorter period to reoffend would inevitably show lower reoffending rates. This resulted in a greatly reduced number of cases (25% of all IAC orders) included in this analysis. The number of cases for some of the later-starting areas (specifically Merseyside and Humberside) have not been reported. Occasions where IAC orders were breached were removed from the PNC data to ensure comparability with figures for an equivalent short-term custodial cohort, which clearly could not possibly 'breach' in the same way, as they were in custody.

The reoffending results from this limited data indicates that across three pilot sites, a reoffending rate of 59.7% was recorded, which is comparable to reoffending rates (approximately 60%) produced by analysis of short-term custodial sentences, i.e. sentences less than 12 months in 2007 (see Ministry of Justice, 2009). These results need to be treated

with extreme caution as the IAC PNC data was drawn from a limited sample of offenders and the offenders sampled were early cases in the implementation of the pilot, when delivery may have been less well practised and effective.

Analysis of a sample of IAC offenders using PNC data over a less restricted time period would provide a more robust finding, as would a robust impact study that matched IAC cases with similar individuals subject to a short custodial sentence.

### **Analysis of IAC disposed and IAC non-disposed**

A quantitative analysis of the process by which IAC proposals were accepted or rejected by sentencers was also conducted. This analysis collated a cohort of 'non-disposed' offenders who were proposed for IAC in a PSR, but were not subsequently sentenced to the IAC order, and compared this to the cohort of IAC offenders – the 'disposed'. The data used reflected previous offending histories, using PNC data, and 'needs' associated with offending and desistance, from OASys assessments. The logic of this analysis is that if the decision to accept an IAC proposal was equally likely for all offenders once a PSR proposal had been made, then there should be few major differences between the two cohorts. Any large differences between the cohorts would point to factors that sentencers might be taking into account in the decision to accept the proposal, and also additional factors that did not form part of the deliberations of the PSR writers. It is important to emphasise that this analysis is addressing the differences in acceptance of proposed IAC orders; it does not include data relating to those not proposed in the first place. As such, this analysis is focusing on sentencers' decisions, not PSR writers.

Before the results of this analysis are presented, a caveat needs to be placed on the 'non-disposed' cohort. The collation of this cohort represented a considerable challenge to many of the pilot sites. Information relating to the non-disposed offenders was less easy to locate than that of the disposed cohort actually on an IAC order. At best, the cohort can only be considered a representation of the non-disposed cohort. Certainly the overall figures for the number of cases in the disposed and non-disposed cohorts cannot necessarily be considered as an accurate reflection of the rate of concordance. In Merseyside, the identification of this cohort was extremely difficult to achieve, therefore the figures are not commented on as the data are a less robust reflection of the non-disposed cohort than in other areas. As the non-disposed IAC cohort cannot be considered a random sample, statistical significance tests are not carried out here. The differences noted between the two cohorts are those which appear to demonstrate noticeably different patterns than the figure for the five areas included here.

Bearing this caveat in mind, a few interesting differences do occur, but these tend to be specific to individual sites, rather than a consistent pattern over the five pilot areas. Focusing on the overall picture, a higher proportion of the disposed cohort have previously received a community penalty than the non-disposed. Looking at the needs identified, disposed cases consistently demonstrate a higher degree of need than the non-disposed, both in terms of number of needs identified, and in particular needs associated with ETE, lifestyle and associates, and thinking and behaviour. Also worth noting is the variation in the patterns observed across the sites. There seems to be some evidence that in West Yorkshire gender was an important factor in an IAC proposal being accepted, but this was not reflected elsewhere. With previous offending history, lack of compliance with previous orders appeared to be much more common in the non-disposed cohort in South Wales, perhaps pointing to reluctance by sentencers to consider a further community option in such circumstances, but the pattern was reversed in West Yorkshire, where breaches were considerably more prevalent in the disposed group. The pattern with previous custodial experience shows some fluctuation across the areas. In Dyfed-Powys custodial experience was more prevalent in the non-disposed group, whilst in Humberside and particularly West Yorkshire, the pattern was reversed. With the needs identified, alcohol misuse was much more prevalent in the two Welsh areas, perhaps reflecting the use by sentencers of IAC orders to ensure an Alcohol Activity Requirement in these areas.

**Table A3.5: Quantitative comparison of IAC disposed v non-disposed cases**

**Demographic comparison**

	Dyfed-Powys		Humberside		Merseyside		South Wales		West Yorks		Five sites total	
	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC
<b>Average age</b>	28	27.1	30.1	28.4	27.4	29.3	28.3	27.9	28.2	25.4	<b>28.5</b>	<b>27.5</b>
<b>% Female</b>	7.8	9.7	13.7	13.7	17.5	12	13.3	20.7	11.9	3.1	<b>13</b>	<b>12.1</b>
<b>% White</b>	98	98.7	99.3	95.2	90.8	88.9	97.4	98.7	78.4	77.8	<b>92.5</b>	<b>95.1</b>

**Table A3.6: Previous offending history**

	Dyfed-Powys		Humberside		Merseyside		South Wales		West Yorks		Five sites total	
	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC
<b>Average number of previous offences</b>	34.7	39.3	33.8	33.9	20.1	32.1	28.1	24.7	28.3	21.9	<b>29.0</b>	<b>32.1</b>
<b>Number of cases</b>	89	140	161	114	114	22	165	79	226	61	<b>755</b>	<b>416</b>

**Table A3.7: Previous offending categories: which offence groups have resulted in a previous disposal?**

(Note: each offender could have previously received a disposal for primary offences in more than one category)

Offence type (Primary offences only)	Dyfed-Powys		Humberside		Merseyside		S Wales		W Yorks		Total	
	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC
<b>Violent</b>	65.2%	63.6%	63.4%	54.4%	50.9%	45.5%	66.7%	60.8%	53.1%	55.7%	59.3%	58.4%
<b>Property</b>	89.9%	92.1%	87.0%	80.7%	73.7%	63.6%	80.6%	78.5%	82.3%	67.2%	82.5%	81.3%
<b>Drugs</b>	65.2%	64.3%	39.8%	37.7%	58.8%	77.3%	47.9%	48.1%	41.6%	32.8%	47.9%	50.0%
<b>Vehicle</b>	36.0%	38.6%	31.1%	32.5%	36.0%	50.0%	42.4%	39.2%	47.3%	42.6%	39.7%	38.2%
<b>Breach</b>	84.3%	83.6%	71.4%	69.3%	71.1%	68.2%	66.1%	74.7%	78.8%	68.9%	73.9%	75.0%
<b>Other</b>	91.0%	88.6%	87.0%	86.8%	72.8%	81.8%	84.8%	79.7%	76.5%	78.7%	81.7%	84.6%
<b>Number of cases</b>	<b>89</b>	<b>140</b>	<b>161</b>	<b>114</b>	<b>114</b>	<b>22</b>	<b>165</b>	<b>79</b>	<b>226</b>	<b>61</b>	<b>755</b>	<b>416</b>

**Table A3.8: Previous disposals: what disposals have offenders previously received?**

(Note: each offender could have previously received more than one disposal)

Offence type (Primary offences only)	Dyfed-Powys		Humberside		Merseyside		S Wales		W Yorks		Total	
	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC
<b>Discharge</b>	75.3%	76.4%	67.7%	66.7%	50.9%	54.5%	61.8%	55.7%	56.2%	36.1%	61.3%	62.7%
<b>Fine</b>	77.5%	77.9%	58.4%	60.5%	73.7%	90.9%	75.8%	74.7%	67.3%	65.6%	69.4%	71.4%
<b>Community penalty</b>	97.8%	90.7%	94.4%	87.7%	97.4%	81.8%	90.9%	82.3%	97.3%	85.2%	95.4%	87.0%
<b>Custody</b>	74.2%	81.4%	76.4%	72.8%	60.5%	59.1%	77.0%	77.2%	69.5%	60.7%	71.8%	74.0%
<b>Other</b>	93.3%	92.9%	85.1%	90.4%	80.7%	90.9%	76.4%	77.2%	88.5%	91.8%	84.5%	88.9%
<b>Number of cases</b>	<b>89</b>	<b>140</b>	<b>161</b>	<b>114</b>	<b>114</b>	<b>22</b>	<b>165</b>	<b>79</b>	<b>226</b>	<b>61</b>	<b>755</b>	<b>416</b>

**Table A3.9: Needs assessment: proportion of disposed and non-disposed groups identified with different needs**

Needs identified (Proportion identified with need)	Dyfed-Powys		Humberside		Merseyside		S Wales		W Yorks		Total	
	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC	IAC	Non-IAC
<b>Accommodation</b>	53.9%	52.5%	44.4%	38.3%	29.4%	37.1%	33.5%	30.4%	36.0%	37.5%	38.5%	38.0%
<b>ETE</b>	73.0%	70.0%	77.5%	66.7%	74.3%	66.3%	73.3%	63.0%	76.0%	67.8%	75.1%	66.5%
<b>Relationships</b>	73.0%	65.0%	66.3%	59.2%	56.0%	59.6%	64.0%	62.3%	57.5%	58.6%	62.6%	60.6%
<b>Lifestyle &amp; associates</b>	86.5%	77.5%	76.9%	66.7%	75.2%	60.7%	73.9%	63.8%	75.5%	64.5%	76.8%	66.0%
<b>Drugs misuse</b>	57.3%	52.5%	43.1%	35.8%	44.0%	44.9%	54.0%	47.1%	38.5%	38.8%	46.2%	43.0%
<b>Alcohol misuse</b>	60.7%	48.8%	51.9%	55.0%	31.2%	33.7%	80.1%	67.4%	32.0%	28.9%	50.6%	47.0%
<b>Thinking &amp; behaviour</b>	69.7%	65.0%	70.0%	65.8%	70.6%	61.8%	72.0%	62.3%	64.5%	57.2%	69.0%	62.0%
<b>Average no. needs identified (out of 7)</b>	4.7	4.3	4.3	3.9	3.8	3.6	4.5	4.0	3.8	3.5	4.2	3.8
<b>Number of cases</b>	<b>89</b>	<b>140</b>	<b>161</b>	<b>114</b>	<b>114</b>	<b>22</b>	<b>165</b>	<b>79</b>	<b>226</b>	<b>61</b>	<b>755</b>	<b>416</b>

## Appendix 4

# Pre-Sentence Report analysis

### Methodology

A PSR quality audit was conducted on 249 PSRs across the five IAC pilot regions, Dyfed Powys (n=25), Humberside (n=55), Merseyside (n=52), South Wales (n=53) and West Yorkshire (n=64). Anonymised PSRs which reflected the throughput of IAC cases were provided by each area. Areas were asked to provide PSRs containing both IAC and non-IAC proposals in order to facilitate a comparative analysis. The total sample contained 120 PSRs where IAC was proposed (48%), 124 where IAC was not proposed (50%) and five where the proposal was unknown (2%). One hundred and seventy-seven (71%) were SDRs and 72 (29%) were FDRs.

Quality of PSRs was assessed in those areas representing the main concerns of a pre sentence report, namely targeting, criminogenic needs, current offence, previous offending, risk, proposal, language and presentation. Within each of these areas, an appraisal was made of the PSRs effectiveness and the report was scored accordingly. For example, in the targeting section – ‘Does the PSR cover sheet state the level of offence seriousness? Yes=3, In part=2, No=1’. For those reports where an IAC was proposed, the audit also assessed the effectiveness of the report in explaining IAC requirements. The overall quality scores were calculated by adding together the scores for each of the seven areas. The overall score did not include the score for the ‘IAC only’ section as this was analysed separately. The overall quality scores were broken down by area, then by PSR where IAC was proposed, PSR where IAC was not proposed and also by SDR and FDR. Significance<sup>32</sup> was compared across categories to illustrate whether or not the differences in means were statistically significant.

### Results

#### Overall quality scores

The overall mean quality score for the entire sample was 86.74 (out of a possible 96) with a standard deviation of 6.04. Comparing the overall mean quality score across the five areas, Humberside had the highest overall score mean (M = 88.25), followed closely by Merseyside (M = 88.13). West Yorkshire had the lowest mean (M = 84.63). The relationship between

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<sup>32</sup> Statistical significance for effectiveness scores between IAC and non IAC proposals and for effectiveness scores between SDR and FDR proposals were calculated using an Independent T-test. Statistical significance for effectiveness scores between areas was calculated using ANOVA. Post-hoc tests Bonferroni and Gabriel or Games-Howell were also used depending on whether or not equal variance could be assumed.

overall score, mean and area was significant  $F(4) = 3.84$ ,  $p < 0.01$ ; however, only two of the differences between the means were significant. The mean for Humberside was significantly higher than West Yorkshire ( $p < 0.01$ ), and the mean for Merseyside was significantly higher than West Yorkshire ( $p < 0.05$ ). The two areas with the most overall effective proposals were Humberside and Merseyside, significantly so in relation to West Yorkshire.

### IAC Proposal versus non-IAC proposal

There were a total of 120 IAC proposals with a mean of 88.82 (SE = 0.40) and a standard deviation of 4.37 and a total of 124 non-IAC proposals with a mean of 84.70 (SE = 0.61) and a standard deviation of 6.81. Across the entire sample IAC proposals were significantly more effective (with a higher mean score) compared to non-IAC proposals  $t(210.56) = 5.64$ ,  $p < 0.001$ .

Comparing IAC proposal score means across all five areas, Humberside scored the highest with a mean of 91.45 and West Yorkshire scored the lowest with a mean of 86.63. Although there was a significant relationship between overall score mean and area among IAC proposals  $F(4) = 4.38$ ,  $p < 0.01$ , post-hoc tests reveal that only the overall score mean for Humberside ( $M = 91.45$ ) was significantly higher than West Yorkshire ( $M = 86.63$ ,  $p < 0.01$ ) and South Wales ( $M = 88.79$ ,  $p < 0.05$ ). Humberside had the most effective IAC proposals, this difference being statistically significant in relation to West Yorkshire and South Wales.

Comparing non-IAC proposals across all five areas, Merseyside had the highest overall score mean ( $M = 86.96$ ), followed by Humberside ( $M = 86.00$ ). The lowest overall score mean was Dyfed Powys ( $M = 82.67$ ). The relationship between overall score mean and area for non-IAC proposals was not significant  $F(4) = 1.85$ ,  $p = ns$ . The most effective area in terms of non-IAC proposals was Merseyside, although their higher score was not statistically significantly higher than any of the other areas.

### SDR versus FDR

There were a total of 177 SDRs and 72 FDRs. The SDRs ( $M = 87.77$ , SE = 0.41) were more effective (with a higher mean score) than FDRs ( $M = 84.19$ , SE = 0.76)  $t(113.40) = 4.08$ ,  $p < 0.001$ . When looking at the entire sample population, IAC proposal reports and SDRs were more effective compared to non-IAC proposal reports and FDRs respectively.

When looking across the five areas in terms of overall score means for SDRs, West Yorkshire had the highest overall score mean ( $M = 92.00$ ), followed by Humberside with a mean of 88.80. The lowest mean was in Dyfed Powys ( $M = 85.80$ ). The overall relationship

between overall score mean and area for SDRs was not significant  $F(4) = 2.33$ ,  $p = ns$ . The most effective SDRs were from West Yorkshire, but the differences between the means were not significant.

In terms of FDRs, two areas did not have any proposals of this kind (Dyfed Powys and South Wales) and Merseyside only had one FDR. It was therefore not possible to test the significance of the difference between the means. Humberside had the highest score mean ( $M = 85.44$ ), followed by West Yorkshire ( $M = 84.39$ ). The lowest score was Merseyside ( $M = 61.00$ ), however this is based on only one proposal. Although Humberside and West Yorkshire had the highest means, this is not statistically significant and is only in comparison to Merseyside who only had one FDR.

### IAC proposal section

In analysing the 'IAC only' section which assesses how effective PSRs are in explaining IAC requirements, the relationship between IAC scores and area was significant  $F(4) = 49.19$ ,  $p < 0.001$ . Merseyside had the highest mean ( $M = 7.78$  out of a maximum possible of 9), followed by Humberside ( $M = 6.95$ ). West Yorkshire and Dyfed Powys had means of 5.80 and 5.46 respectively. The lowest mean was South Wales ( $M = 3.46$ ). This section therefore resulted in the widest range of score means (and modes). In terms of significant relationships between individual area means, South Wales was significantly lower than all the other areas (Merseyside  $p < 0.001$  ; Humberside  $p < 0.001$  ; West Yorkshire  $p < 0.001$  ; Dyfed Powys  $p < 0.01$ ). Humberside was significantly higher than West Yorkshire ( $p < 0.001$ ) and Dyfed Powys ( $p < 0.01$ ). Merseyside was also significantly higher than West Yorkshire ( $p < 0.001$ ) and Dyfed Powys ( $p < 0.01$ ). The most effective areas in explaining the IAC requirements were Humberside and Merseyside, while the least effective area was South Wales.

### Conclusion

The PSR audit assessed the quality of PSRs across a range of criteria. In general, the quality of PSRs was revealed to be very high. The two areas with the most effective PSRs were Humberside and Merseyside, these were significant in relation to West Yorkshire. In terms of IAC proposals as compared to non-IAC proposals, those PSRs where an IAC was proposed were more effective. This difference was statistically significant for the entire sample population as well as for West Yorkshire, Dyfed Powys, South Wales, and Humberside. When comparing SDRs to FDRs across the entire sample, SDRs were significantly more effective. Broken down by area, West Yorkshire had the most effective SDR proposals, but the difference between the means was not significant. In terms of FDR proposals Humberside and West Yorkshire had the highest means, but it was only these two areas that



had FDRs. None of the differences were statistically significant. In explaining IAC requirements, Humberside and Merseyside were the most effective, while the least effective area was South Wales with a significantly lower mean compared to all the other areas.

**Ministry of Justice Research Series 12/12**

**Intensive Alternatives to Custody: Process evaluation of pilots in five areas**

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