



House of Commons
Committee of Public Accounts

The supervision of community orders in England and Wales

Forty–eighth Report of Session
2007–08

*Report, together with formal minutes, oral and
written evidence*

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The Committee of Public Accounts

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Summary

Sentences served in the community offer the courts a credible alternative to custody, taking account of the offence committed, the risk posed by the offender and their needs. Since their introduction under the Criminal Justice Act 2003, community orders have offered courts the ability to impose a range of 12 possible 'requirements', including accredited programmes (such as anger management courses or alcohol and drug rehabilitation), unpaid work in the community and supervision by the National Probation Service.

There is little information available nationally on the effectiveness of community orders. On the key measure of reconviction, figures from the Ministry of Justice (the Ministry) responsible for the National Offender Management Service and the National Probation Service, showed that for those sentenced to community orders, their actual reconviction rate was lower than those sentenced to custodial sentences for similar offences (3.6% below predicted rates as opposed to 3.1% below—a statistically significant difference).

The Ministry does not have basic information on the effectiveness of community orders, such as national data on whether offenders have completed their community orders, nor on why offenders have failed to complete them. The National Probation Service has set national standards for absences from, or breaches of, community orders, but these are applied inconsistently across the 42 local Probation Areas. There are marked differences between Probation Areas in their interpretation of acceptable and unacceptable reasons for an offender being absent. Delays in starting programmes impact adversely on an offender's ability to complete an order.

A key feature of the community order is that courts should be able to sentence offenders to requirements that address their underlying problems, such as alcohol or drug treatment programmes. However, sentencing options for courts are sometimes limited, as not all requirements are available in all local areas. The use of requirements relating to alcohol or drug misuse is low. Despite alcohol misuse being shown to cause a quarter of offenders to commit offences, only 2% were given an alcohol treatment requirement.

The Ministry's current method of funding Probation Areas is unsatisfactory and slow to respond to changes in demand from the courts. There is a need for a more flexible system of allocating funding and moving resources between Areas in accordance with need.

On the basis of a Report by the Comptroller and Auditor General,¹ we examined the Ministry of Justice on increasing the effectiveness of community orders; building the confidence of both the court and the community in community orders; improving the funding formula; and tightening adherence to the requirements of orders through compliance and enforcement procedures.

1 C&AG's Report, *Supervision of community orders in England and Wales*, HC (2007–08) 203

Conclusions and recommendations

- 1. We welcome the Ministry's acceptance of all the recommendations made in the Comptroller and Auditor General's Report and the Action Plan which has resulted from it.** The National Offender Management Service, part of the Ministry of Justice, encompasses HM Prison Service, the National Probation Service and the 42 Probation Areas, and is working to implement the Report's recommendations via a series of phased initiatives.
- 2. The Ministry lacks robust, national information about which offenders are less likely to reoffend if sentenced to a community order, rather than to a short custodial sentence.** Without this key information, it is harder for probation officers to advise the courts properly on what might encourage particular offenders to stop or reduce their reoffending. The Ministry's planned research study, due for publication in summer 2015, should show the type and combination of community order requirements that work best for different types of offender. Rather than waiting until 2012 to release the first results, the Ministry should report emerging findings from this work, so that they can be absorbed into Probation Officers' day to day work, including information on the extent to which offenders gain and remain in employment.
- 3. The most widely used measure of reoffending, the reconviction rate, does not include all offences committed in the two year monitoring period after sentencing and is not comprehensive enough to be a useful measure of sentence effectiveness.** Offences occurring during the two year monitoring period but identified more than six months later are not included in the reconviction rate, which is therefore understated. To gain a fuller picture of re-offending, the Ministry should supplement its two year reconviction data with information on offences identified later.
- 4. The National Probation Service does not have accurate, complete and up-to-date information about its capacity to oversee community orders, the relative costs between areas or the number of community orders completed as sentenced.** In the face of changing demands on the National Probation Service, good decision making is difficult without accurate information. The changes set out in the Ministry's Action Plan should improve the reliability and timeliness of management information, and the National Probation Service should publish periodic reports on progress made on implementation.
- 5. Funding for the delivery of community orders is not aligned with the demands falling on individual local Probation Areas.** The Ministry should adjust its funding arrangements to more flexibly respond to changes in demand from sentencers, as well as local Area circumstances.
- 6. Some sentencers see community sentences as a 'soft option', meaning they are less likely to give them as a sentence.** The Ministry could do more to improve sentencer and public confidence in community orders as a real alternative to custodial sentences by promoting community sentences more proactively to local sentencers.

The Ministry could do this, for example, through using case examples and validated local information on the proportions of orders completed and breached, as well as reconviction rates.

7. **There are variations in the way Local Probation Areas have implemented the National Standards which underpin the enforcement of community orders.** These variations mean that offenders are treated differently in different Areas, and could reduce confidence in community orders. The Ministry should publish local Area information showing performance against national standards to identify poor performance and encourage Areas to implement standards properly, particularly those relating to acceptable absences and the completion of orders.
8. **Some of the programmes supporting the delivery of community order requirements may not be well suited to meeting the needs of women and members of minority groups, which could make it harder for these offenders to complete their order in line with court requirements.** The Ministry should use the information it collects on the gender, ethnicity and disabilities of offenders, and the length and type of community orders they are serving, to check that the programmes provided meet their needs.
9. **The Ministry's current system of delivery targets for local Probation Areas could create perverse incentives.** Offender managers, for example, may be incentivised to channel offenders towards programmes that are below target, and to avoid breaching those on such programmes. In other instances, targets for some requirements, such as unpaid work, are easily exceeded. The Ministry should refocus its performance measures to drive up the quality of offender management and encourage a better spread of programmes throughout the year.
10. **Unpaid work is focused on projects which benefits local community groups but could be broadened to include more schemes which improve communal areas, such as litter clearing and chewing gum removal.** Nationally, unpaid work represented some 31% of all requirements issued in 2006. The National Probation Service should promote the performance and increase the visibility of unpaid work sessions, both within the local communities in which they occur and to sentencers.
11. **Alcohol misuse was shown to cause a quarter of offenders to commit offences, but only 2% were given an alcohol treatment requirement.** It is for the courts to determine an offender's sentence, but a lack of alcohol treatment in some areas may reduce sentencing options. This means that the cause of offending may not be being tackled effectively. The Ministry of Justice should work with the Department of Health to make the alcohol treatment requirement available to courts for all offenders with chronic alcoholism where this contributes to their offending behaviour.

1 Increasing the effectiveness of community orders

1. Sentences served in the community offer the courts a credible alternative to custody, taking account of the offence committed, the risk posed by the offender and their needs. Since their introduction under the Criminal Justice Act 2003, community orders have offered courts the ability to impose a range of 12 possible ‘requirements’, including accredited programmes (for example, anger management courses or alcohol and drug rehabilitation), unpaid work in the community and supervision by the National Probation Service.

2. The Ministry of Justice (the Ministry) is responsible for the National Offender Management Service which encompasses HM Prison Service, the National Probation Service and the individual 42 Probation Areas to deliver end to end offender management. The National Probation Service uses the Offender Assessment System diagnostic tool to identify and assess the underlying factors which lead individuals to offend, and which, if not addressed, are likely to lead to reoffending. Whilst the National Probation Service makes proposals to the courts on sentencing options, it is for the courts to decide what sentence to pass. Community orders worked best with offenders who acknowledged their criminality and were motivated to change their behaviour. Where an offender was in denial, the National Probation Service worked with them and has been quite successful, for example, at persuading sex offenders and those with problematic drinking to accept that they had a problem.²

3. The Ministry has endorsed the findings and conclusions from the Comptroller and Auditor General’s Report and announced plans for the phased implementation of initiatives outlined in the associated Action Plan, produced in April 2008. The Plan was designed to inform policy, improve data quality and inform future performance target setting, and included some scoping exercises for longer term projects (**Figure 1**). For example, a project to understand what interventions work for certain types of offenders will generate annual reports from 2012. The Ministry also plans to introduce indicators to assess the extent to which the sentence given by the court had been delivered.³

2 Qq 19–23

3 Q 1; Ev 13

Figure 1: Key Ministry of Justice Action Plan commitments

NAO RECOMMENDATION	PLANNED COMPLETION DATE
Require Probation Areas to report the percentage of community orders which end before sentence requirements have been completed and the reasons for non-completion	
Implementation of new data collection system	Sept 2008 ¹
Increase the provision of alcohol and mental health treatment	
Assess the effectiveness of the National Probation Service's work with alcohol misusing offenders	June 2008
Make the Lower Intensity Alcohol Programme available across the National Probation Service	Dec 2008
Consider the barriers to the provision of mental health treatment across Probation Areas as part of Bradley Review, ² and follow up via the Offender Health and Social Care Strategy	Oct 2008
As far as possible, rebalance the range of Probation performance targets to show how well offenders are being managed and the extent to which outcomes of community orders are achieved	
Introduce more quality of delivery measures for 2009–10	From April 2009
Introduce indicators that assess the extent to which the sentence of the court has been delivered	From April 2009
Scoping project 'to understand what happens to offenders who fail to complete community sentences' ³	Scoping to be completed by April 2008
As far as possible, identify the degree to which the 12 community order requirements reduce reconvictions and achieve other sentencing outcomes for different types of offender to enable sentence planning to be better targeted, for instance through a longitudinal study	
Offender Management Community Cohort Study ⁴	Annual progress reports from Summer 2012, final report due Summer 2015
Unit Costs Study to provide evidence about the cost benefits and cost effectiveness of different interventions for offenders on community orders	Draft final report Summer 2010

Notes:

1. The planned completion date is an estimate, pending decisions about changes to the data collection systems
2. 'The diversion of Individuals with Mental Health Problems from the Criminal Justice System and Prison', currently being undertaken by Lord Bradley and due to report to the Ministry of Justice and the Department of Health in summer 2008.
3. Commitment initially is for this scoping piece, as the data requirements, systems and business processes are complex.
4. A longitudinal cohort study of adult offenders on community orders with the final report due for publication in summer 2015. The research will identify characteristics and needs of offenders, interventions and offender management received and associated outcomes. It will link with the Unit Costs Study to allow the National Offender Management Service to evaluate value for money of interventions delivered to offenders on community orders.

Source: Ev 13

4. Reconviction rates were the best available measure of reoffending, however, there were shortcomings in the data. The most reliable data currently available on reconviction rates came from the Ministry's cohort studies reported each year. The studies took the first quarter's discharges from custodial or community sentences of each year and then followed them up over a two year period to identify whether offenders had been reconvicted for any further offences. Actual reconviction rates were compared with predicted rates to assess the effectiveness of interventions. Assessing reconviction rates for only two years did not, however, give a clear indication of whether an offender had stopped offending. An individual may have been charged for an offence but not yet have appeared in court, be awaiting sentencing, or have committed an offence for which they have not yet been caught. Acknowledging that there was no other measure of offending, the National Offender Management Service confirmed that offenders were not recorded as re-offending if they were caught, charged or convicted after the two year period.⁴

5. The extent to which an offender can gain and retain employment was a good measure of their progress towards rehabilitation. Data collected by the National Probation Service showed that, in 2006–07, 14,428 offenders (12% of those on community orders) obtained work and remained in employment for over four weeks. The National Probation Service could offer no explanation as to why it collected data over such a short period, which was meaningless as an indicator of sustained employment.⁵

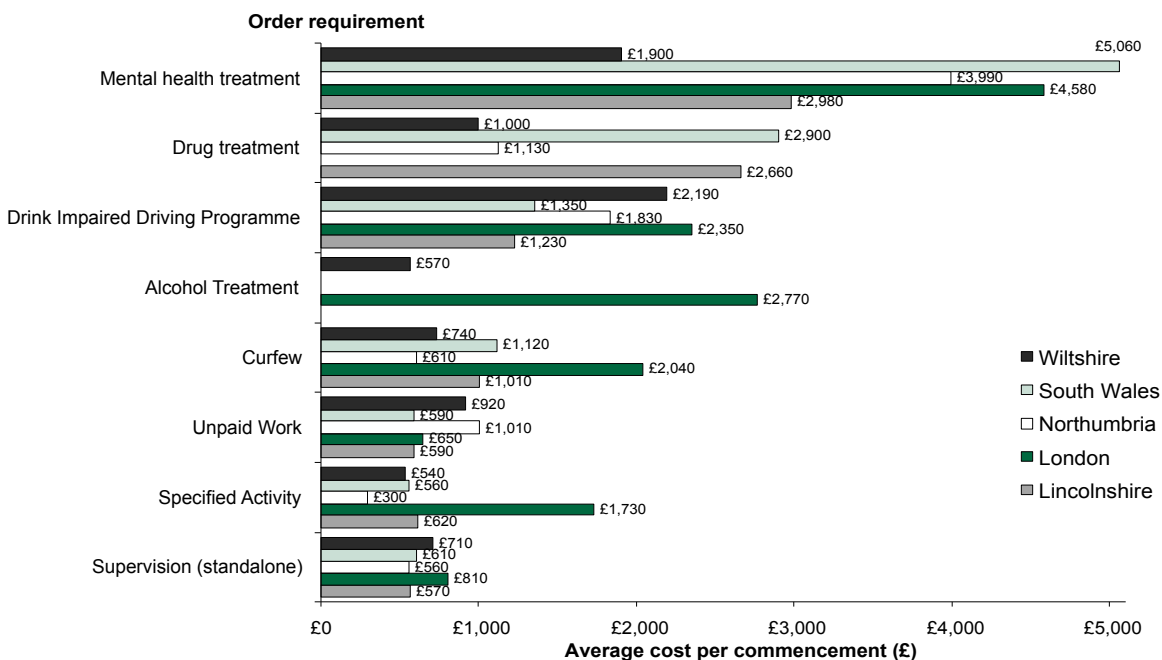
6. The Ministry confirmed that the funding formula used to allocate resources to local Probation Areas was based on the historical demand for a different type of community sentence, population size and local staff costs, rather than on the courts' demand for probation services. The average number and type of community order requirements varied by Area, as did the cost of delivering selected order requirements (**Figure 2**). The Ministry acknowledged that the current funding regime was inadequate and was slow to respond to changes in demand. The Ministry agreed that a more flexible system of allocating funding was needed, which would allow resources to be moved between Areas. However, the Ministry considered that a funding formula based entirely on workload would create a perverse incentive for Probation Areas to increase their caseload.⁶

4 Qq 61–65

5 Qq 72–76

6 Qq 87–88

Figure 2: The cost of delivering selected order requirements varied between regions



Notes: Costs based on a cost per requirement derived through discussion with local Area middle management divided by the number of offenders commencing associated order requirement. They reflect the average cost in each of the Areas visited. It was not possible to generate costs for the lesser used community order requirements. Curfew estimated costs do not include the contracted cost of tagging an offender which is centrally funded.

Source: C&AG's Report, Figure 23

2 Building confidence in community orders

7. Little research had been carried out into the effectiveness of community orders, although there had been recent National Offender Management Service research work on accredited programmes and unpaid work. Historically, research on community orders accounted for around 10% of the budget available for criminal justice research. This had recently been increased to 40%. In particular, the Ministry and the National Probation Service recognised the need for much better data about the types of interventions that worked for different types of offender. The Ministry announced it was spending £1 million in 2008–09 and more in future years on the long term Offender Management Community Cohort study, which is expected to generate the required data. The study was currently being scoped and is due for completion in 2015.⁷

8. Of the 82,500 prisoners currently in prison, around 8,500 (10%) were serving short-term sentences, and yet cohort studies indicated that imprisonment had a weaker effect on reconviction rates. Reconviction for this group of offenders was 3.1% below predicted rates amongst the 2004 cohort. In comparison, reconviction rates amongst offenders on community sentences were 3.6% below predicted rates in the same period. This is a statistically significant difference. Whilst community orders were not a complete solution, National Offender Management Service considered community sentences that were sufficiently challenging to the offender to be a more positive and usually cheaper alternative to the much more expensive use of imprisonment for very short periods.⁸

9. Not all stakeholders considered community sentences to be a strong deterrent, in part because there had been insufficient research into their effectiveness. Some sentencers perceived community sentencing as a soft option, even though the majority of the 6.6 million hours of unpaid work performed each year were spent on challenging and visible tasks, and were considered a punishment by the offenders assigned to them. For example, the most frequently assigned task on unpaid work was physical labour, such as digging or lowering hedges to increase visibility in alleyways. More research was needed to improve the evidence base on the effectiveness of all requirements, such as mental health treatment.⁹

10. Not all offenders were able to complete their requirements before the community order expired. Some programmes were difficult to complete within the order time frame, notably the Integrated Domestic Abuse programme, although waiting for this programme had fallen by 40% since 2003–04. Where possible, Probation Officers utilised the time before an offender could start a programme to address basic literacy needs and assess motivational levels. Probation Officers proposed a length of community order that they considered reasonable given the number and type of requirements proposed.¹⁰

7 Qq 5, 9, 86

8 Qq 10–18

9 Qq 39, 40, 77, 99

10 Qq 27–29

11. The National Probation Service considered it to be a waste of public money to unnecessarily propose a longer period for a community order, but the order needed to be long enough to allow the offender to complete the requirement. Of the 302 community orders sampled by the National Audit Office, spanning a mix of requirements, the offender failed to complete the requirement in 18 cases (6%). Reasons for non-completion included work and family commitments, lack of probation capacity, and the chaotic lifestyle of many offenders, which disrupted attendance.¹¹

12. Around 90% of offenders serving community orders were male. The National Probation Service was unable to provide a breakdown by ethnicity for men or women, and it was unconvincing in its reassurances that women and members of minority groups had equal access to programmes. Women were offered the option of attending women-only groups, although the National Probation Service commented that it was quicker for women to complete their order in a mixed group.¹²

13. The Ministry acknowledged that its completion targets for drugs rehabilitation, unpaid work and basic skills had been overachieved (**Figure 3**), creating little incentive for staff to motivate offenders to complete their requirements. Similarly, the focus on completions may act as an incentive for staff not to classify absences as unacceptable, as to do so could mean that the offender would not complete the requirement. The Ministry acknowledged the potential for its targets to have perverse effects but commented that, to date, it had found no strong evidence that this risk had materialised.¹³

Figure 3: Volume completions of some order requirements in 2006–07 were greater than in 2005–06 and had exceeded targets

ORDER REQUIREMENT	2005–06 DELIVERED	2006–07 TARGET	2006–07 DELIVERED	INCREASE FROM 2005–06 (%)	2006–07 PERFORMANCE COMPARED TO TARGET (%)
Unpaid work orders	51,026	50,000	55,514	9	111
Offending behaviour programmes	17,127	17,500	19,875	16	114
Drug rehabilitation	3,977	5,000	5,939	50	119

Source: C&AG's Report, Figure 13

14. Another unintentional consequence of the Ministry's targets was the peak in the number of accredited programmes completed between February and March each year (**Figure 4**). In part, this may reflect offenders completing year end programmes, which had been timed to coincide with the financial year end. More research was needed on whether other factors contributed to the peak, such as a reluctance to breach offenders close to the programme end, a preference for shorter programmes ending by the end of the performance reporting period, or work displaced by the Christmas break.¹⁴

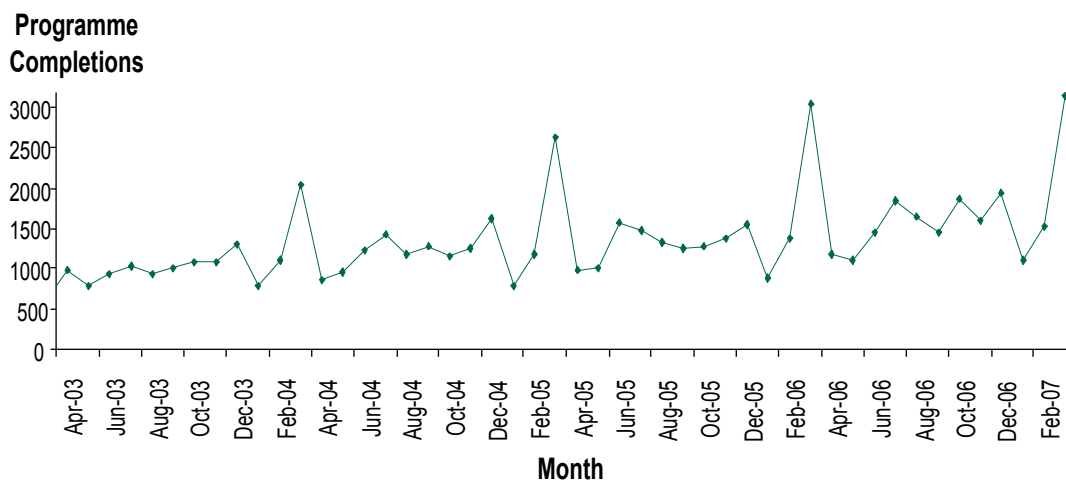
11 Q 2

12 Qq 33–38

13 Q 78

14 C&AG's Report, para 4.28

Figure 4: Completion of accredited programmes reaches a peak just before the end of the financial year.



Source: C&AG's Report, Figure 24

3 Tighter offender compliance with community orders

15. The Ministry collected data nationally for some of the twelve community order requirements—on the total number of requirements that were completed—but not on the rates of completion for the individual requirements or community orders as a whole. Most breaches of community orders occurred in the first six months and compliance data showed that 71% of offenders did not breach in that time. Where an offender failed to comply with a requirement, local Probation Areas used court enforcement to encourage compliance. While national standards made it clear that offender managers should follow up with the offender after two failures to comply, practice varied between the 42 local Probation Areas. These differences may account, in part, for the wide variations in outputs between Areas (**Figure 5**). Acknowledging the need for greater consistency between Areas, the Ministry confirmed that there was scope to identify lessons centrally and share them more widely, balancing local Area autonomy with the need to share good practice.¹⁵

Figure 5: There were variations in Area performance against selected 2006-07 compliance and enforcement targets

MEASURE	RANGE OF AREA PERFORMANCE OUTCOMES ACHIEVED AGAINST THE TARGET (%)
Number of programme completions compared to target	83* to 214
Number of drugs completions compared to target	63 to 158
Number of unpaid work completions compared to target	101 to 151
90% of instances of breach action instigated within 10 days	85 to 99

* Note: Apparent low completion due to fault in initial target setting acknowledged by the Ministry centrally, but not corrected.

Source: *Performance against selected Probation Service Targets from Performance Report 2006–07, June 2007*

16. Variations were also noted in the extent to which local Areas accepted offenders' explanations for absences. HM Inspectorate of Probation had found that the National Probation Service's national standards relating to absences were applied rigorously. Where an individual did not keep a scheduled appointment, the absence would be classified as unacceptable if the Probation Officer did not obtain a reasonable explanation within a specified time period. It was for the Probation Officer to decide whether the reason given, for example sickness (self-certified or supported by a sick note), was acceptable in the particular circumstances.¹⁶

17. When a breach occurred, Offender Managers continued, where possible, to work with the offender to improve compliance with the terms of the order. Maintaining compliance to the end of the order was sometimes difficult. Technically, an offender who failed to

15 Qq 15, 80–85

16 Qq 47, 55–56

attend in the final week of the order was in breach, but the order would be time expired if the Probation Officer decided to take the offender back to court. Engaging with the offender throughout the order to increase compliance was a more practical solution. Measures used to increase compliance included issuing offenders with diaries and text messaging appointment reminders.¹⁷

18. The availability of unpaid work projects outstripped the supply of offenders to complete them, and the type of work undertaken varied between areas. Most ideas for unpaid work came from the local community through local Crime and Disorder Reduction Partnerships and police Community Safety Officers. Litter picking and chewing gum removal improved the ambience of local areas, and had proved unpopular with offenders. Some 6.6 million hours of unpaid work were performed each year, equivalent to some £37 million in saved labour costs. Around 40% of this work was visible to the local community, and there was scope to increase visibility still further, therefore raising public awareness of the positive contribution being made to the local community by offenders on community orders. Some Areas used sign posts on unpaid work projects which stated that the offender or the National Probation Service was working with the community, and erected plaques on completed projects. Offenders and probation staff wore high visibility jackets on some outdoor projects.¹⁸

19. Research by King's College, London showed that the use of alcohol, mental health and drug misuse requirements did not correspond with the incidence of offenders exhibiting these needs (**Figure 6**). The National Probation Service considered an alcohol requirement to be appropriate only for offenders with chronic alcohol addiction. In less severe cases, probation staff had the option of addressing problematic drinking through offending behaviour programmes, supervision or referral to other agencies, such as Alcoholics Anonymous. Core training for probation staff included training on dealing with alcohol issues and the National Probation Service was piloting a low intensity alcohol programme.¹⁹

Figure 6: The use of community order requirements relating to alcohol, drug misuse and mental health issues did not correspond to the profile of drivers of offending behaviour

FACTOR UNDERLYING OFFENDING	INCIDENCE AMONGST OFFENDERS ACCORDING TO KING'S COLLEGE, LONDON REPORT (%)	RELEVANT REQUIREMENT	NATIONAL USE OF REQUIREMENT DURING 2006 (%)
Alcohol misuse	45	Alcohol treatment	1
Mental health problems	43	Mental health treatment	Less than 1
Drug misuse	23	Drug rehabilitation	6

Notes: Offenders classed as having mental health issues are those assessed as having an 'emotional wellbeing' issue that may impact their offending behaviour during 2005–06.

Source: C&AG's Report, Figure 17

17 Qq 58–59, 79

18 Qq 41, 43–44, 100

19 Qq 25, 110

20. For those with a chronic alcohol problem, an alcohol treatment requirement may be their best hope of obtaining help to beat their addiction and reduce the likelihood of reoffending. In 2006, however, not all twelve community order requirements were in use in all Probation Areas (Figure 7). Whilst sentencers determine which requirements to impose, they could not sentence an offender to a requirement that was not available locally. Responsibility for the provision of alcohol and mental health treatment mainly rests with Primary Care Trusts. The National Probation Service and the Ministry have a part to play in facilitating access to the facilities needed to fulfil requirements imposed by the courts, through local area initiatives and the strength of their local links with the Primary Care Trusts. In one local initiative, the local Probation Area (Wiltshire) funded its local Primary Care Trust to provide 176 alcohol-related offender assessments and 1,232 alcohol treatment sessions at a cost of £79,000.²⁰

Figure 7: Use of community order requirements in 2006 in the 42 local Probation Areas

REQUIREMENT	NUMBER OF AREAS WHERE THIS REQUIREMENT WAS:				NATIONAL USE OF THIS REQUIREMENT IN 2006 (%)
	NOT USED IN 2006	LESS THAN 0.5% OF THE TOTAL REQUIREMENTS USED IN 2006	MORE THAN 0.5% BUT LESS THAN 10% OF THE TOTAL REQUIREMENTS USED IN 2006	MORE THAN 10% BUT LESS THAN 50% OF THE TOTAL REQUIREMENTS USED IN 2006	
RESIDENTIAL	2	34	6	0	Less than 0.5%
ACCREDITED PROGRAMME	0	0	1	41	17
DRUG REHABILITATION	0	0	42	0	6
ALCOHOL TREATMENT	4	19	19	0	1
CURFEW	0	1	39	2	4
ATTENDANCE CENTRE	21	19	2	0	Less than 0.5%
MENTAL HEALTH	0	38	4	0	Less than 0.5%
SPECIFIED ACTIVITY	2	6	32	2	3
PROHIBITED ACTIVITY	1	36	5	0	Less than 0.5%
UNPAID WORK	0	0	0	42	31
EXCLUSION	1	37	4	0	Less than 0.5%
SUPERVISION	0	0	0	42	37

Source: Research Development Statistics NOMS, Criminal Justice Act Statistics, 2006

Formal Minutes

Monday 15 July 2008

Members present:

Mr Edward Leigh, in the Chair.

Mr Richard Bacon

Mr Paul Burstow

Mr Philip Dunne

Nigel Griffiths

Keith Hill

Mr Alan Williams

Phil Wilson

Draft Report (*The supervision of community orders in England and Wales*), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 20 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Forty-eighth Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 8 October at 3.30 pm.]

Witnesses

Wednesday 23 April 2008

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Sir Suma Chakrabarti, Permanent Secretary, Ministry of Justice,
Mr Roger Hill, Director of Probation, National Probation Service and
Mr Phil Wheatley, Director General, HM Prison Service for England and
Wales

Ev 1

List of written evidence

Ministry of Justice

Ev 13

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Second Report	Department of Health: Prescribing costs in primary care	HC 173 (Cm 7323)
Third Report	Building for the future: Sustainable construction and refurbishment on the government estate	HC 174 (Cm 7323)
Fourth Report	Environment Agency: Building and maintaining river and coastal flood defences in England	HC 175 (Cm 7323)
Fifth Report	Evasion of Vehicle Excise Duty	HC 227 (Cm 7323)
Sixth Report	Department of Health: Improving Services and Support for People with Dementia	HC 228 (Cm 7323)
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Ninth Report	Helping people from workless households into work	HC 301 (Cm 7364)
Tenth Report	Staying the course: the retention of students on higher education courses	HC 322 (Cm 7364)
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Thirteenth Report	Sustainable employment: supporting people to stay in work and advance	HC 131 (Cm 7364)
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Fifteenth Report	The Pensions Regulator: Progress in establishing its new regulatory arrangements	HC 122 (Cm 7365)
Sixteenth Report	Government on the Internet: Progress in delivering information and services online	HC 143 (Cm 7366)
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Twentieth Report	HM Revenue & Customs: Helping individuals understand and complete their tax forms	HC 47 (Cm 7366)
Twenty-first Report	The Carbon Trust: Accelerating the move to a low carbon economy	HC 157 (Cm 7366)
Twenty-second Report	Improving the efficiency of central government's use of office property	HC 229 (Cm 7366)
Twenty-third Report	Report on the NHS Summarised Accounts, 2006–07: Achieving financial balance	HC 267 (Cm 7453)
Twenty-fourth Report	The privatisation of QinetiQ	HC 151 (Cm 7453)
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Oral evidence

Taken before the Committee of Public Accounts

on Wednesday 23 April 2008

Members present:

Mr Edward Leigh, in the Chair

Mr Richard Bacon
Angela Browning
Mr David Curry
Mr Ian Davidson

Keith Hill
Mr Austin Mitchell
Dr John Pugh
Mr Alan Williams

Mr Tim Burr, Comptroller & Auditor General, and **Ms Aileen Murphie**, Director, National Audit Office, gave evidence.

Mr Marius Gallaher, Alternate Treasury Officer of Accounts, HM Treasury, gave evidence.

REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

THE SUPERVISION OF COMMUNITY ORDERS IN ENGLAND AND WALES (HC203)

Witnesses: **Sir Suma Chakrabarti**, Permanent Secretary, Ministry of Justice; **Mr Roger Hill**, Director of Probation, National Probation Service; and **Mr Phil Wheatley**, Director General, HM Prison Service for England and Wales, gave evidence.

Q1 Chairman: We are now considering the Comptroller and Auditor General's Report on Community Orders and we welcome from the Ministry of Justice Sir Suma Chakrabarti, who is the newly appointed Permanent Secretary; Phil Wheatley, the newly appointed Director General of the National Offender Management Service; and Roger Hill, National Director of Probation. Sir Suma, I shall probably address my questions to you but please pass them over if you wish. Perhaps we can start by looking at paragraph 3.6, which you find on page 20, which tells us that rates of non-completion are not nationally reported. Why do you not know how many Community Orders are completed in line with the courts' wishes? Is this not absolutely fundamental to the whole system? How can the system work if you do not know how many are completed?

Sir Suma Chakrabarti: It is fundamental to the whole system, Chairman, and we do collect data at national level on the total number of Community Orders that are completed. Of the 12 requirements, we also collect national data on the accredited programmes requirement and also on the unpaid work requirement. As the Report also shows in paragraph 3.4, we have a pretty good record; for example, in our accredited programmes only 2.5% of these were not delivered, breached or revoked, and that is down from 4.9% in 2005-06. On the other requirement that we do not collect national data on, there is no evidence from inspectorate reports that there is a non-completion problem that has not been picked up here or elsewhere. Even though the evidence does not suggest a problem, we agree with the recommendation in the Report and we will be

collecting data on all 12 requirements from later this year. We already have a plan to do that.

Q2 Chairman: That is good. Let us look at paragraph 3.5 now, which tells us that "As part of our case file review we sampled orders covering all 12 requirements and found that in six per cent of cases (18 out of 302 case files) the offender failed to complete one or more order requirements given by the court before the order." Why do you not ensure that all these Community Orders are completed or all the requirements are completed?

Sir Suma Chakrabarti: It is quite an interesting analysis there. It shows of course 94% were completed, breached or revoked. Of the 6%, if you look at figure 12 on page 20, in the second column it shows very clearly—and our own analysis tallies with this—that the 6% is confined to very much the accredited programmes and specified activities, and the reason is spelt out very clearly in paragraph 3.7 and we agree with all those reasons. There has been progress actually in the last few months on this. The key programme where there have been significant waiting lists has been the domestic violence programme, and it is picked up in the Report, but that is the only programme now with significant waiting lists, and even there, Chairman, in the last few years since 2003-04 the waiting lists have dropped by 40%. In the last two years domestic violence programmes exceeded their targets on completions, so we are making progress on there too. Roger can talk to the Committee about how we do this but essentially it is a mix of national standards and circulars and local action. Roger sets out national standards as Director of Probation. He

sent out a circular last month which set out what was expected. It is very important to set out the expectations of local probation officers, what they should do if they think a requirement is not going to be completed. We are very clear with them, including what breach procedures they should take and, again, the inspectorate has not identified a problem with staff failing to act on non-completion.

Q3 Chairman: If we just look at paragraph 3.9, we see that according to national standards an order should be breached following an offender's second unacceptable failure to attend within a 12-month period and the offender will be returned to court. The number of breached orders is not reported nationally. Why is that? This is, again, fairly fundamental to the whole system. You have to know, in addition to how many are completing, how many people are breaching, otherwise you will not know what is going on nationally, will you?

Sir Suma Chakrabarti: I think we have to not just know that top number, which we agree we will report on in the future, but actually we also need to know at a more granular level some other data around breaches, which we do collect, and it is worth setting that out. First of all, we know that most breaches from past experience tend to happen in the first six months. If you get through the first six months, you have a pretty good chance of getting this offender through the whole order. We now collect data on the level of compliance in the first six months, and that shows that 71% of offenders do not breach in the first six months. We now collect data on the percentage of orders terminated for failing to comply. That stands at 24%. We also collect data on the percentage of appointments arranged and kept, 86%, and finally on timeliness of enforcement, which is now at 94%. It was 90% when the NAO looked at the data. All of this data is collected and it shows an improving performance, and it is the data around breaches which really helps delivery. I do not disagree though, Chairman, that we should collect the overall top number as well.

Q4 Chairman: Good. Thank you. Now let us look at the excuses people give. This is mentioned in paragraph 3.12. "We identified the sorts of reasons accepted by Offender Managers for absences... nine per cent involved an offender forgetting their appointment." How can the system work if offenders, Sir Suma, are allowed to play the system by saying they forgot their appointment?

Sir Suma Chakrabarti: Our view is that offenders are not playing the system to any great extent. Of course, within this cohort there are bound to be some people who try it on, quite frankly, but the system has become much more robust than it used to be in tracking this. The guidance is very clear that when an offender is absent—let us say he does not turn up for an appointment—the offender manager, probation officer, must then work out whether this is an acceptable absence or not, and Roger can, again, give examples of how they do that at the moment. We are very clear now with all our probation officers that it is two strikes and you are

out, you are back in court, and that clarity I think was not there before. Enforcement has gone up. We are now getting timely decisions made in 94% of cases. In 1999 this used to be 44%. I think the whole system has much tightened up.

Q5 Chairman: You keep saying that to me, and you keep saying that although we accept the recommendations and although I keep putting to you that your lack of information nationally is a problem, you keep referring to what is happening locally. Let us look at paragraph 3.29, which tells us that not all Community Orders requirements are in use in all probation areas. "Of the 12 Community Order requirements from which sentencers should be able to choose not all were used in all Probation Areas," so you have to ensure your will is carried out locally, do you not?

Sir Suma Chakrabarti: I think that is a very important theme in this Report and it goes to the heart of the autonomy of the probation areas and to what extent the centre can actually set out guidance: what is mandatory, what is not mandatory.

Q6 Chairman: What do you think?

Sir Suma Chakrabarti: I think the system has been such that we have not been able always to be very clear about what is mandatory. I think what has improved last year, in 2007, the standards that Roger set out and in the circulars he has sent out since then is much greater clarity, so I think the system has improved partly because of that, and what has obviously helped is that as well.

Q7 Chairman: Before we look at the effectiveness of all this, let us look at figure 11, and availability of research and findings for elements of the Community Order. We still have very ineffective, weak evidence of just how much good Community Orders do. What are you doing about it?

Sir Suma Chakrabarti: I think the evidence base is improving. There is a dearth, as the Report rightly notes, internationally.

Q8 Chairman: The rubric says weak, strong, inconclusive, weak, inconclusive, weak, weak, weak, strong, inconclusive, strong. That is still pretty mixed.

Sir Suma Chakrabarti: That is right. That is a mixed bag. That is an international assessment. We do not disagree with that. We agree with that. We are improving the research base and, again, the Report, helpfully, I think, sets out some of the examples. I will not go over them again. I think what we need to do is get much better research. We, I think, under-researched this area in the past. If you look at last year's research—

Q9 Chairman: Community Orders have been in use for years. It is incredible. The whole point of this is to try and reduce re-offending yet your evidence of how much good they do on re-offending is so weak. I would have thought this would be fundamental.

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Sir Suma Chakrabarti: If you look at part two at the beginning, there is actually quite a lot of new data which is now presented by the NAO which shows some of the research evidence coming through, but it is recent. This is true, and we are obviously acting on it. Paragraph 2.12 shows quite a lot of review and research work on the accredited programmes and unpaid work, research which has been used. We have increased the research budget. It used to be only 10% of the total research budget in this area; it is now 40%, so a big increase. We have a major study which the NAO Report records in paragraph 2.13 which will give us much better data and much more granular data about offenders, what types of interventions work and where. So the research base is improving but I am not claiming that it has been a wealth of research up to now.

Q10 Chairman: Mr Wheatley, can I ask you one question. We have had many sessions in this Committee, have we not? I particularly am very dubious about the effectiveness of prisons in terms of rehabilitation; indeed, all the research proves is how ineffective they are and they are universities of crime, and therefore a lot of us put a lot of belief in alternatives such as Community Orders, but how much belief do you have in them, as somebody who is actually running the whole prison system? I have talked for the last ten minutes about the weakness of evidence and the lack of national reporting, but presumably you have faith in Community Orders as an alternative, do you not, or perhaps you do not?

Mr Wheatley: The best evidence, and my faith normally relies on evidence—I am interested in evidence—is the cohort studies which are reported each year, which take the first quarter's discharges of every year and then follow them up over a two-year period, and allowing time to get them convicted over the two-year period, so that the study takes place six months after the end of the two-year period, and then compares actual re-convictions with what the very powerful predictor says would happen in the ordinary course of events. What that shows is that short-term imprisonment, under six months in particular, has next to no effect on re-conviction: 0.2% in the last cohort, which is 2004, positive effect. 0.2% is so small as to be nearly risible, but it shows that for community sentences there is a distinct effect. The community sentences look as though they are more effective, and the main community sentences are an alternative to short-term imprisonment, so best compared with short-term imprisonment, and we are showing there that there has been over a 3% reduction in re-offending as a result of those community sentences. I think that shows that community sentences have an effect. They are not a complete answer to crime but they are more positive and usually cheaper than the much more expensive use of imprisonment in very short periods.

Q11 Chairman: That is entirely my view. Have you said that to the Home Secretary: there is no point in locking people up for less than six months?

Mr Wheatley: Those facts are published and drawn to the attention of Ministers.

Q12 Chairman: You have said this to the Home Secretary, have you?

Mr Wheatley: We work for the Lord Chancellor.

Q13 Chairman: All right, the Lord Chancellor, and what has been the response of the Lord Chancellor to this?

Mr Wheatley: It informs the Government's policy, which is that challenging community sentences should be considered by courts wherever they can be safely used in the interests of public safety.

Q14 Chairman: What has been the effect of all this in terms of getting rid of sentences of less than six months, which, from what you tell us, do no good at all for anybody?

Mr Wheatley: The number of short-term sentences has been largely static. There was an increase at the beginning of this year. It runs at about 8,500 out of our population of just over 82,000.

Q15 Chairman: It is still a hell of a lot, is it not?

Mr Wheatley: Yes, and the courts—

Q16 Chairman: And it apparently does no good at all.

Mr Wheatley: The courts must be free to decide—

Q17 Chairman: Eight thousand, and this is a complete waste of time in terms of re-convicting.

Mr Wheatley: It makes no difference in re-conviction on our latest data.

Q18 Chairman: So it is purely a punishment.

Mr Wheatley: It is a punishment.

Sir Suma Chakrabarti: What has been quite interesting, Chairman, is when this Report came out how many people in the Probation Service then used it to show sentencers... Actually, although you say the evidence base can be stronger, the data is in there, that there is a 3.6% improvement if you put them on Community Orders rather than in prison. It is quite interesting that people are beginning to use this evidence now to talk to sentencers about what the right approach should be.

Q19 Dr Pugh: Just following on from that, in comparison with prison and Community Service Orders, clearly, you have to look at similar client groups, and the people being sent to prison may actually differ in important respects. They may be recidivists or whatever, people who have a long record of crime; people who get Community Service Orders may actually have not such a track record. Are you able to judge that? In other words, in terms of looking and assessing what you are doing at the moment, you are also looking and assessing the people you are getting in the first place; in other words, your case-mix?

Mr Hill: Yes, we can, and we use the OASys assessment system, which is a comprehensive assessment process, to identify what we call

criminogenic needs, those needs which if they are not met would be likely to lead to re-offending, and we will make proposals to courts, who then sentence. We do not pass the sentence, as Phil Wheatley said a moment ago. The courts must be free to sentence.

Q20 Dr Pugh: Are you able to say that Community Service Orders work better with certain groups of offenders rather than other groups of offenders?

Mr Hill: I think we probably are, yes.

Q21 Dr Pugh: Which groups do they work best with?

Mr Hill: First of all, I think they work best with people who show some motivation, and that is part of the assessment, with the probation officer writing the report. If somebody shows no motivation at all, frankly, it is unlikely that rehabilitation would be effective, but we also work to try to increase motivation or raise motivation and, generally speaking, people who are motivated to change, people who I would say—

Q22 Dr Pugh: To be fair, that is something of a truism, is it not? Most things work best with motivated people. I hoped you were going to tell me that it works best with people guilty of certain types of crime as opposed to, for example, finance crime; better or worse with violent criminals or better or worse with criminals who have a supportive family. That sort of data would be useful. To tell us simply that it works best with motivated people is not really telling us anything, is it?

Mr Hill: I said we work to try to motivate people as well. It was not quite as narrow as that.

Q23 Dr Pugh: It works for people you can motivate. We are not learning much here, are we?

Mr Hill: Not necessarily. We actually work with a lot of people who are in quite significant denial. Certainly, the sex offenders we work with are almost always in denial, and a lot of people who have problematic drinking deny as well that they have any sort of problem and we have had quite a lot of success in bringing people round to that. There are different performance outcomes in terms of the actual re-offending compared to the predicted rate for different types of intervention. On a general offending programme, those who complete those programmes, there is about a 25% difference. So those are people who will have thinking skills that are distorted, not social. That group appear to respond well.

Q24 Dr Pugh: So it is groups whose criminality has this root of alcohol or a drugs problem are probably being given a Community Service Order than a jail sentence. Would you go so far as to say the evidence shows that?

Mr Hill: I think I can actually.

Q25 Dr Pugh: There is only a small number of people who actually get alcohol and drug treatment, are there not, of the total cohort?

Mr Hill: There are not that many that get alcohol treatment requirements. There is quite a number that we would work with on their alcohol issues. We address alcohol problems through offending behaviour programmes, through supervision, through referral to other agencies in the community, for example, Alcoholics Anonymous, that sort of thing. So the alcohol treatment requirement which I think you are referring to actually is for the chronic alcoholic, so that is not entirely representative of the whole spectrum of work that we do. Drink-impaired drivers' programmes, which are one of the programmes I think arguably dealing with problematic drinkers who then go on to drive, actually have a better outcome in terms of reducing re-offending than the general offending programmes.

Q26 Dr Pugh: It is not just the alcoholics, but the person who, say, for example, has been led to crime by alcoholic excess on frequent occasions.

Mr Hill: Yes. I think what you are demonstrating very clearly is the complexity of the job, and we work with 200,000 of these people, who many people would cross the street to avoid, frankly, and they are complex. They have complicated lives and complicated histories.

Q27 Dr Pugh: Two hundred thousand is a fairly big sample. Clearly, some people have longer than others on a CSO. Is there any evidence to show that the longer the better or that longer supervision orders work better than shorter supervision orders?

Mr Hill: No, there is no evidence of that. Probation officers propose a length of Community Order that is reasonable given the volume of requirements that they are proposing for completion during that period. It would be folly really and a waste of public money to propose a much longer period.

Q28 Dr Pugh: So it is quality rather than length?

Mr Hill: I think so but there is no direct evidence of that. That is not one of the things that has been researched.

Q29 Dr Pugh: In the Report it says some people make quite a slow start. In other words, there is quite an appreciable gap, sometimes 23 weeks or something like that, between getting your order and actually serving your order, and you always believe, do you not, that people learn best if they are punished immediately. They have had a long wait for trial and a long wait for punishment. The connection between the crime and the punishment tends to be that much weaker. Is there any research that you are aware of, anything in the evidence you have from your huge sample, that shows starting earlier, more promptly, immediately after a court sentence has a positive beneficial effect as opposed to the thing being dragged out?

Mr Hill: Can I just take a step back for a moment and say we begin the order once the sentence is passed. We do not wait. The waiting period that you are describing is the period of time before an offender who is subject to supervision from day one

takes till they start their accredited programme. So we would engage—and I entirely agree with you and I have done this all the time I was a practitioner—I think the bigger impact you make closer to the point of sentence the better, but that is about building an effective working relationship between the offender and the offender manager; it is about making clear the expectations of supervision; it is about checking the motivation levels; and ensuring that an appropriate contract of supervision is in place. It is also about making sure that offenders are—it is not a very pleasant term but we say that they are “programme ready”, which means to say if somebody has difficulties with reading and writing and we put them in a programme where we have to give them handouts or ask them to write something or read something and they cannot, there is no value whatsoever in putting them on that programme. We need to deal with the issues that they present in a logical and sequenced way, so actually going through some of the other issues, including literacy and numeracy, often initially is quite important and that may be one of the reasons for delay; it may not always be that the programme is not there.

Q30 Dr Pugh: On page 53 there is a very useful chart that has a regional breakdown. MPs are always interested in how our region does, and I notice for Merseyside there is a relationship there, as there is for all areas, between actual and predicted re-offending rates, which seemed to be some sort of measure of how NOMS and the Probation Service are performing in those areas. I notice for Merseyside—it is worse for North Wales just above it—it habitually says higher, statistically higher, statistically higher and higher; for Wales it is higher all the way through. In other words, there is an unexpectedly high rate of re-offending in those areas. That is the correct assumption, is it not?

Mr Hill: It is, but it is interesting because the chief officer of Merseyside made exactly the same comment to me, so I can give you some information about that.

Q31 Dr Pugh: Before you do that, can you explain what the difference is between “higher” and “statistically higher”? I do not see how it can be higher without being statistically higher.

Mr Hill: I would have to say I cannot do that. It may be that I can talk to the NAO and send you a note about that.

Ms Murphie: It just means it is a statistically significant difference. It may be numerically higher but not statistically higher.

Mr Hill: The figures that are very helpfully included in this chart actually are the experimental three-month data that we have recently introduced, and the comment that the chief officer of Merseyside said to me—he seemed rather put out by this—was that it all depends on where your baseline is, and his original baseline, he contends—and I have no reason to dispute it actually—was a very low baseline, so actually at the point that we began to measure this,

Merseyside were doing very well. They have got a little worse but remain actually quite effective at it, and all this is showing you is whether—

Q32 Dr Pugh: It is not a measure of effectiveness but a measure of optimism or over-optimism, is it?

Mr Hill: No, it is a measure of actual movement but the point from which they began was quite a good point. It was a low measure.

Q33 Mr Curry: What is the breakdown between men and women on these orders?

Mr Hill: Approximately 10% are women.

Q34 Mr Curry: What is the breakdown ethnically?

Mr Hill: Males and females?

Q35 Mr Curry: Separately.

Mr Hill: I do not know that precisely but I would estimate—and it is actually varied in both areas where I was a chief, because the makeup of the area is different. In Lincolnshire the proportion of black minority ethnic people on the caseload was very low, probably less than—

Q36 Mr Curry: There are probably not many in Lincolnshire, are there, really, compared with Poles, for example?

Mr Hill: That is true. I was then chief officer in London, and the proportion would be significantly higher but I can only estimate at 25% to 30%.

Q37 Mr Curry: I was just asking whether or not the ethnic breakdown on these programmes reflected, for example, the ethnic breakdown in prison.

Sir Suma Chakrabarti: Maybe Phil can give the ethnic breakdown in prison.

Mr Wheatley: This is from memory. Currently about 24% of prison population are from black and minority ethnic groups and a percentage of those are foreign nationals, about 7%, so about 17%, which is a disproportionate number of BME people in prison, particularly a disproportionate number of people from an Afro-Caribbean background, and it is quite likely that probation will mirror that, but there is disproportionality in prison and I think in other bits of the criminal justice system, but I cannot give you data on that.

Q38 Mr Curry: So you could not say—I just throw this out—that these sort of Community Orders are more sympathetic to good old white Brits than they are to anybody else?

Mr Hill: No, you could not. We are very, very focused on trying to make all programmes suitable for whatever minority group, so, for example, we get quite a few women who require groups and we would give them a choice. If they want to do their order quickly, they can do it in a mixed group. Some of them opt for that. If they want to do it in a women-only group, that would take a bit longer.

Q39 Mr Curry: What sort of things do they do? Give me the top five activities. I am not talking about rehabilitation; I am talking on the punishment bit of it, actually doing work in the community. What are the top five tasks, the top five runners?

Mr Hill: In that case, let me talk about unpaid work, which is absolutely punishment in the community, and the top task is physical labour.

Q40 Mr Curry: Doing what?

Mr Hill: We try to do what it is the local community identifies they believe needs doing. A lot of that is, for example, lowering the height of hedges so that you do not have alleyways where people cannot be seen. Much of it is driven by community safety.

Q41 Mr Curry: When you say what the community wants, how do you know what the community wants? Which is the bit of the community which tells you what it wants?

Mr Hill: We ask them, generally through crime and disorder reduction partnerships and police community safety officers. I did this in Durham, as an assistant chief, years ago and it is highly effective. I can only say that what the community wants varies by the community, but we bring basic skills like painting, gardening, digging, and some slightly more technical things like bricklaying.

Q42 Mr Curry: Digging is very technical.

Mr Hill: I agree with you, but most people can dig.

Q43 Mr Curry: You can dig well and you can dig badly. You say "what the community wants." Let me give you something which I would like, as a member of the community. When you go round England, you discover we are one of the filthiest countries on the planet. Alongside every road it is like driving through Libya. There is acre after acre of rubbish and plastic strewn along every single roadside in Britain. I would like to see your chaps, and ladies for that matter, cleaning up all this crap.

Mr Hill: They do a great deal of litter picking, and it is something we used to do in Durham ten years ago, and the offenders were particularly unhappy about doing it. We did the removal of chewing gum from pavements.

Q44 Mr Curry: They should be slightly unhappy about doing it, should they not?

Mr Hill: It should be a punishment, absolutely, and it is considered a punishment in the majority of cases.

Q45 Mr Curry: I suppose the Health and Safety Executive would stop you doing it most of the time, would they not, because they would have to block off the traffic for miles in each direction?

Mr Hill: One of the abiding regulations for unpaid work is health and safety. We used the health and safety regulations that enabled us to do chewing gum removal in Durham. You can do it.

Q46 Mr Curry: There are health and safety regulations relating to the removal of chewing gum, are there?

Mr Hill: No. The point I was responding to was you saying that the roads would have to be blocked off and, no, that was not the case.

Q47 Mr Curry: Can we just look at the reasons accepted by offender managers for absences? This is paragraph 3.12 on page 21, and over the page there is a chart. Who delivers a sick note—not the so-called self-certified sick note but the sick note? How do they get a sick note?

Mr Hill: From a doctor.

Q48 Mr Curry: In every other sphere the Government has been tightening up the rules so that doctors are not so willing to sign the sick notes. Is that true here as well?

Mr Hill: We use the relationship with the doctor as far as possible in the same way as anybody else uses the relationship with the doctor, so what goes on between the offender who goes to see the doctor and says they are not well and the doctor themselves I am not privy to and neither are my staff, but we use that to reflect any normal situation.

Q49 Mr Curry: Does the doctor know if a person asking for a sick note is on one of these programmes?

Mr Hill: I cannot say that they necessarily do.

Q50 Mr Curry: The answer is probably not.

Mr Hill: In routine supervision of these people on Community Orders I think the answer would be probably not. We would share information where there are high risk of harm cases. Actually, a great deal of the work of the Probation Service is with that type of case, but they do not usually get on to Community Orders; they tend to be on licence.

Q51 Mr Curry: What is a self-certified sick note?

Mr Hill: It is the sick note from the NHS completed by the individual without a visit to a doctor.

Q52 Mr Curry: So he tells you. He pulls a sicky—right?

Mr Hill: He completes a self-certification.

Q53 Mr Curry: I find it absolutely incredible that anybody should accept the excuse that they slept in or forgot. You would not forget you had to appear before the Public Accounts Committee today, would you?

Mr Hill: I certainly would not.

Q54 Mr Curry: No, and you would not sleep in if we met early in the morning would you?

Mr Hill: No.

Q55 Mr Curry: These are tossers pulling it, are they not? They really are, are they not? Do you believe them? Do you believe that 9% sleep in or forget? I do not believe it for a second.

Mr Hill: Let me tell you first of all about the process that we use. The process that we use, which is rigorous and is governed by national standards, involves—

Q56 Mr Curry: That does not mean they are rigorous. The fact that they are national standards does not mean they are rigorous. It means they are national standards.

Sir Suma Chakrabarti: The inspectorate actually think they are rigorously applied. It is not us saying that.

Mr Hill: They do actually but, be that as it may, if an individual does not attend for a scheduled appointment, there is a duty upon the probation officer to follow up what has happened and there is a duty on the individual who has not attended to provide an explanation. There are time periods for that. If those time periods expire, that absence is classed as unacceptable. Essentially, the probation officer has to make a judgment. Is the reason given acceptable or unacceptable? I said right at the beginning we work with a group of people that a lot of individuals would cross the street to avoid.

Chairman: You keep saying that but it is your job to deal with these people.

Q57 Mr Curry: The fact that people might cross the street to avoid them might predispose me as the chap who might cross the street to want you to be pretty damned rigorous about this.

Mr Hill: We are rigorous. I was as concerned as you suggest you are on reading that finding in the NAO Report. What I did was to ask for a follow-up study. I am not questioning the Report for a moment. Clearly those absences have been classed as acceptable, exactly as reported. What I wanted to know was first of all how many of that group of people—I am not sure how many absences—slept in and what were the circumstances in which people forgot. That is what I went to look at. In terms of those who slept in, we identified one individual. That individual had a record of attending their community order perfectly to the point where they slept in. They slept in; they rang the probation officer within 30 minutes of their scheduled appointment and they said, I thought rather honestly, that they had slept in. The probation officer took that at face value, reviewed their attendance history and made a decision which I think was probably the right decision.

Q58 Mr Curry: How much does it cost to buy a cheap alarm clock? It costs under a fiver. The Probation Service should give them an alarm clock the first time round and say, “Put it on.” You have one on a mobile, as my colleague says.

Mr Hill: We do a remarkable amount of things very like that. We do give people diaries. We do text messaging to remind people to come in. Our job is to try to get these people to comply. If we cannot engage with them, then the likelihood of reducing their offending is significantly lower.

Q59 Mr Curry: Other reasons accepted including the order having less than a week to run and the offender having had a positive attitude. I have the 38 Engineers in my constituency. If they phoned up their commanding officer and said, “End of my leave but I have a few days to run. Is that okay, boss?” you know what he would say. I find it inconceivable, just because he is at the end of his term, that he should be allowed to take the last few days off.

Mr Hill: I agree with you but it is slightly difficult to know what to do in terms of best value for the public. Clearly, technically, the probation officer could breach that person. Their order would be time expired by the time it got back to court, even if it got back in the minimum time possible. I think the court would say, “It is really not clear to us why you have brought this here.”

Q60 Mr Curry: We know that if you get X as a sentence effectively it is X minus Y if you play your cards right.

Mr Hill: We do not know that. The percentage of situations in which that was identified is very small and we have no information from the inspectorate that would suggest that that is a concern. As Sir Suma has said quite a few times, the performance on enforcement in the Probation Service over the last six or seven years has improved dramatically, but I do absolutely assure you I take it very seriously and so do probation staff.

Q61 Mr Davidson: Could I pick up the point about reconviction rates? Reconviction is not quite the same thing as reoffending. What percentage of crimes get a conviction?

Mr Hill: That is the million dollar question, is it not? I cannot say that I know the answer to that and I am not sure whether—

Q62 Mr Davidson: That is a do not know. When you are quoting here reconviction rates it does not give us any indication of whether or not you have been successful in stopping reoffending since you do not know. The reconviction is measured after two years. How long does it normally take somebody from charging to sentencing? How long does it take for a case to proceed?

Mr Wheatley: This is why the reconviction rates are not assessed until six months after the end of the two years, to take account of the fact that people may be charged with offences that took place during the two year period.

Q63 Mr Davidson: The two year period does not include the period of charging and sentencing.

Mr Wheatley: We look, two and a half years after the event, at who has been convicted of crimes. You are right. It only measures conviction. We do not know who has offended.

Q64 Mr Davidson: Certainly this applies to England and Wales but in my constituency we have large numbers of people who are caught for burglary, who then ask for 27,000 other offences to be taken into account. Similarly car theft, assault, a whole number

of other things. The fact that you have not caught them for something during that two years does not mean to say that they have not offended, does it? A two year period surely is not sufficiently long to have a genuine assessment of whether or not they offended during that period.

Mr Hill: I thought the question was going somewhere slightly different. You talked about somebody with a very high volume of offending. We would describe that individual as a prolific offender and we have 10,000 individuals across England and Wales who are classed as prolific offenders. They are worked with intensively between the Probation Service and the police. One of the cases I was going to talk about if I got the opportunity this afternoon is a prolific offender in Sussex.

Q65 Mr Davidson: If there is a prolific offender who offends prolifically during the two years but is not caught until four years later, under your system he would not be recorded as offending at all?

Mr Hill: That is correct.

Q66 Mr Davidson: These figures are essentially meaningless in terms of the number of offences committed. Is that correct?

Mr Wheatley: They are not meaningless. They have the reservations that you express. People will offend who are not caught, but they show comparatively how things have changed, so we know what we could reasonably predict will happen. We can predict what will happen mainly from age and some very plain, factual details.

Q67 Mr Davidson: I am interested in the protection of the public. Can you tell me how the number of people on probation who go on to commit offences compares with those who remain in prison in those circumstances? Unless I am very much mistaken, those who are kept in prison commit far fewer offences during the same periods.

Mr Wheatley: People who are in prison will only commit any offences they are committing in prison. That obviously means that for the period they are inside their chances of burgling other people are reduced.

Q68 Mr Davidson: You cannot give me assurances that satisfy me that these people you are putting on probation are not a threat to the public?

Mr Wheatley: I can tell you that they reoffend less than the people who go in prison, once the people in prison are released. From the point of the sentence and then being free to commit crime, the group on community sentences will reoffend less than we expected. The people in prison will offend at almost exactly the rate we expected. That is the difference.

Q69 Mr Davidson: That says something about the inefficiency of the prison system though, does it not? People who are kept in prison as distinct from probation do not offend. When they get out they have a greater chance of offending, you would suggest.

Mr Wheatley: On short sentences.

Q70 Mr Davidson: In paragraph 2.3, of the 28% that have been reconvicted of a further offence only 26% have committed an offence of lesser severity than the original, which means the converse is that 74% have gone on to commit an offence that was worse than the offence that they committed in the first place, which does not really give me much reassurance, does it?

Mr Hill: I do not think that is quite right. This is the data that is collected by the inspectorate who are the only people who have looked at cases where there is a reoffence of a lower level of severity or a reoffence that is less frequent. It is not saying that everybody committed an offence of greater severity.

Q71 Mr Davidson: If that applies to 26%, what is the category that the other 74% fall into?

Mr Hill: They did not commit an offence.

Q72 Mr Davidson: That is more helpful. It does not make it entirely clear on that. Can I turn to the question of employment? The figure here is that only 12% secured a job and maintained the job for at least four weeks. All the employment studies that are done measure for a much longer period. I have people working with me in my constituency where six months is a meaningful period to get somebody into employment. What follow-up is there to make sure that these people that you get into employment do not just collapse off the end of it in four weeks? Usually people can sustain a degree of interest for a relatively short period.

Mr Hill: It will depend on the point at which four weeks is measured during the community order. At the moment, the measure that we use is four weeks so we know for example that in 2006/7 14,428 offenders got into work and maintained it for more than four weeks. It is entirely likely that any probation officer will try to keep that individual in employment.

Q73 Mr Davidson: This figure is meaningless then, is it not, really? You cannot tell me what happens beyond four weeks. What causes me concern is, looking at paragraph 2.4, where it is said that there is no structure to inform offender managers of further offences. You just have to rely on the person telling you. Presumably the same thing applies to employment.

Mr Hill: Firstly, I would disagree that the figure is meaningless. I do not think it is meaningless; it tells you exactly what it says. The purpose of giving the shorter term reconviction information, the three month data, does give offender managers information that they did not previously have. Bringing the Probation Service, the Prison Service and the Court Service together under the Ministry of Justice may allow us to get information from the courts in an automated way, which I agree with you would be extremely useful. You would be surprised how many offenders do tell their probation officers that they have committed an offence.

Q74 Mr Davidson: Presumably giving it as an indication as to why they missed one of their appointments, possibly.

Mr Hill: Not usually.

Q75 Mr Davidson: On this question of only 12% maintaining this for four weeks, do you accept that that is an inadequate measure?

Mr Hill: I accept that it is a measure exactly as it says. It tells you who has been in employment for four weeks. I think it is better than not having the measure.

Q76 Mr Davidson: That is a bit like the statistics that we have just had from the Department for Transport. I suppose it could be argued—possibly not—that having nothing is better. Four weeks would not be acceptable in any other area in terms of marking success. Presumably you are trying to turn these people's lives around and get them into employment. Washing your hands of it does not seem to me to be adequate. I would have thought a six month or a yearly follow-up would give you an indication of whether or not you were genuinely able to get people into sustainable employment.

Mr Hill: I think you raise a fascinating point which I will take away and give some thought to. I can assure you this is a target. Probation officers do not at the completion of four weeks' employment with somebody who is on their case load simply turn their back. They try to make sure that those individuals stay on. I think the point you make is right. I agree with it.

Sir Suma Chakrabarti: We could try and build on that point in the longitudinal study we are going to do because we can try and see whether they stay on over the next four or five years.

Q77 Mr Davidson: Can I come back to this question of breaches that some of my colleagues have touched on? There is a very strong perception that being put on your community structure is a soft option. This can only surely be corroborated by the idea that people are able to do self-certificated sick, forgot, confusion, slept in, no detail, no reasoned detail. People are trying it on quite clearly and in paragraph 3.16 when you have the number of contested breaches rising, people are prepared to work the system by appealing. Many of us see this in a whole number of different areas. What reassurance can you give us that you are being sufficiently rigorous on those people that you are dealing with? I was struck by a point you were making on about medical lines. We are aware in terms of benefit claims that a whole number of doctors will tell us privately that they write sick notes for people who often physically threaten them. Some of your staff must be pretty often in the same sort of position. What guarantee have we that they are not taking simply the soft option and not breaching people when really they ought to do so and it is not just a process that people have to survive?

Sir Suma Chakrabarti: We have evidence from the inspectorate reports. They have looked at what staff do, how they behave and so on. That suggests that

there is not a staff bias, if you like, in favour of letting people get away with it. We also have all the data that I presented at the beginning on breaches, which is quite interesting because it is improving. It is not perfect, clearly, but 86% of appointments now are kept. I do not think that was the case a few years ago. It was much, much lower. Timely enforcement was just about 40% in 2000. It is now 94%. That is a big change, so I think the standards have tightened up quite a lot in the last few years.

Mr Hill: Can I add the inspectorate's comments across a wider sample? This is the inspectorate's view from the offender management inspection, so it is an aggregate view as they have done inspections across the country. What they say is that the judgments of a probation officer about whether absence is acceptable or unacceptable are consistent and appropriate in 90% of cases. Offender managers monitor attendance across all the requirements of a community order satisfactorily in 92% of cases.

Q78 Angela Browning: I wonder if we could look at the section on the NAO Report that deals with targets, mainly on pages 35 and 36. On page 35 the heading says, "Some performance targets need improvement" and then over on page 36 there is quite a lengthy explanation of why targets have the potential for unintended consequences. It is those unintended consequences I want to ask you about, as to how having now received this Report you might use this report in order to improve those targets. As you can see under 4.28, from the probation areas that the NAO visited, there are some very specific issues that clearly could be addressed. I wonder if you would very briefly like to just tell us, having read this Report, how you might address those identified problems.

Sir Suma Chakrabarti: On the first bullet point in 4.28, I think the NAO are very fair here. What they say is "targets can" and "possible incidences suggested". They do not state that there is a mass of evidence out there. We looked at this first bullet. Some of the completion targets have been overshoot by a very long way—drugs rehabilitation, unpaid work, basic skills—all suggesting that the gaming that you might get with targets is not happening in that area. On the second bullet, again there is no strong evidence from the inspectorate reports we have looked at. Acceptable absences have not risen in line with increasing accredited programmes, for example, so these are all possible things that could happen with any target regime but so far the evidence suggests it is not so. Do you want to say a bit about the future targets we are setting because the NAO makes some very good points about outcome targets.

Mr Hill: They do indeed. It is very thought provoking in terms of the Report. Two of the outcomes of sentencing are, firstly, punishment. We think that some of the information around the extent to which unpaid work for example does provide punishment is a credible outcome target which we probably ought to report a little more than we do. [Secondly] reparation is an intended outcome of sentencing. 6.7 million hours of unpaid work are

completed by offenders, which is very reparative, and would equate to £37 million worth of labour going into the country if you just take that figure and extrapolate it against the minimum wage. We have used programme targets as a proxy measure for reducing reoffending because the research shows us, as I have said already, that those programmes have a positive impact and a more positive impact than most things in terms of reducing reoffending, but we seek to increase the volume of targets.

Q79 Angela Browning: Staff told us that targets discouraged them from offering offenders further supervision appointments once breach action had been initiated so obviously breach action is a very big, significant thing for somebody who is on this programme. Are you going to look at that specifically? What I did ask you was: what are you going to look at in terms of what might need to be changed? You started off by saying that these people have to be motivated or you have to encourage them to be motivated. People who are not motivated are more likely to breach, are they not?

Mr Hill: National standards are clear that offender managers should continue to work with offenders through the breach period, assuming that it is safe to do so.

Q80 Angela Browning: That may be the case but how are you going to address the problem of them not attending once there is a breach? Presumably, if you have already invested a lot of time, effort and money into them, if there is a possibility of getting them back in line, the target is discouraging you from doing so?

Mr Hill: The targets on enforcement and compliance need to be seen as either side of the same coin. The first priority of the probation officer is to get the offender to comply. That is why we have targets around compliance. Personally, I think the compliance target is probably the most important and, as Sir Suma has said, we get 17 out of 20 appointments kept, 86%. Enforcement is the process that we then use to try to make compliance happen if it will not happen. Clearly, you are quite right; we should be following through and engaging with the offender, identifying—

Q81 Angela Browning: What stops you?

Mr Hill: I do not think anything does. National standards are clear that probation officers can and should do that if it is safe to do so.

Q82 Angela Browning: The Report has picked up that this is a problem area.

Sir Suma Chakrabarti: The Report is suggesting this could be a problem area.

Q83 Angela Browning: Are you saying you do not think it is?

Sir Suma Chakrabarti: We have no evidence to hand that suggests it is, but I do think there is an interesting issue here. We obviously have national standards which make it very clear that offender managers should follow up after the breach.

Interestingly in some probation areas they are doing this through contact with the police and others are not, so the question that Roger and his team would be asking is: can we get that more consistent across the probation areas?

Q84 Angela Browning: That is a general theme picked up in the Report about learning the best practice from different regions.

Sir Suma Chakrabarti: Exactly.

Q85 Angela Browning: It requires somebody to take a grip on that and make sure it happens.

Sir Suma Chakrabarti: It goes back to the first point I made early on about the autonomous approach to this, which is very important because obviously you want a decentralised system which learns that what happens in localities will differ, but you need a centre which also can learn lessons and pass lessons across.

Q86 Angela Browning: On page five, item six, on the overall conclusions of the NAO Report, the little paragraph under six talks about the nature of demands placed on probation and a funding structure which imperfectly matches demand. Clearly, we are only looking today at one aspect of the Probation Service work. There are other areas—and I would be grateful if you would tell the Committee—things like the Probation Service role in managing offenders who are released on licence. Where in the pecking order does this scheme come, given that from what we read here you have responsibilities which are not matched by funding? Are some of the problems identified in this document because of lack of resources and you having to give priority to other areas of responsibility?

Mr Hill: We would always take an approach to say resources should follow risk, so it is an individual decision. You are right to suggest that the riskier offenders tend to be in the licensed group because of the offence they have committed. That may not always be the case but we would divide resources using the tiering system across the community bracket as well. Whilst it is right to say that the funding system is imperfect and we have done a lot to try to revise that, it is a funding formula approach, 85% of which is based on need and 15% on workload. If we based the funding formula entirely on workload, we would create perverse incentives to fill up the Probation Service with cases that are unnecessary.

Q87 Angela Browning: This is the Public Accounts Committee. I am not in any way trying to encourage you to say that you need more money. I just wanted to try and balance what has been put in the overall conclusion of the Report with some of the messages one seems to be picking up further in the Report.

Sir Suma Chakrabarti: The government has of course just allocated an extra £40 million for the Probation Service for this new financial year. I think there is an interesting issue about the funding formula which we are looking at—and the Report mentions it—as to whether funding really moves too slowly, if you like, as demand changes. Part of the

problem is the costs in the Probation Service. Most of them are fixed. It is not easy to shift things around very quickly.

Q88 Angela Browning: You are taking on new responsibilities like bail hostels in the community on a wide scale and things like that.

Sir Suma Chakrabarti: Absolutely. That is another reason why we need to look at the funding formula and whether we can have a more flexible system to allocate money.

Q89 Angela Browning: I want to focus on something other colleagues have touched on and that is in appendix four, page 54. Mr Hill gave quite a detailed analysis earlier on about those on alcohol treatment and the difference between community order requirements as far as alcohol treatment is concerned. I am quite surprised to see a zero figure across many, many regions, including my own of Devon and Cornwall, under alcohol treatment. I think Mr Hill suggested that in this category we are looking at people with chronic alcoholism as opposed to the binge drinker on a night out. What can we assume from the fact that there are so many zeros against this category of people?

Mr Hill: I think the first thing you should assume is that this was a very early cohort of community orders. This will be the group of community orders that was probably the first finishers on the basis that the Act only applied to offences after 1 April 2005.

Q90 Angela Browning: You cannot say there are not chronic alcoholics.

Mr Hill: I am not saying that for a moment. I am saying that getting that requirement in place takes some time. This will be a worse picture than it is now. I am also saying that in a great many of the alcohol difficulties that we encounter we can engage with those without the full NHS chronic alcoholic treatment.

Q91 Angela Browning: There are not many NHS places, are there?

Mr Hill: No.

Q92 Angela Browning: Is that not why there are so many zeros in that column?

Sir Suma Chakrabarti: Yes, that is absolutely right. The chronic treatment is provided by the NHS.

Q93 Angela Browning: Or not.

Sir Suma Chakrabarti: Or not. The pace of coverage has definitely improved. It has moved on from this picture, but it is still not covering the whole of England and Wales, unlike other requirements which do cover the whole of England and Wales. This is one area where local PCTs are making their own choices about local priorities and you get the example of Wiltshire which has a zero and therefore bought in the service from the NHS. We are having quite an interesting discussion with the NHS about how we can do better on this.

Q94 Mr Mitchell: I see from 2.11 on page 17 that research is lacking on the effectiveness of some community order requirements in achieving a reduction in reconvictions, reforming and rehabilitating offenders. When it says “some” which ones is the evidence lacking for?

Mr Hill: The best research is on accredited programmes. There is some quite strong research as well on unpaid work. For example, unpaid work annually from the cohort that began in 2000 through to the most recent which began in 2004 has demonstrated a more than 10% reduction in reoffending. In fact, the 2004 cohort—

Q95 Mr Mitchell: It says in table 11 that the quality of studies in unpaid work is low and the evidence of impact on reoffending is weak for unpaid work.

Mr Hill: I think that is why we are doing the large cohort study—to confirm the accuracy of these analyses. These are numbers that are being criticised. The research I am quoting which is the RDS research took a statistically significant number of offenders on unpaid work to produce. Absolutely, research could be stronger.

Q96 Mr Mitchell: The fact that you do not have this information on several of the areas indicates that we have rushed into a big expansion of the programme of community service because of the pressure on space in the prisons and because suddenly we want to keep people out of prison, so we push them into these courses. It indicates we have gone into it too quickly without the knowledge of its effects.

Mr Hill: This is the 2003 Act implemented in 2005 and being looked at in 2008.

Q97 Mr Mitchell: The immediate pressure has come from the lack of space in prisons.

Mr Wheatley: To some extent Parliament enacted these changes. We have had to implement them.

Q98 Mr Mitchell: We plead guilty straight away. We were misled by *The Daily Mail*. The fact is we have gone big into this kind of programme without knowing that it holds out substantial benefits.

Mr Wheatley: There is certainly more research to be done to understand precisely why people give up crime or indeed go back to it. It is very complicated, working out what the precise motivation is for people. Was it the programme we gave? Was it the really good probation officer? Was it the threat of breach? Was it the fact that they were breached and were allowed to continue the order or did they just meet a good woman and settle down?

Q99 Mr Mitchell: Some of the courses look like soft options. Anger management is the kind of thing that is presumably given to the PLP now we have had this dialogue. Anger management is nothing, is it?

Mr Wheatley: It is a course that has some advantages and does appear to reduce with relatively weak evidence—because I think that is one of the ones that does not have a strong evidence base—the rate at which people will lose their temper. We are interested in people who lose their temper and

commit crime as a result. We do not just want to make offenders charming. We are interested in people who get involved usually in violent crime. The list of what is the strength of the evidence is accurate. It is an accurate account of what the strength of the evidence is. The cohort study that we are doing is going to follow up in detail a large number of people on which we are spending £1 million this year and more money in the future. It will give us a much better evidence base. We must respond to that if we get it.

Q100 Mr Mitchell: We have gone for the treatment now and we will gather the evidence later. Do not bother responding to that. It is just a passing jibe. Are there indications of work programmes scratching round for something for them to do? Is it difficult to find work programmes? I was in California last year and I noticed a horde of blokes in orange jumpsuits. They had "Prisoner" in huge letters on the back so naturally I whipped out my camera. The chap in plain clothes came up and said, "These are pretty tough guys. I wouldn't take that photograph if I were you." There is no identification here that these are offenders. Is there a difficulty of finding work? It does not seem all that useful really.

Mr Hill: To deal with the first question, there is no difficulty in finding work, no. We have more work to do than we have hours for offenders. I have already said in each year we do 6.6 million hours. In terms of the visibility of unpaid work, I agree with you. I have been a very strong proponent of the visibility of unpaid work for more than ten years. The inspectorate report I believe that about 40% of unpaid work is now visible. We have A-frames that go on unpaid work projects which say that the offender is working with the community or the Probation Service is working with the community. We put plaques on projects that we have completed. We use high visibility jackets for offenders. When I was an assistant chief in Durham, I had high visibility jackets for the offenders which did not say anything on them and high visibility jackets for the staff which said, "County Durham Probation Service" on them.

Q101 Mr Mitchell: I will not mention my picture of prisoners to Jack Straw. He might get the idea that it would be desirable here. It says in 4.18, "... Areas told us the funding formula does not accurately reflect the courts' demand for probation services in terms of the number and type of sentences given." Can we have some indication from the NAO of which areas felt under funded in that way?

Ms Murphie: It is not so much that the areas we visited felt under funded; it is the fact that the demand comes from the courts and the funding formula reflects what happened in the previous year. Those two things are not perfectly aligned.

Q102 Mr Mitchell: The funding is determined on a formula devised from 2003/5 and the system has changed since then. It is on a base which is out of kilter.

Sir Suma Chakrabarti: That is exactly why we are looking at the funding formula because it is out of kilter now.

Q103 Mr Mitchell: Why are there such marked differences in the costs in area? Lincolnshire seems on one of these tables—I am not sure which it is—to be quite an economically run area whereas South Wales is far more expensive. Why is that?

Sir Suma Chakrabarti: I will ask the ex-chief officer of Lincolnshire to explain this.

Mr Hill: We used to have a very good team. That is why. There will be a range of reasons. I am not sure that Lincolnshire appears cheaper, but there will be a range of reasons why different probation areas spend different amounts of money on different things. What were you trying to drive at, Mr Mitchell?

Q104 Mr Mitchell: They seem tougher in accepting excuses for not turning up at work but more economically run.

Mr Hill: The variation comes from the funding formula and the funding formula is based, as I said before, on 85% social and economic factors. For example, population, unemployment, under 25 unemployment, those kinds of issues. Lincolnshire being quite a large, geographic area that is sparsely populated, relatively speaking, will result in a funding formula that deals with those characteristics.

Q105 Mr Mitchell: Just in passing, since I am on a geographical note, I would like to say this time I do not think I have read the figures upside down as I did when I previously paid tribute to Humberside. Humberside's performance ranking is number one, which is marvellous but I would like to ask about the relationship between actual and predicted reoffending rate on an area basis. What is the predicted reoffending rate that we are talking about there? Is it a national predicted reoffending rate or is it a local one?

Mr Wheatley: It predicts from the details of the individual offenders what their age is, how many preconvictions they have, what their preconvictions are for, what is likely to happen. The predictor, running on a set of factual bits of information—

Q106 Mr Mitchell: Those are national figures.

Mr Wheatley: That is based on what happens nationally to people of that sort. It takes account of the individual features of the offender there.

Q107 Mr Mitchell: The fact is that Humberside is doing well. Well done, Humberside. If you look at the evidence in the report, why is there such a long delay, 23 weeks on average, and 41% of the programmes do not begin within the prescribed six weeks? Why is that? Why are you messing about, because it is better you know that you are being punished in this kind of fashion immediately and that it should follow the court's verdict quickly.

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Mr Hill: We have a waiting list for the domestic violence programme. Domestic violence has just been in demand greater than the levels that we predicted for the reasons that I am sure the PAC is aware of. We also have quite a stream of people for other programmes. We need to make sure that those individuals are ready to do the programme. I will not give the example again about people who cannot read and write. We need to deal with that first but I can absolutely assure the PAC that from the day of sentence an offender manager engages with that offender, sees them regularly and gets them ready to the point where they start their programme. We do not simply do nothing.

Q108 Mr Mitchell: I think that is a reassurance. When I look at the Report, it seems a rough and ready system. 6% of the sample were not completed because of inadequacies in the Probation Service. 3%, there is no indication of why they were not completed. 2.5% of the people failed to complete. 9% of the excuses which were acceptable were things like, "I forgot" which are never going to work. 4.6% of people going to sessions were turned away because either transport was not available or no staff were available. It does look to me in a bit of a mess.

Mr Hill: Just to give you an example of a case which I think will deal with the issue of uncompleted requirements, this was a man with drugs and mental health problems. He committed an offence and got a community order. He was considered both a risk to himself and a risk to people in authority. He was an opiate user and in agreement with the police probation staff classed him as a PPO. He was sentenced to a community order at the point that he already had four community orders against him. That community order had four requirements attached to it, a drugs requirement, a drug treatment

requirement and two offending behaviour programmes. The community order he got did not run for as long as one of the ones he was already on and he began the work on that order, did the drug requirement, engaged with drug treatment and began the enhanced thinking and skills programme.

Q109 Mr Mitchell: One case tells us nothing. It does look as though the thing needs tightening up and the service needs to be more efficient.

Sir Suma Chakrabarti: We accept the NAO's recommendations. We have already presented the action plan to you and it shows that we are tightening up. The latest data suggests that further progress is being made on all these indicators.

Q110 Mr Mitchell: If 45% of offenders have alcohol abuse problems, why are such a small proportion sent on alcohol abuse courses?

Sir Suma Chakrabarti: Because the alcohol treatment requirement is for the chronic, seriously afflicted abusers. That is provided by the NHS. That is a minority. The rest of them have alcohol treatment as part of the other programmes. The core training of all our offender managers in the Probation Service includes training on dealing with alcohol issues. We put lots of material to them on what they should do in different situations. We have a low intensity alcohol programme which is being tested at the moment. They are dealt with in a different category.

Chairman: Thank you very much, Sir Suma, for your evidence and that of your colleagues today. That concludes our hearing. You have assured us that you are getting a grip on the amount of national information that is available to you on people completing their orders and whether they have breached them or not and we hope to hold you to account on that. Thank you.

 Memorandum from the Ministry of Justice

I am writing to enclose a copy of an action plan that has recently been published by Roger Hill,¹ the Director of the National Probation Service. The plan outlines the National Probation Service's response to the findings and recommendations of the National Audit Office's report, *The supervision of community orders in England and Wales*.

I wanted to ensure that members of the Public Accounts Committee had access to the action plan before the hearing next week because it demonstrates the positive response of the Department, the NOMS Agency and the National Probation Service to the National Audit Office's helpful report.

I am not aware of any other significant new material which has a bearing upon the report and needs to be drawn to the attention of the Committee. However, you may wish to inform them that data on the reduction of re-offending rates for 2005 will be published in May 2008. This 2005 data pre-dates the introduction of the new community orders and would have little direct value for the Committee's considerations. The 2006 data, which will be the first to include community orders, will be published in September 2008 and the 2007 data, which includes a full year of community order completions, will be published in March 2009. We then intend to publish new data annually.

I have copied this letter to the Comptroller and Auditor General.

16 April 2008

¹ Not printed here