

A Thematic Inspection of the Delivery of Unpaid Work

*An Inspection by HM Inspectorate of
Probation*

January 2016

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This publication is available for download at:

www.justiceinspectors.gov.uk/hmiprobation

Published by:

Her Majesty's Inspectorate of Probation
1st Floor Civil Justice Centre
1 Bridge Street West
Manchester
M3 3FX

Acknowledgements

We would like to thank all those who took part in this inspection; without their cooperation the inspection would not have been possible.

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Foreword

The importance of unpaid work should not be underestimated. It is the most frequently imposed requirement of a community sentence with 70,171 orders made in 2014, which represents slightly more than half of all community sentences. For comparison, in 2014 there were 91,313 receptions into custody.

This was an extremely thorough thematic inspection. Fieldwork was carried out in six Community Rehabilitation Companies in different National Probation Service Division during June and July 2015. We visited 36 group placements and 18 placements supervised by the beneficiary. Our case sample was 100 cases and we interviewed 86 offenders.

We judged that the overall quality of the delivery of unpaid work varied significantly. Although we found some high quality management and delivery, much of it was simply not good enough, lacking in focus on the basic requirement to deliver and enforce the sentence of the court. Whether this situation was inherited from Probation Trusts or is of more recent origin, this report should signal the need for urgent remedial action.

At a time when government policy prioritises work to reduce rates of reoffending, this report raises important strategic and policy questions about the rehabilitative potential of unpaid work. It appeared in most cases that unpaid work was simply viewed as a punishment that was being administered by a separate group of probation staff. We felt this was a wasted opportunity.

We have made 15 recommendations, most are simple and straightforward. We believe they should be given high priority by the National Offender Management Service, National Probation Service and Community Rehabilitation Companies.



Paul Wilson CBE

HM Chief Inspector of Probation

January 2016

Contents

Acknowledgements	3
Foreword	4
Summary of findings	6
Recommendations	8
1. Introduction	9
2. Purpose of inspection and methodology	13
3. Starting the order	16
4. The delivery of unpaid work	22
5. Offender management and the management of unpaid work	31
6. The experience of offenders	36
Role of the inspectorate and code of practice	42

Summary of findings

Unpaid work is the most common requirement of community sentences. In addition to the sheer number of requirements made, unpaid work also facilitates the greatest length of time that an offender is likely to be in close contact with a member of probation staff. Rehabilitative activity requirements are expressed as a maximum number of days. The actual contact time with the offender in hours may be significantly less than the number of days. A requirement of unpaid work creates a significant opportunity to engage positively with the offender over a lengthy period. This time should be used to contribute towards helping offenders to desist as well as delivering punishment.

Overall, we found no detailed dominant model for the delivery of unpaid work. Arrangements in each area had evolved to suit local circumstances. Despite this, the framework for delivery was broadly similar in five of the six areas visited. We judged that the overall quality of the delivery of unpaid work also varied significantly between areas.

Most cases were allocated to the correct agency quickly and correctly. The quality of the inductions we saw was variable and sometimes poor. For the purpose of carrying out unpaid work, there was a sufficient assessment of any barriers to offender engagement, including individual needs and vulnerability in too few cases.

Two-thirds of our unpaid work sample had their first work appointment arranged within two weeks of sentence, but nearly one-fifth had not been arranged within the first three weeks. This is an unacceptably high level of cases where the work does not commence promptly enough.

We assessed that only 21% of the plans we saw were tailored to the individual circumstances of the offender and met our minimum standard. It appeared that the completion of the plan is largely an administrative process rather than one to assist in achieving the broader objectives of the sentence.

Most areas were able to meet the requirement to offer all offenders seven hours of unpaid work per week, although where they were eligible for intensive unpaid work, this was rarely fully available.

Half of the areas inspected offered some offenders the opportunity to use an appropriate proportion of their hours to achieve relevant employment related education or training through valuable partnerships with further education providers. Despite this, we saw few offenders who were actually using any of their hours in this way.

All but one area used muster points for offenders to gather in the morning prior to commencing work. Where these were in public places without proper waiting areas there was a risk that they could be perceived negatively by the public. We judged that mustering offenders at a probation building with formal facilities for signing in offered the best solution to the problem. Where this happened, it allowed group sizes to be regulated effectively. We thought that the arrangements for moving offenders between sites in one Community Rehabilitation Company were unacceptable.

All areas had different practices and rules about offenders signing in on arrival and these could usefully be reviewed. These practices had evolved over time and usually worked reasonably well, although one area did operate a system that we felt gave the greatest clarity to offenders and enabled the most efficient start to the working day.

We saw work of a very high standard being done on some sites in most areas. Where high quality tools and equipment were used, offenders were more likely to say that they had learned new skills and take pride in the work they were required to do.

Overall, the types of work being undertaken seemed appropriate, and offenders were correctly credited with the hours that they were under supervision.

We were disappointed with the standard of integration of unpaid work within offender management. Although supervisors usually ensured a significant opportunity to engage positively with the offender, there was very little consideration by offender managers of how unpaid work could contribute to the broader

aims of probation intervention, most notably that of desistance. We felt this was a very significant omission. The fact that unpaid work has no payment by results element risks marginalising the potential importance of the requirement.

A further unsatisfactory element of offender management was the response to issues of non-compliance. In too many cases, there was insufficient evidence to justify the decision that an absence was acceptable. In other cases, a judgement had simply not been made, the judgement was incorrect or no action had been taken.

Too often, the managers responsible for unpaid work appeared to have too little influence over the offender management of those subject to the requirement. We also thought that, in many areas, too little attention was paid to the detail of service delivery by the managers responsible for unpaid work.

Unsurprisingly, the role of the supervisor varied between areas. Although we would not argue that all supervisors should have exactly the same duties, we did feel that some arrangements were more efficient than others.

We found that there were some ambiguities in the performance framework for unpaid work that required attention.

The responses of the offenders we interviewed were the most encouraging aspect of the inspection. Despite some difficulties with 'stand downs' and problems with appropriate tools, most reported that they had a good relationship with their supervisor and that they considered the work they were doing was worthwhile. Many had learned new skills or gained confidence that they thought would help them move into training or work.

Despite the fact that few offender managers had discussed how unpaid work could assist them in leading better lives, a significant proportion of offenders were determined to view their sentence positively and desist from future offending.

Recommendations

The National Probation Service should:

1. reduce the number of cases not initially allocated to the appropriate supervising organisation (3.4)
2. ensure that all allocation decisions are made swiftly. (3.7)

Community Rehabilitation Companies should:

3. ensure that all inductions are delivered in a timely fashion and in a way that enables a positive start to the order (3.12)
4. increase the proportion of offenders that have their first work session within 14 days of sentence (3.16)
5. require a significantly higher proportion of eligible offenders to undertake unpaid work at an intensive rate of 28 hours per week (3.24)
6. review the arrangements for muster points to ensure that offenders are able to sign in for work efficiently (4.6)
7. ensure that middle managers and staff are aware of the contracts and service delivery commitments that have been entered into and the organisational demands these place on them (5.27)
8. redouble their efforts to minimise the frequency that offenders are turned away from work when they have reported on time (4.16)
9. review the rules and procedures concerning the 'signing in' of offenders and the operational effects of the 'cut off' point (4.32)
10. investigate the reasons for the discrepancy between the numbers of offenders scheduled to attend at each muster point and the numbers that actually attend, and put in place an action plan to minimise this discrepancy (4.46)
11. review the roles, responsibilities and contracts of supervisors to ensure that they are being used to deliver the required number of hours of face-to-face supervision in all cases. (5.18 and 5.19)

Community Rehabilitation Companies and the National Probation Service should:

12. ensure that they create a sentence plan that accurately describes the objectives of unpaid work which match the circumstances of the offender (3.22)
13. treat failures to attend unpaid work as instructed in a similar way to other requirements, promptly decide on the acceptability of any absences and record the evidence to justify the decision. (5.09 and 5.11)

The National Offender Management Service should:

14. initiate an audit by contract managers to determine the extent to which Community Rehabilitation Companies are delivering to the service specifications set out in the individual contracts and service delivery proposals (5.27)
15. review the *Community Payback Operating Manual*, Service Levels and Technical Notes to ensure that they are consistently worded and do not drive unhelpful practices. (5.32-5.37)

Introduction

1

1. Introduction

Historical background

- 1.1. The importance of unpaid work within the penal environment should not be underestimated. It is the most frequently imposed requirement of a community sentence with 70,171 orders made in 2014, this represents slightly more than half of all community sentences.
- 1.2. Unpaid work was the only requirement of the order in 36,578 cases, meaning that unpaid work was the only intervention the offender received in over one-quarter of all community sentences. For context, in 2014 there were 91,313 receptions in to custody¹.
- 1.3. The provision for offenders to undertake unpaid work for the benefit of the community was originally introduced in the *Criminal Justice Act 1972*. Originally known as community service, it was delivered as a standalone sentence of the court.
- 1.4. Since the national roll out of community service in 1975, unpaid work has evolved through various legislative changes which altered the focus and renamed the sentence several times. In the body of this report, we will use the term unpaid work to cover the current arrangements and the previous sentences of community service and community punishment.
- 1.5. Research evidence² had suggested that unpaid work undertaken in the community could have a positive impact on rehabilitation if it was delivered in accordance with certain principles.
- 1.6. The Home Office launched a series of 'Pathfinder' projects³ to establish which elements of unpaid work appeared to have the greatest impact. Three main elements were identified. These were pro-social modelling, skills accreditation and tackling offending related needs.
- 1.7. To maximise the benefits of unpaid work, the National Probation Directorate (NPD) devised a prescribed method of delivery based on the research and submitted this to the Correctional Services Accreditation Panel. This model, known as Enhanced Community Punishment (ECP) was to be developed and implemented from 2003.
- 1.8. It was intended that community punishment would be a major part of the strategy for delivering reductions in reoffending rates. HM Inspectorate of Probation carried out an inspection⁴ of the preparation for the delivery of ECP which was published in 2006.
- 1.9. The implementation of ECP was curtailed by changes to the sentencing framework. The *Criminal Justice Act 2003* (implemented in 2005) introduced two new community sentences, the community order and the suspended sentence order. Each of these sentences was designed to include at least one requirement to meet the sentencing purposes of the individual case. Up to 12 requirements were available which could be used separately or combined together to meet the specific circumstances of the offender. One such requirement was unpaid work.
- 1.10. The effect of this legislation was to clarify that the primary purpose of unpaid work was punishment. If sentencers wished to add requirements to address particular needs these could be managed through the use of other requirements. The NPD took the view that ECP was not compatible with the new sentencing framework and the project was abandoned.
- 1.11. Despite the abandonment of ECP, many of the principles that underpinned it are still relevant and continue to offer the opportunity of using unpaid work to achieve rehabilitative outcomes.

1 NOMS Offender Management Quarterly Statistics, Annual Tables 2014.

2 McIvor, G. (1992) *Sentenced to Serve*. The operation and impact of community service by offenders. Avebury. Aldershot.
Mair, G and May, C. (1997) *Offenders on probation*. Research study 167. Home Office. London.

3 Rex, S et al. (2003) *Crime Reduction Programme*. An evaluation of Community Service Pathfinder Projects. Final report 2002. Home Office. London.

4 HM Inspectorate of Probation (2006) *Working to Make Amends: An inspection of the delivery of Enhanced Community Punishment and Unpaid Work by the National Probation Service*. Home Office. London.

- 1.12. In November 2005 the NPD implemented a new policy, branding unpaid work as Community Payback, requiring probation areas to ensure that the work undertaken was more visible and met the needs of communities. Offenders were, from this time, required to wear branded high visibility tabards in most circumstances.
- 1.13. More recently, consideration was given to separating the delivery of unpaid work from Probation Trusts. One area, London, did contract out the delivery of unpaid work to a private company. This contract was ended with the advent of the *Transforming Rehabilitation* programme.
- 1.14. From February 2015, unpaid work has been delivered in each of the 21 contract package areas by the relevant Community Rehabilitation Company (CRC) alongside all other requirements.

Drivers of current practice

- 1.15. The details of the National Offender Management Service's (NOMS) expectations for the delivery of unpaid work are set out in the *Community Payback Operating Manual* (March 2015). Each CRC has also entered into a contract to deliver unpaid work to a minimum specification expressed in schedule 8 of the contractor's service delivery solutions. The details of these specifications vary between CRCs.
- 1.16. The performance of CRCs is monitored against a series of service measures. The service measures are designed to ensure that: the sentence overall is started promptly; there is a sentence plan; the unpaid work starts promptly; the completion of the overall order is recorded; and the hours of work are completed within the required timescale (Service Levels 1, 3, 6, 7, 8 and 10).
- 1.17. The primary sentencing purpose addressed by unpaid work is punishment, although the operating manual does mention other purposes, such as reparation and rehabilitation. The current performance framework excludes any payment by results element related to reoffending for single requirement unpaid work orders, although most multiple requirement orders will include a payment by results element. Payments to CRCs for the delivery of unpaid work are based on a 'fee for service' with the possibility of financial penalties should delivery fail to meet the required standards.
- 1.18. It is also within the purview of senior contract managers to oversee the delivery of unpaid work alongside all other aspects of service delivery by the CRCs for which they are responsible.

The stages of unpaid work delivery

- 1.19. Although unpaid work is a simple concept, the processes leading to effective and efficient delivery are quite complex. In each case there has been a court appearance. In some cases, staff from the National Probation Service (NPS) will have produced a court report containing a proposal for sentencing. The sentence may be for a community order (CO) or a suspended sentence order (SSO) and may consist of a single requirement for unpaid work or unpaid work and other requirements.
- 1.20. When the sentence is passed, the NPS completes the Case Allocation System (CAS) to allocate the case to the appropriate organisation (usually the CRC) based on the risk of harm that the offender may pose, and a series of other considerations.
- 1.21. Once the allocation is made, the case must be assigned an offender manager in the correct agency. The offender manager then arranges for an induction which covers the general requirements of being subject to a community sentence and a more specific unpaid work assessment and induction. This must include a health and safety briefing and a pre-work assessment of any relevant factors that may affect the offender's ability to complete the order.
- 1.22. A member of CRC staff must source the potential projects and liaise with beneficiaries. Logistical arrangements are made to ensure that offenders can access the work sites and for tools and personal protective equipment to be provided.

- 1.23. Once all these processes are complete the offender can commence the unpaid work. Generally, the unpaid work should be undertaken at the rate of 7 hours per week unless the offender is unemployed, when they should usually be worked intensively at a rate of 28 hours per week.
- 1.24. If the offender fails to attend as instructed or exhibits unacceptable behaviour, this must be communicated to the offender manager. This requires a communication from the on-site supervisor, usually to an administrator or control centre and on to the offender manager. All such failures must be designated as either acceptable or unacceptable absences within specific timescales. Examples of acceptable absences would be if the offender was sick, required to attend court or a job interview or other legitimate, evidenced reason for not attending.
- 1.25. Enquiries must be made to determine if any absence or behaviour is deemed unacceptable, and if it is, a final warning has to be issued or the order returned to court. If a warning is issued, the offender manager should explore the reasons for the absence and attempt to engage the offender to assist with compliance. If there is a second unacceptable absence the offender manager should commence breach proceedings. If the case is supervised by the CRC, this will require the offender manager to submit information as specified to the NPS for the enforcement action to proceed.

Purpose of inspection and methodology

2

2. Purpose of inspection and methodology

- 2.1. Although HMI Probation has included unpaid work cases in the recent Offender Management Inspections and the Inspection of Adult Offending Work programmes, neither of these methodologies focused on the actual delivery of unpaid work.
- 2.2. On this occasion, as our focus was on unpaid work, we did not inspect the cases in the sample against our usual expectations. We have only considered the issue of offender management as it relates to the delivery of unpaid work. This is not meant to imply that there were not important issues such as the management of risk of harm in these cases, and our findings do confirm that these and other issues are prevalent amongst the offenders sentenced to unpaid work. Where we did identify issues that related to the management of risk of harm, we raised these with the relevant manager.
- 2.3. The fieldwork was carried out in six CRCs in different NPS regions in June and July 2015. We visited London, Swansea, Birmingham, Liverpool, Newcastle and Bristol. We inspected all or nearly all work sites that were operational on the days of our visits. In order to capture issues related to weekend work, one fieldwork day in each area was undertaken on either a Saturday or Sunday.
- 2.4. Overall we visited 36 group projects, usually supervised by CRC employees, and 18 placements that were often individual and usually supervised directly by the beneficiaries. One area, Swansea, also operated an in-house workshop which we visited. In preparing to interview offenders, we also spoke to the project supervisor and often, in the case of placements, the beneficiary.
- 2.5. We interviewed 86 offenders during the course of the fieldwork using a semi-structured interview to ascertain their views of the sentence they had received. On arrival on-site, we asked for volunteers to speak with us. We also took the names of 14 offenders who had been scheduled to attend unpaid work but had not attended on the day as they had been required to. We did not make further attempts to speak to them.
- 2.6. These 100 cases formed the basis of our sample. We then inspected the relevant offender case record and interviewed managers responsible for the delivery of unpaid work. We did not formally interview the offender manager or responsible officer although, in a limited number of cases where we thought there were significant issues arising, we did speak with them.

Case characteristics

- 2.7. Our methodology collected data on those offenders who either attended unpaid work as they were instructed, or in a small number of cases, had been scheduled to attend but in fact did not. Some offenders were in their first month of the order while three had been sentenced for more than a year. Sentences ranged from 40 to 250 hours.
- 2.8. The 100 individuals in our case sample had the following characteristics:
 - 88 were male
 - 89 were allocated to the CRC
 - 67 were white British
 - 49 were employed or self-employed
 - 56 were subject to a CO, 44 an SSO
 - 38 had been convicted of offences of violence, 16 of fraud, 14 of drug offences, 13 for theft, 8 for motoring, 1 offence was of a sexual nature, the remainder of miscellaneous other matters
 - 57 were subject to orders with at least 2 requirements

- 1 offender whose case we inspected was assessed as presenting a high risk of serious harm
- 7 cases were eligible for management under Multi-Agency Public Protection Arrangements (MAPPA)
- 20 cases were identified as having a current offence or previous history of domestic violence
- 9 cases were assessed as presenting concerns about vulnerability or risk of suicide during their current sentence.

Starting the order

3

3. Starting the order

- 3.1. Overall, we found no detailed dominant model for the delivery of unpaid work. Arrangements in each area had evolved to suit local circumstances. Even within some city locations, arrangements varied between offices for reasonable practical purposes. Despite this, the framework for delivery was broadly similar in five of the six areas visited. London had a significantly different model of service delivery. We were told that this was the legacy of the previous arrangements implemented by the previous contracted provider, Serco.
- 3.2. We judged that the overall quality of the delivery of unpaid work also varied significantly between areas. As this was a thematic inspection, with a small sample from each area, we did not set out to measure the performance of the individual areas. Despite this, it was clear that one area, Birmingham, performed particularly well relative to the other areas we inspected.

From sentence to allocation

- 3.3. Most cases (89%) had a report completed prior to sentence and the report had usually proposed unpaid work. NPS staff in court were generally able to give reporting instructions to those that had been sentenced, in line with local practice.
- 3.4. We did not specifically set out to inspect NPS allocation decisions although we did identify five cases that were misallocated. In one case, this error had been identified by the CRC and corrected before the inspection. The four remaining cases remained misallocated. In these cases we informed the relevant CRC manager of our finding.
- 3.5. Misallocation was usually the result of failure to correctly identify MAPPA eligibility. This was usually as a consequence of failure to consider a previous sexual offence or because the CAS had been completed on an assumption that the sentence would not make the offender eligible. Where offenders had committed MAPPA eligible offences and subsequently received an SSO with 12 months imprisonment suspended, allocation to the CRC was incorrect.
- 3.6. These misallocated cases represented a failure of NPS staff to correctly identify a small proportion of cases for which the NPS is responsible. CRC managers should also be more assiduous in identifying incorrect decisions. This rate of misallocation is broadly similar to that found in our other *Transforming Rehabilitation* inspections. If a misallocation rate of 3-5% of unpaid work cases is replicated nationally, it would equate to between 2,100 and 3,500 cases per year across England and Wales.
- 3.7. Where we were able⁵ to make a clear judgement, we measured the number of calendar days between the sentence and the allocation to the CRC.
- 3.8. The table on the following page shows that, in most cases, the allocation swiftly followed the sentence with over half of all cases allocated within one day of sentence. Despite this, we did find a small proportion of cases where there had been a delay of more than a week.

⁵ Due to an error in our inspection tool we were unable to collect this data for our first week of fieldwork.

Number of calendar days between sentence and allocation	Frequency
0 days (allocated on or before the date of sentence)	28
1 day	15
2 days	12
3 days	4
4 days	8
5 days	5
6 days	4
7 days	2
In excess of 7 days	5
Total	81

From allocation to first work session

- 3.9. Each area had its own arrangements for conducting the induction and health and safety interviews. For offenders with multiple requirement orders, the general induction was always conducted by the offender manager responsible for the order.
- 3.10. Arrangements for the induction of offenders subject to single requirement orders differed from place to place. In several areas, these offenders were assigned to generic offender managers in the same way as other cases.
- 3.11. In other places the induction was carried out by staff directly managed within the unpaid work unit. Several CRCs were moving away from having specialist unpaid work staff complete the induction as part of an ongoing drive towards greater integration of unpaid work into offender management.
- 3.12. The quality of the inductions we saw was variable and sometimes poor. In two locations we witnessed offenders being required to sit through a video or audio recording with no opportunity given to ask questions or seek clarification.
- 3.13. Staff usually completed a Community Payback Assessment Form as part of the induction. This assessment brings together information about the offender in a simple format. It covers issues such as the assessed level of risk of serious harm, any offending behaviour traits that might be of concern and any health issues the offender has that may impact on the type of work they are required to undertake. It also confirms which days the offender is available for work and identifies if there are any employment related needs that can be addressed through the delivery of unpaid work.
- 3.14. In most areas, the assessment record was completed by hand and then either scanned into the electronic case record or the information was taken from the handwritten record and then typed in to a template version. In some cases the assessment form was completed without sufficient attention being paid to information already recorded within the electronic record. This sometimes led to information about significant factors, such as the assessed level of harm posed by the offender being, recorded inconsistently in different parts of the system. We found several cases where the assessed level of risk of harm recorded on OASys differed from the level recorded on the unpaid work assessment, although there was no reassessment process or evidence as to why the level had been amended.

3.15. Overall, we assessed that for the purpose of carrying out unpaid work, there was a sufficient assessment of any barriers to offender engagement, including individual needs and vulnerability in 74% of cases, which we thought was unacceptably low.

Example of notable practice, Bristol: Induction

At the point of sentence, offenders were usually given instructions to attend the induction session and clearly informed that this was a process that would take a full day. Having completed the induction and health and safety briefing, offenders were often able to commence their unpaid work on the same day, either being amalgamated into a group that had already commenced, or by forming a new group.

3.16. We measured the number of calendar days from the sentence to the first work session offered in all cases where we were able to make a clear judgement.

Number of calendar days between sentence and first work appointment offered	Frequency	Percentage
7 days or fewer	21	22%
Between 8 and 14 days	42	44%
Between 15 and 21 days	15	16%
In excess of 22 days	18	19%
Total	96	-

3.17. This table shows that, although two-thirds of our unpaid work sample had their first work appointment within two weeks of sentence, nearly one-fifth had not had their first work session arranged to happen within the first three weeks of sentence. We feel that this is an unacceptably high level. In 82% of the cases, the arranged first work appointments were kept.

Devising a sentence plan

3.18. The NPS and CRCs are required to complete a sentence plan on all offenders they are responsible for that are subject to a community sentence. Our expectations of what would be contained in a sentence plan including an unpaid work requirement were quite modest. As a minimum in all cases, we expected to see the number of hours ordered and the rate at which those hours would be worked. Overall, we found that only 52% of plans specifically mentioned unpaid work.

3.19. We would also expect to see factors related to the management of any risk of harm and the development of employment related skills through the use of unpaid work recorded, where these applied.

3.20. We found many examples of the template OASys plan which allows for the possibility of ticking up to six objectives in connection with unpaid work. Many offender managers had ticked all or most of these boxes. A further group had uploaded the template but had not ticked any of the boxes. We saw one case where a pensionable age female offender with a first conviction of fraud had an objective to manage the risk of harm she posed through unpaid work.

3.21. In the few instances where the offender was clearly engaged in a training activity as part of the delivery of unpaid work, this was seldom mentioned in the plans.

3.22. Overall, we assessed that only 21% of the sentence plan objectives related to the completion of unpaid work were tailored to the individual circumstances of the offender and met our minimum standard. It appears that the completion of the plan is seen largely as an administrative process rather than one to engage the offender and assist in the management of the order.

The rate at which the unpaid work is completed

- 3.23. The usual rate for the delivery of unpaid work is seven hours per week. Most areas were generally able to meet this requirement. In one area, some supervisors were on contracts that required them to work seven hours meaning they were only available to supervise offenders for six and a half as they had to collect and return their vehicles at the start and end of the day. We thought this was unacceptable.
- 3.24. Where an offender is unemployed they are required to complete their orders 'intensively'. This is defined as at a rate of 28 hours per week. We judged that 32 offenders in our sample were eligible to be worked at the intensive rate. Of these, we found that only eight had been clearly offered four work sessions per week. Of the remaining cases, many had been offered additional work sessions but not at the rate of four per week. It was common for these offenders to be offered only two or three unpaid work sessions or for the expectation not to be clear.
- 3.25. Where more than one work session per week was arranged, there was often ambiguity over the status of the additional days, how the expectation was recorded and the outcome of the expected attendance. It appeared that, in most cases, if the offender kept one or more of their work sessions they would not routinely be considered to be in breach of their order.
- 3.26. This approach led to considerable difficulties in the management of the unpaid work. For those trying to match the availability of work with an appropriate number of offenders, it meant that there was great uncertainty about the numbers that may turn up on any day. If they were scheduled in the normal way but did not attend, this would mean it was likely that there would be high rates of non-attendance. If they were not scheduled, this would mean that a significant number of 'additional' offenders might attend. In one area, we saw five unscheduled offenders arrive at a muster point.
- 3.27. We believe this approach also led to poor practice with regard to offender management. In two areas, we saw administrators sending multiple notifications to offender managers about non-attendances on a daily basis. It appeared that there was uncertainty amongst offender managers about whether all notifications of failure to attend should be considered as possible unacceptable absences.

Example of notable practice: Checking attendance at placement

In one area we saw unpaid work staff telephoning placement providers. The enquiry was: "Who have you had in today" and "when did they arrive" rather than asking if particular offenders had attended as scheduled.

- 3.28. The expectation that unemployed offenders will be worked intensively at a rate of four attendances per week is a reasonable one. This level of intensity is unusual in probation supervision with the only parallel being for those dealt with by Integrated Offender Management teams. Even for this group there is no clear target about the level of contact. Although it is clearly possible to deliver unpaid work at this rate, it does require constant attention by the offender manager to monitor attendance and make any necessary enquiries about non-attendance on a daily basis. We rarely found this degree of focus.

The use of unpaid work to meet employment related needs

- 3.29. The *Unpaid Work Operating Manual* allows for offenders to attend employment related training or education up to a maximum of 20% of the hours ordered. This allowance is a permitted maximum for individuals. There is no target for the proportion of eligible offenders who should undertake training.

- 3.30. Staff in Swansea were able to use their workshop to deliver an Open College Network Qualification in health & safety awareness. This was widely delivered as part of the induction. Other work based qualifications were also made available to offenders with the appropriate needs.
- 3.31. Liverpool facilitated access to their groups of offenders by an outreach worker from a local college to enable offenders to use some of their hours to gain qualifications. There were also strong links in Birmingham to local colleges that offered appropriate courses to meet the needs of unemployed or underqualified offenders.
- 3.32. Overall, we found that in three of the areas we visited these opportunities could be made available to offenders. As we have commented above, sentence plans rarely mentioned this use of hours, even where the offender had told us that they were engaged in training. As a consequence, we have described the training received in more detail in chapters 4 and 6.

Information available to supervisors

- 3.33. It is important that any relevant risk information is recorded and made available to the supervisors. We saw one example on a Sunday where the supervisor had no means to access the list of expected attendees and, as a consequence, had no risk or other relevant information about those he was expected to supervise.

Example of notable practice: Risk management

We interviewed an offender assessed as presenting a low risk of harm with no warning indicators to the supervisor. When we inspected his case record, it was clear that the charge of criminal damage he had been convicted of related to a driving incident where a woman had remonstrated with him and he had attacked her car (with her in it). This had caused her considerable distress. It appeared that there were underlying drug and mental health issues and difficulties relating to women. This information should have been available to the supervisor, and consideration should have been given to always placing him with a male supervisor.

- 3.34. Some areas were very cautious about data security. In one area, supervisors were issued with an unwieldy sheaf of papers in a lockable briefcase with more information than was necessary. This surfeit of information made it very difficult to identify any simple, critical factors of which they should have been aware. In another area, we arrived on-site to find an unattended and unlocked vehicle with offender details on a clipboard on the passenger seat.

Example of notable practice, Birmingham: Information to supervisors

Supervisors were provided with a well laid out briefing on any relevant factors concerning the individuals they were asked to manage. This included simple codes relating to risk issues which were accessible and easily understood.

The delivery of unpaid work

4

4. The delivery of unpaid work

- 4.1. Broadly speaking, two forms of unpaid work were undertaken. These were usually described as 'projects' or 'placements'. Projects were characterised by physical work, usually undertaken in the community by a group of offenders and supervised by an employed member of staff.
- 4.2. Placements tended to be smaller in scale, usually involving one or two offenders, often supervised by a third party representative. The work was often in charity shops with the unpaid work staff supporting the people who had taken on the responsibility of actually supervising the offender.
- 4.3. We visited two group placements where the supervision was undertaken by a beneficiary, and we judged that each of these was of a very high quality.

Examples of notable practice: Group placements

Bede World Newcastle

The placement offers a wide variety of work which included grounds maintenance, reception duties, food handling, hospitality and customer service. It is a high profile project visited by up to 35,000 people per year. We were told that one person placed there had secured full-time employment with the project after they completed their order.

Somerset Wood Recycling

The placement offers meaningful work for supervised groups participating in the 'Green Team Project' which provides environmental services to local authorities and parish councils. The placement also manufactures high quality products from recycled timber in a fully equipped woodwork shop. Offenders are placed alongside trained tutors, volunteers and students on day release from local colleges.

- 4.4. Two areas told us that they had taken a strategic decision to increase the proportion of placements and were aiming to deliver up to half of the ordered hours in this way. It was more common for between one-quarter and one-third of work to be of this type.

Muster points and workgroup capacity

- 4.5. In five of the six areas visited, work on projects was usually delivered through a group of offenders who were taken to the site by a minibus, having met at a muster point. Three muster points were at a probation building which we assessed as giving the most potential benefits in terms of the support available to the supervisor and access to information. Where the tools and vans were also at this point there were further possible advantages. Two areas had their muster points in alternative locations in the town.
- 4.6. Where muster points were not on probation premises, we thought there was a risk this could be perceived negatively by members of the public. At one muster point, we saw offenders who had arrived early but had no suitable waiting area. As a consequence they were sitting on the pavement. Although we saw no antisocial behaviour that needed addressing, the impression created was poor. Having arrived early due to public transport schedules, some offenders were at the muster point for over half an hour before being taken to the unpaid work site.
- 4.7. In this area, both the muster points were very close to each other and less than half a mile from the probation office. There was no credible reason not to use the probation building as the muster point. The manager told us that he did not think the idea of mustering offenders at this probation/court building would find favour with more senior managers. We did not test this hypothesis.

Example of notable practice: Effective muster points

Birmingham ran muster points for two projects at the probation building. This enabled offenders to sign in at reception in a formal way and wait in the dry until they were required to leave for work. Having the two muster points at the same building removed time delays if offenders had to be moved between groups to average out group size. This arrangement also facilitated communication between the offender and offender manager where necessary. If any anomalies arose concerning attendance, it was possible to resolve these through use of nDelius immediately.

- 4.8. We were told that following the creation of the CRCs, the driving licence and insurance requirements for the use of vehicles had changed and that supervisors were not allowed to drive vehicles designed for more than eight passengers. Many Trusts had previously used larger minibuses. One of the effects of this change was that most projects effectively had a maximum ratio of eight offenders to each supervisor. We thought this was reasonable.
- 4.9. The commitments entered into by the CRCs, as expressed in the '*Service Delivery Solutions*', specify the maximum ratio of offenders to supervisors. In some cases this is eight to one and in others ten to one. These maxima bore little relation to the group sizes we saw, or the expressed beliefs of the managers we interviewed.
- 4.10. Ensuring that the correct number of offenders attended the muster points was problematic in nearly all areas. Managers correctly wished to fill all of the places they had made available, but experience had shown that not all offenders scheduled to attend were likely to turn up. The reasonable solution to this problem was to schedule more offenders to attend than could be managed on the assumption that, in most instances, the number actually attending could be worked.
- 4.11. Managers were equally concerned that if too many people attended, they would either need to find a way of allowing them to work or 'stand them down'. The issue of stand downs is a perennial one, mentioned in some detail in the 2006 HMI Probation report. It is also mentioned in the current operating manual (p.34) which says: 'providers of Community Payback should seek to avoid standing down offenders who have reported for work'.
- 4.12. We found that in most areas, the number of offenders scheduled to attend considerably exceeded the number that could be worked. Most projects operated on the basis that two-thirds of offenders would attend. In some areas the ratio appeared to be very different. We saw several examples where fewer than 25% of those scheduled had attended. These were not anomalies but a reflection of the organisation of unpaid work in these areas.
- 4.13. The difficulties in predicting the number of offenders who would actually attend and making the correct logistical arrangements were significant. We assessed that there were different possible causes of these problems in different areas. We explore some of the possible solutions in paragraph 4.46 below.
- 4.14. Although we were told by managers that there were very few stand downs, this did not always accord with our observations. Some areas operated a practice of asking those who had turned up to work to volunteer to leave if 'too many' offenders attended. Such volunteers had one hour credited to their record. If there were sufficient 'volunteers', those not able to work were not necessarily considered as stand downs.
- 4.15. The fact that we were told in good faith by a senior manager that there were very few stand downs, when we had in fact witnessed several the day before on one site, lead us to conclude that management information on this point was not always collected or reliable.

- 4.16. Our analysis of the 100 cases in the sample showed two areas had relatively few stand downs. Despite this, we found that 21 offenders had been stood down at least once. One offender had been stood down five times. This was broadly consistent with the findings from the offender interviews we conducted where 20% of those who answered the question said they had been stood down at least once.
- 4.17. We also observed a project being closed down by an unpaid work manager due to the non-attendance of a supervisor. We questioned why the manager could not run the placement on the day, but we were told they did not have the necessary training. This led to a considerable number of stand downs. We did not think this was acceptable.
- 4.18. Areas did make efforts to work offenders who had attended on time but after the allotted places had been filled. Most frequently, this involved a process of moving offenders from oversubscribed groups to undersubscribed groups.
- 4.19. Although this did ensure that fewer offenders were stood down, it did create considerable logistical difficulties and had the effect of delaying the start of the actual work. As the maximum number of offenders was related to the ability to transport them in a vehicle, it was not possible for the oversubscribed groups to leave the muster points until the undersubscribed group had left their own muster point and travelled to meet them. Once the groups had been amalgamated they could both proceed to their scheduled work sites, although particularly for the undersubscribed group, this may have been a considerable distance away, causing further delay to the start of the working day.
- 4.20. Where groups were undersubscribed there were also difficulties. We saw one project running with a ratio of two offenders to one supervisor, where it would have been possible to run one larger group. Although this was inefficient, it did mean that no offenders were stood down because too few had attended and beneficiaries were not let down at short notice.
- 4.21. London CRC did not deliver projects through the muster point arrangements. Offenders were required to report to the actual project sites where they were met by a supervisor. As the CRC did not provide transport to the projects, there were no issues of capacity in this regard. London CRC staff told us that they took the view that the maximum ratio between offenders and a supervisor was ten to one. The CRC contract for London states that the CRC 'shall ensure a ratio of one supervisor to a maximum of eight' offenders⁶.
- 4.22. In London, where in excess of ten offenders reported to site, they were either offered the opportunity to travel to another site or be 'stood down'. If they chose to travel to another site a calculation was made about how long this would take by public transport.
- 4.23. Offenders were then expected to make their own way to an alternative project and credited for the time this would take. We observed this happening on one of our site visits and witnessed a number of problems that could have serious consequences. We felt this practice was in contravention of the requirement that offenders should be under supervision at all times and that this was not acceptable.
- 4.24. Some offenders said they had travelled by car and, therefore, were able to travel quickly between sites; others may have driven but had not disclosed this. This raised the issue of whether they may (even if instructed not to) carry other offenders with them without the necessary motor insurance, or indeed without an appropriate licence.

Reporting for unpaid work, getting started and breaks

- 4.25. Offenders were expected to be at the muster point by 09:00 in four of the five areas that used muster points. Newcastle expected offenders to attend from 08:30. The details of managing the arrival of the offenders and processes for dealing with latecomers varied significantly from place to place.

6 London CRC. Schedule 8 Service Delivery Solution. Paragraph 1.7.6.11.

- 4.26. Birmingham operated the most clear and unambiguous rule about attendance. Offenders were able to attend the waiting area and sign in as they arrived. There was a clock clearly visible. All offenders arriving before 09:00 were signed in by an unpaid work member of staff. At 09:00 the sign in process stopped and any adjustments in allocations between the groups were made.
- 4.27. Anyone arriving after this time was deemed late and was not allowed to work. Supervisors arrived with their vans loaded with equipment and were given relevant information about their group. It was possible for them to be away from the muster points by 09:10.
- 4.28. All other areas applied a more flexible approach, although the details varied. Typically, there was a cut off point such as 09:15 beyond which time the offender would be sent away. Where offenders arrived after the start time but before the cut off time, their hours of attendance were said to be docked accordingly.
- 4.29. Where offenders reported to a muster point that was not at an office base, considerably more discretion and responsibility was placed on the supervisor to record the times of arrival and relay this to a central point. This can be a challenging task for a lone supervisor. The decision about which offenders to stand down also sometimes rested with the supervisor.
- 4.30. In some areas the rule was that the offender would be allowed to work as long as they arrived before the van had left the muster point. If the group was already oversubscribed and the group was waiting for another van to take the additional offenders, vans could still be at the muster point half an hour after the start time.
- 4.31. Overall, we thought that offenders who arrived late were not generally being credited for minutes they had not been under supervision. We were concerned that it sometimes took too long to get the offenders away from the muster points to a work site.
- 4.32. Although we were initially sceptical about the 'Birmingham' system, fearing that it would be perceived as unduly harsh, we came to the conclusion that it was the most appropriate approach. Where areas operated a start time followed by a cut off time, inevitably offenders took a more relaxed approach to getting to the muster point. The problem of sending an offender home as they were a minute past their cut off time was in fact perceived in the same way as where they were a minute past the start time. We judged that the benefits of being able to leave the muster point swiftly outweighed any difficulties created.
- 4.33. All areas told offenders to attend with a packed lunch and most were able to do this. Supervisors did report to us that some offenders found this more difficult than others. Although for most people this would not be a problem, some offenders without work experience or structure in their lives did struggle. Some supervisors brought biscuits or fruit to share in case of genuine difficulty.
- 4.34. Although the unpaid work specifications do not specifically prohibit offenders going to a shop under supervision, managers in all areas said that it was not allowed. Despite this, we did witness one group returning from a visit to a bakers and another group had clearly stopped at a shop on route to the project.
- 4.35. Unpaid work must be organised in a way that is compatible with general workplace regulations with regard to the provision of facilities. The fact that offenders are not able to leave the work site unsupervised to use public facilities can create additional problems.
- 4.36. Where projects were in community buildings it was usually possible to access water and a kettle for refreshment breaks. In the case of outdoor work, most areas provided flasks of hot water and tea and coffee.
- 4.37. On one mobile project (moving between small gardening jobs) we saw work stop at 11:30, the offenders place all of the tools in the van and be driven back to a central location where there were facilities. They had their lunch break and then set off to the next project. Although these projects were city based, they were more than five miles from the base and, as a consequence, considerable

time was spent travelling. We also saw a more efficient variation on this solution, where the offenders were taken to closer publically accessible facilities under supervision.

Tools and equipment

- 4.38. The quality and nature of the tools and equipment used varied significantly. Once again the London model was different with a policy of not providing any tools or equipment, relying on beneficiaries to provide these. As supervisors attended sites in their own vehicles, all personal protective equipment also had to be stored on-site.
- 4.39. Other areas also used equipment provided by beneficiaries on occasion. We felt that this practice could be problematic. On one site we saw very tall step ladders in use that we deemed unsafe. There was also no evidence that they were branded with the appropriate safety marks or evidence that they had been checked to ensure they had been maintained and were safe to use.
- 4.40. We did see one piece of equipment owned by a CRC which we deemed unsuitable for use within the unpaid work environment and informed the manager of our concern. We also saw hand tools being used on a ground clearance project in a manner that may have been unsafe. The supervisor had to repeatedly warn offenders using various sickles and scythe like sharp implements to ensure that they kept a safe distance apart.
- 4.41. Although these problems were not widespread, it is clearly essential that CRCs ensure that all their staff are appropriately trained and aware of the health and safety implications of the equipment they require unqualified offenders to use.
- 4.42. Some areas had high quality petrol powered equipment which enabled a professional standard finish to the work undertaken. Offenders generally appreciated this equipment and many said they had learnt transferable skills. The use of high quality equipment encouraged workers to perform to a high standard.
- 4.43. We saw several examples where the lack of suitable tools and equipment hindered the efficient delivery of unpaid work. In two separate areas we visited, projects where the work to be done involved painting. In one site there were insufficient paint brushes and the other there were insufficient paint kettles. Neither supervisor could maximise the potential output of the work group. Although these problems could be simply solved, they were reflective of poor planning.

Examples of notable practice: Storage of safety boots

In one outdoor environmental project we saw a pile of old boots in the storeroom which were clearly very dirty and wet. They were badly worn, not in pairs and often lacking laces. There was no system to ensure any particular size would be available. Although the supervisor could have done more to ensure they were stored in a more orderly fashion, the room was not exclusively used by unpaid work and there was no guarantee they would have been found the next week in the order they had been left. There was also no facility to ensure that the boots were dry, or any schedule to replace the boots.

Birmingham Unpaid Work Unit employed a member of staff who, amongst his other responsibilities, ensured that there was a supply of clean and dry boots in all the necessary sizes, and issued them to the offenders at the start of the working day. They were all returned at the end of the day, treated with a sanitizing spray and stored in an orderly fashion.

- 4.44. Overall, we were confident that the records of the hours spent by offenders under supervision at the unpaid work projects were broadly correct. We were less confident that all of those hours worked were used as constructively as they might have been. The combination of logistical difficulties getting on to site, issues about the inadequate provision of tools, breaks and a general lack of urgency in undertaking the allocated tasks meant that the amount of actual work completed was sometimes less than we would have expected.

Offenders scheduled to attend

- 4.45. As mentioned above, in all areas there were some difficulties in relation to the number of offenders scheduled to attend and those that actually did attend. We were surprised by the extent of this problem. Even in the most well-organised units, a 70% turn out rate would be considered by practitioners as good. Although it is true that it can be difficult to ensure that offenders comply with the terms of their orders, we judged that some of the lower rates of turn out were unacceptable.
- 4.46. We assessed that there was no single cause for the discrepancy between the expected and actual turn out, but there were clearly practices which contributed to the problem. A more collaborative approach between the offender manager and unpaid work management could ameliorate most of these difficulties.

Historic non-attenders	In many areas, where an offender had been scheduled to attend on a certain project on a certain day, they were often left on the list even though there was little prospect of them attending.
Cases awaiting action from offender managers	Where offenders had missed several appointments, some areas did not remove them from the list. There was often a lack of clarity about when they would be removed.
Working offenders with irregular work patterns	Some areas told us that they had significant numbers of offenders who had paid employment with irregular shift patterns. To assist with compliance, these offenders were offered multiple opportunities to attend.
Offenders with optional extra opportunities	In an effort to ensure that hours were completed swiftly, some offenders not required to attend intensively were nevertheless scheduled to work days that were additional to their required day.
Offenders eligible for intensive work	Where offenders were eligible for intensive work they were often scheduled to attend more frequently than they actually did.
Sporadic non-attenders	Some offenders remained listed as the offender manager judged they were making reasonable efforts to attend given their circumstances.

Types of work

- 4.47. The most common type of work could be described as garden or grounds maintenance. Some of the projects were small and short lived, such as tidying gardens where the resident was disabled or elderly. Others were considerably more long-term involving municipal parks and cemeteries. We were told that the timing of our inspection during the summer meant there was a high demand for this type of work.
- 4.48. Although delivering unpaid work to individual beneficiaries can be appropriate, it may create logistical problems. In one area, we saw a group of eight offenders working in a series of small gardens where it was difficult to deploy all of the offenders efficiently.
- 4.49. All areas ran painting and decorating projects, usually in community centres or other buildings used by the public such as scout huts. In these places there were usually adequate facilities and the work could be completed with breaks taken on-site.

- 4.50. Most areas also engaged offenders in litter picking parties from time to time, sometimes this was as a prelude to other work, and sometimes as an objective itself. This work required the least organisation and was sometimes used as a backup where planned work had fallen through. Although the benefits of this type of work were more limited, we thought that the frequency of this type of work was acceptable during our visits.
- 4.51. Swansea was the only area we visited that ran an in-house workshop. Having this resource offered a significant number of opportunities for the management of unpaid work. We judged that Swansea used this facility very effectively. They were able to use the workshop as a muster point, store for equipment and vans and to deliver educational qualifications. We saw offenders being supervised closely to enable them to make high quality woodwork products for beneficiaries. It was also possible to work offenders in a safe environment where it may have been difficult to do so in the community due to risk issues.
- 4.52. All areas visited had some process for projects to be nominated by members of the public, local authorities or social groups.

Placements

- 4.53. It is difficult to comment generally on the quality of the individual placements we saw as the tasks and the way they were managed were so varied, both within and between the individual areas.
- 4.54. Most of the placements we observed were undertaken in charity shops, usually with a national profile. The most common type of work involved sorting donations and preparing them for sale or recycling. Some offenders also staffed the shop floors. It was usual for the offenders to work alongside other volunteers under the supervision of an employee of the charity.
- 4.55. We thought this type of work was entirely appropriate and gave the offender an opportunity to engage in a positive reparative activity. Several beneficiaries told us that it was not uncommon for offenders to stay on after their hours were complete as volunteers.
- 4.56. We did, however, see that in some cases, despite the willingness of the offender, there was not always sufficient work available to fully occupy them. There were also inconsistencies about whether the offender was allowed 'off-site' (and, therefore, not under supervision) at lunch times.
- 4.57. We also found that some beneficiaries took the view that as the offenders clearly had social problems, they would use some of the time they were placed with them to try and address the offenders' social needs. Although this was well-intentioned, it was not appropriate.

Example of notable practice, Newcastle: Three-way meetings

Newcastle routinely arranged to start individual placements with a three-way meeting between the beneficiary, the offender and the member of unpaid work staff. This meant that each placement started off with a clear understanding about what was expected of all parties and had the potential benefit to minimise misunderstandings and difficulties that might jeopardise the success of the placement.

The quality of work undertaken

- 4.58. Managers and staff in different areas took different views about the quality of the work that they were attempting to deliver. We saw what we assessed as work delivered to a very high quality in some sites in four of the six places we visited.
- 4.59. It was clear that some supervisors had high levels of skill in particular trades. They took pride in helping the offenders learn new skills and deliver a professional standard of work for the beneficiaries. Several of the sites we visited had the hallmarks of professional paid work. These were characterised by a supervisor with the correct skills and the means of engaging offenders, the right tools and equipment and well-motivated offenders.

Examples of notable practice: High quality work

In Swansea we saw decorating being undertaken in a very large community centre. The supervisor had ensured there was a systematic approach to the work and had taken adequate precautions to ensure there were no spillages or unintentional damage by covering all the relevant surfaces with dust sheets. There were adequate tools and equipment and each offender had a clear task. The rooms where the work had been completed were in excellent order. The offenders were working conscientiously and told us that they were proud of the work they had done.

In Birmingham we saw excellent work in a large nature reserve run by the local authority. The beneficiary was extremely positive about the project and told us that the use of the unpaid work labour meant that the employed rangers could undertake all the necessary work, with the additional desirable tasks that would not otherwise be funded being completed to a high standard by the offenders.

4.60. In some other areas, supervisors struggled to deliver a high quality of work. This was particularly true where the tools supplied were not adequate for the task in hand, if there was a lack of clarity about the tasks required, if the group size was too large or the tasks were too spread out on the site.

Example of notable practice: Project size

One project we visited had ten offenders under the supervision of a single supervisor. The supervisor had not worked the site before and was not briefed in advance. On arrival he did not know what work was required or where the tools were stored. More than ten offenders attended and one had to be stood down. The remaining offenders needed to be recorded in and were subject to an induction talk. The supervisor then had to be briefed by the caretaker (beneficiary), gather the tools and match offenders to tasks, issue high visibility jackets and offer protective clothing as appropriate. As a consequence the group was slow to start work. The project was a large Victorian school with four storeys surrounded by play areas on all sides. Some offenders were assigned to sweeping duties and set off to the different corners of the site. Others were assigned duties in different parts of the school. Although classrooms were locked, there were three accessible staircases and many accessible rooms. Despite the best efforts of the supervisor, we felt it was not possible for the offenders to be sufficiently managed.

**Offender
management
and the
management of
unpaid work**

5

5. Offender management and the management of unpaid work

- 5.1. When conceived as community service, the sentence stood alone and was almost always managed by a small team of specialists focused on completing the hours ordered by the court. With the advent of the community punishment and rehabilitation order, the combining of unpaid work with more explicitly rehabilitative interventions became a possibility.
- 5.2. Under current legislation, all community sentences are managed by a responsible officer who must ensure that elements of the order are delivered as required. We found that, where there was a single requirement for unpaid work this task was sometimes undertaken by a specialist team, but increasingly is viewed as a generic offender management role. There is no reason why this arrangement should not work, if all offender managers are suitably trained and engaged in the management of unpaid work cases.

The use of unpaid work to achieve desistance

- 5.3. As we have noted above, unpaid work is frequently not tailored to the individual needs of offenders in the sentence plans that are drawn up. Despite the increasing tendency to treat unpaid work as an integrated part of a single sentence, we found very few examples where the offender manager considered how unpaid work might contribute to assisting the offender to desist from offending.
- 5.4. We were disappointed to find that, despite the obvious potential for unpaid work to contribute to building offender confidence, gain new skills and contribute towards a rehabilitative narrative, these positive aspects were rarely identified or promoted by the offender manager.
- 5.5. It appeared that, in most cases, offender managers simply viewed unpaid work as a punishment that was being administered to the offender by another group of the probation staff. We felt that this was a wasted opportunity.
- 5.6. A second unsatisfactory element of offender management was the response by offender managers to issues of non-compliance.

Examples of notable practice: Failure to integrate unpaid work into offender management

NPS case: There had been insufficient consideration by the offender manager about enforcing the unpaid work requirement. The offender had completed just 16 hours unpaid work in the 17 months since he was sentenced. There were multiple failures to attend and multiple acceptable and unacceptable absences.

NPS case: The offender manager had made the following entry on nDelius: *'John is steadily completing his UPW but he has accrued a significant number of absences, some acceptable and some for which it is not clear whether he had explanations (was being supervised on my behalf by an offender supervisor for some time and not every absence was decided on). I have recognised that broadly he is completing the requirement and so have not returned him to court.'*

CRC case: An inspector wrote *'I cannot assess the detail of this case, the record keeping is too poor. He has never been seen by his offender manager. There was an attempt to breach him but it was aborted at the last minute due to problems with the instructions he had been given. The offender told me that he had been repeatedly instructed to attend a project that was in fact closed, and could never contact his probation officer. Although I cannot verify this due to deficiencies in the record keeping, it seems likely.'*

CRC case: An offender with a history of substance misuse had in excess of 50 unacceptable absences. There was poor communication between the unpaid work staff and the offender manager and vice versa. He had been sent away from site for attending under the influence of drugs although this had not initially been made clear to the offender manager. When the information was received, it was not dealt with appropriately.

- 5.7. Where an offender does not attend as instructed, an entry is made on the computerised record which marks the event as a failure to attend and causes a communication to be sent to the offender manager (marked as Refer to Offender Manager in nDelius). Overall, we felt the *administrative* processes of the unpaid work staff were working sufficiently well in most instances in this regard.
- 5.8. At this point, the offender manager should instigate an inquiry to determine if the absence is either acceptable or unacceptable. This process effectively determines if the 'neutral' fact of a failure to attend is acceptable in the circumstances or is unacceptable and a final warning or enforcement is required.
- 5.9. There should be no circumstances where a failure to attend is allowed to remain on the record without a decision being taken as to whether the absence is acceptable or not. In reality, we found several cases with high numbers of failures to attend that had not been defined as either acceptable or unacceptable.
- 5.10. In a minority of cases inspected, we judged that there had been no incidents that required the offender manager to take any action regarding compliance. These offenders had simply turned up for their unpaid work on time regularly and were completing their sentence as required.
- 5.11. In 77 cases, it had been necessary for the offender manager to make judgements about whether absences should be regarded as acceptable or unacceptable. In 29 of these, we thought that judgements were broadly correct, in 21 we thought that judgements were not correct. In a further 27 cases there was insufficient information for us to take a clear view. We are concerned at both the level of incorrect judgements, and the rate at which recording is insufficient for us to make a judgement. This failure in recording practice makes effective management oversight and any audit of enforcement practice very difficult.
- 5.12. If an absence is deemed unacceptable, a warning must be issued, and if there is a second unacceptable absence this should lead to enforcement action. The table below shows that nearly half of the sample had no unacceptable absences. It also shows that eight cases had six or more unacceptable absences.

Number of unacceptable absences	Frequency
0	47
1	19
2	11
3-5	15
6-9	2
10+	6

- 5.13. We judged that, in 28 cases, there was a strong case that enforcement proceedings should have been used although this had happened in only 9.

The role of the supervisor

- 5.14. Throughout the inspection we spoke with approximately 40 supervisors. Overall, our judgement was that they were generally doing a good job, sometimes in difficult circumstances. The travails of supervising a reluctant group of eight or more offenders for seven hours should not be underestimated.
- 5.15. The details of the supervisors' contracts and duties varied from place to place. As we have commented above, some are employed on a sessional basis, others are part-time, while some are full-time.

- 5.16. We were told by some sessional supervisors that they were also at risk of a process of 'stand downs' similar to the offenders. Managers faced a dilemma over when it became appropriate to run two small groups rather than one full capacity one.
- 5.17. Two areas with sessional supervisor staff, on what were effectively zero hours contracts, were more inclined to cancel one of their projects to minimise costs. In one area we were told that two groups would be run if 12 or more offenders attended. If less than this arrived, only the first eight would be worked, with the remaining offenders stood down and the supervisor sent home. We thought this was unacceptable. In another area, we saw a supervisor being stood down 45 minutes into his shift due to low turn out of offenders.
- 5.18. Generally, the supervisors' working day was 30 minutes longer than the offender day, allowing for some preparation and administrative time. In one area, some supervisors were employed for only seven hours, meaning that offenders only worked six and a half hours.
- 5.19. In some areas supervisors were also responsible for signing in offenders and maintaining other records at the office based muster points. This risked creating delays to the start of the working day. Birmingham used other staff to manage the signing in arrangements, leaving supervisors to prepare for the days unpaid work. We thought this was the most efficient arrangement.
- 5.20. In some areas, supervisors were also responsible for other tasks such as sourcing new projects. Although these tasks were scheduled to take place on a day when they were not supposed to be supervising, inevitably the responsibility of liaising with beneficiaries was difficult to contain in this way. As a consequence, we were told by some offenders (and saw in the case records) that occasionally the offender working day was cut short to facilitate liaison with beneficiaries.
- 5.21. We acknowledge that there is merit in the idea of using supervisors in this way, but feel that it is not acceptable for the offenders' unpaid work day to be shortened to achieve this.
- 5.22. Similarly, where supervisors were employed full-time, we saw instances where they were called away from their supervising duties early to attend meetings. Again we thought that this was unacceptable.
- 5.23. Some supervisors also told us that they felt isolated from the wider world of probation. There were several component factors to this. For those working weekends, it was often the case that a manager could be telephoned, but it was unlikely that they would be visited during the day. Some also reported that maintaining good order on-site was undermined if offender managers did not act swiftly on their feedback about poor behaviour and time keeping. Many supervisors also commented that their job was made considerably more difficult where the tools and equipment were inadequate for the task.

Management within unpaid work

- 5.24. Most middle managers responsible for the delivery of unpaid work were aware of the importance of the new Service Levels and were making efforts to ensure they were met. Although most of the Service Levels were in effect simply continuations of earlier forms of management targets, we were told that increased importance was being placed on them by senior managers.
- 5.25. We were told by several middle managers that there was an increased focus on ensuring that orders were being overseen in a way that would ensure they were commenced promptly and completed on time. We deemed that these were entirely appropriate.
- 5.26. We were also told by middle managers that senior managers were reluctant to encourage offender managers to instigate breach proceedings as there was a belief that this would impact negatively on performance targets. Although we cannot verify that this is the case, we can confirm that there were significant numbers of cases that were not breached where we considered they should have been.
- 5.27. Despite the new contracts coming into place in February 2015, there was very little understanding amongst middle managers about the details of the contracts that the CRCs had entered into.

- 5.28. Nearly all middle managers we spoke to told us that the organisation of unpaid work was either in the process of changing, or they believed it would be restructured in the near future.
- 5.29. As referred to above, one of the changes concerned the span of control. Middle managers in unpaid work had often been responsible for the staff who delivered offender management in the case of single requirements of unpaid work; in most areas this had either changed, or was about to change. Although this was intended to improve integration, it also had the effect of distancing the relevant unpaid work managers from the responsibility for the offender management aspects of unpaid work cases.
- 5.30. We judged that there is no reason that the separation of the delivery of unpaid work and offender management cannot lead to positive outcomes, although the evidence of this inspection is that current practice is not as robust as it needs to be. For practice to be more robust, the managers of unpaid work must be assertive within their wider management groups about the need for clear enforcement practice and offender managers must treat the delivery of unpaid work in the same way as any other requirement.
- 5.31. We also found that in many areas, unpaid work managers had insufficient understanding and control of day-to-day service delivery issues. Many of the difficulties identified during the inspection are administrative or practical and can be resolved by managers through closer attention to the detail of service delivery.

Performance measures

- 5.32. The *Community Payback Operating Manual* and Service Levels both suggest that a successful commencement of unpaid work occurs where the first work session is arranged to take place within seven calendar days of sentence. We agree that this is the most obvious definition of a successful commencement, although this is only a reasonable measure of CRC performance where the case is allocated to the CRC on the sentence date. Our findings above suggest that this is not always the case. The latest edition of the Service Levels (02 September 2015) remain unclear on the point of allocation or assignment, although we understand this has been amended in the technical reports.
- 5.33. We were also told by NOMS that the technical notes used in the performance calculation had not been absolutely clear about the definition of a calendar day in relation to some bank holidays; we are told this has been resolved.
- 5.34. In accordance with Service Level 3, all offenders subject to a community sentence (including those with a single requirement for unpaid work) must have a sentence plan completed within '10 business days' of the first appointment they attend.
- 5.35. Although we did not focus on the precise date that the sentence plan was completed, we did inspect the quality of plans where they were available. We found that in most cases a sentence plan had been uploaded into nDelius.
- 5.36. We were concerned that staff were recording that they have created a sentence plan to meet the requirements of the Service Level, although in reality, the plans we inspected were related to the circumstances of the individual offender in only slightly over one-fifth of cases. It is disappointing to find that, at a time when organisational changes are intended to offer greater flexibility in delivery and more emphasis on outcomes for offenders, the focus on meeting a target took priority over individualised work.
- 5.37. We also became aware that Service Level 1 is insufficiently clear and possibly open to misinterpretation. This Service Level concerns the arrangement of a face-to-face contact between the responsible officer and the offender. It was not absolutely clear whether the requirement was to arrange for the appointment to take place within five business days, or to make the arrangement within five business days. NOMS have assured us that the Service Level requires that 'face-to-face contact is arranged to take place within five working days of allocation'.
- 5.38. HMI Probation intend to return to the issue of CRC performance measures in a forthcoming inspection.

The experience of offenders

6

6. The experience of offenders

Expectations of the sentence

- 6.1. Most of the offenders we spoke to told us that they had little understanding of what unpaid work would be like before they attended for induction. A significant proportion told us that it was their first sentence and did not readily identify as 'offenders'.
- 6.2. A minority were concerned that they would be required to mix with people they considered different from themselves. A small number of offenders expressed concern at having to wear the high visibility tabards as they felt it was stigmatizing.

Comments from those undertaking unpaid work:

"Some members of the public see the CP vests and look down on you. I bet they think 'what's he done' or 'is he a sex offender'. I have said good morning to people and been ignored. But others appreciate what we are doing so that's good."

"I might be here because I am not a real criminal and the court knew that. Your whole life can get sucked away for one mistake. I did not want it to happen, I did not plan for it to happen. It only took three seconds but after I hit him he fell and broke his arm. I regretted it."

- 6.3. The majority of those we interviewed thought that they had been at risk of being sent to prison and as a consequence were relieved to have been given 'community service' (as most offenders referred to their sentence).
- 6.4. In several cases, we were told that the sentencing Judge had made a statement that unpaid work would be more beneficial to the community and the offender than a prison sentence.

Comment from an individual undertaking unpaid work:

"I thought I was going down, I could have lost everything. I don't want to lose what I've got. I want to make my children's lives better."

Comment from an individual undertaking unpaid work:

"I felt degraded when I started the order. I was amazed how quickly my mood changed. You get respect from the staff and visitors; I am going to continue volunteering in the future."

- 6.5. Almost all offenders viewed the sentence as a punishment and thought that the type of work they were expected to do was sufficiently demanding of them.

The relationship with the supervisor

- 6.6. Nearly all offenders spoke positively about their relationship with the supervisor. Most said that they had been treated fairly and with respect. Several commented that the supervisors were good at handling difficult situations. There were frequent comments such as "they are great" or "I can't fault them at all".

Comment from an individual undertaking unpaid work:

"It's like a father and son relationship, they have done a lot for me. It's good to be with (supervisor). It's better than hanging around with my mates and getting into trouble."

- 6.7. There were negative comments about the supervision provided by a beneficiary concerning adapting a work environment to suit the physical capabilities of one elderly person subject to unpaid work. This illustrates that, where the responsibility for supervising offenders is delegated, there needs to be effective arrangements ensuring the quality of supervision.

The chance to learn new skills

- 6.8. Offenders mentioned two types of learning from being on unpaid work. A large group mentioned that they had been given the opportunity to use tools and equipment that they had not previously used. This was particularly in relation to powered or professional types of gardening equipment. Others said that they had learned decorating skills that could possibly enhance their employment prospects and would definitely be useful to them in the future.
- 6.9. We were told by 27 offenders that they had been offered the opportunity to use some of their hours of unpaid work to try and gain work related qualifications. Some of this group had taken up the opportunities provided for them to utilise some of their hours to gain vocational qualifications.
- 6.10. An offender told us he was doing a City and Guilds Level 1 Diploma in Practical Horticultural Skills. He completed his hours in the week of our visit and was now attending as a volunteer to complete his diploma, with plans to enrol at college to build on the qualification he was currently finishing.

Comment from an individual undertaking unpaid work:

"I'm doing the NVQ. I love every minute of it. Sometimes there is some classroom work with the college. I will need to stay on and do a bit extra to have enough hours to get the NVQ. I am ok with that, it will be good to get a qualification."

Comment from an individual undertaking unpaid work:

"I've learnt new gardening skills, that's useful. I think I could get a job with the council doing this sort of thing because I have the skills now."

Giving something back

- 6.11. Most offenders thought that a key part of the sentence was that it gave them the opportunity to constructively make amends for their transgression. Nearly all of the projects and placements were thought by the offenders to be appropriate.
- 6.12. Some projects were seen as having very direct beneficiaries and these were usually viewed as being of the greatest value. Other projects of an environmental nature were also valued as improving amenities for all.

Comments from those undertaking unpaid work:

"People who visit the graves have said to me how nice the place looks now and that's good enough for me. We show respect for the visitors by turning off the machines to let them have some quiet time at the graves. I think they appreciate us."

"We made some nice wooden toys for underprivileged children in the workshop for their Christmas presents. I am sure they would have been appreciated."

"I like working in a church or a cemetery. People visit and it should be presentable and not overgrown. I have two relations buried at the cemetery we worked at and I was proud to help make it tidy. I even asked about a job as a grounds man and gave my CV in."

- 6.13. One inspector was asked by a member of the public if he was in charge of the project, as he wanted to let the authorities know how much he and his wife appreciated the work the offenders had done in a cemetery.
- 6.14. A minority of offenders were frustrated that they had skills that they were able to use for the benefit of the community, although the level of work they were asked to do did not maximise their ability to do so. Comments of this kind were usually in relation to litter picking.

The benefits of the sentence

- 6.15. Some offenders were very positive about the way their sentence had impacted on their lives. One woman with a history of depression told us that despite her fears, the unpaid work had helped her overcome her isolation by forcing her to engage at the charity shop where she had been placed. She had gained confidence and described her mental health as 'picking up'.
- 6.16. Several offenders also commented that being on the unpaid work was a reminder to them that their behaviour had been unacceptable and that they had a positive opportunity to make amends. A few offenders mentioned their probation officers role in encouraging them to lead better lives.

Comment from an individual undertaking unpaid work:

"UPW gives you the time to realise what you have done. My probation worker praises me and makes me feel good about myself, the staff here do as well. I think if I can do this I can do a proper job and I have just applied for a job as a carer. The man who runs the place is an ex-policeman and I told him about my offence but he said they would give me a chance. I am just waiting for my DBS." (Disclosure and Barring Scheme paperwork)

Comments from those undertaking unpaid work:

"Unpaid work has got me out in the fresh air. It has given me a better outlook on crime and the consequences of crime. This has got me into a working environment which I have not done for three years and I am now hoping to get a job."

"I found working in the charity shop really worthwhile, it gave me an insight into work in a charity shop and how to price goods. I learnt a lot."

Organisation

- 6.17. Most offenders thought the unpaid work was reasonably well-organised and that the work was sufficiently demanding.

Comment from an individual undertaking unpaid work:

"The work is well-organised because we get all of the right tools and equipment. That's important because you feel like you are doing a real job and not that somebody is making fun of you."

- 6.18. A small number of offenders were critical of the organisation of the projects they had attended, saying that they were badly organised and that the materials to do the job were not always available.

Comment from an individual undertaking unpaid work:

"Yesterday was a complete shambles because there was not enough to do and we were just wandering around looking for things to do. Today is good though, there is plenty of work to do cutting the hedges back and mowing the grass. The day goes quicker and you feel you are getting somewhere."

6.19. Our finding about the inconsistent approach to enforcement was generally confirmed by several offenders.

Comment from an individual undertaking unpaid work:

"It's ok. I have done about 90 hours. When I have missed a week, nothing seems to happen, you just turn up the next week and carry on."

6.20. Several also expressed frustration that they had been stood down and credited with just one hours work even though they had attended as instructed and wanted to work, having incurred travelling costs. This was perceived as unreasonable and clearly slowed down the rate at which they were able to complete their sentence. Similar frustrations were mentioned in the area that occasionally cut short the working day so supervisors could attend meetings.

Comment from an individual undertaking unpaid work:

"Last week one day we finished at lunch time. We were not told why and I only got 3.5 hours after paying the bus fare to get here. I think if you get here you should always do 7 hours to make the journey worth it."

6.21. In three areas particularly, offenders commented on the frustration that they felt due to an inability to communicate with their offender manager. We were repeatedly told that it was not possible to speak to offender managers, either because they could not get their calls picked up at the switchboard, or once they had got connected, the offender manager was unavailable. In one area in particular, inspectors also had difficulty contacting the office during the fieldwork week.

Overview

- 6.22. We found that the majority of offenders were broadly complying with their orders and trying to gain something positive from their sentences. In a minority of cases this was through formal learning, although many offenders were clear that they had learned new skills in a more informal way and were 'paying back' for their transgression.
- 6.23. Many were optimistic that their experiences could assist with finding employment, or at least to improve their confidence to start a process of engagement in education or training.
- 6.24. Supervisors were very frequently highly praised and appreciated by those subject to the order. Where there was criticism by the offenders, it was more frequently about the overall organisation of unpaid work than supervisors.
- 6.25. Where offenders were asked to do high quality work and given appropriate tools to complete the task, they generally expressed high levels of satisfaction with their sentence. Many rejected the label of 'offender' and were keen to present themselves as fallible human beings who had made a mistake.
- 6.26. It appeared that offenders themselves were quite likely to identify that unpaid work had the potential to help them make amends for their wrong doing, whilst improving their life chances and developing a non-offending 'good lives'⁷ narrative for themselves.
- 6.27. Perhaps the most important lesson from the testimony of the offenders themselves is that their direct experience of unpaid work should not be overlooked. As Gil McIvor noted in 1992 (p.173): 'It would appear that offenders whose experiences of community service had been particularly rewarding were less often reconvicted'.

7 Ward, T and Maruna, S. (2007) Rehabilitation. Routledge. Oxford.

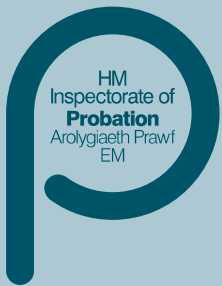
Role of the inspectorate and code of practice

Information on the Role of HMI Probation and Code of Practice can be found on our website:

<http://www.justiceinspectorates.gov.uk/hmiprobation/about-hmi-probation/>

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ISBN: 978-1-84099-732-3