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## Process Evaluation of Manchester and Salford Intensive Alternatives to Custody Pilot

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The aim of this study was to critically assess the implementation and development of the Intensive Alternatives to Custody (IAC) pilot in Manchester and Salford. The Ministry of Justice (MoJ) Penal Policy paper (May 2007) outlined the government's intention to develop higher intensity community orders as an alternative to short term custody. The IAC Order was subsequently developed and piloted, first in Derbyshire and then in six other areas.\* The pilots were centrally funded until March 2011.

\* Dyfed Powys, Humberside, Manchester and Salford, Merseyside, South Wales and West Yorkshire.

### Key points

- The Manchester and Salford IAC was targeted at 18 to 25 year old men at risk of a short custodial sentence. A number of stakeholders expressed a desire to see the age range broadened, and something similar to be offered for female offenders.
- A key success factor identified with the Manchester and Salford IAC was effective project management.
- One of the difficulties for the project was ensuring that only individuals deemed at risk of a custodial sentence were referred for the IAC. This was more challenging when the IAC was proposed via a Fast Delivery Report format Pre-Sentence Report (PSR).
- Analysis of PSRs confirmed that reports were generally of a good quality (80% achieving a 'good' or 'excellent' marking). Sentencers valued clear, concise reports that provided contextual information on the individual's offending, and articulated how the IAC would address risk of non-compliance and re-offending.
- In the first year there was a lack of direct awareness of the IAC among court stakeholders, and a questioning of the tariff of the order relative to the Suspended Sentence Order. Over time the IAC was more widely appreciated, particularly for the ability to balance punishment and rehabilitation.
- The IAC orders had a number of components to be adhered to. The ability to apply professional judgement was viewed as critical in supporting the offender to 'settle in' to the intensive order whilst ensuring adherence to all components.
- Compliance with different parts of the order were targeted in different ways. G4S staff and the police remained visible and proactive in ensuring restrictions, whilst the intensity established routine. Mentors assisted offenders in securing employment, and positive relationships with staff established a normative compliance.
- Offenders sentenced to the IAC had a range of offending related needs. 74% of those on the order had four or more needs. Offenders generally reported that the IAC order helped them become more motivated and 'able to stand on my own two feet'.

## Context

The Intensive Alternatives to Custody (IAC) order was introduced to provide a credible alternative to a short custodial sentence. The order, based on emerging desistance and compliance theories (McNeil, 2009; Bottoms, 2002), was designed to punish and rehabilitate through the application of Criminal Justice Act 2003 (CJA) order requirements alongside additional services.

The Manchester and Salford IAC pilot ran for two years, from April 2009 to March 2011. The order was co-designed and co-commissioned across the public, private and voluntary sectors, and thus offered the opportunity to pilot an innovative approach to local commissioning and integrated service delivery. A co-located, dedicated resource of Offender Managers (OMs) and partner agency staff operated from a site in Manchester City centre. Partner staff included employment focussed mentors (Work Solutions), a family support worker (Partners of Prisoners) and Group 4 Security (G4S) outreach staff to support compliance.

The Manchester model was targeted at 18–25 year old men at risk of a short custodial sentence (often due to breach of previous community sentences). Offenders sentenced to an IAC order received a 12 month Community Order with between three and five requirements. During the first three months of the order, contact between the offender and the OM was intensive, with up to four appointments a week. These reduced over the course of the order. The requirements included:

- Supervision
- Curfew
- Community Payback
- Offending behaviour programmes
- Attendance centre
- Activity requirements (to deliver employment and victim awareness interventions, amongst others)

The process evaluation of the Manchester and Salford IAC pilot was commissioned by the MoJ in April 2009.<sup>1</sup> The key aims were to critically assess:

- The design and implementation of the IAC order;
- The process of identifying suitable offenders;
- The role of pre-sentence reports (PSRs);
- The views of court stakeholders on the viability of IAC as an alternative to short-term custody;
- The management and supervision of IAC offenders;
- The work undertaken to sustain motivation and secure compliance on the IAC order; and,
- The role of interagency work in the delivery of the IAC order.

## Approach

The evaluation incorporated a range of research methods, including:

- 81 stakeholder interviews: 13 with sentencers, 15 with solicitors, 5 with legal advisors; 16 with PSR authors; 15 with operational staff; and 7 with middle managers. 3 interviews were conducted with family members of offenders;
- 49 offender interviews targeted at a carefully selected cohort of 25 individuals, with all interviewed three months into their orders and 24 interviewed upon exiting the order (5 of these were conducted in custody);
- 7 focus groups, 2 with magistrates (21 participants in total), 1 with legal advisors (6 participants), 2 with operational staff (17 participants in total) and 1 with family members (3 participants);
- 64 observations: 35 court observations (26 sentencing, 5 review and 4 breach observations), 6 operational/partner agency observations, and 23 observations of supervision sessions between OMs and offenders (on the same offender cohort as interviewed);
- quality review of 100 PSRs.<sup>2</sup>

<sup>1</sup> Two process evaluations, one of five sites and one of Derbyshire were commissioned and published by the MoJ. As the Manchester pilot started later than the others, it was evaluated separately.

<sup>2</sup> The 100 PSRs comprised of those in which the IAC was proposed and disposed (37%), proposed but not disposed (33%), eligible and disposed (30%). The purpose of the PSR review was to assess quality and clarity regarding risk (of harm, reoffending and custody), levels of information provided regarding needs and previous offending history, and overall quality, language, coherence and presentation of report.

- Analysis of quantitative data from the Police National Computer (PNC) and agency case management systems (Delius and OASys from probation, and Maytas from Work Solutions).

Qualitative data was transcribed, coded and analysed by theme. A purposive sample was used for interviews and focus groups, therefore their views are not necessarily representative of the wider stakeholder groups.

Quantitative data provided a detailed profile of those sentenced to the IAC (demographics, offence types and assessments of risk and need), and information on the court based processes involved (such as proposals and disposals by court type and district), as well as project activity (type, length, requirements, intensity and compliance).

## Results

### Design and implementation of the IAC order

A key success factor identified by all partners was effective project management. This included use of a clear project initiation document in place at least four months prior to the project 'going live'. There was a shared confidence in the operational management and delivery team, acknowledging the efficacy of the joint approach to both the initial design and implementation. The evaluation team were positioned to provide evidenced feedback throughout the project by regularly disseminating interim findings when they became available and it was appropriate to do so. As a result, the executive and steering groups were able to address any issues identified as they occurred.

At times throughout the course of the two year pilot there were variable levels of attendance at strategic board meetings. Establishing and maintaining strong relationships across partner agencies (regardless of early successes) is of critical importance, particularly in the context of sustaining funding beyond the pilot stage.

In the second year of delivery, the project sought to develop additional aspects such as the delivery of reparative approaches (for example, post sentence restorative justice conferencing), and communication with the public via events and the media.

### Identifying suitable offenders for IAC

See table 1 for demographic information for offenders receiving the IAC order during the pilot.

A key challenge was to ensure that only individuals at risk of custody were referred to the project. During the formative stages, the project set up gate-keeping procedures to identify suitable individuals for proposal. The IAC team remained proactive in identifying potential cases and validating proposals made by PSR authors. This process was supported by routine monitoring of court outcomes to measure IAC proposal concordance rates.

Those individuals identified as suitable for the IAC order included those at risk of custody as a result of a prolific history of offending and non-compliance. For example, 48% of suitable offenders had an Offender Group Reconviction Score (OGRS) of 75% or above with index offences such as summary or burglary offences, or who had breached their sentence.<sup>3</sup> However, there were also offenders convicted for one serious offence. For example, 14% of those assessed as suitable had an OGRS score below 75%, with index offences such as violence or robbery. A number of stakeholders expressed the desire to see a similar diversionary order for a broader age range and for female offenders.

The ability of PSR authors to assess both suitability (in terms of risk of custody) and motivation to engage with the order to address their offending was a complex issue. This was particularly challenging when proposing the IAC within a fast delivery report (FDR), which often had to be in court within the hour. A high proportion (52%) of all IAC proposals came via an FDR format PSR.<sup>4</sup> In a number of the FDR PSRs audited, the offence seriousness or custody threshold status was not stated. This could be problematic as it does not enable the decision regarding risk of custody to be clearly traced and monitored.

<sup>3</sup> The OGRS(2) is an actuarial calculation of risk of reoffending based on static factors such as previous level of offending and compliance.

<sup>4</sup> There was not any substantive variation in the proportion of FDR format reports proposed and disposed (41%), or proposed but *not* disposed (40%). This may be indicative of confidence of the courts to impose the IAC based on an FDR, given the other aspects covered.

## Pre-sentence reports

Upon identifying a suitable individual, the development of an effective argument for the courts then became crucial. Observation and feedback from a range of court stakeholders confirmed the decision to divert the individual from custody.

The PSR analysis confirmed that in the majority of cases the reports were of good quality, with 80% achieving either an 'excellent' or a 'good' level. Sentencers valued clear and concise reports which effectively represented '*the social background or the context*' of the individual's offending, and a proposal which articulated how the aspects of the IAC order would address the individual's risk of non-compliance and re-offending. In the context of such a high proportion of proposals being made via the FDR format this could be quite a challenge. The audit uncovered issues with the quality of proposal sections of the PSR. The IAC practitioners had issued an IAC proposal template, enabling PSR authors to quickly and confidently present the key attributes of the IAC. However, the PSR audit revealed that in some reports the author had failed to translate this template into a tailored proposal for the individual offender.

The concordance rate for the IAC order was 48%.<sup>5</sup> However, this varied over time (between 35% in the early months and 56% in November 2010) and between courts (40% in Crown Courts, 65% in magistrates' courts).

## IAC as an alternative to short-term custody

There was evidence of a substantial investment in communication with the courts to ensure the viability of the order. However, where there was a large bench (for example, there were in excess of 400 magistrates in Manchester City alone), the point of sentence was sometimes the court stakeholders first experience of IAC. In such circumstances the role of legal advisors, information provided within or attached to the PSR, and well briefed court probation staff appeared to be critical for the sentencing decision.

There was a lack of direct awareness of the IAC among court stakeholders in the first year, and some individuals questioned the tariff of this order relative to the SSO.<sup>6</sup> As knowledge and appreciation of the IAC order grew there was increased appreciation of the unique aspects of the IAC, particularly to balance punishment and rehabilitation. Consultation with sentencers in the second year of the IAC pilot did not generate any concerns regarding robust enforcement, with a number having had experience of presiding over both breach cases and reviews.

## Management and supervision of IAC offenders

The IAC order was characterised by the number and range of components. Co-ordination of these was critical if the individuals' order was to be effectively delivered. Observation and audit demonstrated that OMs used the sentence plan to clearly sequence the multiple aspects of the order. The sentence plan was regularly used within the 1:1 supervision session, to both highlight progress and identify areas which required greater focus.

Each offender had a weekly timetable, requiring them to attend a minimum of four appointments a week. Whilst case records demonstrate that these requirements were being adhered to, there was evidence of flexibility with regards to punctuality. The ability to apply professional judgement was viewed as critical, supporting the individual to 'settle in' to the intensive order, whilst ensuring that all components of the order were being progressed. Feedback from the G4S outreach staff, police officer and family support worker about the offender's lifestyle and attitude played an important role in enabling the OM to be confident in enforcement decisions.

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<sup>5</sup> 48% of cases where IAC was proposed resulted in an IAC order being disposed

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<sup>6</sup> Despite the IAC being specified as a 12 month Community Order, 2% (n=8) were sentenced erroneously as SSOs, and 15% (n=51) over 12 months.

The role of the mentor was initially very distinct from the OM, focusing on increasing the employability of the offender. However, as caseloads increased there was a greater fusion of these roles, with the mentors taking on a broader role supporting and monitoring offenders. The increasing caseloads and shifting roles required the team to consider different approaches to staff configuration and the targeting of their resource. OMs and mentors were paired to work on a shared caseload together, and three offender 'pathways' were explicitly identified, with individuals being flagged on the case recording system.<sup>7</sup> These developments facilitated an increased clarity of role and ensured the finite resources were applied to those who posed the greatest risk of offending or non-compliance.

### **Sustaining motivation, securing compliance**

Of those 194 individuals whose order had terminated in the two year pilot period, 41% were terminated not for completion, but as a result of non compliance (18%) or further offending (23%).

In the first year of the pilot there was evidence that, whilst compliance was high for some aspects of the order, attendance at arranged appointments for community payback and the attendance centre was lower. The operational and strategic management groups responded to this trend by implementing targeted case conferencing.<sup>8</sup> This was focused on those cases where a high number of 'acceptable' absences had been recorded.<sup>9</sup> Data at the end of the pilot period demonstrated that the response had addressed the previous discrepancy.

The various elements of the order were targeted to achieve different types of compliance (Bottoms, 2002). The visibility and proactive approach of the

police and G4S outreach staff<sup>10</sup> ensured restrictions, whilst the intensity established routine. As the order progressed, the potential for mentors to assist offenders in securing employment attracted self-interest, and positive relationships with staff established a normative compliance. Offenders on the order reported that *'at the beginning it was, like every day, really hard'*. However, many reported quickly feeling more *'motivated to get up in the morning'*, leading to increased confidence – *'I'll be able to stand on my own two feet and be independent'*.

### **The holistic approach: inter-agency working**

Offender's who were sentenced to the IAC were assessed as having multiple offending related needs. The key issues (in order of prevalence) were thinking and behaviour, lifestyle, finances, attitude, alcohol, employment, drugs, relationships, accommodation, and mental health. 74% of those on the order had significant issues with four or more of these needs. 27% presented with seven or more needs.

A large proportion (27%) of those who were unemployed prior to commencing the order had secured employment whilst on the IAC. Many more had made progress in relation to gaining education and training qualifications.

Following a more detailed profile of those on the order towards the end of the first year, additional interventions were developed (e.g. a groupwork programme for Black and Minority Ethnic offenders) and services commissioned (e.g. drugs services focused on cannabis use and mental health provision).

Operational staff and middle managers of all agencies reported the opportunities the pilot had afforded them to *'use the language'* of other agencies and to draw on the range of skills and expertise available. Individuals working from the co-located site described themselves as a 'close knit team'. One aspect which some staff felt was beneficial (but which for others posed a challenge) was the way in which their roles had *'kind of overlapped a bit'*.

<sup>7</sup> Towards the end of the second year, and on reflection of a range of findings from the evaluation, the project team established a 'tiering' system within the IAC. This differentiated cases based on level of intervention with regards to compliance, offending related need and risk of serious harm.

<sup>8</sup> Case conferencing resulted from a need for team members to regularly share information to maintain consistency in practice. This involved mentors, OMs and the probation operational manager.

<sup>9</sup> Cases with 'acceptable' absences were targeted for audit to assess whether OMs were managing to appropriately balance the principles of enforcement and compliance.

<sup>10</sup> The resident police officer in the team routinely gathered intelligence on any further offences or incidents allowing the OMs to respond immediately to any breach of an order. G4S staff monitored the electronic tags which the offenders wore on curfew. They also conducted home visits with new commencements, and in some cases transported offenders to appointments in the formative stages of their orders.

## Implications

The Manchester and Salford IAC was implemented fairly effectively and established itself as a viable alternative to custody in the locality. The following operational and policy implications emerged from the evaluation:

### Operational implications

- The successful joint approach to design, implementation and governance of the IAC, was supported by clear preparation and project management, fostering positive strategic and practice relationships.
- Innovative projects such as the IAC require targeted analysis to support successful implementation, reflection and evolution.
- The success of the IAC is dependent upon ensuring that only individuals at risk of custody are referred to the project. In order for this to be possible, clear gate-keeping methods must be established.
- To overcome the challenge of identifying an individuals' risk of custody, court stakeholders must clearly record offence seriousness and custody threshold status to avoid uptariffing offenders.
- To overcome challenges found particularly in the quality of report proposals, PSR authors will require support to both assess the risk of custody and offender motivation, and construct a clear and tailored proposal. Where a high proportion of PSRs are completed in the FDR format this may require careful use of a proposal template.
- Wider communication through legal advisors, information provided within or attached to the PSR, and well briefed court probation are critical in influencing the use of alternatives to custody, particularly in a metropolitan context where there is a large judiciary bench.
- The initial barrier of a lack of understanding by court stakeholders emphasised how the differences between the IAC and standard Cos and SSOs must be clearly articulated (i.e. how the IAC order can target specific needs and motivation).
- The IAC team's successful use of clear sentence plans, and the development of different tiers of service, demonstrates how the

resources of different agencies can be effectively targeted and sequenced.

- The IAC team showed how achieving a successful approach to different types of compliance is dependent upon targeting the agencies' diverse roles and expertise.
- The success of the IAC developing a holistic intervention package depended upon ongoing reflection on the profile and offending related needs of the target group to support the commissioning of additional services.

### Policy implications

Whilst the operational implications are directly linked to the findings of this process evaluation, there are a set of broader themes that were identified within the analysis that are pertinent to current policy developments:

- The success of local co-commissioning across sectors in the delivery of intensive community orders supports principles of 'localism'.
- The need to establish support from victims, and local public and media (via individual and community reparative approaches and ongoing feedback) regarding success, demonstrates that public confidence is a key pillar of the IAC.
- Staff welcomed the ability to exercise professional judgement in relation to managing risk while increasing motivation. There was a clear role of all agencies in enabling confidence in such decisions.
- A range of stakeholders indicated the potential for the principles of this intensive community order to be effectively applied to other groups of offenders, such as women or a broader age range.

## References

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**Table 1. Demographics of offenders receiving the IAC order**

	<b>Profile</b>	<b>Proportion/ Number</b>
<b>Age</b>	18-21 years	67%
	22-25 years	33%
<b>Ethnicity</b>	White British	78%
	BME	22%
<b>District</b>	Manchester	73%
	Salford	27%
<b>OGRS</b>	Low	16%
	Medium	28%
	High or Very High	56%
<b>Offences</b>	Violence	14%
	Burglary	19%
	Robbery	6%
	Serious Car Crime	3%
	Other Indict	30%
	Summary	21%
	Breach	8%
<b>Previous Convictions</b>	Mean n=	24
	Minimum n=	1
	Maximum n=	90
<b>Needs</b>	Thinking&Behaviour	97%
	Lifestyle&Associates	80%
	Finance	56%
	Attitude	55%
	Alcohol	48%
	Employment	45%
	Drugs	41%
	Relationships	39%
	Accommodation	29%
	Emotional Well-Being	24%
<b>Volume of Needs</b>	0-3 Needs	26%
	4-6 Needs	47%
	7 or more Needs	27%