Evaluation of the community sentences and withdrawal of benefits pilots

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Summary

Background (Chapter 1)

Under the withdrawal of benefit policy, piloted since 2001 in four Probation Service areas, social security benefits are reduced or withdrawn from offenders who fail to comply with their community sentences. The objective of the policy is to link the receipt of benefit more closely to the fulfilment of responsibilities to society, and to encourage greater compliance with community sentences. The policy applies to offenders serving community punishment orders, community rehabilitation orders and Combination Orders; aged between 18 and 59; and in receipt of Jobseeker’s Allowance, Income Support or certain specified Training Allowances. The evaluation of the pilot was carried out by the National Centre for Social Research and Dr Colin Roberts of University of Oxford for the Home Office and the Department for Work and Pensions.

The aims of the evaluation were to:

- assess the operational impact of the policy on the agencies involved;
- describe the profile of offenders affected;
- assess the impact on offenders’ behaviour (particularly compliance, financial impacts, re-offending, labour market activity and relations with the Probation Service and Jobcentre Plus);
- draw out the implications for the feasibility of national roll-out;
- identify how the design and operation of the policy could be improved.

The evaluation began in 2001 and consisted of four components:

- analysis of administrative data: attendance and breach data were collected over a five month control period before the pilot was introduced (1 May to 14 October 2001) and for the evaluation period (15 October 2001 to 14 October 2002) to allow analysis of the impact on compliance;
- 31 in-depth interviews and 18 group discussions with staff from the Probation Service and Jobcentre Plus involved in the delivery of the policy;
- 44 in-depth interviews with sanctioned and 11 with unsanctioned offenders;
- a postal survey of sentencers: the achieved sample was 213 and the response rate was 49%. The sample was predominantly Magistrates but also included Circuit Judges, District Judges and Justices’ Clerks. Forty-six per cent of Magistrates returned a questionnaire as did almost all the Circuit Judges, District Judges and Justices’ Clerks.
The policy context (Chapter 2)

There has been an increasing focus on enforcement within the Probation Service. The 2002 National Standards require, inter alia, that breach proceedings are brought no later than the second unacceptable failure to comply with the requirements of the sentence. Non-compliance behaviour is associated with previous histories of non-cooperation; active criminal associations; perceived obstacles or difficulties in attending; lack of support from others to comply, and lack of personal motivation to address offending behaviour (Roberts, 2003).

Sanctions have been used for some time within the benefits system to increase compliance with conditions for benefit receipt, and can involve the withdrawal of benefits for up to 26 weeks. Informal financial and practical support, as well as formal financial assistance, is important in claimants’ management of the sanction period and impacts are more severe on those without such support (O’Connor et al, 2001; Saunders et al, 2001; Vincent, 1998). Despite financial hardship, sanctions can impact positively on job search (Saunders et al, 2001). There is some evidence of a minority of people disengaging from the system following a sanction, but benefits system staff, as well as claimants, generally support the principle of sanctions (Saunders et al, 2001; Vincent, 1998).

Profile of the offenders (Chapter 2)

The majority of offenders on community sentences are young and male. Sizeable sub-groups have spent time in care; have no educational qualifications; have drug and alcohol problems; and have other health problems. Most are not in work and most have previous convictions (Home Office, 2002b; Mair and May, 1997). Probation Service staff described these characteristics as fairly typical of their caseloads and do not present insuperable barriers to working effectively with offenders. These circumstances were also reflected in the qualitative research samples of both sanctioned and unsanctioned offenders in this study. The key difference between these two sample groups was that substance misuse was a current issue among sanctioned offenders but not among unsanctioned offenders interviewed in the study: unsanctioned offenders who had, in the past, misused substances had either stopped doing so or were addressing their behaviour through treatment programmes. During the evaluation period, young offenders and, overall, those without a partner or children were disproportionately represented among those who received a community sentence sanction. However, women offenders were also more likely to be sanctioned, possibly because they were more likely to be on relevant benefits.

The operation of the policy (Chapter 3)

Among staff involved in the qualitative research from both the Probation Service and Jobcentre Plus, the objectives of the policy were broadly understood to be to increase compliance with community sentences, and this was generally supported. However, there were some concerns about the ‘fit’ of the policy within the work of each agency, in Jobcentre Plus because it was seen as a criminal justice penalty rather than one related to labour market or benefits behaviour, and in the Probation Service because of concerns that the policy would impede the rehabilitation of offenders.

The implementation of the policy was largely said to have been successful by staff who took part in the qualitative research. However, there was a substantial shortfall in the notifications received by Jobcentre Plus of the outcome of breach hearings (using a form called CS Stats 2), which triggered the implementation of the sanction, where applicable. In practice, it appears that Jobcentre Plus were not informed, and a sanction not imposed, in all relevant cases. During the evaluation period 396
sanctions were applied. The number of relevant orders commenced in the same period was 16,574 yet the number of warning letters sent because breach was initiated was just 3,124, 19% of all orders. This is lower than would be expected given national breach rates (Home Office, 2002b). Of the 3,124 offenders sent warning letters, 28% were notified to Jobcentre Plus as a proven breach, and 13% received a sanction. Again, these figures are lower than would be expected.

Offenders were warned about the sanction at several stages but many did not recall, absorb or retain the information or relate it to their own behaviour. There were also some gaps in familiarity with the details of the policy among staff, for example about which benefits are affected, the level and duration of the benefit withdrawal, and the availability of hardship payments from Jobcentre Plus in eligible cases.

Impact of the policy on compliance (Chapter 4)

Overall, it is estimated that the policy had a small but positive impact on compliance. For those on benefits, the rate of breach initiation in the pilot areas was reduced by, on average, 2.4% during the evaluation period. Not all of this change was likely to be directly due to the policy: the best estimate available is that, of the 2.4% reduction, about 1.8% is attributable to the policy, and the remaining 0.6% is due to other unrelated factors.¹ This implies that for every 50 community sentences given to those on relevant benefits, one fewer sentence will result in a breach as a direct result of the policy. The impact, measured across all offenders irrespective of benefit status, implies a 0.8 percentage point reduction in breach initiation rates because of the policy. The estimates are based on data from three of the pilot areas, comparing breach initiations (or in one area two or more unacceptable absences) among benefit and non-benefit populations, during the control and evaluation periods. It was not possible to collect entirely comparable data from all four areas and, because of doubts about data quality, one area was excluded from the impact analysis.

This estimate of impact on offender compliance is in line with the perceptions of sentencers, offenders, Probation Service staff and Jobcentre Plus staff.

Among offenders involved in the qualitative research, the sanction was not described as a major influence on their behaviour. The impact of the sanction was constrained by their limited consciousness of it and by existing attitudes to attendance. The sample divided into two distinct groups: those with an existing intention to comply (among whom some said the sanction had a limited positive impact reinforcing this intention), and those without such an intention (among whom no impact of the policy was discernible). Non-compliance was also affected by factors such as unstructured or chaotic lives, problematic drug and alcohol use, and confrontational attitudes to probation and the consequences of breach. There was some evidence that the experience of a sanction could help to encourage subsequent compliance where the order continued, again in supporting other reasons to do so, although offenders sometimes described these deterrent effects as being temporary. Overall, the qualitative data suggest that the policy had some potential, as a supporting factor, to influence offenders’ clarity about appointments and evidence requirements and the priority placed on attending, but less potential where non-compliance relates to difficult personal issues, problematic substances use, a rejection of probation or where offenders have no personal motivation to address their criminal behaviour.

¹ For those not on benefits, breach initiation rates fell by 0.6% after the introduction of the policy, almost all of which is likely to be attributable to factors unrelated to the policy.
The perceptions of Probation Service staff involved in the qualitative research were consistent with these reports. The sanction was seen as having the potential to give a small additional incentive to comply among those with other reasons to do so, or whose behaviour was not entrenched. But staff’s experience was that offenders generally found it difficult to take on board the implications of the sanction and moderate their behaviour accordingly. Findings from the survey of sentencers show that 29% of sentencers believed the policy increased compliance to some extent, and one per cent that it did so significantly.

Impact of the policy on enforcement (Chapter 5)

From the qualitative research with Probation Service staff, there was no evidence of widespread changes in enforcement. Staff, before the policy, occasionally deviated from standard practice in exceptional cases, and this continued during the operation of the policy. Although the policy provided an additional reason to do so, this appeared to involve the types of cases where staff might anyway exercise discretion without the policy, and staff at all levels felt any impact on enforcement practice had been marginal. Analysis of National Standards audit data also showed no distinctive patterns of change in enforcement practice in the pilot areas compared with the national picture.

Impacts of the sanction on offenders’ circumstances (Chapter 6)

Financial impacts were experienced by all sanctioned offenders who participated in the qualitative research, most severely by those without financial or practical support from partners, friends or family. More severe financial impacts included difficulties in buying food, paying household bills including rent (above Housing Benefit) or board, and the accumulation of debt and arrears. Offenders also reported that financial difficulties had impacted on their families and dependants.

There were varied reports by offenders of the impact on offending, and some had already been offending during the community sentence. But there were reports of additional or renewed offending during the sanction period, which offenders linked directly with the sanction. Others had not offended.

The sanction provided an added reason to look for work for some offenders who were already doing so, but otherwise did not influence motivation to find work. The impact on relationships with probation officers and Jobcentre Plus staff was mixed. For some offenders it was neutral, but it could be detrimental, especially if offenders believed they had not been told about the policy in advance. Staff in both agencies were concerned that the policy could lead to some offenders disengaging from the rehabilitative work of their organisations, and some reported having observed this in individual cases.

Impacts on the judicial system (Chapter 7)

From the survey of sentencers, there was little evidence of any impact on sentencing practice or the court process, except that the majority of sentencers said they would take the sanction into account in setting the level of financial penalty for breach. The majority reported no change in the number of community sentences given, the number of not guilty pleas at breach hearings, and the likelihood of sentencers finding offenders guilty. Just under half would have liked more information on the sanctions policy when it was introduced. Roughly equal proportions volunteered advantages and
disadvantages of the policy, the main advantage being that it encourages compliance and the main disadvantage that it will lead to more offending.

Implications for national implementation (Chapter 8)

Key issues for national implementation are the importance of:

- effective mechanisms for informing Jobcentre Plus of sanctionable cases which are efficient, monitored, audited and minimise the scope for human error;
- finding ways of reminding offenders frequently of the policy, emphasising how it applies to them, what its consequences would be, and ensuring they understand the level and duration of sanction;
- supporting staff knowledge of the policy within the Probation Service and Jobcentre Plus;
- supporting sentencers’ awareness of the policy and clarifying that the sanction should not be taken into account in setting the level of fines;
- addressing reservations about the policy, particularly among Probation Service staff, by clarifying the aims of the policy and responding to their concerns about its impacts;
- monitoring, in national implementation, impacts on compliance and enforcement practice, notification of breach outcomes, reoffending and reconviction rates, the use of fines as penalty for breach (although this would be affected by the new proposals in the Criminal Justice Bill), levels of non-attendance at breach hearings, and levels of successful applications for hardship payments.
1 Introduction

1.1 Background

1.1.1 Background to the piloted policy

The withdrawal of benefits policy, which has been piloted in four areas, was introduced under powers within the Child Support, Pensions and Social Security Act (2000). Under these powers, some social security benefits are reduced or withdrawn from offenders who fail to comply with certain community sentences. The objective of the policy is to link the receipt of benefit more closely to the fulfilment of responsibilities to society, and to encourage greater compliance with community sentences.

The policy applies to offenders, aged between 18 and 59, who are in receipt of Jobseeker’s Allowance, Income Support or certain Training Allowances. Under the procedures, Jobseeker’s Allowance and certain Training Allowances are withdrawn completely, although any training premium received is not affected. Income Support is reduced by either 20% or 40%, the lower rate applying where the offender or a member of their family is seriously ill or pregnant. The period of a sanction is four weeks. Offenders who have been sanctioned under the policy can apply for hardship payments during the four week period.

The policy applies to community punishment orders (CPOs) (formerly community service orders), community rehabilitation orders (CROs) (formerly probation orders) and community punishment and rehabilitation orders (CPROs) (formerly Combination Orders). The policy was piloted in four Probation Service areas across England: Teesside, West Midlands, Hertfordshire and Derbyshire. These areas were selected to represent different levels of receipt of the relevant benefits, and different numbers of offenders estimated to be affected by the policy. The operation of the pilots began on 15 October 2001 and the evaluation period ran from then until 14 October 2002. The pilots continue to operate, pending a decision about national roll-out.

2 The period of sanction is less than four weeks for offenders who were not on the relevant benefits at the point when Jobcentre Plus is notified of the breach outcome, but who come on to benefits within the next four weeks. If the examination of benefit records by Jobcentre Plus shows that the offender is not on benefits, the records are re-checked every week for four weeks. If the offender comes on to a relevant benefit during that four week period, the sanction would run for the remainder of the four weeks.

3 In the report, findings are not attributed to individual areas to preserve anonymity. In some places the areas are referred to by the letters W, X, Y and Z. The assignment of letters to areas has been done randomly at each reference so that identities cannot be inferred.
1.1.2 Background to community sentences and breach proceedings

Community sentences can be imposed as an alternative to a custodial sentence, or as an alternative or addition to a fine. In the sentences hierarchy, community sentences fall between fines and custodial sentences. The three main types of community sentence place different requirements on the offender. Community rehabilitation orders are primarily supervisory orders which require offenders to attend regular meetings with a Supervising Officer. They may also be required to attend additional programmes aimed at addressing offending behaviour, improving basic skills and employability, and addressing alcohol or mental health problems. (Drug treatment is specifically provided for under a different community sentence). Under community punishment orders, offenders are required to do between 40 and 240 hours of unpaid work in the community. Examples of this type of work are the maintenance of local amenities and staffing charity shops. Community punishment and rehabilitation orders provide for both supervision and unpaid work.

Offenders serving a community sentence are supervised in accordance with National Standards. Under current National Standards, offenders must be returned to court no later than after the second unacceptable failure to comply.

The most common form of non-compliance is failure to attend a supervisory session as part of a community sentence. Non-compliance can also take the form of improper behaviour whilst under supervision, re-offending, and failing to inform the Probation Service of a change of address. Probation staff initially decide what is an acceptable or unacceptable failure to comply in the light of the evidence and circumstances in each case. There is some discretion available to depart from National Standards in exceptional circumstances, with the agreement of a senior manager.

It is for the court to determine whether or not the offender has breached the community sentence. At the breach hearing all the facts of the case are heard and legal representation is available. If the court determines that a breach has occurred it has a number of options available. It may:

- allow the order to continue and not impose a penalty;
- allow the order to continue and impose a fine;
- allow the order to continue and impose a further community sentence;
- revoke the order and re-sentence for the original offence; or
- where the offender has wilfully and persistently failed to comply, revoke the order and impose a custodial sentence.

Figures for England and Wales show that in 2001 a total of 36,342 offenders were found guilty of breaching a community sentence. Of these, 16,070 received a fine, 8,926 were given a further community sentence, and 7,110 received a custodial sentence (Home Office, 2002b).

The benefits sanction is imposed automatically when a breach has been proven in court, and is in addition to any penalty imposed by the court. Offenders have a right of appeal against the breach determination. They can also appeal against, or ask for reconsideration of, the decision to impose a community sentence sanction, based on mistaken identity, the period applied to the sanction, or the amount of benefit withdrawn.

1.1.3 Background to the operation of the policy

The operation of the policy primarily involves the Probation Service and Jobcentre Plus, with the courts having an initial responsibility to deliver warnings about the policy to offenders. There are a series of
points at which offenders are informed about the policy, and points at which information is passed from the Probation Service to Jobcentre Plus, as Figure 1.1 describes.

**Figure 1.1   Key information points**

At point when offender is given community sentence:
- Sentencer gives offender oral warning about policy in court

During the community sentence:
- Offender is given written and oral information about the policy by the Probation Service at Induction Session

If breach occurs:
- Probation Service notify Nominated Officer1 at Jobcentre Plus of possible breach
  - Jobcentre Plus issue warning letter to offender about possibility of sanction if breach proven. Letter includes contact details for further information

When a breach action is initiated:

If breach is proven:
- Probation Service notify Nominated Officer at Jobcentre Plus of proven breach
  - Jobcentre Plus processors impose sanction

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1 Nominated Officers were appointed within Jobcentre Plus offices and played a key role in administering sanctions.

During the period of the sanction, offenders are expected to comply with the terms and conditions of their community sentence and meet their ongoing conditions of entitlement to whichever benefit they are claiming. If they fail to comply with their community sentence they may be breached again and may incur a further community sentences benefits sanction. They also remain subject to further benefit sanctions if they fail to meet other conditions of benefit entitlement.
1.2 Objectives of the evaluation

The objectives of the evaluation were to determine whether the policy had been implemented as intended and to explore its impact on compliance. The following chapters in the report address the different aspects of the evaluation thematically. In detail, the objectives at the outset of the evaluation were:

- to assess the operational impact on the agencies involved:
  - to describe the systems involved in implementation and identify areas where they operate more or less smoothly (see Chapter 3);
  - to explore different understandings of the objectives of the policy and views about it (see Chapter 3);
  - to explore the impact of the scheme on the way in which the agencies work, particularly looking at treatment of non-compliance with community sentences within the Probation Service (see Chapter 5) and at the decisions of sentencers at initial hearings and at breach hearings (see Chapter 7);

- to assess the impact on offenders' behaviour, in particular their:
  - awareness and understanding of the new sanctioning provisions (see Chapter 3);
  - compliance with community sentence requirements (both measuring the impact on compliance and understanding how and under what circumstances the policy affects compliance) (see Chapter 4);
  - offending behaviour during and after the breach (see Chapter 6);
  - financial circumstances and those of others affected by the sanction (see Chapter 6);
  - benefit behaviour (e.g. changing arrangements for benefit receipt or leaving benefits) and behaviour in relation to employment or training (see Chapter 6);
  - relationships with, and perceptions of, the Probation Service and Jobcentre Plus (see Chapter 6);

- to draw out the implications for the feasibility of national roll-out of the policy and to describe how the design, implementation and operation of the policy could be improved (see Chapter 8).

1.3 Research design

The research design involved four elements: a ‘before and after’ analysis of administrative data on breach to estimate the impact of the introduction of the policy on compliance; qualitative research among staff involved in the delivery of the policy from the Probation Service and Jobcentre Plus; qualitative research with sanctioned and unsanctioned offenders, and a survey of sentencers. Each is described briefly below and in more detail in the appendices.

1.3.1 Analysis of administrative data

Data were collected by the Home Office from each of the four pilot areas on community sentence commencements for both the evaluation period (15 October 2001 to 14 October 2002) and for an earlier, five month, control period (1 May 2001 to the 14 October 2001). Offender details were matched to Department for Work and Pensions records to establish benefit status. With the exception
of one area where appropriate data could not be collected, all, or a sample of, sentences per area were checked for subsequent compliance.

The impact of the policy on compliance was estimated by comparing change in compliance rates after the introduction of the policy for those on benefits with change for those not on benefits (a difference-in-differences approach). Increased change over time for the benefit population (relative to the non-benefit population) has been taken as evidence of an impact on compliance.

1.3.2 Qualitative research with staff

Qualitative research was carried out with key staff involved in the operation of the policy in the Probation Service and Jobcentre Plus. Group discussions were conducted in each of the pilot areas with staff from each agency with frontline responsibilities and day-to-day dealings with clients (in Jobcentre Plus) or offenders (in the Probation Service). Interviews were conducted with managers from each agency. An initial round of fieldwork was carried out with senior managers shortly after the introduction of the policy in 2001, and two further rounds of fieldwork were carried out with frontline staff and senior managers in 2002.

Staff were selected and approached to take part in the research via senior representatives within the agencies. In Jobcentre Plus the sample included area and office managers, administrative officers, claims processors, front desk staff, and Nominated Officers (who play a key role in the operation of the policy). In the Probation Service the sample included Chief and Assistant Chief Officers, senior probation officers, probation officers, Offender Supervisors and court-based staff.

1.3.3 Qualitative research with offenders

Interviews were carried out with two types of offender: those who had breached a community sentence and incurred a sanction under the policy (referred to throughout the report as ‘sanctioned offenders’) and those serving a community sentence while the policy was in operation who had not breached and incurred a sanction (referred to throughout the report as ‘unsanctioned offenders’). Forty-four interviews were completed with sanctioned offenders and 11 with unsanctioned offenders. They were selected from a sample frame provided by the Home Office. Interviews were largely coordinated to take place at Probation Service offices immediately after offenders’ probation appointment, and in prisons in a small number of cases where offenders had received a custodial sentence after commencing the community sentence.

Interviews and group discussions with offenders and staff were carried out using topic guides. They were tape-recorded and verbatim transcripts were analysed using Framework, a systematic content analysis method. Qualitative research was used for these two stages of the study because of its ability to provide an in-depth understanding of processes, systems, decisions, behaviours, experiences and impacts.

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4 When the policy was implemented, responsibility for benefits was shared between the Benefits Agency and the Employment Service, which at the time were agencies of the Department for Work and Pensions and the Department for Education and Employment. The two agencies were subsequently brought together as Jobcentre Plus within the Department for Work and Pensions.
1.3.4 Sentencers’ survey

A survey was conducted among sentencers to provide quantitative data on their experiences and views of the policy. A sample of 400 Magistrates and 18 Circuit Judges was selected using a systematic random sampling method, plus an additional nine District Judges and seven Justices’ Clerks identified in the pilot areas. The survey was conducted using a paper, self-completion, questionnaire which was sent to the court at which the sentencer was based. The questionnaire included questions on their knowledge and awareness of the policy, their views about it, and its impact on their sentencing behaviour. It was piloted through telephone interviews. Questionnaires were mailed out on 10 March 2003; two reminder letters were sent and the period for accepting returns closed on 22 April 2003. A final response rate of 49% was achieved.

1.3.5 Issues with data collection

There were two key problems with data collection. The first was the lack of suitable administrative data for one of the four pilot areas. The implications of this are explored in detail as part of the discussion of the findings in Chapter 4.

The second problem was difficulties in making contact with offenders for the in-depth interviews. It was initially intended that 60 interviews would be carried out with sanctioned offenders, and 20 with unsanctioned offenders. However, it proved impossible, despite a prolonged period of fieldwork, to make contact with sufficient numbers of offenders. The main issues were the shortage of reliable contact details for offenders, and the non-attendance of offenders at scheduled interviews.

The difficulties with contacting offenders meant that there was very little scope for purposive sampling, and there are some limitations in the coverage of different characteristics amongst the offender sample. It had been intended to select a purposive sample that represented the different characteristics of offenders liable to be affected by the policy, particularly gender, age, type of community sentence, benefit, and level of sanction. The eventual sample of those interviewed (see Table 1.1) contains diversity in most of these characteristics.

The main limitations are in the inclusion of characteristics which are more rare in the offender population generally and in the sanctioned offender population: older offenders, women, particularly those on Jobseeker’s Allowance, offenders from ethnic minorities, and offenders who incurred the 20% Income Support sanction. There has, therefore, been limited scope for drawing conclusions about how the impacts of the policy may differ for these subgroups. For example, it has not been possible to explore whether ethnicity plays any part in how the policy impacted on compliance, or whether the experiences of those who incurred the 20% Income Support sanction differ radically from those who incurred the 100% Jobseeker’s Allowance sanction or the 40% Income Support sanction.

---

5 Appendices includes a full description of the contact process.

6 Purposive sampling is used in qualitative research to ensure that sample coverage is comprehensive and diverse, including all key sub groups or characteristics.
### Table 1.1  Profile of offender sample

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Sanctioned</th>
<th>Unsanctioned</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of order</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CPO</td>
<td>8</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>CRO</td>
<td>24</td>
<td>6</td>
<td>30</td>
</tr>
<tr>
<td>CPRO</td>
<td>12</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td><strong>Type of benefit</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JSA</td>
<td>28</td>
<td>6</td>
<td>34</td>
</tr>
<tr>
<td>Income Support</td>
<td>16</td>
<td>5</td>
<td>21</td>
</tr>
<tr>
<td><strong>Sanction imposed</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JSA (100%)</td>
<td>28</td>
<td>–</td>
<td>28</td>
</tr>
<tr>
<td>Income Support (40%)</td>
<td>15</td>
<td>–</td>
<td>15</td>
</tr>
<tr>
<td>Income Support (20%)</td>
<td>1</td>
<td>–</td>
<td>1</td>
</tr>
<tr>
<td><strong>Gender</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>7</td>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>Male</td>
<td>37</td>
<td>4</td>
<td>41</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;20</td>
<td>7</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>20-24</td>
<td>16</td>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td>25-29</td>
<td>6</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>30-34</td>
<td>7</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>35-39</td>
<td>5</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>40+</td>
<td>3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td><strong>Ethnicity</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>43</td>
<td>10</td>
<td>53</td>
</tr>
<tr>
<td>Black-Caribbean</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>44</td>
<td>11</td>
<td>55</td>
</tr>
</tbody>
</table>
2 Policy context

This chapter provides a broader context to the operation and impact of the community sentences sanctions policy. It describes the enforcement regime for community sentences and looks at what is known about patterns in non-compliance. It then describes the characteristics of offenders on community sentences, and of those who incur a sanction. Finally, it briefly describes other benefit sanctions and their impacts.

2.1 Enforcement and non-compliance

The first National Standards for the supervision of offenders in the community came into force in 1992, and were the result of the 1991 Criminal Justice Act, which had followed a Green Paper entitled ‘Punishment, Custody and the Community’. They were subsequently revised in 1995, 2000 and 2002. Each version further curtailed probation supervisors’ discretion and aimed to increase enforcement and compliance with community sentences. This reflects the increased emphasis within the Probation Service on its role as a law enforcement agency, and the shift away from its more traditional social work role.

Among the most important changes to enforcement practice was the requirement in National Standards 2000 that, for offenders on court orders, breach proceedings should be instigated as a result of a second unacceptable failure to comply, rather than a third, as had been the case under National Standards 1995. There were also other changes introduced around enforcement practice, namely:

- more specific guidance about the limited range of circumstances in which absences may be considered acceptable;
- making it clear that non-attendance at an appointment with a partner organisation should be dealt with in the same way as a failed probation contact; and
- considering absences as unacceptable, unless proved otherwise.

Table 2.1 summarises the key elements of the most recent National Standards concerning levels of contact and breach for offenders on community sentences.

Under its earlier versions, there were concerns that probation staff were not consistently adhering to National Standards (HM I Probation, 2000). The HM I Probation Quality and Effectiveness reports on Probation Services and research (see for example Ellis et al, 1996) showed that some probation staff were failing to offer appointments in line with National Standards or to enforce them rigorously. The overall ‘breach ratios’ (the term used by Ellis et al, 1996) were reported as only 12% for probation
orders, 27% for community service orders and 36% for Combination Orders. However, more recent research has shown that enforcement practice and adherence to National Standards has significantly improved over time. The first Association of Chief Officers of Probation (ACOP) enforcement audit in 1999 found that 46% of cases were being breached after the appropriate number of unacceptable absences (Hedderman, 1999), and the third ACOP audit in 2001 found that this had risen further to 65% (Hedderman and Hearnden, 2001). The performance target is for 90% of cases to be dealt with in line with National Standards, leaving some discretion to be exercised by senior probation staff.

**Figure 2.1  Summary of the key elements of National Standards**

| National Standards for the supervision of offenders in the community 2000 - revised 2002 (Home Office, 2002a) |
|---------------------------------------------------|-----------------|-------------------|-----------------|
| **Community Rehabilitation Orders**               | Initial appointment | Number of appointments | Breach |
| Within 5 working days of sentence                | At least 12 in first 12 weeks; 6 in weeks 13-24; once every 4 weeks thereafter | No later than second unacceptable absence |
| **Community Punishment Orders**                  | First appointment (for assessment) within 5 working days First work session within 10 working days of sentence | A minimum average of 5 hours unpaid work per week |

In promoting compliance, there is clear value in a graduated response from reminding offenders of the terms of their orders, through initial and final warnings. Revisions of the National Standards have largely been directed at reducing the number of failures an offender is permitted, and aim to increase the probability of an order being completed. To date, there has been relatively little research into the effectiveness of enforcement and breaches in achieving greater compliance (Smith, 2000). However, there is some evidence that suggests the stricter enforcement of community sentences can have positive impacts on offenders and offending behaviour generally. May and Wadwell (2001) examined the effect of enforcement practice in 1996 on reconviction rates in Cambridgeshire and Oxfordshire and Buckinghamshire Probation Services. Their findings indicate that enforcement action does reduce the rate of reconviction amongst offenders on community sentences. Where appropriate enforcement action had been taken, offenders had a lower than predicted reconviction rate, but where not all appropriate enforcement action was taken they had a higher than predicted reconviction rate.

The existing research into non-compliance suggests that there are a number of factors potentially influencing the compliance of offenders with community sentences. Bottoms (2001) indicates that compliance can be underpinned by a calculation of self-interest; by a sense of moral obligation, commitment or attachment; by some form of constraint or coercion; and by behavioural habits and routines. Roberts (2003) classifies the offender characteristics that can influence non-compliant behaviour as follows:

- previous history of non-compliance and non-co-operation with court orders, previous community sentences and releases from custody on licences;
- having strong and active criminal associations who could actively discourage attendance, and in some instances affect actual group dynamics;
perceived obstacles or difficulties in attending and being punctual (e.g. transport problems, child or care responsibilities, drug usage);

• having no family, partner or significant other support or encouragement to attend and complete; and

• a lack of personal motivation or desire to modify behaviour or attitudes to offending.

He concludes that:

‘While these are not mutually exclusive factors, and often combine to increase the probabilities of non-compliance, the different types would be amenable to different forms of influence.’

These factors also influenced compliance and attendance among the qualitative sample of offenders in the current sample (see Chapter 4).

2.2 Characteristics of offenders on community sentences

The majority of offenders on community sentences are men, and are aged under 30. Table 2.1 shows the profile of offenders who started a community sentence in 2001 by age, gender, type of order and type of offence. Table 2.2 shows the profile of offenders who started a community sentence between 1 April and 30 September 2001 by ethnicity.

Based on the findings of a survey of over 1,000 offenders on Probation or Combination Orders, Mair and May (1997) highlight the following:

• a significant minority of respondents had spent time in some form of care before they were 16, and around a fifth had been brought up in a one-parent family;

• 42% of the sample had left school under the age of 16 and 49% at age 16. 49% had no qualifications;

• only 21% were employed or self-employed;

• the level of drug use reported in the sample was significantly higher than in the general population, and at least 10% had a drink problem;

• 49% had, or expected to have, a long-term health problem or disability, compared with the national average of 19%; and

• 82% said they had a previous conviction or convictions.

7 The apparent difference between this percentage and the estimated 43% of offenders on Jobseeker’s Allowance or Income Support at some point during their sentence (see Table 2.4) is partially explained by high levels of economic inactivity amongst this population. (The general population level of economic inactivity for this age profile is about 20%). In addition five per cent of offenders in the pilot areas were on Incapacity Benefit.
Table 2.1 Offenders starting a community sentence in England and Wales in 2001

<table>
<thead>
<tr>
<th>Age:</th>
<th>Number of offenders</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-17</td>
<td>6,751</td>
<td>5.5</td>
</tr>
<tr>
<td>18-20</td>
<td>24,350</td>
<td>19.9</td>
</tr>
<tr>
<td>21-29</td>
<td>44,789</td>
<td>36.7</td>
</tr>
<tr>
<td>30 and over</td>
<td>46,269</td>
<td>37.9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender:</th>
<th>Number of offenders</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>19,317</td>
<td>15.8</td>
</tr>
<tr>
<td>Male</td>
<td>102,842</td>
<td>84.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of order:</th>
<th>Number of offenders</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRO</td>
<td>54,470</td>
<td>44.6</td>
</tr>
<tr>
<td>CPO</td>
<td>52,186</td>
<td>42.7</td>
</tr>
<tr>
<td>CPRO</td>
<td>15,503</td>
<td>12.7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of offence:</th>
<th>Number of offenders</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violence against the person</td>
<td>13,526</td>
<td>11.1</td>
</tr>
<tr>
<td>Sexual offence</td>
<td>858</td>
<td>0.7</td>
</tr>
<tr>
<td>Burglary</td>
<td>6,411</td>
<td>5.2</td>
</tr>
<tr>
<td>Robbery</td>
<td>636</td>
<td>0.5</td>
</tr>
<tr>
<td>Theft and handling stolen goods</td>
<td>26,525</td>
<td>21.7</td>
</tr>
<tr>
<td>Fraud and forgery</td>
<td>6,420</td>
<td>5.3</td>
</tr>
<tr>
<td>Criminal damage</td>
<td>2,580</td>
<td>2.1</td>
</tr>
<tr>
<td>Other indictable offence</td>
<td>15,390</td>
<td>12.6</td>
</tr>
<tr>
<td>Summary offence</td>
<td>49,813</td>
<td>40.8</td>
</tr>
</tbody>
</table>

Total 122,159 100

Source: Home Office, 2002b

Table 2.2 Offenders starting a community sentence in England and Wales between 1 April and 30 September 2001 (where ethnicity was recorded)

<table>
<thead>
<tr>
<th>Ethnicity:</th>
<th>Number of offenders</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Asian</td>
<td>1,362</td>
<td>2.3</td>
</tr>
<tr>
<td>Black</td>
<td>3,941</td>
<td>6.6</td>
</tr>
<tr>
<td>Other minority ethnic group</td>
<td>1,381</td>
<td>2.3</td>
</tr>
<tr>
<td>White</td>
<td>53,032</td>
<td>88.8</td>
</tr>
</tbody>
</table>

Total 59,716 100

Source: Home Office, 2002b

They concluded:

‘The results show that the Probation Service is working with a group of people characterised by poor school attainment, high unemployment and a high incidence of previous convictions and drug usage.’
Data collected for the current study on community sentence orders, matched with Department for Work and Pensions benefit data, provided information on the profile of offenders and of those sanctioned in the four pilot areas. The characteristics for which data are available are rather limited in scope, being restricted to age, gender, benefit status, whether or not the offender has a partner, and number of children. The latter two are missing in many cases, may be out of date, and may be recorded as ‘no partner’ or ‘no children’ if the benefit claim did not require this to be recorded. Table 2.3 compares the profile of those sent a warning letter (following a second failure to comply), with those subsequently reported as breach cases to Jobcentre Plus, and those sanctioned.

The main conclusions to be drawn from the table are:

- female offenders were more likely to be sanctioned than men. This is possibly because a higher proportion of females than males were in receipt of the relevant benefits8;  
- those breaching and those receiving sanctions are disproportionately young offenders and those without partners or children; and 
- of those receiving a warning letter, the offenders subsequently reported as breach cases to Jobcentre Plus9 are disproportionately offenders on benefits.

The characteristics of the sanctioned and unsanctioned offenders involved in the qualitative research correspond closely with those found by the research of Mair and May (1997). Although it is impossible to draw statistical conclusions about the incidence of various characteristics, issues that were raised recurrently across the sample were:

- difficult family relationships and instability during childhood and adolescence; 
- problematic drug and alcohol use, linked to breakdown of family relationships and offending behaviour, mainly involving heroin but also cocaine, crack cocaine, amphetamines and cannabis; 
- mental health and to a lesser extent physical health problems, including depression, anxiety and panic attacks; 
- limited participation in education beyond the age of 16, and in some cases poor basic literacy and numeracy; 
- unemployment: there were few cases where people were currently in employment, although some were looking for work or participating in New Deal programmes; 
- some offenders with a long history of previous convictions, and others who had no previous convictions. The types of offences for which they were serving their current community sentence were theft (particularly shoplifting), burglary, credit card and benefit fraud, driving offences and crimes of violence.

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8 Fifty per cent of female offenders received Jobseeker’s Allowance or Income Support during their sentence, compared to 42% of male offenders.

9 CS Stats 2 form (see Section 3.2.2).
Table 2.3 Community sentence commencements, breaches and sanctions

<table>
<thead>
<tr>
<th></th>
<th>All commencements</th>
<th>Those sent a warning letter (^1)</th>
<th>Those subsequently reported to be in breach to Jobcentre Plus (^2)</th>
<th>Those sanctioned</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gender:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>84</td>
<td>84</td>
<td>81</td>
<td>76</td>
</tr>
<tr>
<td>Female</td>
<td>16</td>
<td>16</td>
<td>19</td>
<td>24</td>
</tr>
<tr>
<td><strong>Age group (at start of sentence):</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 20</td>
<td>19</td>
<td>24</td>
<td>24</td>
<td>22</td>
</tr>
<tr>
<td>20-24</td>
<td>27</td>
<td>34</td>
<td>35</td>
<td>33</td>
</tr>
<tr>
<td>25-29</td>
<td>17</td>
<td>19</td>
<td>20</td>
<td>23</td>
</tr>
<tr>
<td>30-34</td>
<td>14</td>
<td>12</td>
<td>11</td>
<td>12</td>
</tr>
<tr>
<td>35-39</td>
<td>10</td>
<td>7</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>40 and over</td>
<td>12</td>
<td>5</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td><strong>Benefit status:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>On JSA or IS at some point during sentence</td>
<td>43</td>
<td>47</td>
<td>64</td>
<td>77</td>
</tr>
<tr>
<td>Not on JSA/IS</td>
<td>57</td>
<td>53</td>
<td>36</td>
<td>33</td>
</tr>
<tr>
<td><strong>Recorded as having a partner:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>7</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>No</td>
<td>93</td>
<td>96</td>
<td>97</td>
<td>98</td>
</tr>
<tr>
<td><strong>Recorded as having one or more children:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>16</td>
<td>12</td>
<td>11</td>
<td>12</td>
</tr>
<tr>
<td>No</td>
<td>84</td>
<td>88</td>
<td>89</td>
<td>88</td>
</tr>
<tr>
<td><strong>Sample size for gender, age, benefits:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>16574</td>
<td>3008</td>
<td>727</td>
<td>382</td>
</tr>
<tr>
<td><strong>Sample size for partner, children:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10881</td>
<td>2108</td>
<td>727</td>
<td>382</td>
</tr>
</tbody>
</table>

\(^1\) CS Stats 1 forms (see Section 3.2.2)

\(^2\) CS Stats 2 form (see Section 3.2.2)

Probation Service staff described these characteristics as fairly typical within their caseloads and did not see them as barriers to working effectively with offenders.

There were few clear distinctions between the characteristics of the sanctioned and unsanctioned offenders. Similar patterns of childhood experience, educational attainment, employment, health issues and previous convictions were reported by both. The one area where there did appear to be a difference was drug and alcohol use. Whilst unsanctioned offenders reported comparable patterns of previous drug and alcohol use to sanctioned offenders, unsanctioned offenders were either engaged in treatment to address these issues or had previously addressed them and subsequently stopped using them completely.
2.3 Other benefit sanctions

The requirements for benefit receipt have been strengthened over recent years and there are a number of different labour market benefit sanctions. On Jobseeker’s Allowance, claimants can be sanctioned if they are not willing or able to take up work; do not actively seek work; leave work voluntarily; unreasonably refuse to take up a job interview or job offer, or unreasonably fail to attend a prescribed employment programme or training scheme. The period of sanction can be up to 26 weeks. In some pilot schemes claimants on other benefits can be sanctioned for not complying with requirements. Claimants who are found guilty of benefit fraud on two separate occasions within a three-year period can have sanctions imposed on a wide range of benefits, including Incapacity Benefit, Income Support, Jobseeker’s Allowance and Housing Benefit. The sanction period is 13 weeks (Fitzpatrick et al, 2002). The most recent statistical report on the Jobseeker’s Allowance shows that in November 2002 19,000 (2.2%) claimants for Jobseeker’s Allowance were subject to a sanction or a disallowance.

Jobseekers who incur a sanction may apply to Jobcentre Plus for hardship payments after two weeks of the sanction period, where it lasts over that duration. Those who have caring responsibilities for dependants, or are chronically sick, disabled or pregnant may apply immediately.

The groups most likely to be sanctioned vary depending upon the specific nature of the sanctions regime in question. Bonjour et al (2001)’s survey research among New Deal for Young People participants used multivariate analysis which showed that sanctions were more common among younger participants (aged 18-24), men, and those with problems with literacy or numeracy. Overall, they conclude that:

‘there was no strong tendency for disadvantaged groups to either be targeted by or sheltered from the sanctions regime.’

Other research (Molloy and Ritchie, 2000; O’Connor et al, 2001; Saunders et al, 2001) has highlighted distance from the labour market, lack of labour market skills and complex personal issues among sanctioned claimants.

Studies among different benefit populations (Molloy and Ritchie, 2001; O’Connor et al, 2001; Vincent et al, 1988) identify three broad classes of reasons for non-compliance:

• Unwitting non-compliance resulting from limited or mistaken knowledge about the rules relating to compliance and non-compliance. Saunders et al (2001) found that most job seekers understood, in principle, that their entitlement to Jobseeker’s Allowance conferred requirements in relation to jobsearch and related activities, but that jobseekers had limited detailed knowledge about what this meant in practice for them.

• Deliberate non-compliance resulting either from specific dissatisfaction with the actions required to comply or broader rejection of the regime itself. Here people take consciously risky actions because they see the programme failing their needs or reject requirements for benefit receipt altogether.

• Non-compliance resulting from issues in claimants’ personal circumstances which militate against, or prevent, compliance: including unexpected family emergencies, disability, ill health and a range of issues such as problematic drug or alcohol use or homelessness.

Whilst some people become determined not to repeat previous mistakes, others maintain they would not act differently in the future.
Vincent (1998), O’Connor et al. (2001) and Saunders et al. (2001) describe the financial impacts of benefit sanctions, including general hardship, debt and rent arrears, which affect both the sanctioned person and their dependants or co-habitants. These studies also identify the importance of access to informal financial and practical support and to hardship payments or other formal sources of support in helping to manage the sanction period. Bonjour et al. (2001)’s multivariate analysis found that some people with literacy problems, and those who score higher within a composite variable involving problems with drugs, alcohol, a criminal record or homelessness, were less likely to report having obtained alternative benefits or payments.

Saunders et al. (2001) reported positive impacts of sanctions on job search amongst offenders sanctioned on New Deal: levels of job search generally increased, and for some the sanction was a ‘jolt’, spurring them into action.

Vincent’s 1998 qualitative study with Jobseeker’s Allowance claimants found a mixture of impacts on people’s engagement with labour market programmes, from little or no reaction to anger, resentment, confusion and irritation, which could be directed towards Jobcentre staff. Similarly, Saunders et al. (2001) reported varying reactions to being sanctioned amongst New Deal claimants. There were those who accepted they had not co-operated with the New Deal and felt that their sanction was ‘fair’. Others were aggrieved if they felt not enough had been done to address problems they were experiencing with the programme. The same study also found that some New Deal clients had disengaged from ‘the system’ after being sanctioned, but that service staff felt that sanctions did help certain clients to start, or go back on to, the programme. The research also found general support for the principle of sanctioning amongst New Deal clients, although sanctioned clients were unlikely to feel that they themselves should have been sanctioned.

Similar impacts to the community sentence sanction were recorded within the current study (see Chapter 6).

2.4 Summary

- Enforcement practice has gradually been tightened within the Probation Service with the introduction and subsequent amendments of National Standards. Non-compliance behaviour is associated with previous histories of non-compliance or non-cooperation; strong and active criminal associations; perceived obstacles or difficulties in attending (such as transport, care responsibilities and drug use); lack of support from others to comply, and lack of personal motivation to modify offending behaviour.

- The majority of offenders on community sentences are young and male. Sizeable sub-groups have spent time in some form of care; have no educational qualifications; have drug and alcohol problems, and have other health problems. Most are not in work, and most have previous convictions. These characteristics were also reflected in the qualitative research sample and are typical issues faced by the Probation Service.

- Within the community sentence sanctions pilot, young offenders and, overall, those without partner or children were disproportionately represented among those who receive a community sentence sanction. However, women offenders were also more likely to be sanctioned, possibly because they were more likely to be in receipt of relevant benefits. Offenders on benefits were disproportionately likely to be reported as breach cases.
There is a range of other benefit sanctions, which can last for up to 26 weeks. Informal financial and practical support, as well as formal financial assistance such as hardship payments, are important in claimants’ management of the sanction period. Despite financial hardship, sanctions can impact positively on job search. There is some evidence of a minority of people disengaging from the system following a sanction and of adverse impacts on relationships with staff. But benefits system staff, as well as claimants generally, support the principle of sanctions.
3 The implementation and operation of the policy

This chapter looks in detail at the implementation and operation of the policy pilots in the four pilot areas. It examines the liaison involved in the implementation stage, staff understanding of the policy, and the information and training they received, and then focuses on the key elements of the operation of the policy.

3.1 Implementation of the policy

3.1.1 Liaison between agencies in implementation

Implementing the policy required careful liaison between the Probation Service and (in the early days before their merger to become Jobcentre Plus) the Employment Service and Benefits Agency. The Employment Service and Benefits Agency already had strong links prior to the new policy, and were preparing for the merger of the two agencies into Jobcentre Plus, but neither had a strong history of collaboration or joint working with the Probation Service. Staff in all four areas who took part in the qualitative research reported a substantial process of liaison between the Probation Service, the Benefits Agency and the Employment Service leading up to, and in the early stages, of implementing the policy. Representatives of the three agencies met regularly throughout the operation of the pilot at national and local levels, with informal contact by telephone or email. They had visited the other agencies to talk to staff about their organisation’s role in the policy, and cross-agency walkthroughs of the policy had been staged. There had also been initiatives such as a joint open day across the three agencies to publicise the policy to local welfare rights organisations, councillors and magistrates.

Those involved felt the process of liaison had been very constructive and useful, both in preparing for the policy and in building relationships between the agencies more generally. The close liaison had allowed the agencies to establish systems and processes which ran smoothly when the policy went live and to establish clear points of contact. Some frontline staff within the Probation Service and Jobcentre Plus said they would have valued being involved in more local level liaison.

Representatives from the courts system had also been involved in discussions about implementation, although those from the other agencies felt the courts could usefully have been more involved in early discussions about the operation of the policy, particularly about procedures for informing offenders of the policy, and about how the Probation Service works with offenders. Findings from the sentencers survey shows that, among sentencers themselves, as Chapter 7 describes, just under half
would have liked more information on the sanctions policy, and just over half said they felt very or quite well informed about it.

In general, however, liaison around implementation was felt, by staff involved in the qualitative research, to have been very successful.

3.1.2 Staff understanding of, and views about, the policy

As part of the fieldwork with Jobcentre Plus and Probation Service staff, the research explored early understanding of, and views about the policy, and whether these changed during the course of the pilot. This section looks at views about the objectives of the policy, its fit within the agencies’ broader work, its expected impacts and its fairness.

The main objectives of the policy were understood by staff from the Probation Service and Jobcentre Plus to be to increase the compliance of offenders with the requirements of their community sentences. There was a high level of support for this within both agencies. There were different views about the broader objectives of the policy. It was widely interpreted by staff from both agencies as being part of a Government agenda of rights and responsibilities, and citizenship.

‘I think it also fits with the Government’s views about roles, rights and responsibilities and I suppose it’s a thing that you can’t have a free lunch really. If people are...in receipt of benefits, then certain obligations go with that.’

(Probation Service)

Some, particularly more senior staff in both agencies saw it as an example of ‘joined-up government’, with different Government Departments working together towards a common objective. Particularly within the Probation Service, it was also thought to be part of a Government agenda of being ‘tough on crime’.

These different interpretations of the policy linked with views about how well the policy sat within the Probation Service or Jobcentre Plus. Within Jobcentre Plus, the policy was seen to fit clearly within an agenda of rights and responsibilities and the existing regime of labour market sanctions, and as such it was seen by some as a ‘natural extension’ of their work, a parallel and complementary measure to labour market sanctions. Some staff were positive about the concept of ‘joined-up government’ and had no reservations about working with the Probation Service to encourage compliance.

‘I mean we’re a Government Department and it’s Government policy anyway, so if you can bring a number of issues together from different departments, in this case the Home Office, Probation Service, Employment Service and the Benefits Agency, towards a particular goal, I don’t see that there’s anything wrong with that.’

(Jobcentre Plus)

However, other Jobcentre Plus staff felt the policy was not relevant to the agency’s work and broader objectives, and felt that enforcing the requirements of a community sentence should be the responsibility of the Probation Service and the courts system.

Within the Probation Service, the policy was felt to fit in with the increased emphasis on enforcement, in line with National Standards. There was, however, widespread doubt whether it would, in practice, have any significant impact on compliance. As Chapter 4 shows, the policy had a small positive impact on breach rates of the order of 1.8%. Staff also felt the policy did not sit well with Probation Service wider objectives because of concerns that it would have an impact on offending by those who were sanctioned, an issue discussed in Chapter 6.
There were different perceptions in the two agencies about ownership of the policy. Probation Service staff sometimes saw it as a labour market policy primarily concerned with the benefits regime; Jobcentre Plus staff widely saw it as a criminal justice policy concerned with enforcing compliance with community sentences.

Finally, a reservation voiced by Probation Service and, to a lesser extent, Jobcentre Plus staff was that the policy was unfair because, as well as the criminal penalty for breach, it imposed an additional penalty on offenders on Income Support and Jobseeker’s Allowance, but not on those in work or on other benefits.

‘If you breach your order you are already punished and it is discriminatory because if we punish someone who’s in employment who breach they just get punished once but if they are also in receipt of benefits, then it’s a double whammy.’

(Probation Service)

In the main, these views about the objectives behind the policy, its fit within each agency and its fairness were held consistently across the different stages of fieldwork. There were staff, within Jobcentre Plus, who supported the policy and their agency’s involvement in it. But, although staff in both agencies supported the objective of encouraging compliance with the requirements of community sentences, there were also strong reservations about whether this aim would be achieved in practice, about other impacts of the policy, and about their organisation’s involvement in it.

### 3.1.3 Staff information and training

Those involved in the qualitative research described an extensive process of information and training involving written guidance and local management meetings, with information cascaded down to frontline staff by office or team managers, Nominated Officers, or representatives of frontline staff. Training, awareness sessions, workshops, walkthroughs and briefings had been arranged for frontline staff. Some frontline staff reported receiving written information only and would have valued other types of guidance coming earlier. But generally, in the initial fieldwork with staff, levels of awareness of the policy seemed to be high, even where staff had not personally dealt with sanctioned cases themselves.

In the second round of fieldwork, around a year into the operation of the policy, there were some gaps in familiarity with details. The volume of sanction cases was much lower than staff had expected and some staff had personal experience of few, or no, sanction cases. Within Jobcentre Plus, some processing staff were not aware of how to process sanctions, and frontline staff did not feel well prepared to deal with queries from offenders, although both were able to cope with this by referring to the guidance or seeking advice from a colleague. Initiatives had been undertaken to support awareness, with a newsletter produced and, in one area, a member of staff in each Jobcentre Plus office designated to maintain staff awareness. Within the Probation Service, the details of the policy were not always known by probation officers and Supervising Officers. There were misunderstandings about which benefits were affected and the level and duration of the sanction period, although staff recalled being given written guidance about the policy. Staff did not always feel able to answer queries from sanctioned offenders but referred them to Jobcentre Plus for more information. In both agencies, staff who joined after implementation said they did not think they had received the same level of information and training as others.

When offenders had queried the sanction with staff at either the Jobcentre Plus or Probation Service, some had been given sufficient explanation about it. But there were also cases where offenders reported not getting clear information and being passed between the court, the Probation Service
and Jobcentre Plus. This had sometimes aggravated offenders who were already angry about the sanction.

3.2 Operation of the policy

3.2.1 Informing offenders about the risk of sanction

The procedures operated in the local areas meant that offenders were informed about the policy at a number of stages:

- at the pre-sentence report interview;
- in court when the original community sentence was given;
- by probation officers at the Probation Service induction interview and at subsequent probation appointments;
- by posters and leaflets on display at Probation Service offices;
- by letter after a first unacceptable absence or failure to comply; and
- by letter when breach proceedings were initiated.

These locally implemented procedures went beyond what had been required in the formal guidance.

Overall, Probation Service and Jobcentre Plus staff were confident that warnings were being delivered, and that offenders were being made aware of the policy. Even if a warning at one stage in the process had not been received, staff felt that there were enough other stages in the process to ensure that an offender would still have been informed of the policy well before the sanction was implemented. Some probation officers reported that, in the early stages of the policy, sentencers were not issuing warnings in court. As Chapter 7 describes, findings from the survey of sentencers show that 26% of sentencers said they were not aware of the requirement on them to warn offenders about sanctions when the policy was introduced. Justices’ Clerks may, however, in practice, have reminded them of the need to give the warning. Probation Service staff involved in the qualitative research also sometimes said that they had become slightly less diligent about reminding offenders of the policy, particularly since the number of sanctioned cases was lower than expected. Jobcentre Plus staff noted that warning letters may not always have gone to what was the offender’s actual address, and one member of staff interviewed who was responsible for sending them out had a file of letters returned as ‘not known at this address’.

In general, though, staff felt that the procedures were operating as planned and that offenders were being warned as intended. Within the offender fieldwork, there were those who did recall being told about the policy early on. They described being told in court or at an early probation appointment, seeing a poster or leaflet, receiving a letter after their first unacceptable absence or hearing about it from family or friends.

‘[Heard about it] When I started probation …. It’s on the board when you go in and they give you a leaflet when you attend’

(Male, 28, CRPO, Sanctioned, IS, 40%)

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10 Where quotations from transcripts with offenders are used, the sex, age, type of community sentence, benefit, whether sanctioned and level of sanction are shown.
I was told right at the beginning. [Probation Service] said to me if you don’t turn up your benefits will go... [Later in interview] The magistrate did say something along the lines of if you don’t go along to your community sentence and perform as expected then there is a possibility that your benefits can be removed.’

(Male, 38, CPO, JSA, Unsanctioned)

However, other sanctioned offenders said that they had not been aware of sanctions until they were in court for the breach hearing. Some left court still unaware and therefore did not find out until the sanction was actually imposed. Findings from the sentencers survey show that more than two-fifths of sentencers (43%) agreed that many offenders do not understand that a breach will result in benefit sanctions. Similarly, among the unsanctioned offenders were those who did not recall hearing anything about it. When probed, some offenders (both sanctioned and unsanctioned) admitted that it was possible they had received a warning or warnings about the policy, and that they had simply forgotten. Jobcentre Plus staff, too, said that offenders often initially claimed not to have known about the sanction but, once it was explained to them, recalled that they had been told.

A number of reasons were suggested by staff and offenders themselves as to why warnings may not have registered with offenders. At the pre-sentence report interview and in court, offenders said their main concern had been the possibility of a custodial sentence, and they thought they would have been unlikely to pay attention to warnings about the policy. Some thought they may have received warnings about the policy, for example from their probation officer at the start of their sentence, but not fully absorbed them at the time.

‘I think when I got probation and that I think they said ‘if you breach it there's a thing where we stop your money’ but it just went in one ear and out the other.’

(Male, 26, CRO, Sanctioned, IS 40%)

Offenders felt the information might not have registered if they did not think it was relevant, for example because they intended to comply or because they were not on benefits at the time. (Table 2.4 shows that 33% of those sanctioned were not on relevant benefits at the start of their probation sentence.) A lack of clarity or detail in what they were told about the sanction policy sometimes played a part. One offender recalled his probation officer saying that his benefits ‘could’ be affected and assumed from this that they might not be; another recalled being told about a ‘sanction’ but did not know what the word meant. Offenders also sometimes said that they had not been told by their probation officer how much benefit they could lose or for how long, or had been told they would lose only part of their Jobseeker’s Allowance and assumed it would be a matter of £10 or £20 a week. Some knew of the policy but did not realise it applied to Income Support.

Not all offenders recalled receiving the warning letter after the first breach, or the letter when proceedings were initiated. Some said they could not read well, or that their living arrangements were fluid, so letters may not have been received or their contents absorbed.

Overall, the system for warning offenders appears to be operating as intended, but offenders do not always absorb or retain a consciousness of the information. Of course it may also be that offenders semi-consciously or deliberately ‘forget’ the policy, or that they present themselves as never having been told. However, getting information across to offenders in ways that they do retain it is important. Not knowing about the policy means it cannot have a positive impact on compliance, and there were several instances where offenders said that their anger about the sanction was increased by the fact that it came, in their eyes, ‘out of the blue’.
'I went mad in the dole office I did cos nobody told me I was going to lose nothing. I was pissed off. F**king well pissed off. I believe they should have told me, written to me.'

(Male, 26, CPRO, Sanctioned, JSA 100%)

Although the system appears to have been implemented as intended, this suggests that it may be necessary to develop further procedures to remind offenders frequently of the policy, emphasising that it applies to them, and ensuring they understand the level and duration of benefit sanction involved.

### 3.2.2 Notification of breaches

The procedures for operation of the policy required Probation Service staff to send notification to the Nominated Officer at Jobcentre Plus at two points: when breach action is initiated (using a ‘CS Stats 1’ form), and when a breach is proven in court (using a ‘CS Stats 2’ form). There appeared to be some problems in the implementation of the system.

In all four areas, there was some evidence that not all breach initiations led to the completion and return of a CS Stats 1 form. Part of the discrepancy may be due to breaches being withdrawn before a form was completed. However, a warning letter was sent in respect of 19% (3,124) of the 16,574 orders which commenced during the evaluation period, which is below national breach levels, (Home Office, 2002b). The discrepancy was particularly marked in one area, which had a different internal system for completion of CS Stats forms. In the other three areas, the CS Stats 1 form was completed by the offender’s probation officer, and the CS Stats 2 form by Probation Service staff based at the court where the breach hearing took place. In the outlying area, breach information was sent to the court and entered on a spreadsheet by court staff, which then triggered the despatch of CS Stats 1 and 2 forms. It transpired that the required information was not always passed on, and sanctioning action thus not initiated.

A second issue was a discrepancy in all four areas between the number of CS Stats 1 forms issued (notifying Jobcentre Plus of breach proceedings being initiated), and the number of CS Stats 2 forms (notifying the outcome of breach proceedings and triggering a sanction in relevant cases). During the evaluation period, a total of 3,124 CS Stats 1 forms were issued, but just 883 CS Stats 2 forms (28% of the number of CS Stats 1 forms). The number of sanctions applied was 396 (13% of the number of CS Stats 1 forms). Again, the discrepancy was most marked in the area with the different internal system for generating the forms.

In part, this disparity can be explained by the fact that not all cases for which a breach was initiated would have gone to a breach hearing. The offender may have been able to account for their absence so that breach proceedings were withdrawn before the hearing. They may not have attended the hearing, in which case a warrant would be issued and the breach cannot be proved until they are returned to court. They may have attended but been found to be not guilty of breach by the court. If they faced other criminal charges in a Crown Court, rather than a Magistrates Court, they could have their original community sentence revoked, and receive a different type of sentence, in which case the breach would not be proven and no CS Stats 2 form issued.

A team from the Research, Development and Statistics Directorate of the Home Office carried out an investigation of these issues by following up 120 cases where a CS Stats 1 form had been received but not a CS Stats 2. A random sample of 30 cases was selected for each area, stratified by the number of breach proceedings for an individual. The sample was checked by the Home Office to establish whether the cases had been to court, whether they had been found in breach, and any further relevant information. Table 3.1 shows the stage reached in the 120 cases.
Table 3.1 Investigation of discrepancy between CS Stats 1 forms and CS Stats 2 forms

<table>
<thead>
<tr>
<th>Progress recorded</th>
<th>No. of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outcome of breach case reached(^1)</td>
<td>48</td>
</tr>
<tr>
<td>Breach withdrawn</td>
<td>5</td>
</tr>
<tr>
<td>Adjourned</td>
<td>2</td>
</tr>
<tr>
<td>Warrant without bail/other warrant</td>
<td>35</td>
</tr>
<tr>
<td>No action, no breach listed or no information</td>
<td>26</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>120</strong></td>
</tr>
</tbody>
</table>

\(^1\) These were recorded variously as sanction applied, breach proven, order revoked/terminated, order to continue, fine, new order/additional hours, prison.

The results show that 48 cases had reached an outcome so that a CS Stats 2 form should have been sent. In 42 cases no outcome had yet been reached, so there was a legitimate reason why the form had not been sent. In 30 cases it was unclear what stage the case had reached and whether a Stats 2 form should have been sent. The method and results are described in more detail the appendices.

Some further localised problems were described in the qualitative research with Probation Service and Jobcentre Plus staff. In one area, a Nominated Officer had been told by a Probation Service staff member of a court where a large number of CS Stats 2 forms had been found in a filing cabinet, having not been faxed through to the Nominated Officer. In the early stages of the policy, one of the largest offices in the region had not issued any CS Stats 2 forms for a period, until the Jobcentre Plus representative had taken this up with a Probation Service colleague. Elsewhere, a Jobcentre Plus manager was told that a local court prosecuted 30 breach cases over a two-week period, and yet some time later the local Nominated Officer had reportedly not received any CS Stat 2 forms from the Probation Service based at the court. There was no evidence among those staff members involved in the qualitative research of a deliberate failure to operate the system, and the problem appears to be an administrative one.

Finally, Jobcentre Plus staff also reported that the CS Stats 1 and 2 forms they received were not always fully completed, with details such as the offender’s address or date of birth sometimes omitted. They had to seek clarification from Probation Services staff, which was sometimes time consuming. In one area it was also reported that some forms had been posted but not faxed, leading to delays in the Nominated Officer receiving them. Nominated Officers also reported that forms were often sent in bulk, which made it difficult for them to process all the cases immediately.

### 3.2.3 Imposition of sanctions

Once a CS Stats 2 form is received by the Jobcentre Plus Nominated Officer, notifying them of the outcome of the breach hearing, the Nominated Officer checks whether the offender is claiming Jobseeker’s Allowance or Income Support. If they are, the details of the offender are passed on to the relevant Jobseeker’s Allowance or Income Support processing section, who then impose the sanction through the Jobcentre Plus computer system. The system for imposing sanctions appeared to work smoothly. Some initial problems had emerged when Nominated Officers were absent from their office for a significant length of time, either because of illness, a holiday or industrial action, leading to a delay in the imposition of a sanction. However, this had been addressed at an early stage in the four areas, and systems put in place for cover.
At the beginning of the evaluation period, there were some concerns among Jobcentre Plus representatives that Housing Benefit and Council Tax Benefit might inadvertently be affected by Jobseeker’s Allowance sanctions, because Jobseeker’s Allowance acts as a ‘passport benefit’ to both. Jobcentre Plus staff involved in the research were confident that measures had been taken to ensure this did not happen, and did not know of any cases where it had. There were occasional cases among the sanctioned offenders interviewed where people said they had lost Housing Benefit and Council Tax Benefit. However, there is no reason to suspect a failure of existing systems for ensuring that Housing Benefit and Council Tax Benefit are unaffected by sanctions, and they may reflect recall problems among offenders or the imposition of a different sanction incurred by the offender not adhering to labour market requirements. Offenders also sometimes reported the sanction lasting longer than four weeks. Again this is not supported by administrative data, and may again reflect recall problems or a subsequent benefit sanction.

3.2.4 Measures taken to ensure staff safety

Staff in both agencies noted that, irrespective of the community sentences sanction policy, clients can become angry or aggressive if they are breached or incur a labour market sanction. There were concerns that the new community sentence policy might exacerbate this. A number of measures were put in place to ensure staff safety, and in practice the issue proved much less problematic than expected. Early concerns may have, in part, been heightened by the fact that the introduction of the policy coincided with the introduction of Jobcentre Plus offices in which the screens which had previously separated staff from clients were being removed.

A number of stages were built into the process at which offenders were made aware of the policy (see Section 3.2.1) to manage offenders’ reactions to the sanction. Risk assessments had been carried out in Probation Offices and Jobcentre Plus offices in all four areas. Health and safety workshops were also conducted in some areas, and guidance was issued to frontline staff who were going to come into contact with sanctioned offenders. A system was set up to ensure that Jobcentre Plus frontline staff knew when a client using their office had been sanctioned. In some areas it was decided that if Jobcentre Plus staff had to make a home visit to a sanctioned offender they would delay it until the sanction period had elapsed. In some Jobcentre Plus offices, where concerns were particularly high, there were plans to meet sanctioned offenders at the door of the Jobcentre and walk them to screened offices (used where staff anticipate an interview being difficult or sensitive), or for an experienced team leader to deal with all sanctioned offenders who came into the office.

There were also discussions about whether the Probation Service could warn Jobcentre Plus where an offender, considered by the Probation Service to be potentially violent, had been sanctioned. This had not been implemented, it was thought because of data protection issues. However, there were systems for any explicit threat of violence against a member of staff in either agency to be notified to the other.

In general, staff at the Probation Service and Jobcentre Plus reported that the feared impact of the policy on safety had not materialised. Nobody who participated in the research had personally suffered actual violence, and there were no reports of others experiencing this. It was the experience of staff that offenders generally accepted sanctions without a strong reaction, often to the surprise of staff involved, and some of the offenders interviewed described accepting the sanction with a general sense of resignation and without expressing anger.

‘I thought there’d be quite a lot of impact on customers. I thought the customers would react a lot more than they have done. I’m very surprised about that.’

(Jobcentre Plus)
Staff believed the safety procedures put in place were generally effective, and said that if offenders had reacted angrily they had been able to defuse the situation by explaining why the sanction had been imposed and making it clear it had not been their own decision. Jobcentre Plus staff had attributed the sanction to the decision of the courts or the Probation Service, whilst Probation Service staff had indicated that the sanction was automatic following a breach and referred offenders to Jobcentre Plus for more information about how it affected their benefit claim.

There were, however, some reports by staff of cases where offenders had been abusive or threatening to Jobcentre Plus or Probation Service staff when they were sanctioned, or where there had been damage to property, although they noted that this kind of reaction to being sanctioned or breached sometimes occurs, irrespective of the sanction. Some of the offenders interviewed also described behaving abusively or threateningly to staff or damaging property when they were sanctioned, especially if the sanction had come, in their eyes, without warning.

In practice, not all the intended measures were being used at the time of the second wave of fieldwork. Only one area seemed still to be operating a system to inform front desk Jobcentre Plus advisors when a claimant had been sanctioned, and procedures to escort sanctioned offenders to a screened office, or to deal with them at a designated desk, were not being used. However, by the second stage of fieldwork, staff generally did not have the same heightened concerns about safety.

### 3.2.5 Impacts on staff workload

The impact of the policy on staff workload in both agencies had generally not been as great as expected, again because of the small numbers of cases most staff had encountered. Jobcentre Plus processors did not generally feel that imposing sanctions had a great impact on their workload because it was a relatively simple procedure, and frontline staff said there had been fewer queries than expected from sanctioned offenders. For probation officers the policy was something extra that they included in pre-sentence reports and discussed at induction sessions, but this was not generally viewed as a significant addition to workloads.

The staff who reported the greatest impact on their workload were Nominated Officers in Jobcentre Plus offices and senior staff with overall responsibility for the policy on behalf of their agency in their area. For Nominated Officers, receiving and acting on notification of breaches had become a significant part of their weekly workload, particularly if forms were not completed fully and if there were queries from frontline staff. Additional resources had been made available to cover their new responsibilities, although senior staff sometimes reported that these had not been sufficient.

Staff with overall responsibility for the policy in their area typically reported that the process of implementation had been time-consuming in terms of liaising with the other agencies, briefing staff and attending meetings of the implementation group. The demands on their time were reported to have eased somewhat after implementation, since less frequent liaison between agencies was required. Overall, the impact on workload had not been as significant as expected.
3.3 Summary

- The implementation and operation of the policy was generally reported to have gone smoothly. Staff views about the policy in the two agencies were varied, but although some (particularly in Jobcentre Plus) supported it and saw it fitting well within the work of their agency, there were also concerns about its fairness and impacts.

- There were some gaps in familiarity among staff with the operation of the policy, the benefits affected and the level and duration of the sanction.

- Although the systems for informing offenders about the policy at several stages and in different ways appear largely to have been implemented as intended, this information was not always absorbed and retained by offenders. Some said they were not aware of the sanction until after they had breached their community sentence, or until the sanction was actually imposed.

- Systems for implementing sanctions seemed to work smoothly once Jobcentre Plus were aware of the breach being found. However, there was a substantial shortfall in the number of CS Stats 2 forms received by Jobcentre Plus. This is only partly explained by the time involved in cases reaching a breach hearing, or in hearings not taking place for legitimate reasons. In practice, it appears that Jobcentre Plus were not always informed of the breach being found and of the need to impose the sanction, and sanctions were, therefore, not imposed in all cases where they should have been.

- Early concerns about a potential increase in violent episodes led to a number of measures being put in place, and the anticipated increase in violence did not materialise. The impact on staff workload was small, except on Nominated Officers and those closely involved in implementation.
4 Impact on compliance

This chapter examines the impact of the benefits withdrawal pilot on offenders’ compliance with the requirements of community sentences. The chapter draws on the quantitative analysis of administrative data collected before and during the evaluation period to derive an estimate of change in compliance. It then uses the qualitative data from research with offenders and Probation Service and Jobcentre Plus staff to explain this estimate of impact.

4.1 Quantitative estimates of impact on compliance

4.1.1 Overview and main estimate

Sections 4.1.2 to 4.1.5 below describe how a quantitative estimate of the impact of the policy on compliance was made, and sets out the assumptions for that estimate to be unbiased. Overall, it is estimated that the policy has a small but positive impact on compliance. For those on the relevant benefits, the rate of breach initiation in the pilot areas reduced by, on average, 2.4% during the evaluation period. Not all of this change is likely to be directly due to the policy: of the 2.4% reduction, about 1.8% is thought to be attributable to the policy, and the remaining 0.6% to other unrelated factors.

4.1.2 Making estimates of impact

To make an estimate of the impact of the policy on compliance rates, a difference-in-differences approach was adopted. This involved making two estimates of the change in compliance associated with the introduction of the pilot:

- The first estimate of change is for the population of offenders whose behaviour is most likely to be influenced by the policy, namely those aged 18 and over and on the relevant benefits either at the start of, or at some point during, their sentence. This group is described as ‘the benefit population’.

- The second estimate of change is for a comparison group of offenders whose behaviour is thought unlikely to be influenced by the policy, namely those over 18 and not on the relevant benefits\(^\text{11}\). This group is described as ‘the non-benefit population’ although it includes some who were on other benefits to which the policy does not apply.

\(^{11}\) Those on Incapacity Benefit are excluded from this group on the grounds that the policy may have impacted on their compliance. In fact there is some evidence that this is the case, although the sample size on which the estimate is based is too small to give a reliable estimate.
The difference between these two estimates of change is taken to be the impact of the policy on the benefit population.

The estimates of change are made by comparing compliance rates for the evaluation period with compliance rates from an earlier control period. The control period was taken to be the five months immediately preceding the introduction of the policy (1 May 2001 to 14 October 2001).

The observed change between the control and evaluation periods for those on benefits is assumed to be attributable to two causes: firstly the policy itself, and secondly, other, unmeasured, factors not related to the introduction of the policy that change compliance rates more generally. The latter might include, for instance, general changes in how staff record breaches. The observed change for those not on benefits is assumed to be due only to factors not related to the sanctions policy.

For the difference-in-differences approach to work, several assumptions are needed. Fundamentally, if the assumption is made that non-policy related factors affecting compliance affect both the benefit and non-benefit populations equally, then it follows that any excess change in compliance observed for the benefit population must be attributable to the policy. In other words, the difference between the change over time for those on benefits and the change over time for those not on benefits gives an estimate of the impact of the policy. This is the ‘difference-in-differences’ estimator. The two underlying assumptions for unbiased estimation are that (a) the policy has no impact on the non-benefit population, and (b) any non-policy related change in compliance is equal for the two populations: benefit and non-benefit.

4.1.3 The data

To implement the approach described above, data are needed per area on compliance for both the control and evaluation periods and separately for the benefit and non-benefit populations. Because of differences in recording of compliance by area, and differences in how records are stored electronically, it did not prove possible for the Home Office to collect data in a standardised format in each pilot area. In addition the main indicator of compliance available differed from area to area. It is not thought that these differences affected the final estimates greatly, if only because measures of change over time should be reasonably insensitive to small definitional differences. The data collection procedure per area is described below.

4.1.4 The ‘benefit’ and ‘non-benefit’ populations

For the difference-in-differences approach to give an unbiased impact estimate, it is necessary to assume that the policy has no impact on the compliance of the non-benefit comparison population. It is, in practice, very difficult to check that this is correct. One possibility would be to compare change in compliance for the non-benefit population for those in the pilot areas, with change in compliance for the non-benefit population in matched areas not included in the pilot. But the data to do this were not available, nor would it have been cost-effective to have carried out a special data collection exercise.
In Area W, data was available electronically on all those from whom breach was initiated. This data was then matched to a commencement dataset which in turn was matched to the Department for Work and Pensions benefits database. In this way it proved possible to calculate ‘breach initiated’ rates for the pilot and control areas and for the benefit and non-benefit populations separately.

In Area X, determining whether a breach had been initiated involved checking paper files. All commencements were checked for the control period, and a sample of 1 in 2 for the evaluation period. As for Area W, the data collected was subsequently matched to the Department for Work and Pensions benefits database to allow breach initiation rates to be collected for the benefit and non-benefit populations separately.

In Area Y, it only proved possible to manually collect counts of the total number of breach forms completed per month, for cases commenced within the correct time period. Although this allows for change between the control and evaluation period to be estimated, it did not allow for separate estimates of change to be made for the benefit and non-benefit populations. This means that the difference-in-differences method of estimation of impact described above, could not be used in this area. Furthermore, comparing the counts from the control and evaluation periods for this area suggested that breach initiation rates increased by 33% over the period. This is implausibly high relative to the other three areas, and suggests that some change has occurred in the way breach was recorded rather than that the increase is genuine. For these reasons the estimates of impact presented in this report exclude the data from this area.

In Area Z, data was collected manually from a sample of probation offices within the area. The data collected included dates of unacceptable absences (as deemed by the supervising officer) and the name of the court where the breach was heard. The data does not include a unique field indicating whether or not breach was initiated. As the closest proxy, two or more unacceptable absences has been used as a marker for ‘breach initiated’. This measure will slightly over-estimate breach initiation rates in any one period but change over time between the control and evaluation periods should not be greatly different to what would have been observed with the correct data. As with areas W and X the data was matched to the Department for Work and Pensions benefits database.

A second difficulty with the difference-in-differences approach is that it is not clear who the ‘benefit’ population should include or exclude. It is reasonable to expect that those most likely to be influenced by the policy are those who were either on Jobseeker’s Allowance or Income Support at the start of their sentence, or who started a claim during their sentence and before any breach occurred. However, most of the data available for the evaluation does not give reliable information on the date of breach. Nor is there always a fixed end date for the sentence. For the analysis, the ‘benefit population’ has been defined as offenders who were on Income Support or Jobseeker’s Allowance either at the start of their community sentence or at some point during the period between the start date and an estimated end date.

As noted earlier, the alphabetical identifiers have been attributed to individual areas randomly at each reference to them in the report.
The implication of defining the benefit population in this way is that it will include a small percentage of offenders who moved on to benefits after any breach occurred. Since the impact of compliance on this group ought, in principle, to be lower for this group than for the rest of the benefit population, including this group is likely to generate an impact estimate that is very slightly too small. However, in practice, any such bias would be well within the margin of error for the presented estimate.

4.1.5 The estimate of impact

The three areas included in the final analysis were of very different sizes, the number of commencements of community sentences in the evaluation period varied from nearly 10,000 in the largest area to 2,000 in the smallest. To avoid the impact estimate from the largest area overly influencing the final estimate, the three areas have been given equal weight in the analysis. In other words, the overall estimate of impact is a simple unweighted estimate of impact for the three areas considered separately.

Averaging in this way, it was found that for the comparison group not on benefits the rate of breach initiation reduced by 0.6 percentage points between the control and evaluation periods. Consistent with the policy having a positive impact, the reduction in breach initiation rates for those on the relevant benefits was higher, at 2.4 percentage points.

Using the difference-in-differences approach, this suggests that of the 2.4 percentage point reduction, 0.6 percentage points were attributable to general non-policy related change that affected both the benefit and non-benefit populations of offenders equally. The extra reduction for the benefit population suggests that 1.8 of the 2.4 percentage point reduction is directly attributable to the policy.

A 1.8 percentage point reduction in breach initiation due to the policy is small but, nevertheless, positive. It implies that that for every 50 community sentences given to those on benefits, as a direct result of the policy, one fewer sentence resulted in a breach. Given that, on average, around 43% of community sentences were given to offenders who were either on Jobseeker’s Allowance or Income Support when they started the sentence, or who started receiving Jobseeker’s Allowance or Income Support during their sentence, the impact of the policy measured across all community sentences (irrespective of benefit status) was to reduce breach initiation rates by about 0.8 percentage points.

4.1.6 Possible explanations for the impact

It is important to point out that the quantitative analysis described here does not give any clear means of establishing ‘cause’. In particular the analysis does not offer any clear means of distinguishing impact due to change in offender compliance from impact due to change in Probation Service enforcement practice for those on benefits. However, from the reports that Probation Service staff gave of their approach to enforcement in the qualitative research (see Chapter 5), changes in enforcement practice appear to be very marginal. If this is accepted then it is reasonable to interpret the 1.8% change as attributable to the deterrent effect of the policy on offenders.

4.1.7 Inference to the national picture and implications for national roll-out

Although the pilot study has suggested that the effect of the policy was to reduce breach initiation rates amongst those on benefits by 1.8 percentage points, it does not necessarily follow that a similar level of change would be observed if the policy was to be rolled out nationally. The main reasons for uncertainty are:
• The policy was piloted in four areas, which is too small a number to be considered nationally representative.

• Although the average estimate of impact across the three areas was 1.8%, the estimate differed quite considerably in the three areas (5.0% in one area, 0.8 in another, and -0.4% in the third). With these area differences, and the small sample size of areas, it is not strictly possible to put a confidence interval around the measure of impact. But it is reasonable to infer that, with national roll-out of a policy implemented in the same way as the pilot, the ‘national impact’ would be somewhere within the range, or margin of error, (-1.4%, 5.1%)\(^ {13} \). It needs to be pointed out that this range includes the possibility that the policy could have a negative impact on breach rates (i.e. the policy actively increases breach initiation), although in practice this seems unlikely. A negative impact might occur if either probation staff became more vigilant about recording breaches for those on benefits or if the threat of sanction increased the likelihood of those on benefits breaching. (This might happen if, for instance, the threat of sanction led to a breakdown in trust between staff and offenders.) However, there is no evidence from the qualitative research that either of these occurred.

• The implementation of the policy nationally might differ in some respects from the pilot implementation. Some of the administrative difficulties observed during the pilot would probably be solved over time, and this might have an effect on impact. Problems with the implementation of the policy meant that not all offenders who should have been sanctioned were (see Section 3.2.2). If the sanction rate was to increase, so that offenders were more likely to hear of others being sanctioned, this might increase the impact of the policy. Finding ways of ensuring that offenders are repeatedly reminded of the benefit consequences of breaching, in ways which they take on board, might also help to maximise impact (see Sections 3.2.1 and 4.2.1).

Given all these caveats, the impact estimate of 1.8% and the margin of error around this estimate, should be treated as indicators of impact rather than as hard estimates.

4.2 Offenders’ accounts of the impact of the policy

The qualitative data from the fieldwork with offenders and staff within the Probation Service and Jobcentre Plus is broadly in line with the estimate of impact from the administrative data. Staff in either agency would be highly unlikely to observe, through their own work, an impact of the order of 1.8% (or one in 50 community sentences). Equally, such an impact is not likely to register strongly in the qualitative sample. However, the fieldwork with offenders and staff did identify some positive impacts which show the policy operated as an influence on compliance behaviour both up to the sanction, and more particularly during the rest of the order after the sanction. Among sentencers, too, as discussed in Chapter 7, there was some perception of a positive impact on compliance. 29% of sentencers thought the policy had increased compliance to some extent and 1% significantly, while 7% of sentencers thought the number of breaches had fallen following the introduction of benefit sanctions.

The qualitative data indicate how, and under what circumstances, this impact occurs, and identify factors that limit the positive impact on compliance. As the final section outlines, there are parallels with other research into probation non-compliance (see Section 2.1) and other benefit sanctions (see Section 2.3).

\(^ {13} \) Calculated as 1.8+2* estimated standard error.
The key explanations for the impact of the policy emerging from the qualitative research lie in offenders’ awareness of it, wider attitudes to compliance before the sanction, and the experience of being sanctioned.

### 4.2.1 Awareness of the policy

As noted in Section 3.2.1, offenders had different levels of awareness of the policy, some claiming – despite a system for informing them which appeared to have been implemented as required – that they did not know of the policy until after they had breached their community sentence. This lack of awareness of the policy was reported by unsanctioned offenders too. There was nothing in the qualitative data to suggest that unsanctioned offenders were more aware of the policy, or informed about it in different ways, but statistical data would be required to assess this robustly.

For those who had no consciousness of the policy it clearly could not be expected to impact on compliance. However, some who claimed not to know about it thought they would have behaved differently had they known, and that having become aware of it through being sanctioned they would now behave differently. (The issue of impact on subsequent breach is explored fully in Section 4.2.3.) Where offenders had been aware of it, there were those who said they thought it may have had some impact on their attitudes and behaviour, at least initially. However, they felt this impact had dissolved as they continued with the order, and others said that even though they knew of the policy it had had no impact on their behaviour.

### 4.2.2 Wider attitudes to compliance before the sanction

The second part of the explanation for impacts of the policy emerging from the qualitative research lies in wider attitudes to, and behaviours around, compliance before the sanction. It should be noted here that specific details about unacceptable absences and other aspects of breaches were not always easy to establish in the interviews. Offenders were not always able to remember why they had not attended an appointment, or why their absence was unacceptable, particularly where they had had multiple community sentences. There was also no mechanism in the research design for verifying offenders’ accounts. Whilst some offenders openly said that they had failed to attend for reasons which would clearly have been unacceptable, others described circumstances which were of the types Probation Service staff generally saw as acceptable. Although the research team was able to pick up on accounts which were obviously contradictory or implausible, some offenders may have chosen to present their behaviour in a more positive light in the research interview.

Two broad groups emerged in terms of offenders’ approaches to compliance with their sentences before the sanction: those with a clear intention to comply with their sentence, and those without such an intention. The following sections describe these attitudes towards compliance, compliance behaviour within these groups, and offenders’ views about the impact of the policy.

#### Offenders with an intention to comply before the sanction

The first group of offenders were those with a clear intention to comply with their sentence, either from the start of their sentence or because their attitude changed during the sentence. This group included all 11 cases in the unsanctioned sample whose intention to comply had been realised in practice and who had not breached their community sentence. However, there were also sanctioned offenders who had intended to comply but who had not done so. This was a mixed group in terms of age, gender and type of order being served.
These offenders generally described feeling that they recognised that they had broken the law and accepted the resulting sentence. They saw their community sentence as just punishment and intended to comply with its terms.

‘I’ve got to do it... I just thought this is my punishment, I’ve got to go.’

(Female, 38, CRO, IS, unsanctioned)

Their stance was sometimes underpinned by having a positive relationship with their probation officer and valuing the support they received, or by the fact that they did not find their probation requirements particularly onerous or unpleasant. For some it was a first offence, and something they saw as an aberration or were determined not to repeat. They tended to have conventionally structured lifestyles, to have attended and completed school, been in employment, and found it relatively easy to keep to appointments. However, even where offenders had committed multiple offences, some reported that they had complied fully with previous community sentences.

‘Because I’m reliable like that, I like to be on time. If I’ve got an appointment I like to keep it. Mainly now because I don’t want to get breached, mainly cos I don’t want to go back to court. I just want to get on with my probation, get off probation and then sort the rest of my life out.... I’ve always been like that, even when I was [drunk] I’d still turn up.’

(Female, 28, CRO, IS, unsanctioned)

A further factor shaping attitudes for this group was a strong awareness of the possibility of a custodial sentence if they did not comply, and a strong desire to avoid this.

[Prison was] Horrible. The first time I went I said I’d never go back, and I did. The second time I come out I said I’d never go back .... I want to make sure I don’t go back.... [At first probation appointment in current community sentence] I just thought well, what do I want to go and sit in front of somebody and talk about everything for, when I could be out and things. But it’s either that or go back to prison.

(Female, 20, CPO, JSA, unsanctioned)

This clear intention to comply was a new behaviour for some in this group who described non-compliant attitudes and behaviours in earlier sentences. They sometimes linked this with having moved away from problematic drug or alcohol use (prompted by having a child, health fears, the end of a relationship in which their partner had reinforced their drug use, or generally wanting to move on). Others linked their new behaviour with growing maturity, wanting to renew contact with their family, to move away from crime, to avoid prison and to get a more structured and conventional lifestyle.

Where offenders within this group had breached, they described a range of circumstances:

- Confusion over sentence requirements or appointment times: lack of understanding about the requirements of the community sentence, or confusion over appointment times were explanations given by some offenders for unacceptable absences. This sometimes happened at the beginning of a sentence before a routine was established, or later in the sentence when the routine changed to fortnightly or monthly visits.

- Missing appointments because of chaotic lives or general difficulty in managing: some offenders saw this as being the result of their drug or substance use, and others a more general difficulty in managing their lives or remembering appointments. Some described strategies they had used to try to remember appointments, and Probation Service staff also described how they worked
with offenders to help them to remember appointments and improve attendance.

- Personal or family crises: Here, offenders had not attended because of a sudden crisis, such as their own ill health or that of someone close to them, or bereavement. Offenders described their priorities changing at such times.

  ‘Community sentence comes a very poor second to my mum’s welfare and that’s it…’

  (Male, 35, CPO, Sanctioned, JSA 100%)

Offenders here had not provided the evidence required for such absences to be acceptable. Some said they had not known they had to and, for example, had telephoned their probation officer to explain their absence and assumed that this was all that was required. Others said that they had not been able to get the evidence required, for example because they were looking after someone who was ill, were too ill themselves, could not get a doctor’s appointment, or were away from their home area to be with family after a bereavement.

Where this group did comply with sentences, they felt their behaviour was largely driven by the factors (described above) that had led to their intention to comply. However, some thought that knowledge of the sanctions policy could have some additive value, at least initially, giving them a further reason to comply. Among the unsanctioned group, some commented that they could not contemplate managing without their benefits and that, although they thought they would have complied anyway, the policy was an extra reason to do so.

  ‘[Compliance was influenced by] Knowing that if I don’t come I’d have no money, but also knowing that if I don’t come … I’d probably be where I was a couple of years ago [on heroin] … ‘Cause they’ve helped me … ‘Cause [the sanction] does help, it helps you to think... well it helps you come in don’t it?’

  (Female, 20, CRO, IS, unsanctioned)

Among the sanctioned group, one offender reported that he paid more attention to appointments initially because of the policy, although he said this effect ‘wore off’ as the order continued; another that it may have supported his attendance but that his positive relationship with his probation officer was a stronger influence. Although these offenders did not see the policy as having been a major influence on their behaviour, an additional motivation might nevertheless be important in maintaining commitment which might otherwise be eroded. Equally, there were others who had not been conscious of the policy but who said that if they had been it might have increased their efforts to comply. The experience of the sanction could also, as we describe in Section 4.2.3 below, have an impact on subsequent compliance.

Others in this group, however, did not think the policy had influenced, or would influence, their behaviour. Either they felt that another factor, such as the desire to avoid custody, was the sole influence on their behaviour, or they felt that they would still have been confused about appointment requirements, or failed to attend because of a personal crisis, or generally not managed to keep their appointments, despite the threat of sanction.

**Offenders without a clear intention to comply before the sanction**

The second group of offenders were those who said they had little or no intention to comply with their order from the beginning, or whose attitude had swung towards non-compliance during the sentence. They generally appeared to have been negative and confrontational about the sentence from the outset. They showed little regard for authority and were dismissive of the police, courts and
Probation Service. Some had offended persistently during their community sentence and described this as a more important source of money than their benefits, and drug and substance use was recurrently described. They expressed little or no regard for the penalties for non-compliance, including prison. Those whose attitudes changed during their sentence described their growing disregard for the order as resulting from objections to specific features of the order, or a mounting disregard for the consequences of a breach. They objected, for example, to doing community punishment, to attending offender behaviour programmes such as Think First or doing other types of group work; or they had problems with a Supervising Officer, probation officer or other offenders with whom they worked. As with the previous group, these offenders were mixed in terms of age, gender and type of order being served.

Offenders without a clear intention to comply made a strong association between drug or alcohol use and their non-compliance. Indeed, the only distinctive difference between the sanctioned and unsanctioned offender groups was that there were no cases among the unsanctioned offenders of current problematic drug use. Although this had been a feature for some in the past, they were addressing it, or had successfully addressed it, often largely with the support of the Probation Service. The priority for offenders abusing substances was getting their next fix or drink, and they said that nothing would affect this while they continued their substance misuse.

Offenders who had no clear intention of complying with their sentence described having breached for a variety of reasons: deliberately not attending appointments, or missing them, at least in part, because of the low priority they placed on compliance and the low regard they had for the consequences of breaching, including prison. Where they were conscious of the sanctions policy, they said it had had no impact on their behaviour at all. Where they were not conscious of it they said that even if they had known about it they said that even if they had known about it they thought it was unlikely to have changed their behaviour, or to impact on future compliance.

‘It’s always been drugs. The drugs kicks back every single time, because for one you can’t be arsed to get out of bed and two, when I do get out of bed it’s like night time and for three, all the things you want to do to get out of bed for is the next hit.’

(Male, 19, CRO, Sanctioned, JSA 100%)

4.2.3 Positive impacts on subsequent compliance

Incurring the sanction had a positive impact on subsequent compliance for some offenders. This was particularly the case where their initial expectation before the sanction had been that non-compliance would have a limited impact on them. The sanction was not generally the only influence on subsequent behaviour, but it had an impact through two mechanisms:

- Through offenders finding out about the sanctions policy, realising that it applied to them, or recognising that there was a connection between their behaviour and the sanction which they had not consciously made earlier. Here, they attached greater value to the consequences of non-compliance once they realised that it involved a benefit sanction.

‘Even if you didn’t get on with them, or you didn’t like them, you’ve still got to turn up anyway, because you know you’re breaching, do you know what I mean? And you know you’re going to lose your money.’

(Male, 22, CRO, Sanctioned, JSA 100%)
Through offenders’ experience of the financial impacts of the sanction. This was particularly true for offenders with more precarious personal circumstances, who had found their lives very adversely affected by the sanction (see Chapter 6 for a full discussion of financial and other impacts of the sanction). Here, offenders said they were determined not to have to experience again the hardship they felt the sanction had brought, or the disruption to their lives. This is illustrated by Case 4.1.

**Case illustration 4.1**

Steven was an 18-year-old man on a CPRO who was claiming Jobseeker’s Allowance. He had been living in a hostel for young people for three months having been on the streets for a couple of years before that. His relationship with his family had broken down when they discovered he was taking drugs and he had no contact with them. His attendance at school was poor but he left at 16 with some GCSEs. His community sentence was for a burglary, which was ‘the first time I ever got caught by the police for something big’, and he considered himself lucky not to have been given a custodial sentence. He was on a New Deal programme at the time of the sanction and said he had reached a stage of his life where he wanted to have ‘a proper life’, earning money and being able to afford new clothes and trainers and to go to the pub. However, despite this, his aspirations were not always reflected in his behaviour. His compliance with his community sentence was poor, and the non-attendance for which he was sanctioned was because he ‘couldn’t be f***ed to attend’. He had been told about the benefits sanctions, but said he just did not connect it with his behaviour at the time. When his benefits were stopped, his reaction was ‘Where’s me money?’.

He said he thought the sanction had had a positive impact on his subsequent compliance, reinforcing other reasons for wanting to comply. He had found it difficult to cope without his benefit, and thought he would lose his place in the hostel if he was sanctioned again, ending up back on the streets, which he was very much wanted to avoid: ‘I ain’t going back there’. He felt he had just started to get his life back on track when he was sanctioned and that being sanctioned had disrupted this. At the point of the interview, six months after the sanction, he had not been breached again.

Offenders here said the sanction resulted in them placing more priority on attending, making more effort to attend despite other temptations or commitments, and developing better systems for remembering appointments. One offender, for example, started keying his appointment times into his mobile phone alarm system; another kept a calendar marked with the appointment times in a prominent position at home.

Offenders who said the sanction had had some impact in relation to their subsequent attendance were by no means certain that they would be able to maintain the changed attitudes or behaviour, and some had subsequently failed to attend appointments. However, even here, the sanction did appear to have had some early influence on compliance.

‘I don’t know, I have tried harder when I found out not to miss. I tried a lot harder not to miss. But … when you’re on drugs, appointments like that don’t really bother you ….. If it’s a choice out of probation and [shoplifting to fund drugs], if you’re hurting, you’re going to go and make some money.’

(Female, 23, CRO, Sanctioned, IS 40% )
For others, it was the experience of being breached, rather than the sanction itself, which they felt had had an impact. This group included some offenders who said they had not been taking their sentences seriously, and for whom being breached was an effective ‘wake up call’. Here, offenders talked about:

- now having a better understanding of the probation requirements and making more effort to attend, or the need to make contact or provide the necessary evidence if they could not; and
- realising that if they failed to comply in future they could face a custodial sentence.

Finally, there were other offenders who described the sanction as having had no impact on their subsequent attitudes or behaviour around compliance. The main explanations here were the dominance of drugs and substance abuse in offenders’ lives, and their continuing opposition to their sentence and its requirements. Offenders also said that, although they had avoided a custodial sentence for the sanctioned breach, they knew that prison would be the next step if they breached again. The threat of a sanction was therefore seen as immaterial.

4.3 Staff experiences of the impacts on compliance

Staff from both the Probation Service and Jobcentre Plus were asked about their experiences of the impact of the policy on compliance. Jobcentre Plus staff had less to say on this matter, given that their role in the process does not involve monitoring compliance. Probation Service staff perspectives closely reflected the accounts of offenders. The general view was that the policy had either had no noticeable impact or that it had been a small additional positive influence on particular types of offenders, and that offenders on the whole tend towards either compliance or non-compliance.

Some Probation Service staff said they had either observed the threat of sanction operating as a small added incentive for compliance in specific cases, or thought the policy had the potential to have this impact. They thought it had impacted, or could impact, on offenders who now want their lives to take a new direction away from crime, and those with partners or children who were able to recognise the potential impact on them. They also thought it might make a difference for those who were just starting out on criminal careers and whose behaviour was not yet entrenched. These were seen largely as the types of offenders who were likely to comply with an order anyway, but it was thought the policy might make a difference in some borderline cases.

‘I have somebody who would have breached her order much earlier than she did and she was trying desperately not to breach her order because … she was a heroin user but she wasn’t a thief, she wasn’t a shoplifter. And she desperately didn’t want to lose her benefit so she tried really hard. But I think what it did was make her breach her order later rather than [preventing non-compliance altogether]’

(Probation Service)

Some Probation Service staff also thought the experience of a sanction might help to support subsequent compliance, again particularly where offenders had dependants that had been affected. There were references to cases where staff had perceived some impact on subsequent compliance, at least temporarily.

However, beyond these individual examples, the view among Probation Service staff was that the policy had not made any noticeable difference to compliance levels. These members of staff saw no evidence in their own caseloads of individual offenders being influenced, either to deter a breach or to encourage compliance after a sanction. They said that offenders either would or would not breach,
for other reasons. They linked this with a number of factors:

- that some offenders would not view the sanction as a significant threat, either because they had other sources of support, because they were doing paid work as well as claiming, or because their main source of money was offending;

- that some offenders have little or no regard for the authority of the Probation Service and will breach regardless of the consequences of their actions;

- that the policy had a negligible impact on that group of offenders whose lives were overshadowed by dominant personal issues such as problematic drug or alcohol use, poor social and personal life skills or mental health problems. Staff argued that the lack of structure in these offenders’ daily routines and their tendency to focus on immediate needs or difficulties, rather than future consequences, would undermine the policy’s potential for averting non-compliance. Probation Service staff described addressing this in various ways in their work with offenders, but felt the policy added little; and

- that offenders would not take on board information about the sanction, would not relate it to their own behaviour, and would not moderate their own behaviour accordingly. Probation Service staff described an ‘ostrich mentality’ whereby offenders might be made aware of the possibility of incurring a benefit sanction at repeated points in time, but chose not to think about the implications. They saw many offenders as acting impulsively, not addressing situations logically or rationally, and choosing to ignore the consequences of their actions.

‘It’s the way that they would problem solve. Well, first of all they wouldn’t see it as a problem. They … will be fairly impulsive individuals … by and large … I’m making sweeping generalisations, but the type of repeat non-compliant offender is going to be the person who doesn’t recognise problems, therefore doesn’t problem solve, they’re into sort of immediate gratification.’

(Probation Service)

Among Jobcentre Plus staff views were more mixed. They acknowledged that they were not in a position to comment on actual impacts on compliance. However, drawing on their experiences of other benefit sanctions, some staff expected that some offenders would be influenced positively by the threat of a sanction, and some thought that an increase in the sanction period to 26 weeks might be beneficial, whilst others thought the sanction would have no impact.

4.4 Relating findings to other research

The circumstances of non-compliance among offenders in this study are similar to those highlighted by other research into probation non-compliance generally. Roberts (2003), shows that non-compliance behaviour is associated with previous histories of non-compliance or non-cooperation; strong and active criminal associations; perceived obstacles or difficulties in attending (such as transport, care responsibilities and drug use); lack of support from others to comply, and lack of personal motivation to modify offending behaviour. There are also parallels with research on other benefit sanctions (Molloy and Ritchie, 2001; O’Connor et al, 2001; Vincent et al, 1988) which describes unwitting non-compliance, deliberate non-compliance and compliance relating to difficult personal circumstances.
Research on other benefit sanctions similarly shows mixed impacts of sanctions – positive and neutral - on attitudes to future compliance. Roberts (2003), suggests that different forms of non-compliance are likely to be amenable to different types of enforcement. It would clearly not be realistic to expect the community sentence sanctions policy to affect all types of non-compliance. In this study, the community sentence sanction appears to have some potential, as a supporting factor, to influence offenders’ clarity about appointment and evidence requirements, and the way in which they weigh up the priority to place on attending. It appears to have less potential to influence non-compliance which relates to chaotic or unmanaged personal lives, problematic substance use, a rejection of probation and other forms of authority, and where offenders have no personal motivation or desire to address their criminal behaviour.

4.5 Summary

- Overall, it is estimated that the policy had a small but positive impact on compliance at the level of 1.8%. This implies that for every 50 community sentences given to those on benefits, as a result of the policy, one fewer will result in a breach. The estimate is based on data from three of the pilot areas, comparing breach initiations (or, in one area, two or more unacceptable absences) among benefit and non-benefit populations, during the control and evaluation periods.

- It is not possible to distinguish impact due to change in offender compliance from impact due to change in Probation Service enforcement practice, but from the qualitative research (see Chapter 5), changes in enforcement practice appeared to be minimal.

- The impact of the policy was constrained by limited consciousness of it among offenders, wider attitudes to compliance before the sanction, and the circumstances of non-compliance. The main reasons offenders gave for their non-compliance were: confusion over sentence requirements or appointment times; chaotic lives and general difficulties managing; personal or family crises; drug or alcohol abuse, and low regard for the probation regime and the consequences of non-compliance. These were similar to the influences on compliance which are described in other research, both in relation to community sentence requirements and the requirements for benefit receipt.

There is some evidence, from offenders’ accounts, of the experience of a sanction having some influence on attendance behaviour, particularly after the sanction. It was not described by these offenders as a major influence on their behaviour, which they saw as mostly influenced by other factors. An additional motivation for compliance could nevertheless be important where commitment might otherwise be eroded. In general, however, offenders did not see the sanction as likely to influence their compliance or to override their reasons for non-compliance.
5 Impact of the policy on enforcement

A key issue for the evaluation was whether the policy resulted in any change to enforcement practices – and particularly any decline in the implementation of National Standards – among Probation Service staff in the pilot areas. Both the qualitative research with Probation Service staff and analysis of National Standards data showed no significant changes in practice and that the influence of the policy on enforcement behaviour had been minimal. This chapter looks first at general practices around enforcement, and then at how these operated to minimize change in behaviour during the pilot.

5.1 The enforcement context

As Chapter 2 noted, the National Standards require that breach proceedings are initiated no later than a second unacceptable failure to comply with the requirements of a community sentence. There is some scope for discretion: the performance target for the National Standards is that 90% of cases should be dealt with in accordance with National Standards. Probation officers are required to keep detailed records of non-attendance at appointments and initiate breach actions at this point. Supervising Officers make the initial decision as to what is an acceptable or unacceptable failure to comply on the basis of the evidence in each case. Senior probation officers then determine that practice is consistent. They oversee the caseload and discuss with probation officers whether to allow an absence to be recorded as acceptable or whether to proceed with a breach.

This system of enforcement around non-compliance was well established prior to the introduction of the new policy and Probation Service staff were in general agreement that enforcement was a critical aspect of probation practice. Staff expressed the view that good enforcement practice was important to working effectively with offenders, and they emphasized how seriously enforcement was taken in their own area. There was a widely-held view amongst these staff that the introduction of the National Standards raised the profile of enforcement and brought about higher levels of consistency and equity in enforcement practice.

‘I also think [the National Standards] is a good way of standardising things across the country... In the past, things were very ad hoc across the country where different areas did things differently and offenders quickly caught on to that and they would be very transient and move from area to area, depending on whether they thought they could get away with more things but now it’s more uniform, there is less of that going on now.’

(Probation Service)
The National Standards allow some discretion, and there was some variation between Probation Service staff in how far they modified their practice in individual cases. The main area was whether an absence was judged acceptable or unacceptable, with slight differences in the length of time an offender would be allowed before late attendance was judged as absence and the circumstances under which an appointment would be rearranged. In these occasional deviations from normal practice, staff were making judgements about the circumstances of the non-compliance and the motivation and behaviour of the offender. They distinguished, for example, between offenders who were deliberately flouting the requirements of their sentence and those who were generally compliant, and they exercised discretion for offenders coming to the end of an order with an otherwise good record of attendance. They also assessed whether the circumstances of non-compliance were ‘reasonable’ or ‘genuine’, and exercised discretion in what they called ‘technical breaches’ where the offender had an acceptable reason for non-attendance but had not provided the correct evidence. In these cases, probation officers would record the absence as acceptable.

There was less evidence of variation in practice in whether probation officers would proceed with a breach once there had been two unacceptable absences, and senior probation officers also described the discretion here as being very limited.

‘Really, that’s taken out of everyone’s hands in some ways because of National Standards. The rules are quite clear, although I may be consulted if there is a query about whether an absence should be made acceptable or unacceptable, if it’s one of those sort of borderline cases that, you know, could go either way. But apart from that, the enforcement more or less runs itself really.’

(Probation Service)

5.2 Analysis of National Standards data

Home Office research staff carried out an analysis of National Standards data to investigate any changes in enforcement practice in the pilot areas following the introduction of the pilot. This is described fully in the appendices. The data showed different patterns of enforcement between areas, but overall there was no evidence of a pattern of change in the pilot areas which was distinctive or out of line with the national picture.

5.3 Experiences of Probation Service staff

Probation Service staff reports of their practice, in the qualitative research, were in line with the analysis of National Standards data. Senior Probation Service staff believed there had been no changes in enforcement practices – often much to their surprise. They said that the general emphasis on the importance of enforcement and the National Standards, coupled with the formality of procedures and their additional monitoring, left little or no scope for practices to change.

‘I guess they could lie and say the offender turned up and record that in the case record but you have to accept that people have professional integrity. The only other way I think that they could do it is to try and hide the fact that the offender was due but we operate office diary systems where the offenders are booked in by clerical staff and if they turn up, they’re marked in and the managers use that as that’s the register of who turned up and who was expected, to check the chase records for those people who haven’t turned up and check the subsequent enforcement action. So it is fairly difficult, somebody would have to blatantly not follow procedure and would face disciplinary action if they did.’

(Probation Service)
They described initial concerns that enforcement practice might change with the introduction of the sanctions policy. They had responded to this by stressing the importance of good enforcement practice, both because this was a requirement of the National Standards and because it was critical to continued public confidence in the Probation Service and in community sentences. They also emphasized that maintenance of enforcement procedures was critical to a sound evaluation of the policy. Some reported they had made it clear to staff that they would be monitoring files more closely during the pilot period in an effort to discourage any change in practice.

Senior staff’s perceptions that things had not changed were also supported by their own analysis of area information, which they said showed no increase in acceptable absences, no increase in cases being treated as exceptional, and no decline in the number of breaches brought.

‘The first is senior probation officers discuss cases in detail with staff. Then there is the statistical side where they have to record whether someone has kept an appointment or not. Seniors say it hasn’t had an impact and the statistics support that. You would have expected an increase in [staff] making absences acceptable and they haven’t.’

(Probation Service)

Among probation officers, too, the general message was that there had been no changes in practice. Some said the policy had made them increase efforts to ensure compliance, because of their heightened awareness of the implications for an offender of being found in breach.

‘In my experience anyway and from the office I work from, there’s a bit more effort to get the person to come for the appointments, I would think. If you miss one appointment then you panic then yourself for them.’

(Probation Service)

They also explained the absence of relaxation of enforcement on the efficiency of existing systems and monitoring, which they felt left little scope for their practice to change, and they also said that they believed it was important that practice remained fair and consistent. This does not mean that they never deviated from the National Standards, but that they did so no more often than they had before the policy was introduced, and under the same circumstances.

There were, however, some staff who said they had taken the policy into account in identifying or weighing up ‘borderline’ or ‘exceptional’ cases, particularly if they judged that the offender was exceptionally vulnerable, and felt that the policy may have had a marginal effect in how they had dealt with a few cases.

‘I think since this [policy] I’ve put my head on the line for a couple of people who’ve breached their orders eventually anyway but because I knew benefit sanctions were going to be imposed, you know... I made an absence acceptable when they haven’t actually got any evidence, I’ve been prepared to take their word for it.’

(Probation Service)

Some had also taken cases to a senior probation officer for discussion, making a stronger case for discretion to be exercised than they might otherwise have done. Senior probation officers, however, did not believe their own approach in these cases had changed.

These cases were, however, said to be very rare, and broadly reflected the types of cases where Probation Service staff described having used discretion before the introduction of the community sentences sanction policy. It is possible that staff minimized the extent of change in describing their
practices in the research and it was clearly an area that raised sensitivities. However the range of mechanisms which they referred to as supporting enforcement practice, plus the findings of the analysis of National Standards audit data, suggest that changes were indeed minimal.

The general picture, then, was one of no change in enforcement practices. Staff, prior to the introduction of the policy, occasionally deviated from standard enforcement practice in exceptional cases. They continued to do so during the operation of the policy. In the types of cases where they might anyway exercise some discretion, the new policy provided an additional reason to do so, but staff at all levels said the impact on practice had been negligible.

5.4 Summary

- The National Standards for enforcement practice allow some discretion to be exercised by senior probation staff. Probation Service staff at all levels saw consistent enforcement as important to the effectiveness of their work.

- There was no evidence of more than a negligible impact of the sanctions policy on enforcement practice. Probation Service staff, before the introduction of the policy, occasionally deviated from standard practice in exceptional cases. They continued to do so once the policy was introduced. The policy provided an additional reason for this, but it generally involved the types of cases where staff had exercised discretion before the introduction of the policy: ‘borderline’ cases, those involving a ‘technical breach’ or cases seen as involving exceptional vulnerability.
6 Impacts of the sanction on offenders’ circumstances

This chapter discusses the impacts of the benefits sanction on the offenders interviewed. As well as financial impacts, it explores impacts on re-offending, motivation to look for work, and offenders’ relationships with Probation Service and Jobcentre Plus staff. As the chapter highlights, there are parallels between the impacts of the community sentence sanction and other benefit sanctions.

It was not possible to carry out any independent verification of offenders’ accounts of their experiences of sanctions. However, where there were obvious inconsistencies in offenders’ accounts, or where statements were made but not explained or justified, this was addressed in the interviews and taken into account in using the data. It was also not always possible to isolate the impact of the benefit sanction from the broader circumstances of offenders’ lives (see Chapter 2) which included issues such as debt and financial problems, poor family relations, drug use, existing re-offending, and an absence of recent contact with the labour market.

6.1 Financial impacts

6.1.1 Nature of financial impacts

All the sanctioned offenders interviewed reported that the sanction had had an impact on their financial circumstances. Many, particularly if they were already in financial difficulties, reported these impacts lasting for some time after the end of the sanction period. As Chapter 4 noted, for some offenders the experience of financial hardship was a trigger in encouraging compliance after the sanction. However, the nature and extent of financial impacts varied considerably between different offenders.

One group appeared to have experienced little financial hardship. For these offenders, the sanction meant they had not had the money for things like buying clothes for themselves or toys for their children, renting videos, and going out. They reported having to buy cheaper food and cutting back on discretionary spending during the sanction period.

‘I just went without cigarettes, went without like going out for drinks and just cut back really.’

(Male, 23, CPRO, Sanctioned, IS 40% )
Others experienced more severe financial impacts, with problems paying for food, heating and electricity. These impacts were described by people experiencing an Income Support reduction as well as the 100% Jobseeker’s Allowance sanction. They described buying less or cheaper food or missing meals, and occasionally reported going without food for periods of time. Offenders reported that they had also cut back on or gone without heating or lighting for periods.

‘Without that money they were taking off me, I couldn’t run my fire, I was going without gas and electric.’

(Female, 19, CRO, Sanctioned, IS 40% )

There were also reports of living circumstances becoming more unstable because of the sanction. Offenders who lived with their parents said they had been threatened with being thrown out, or told to leave, because they were unable to contribute to their board during the sanction. Offenders living in rented accommodation also described being unable to pay rent due, above Housing Benefit. There were reports of being threatened with eviction (none had actually been evicted), and falling into arrears.

Offenders had also been unable to pay outstanding fines from previous offences, or fines imposed for the breach for which they had been sanctioned, and some received a summons to court or were threatened with repossession. There were other outstanding loans on which people had not been able to make repayments, such as Crisis Loans, informal loans from family or friends, and a debt owed to drug dealers.

A consequence for many offenders was an accumulation of debt which added to financial difficulties after the end of the sanction period.

The most substantial financial impacts reported by offenders are perhaps surprising given that hardship payments are available (see Section 6.1.2 below), and that for those on Income Support only a proportion of payment is deducted. However, not all those on Jobseeker’s Allowance applied for a hardship payment, and some were, therefore, completely without benefit income over the period. The fact that some were already reportedly in financial difficulties, or found managing on benefits difficult, may also explain some of the impacts experienced, although, as noted above, it was not always possible to distinguish completely between existing problems and problems caused or exacerbated by the sanction.

6.1.2 Factors influencing the severity of financial impacts

There are a number of reasons why the severity of the financial impacts of the sanction varied between different offenders. The level of the sanction – whether people had a reduction in their Income Support or the complete loss of Jobseeker’s Allowance – seemed not to make a clear difference. Those in the latter group reported some of the greatest impacts, but equally people on Income Support also reported experiencing severe financial hardship. The main factors which influenced the severity of financial impacts were the availability of informal support or other benefit payments (see below), and whether or not offenders were re-offending during the sanction period (see Section 6.2)

Informal support

The clearest influence on the level of financial impact of the sanction was informal financial or practical support from family or friends. Those offenders who reported very few financial impacts had received substantial support from their families or a partner. This included offenders who were living with their parents and had not had to pay board or contribute to the household finances during the
sanction. Others were living separately but had been given or lent money by parents or other family members. Friends had also provided some support, lending money or allowing an offender to stay with them for no charge.

Not everyone had access to this kind of support. Fewer of the older offenders lived with parents, and the availability of support was also influenced more generally by the nature of offenders’ relationships with families. There were a number who reported partial or complete estrangement from their families, either due to their offending, their drug use, or because they just ‘didn’t get along’ with them. Others were still in touch but said their families had refused to help, or they had not asked in expectation of a refusal, sometimes because they had borrowed money in the past for drugs.

‘I’d been asking my mum for money for so long: ‘Can I have some extra money for the gas?’ and it was really going on heroin and she knew that, so I didn’t want to ask her... cos I just thought she’s going to think I’m lying’

(Female, 18, CRO, Sanctioned, IS 40%)

Families and friends were also often said by offenders to be in financial difficulties themselves.

‘All my friends are in the same situation as me, they’re like mothers on their own so I wouldn’t go and ask... I wouldn’t ask my friend because she’s on her own, she’s got no money.’

(Female, 30, CRO, Sanctioned, IS 40%)

Where offenders did get informal support it protected them from the full financial impact of the sanction. But there were also strong negative feelings about this dependency, and some offenders described feeling ashamed, embarrassed or hopeless.

**Hardship payments and other benefits**

Hardship payments mitigated the financial impacts of the sanction where they were received. Hardship payments are available where Jobseeker’s Allowance is sanctioned, from the third week of the sanction. They are made at the level of a single person’s Jobseeker’s Allowance, reduced by 40% (or 20% if the claimant or a member of their family is pregnant or seriously ill). Claimants with dependants, and those who are chronically sick, disabled or pregnant, can apply for hardship payments immediately. During the evaluation period hardship payments were made to 26% of those offenders on Jobseeker’s Allowance who incurred the community sentence sanction. This is the same level of payment as among claimants who incurred any Jobseeker’s Allowance sanction during the same period, 25% of whom received a hardship payment.

Not all offenders on Jobseeker’s Allowance reported being told about hardship payments, and there was some variation in staff’s approaches here. Some Jobcentre Plus staff reported that they routinely arranged hardship payment interviews when they knew someone had been sanctioned, or made a point of telling offenders about their availability. Others did not: they felt it would be odd to ‘take away with one hand and give with the other’ and would defeat the object of the sanction. Jobcentre Plus staff said they also suggested offenders approach Social Services and Citizens’ Advice Bureaux, and there were also some mentions of advising offenders they could apply for a Crisis Loan, although these would not, in fact, be available under the circumstances of a sanction.

Probation Service staff were generally less familiar with the benefits system and were sometimes unclear about the difference between hardship payments and Crisis Loans, and about eligibility and payment levels. Some said they mentioned one or other; others referred people to Jobcentre Plus for advice. There was also some mention, by Probation Service staff, of discretionary Probation Service
funds or food vouchers. The schemes appeared to vary between the areas, but there was some inconsistency locally in their use and in staff’s understanding of eligibility.

Where offenders said they had applied for a hardship payment (usually having been told about it by Jobcentre Plus staff) they had generally been eligible and had received it either immediately or after two weeks, depending on their circumstances. Although the payment was seen as important, they were critical of the level. In other cases, however, they said they had not been aware that any help was available, or had not applied because they did not believe they were eligible, assumed the amount of money involved would not be enough to make a difference, or thought that it would take too long.

Receiving other benefits had also had an impact in lessening the financial hardship caused by the sanction. One offender was looking after his mother and received a Carer’s Allowance, and another received Working Families’ Tax Credit, having worked previously. Both reported only minimal financial impacts during the sanction.

There had been some concern within Jobcentre Plus in the initial stages of implementation that people would try to evade the sanction by changing their claiming behaviour - moving to another office, switching benefit, making a new claim or changing the claim to a partner’s name. These could be legitimate actions, but measures were in place to help to identify whether they were being taken illegitimately. Jobcentre Plus staff felt that recording systems would successfully prevent the first three. They had generally not encountered any attempts by offenders, and offenders themselves did not report any attempts to evade the sanction in this way. There were different understandings among Jobcentre Plus staff of whether offenders would be entitled to take the fourth route (changing the claim to a partner’s name), but no offenders in the study had done so or been advised to do so.

Loss of benefits beyond the sanction period
As Chapter 3 noted, there were occasional cases where offenders reported a sanction lasting more than four weeks. This appeared to have happened because they failed to sign on during the sanction period rather than because of procedural failures. Jobcentre Plus staff said that they had advised all Jobseeker’s Allowance claimants who were sanctioned that they were required to sign on during the sanction period, but it was clear that not all offenders had done so. In these cases offenders had had to open a new claim to start receiving Jobseeker’s Allowance again after the sanction period had ended. This had typically happened shortly after the sanction, and the offender had gone without their benefit for a further few weeks, although one offender did not start a new claim for six months.

6.1.3 Financial impacts on others
In addition to the direct impacts of the sanction on offenders themselves, offenders also talked about the impacts of the sanction on others. As noted at the beginning of this chapter, it was impossible to verify these accounts or to assess whether the emphasis placed by offenders on the impacts on others was justified. It is also worth noting that it is only the sanctioned offender’s personal allowance which is sanctioned, not the element that relates to dependants, and benefits paid in respect of dependants (such as Child Benefit) are not affected.

Offenders described the most immediate impacts of the sanction as being on partners and children who were living with them at the time of the sanction and who were affected by the shortage of money and reductions in spending on food or heating.

‘She [his partner] had to keep me, her family. She only gets £60 plus she’s got to get food for the kids… she’s got to feed the kids, clothe ‘em, plus feed me and herself.’

(Male, 21, CRO, Sanctioned, JSA, 100%)
‘The worst thing was ... me daughter’s lips were blue, all the bottom of her face was blue because I had no gas. Me son has got asthma as well just to top it all and when it gets cold in the house - it’s freezing in his room.’

(Male, 24, CPRO, Sanctioned, JSA, 100%)

Sanctioned offenders talked about not being able to buy nappies or clothes for their children, or spend money on leisure activities or presents. Some said it had stopped them from seeing children who lived with another parent.

Offenders also reported their parents being affected by the sanction where they had been unable to pay board or contribute to household expenses during the sanction – particularly if they were in a precarious financial position themselves. They recognised that parents and other family members and friends had faced financial pressures where they had lent or given money to offenders, particularly if offenders had accumulated debts and had been unable to pay back money they had borrowed for some time afterwards. These direct and indirect financial pressures had sometimes put strains on offenders’ relationships with parents, partners and other family members.

In some cases, other people had been angry with the offender for breaching their community sentence, and blamed them for the financial hardship they suffered as a consequence. Recognising the impact on other people could also contribute to offenders’ intention to avoid being sanctioned again. But there were also cases where offenders described families or friends as having been sympathetic to the offender’s situation, because they felt the sanction was unfair. They had appeared to direct their anger towards those seen as responsible for the policy, rather than blaming the offenders themselves.

Offenders described the impacts on other people with some anger. Similarly, Jobcentre Plus and Probation Service staff expressed discomfort with the policy where they anticipated it would impact on others, or understood it had had done so from what offenders had told them.

6.2 Impact on offending behaviour

It is recognised that a proportion of offenders continue to commit crimes while they are on community sentences. Probation statistics (Home Office, 2002b) show that, of all orders terminated by the court in 2001,14, in nine per cent of community punishment orders, 14% of community rehabilitation orders and 16% of combined orders this was because the offender was convicted of another offence. An objective of the research was to explore whether the community sentence pilot itself had an additional impact on offending behaviour. The research design did not include a strategy to assess this quantitatively, but it was addressed in the qualitative interviews with offenders. There was no mechanism for validating offenders’ reports, and offending may have been either under- or over-reported, or its link with the sanction exaggerated.

For some offenders, the main way they reported supporting themselves during the sanction period was through offending. There were different patterns of behaviour here.

One group of offenders said they had been offending during their community sentence, before the sanction period, often extensively. Prior offending was particularly reported by offenders with drug

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14 Orders are terminated by the court because they have been completed, or are terminated early because of good progress, failure to comply with the requirements of the sentence, a subsequent conviction or for other reasons.
habits, some of whom reported high levels of criminal activity, committing several offences each week before, during and after the sanction period. Here, some reported that the sanction had no real impact on the extent of their offending, others that they had increased the frequency of offending during the sanction.

A second group said they had not been offending during the community sentence prior to the sanction, but did so during the sanction period. For some this represented the return to an earlier pattern of behaviour, while others carried out a type of offence that was new to them.

‘I just thought ‘f*** it, I’m going back to burgling’. I’d stopped, I hadn’t done one for ages.’
(Male, 20, CPRO, Sanctioned, JSA, 100% )

Some offenders in these two groups had few or no reservations or moral concerns about offending, particularly if they had been offending prior to the sanction to fund a drug habit. In contrast, others expressed much more regret or reluctance. They reported that they had offended because of financial hardship caused by the sanction and, where they had been unable to get help or support from any other sources, felt they had no other option. For some these feelings were particularly strong because at the time of the sanction they had been trying hard to move away from criminal activity. Offenders talked about how other changes in their life, for example, coming off heroin or becoming a parent, had made them want to reform and not offend again.

‘I was forced to do it at the end of the day… ‘cause I’ve got no money. I don’t want to go out and do it but… I want to calm down and that. I’ve got a missus and a baby and I want to be there for my baby, I want to watch her grow up’
(Male, 38, CPRO, Sanctioned, JSA, 100% )

A third group of offenders reported that they had not re-offended during the sanction period, although they had strongly considered it as an option and said it had been a very real struggle not to go down that path. Again, this was particularly acute for some former heroin users who spoke about their determination not to offend since they had come off drugs. Some offenders said that they had only been able to avoid offending because of their own determination, or that of a partner or family member.

A final group of offenders said they had not considered committing offences during the sanction period, or not for long. They either had no history of money-making crime, or they had other sources of financial or practical support. Deciding to take family responsibilities more seriously was also relevant here. Offenders had decided, sometimes well before the sanction period, not to return to crime because of partners, children or other family relationships.

6.3 Impact on motivation to find work

Where offenders were already looking for work, the sanction had sometimes been an additional reason to do so. One offender reported looking more actively. Another, who had been visiting the Jobcentre Plus office occasionally, went to an employment agency as soon as he found out he had been sanctioned and got work the next day, although he also reported offending before and during the period of sanction. In general, however, the sanction was an additional reason for job searching for people who were already looking, but offenders said it had not changed the nature or level of activity.

Beyond those who were already trying to find work, there was no evidence of the sanction having any impact on labour market activity nor on motivation to look for work. In the main, offenders said that
they had not been looking for work during their community sentence, and did not do so during the sanction period. As Chapter 2 noted, low labour market skills and distance from work were notable among the sample, and many people said they thought it was unlikely they would be able to find work. There was also a view among offenders that there was no point trying to find work because by the time they had found a job and been paid, the sanction period would have ended. Here, offenders doubted they would earn more in work than on benefits and did not see work as a long-term option.

Staff in Jobcentre Plus and the Probation Service also generally doubted that the sanction would increase labour market activity. One probation officer, however, did report that he knew of two offenders who had found work through an employment agency at the start of their sanctions, although once the sanctions had finished they had both left their jobs and started claiming benefits again.

There was also a group of offenders who reported that the sanction had actually made them less likely to look for work, although they had not generally been doing so in any event. They felt that being sanctioned had created practical barriers to finding work and expressed general anger and non-cooperation.

> ‘At the time I thought ‘f*** the lot of them. I’ll take their money but I won’t do f*** all for it.’

(Male, 23, CRO, Sanctioned, JSA, 100%)

### 6.4 Impact on relationships with staff and engagement

Offenders responded to the sanction in a range of different ways. Some were resigned, either acknowledging that the breach, and sanction, had been their own fault, or thinking the situation was unfair but irresolvable. Others described themselves as ‘shocked’, ‘gutted’ or ‘frightened’. And a further reaction was a strong feeling of anger, towards the Probation Service, Jobcentre Plus or both, or more generally at ‘the system’. This section looks at whether and how the experience of the sanction impacted on offenders’ relationships with Probation Service and Jobcentre Plus staff.

#### 6.4.1 Impact on relationship with Probation Service staff

There were mixed reports from offenders as to how the sanction had affected relationships with their probation officer. Some said it did not change their feelings towards their probation officer because they did not see the probation officer as responsible for the sanction. Either they held themselves responsible or they blamed Jobcentre Plus, the courts, or more broadly the Government. Others described having responded angrily and abusively to the probation officer, seeing them as responsible for the sanction, and described this as having longer-term impacts on their relationship with the Probation Service. Three key factors were described by offenders as having influenced whether and how the sanction impacted on their relationship:

- The existing relationship with the probation officer. These were very varied. Some offenders described a close, longstanding and positive relationship where the probation officer had helped them overcome, or at least begin to address, issues such as drug or alcohol abuse, and also practical problems with things like housing.
‘She just asks me how I am, how my detox is going, and I tell her about my relationship with my parents and she asks me how that is if I’m still talking to them or if I’m not. At one point I was almost homeless and she tried to help me get a temporary place in a like hostel. She just helps me with stuff like that, if I’ve got a problem like with my housing she’d help with that, if I’ve got a problem with my parents or I need counselling in any way she’d arrange for me to see a counsellor. She’s good’

(Male, 23, CPRO, Sanctioned, IS 40%)

Where there was a good prior relationship, offenders had generally accepted that their probation officer had just been ‘doing their job’. In other cases, where the relationship was not seen as close or positive, offenders said they had seen their probation officer as responsible for the sanction.

- The circumstances of the breach. As Chapter 4 noted, some offenders said their breaches arose from their misunderstanding of the requirements, confusion about appointments, or events or circumstances that they felt made their absence reasonable. In these circumstances, offenders often felt the decision to breach them had been unfair and were angry with their probation officer. They related their anger in part to the fact that they had been breached, but also specifically to the fact that they had thus incurred the sanction.

  ‘Just felt like hitting him really... he tried to tell me it was my fault but I knew it wasn’t. [After the sanction] I wasn’t talking like I was before, I was just saying yes or no to his questions, and I didn’t want stay as long as I normally did.’

  (Male, 20, CRO, Sanctioned, JSA, 100%)

- Whether or not offenders recalled being told about the sanction policy by their probation officer. As Chapter 3 describes, offenders are warned at various stages but do not always recall (or perhaps choose not to recall) the warning. Offenders sometimes said they felt angry with their probation officer because they had not been warned and should have been, or if they believed they had been given incorrect information.

**6.4.2 Impact on relationship with Jobcentre Plus staff**

Offenders who first found out they had been sanctioned at Jobcentre Plus offices sometimes described reacting angrily to Jobcentre Plus staff. Again, this was particularly so if they felt they had not been warned adequately. But there seemed not to be significant impacts on their subsequent relationship after this initial confrontation. Offenders generally had much less contact with these staff than they did with their probation officer. Offenders on Jobseeker’s Allowance generally saw a variety of staff at their Jobcentre Plus office, and Income Support claimants did not have regular contact with their local office.

**6.4.3 Longer-term engagement with Probation Service and Jobcentre Plus**

Most of the offenders in the qualitative sample stayed in contact with Probation Service and Jobcentre Plus. As Chapter 2 highlighted, there is a range of explanations for non-completion of community sentences, quite irrespective of the sanctions policy. However, staff in both agencies were concerned that the policy had contributed, or would contribute, to offenders, in extreme cases, disengaging from their organisations. Some described individual cases where they said this had happened, acknowledging that other factors were at work as well as the sanction. In the Probation Service this was seen as stemming in part from the tougher implications of enforcement when it came with a sanction.
‘I think the main impact on them is for them to have a more negative view of us. They see us more as an enforcement agency rather than a rehabilitation ... From their point of view they now see, they view you as well you’re not here to help me you’re just here to wield the big stick.’

(Probation Service)

Some Probation Service staff were concerned that this made it more difficult for them to use enforcement ‘constructively’ or ‘creatively’ to bring into line someone who was not taking their community sentence seriously. Their view was that a breach hearing was an effective tool here, but that the benefit sanction risked exacerbating problems which made it harder to work with offenders constructively.

There was some evidence to support this in the accounts of offenders, where offenders talked about the experience of being sanctioned affecting their attitudes towards engaging with both agencies in the future.

‘If Probation ever tried to get me to trust them that isn’t going to happen is it. The Benefits Agency – I hate them.’

(Male, 32, CPO, Sanctioned, JSA, 100%)

‘Just lost all faith in them. I thought Probation was there to help you... No. I wouldn’t go near them. I don’t trust ‘em cos they can take your money off your... cos they’re not bothered, got no concern for you.’

(Male, 20, CPO, Sanctioned, JSA, 100%)

Again, it is important to note that being breached may itself, without the sanction, undermine offenders’ engagement with the Probation Service. These offenders linked their change in attitude to the sanction, but it is impossible to isolate the specific impact of the sanction. And others, as noted in Section 6.4.1, said the sanction had not affected their relationship with the Probation Service.

There was also concern among staff, particularly in the Probation Service, which they based on their experience of working with offenders, that the sanction could lead to increasing marginalisation for some types of offenders. Their view was that this would particularly be true for those who had fewest personal resources to cope with the sanction, and those with heavy drug use and extensive criminal records. The evaluation research design did not include monitoring of sanctioned offenders’ engagement with the Probation Service. However, some staff described individual cases where they reported that offenders had been making some progress but, following the sanction, offended and disengaged from probation, sometimes ending with custody. They acknowledged that other factors were also at play, but saw the policy as having contributed.

There were also mixed reports about whether more offenders were failing to attend breach hearings, leading to the issue of a warrant to return them to the court. Some Probation Service staff said non-attendance had not increased, or that there was no evidence of the policy having an influence. Others said, from local monitoring or from their own experience of handling breach cases, that the number of warrants had increased and saw the policy as part of the explanation for this. It was not possible to collect information about levels of non-attendance at court during the control and evaluation period in the pilot and non-pilot areas to validate the perceptions of Probation Service staff.

Within the qualitative sample of sanctioned offenders there was little evidence of this level of disengagement. (The sampling strategy largely depended on offenders remaining in contact with the Probation Service.) Two of the offenders interviewed in custody had stopped attending probation appointments during the sanction and were serving custodial sentences for offences committed
during the sanction period. Both saw the sanction as having triggered the changes in their behaviour, which led to custody. However, both had been heavy users of drugs at times in the past, funded by extensive offending, and it is clearly impossible to identify whether their pathways would ultimately have been different had they not been sanctioned.

6.5 Relating findings to other research

The impacts experienced by sanctioned offenders are broadly similar to those experienced by claimants sanctioned under other benefit regimes, as Chapter 2 described. Research on other benefit sanctions (Molloy and Ritchie, 2000; Saunders et al, 2001; Vincent, 1998) has pointed to financial hardship experienced by those sanctioned, which can also impact on families and dependants. It also highlights that access to formal and informal sources of support influences the severity with which it is experienced. Bonjour et al (2001)’s multivariate analysis found that some people with literacy problems, and those who scored higher within a composite variable involving problems with drugs, alcohol, a criminal record or homelessness, were less likely to report having obtained alternative benefits or payments.

Saunders et al (2001) report that other benefit sanctions could have a positive impact on labour market behaviour. There was limited evidence for this in the current study, but the sanction was sometimes an additional reason for looking for work among people who were already doing so. The range of impacts on offenders’ relationships with agency staff and engagement with ‘the system’ is also in line with other research on benefit sanctions.

6.6 Summary

- Financial impacts were reported by all sanctioned offenders, most severely by those with little or no financial or practical support from partners, family and friends. These included difficulties in buying food and paying household bills including rent (above Housing Benefit) or board. The fact that some offenders already had problems with money management is likely to have contributed to these impacts.

- The proportion of sanctioned offenders who received a hardship payment was in line with the proportion of all claimants sanctioned on Jobseeker’s Allowance who successfully apply. Staff reported mixed practices in whether or not they informed offenders of their availability.

- There is no evidence of offenders attempting to evade the sanction by changing their benefit claim.

- There were varied reports among those sanctioned of the impact on offending. Some had already been re-offending during their community sentence, and between nine per cent and 16% of community sentences which are terminated by court are terminated early because of a new conviction. But there were also reports of additional or renewed offending during the sanctioned period, which offenders linked directly to the sanction. Others had not offended.

- The sanction provided an additional motivation to look for work for people who were already doing so, but otherwise there was little to suggest the sanction had a positive impact on labour market activity.

- The impact on relationships with Probation Service staff varied and was influenced by the existing relationship, the circumstances of the breach and whether offenders recalled having been told about the sanction by the probation officer. There seemed not to be significant impacts on the relationship with Jobcentre Plus staff. There were concerns among staff about offenders disengaging from their organisation and becoming increasingly marginalised.
7 Impacts on the judicial system

There are a number of ways in which the withdrawal of benefits policy could potentially have had an impact on court proceedings, in terms of both original sentencing of offenders and breach hearings. The research design therefore included a survey of sentencers to examine their experiences and perceptions of a range of possible effects. Sentencers reported that in most respects there had been little or no change.

7.1 The postal survey

The survey took the form of a postal questionnaire. The sample consisted of:

- Magistrates: most of the sample were lay Magistrates, who adjudicate in cases brought before Magistrates’ courts. Lay Magistrates are unpaid, are not required to be legally qualified, sit part-time and usually sit as a bench of three to hear a case. A sample of 400 Magistrates was selected across the four areas;\(^\text{15}\)

- Circuit Judges: Circuit Judges hear cases in the Crown Court. As cases brought before the Crown Court are usually more serious offences, they would be expected to have less experience of breach cases than Magistrates. A sample of 18 Circuit Judges was selected across the four areas;\(^\text{16}\)

- Justices’ Clerks: Justices’ Clerks are responsible for administration in Magistrates’ courts and providing legal advice to Magistrates. They would be expected to be well-informed about the policy and to have advised Magistrates about it. All seven Justices’ Clerks in the four areas were included in the survey;

- District Judges: formerly known as Stipendiary Magistrates, District Judges (Magistrates courts) are legally qualified, paid and sit alone in larger urban Magistrates’ courts. As they are based in larger courts and are usually full-time, District Judges would be expected to have more extensive experience of breach cases than most lay Magistrates. All nine District Judges identified in the pilot areas were included in the survey.

\(^{15}\) See the appendices for details of the sample selection.

\(^{16}\) Again, details are shown in the appendices.
This survey examined the following issues:

- Whether sentencers received sufficient information about the policy before it was introduced.
- How much experience sentencers had of the policy.
- Whether the policy had any impacts on sentencers’ decisions regarding the use of community sentences and financial penalties for breach.
- Sentencers’ perceptions of the impact of the policy on compliance and their views of the policy and its advantages and disadvantages.

The chapter also draws on interviews with offenders, and interviews and group discussions with Probation Service staff with specific responsibilities for breach proceedings.

The survey achieved an overall response rate of 49%. Table 7.1 shows that most of the Circuit Judges, Justices’ Clerks and District Judges contacted returned a questionnaire. The response rate among Magistrates was 46%.

### Table 7.1 Responses received

<table>
<thead>
<tr>
<th>Role</th>
<th>Number in issued sample</th>
<th>Number of responses received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magistrate</td>
<td>400</td>
<td>185</td>
</tr>
<tr>
<td>Circuit Judge</td>
<td>18</td>
<td>14</td>
</tr>
<tr>
<td>District Judge</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>Justices’ Clerk</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>434</td>
<td>213</td>
</tr>
</tbody>
</table>

The term ‘sentencers’ is used in this chapter to include Justices’ Clerks, unless otherwise stated.

### 7.2 Sentencers’ experience, knowledge and awareness of the policy

#### 7.2.1 Experience of the policy

Table 7.2 shows the number of breach cases that sentencers had dealt with since the policy of benefit withdrawal was introduced. The majority of sentencers had limited experience of breach cases during the pilot. Just over two-fifths (41%) said that they had not dealt with any breach cases in this period, while almost a fifth (19%) had dealt with more than ten cases. The District Judges had more extensive experience than other sentencers, with all eight having dealt with more than ten breach cases and seven saying they had dealt with 21 or more cases. Only three of the 14 Circuit Judges had dealt with more than ten breach cases and six had not dealt with any.
Table 7.2  Number of breach cases dealt with

<table>
<thead>
<tr>
<th>None</th>
<th>41</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-5</td>
<td>22</td>
</tr>
<tr>
<td>6-10</td>
<td>16</td>
</tr>
<tr>
<td>11-15</td>
<td>6</td>
</tr>
<tr>
<td>16-20</td>
<td>5</td>
</tr>
<tr>
<td>21+</td>
<td>9</td>
</tr>
<tr>
<td>Not answered</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
</tr>
</tbody>
</table>

Base: all respondents (213)

7.2.2  Information received about the policy

There was some variation in views about the level of information sentencers received about the policy prior to its introduction. Fifty-three per cent of sentencers thought that the level of information they received about the policy was ‘just about right’. Twenty-two per cent felt there had not been enough detail, while 25% reported that they had not received any information about the policy. When asked if there were areas of the policy they would have liked more information on, 49% said that there were not, while 18% did not respond to this question. The aspects of the policy which sentencers most frequently said they would have liked more information about were: the policy in general (14%); the mechanics or operation of the policy (10%), and the circumstances of offenders (four per cent).

Sentencers were asked who had provided them with information on the policy and were prompted with the options of: Justices’ Clerk (who would be expected to inform Magistrates about the policy); the Magistrates Association (the national body representing Magistrates); the Court Centre Manager (responsible for the administration of the court); the Probation Service, and the Bench Management Committee (a committee drawn from members of the Bench which manages the work of that Bench). Table 7.3 shows that the most common source of information was the Justices’ Clerk, mentioned by two-fifths (41%) of sentencers. Just under a fifth (19%) had received information about the policy from the Magistrates Association. Other common sources of information were the Probation Service (16% ) and the Court Centre Manager (15% ). Just under a fifth (18% ) said that no-one had given them any information about the policy. Five of the six Justices’ Clerks had received information from the Probation Service.

Table 7.3  Who provided information about the policy

<table>
<thead>
<tr>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justices’ Clerk</td>
</tr>
<tr>
<td>Magistrates Association</td>
</tr>
<tr>
<td>Court Centre Manager</td>
</tr>
<tr>
<td>Probation Service</td>
</tr>
<tr>
<td>Bench Management Committee</td>
</tr>
<tr>
<td>Someone else</td>
</tr>
<tr>
<td>No-one</td>
</tr>
</tbody>
</table>

Base: all respondents (213). Percentages sum to more than 100% because more than one source could be cited.
7.2.3 Awareness of the policy at the time of introduction

When asked how well informed they felt about the policy when it was introduced, just over half (51%) of respondents said that they felt ‘very’ or ‘quite’ well informed. All six of the Justices’ Clerks said they were ‘very’ or ‘quite’ well informed.

Table 7.4 shows the level of awareness sentencers felt they had about different aspects of the policy when it was first introduced. The majority of sentencers were fully or partly aware of what the policy was (71%) and why it was being introduced (73%). Just over two-thirds (68%) were fully or partly aware of the sentences and circumstances to which the policy would apply. Sentencers who had experience of breach cases were significantly more likely to be aware of this (75% aware compared to 57% of those without experience).

There was lower awareness of the detail of the policy, with around half of all sentencers saying they were not at all aware of the amount of benefit that could be withdrawn (52%) and the length of time for which benefits would be withdrawn (50%). Just over a quarter of all sentencers (26%) said they were not at all aware of the requirement for sentencers to warn offenders about possible sanctions when the policy was first introduced. As would be expected, all six Justices’ Clerks said they were fully or partly aware of each aspect of the policy.

Table 7.4 Awareness of aspects of the policy

<table>
<thead>
<tr>
<th></th>
<th>Fully aware</th>
<th>Partly aware</th>
<th>Not at all aware</th>
</tr>
</thead>
<tbody>
<tr>
<td>What the policy was</td>
<td>24%</td>
<td>47%</td>
<td>28%</td>
</tr>
<tr>
<td>Why the policy was being introduced</td>
<td>29%</td>
<td>44%</td>
<td>27%</td>
</tr>
<tr>
<td>The sentences and circumstances to which the policy would apply</td>
<td>33%</td>
<td>35%</td>
<td>33%</td>
</tr>
<tr>
<td>The benefits to which the policy would apply</td>
<td>20%</td>
<td>36%</td>
<td>44%</td>
</tr>
<tr>
<td>The amount of benefit that could be withdrawn</td>
<td>16%</td>
<td>30%</td>
<td>52%</td>
</tr>
<tr>
<td>How long benefits would be withdrawn for</td>
<td>22%</td>
<td>27%</td>
<td>50%</td>
</tr>
<tr>
<td>The requirement for sentencers to warn offenders about sanctions</td>
<td>47%</td>
<td>26%</td>
<td>26%</td>
</tr>
</tbody>
</table>

Base: all respondents (213)

7.3 Perceived impacts on initial sentences and breach hearings

7.3.1 Perceived impact on initial sentences

Of those with experience of dealing with at least one breach case since the sanctions policy was introduced (a base of 123 cases), the majority (81%) of sentencers did not think that the number of community orders given by courts had changed since the policy was introduced. As Table 7.5 shows, over four-fifths said that there had not been any change in the number of cases where community sentences were imposed (81%), nor in the number of pre-sentence report proposals (82%) 17. Fifteen per cent thought that the number of community sentences given had increased since the introduction of the policy.

17 Analysis was carried out to look at those who had dealt with more than five breach cases but there were no statistically significant differences between this group and those who had not dealt with any breach cases in the pilot period.
Table 7.5  Sentencers’ views on the impacts of the policy

<table>
<thead>
<tr>
<th></th>
<th>Increased</th>
<th>Decreased</th>
<th>No change</th>
<th>Not answered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of community sentences</td>
<td>15</td>
<td>2</td>
<td>81</td>
<td>2</td>
</tr>
<tr>
<td>Number of pre-sentence</td>
<td>12</td>
<td>4</td>
<td>82</td>
<td>2</td>
</tr>
<tr>
<td>report proposals</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of not guilty pleas</td>
<td>7</td>
<td>3</td>
<td>85</td>
<td>5</td>
</tr>
<tr>
<td>in breach cases</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of appeals in breach cases</td>
<td>4</td>
<td>2</td>
<td>85</td>
<td>8</td>
</tr>
</tbody>
</table>

Base: all with experience of breach cases (123)

When asked about the impact on their own practice, 90% of sentencers with experience of breach cases since the introduction of the policy (by excluding Justices’ Clerks) felt the policy had had no impact on their likelihood of using community sentences, while eight per cent reported that it had increased their likelihood of doing so.

Probation Service staff similarly felt that there had been no change in sentencers’ inclination to give community orders.

7.3.2 Perceived impact on defendants’ plea at breach hearing

Sentencers also generally thought there had been little impact on proceedings at breach hearings. 85% of those with experience of breach cases felt that there had been no impact on the number of not guilty pleas (Table 7.5).

From the interviews with offenders, there was little evidence of an impact on pleas. Only two offenders had pleaded not guilty, but the policy had not played a part in their decision. Few said they had been conscious of the policy and its likely impact on them at the time of their hearing. Among those offenders who had been aware of the policy, there was no evidence that it had affected their plea. The likelihood of the sanction generally appeared not to have been at the front of their minds at the time, and it did not factor into their thinking. From the accounts of offenders, solicitors appeared not to be drawing their clients’ attention to the policy, and indeed several offenders said their solicitor had told them they were unlikely to receive any punishment beyond a small fine.

‘[I pleaded] Guilty …. Because I did it …. I’ve got a solicitor. He said just plead guilty and they’ll tell you just to continue with your order.’

(Female, 23, CRO, IS 40%)

The majority of sentencers with experience of breach cases during the pilot period (85%) also did not believe there had been any impact on the number of appeals (Table 7.5).

7.3.3 Perceived impacts on outcomes of breach hearings

Few sentencers believed that benefit sanctions would make sentencers less likely to find offenders in breach cases guilty, with just one in ten of all sentencers (10%) agreeing that this would be the case.

The use of financial penalties in breach cases was not seen by most sentencers to have been affected by the policy. More than eight in ten (83%) of the 119 sentencers with experience of breach cases during the pilot period (excluding Justices’ Clerks) said that the introduction of sanctions had not influenced their likelihood of using financial penalties in breach cases, and nine per cent reported that it had made them less likely to use financial penalties.

\[18\] The research would not have included offenders who successfully pleaded not guilty.
However, while most sentencers reported that the introduction of sanctions had not influenced their likelihood of using financial penalties in breach cases, Table 7.6 shows that most said the policy would influence the level at which financial penalties are set. Thirty-one per cent of all sentencers (excluding Justices’ Clerks) said that they would ‘definitely’ take benefit sanctions into consideration when determining the level of financial penalty, while nearly half (46%) said that they would ‘possibly’ take sanctions into consideration. There were no statistically significant differences between the views of those who had experience of breach cases and those who had not.

**Table 7.6 Would sanctions be considered when deciding the level of financial penalty?**

<table>
<thead>
<tr>
<th>Percentage</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, definitely</td>
<td>31</td>
</tr>
<tr>
<td>Possibly</td>
<td>46</td>
</tr>
<tr>
<td>No, definitely not</td>
<td>14</td>
</tr>
<tr>
<td>Not answered</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
</tr>
</tbody>
</table>

Base: all sentencers excluding Justices’ Clerks (207)

Seventy-four per cent of all sentencers (213) also agreed that, because of the policy, they needed to know more about the circumstances of offenders in breach cases. More than three-quarters (78%) of sentencers said that sentencers would usually be aware if an offender was in receipt of benefit, and just over half (52%) said they would usually be aware which benefits offenders were in receipt of.

There was a perception among Probation Service staff that sentencers had reduced the use of fines where breaches were proven, but this was not supported by sentencers’ own accounts of their practice. Offenders who had been fined described penalties ranging from £20 to £85. It was not possible to collect administrative data on the use of fines to assess whether there had been a change in the pilot areas during the evaluation period which was out of line with changes in non-pilot areas.

The Criminal Justice Bill contains proposals for different arrangements for penalising a breach of a community sentence. At present, under Schedule 3 of the Powers of Criminal Court (Sentencing) Act 2000, where the court determines that a breach has occurred it may:

- allow the order to continue and impose a fine not exceeding £1000; or
- allow the order to continue and impose a community punishment order; or
- where the offender is under the age of 21 and subject to a community rehabilitation order or a community punishment and rehabilitation order, impose an attendance centre order; or
- revoke the order and re-sentence for the original offence; or
- where the offender has wilfully and persistently failed to comply, revoke the order and impose a custodial sentence, notwithstanding that the original offence was not punishable with imprisonment.

The use of the word ‘may’ means that the court can allow the order to continue and not impose any penalty.
The proposals in the Criminal Justice Bill for breach of a community sentence, contained in Schedule 7, provide that the court must:

- amend the order so as to make the requirements more onerous; or
- revoke the order and re-sentence for the original offence; or
- where the offender has wilfully and persistently failed to comply, revoke the order and impose a sentence of custody, notwithstanding that the original offence was not punishable with imprisonment.

Under the new proposals, therefore, a criminal penalty of a fine for breach would no longer be an option. The timetable for the introduction of the new sentencing framework has not yet been determined so it is not yet certain when the generic community sentence will be available.

### 7.4 Perceived impact on compliance

The survey of sentencers addressed the issue of whether the policy had had an impact on compliance with community sentences through a number of questions. There were some contradictions in their responses, but a significant minority believed the policy had a positive impact on compliance. Overall, 81% of the 123 sentencers with experience of breach cases during the pilot thought that there had been no change in the number of breaches of community sentences following the introduction of the policy, while seven per cent thought that the number of breaches had fallen. As Table 7.7 shows, almost three in ten (29%) thought that the policy had increased compliance ‘to some extent’ and one per cent ‘significantly’. A little over half (55%) did not think it had influenced compliance.

**Table 7.7 Perceived impact of policy on compliance with community sentences**

<table>
<thead>
<tr>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significantly increased compliance</td>
</tr>
<tr>
<td>Increased compliance to some extent</td>
</tr>
<tr>
<td>Has not influenced compliance</td>
</tr>
<tr>
<td>Not answered</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Base: all with experience of breach cases (123)

Just over half (53%) of all sentencers agreed that sanctions were more effective than fines in enforcing community sentences, while a quarter (25%) chose the ‘neither agree nor disagree’ option for this statement.

### 7.5 Sentencers’ views about the policy

#### 7.5.1 Perceived advantages of the policy

Sentencers were asked to list what they perceived to be the advantages of this policy (Table 7.8). In total, just under half of all sentencers (49%) stated an advantage to the policy. The most commonly perceived advantage was that the policy would act as a deterrent and encourage compliance with community sentences, which was mentioned by a fifth (20%) of sentencers. Similarly, 6% suggested that the policy would make offenders think about the consequences of their actions and the same
proportion said that it would help to enforce community sentences. Enabling automatic payment of a penalty by deducting it at source was mentioned by four per cent as an advantage of a benefit sanctions policy. Three per cent of sentencers said that the policy was a means of punishing offenders for breaching their community sentences. Nine per cent said they did not see any advantages, and 42% did not list any.

Table 7.8 Advantages of the policy

<table>
<thead>
<tr>
<th>Advantage</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acts as deterrent/encourages compliance</td>
<td>20</td>
</tr>
<tr>
<td>Makes offenders think about consequences of actions</td>
<td>6</td>
</tr>
<tr>
<td>Helps to enforce community sentences</td>
<td>6</td>
</tr>
<tr>
<td>Penalty automatically paid/deducted at source</td>
<td>4</td>
</tr>
<tr>
<td>Punishes offender</td>
<td>3</td>
</tr>
<tr>
<td>Effective for defendants who can understand policy</td>
<td>2</td>
</tr>
<tr>
<td>Sanctions more effective than fines</td>
<td>1</td>
</tr>
<tr>
<td>Sanctions have immediate effect</td>
<td>1</td>
</tr>
<tr>
<td>Saves court time collecting fines</td>
<td>1</td>
</tr>
<tr>
<td>Good in principle</td>
<td>1</td>
</tr>
<tr>
<td>Other advantages</td>
<td>6</td>
</tr>
<tr>
<td>No advantages (explicit mention)</td>
<td>9</td>
</tr>
<tr>
<td>None mentioned (not answered)</td>
<td>42</td>
</tr>
</tbody>
</table>

Base: all respondents (213). N.B. Percentages sum to more than 100% as sentencers could state more than one advantage.

7.5.2 Perceived disadvantages of the policy

Sentencers were also asked to state what they thought were the disadvantages of the policy (Table 7.9). Fewer than half of all sentencers (46%) suggested a disadvantage to the policy. The most commonly perceived drawback, mentioned by 15% of sentencers, was that the policy could lead to more offending, as offenders would lose their main source of income. Other concerns related to the consequences of the policy for offenders included that it could impose suffering on families if the offender’s benefits were a main source of income (seven per cent) and that it could cause more difficulties for offenders with existing problems (four per cent). Six per cent of sentencers said that the policy was not successful in encouraging compliance with community sentences. Three per cent stated that the policy was unfair as it discriminated against offenders in receipt of benefits. Six per cent said they did not see any disadvantages, and 48% did not list any.

7.5.3 Suggested improvements

Sentencers were asked to describe ways in which they thought the operation of the policy could be improved (Table 7.10). Just over a third (35%) of all sentencers made a suggestion. Giving more training and information about the policy to sentencers was suggested by seven per cent. Six per cent said that more needed to be done to ensure offenders were aware of the consequences of a breach, while five per cent suggested that there should be more information or publicity on breach cases that had been sanctioned. Abolishing the policy altogether was suggested by four per cent of sentencers, while two per cent said that the severity of the sanction should be increased.
Table 7.9  Disadvantages of the policy

<table>
<thead>
<tr>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will lead to offending</td>
</tr>
<tr>
<td>Imposes suffering on families of offenders</td>
</tr>
<tr>
<td>Lack of impact in encouraging compliance</td>
</tr>
<tr>
<td>Offenders with existing problems suffer</td>
</tr>
<tr>
<td>Is unfair/discriminatory</td>
</tr>
<tr>
<td>Is not part of the court system</td>
</tr>
<tr>
<td>Not applied consistently/difficult to enforce</td>
</tr>
<tr>
<td>More administration</td>
</tr>
<tr>
<td>More difficult for offenders to pay fines</td>
</tr>
<tr>
<td>Offenders not aware of policy</td>
</tr>
<tr>
<td>Other disadvantages</td>
</tr>
<tr>
<td>No disadvantages (explicit mention)</td>
</tr>
<tr>
<td>None mentioned (not answered)</td>
</tr>
</tbody>
</table>

Base: all respondents (213). N.B. Percentages sum to more than 100% as sentencers could mention more than one disadvantage.

Table 7.10  Suggested improvements to the policy

<table>
<thead>
<tr>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>More training/information for sentencers</td>
</tr>
<tr>
<td>Ensure offenders are aware of the policy</td>
</tr>
<tr>
<td>Provide feedback/publicity on cases that have been sanctioned</td>
</tr>
<tr>
<td>Abolish the policy</td>
</tr>
<tr>
<td>Increase the severity of the sanction</td>
</tr>
<tr>
<td>Custodial sentence for breachers</td>
</tr>
<tr>
<td>Smaller reduction of benefit</td>
</tr>
<tr>
<td>Other suggestion</td>
</tr>
<tr>
<td>No improvements (explicit mention)</td>
</tr>
<tr>
<td>None mentioned (not answered)</td>
</tr>
</tbody>
</table>

Base: all respondents (213). Percentages sum to more than 100% as sentencers could mention more than one improvement.

7.6  Summary

- Overall, the sentencers survey shows that the policy had very little impact on sentencing practice or on the court process. The majority of sentencers reported no change in the number of community sentences given. They also reported no change in the number of not guilty pleas at breach hearings, and only 10% believed the policy would make sentencers less likely to find offenders guilty.

- They reported little change in the likelihood of using financial penalties, but the majority said they would take the sanction into account in setting the level of financial penalty.

- Twenty-nine per cent of sentencers believed the policy had increased compliance to some extent, and one per cent that it had done so significantly.

- Most sentencers hear relatively few breach cases. Just under half would have liked more information on the sanctions policy, and just over half said they felt very or quite well informed about it.

- Roughly equal proportions volunteered advantages and disadvantages of the policy, the main perceived advantage being that it acts as a deterrent or encourages compliance, and the main perceived disadvantage being that it will lead to offending.
8 Discussion of findings and implications for national implementation

8.1 Discussion of findings

Overall, it is estimated that the policy had a small but positive impact on compliance, reducing breach initiation rates amongst those on benefits by 1.8% during the evaluation period. There are some difficulties with the data on which this estimate is based, but it is broadly consistent with the perceptions of Probation Service staff, Jobcentre Plus staff, sentencers and offenders. It is not possible to distinguish impact due to change in offender compliance from that due to changes in enforcement practice, but from Probation Service staff reports it appears that changes to enforcement practice were negligible.

A range of different factors contributed to non-compliance. Behaviour was shaped by underlying attitudes to compliance and by broader circumstances in offenders’ lives, and reflected what were sometimes entrenched patterns of behaviour. The policy appeared to provide reinforcement to existing reasons to comply for some offenders, playing a supporting role in deterring an initial breach or in encouraging compliance following the experience of a sanction. Although these offenders did not see the policy as having been a major influence on their behaviour, an additional motivation could, nevertheless, be important in maintaining commitment which might otherwise be eroded.

The evidence suggests that the sanction had some potential to influence offenders’ grasp of appointment requirements and their weighing-up of the priority given to complying. It appeared to have less potential to influence non-compliance which related to chaotic or unmanaged personal lives, problematic substance use, a rejection of probation and other forms of authority, and the absence of a personal motivation or desire to address offending behaviour.

The impact of the policy in national implementation might be increased by tighter systems for informing Jobcentre Plus of breaches, and more effective methods for making offenders conscious of the sanctions (see below).

Offenders experienced financial hardship to varying degrees, which could impact on other people close to them but could also be a positive influence on subsequent compliance. It was mitigated for some by informal support from family and friends, and formal support such as hardship payments, but
there was variation in offenders’ access to support. These impacts were broadly in line with the impacts of other benefit sanctions. However, some sanctioned offenders also reported additional or new criminal activity during the period of the sanction, which they attributed to it. There was no opportunity to validate offenders’ self-reporting and it is possible that reoffending was under- or over-reported, or the link between offending and the sanction exaggerated.

The impact on how offenders related to the probation and benefit systems varied, and was sometimes negligible. However, the evidence suggested that sanctions could, in some circumstances, make it more difficult for the agencies to work constructively with offenders and, in extreme cases, contribute to offenders disengaging from rehabilitative work. Clearly other factors were at work here and these effects were reported in cases where offenders’ circumstances and behaviour anyway presented significant challenges to rehabilitation. However, these issues illustrate the potential disadvantages of the policy which need to be weighed against its positive impact on compliance.

8.2 Implications for national implementation

The research highlights a number of organisational issues which have implications for any national implementation of the policy:

• As noted above, the impact of the policy might be increased by tighter mechanisms for informing Jobcentre Plus of cases which are liable for a sanction. Discrepancies between the number of breach hearings initiated and the number of notifications of outcome received suggest a need for systems which are efficient, monitored and audited, and which minimise scope for human error.

• Despite a series of stages at which warnings are given, in different forms, offenders did not always take in information about the policy in ways which they retained and related to their own behaviour. Their accounts may not always be entirely frank, and they may choose semi-deliberately to ‘forget’ that they were told. However, it may be necessary for Probation Staff to give more frequent reminders of the policy, emphasising how it applies to the individual, what its consequences would be for them, and ensuring they understand the level and duration of sanction involved.

• There may be a need for additional mechanisms to support staff knowledge of the detailed scope of the policy, particularly given that, for Jobcentre Plus staff, it involves probation system issues, and for Probation Service staff benefit system issues, with which they have limited familiarity. This relates particularly to the level and duration of the sanction and the circumstances under which it is imposed.

• There may also be a need to address inconsistencies in what sanctioned offenders are told about available financial support.

• Sentencers acknowledged limitations in their understanding of the policy at the point when it was introduced, most significantly about their obligation to inform offenders of the sanction policy when the community sentence order is passed. These may have been successfully addressed by Justices’ Clerks, but there may be a need for more initiatives to support sentencers’ awareness.
• The only area where there appeared to be a significant impact on sentencing practice is that the majority of sentencers said they would or might take it into account in setting the level of a fine. It would be useful to clarify that the sanction should not be taken into account in setting the level of the fine (although it can be in setting the repayment schedule) in national implementation, although, this may be overtaken by the new enforcement measures proposed in the Criminal Justice Bill.

• There were reservations and concerns about the policy among staff in Jobcentre Plus and, apparently more so, in the Probation Service. Given the central role played by both, but particularly by the Probation Service, there would be value in addressing these in information about, and liaison and preparation for, any national implementation.

• Finally, it would be useful to monitor, in the initial stages of national implementation: impacts on compliance; impacts on enforcement practice; the administration of systems for notifying of breach outcomes; applications for hardship payments, reconviction rates; the use of fines as a penalty for breach (although this would be affected by proposals in the Criminal Justice Bill), and non-attendance at breach hearings.
Appendix A
Analysis of administrative data

Administrative data were collected from a number of sources and then individual records matched. The main stages are described below.

A.1 Commencement, benefits and CS data

Data were collected on all commencements during the control and pilot periods. Data included: name, address, commencement date, end date of order (where applicable), gender, date of birth, and length of order in hours or months.

These data were linked to the DWP ‘ONEGMS’ database to give data on benefit receipt at the commencement date and from then on to the end of the evaluation period. Records were matched using a combination of Probation Service Case Reference Number, Surname, and date of birth.

The data collected during the pilot on the CSSTATS 1, 2, and 3 forms were subsequently added to the dataset, by matching on a combination of Probation Service Case Reference Number, Surname, Forename, date of birth and postcode. This gave data on offenders receiving a warning letter, having a notified breach, and being sanctioned (together with the type and level of sanction). Matching the data to the commencements dataset allowed for cross-tabulations of these groups by offender characteristics.

A.2 Breach data

Breach data were collected from each of the four pilot areas separately. As is detailed in Section 4.1.3 the data collection methods differed from area to area, depending upon how records were held in each area.

Data from each area were subsequently matched to the commencements data, again using a combination of Probation Service Case Reference Number, Surname, Forename, date of birth and postcode.
Appendix B
Qualitative research with Probation Service and Jobcentre Plus staff

B.1 Methodology

Three stages of research among staff took place. The first stage involved area visits in the early days of operation of the policy, November 2001, to members of the Implementation Group representing the Probation Service, Benefits Agency and Employment Service. The intention was to gain an early understanding of the operation of the policy and of views and anticipated impacts, to inform the design of the evaluation.

The second stage was carried out in early Summer 2002 and involved a series of in-depth interviews and group discussions with staff from the three agencies. A total of 11 interviews and 11 group discussions were carried out.

The third stage of research with staff was carried out in Winter 2002/03, at a later stage in the operation of the policy, to ensure that changes in operation, perceptions and experiences could be included. Twenty interviews and seven group discussions were carried out with broadly the same range of representatives as at stage two. The Benefits Agency and the Employment Service had, by now, merged to become Jobcentre Plus. Consequently, one focus group for Jobcentre Plus staff was held in each area, rather than two separate ones in each area for Benefits Agency and Employment Service staff as had been the case in the previous stage.

Qualitative research was used to ensure that key aspects of the operation and impacts of the policy could be described in detail, with opportunities for staff to raise issues as well as discussing those anticipated as relevant by the research team. Using qualitative research meant that we were able to include people in highly specialised roles. In-depth interviews were used with more senior offices who, it was anticipated, would have more experience of the policy; group discussions with other staff were used to allow discussion and exchanges of opinion.
At both stages purposive sampling was used. The sample was designed to include the full range of staff roles affected by and with experiences of the policy, and to include representatives from different functions within each agency and from different areas (smaller and larger offices; rural and urban areas).

At the first stage, local representatives of each agency within each area were asked for details of staff at selected offices. The research team then selected individual representatives and approached them, initially by letter and then by telephone, to seek their participation. At the second stage, it was recognised that this approach had been time consuming for the agencies. Instead, local agency representatives were asked to nominate staff, within criteria set out by the research team.

The group discussions were generally held in local hotels over lunch and lasted for around one and a half to two hours. The in-depth interviews lasted for up to an hour and a half and were held at people’s places of work. Topic guides were developed, in consultation with the Home Office and Department for Work and Pensions, and were used flexibly to guide the fieldwork. All fieldwork was tape-recorded and transcribed verbatim.

The data were analysed using Framework, a systematic and comprehensive method of analysis developed at the National Centre. A series of matrices are drawn up, each relating to a key theme. Columns represent sub-topics and rows represent individual respondents. The data from each transcript are read and summarised in the relevant cell, with contextual data included and the page noted. This is carried out in Excel. The interpretative stage then involves looking in detail at the data within each theme and sub-theme; exploring linkages within individual cases; and drawing comparisons between individual and groups of cases.
B.2 Recruitment documents

B.2.1 Letter sent to staff selected to participate in focus groups

Dear [name]

Withdrawal of social security benefits for those in breach of community sentences

The National Centre for Social Research has been commissioned by the Home Office and the Department for Work and Pensions to carry out an evaluation of the above policy. The first stage of the research involves hearing the views of staff from the Employment Service, the Benefits Agency and the Probation Service in the pilot areas delivering the policy. The purpose is to learn about experiences of implementing the policy, and its impact on the staff and clients of the three agencies.

You have been nominated to attend the group discussion we are conducting with Employment Service staff in your area. The group will be attended by about nine other staff drawn from different offices in the region. It is scheduled to take place on [date] at [venue]. It will begin at [time] and last for between two and two and a half hours.

The National Centre for Social Research is an independent research organisation. All the work we carry out is undertaken in strict confidence. Any contributions you make within the discussion will be reported in a manner that does not identify you.

We very much hope you will be able to attend. We will provide afternoon tea during the course of the discussion. If you have any questions before the discussion, or you think that you may not be able to attend, please get in touch with one of us.

Yours sincerely

Kandy Woodfield
Researcher
The topic guide used in the focus groups with staff was based on the topic guide for the staff interviews covering the same issues but in a slightly abbreviated form. To avoid repetition it has not been included here.

### Topic Guides

**Topic guide used for interviews with staff**

**P6038**

**STRATEGIC INTERVIEWS WITH PROBATION SERVICE AND JOBCENTRE PLUS STAFF**

**RESEARCH OBJECTIVES**

- To explore how the benefit withdrawal policy is delivered in the area and the role of the different staff and agencies
- To discuss views about the potential impacts of the policy upon staff and offenders

**Introduction**

- Introduce self, the study and the National Centre
- Explain about confidentiality, tape recording and length of discussion

**1. Background**

Throughout section probe for any changes since the introduction of the policy. With former BA/ES staff probe specifically for the impact of the transition to Jobcentre Plus on themselves and their organisation.

#### 1.1 Individual Background

- Position/job title
- Role/responsibilities in the organisation
- Time in current position/previous employment
- Personal contact with offenders/clients – nature and extent
- Their role/responsibilities in delivering policy

#### 1.2 Organisation Background

- Structure of PS/DWP in area (e.g. number of offices etc)
- Staff
  - roles of different staff involved in delivering the pilot
  - probe for which staff come into contact with offenders/clients (inc. reception/admin staff) and nature of contact
  - Role/organisation they come into contact with
- Links/relationships with other organisations (e.g. PS/jobcentre Plus/voluntary orgs/courts/contractors running community sentence activities)

**2. Initial views and expectations of policy**

If respondent has been interviewed in previous round of staff fieldwork cover this section only briefly

- Objectives of Policy
  - what they thought objectives were
  - fit of policy with objectives of their organisation
  - personal views of objectives
- Ownership of policy
  - how central is role of their organisation
  - who has ownership of policy (i.e. who is seen as responsible for it)
- Design of policy
  - information/guidance received about design of policy
  - understanding of how policy would be delivered
  - views on design of policy
- Feelings about participating in policy
  - personal views of policy
  - any concerns (e.g. workload, personal safety)
- Potential impacts of policy
  - impact on compliance (i.e. would it deter breaching)
  - impact on reoffending (i.e. likelihood of offenders reoffending during sanction period)
  - other expected impacts (e.g. on court proceedings, relationship between them and offenders)

**3. Experiences of cases**

If directly involved in delivering policy:

- Number of sanction cases they have dealt with
  - personally
  - at their office

If not directly involved with delivering policy:

- Number of sanction cases they are aware of
  - at their office
  - in their area
- Views about number of cases
4. Delivery of policy
(Jobcentre Plus only)
- Processes in place for delivering policy (ask to describe processes, any glitches/problems encountered)
  - issuing 1st warning letter
  - issuing final warning letter
  - imposing sanction
  - informing frontline staff of sanction
  - reinstating sanction
- Timing and nature of warnings given relating to benefit sanction
- Comparison of operational and administrative procedures for implementing the sanction compared to other forms of sanction
- Views about collection of statistical data for ASD (completion & issue of form Stats 1 and 2)
- Interaction between Community Sentence sanctions and other sanctions
- Any experiences of client appealing against breach/sanction
- Hardship payment procedures
- Level of discretion they have re: providing alternative forms of financial support
(Jobcentre Plus only)
- Processes in place for delivering policy (ask to describe processes, any glitches/problems encountered)
  - informing offenders of policy at induction
  - issuing form 1 after failure to comply
  - issuing form 2 after breach
  - warning ES/BA of potentially violent/aggressive offenders
- Any informal discussion of policy with offender during sentence (e.g., after first failure to comply)
(Probation Service only)
- Levels of awareness of policy amongst staff
  - them personally
  - colleagues
- Relationships between agencies/flows of information between agencies
  - nature of contact
  - means of communication
  - details of procedures for passing information
  - any problems/glitches
5. Impacts of policy on staff
(Probation Service only)
- Perceived impact on Probation Officers’ attitude to reporting a breach
- Definitions of acceptable & unacceptable non-attendance & breach
  - cases where they might be less likely to report a breach + reasons why
  - cases where they wouldn’t be less likely to report a breach + reasons why
Compare practice before the implementation of policy with practice afterwards, in terms of:
- Adherence to National Standards (to report breach after two failures to comply)
- Level of discretion used in making decisions about breaches
- Number, timing and nature of warnings given about the consequences of breaching
- Response of clients to warnings/sanctions

Appendices
– Qualitative research with Probation Service and Jobcentre Plus staff
6. Impact on the way breaches are dealt with in court (ask all)
- Has policy affected magistrates behaviour (e.g.)
  - initial sentencing
  - likelihood of finding breach proven
- Are defence solicitors advising clients to plead differently as a result of the sanction
- Has policy affected number of appeals against breach
  - any impacts of this for the PS

7. Impact of policy on Offenders
Impact on compliance (Probation Service only)
- Impact of policy on compliance
  - as a deterrent to non-compliance on 1 occasion
  - as a deterrent to breach on 2 or more occasions
- Impact of policy on different types of offenders
  - types of offender it has most/least impact on
- Impact of policy in different circumstances
  - circumstances in which policy has most/least impact
- Factors influencing impact of policy on compliance (e.g.)
  - age and gender
  - family living circumstances
  - type of offence/historic of previous offences
  - length of sentence
  - previous history of compliance/non-compliance
  - drug/alcohol dependency
- Impact of policy on types of offenders who breach/circumstances in which offender breaches changed since implementation of policy (probe for any changes in the numbers of women/ethnic minority offenders who breach)

Impact of sanction (Ask all)
- Impact of sanction on finances of offender
  - How offenders cope with any financial difficulties during sanction
  - wait for spontaneous responses before prompting with:
    - borrowing money
    - looking for work/training
    - rationalising personal expenditure
    - delaying payment of rent/household bills
    - using savings
    - re-offending
    - hardship payments/other discretionary payments
- Measures they/other organisations have taken to alleviate financial difficulties during sanction
  - any measures in place before policy to alleviate financial difficulties of offenders (whether these have been maintained/changed)
- Impact on offenders' relationships with others (family, friends)
- Impact on attitude of offender to meeting benefit requirements (e.g. signing on at job centre)
  - during period of sanction
  - following sanction
- Impact on attitude of offender to complying with order (e.g. attending meetings with probation officer)
  - during period of sanction
  - following sanction
- Any other/unforeseen impacts

8. Final reflections on the policy
- Views on policy now, in comparison to expectations
  - personal views on participating in policy
  - any concerns they had, whether these have materialised, any steps taken to address concerns
- Has policy had impact they thought it would (if not explore reasons why)
  - in terms of compliance
  - in terms of reoffending
  - other expected impacts (e.g. on court proceedings, relationship between them and offenders)
- Have impacts of policy changed at all during the life of the pilot (if so, explore how and why)
  - in terms of compliance
  - in terms of reoffending
  - other expected impacts (e.g. on court proceedings, relationship between them and offenders)
- Positive and negative features of policy
- Suggested changes/improvements to how policy is operating (e.g. ways to ensure offenders aware of policy)
- Suggested changes to design of policy (e.g. length, severity, timing of sanction)
Appendix C
Qualitative research with offenders

C.1 Methodology

A total of 44 interviews with sanctioned offenders and 11 with unsanctioned offenders were carried out. It had been intended that a total of 60 sanctioned offenders would be interviewed (and that 20 of them would be interviewed twice, once shortly after the sanction period and then again towards the end of their community sentence). The lower than anticipated number of interviews with offenders was a consequence of various difficulties experienced in the recruitment process.

Sample frames of sanctioned and unsanctioned offenders were provided by the Home Office from the administrative data collected for the evaluation. An initial letter was sent to potential sample members by the research team, giving them an opportunity to opt out of the research if they did not wish to take part.

A conventional method of recruitment, whereby a researcher could approach an individual about being interviewed by telephone, proved for the most part to be impossible. The contact details of offenders held by the DWP and the Home Office often did not include a phone number, or the number that was included was either out of date, incorrect, or no longer in use. Only a small number of offenders could be contacted through this route. The main method of recruitment was to contact offenders through the Probation Service. Initial contact was made with the Probation Service to establish if they were still in contact with the offenders. In many cases they were not, either because the offender had completed their sentence, had been given a custodial sentence\(^20\) or had stopped complying with their sentence completely and a warrant had been issued for their arrest. Where they were, interviews were arranged to take place in the Probation Office to coincide with their next scheduled probation appointment. In practice, high levels of non-attendance by offenders meant that interviews were very frequently not carried out at the first attempt. This happened in over two-thirds of cases, across the four pilot areas as a whole. Further attempts were typically made to interview the offender when they next attended their probation office, but again these arrangements were often undermined by high levels of non-attendance.

\(^{20}\) Where possible, it was established where the offender was serving their sentence, and a small number of interviews were conducted with offender within prison.
In the light of these problems, alternative methods of recruitment were considered by the research team and the Departments. One option was to recruit offenders directly by intercepting them in their local Jobcentre Plus office when they were due to sign on. Ultimately this option was not pursued, for a number of reasons. It would not be possible to recruit offenders claiming Income Support through this method, because they were not required to regularly attend Jobcentre Plus offices. The records provided did not include detailed information to show the Jobcentre Plus office offenders signed on at, and what day of the week they did so. There were also concerns about confidentiality. By directly approaching an offender in the public environment of a Jobcentre Plus office, there was a danger that information about their community sentence, breach and sanction would be overheard by other claimants and staff within the office. This could have raised personal safety issues for researchers carrying out interviews.

Another option considered was for a researcher to spend a day or days in an individual probation office and take the opportunity to recruit and interview any offenders who attended whilst they were there, liaising with Probation Service staff to select and fill quotas for those sanctioned and those not. Unfortunately this option could not be pursued because of requirements for an opportunity for offenders to opt out of the research before being approached by the research team.

Qualitative research using in-depth interviews was selected as the research method to ensure that the detailed experiences of each offender could be captured, and in the light of the sensitive nature of the issues involved. The interviews lasted from 45 minutes to an hour and a half, and were tape-recorded and transcribed verbatim. Again, topic guides were used to ensure that key themes were addressed, but these were used flexibly so that the interviews were responsive to people’s own circumstances and experiences. Again, the data were analysed using Framework.
C.2 Recruitment documents

Initial opt-out letter sent to sanctioned offenders

Dear [name]

A chance to have your say about withdrawal of benefits for people in breach of community sentences

We would like your help with an important research project looking at the effect of the withdrawal of social security benefits on people who have breached their community sentence. The study is being carried out on behalf of the Home Office and the Department for Work and Pensions (formerly the Department of Social Security) by The National Centre for Social Research, which is an independent research organisation not connected to either the Home Office or the Department for Work and Pensions.

We would like to interview people who have had their benefits sanctioned to explore people’s experiences of the sanction and its impact on their lives. Hearing the views of people who have had a sanction applied to their benefits is very important in assessing the policy and understanding what effect it has on people and their families. Findings from the research will be used to inform the way that this and other policies are designed in the future.

Your name has been selected from records held by the Home Office and the Probation Service, from those who have experienced a community sentence sanction. You may have received a similar letter earlier this year but not been approached to take part. This letter is to let you know that a researcher from the National Centre for Social Research, may still get in touch with you at some point in the near future to arrange a convenient time and place to speak to you.

This is a voluntary study, your participation in the study would be anonymous and anything you tell the interviewer will be treated in the strictest confidence. The findings of the study will not identify you or your family in any way, and your participation will have no impact on any future contact with the Probation Service or Jobcentre Plus (the former Benefits Agency).

We hope you will decide to take part in this important study. If, however, you do not want a researcher to contact you, please either write to Tim Knight at the National Centre for Social Research, using the FREEPOST envelope provided (no stamp required), or telephone him on 020 7549 9547 (answerphone outside of working hours) before the 20 September 2002. If you do write or phone, please remember to give the reference number at the top of this letter.
If you have any questions about the research, please contact Tim on 020 7549 9547.

Thank you

Yours sincerely

Nicola Croden
Department for Work and Pensions

A slightly different version of the letter was sent to unsanctioned offenders.
INTERVIEWS WITH SANCTIONED OFFENDERS

RESEARCH OBJECTIVES

To explore:

- the impact of the policy on the compliance of offenders with the requirements of their Community Sentence
- the impact of a benefit sanction on the financial and personal circumstances of offenders, and their subsequent behaviour
- the views of offenders about the policy

Introduction

Introduce self, the study and the National Centre

“A study looking at the withdrawal of social security benefits for those found in breach of a community sentence, a policy which is being piloted in your area. The aim of the study is to learn about the impact of the measures on people serving community sentences. We want to hear about your experiences, and what you think of the policy.”

- Explain about confidentiality, tape recording and length of interview

“ The National Centre is an independent research organisation. We are not part of the Government, the Home Office or the Department for Work and Pensions. Everything you tell us as an individual will be treated as completely confidential. It will not be passed on to anyone at your Probation Office, the Social Security Office or your Jobcentre.”

1. Background

“Can you tell me a little bit about yourself? For example, who do you live with and what are you currently doing (e.g. are you working, claiming benefit or doing something else?)”

- Age
- Family and household circumstances (any children, including those not currently living with you, activities of other household members)
- Current Activity
  - Whether on benefits or in employment/training – details
  - How long has this been the situation
- Financial situation
  - Household income
  - Outgoings (e.g. rent, child support)

- Where did they grow up
  - What sort of a childhood did they have; good and bad points
  - How got on at school incl. quals obtained
- Personal issues (e.g. health, drug/alcohol misuse, literacy)
  - Effect on life, any changes over time

2. Benefit and Employment/Training history

- Brief description of employment/training history since leaving school
  - Nature of previous jobs/training
  - Time in each position
  - Reasons for leaving
  - Periods of unemployment between jobs/training
  - Any difficulties finding/staying in employment/training
- Views about employment/training (pros v cons, changes over time, influence of others on view)

- Previous experiences of claiming benefit
  - Previous benefits claimed (type of benefit, time claimed, amount received)
  - Any previous sanctions incurred on benefit (level/duration, how incurred, experiences during sanction)
  - Reasons for ending/changing claim
  - Views about employment/training (pros v cons, changes over time, influence of others on view)

3. Previous Community and/or Custodial Sentences

“To begin with it would be useful if you could talk me through any previous experience you may have of community or custodial sentences.”

- Have they had any custodial sentences
  - How many
- Details of any custodial sentences
  - When served
  - Length of sentence
  - Nature of offence leading to sentence
  - Views on fairness/appropriateness of sentence
  - Whether deterrent to reoffending

Appendices

– Qualitative research with offenders
Have they had any other Community Sentence before current one
- How many
- For each previous Community Sentences
  - When was it
  - Type of order (CPO, CRO or combination)
  - Nature of offence leading to sentence
  - Requirements of order (e.g. no. of appointments with PO, hours of activity)
  - Views on fairness/appropriateness of sentence
  - Whether deterrent to reoffending
- Record of compliance with previous community sentences
  - How easy/difficult to keep to requirements (+why)
  - Whether complied (number of unacceptable absences/breaches)
  - Reasons for compliance/non-compliance

4. Current/most recent Community Sentence (i.e. sentence they breached to incur sanction)
- Talking now about their current Community Sentence
  - When did it start
  - Type of order (CPO, CRO or combination)
  - Nature of offence leading to sentence
  - Length of order
  - Requirements of order (e.g. no. of appointments with PO, hours of activity)
  - Views on appropriateness/fairness of sentence
- Details of contact with probation staff
  - Staff in contact with (and nature of contact)
  - Frequency of meetings with PO (any changes during sentence)
  - Timing/location of meetings
  - Views about contact
  - Views about Probation Service in general
- Relationship with probation officer
  - Nature of relationship (manner, style, approach)
  - Issues addressed (what they talk about)

5. Compliance with Order and reasons for breach
- Awareness of requirements of order
  - Requirement to attend meetings/activities on time
  - What counted as acceptable/unacceptable absence
  - Initiation of breach proceedings after 2 unacceptable absences
- Expected consequences of not meeting requirements of order (e.g. fine, custodial sentence, further Community Sentence)
- Information about requirements
  - From who/where/when/what
- Attitude towards requirements
  - Fair/unfair
  - Likelihood of them complying (explore factors which might affect likelihood of compliance)
- First failure to attend
  - Point in sentence when happened
  - Circumstances/reasons for not attending
  - Any attempts to notify PO that unable to attend (e.g. whether rang in advance)
  - Details of and views about reaction of Probation staff (face-to-face contact, warning letter etc)
  - Views about decision about whether acceptable/unacceptable
- Subsequent failures to attend
  - Point in sentence when happened
  - Circumstances/reasons for not attending
  - Any attempts to notify PO that unable to attend (e.g. whether rang in advance)
- Details of and views about reaction of Probation staff (face-to-face contact, warning letter etc)
- Views about decision about whether acceptable/unacceptable

6. Details of the breach proceedings
- When learned breach proceedings had began
  - Point in sentence
  - Number of unacceptable absences
- How informed of breach (and by who)
- Understanding of reasons for being breached
- Attitude towards breach
  - Whether expected/unexpected
  - Views about fairness
- Views about length of time between learning about breach and breach hearing (e.g. any long wait or delay)
- Plea entered at breach hearing
  - Reasons for pleading guilty/not guilty (compare with plea at any previous breach hearing's attended)
  - Advice of PO/solicitor/other party about plea (and impact)
- Experience of court proceedings
  - Number of court appearances
  - Duration of process
  - Role of Probation Service in hearing
- Outcome
  - Penalty/penalties imposed
- Views about outcome
  - Finding of breach
  - Penalty/penalties imposed

7. Awareness and understanding of benefits sanction policy
- Awareness of benefits sanction policy
  - When first became aware (important: were they aware of policy before breaching)
  - How first became aware (i.e. who told them about policy)
- Subsequent information/warnings received about policy (wait for spontaneous responses then probe whether received info/warnings)
  - At Pre-sentence report stage
  - From Magistrate during sentencing
  - From Probation Officer (at start of sentence, at any other points during sentence, e.g. after first absence)
  - From other sources (e.g. friends, family members)
- Initial understanding of policy (i.e. before they incurred sanction)
  - Benefits affected
  - Length of sanction period
  - % reduction in benefit
  - Timing of sanction period
- Initial views on policy
  - Fairness
  - Why introduced (and by who)
  - Perceived views of PO towards policy
- How/when learned they had been sanctioned
  - Whether expected or not
- Reaction to learning about sanction
  - Feelings about having benefit reduced/withdrawn
  - Who seen as responsible
  - Whether discussed with PO or BAVES staff
- Nature of sanction imposed
  - which benefit affected
  - % reduction in benefit
  - length, timing of sanction period

8. Impact of policy on compliance
- Has policy had impact on their compliance
  - Reasons why it has/haven't
- If they were not aware of policy before breaching skip remainder of section
- How has it affected their attitude to complying
  - Compare with attitude to complying on any previous community sentences
  - Anything they're now doing differently
  - Changes to attitude over time (e.g. after first warning/first failure to attend)
9. Impacts of sanction  

- What effects did sanction have (wait for spontaneous responses, then probe for):  
  - Financial impacts on them personally (e.g. ability to pay rent/bills, personal expenditure)  
  - Financial impacts on partner or children (including those not living with offender)  
- How coped with financial situation (wait for spontaneous responses before prompting with):  
  - borrowing money  
  - entering work/training  
  - rationalising personal expenditure  
  - delaying payment of rent/household bills  
  - using savings  
  - re-offending (probe for details, types of offence etc)  
  - changing benefit claim  
- Financial support sought/received from any organisation during sanction (e.g. hardship payments, direct payments for things such as utility arrears, Social Fund crisis loans, PS befriending fund)  
  - When/how became aware of support, if at all  
  - Process of applying for support  
  - Nature/level of support received  
  - Feelings about receiving/not receiving support  
- Impacts on relationships with others (family, friends)  
- Impact on relationships with Probation Service and Social Security staff  
  - Levels of trust  
  - Levels of co-operation  
- Impact on attitude and behaviour in relation to meeting benefit requirements (e.g. signing on at job centre)  
  - During period of sanction  
  - Following sanction  
- Impact on motivation to look for work/training  
- Impact on attitude in relation to complying with order (e.g. attending meetings with probation officer)  
  - During period of sanction  
  - Following sanction  

10. Final reflections  

- Views about fairness of benefit sanction policy  
  - Principle of sanctioning benefit  
  - Severity of sanction  
- Views about effectiveness of the policy  
  - Personally  
  - Other offenders (type of offender it will/won’t affect)  
  - Nature and extent of impact of policy on compliance compared to other factors (e.g. fear of custodial sentence)  
- Views about whether there should be some penalty for non-compliance  
  - Alternative measures to encourage compliance (e.g. additional hours, having to report more frequently)  
  - Other suggested changes/improvements  

A slightly different version of the topic guide was used with unsanctioned offenders.
Appendix D
Survey of sentencers

D.1 Methodology

A survey of sentencers in the pilot areas was conducted to provide quantitative data on sentencers’ experiences and views of the policy. The questionnaire underwent the clearance process for research in courts co-ordinated by the Lord Chancellor’s Department before fieldwork could begin. To ensure that the questions asked were relevant and could be clearly understood, a small-scale pilot was carried out before the main stage of fieldwork. For this pilot, a sample of sentencers were posted a questionnaire to complete, while semi-structured telephone interviews were conducted with three Justices’ Clerks to collect feedback on the questionnaire.

The survey was conducted using a paper self-completion questionnaire, mailed to named sentencers at the courts where they sat. Lists of sitting Magistrates and Circuit Judges at each court in the pilot areas were provided by Justices’ Clerks and Court Managers respectively. A sample of 400 Magistrates and 18 Circuit Judges was selected from these lists, using a systematic random sampling method. In addition, questionnaires were mailed to the nine District Judges and seven Justices’ Clerks identified in the pilot areas. Questionnaires were mailed out on 10 March 2003 and the period for accepting returns closed on 22 April 2003. Two reminder mailings were sent during the fieldwork period to encourage sentencers to respond. A final response rate of 49% was achieved.

Data from the completed questionnaires were keyed by an external agency and edited by NatCen’s Operations team. Code frames for open-ended questions were developed by the researchers using responses from the first 50 returns.
D.2 Questionnaire and covering letter

Covering letter sent to sentencers

Dear [name]

I am writing to ask for your assistance with a research study to be conducted among sentencers and Justices’ Clerks. This research forms part of an evaluation of the withdrawal of benefits policy affecting offenders in breach of community sentences, currently being piloted in your area. This evaluation has been contracted by the Home Office and Department for Work and Pensions to the National Centre for Social Research (NatCen), an independent social research organisation.

A very important part of this evaluation is to seek the views of sentencers about the policy and their experiences of it. I would, therefore, be extremely grateful if you could take the time to complete the enclosed questionnaire and return it in the envelope provided to: The National Centre for Social Research, 35 Northampton Square, London EC1B 1DB. It should take no longer than 20 minutes to complete. We are interested in the opinions of all sentencers, regardless of how much experience you have had of the policy.

If you have any queries about the survey, please contact Elaine James or another Blue Team member on Freephone 0800 652 4572. If you have any questions about the wider evaluation, please contact Dr Gemma Harper at the Home Office on 020 7217 8802. All information that you provide will be treated in the strictest confidence. I appreciate how valuable your time is and hope you will be able to assist with this important study.

Yours sincerely

Sarah Kitchen
Senior Researcher
Questionnaire sent to sentencers and justice clerks:

DEPARTMENT FOR WORK AND PENSIONS
Social Research Division

Survey of Sentencers and Justices’ Clerks

Withdrawal of benefits for offenders in breach of community sentences
Questionnaire

This questionnaire forms part of an evaluation of the policy to impose benefit sanctions on offenders who are found to be in breach of Community Sentences. The purpose of this questionnaire is to collect information on your views and experiences of this policy. This survey is being conducted by the National Centre for Social Research (NatCen) on behalf of the Home Office and Department for Work and Pensions.

The information you provide will remain confidential to the researchers on this project and no data will be reported in any way which could allow anyone to identify individuals taking part in the study.

The policy, which allows welfare benefits to be withdrawn from offenders who are found to be in breach of certain Community Sentences, was introduced in the pilot areas in October 2001. We are interested in your views of the policy, whether you have had direct experience of the policy or not.

Please note that the policy of benefit sanctions applies only to the sentences listed below and the term ‘Community Sentence’ as used in this questionnaire refers only to these sentences:

- community rehabilitation order
- community punishment order
- community punishment and rehabilitation order

Please return the completed questionnaire in the enclosed FREEPOST envelope to the National Centre for Social Research, 35 Northampton Square, London EC1B 1DB.

If you have any queries about how to complete the questionnaire or about the survey in general please contact the National Centre for Social Research (Blue Team) on 0800 652 4572, or for further information about the evaluation of the policy, contact Dr Gemma Harper at the Home Office on 020 7 217 8802.

Please indicate your responses by placing a tick in the appropriate box or writing in the space provided. Please ignore the numbers printed inside the boxes. These are for office use.
A. INFORMATION
Thinking firstly about the information available before the policy of imposing benefit sanctions was introduced.

A1. Do you feel that the information provided to you before this policy was introduced was on the whole:
- Too detailed
- Just about right
- Not enough detail
- No information provided

A2. Was there anything on which more information would have been useful?
Yes [ ] (please write in)

No [ ]

A3. Who provided information about the policy to you? (please write in)
- Justices’ Clerk
- Magistrates Association
- Court Centre Manager
- Probation Service
- Bench Management Committee
- Someone else (please write in)
- No-one

A4. How well-informed did you feel about the policy when it was introduced?
- Very well-informed
- Quite well-informed
- Not very well-informed
- Not at all well-informed

A5. How aware were you of different aspects of the policy before it was introduced within your area?
- Fully Aware
- Partly Aware
- Not at all Aware

a. What the policy was
b. Why the policy was being introduced
c. The sentences and circumstances to which the policy would apply
d. The benefits to which the policy would apply
e. The amount of benefit that could be withdrawn
f. How long benefits would be withdrawn for
g. The requirement for sentencers to warn offenders about sanctions

B. CASE EXPERIENCE

B1. Have you personally dealt with any breach cases since October 2001?
- No, None
- Yes: 1-5
- 6-10
- 11-15
- 16-20
- 21+

This section asks questions about your views and experience of benefit sanctions within your area. Please give your opinion even if you do not have direct experience of the policy, as we are interested in your impressions of changes to caseloads since the policy was introduced.

B2. In your experience, has the number of cases in which these Community Sentences have been imposed changed since the introduction of benefit sanctions? If so, how?
- Community Sentences awarded in more cases
- Community Sentences awarded in fewer cases
- No change

B3. In your experience, has the number of PSR proposals for these Community Sentences changed since the introduction of benefit sanctions? If so, how?

Number of PSR proposals has increased
Number of PSR proposals has decreased
No change

B4. In your experience, has the number of breaches of Community Sentences changed since the introduction of benefit sanctions? If so, how?

Number of breaches has increased
Number of breaches has decreased
No change

B5. In your experience, has the number of offenders pleading not guilty in breach cases changed since the introduction of benefit sanctions? If so, how?

Number of not guilty pleas has increased
Number of not guilty pleas has decreased
No change

B6. In your experience, has the number of appeals in breach cases changed since the introduction of benefit sanctions? If so, how?

Number of appeals has increased
Number of appeals has decreased
No change

B7A. In your experience, are sentencers usually aware of whether an offender is currently in work or claiming benefits?

Yes, usually in all cases
In some cases, but not always
No, not in most cases

B. And would sentencers usually be aware which benefits offenders were in receipt of?

Yes, usually in all cases
In some cases, but not always
No, not in most cases
C2. How much do you agree or disagree with the following statements about the policy
to impose benefit sanctions in breach cases?

<table>
<thead>
<tr>
<th>Agree Strongly</th>
<th>Agree</th>
<th>Neither agree nor disagree</th>
<th>Disagree</th>
<th>Disagree Strongly</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Many offenders do not understand that their benefits could be withdrawn if they breach sentences</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Sanctions are a more effective means of enforcing Community Sentences than fines</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Because of this policy, sentencers need to know more about the circumstances of offenders in breach cases</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Sentencers are less likely to find offenders guilty of breaching their sentence, if benefit sanctions will be imposed</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C3a. What, if anything, would you say are the main advantages of this policy? (Please write in)

C3b. And what, if anything, would you say are the main disadvantages of this policy? (Please write in)

C4. What improvements, if any, would you suggest to the way in which the policy operates? (Please write in)

D. BACKGROUND

The questions in this section are to help us analyze responses to the questionnaire.

D1. Which of these best describes your role? Please tick one

- Judge
- District Judge (Magistrates’ Court)
- Magistrate
- Justices’ Clerk
- Other (please write in)

D2. Are you...

- Male
- Or
- Female

D3. What is your age group?

- Under 30
- 30-39
- 40-49
- 50-59
- 60-69
- 70 or over
D4. Which of the following best describes your ethnic group?

- White - British
- White - Irish
- White - any other background
- Mixed - White and Black Caribbean
- Mixed - White and Black African
- Mixed - White and Asian
- Mixed - any other background
- Asian or Asian British - Indian
- Asian or Asian British - Pakistani
- Asian or Asian British - Bangladeshi
- Black or Black British - Caribbean
- Black or Black British - African
- Black or Black British - any other background
- Chinese
- Other (please write below)

E. Please use this space to make any additional comments about the policy of imposing benefit sanctions for breach of certain Community Sentences, including your experiences of it.

Codeframes

The following codeframes were used to categorise the responses given to open-ended questions in the questionnaire:

Question A2 “Was there anything on which more information would have been useful?”

- 01 The policy generally
- 02 The background/context to the policy
- 03 The implementation of the policy
- 04 The mechanics/operation/procedure of the policy
- 05 The circumstances of the individual/offender
- 06 Don’t know
- 07 Other

Question C3a “What, if anything, would you say are the main advantages of this policy?”

- 01 Acts as a deterrent to breaching/encouraging compliance
- 02 Make offenders think about their actions/consequences of actions
- 03 Helps enforce community sentences
- 04 Reduces offending
- 05 Punishes offences
- 06 Satisfies public opinion
- 07 Sanctions more effective than fines
- 08 Penalty automatically paid/deducted at source
- 09 Sanctions have immediate effect
- 10 Saves court time collecting fines
- 11 Effective for those defendants who can understand the policy
- 12 Principle is good
- 13 None
- 14 Don’t know
- 15 Other

Question C3b “What, if anything, would you say are the main disadvantages of the policy?”

- 01 Will lead to offending
- 02 Will impose suffering on families of offenders
- 03 Offenders with existing problems will suffer
- 04 Doubly punishes offender
- 05 Lack of impact/success in encouraging compliance
- 06 Is unfair/discriminatory
- 07 Offenders not aware of policy
- 08 Added administration
- 09 More difficult for offenders to pay fines
- 10 Not applied consistently/difficult to enforce
- 11 Is not part of the courts/legal system
- 12 None
- 13 Don’t know
- 14 Other
Question C4  “What improvements, if any, would you suggest to the way in which the policy operates?”

01 Make sure offenders are aware of the policy
02 Provide feedback/information/publicity on benefits sanction cases there have been
03 More training/information for sentencers
04 Increase severity of sanction
05 Abolish it
06 Custodial sentences for breaches
07 Smaller/more gradual reduction of benefit
08 None
09 Don’t know
10 Other

Response rates

Overall response rate achieved:

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<tr>
<th>Category</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
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<tr>
<td>Total Sample Issued</td>
<td>434</td>
<td>100</td>
</tr>
<tr>
<td>Productive (questionnaire received)</td>
<td>215</td>
<td>50</td>
</tr>
</tbody>
</table>

Unproductive:
- Died: 1
- Too ill to complete: 1
- Refusal: 5
- Not thought eligible: 6
- Total Unproductive: 13
- No response: 205

Response rate by role of respondent:

<table>
<thead>
<tr>
<th>Total Sample Issued</th>
<th>Magistrate</th>
<th>District Judge</th>
<th>Circuit Judge</th>
<th>Justices Clerk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Sample Issued</td>
<td>400</td>
<td>9</td>
<td>18</td>
<td>7</td>
</tr>
<tr>
<td>Productive (questionnaire received)</td>
<td>188</td>
<td>78%</td>
<td>78%</td>
<td>86%</td>
</tr>
</tbody>
</table>

Unproductive:
- Died: 1
- Too ill to complete: 1
- Refusal: 5
- Not thought eligible: 6
- Total Unproductive: 13
- No response: 205
Appendix E
Further analyses carried out by Home Office research staff

E.1 Analysis of 120 cases for which CS Stats 1 form but no CS Stats 2 form had been received

- 120 cases were provided by the Information Centre of the Department for Work and Pensions.
- It was a stratified random sample (30 cases were provided for each area stratified by the number of breach proceedings for an individual) for cases where a CS Stats 1 form had been received but not a CS Stats 2 form.
- The sample was checked by the Home Office to establish whether:
  - the cases had been to court;
  - if the offender had been found in breach of their community order; and
  - any further information (e.g. if the offender was no longer on their community order, if they were in prison etc.).
- This information aimed to inform the progress of the offender through the court system in order to identify whether delays in receiving CS Stats 2 forms was a result of the processes in place for this policy or whether it was a result of ‘other’ circumstances which would affect the offender being sanctioned (e.g. Warrant Without Bail, prison).
Table E.1 Outcomes of follow up with the 120 cases

<table>
<thead>
<tr>
<th>Stage recorded</th>
<th>Area W</th>
<th>Area X</th>
<th>Area Y</th>
<th>Area Z</th>
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<tr>
<td>- sanction applied</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>- breach proven</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>- order revoked/terminated</td>
<td>3</td>
<td>0</td>
<td>5</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>- order to continue</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Total outcome reached</td>
<td>13</td>
<td>1</td>
<td>19</td>
<td>15</td>
<td>48</td>
</tr>
<tr>
<td>Breach withdrawn</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Adjourned</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
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<tr>
<td>Warrant without bail/other warrant</td>
<td>4</td>
<td>23</td>
<td>2</td>
<td>6</td>
<td>35</td>
</tr>
<tr>
<td>No action, no breach</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>listed or no information</td>
<td>10</td>
<td>5</td>
<td>7</td>
<td>4</td>
<td>26</td>
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<td>Other</td>
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<td>30</td>
<td>30</td>
<td>30</td>
<td>120</td>
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1 As noted in the main report, these area labels are used to avoid identifying individual areas in the report. They have been assigned randomly at each mention in the report.

E.2 Analysis of the National Standards data

The Home Office carried out analysis to test whether, during the first 10 months of the evaluation period (from October 2001 until July 2002), the pilot areas were more or less likely than other areas to classify first and second absences as 'unacceptable'. The data used was that gathered by NPD as part of National Standards monitoring.

The conclusions from the analysis were that there was no significant difference between the pilot areas and other areas in the rates at which absences were classified as 'unacceptable'. In other words, there is no quantitative evidence that the policy has resulted in different enforcement procedures in the four pilot areas.

21 Due to differences in recording information in the pilot areas it is difficult to determine whether sanctions were applied in addition to the other outcomes described.
References


### Other research reports available

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<td>1.</td>
<td>Thirty Families: Their living standards in unemployment</td>
<td>0 11 761683 4</td>
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<td>2.</td>
<td>Disability, Household Income &amp; Expenditure</td>
<td>0 11 761755 5</td>
<td>£5.65</td>
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<td>3.</td>
<td>Housing Benefit Reviews</td>
<td>0 11 761821 7</td>
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<td>4.</td>
<td>Social Security &amp; Community Care: The case of the Invalid Care Allowance</td>
<td>0 11 761820 9</td>
<td>£9.70</td>
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<td>5.</td>
<td>The Attendance Allowance Medical Examination: Monitoring consumer views</td>
<td>0 11 761819 5</td>
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<td>6.</td>
<td>Lone Parent Families in the UK</td>
<td>0 11 761868 3</td>
<td>£15.00</td>
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<td>7.</td>
<td>Incomes In and Out of Work</td>
<td>0 11 761910 8</td>
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<td>8.</td>
<td>Working the Social Fund</td>
<td>0 11 761952 3</td>
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<td>Evaluating the Social Fund</td>
<td>0 11 761953 1</td>
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<td>11.</td>
<td>Customer Perceptions of Resettlement Units</td>
<td>0 11 761976 6</td>
<td>£13.75</td>
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<td>Survey of Admissions to London Resettlement Units</td>
<td>0 11 761977 9</td>
<td>£8.00</td>
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<td>13.</td>
<td>Researching the Disability Working Allowance Self Assessment Form</td>
<td>0 11 761834 9</td>
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<td>14.</td>
<td>Child Support Unit National Client Survey 1992</td>
<td>0 11 762060 2</td>
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<td>15.</td>
<td>Preparing for Council Tax Benefit</td>
<td>0 11 762061 0</td>
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<td>17.</td>
<td>Employers’ Choice of Pension Schemes: Report of a qualitative study</td>
<td>0 11 762073 4</td>
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18. GPs and IVB: A qualitative study of the role of GPs in the award of Invalidity Benefit  
   011 762077 7 £12.00
19. Invalidity Benefit: A survey of recipients  
   011 762087 4 £10.75
20. Invalidity Benefit: A longitudinal survey of new recipients  
   011 762088 2 £19.95
   011 762089 0 £22.95
22. Pension Choices: A survey on personal pensions in comparison with other pension options  
   011 762091 2 £18.95
23. Crossing National Frontiers  
   011 762131 5 £17.75
24. Statutory Sick Pay  
   011 762147 1 £23.75
25. Lone Parents and Work  
   011 762147 X £12.95
26. The Effects of Benefit on Housing Decisions  
   011 762157 9 £18.50
27. Making a Claim for Disability Benefits  
   011 762162 5 £12.95
   011 762220 6 £20.00
   011 762224 9 £33.00
30. Lone Mothers  
   011 762228 1 £16.75
31. Educating Employers  
   011 762249 4 £8.50
32. Employers and Family Credit  
   011 762272 9 £13.50
33. Direct Payments from Income Support  
   011 762290 7 £16.50
34. Incomes and Living Standards of Older People  
   011 762299 0 £24.95
35. Choosing Advice on Benefits  
   011 762316 4 £13.95
36. First-time Customers  
   011 762317 2 £25.00
37. Contributions Agency National Client Satisfaction Survey 1994  
   011 762339 3 £21.00
38. Managing Money in Later Life  
   011 762340 7 £22.00
   011 762341 5 £35.00
40. Changes in Lone Parenthood  
   011 7632349 0 £20.00
41. Evaluation of Disability Living Allowance and Attendance Allowance  
   011 762351 2 £40.00
42. War Pensions Agency Customer Satisfaction Survey 1994  
   011 762358 X £18.00
43. Paying for Rented Housing  
   011 762370 9 £19.00
44. Resettlement Agency Customer Satisfaction Survey 1994  
   011 762371 7 £16.00
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<td>Changing Lives and the Role of Income Support</td>
<td>0 11 762405 5</td>
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<td>46</td>
<td>Social Assistance in OECD Countries: Synthesis Report</td>
<td>0 11 762407 1</td>
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