



Research Briefing 2003/01

## A New Probation Partnership? Working With Women to Improve Compliance With Community Sentences

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### 1. Introduction

As a probation officer in London, anecdotal evidence suggested to me that more female offenders fail to attend appointments during the school holidays than at other times of the year. I surmised that this might be due to increased child-care commitments at this time of the year. I was also interested to see whether a change in probation practice, heralded by the introduction of 'case management' had affected attendance rates. Case management is a process requiring all new cases to be assessed by a separate probation team prior to allocation to a designated supervising officer. This can fragment the supervision process. During my research I consulted with women subject to community sentences to identify factors that may influence their attendance rates. The focus of the work concerns this partnership between the female offenders and the Probation Service, hence the title of this piece. It also points to the need to listen to the views of this group to improve attendance rates during their contact with the Probation Service, something of benefit to all concerned.

As the number of people subject to Community Rehabilitation Orders and Community Punishment and Rehabilitation Orders (hereafter CRO and CPRO respectively) continues to increase, so to does the number of people failing to comply with the requirements of the Orders (Farrall 2002a). This may not solely be due to increased numbers of probationers choosing to miss appointments; improvements in record keeping and the introduction of National Standards (as discussed below) may also have played a role. National Standards 2000 is a policy document providing guidance on all elements of probation practice, including the frequency of appointments (Home Office 2000a). It requires people made subject to CRO/CPROs to attend a minimum of 12 appointments within the first 12 weeks of the Order. This decreases throughout the life of the Order, to a minimum of one appointment per month. When the probationer fails to report, evidence is required to confirm why. Where none is forthcoming, this may be deemed 'unacceptable'. Enforcement action is taken following the second such absence.

I aimed to identify patterns in female compliance with community Orders and make practical recommendations to improve compliance. This is based on evidence collected at Newham Probation Office in east London. My research and literature search identified four areas significant to female compliance and this summary will also

adopt this structure;

1. Consistency of Officer
2. Physical Appearance of the Office
3. Characteristics of Female Offenders
4. Attitudes Towards Probation/Awareness of the Role of the Probation Service

## Methodology

This study spans a two-year timescale from April 2000 to March 2002. This was chosen as April 2000 saw the introduction of National Standards 2000, the policy document referred to above. This reduced the number of unacceptable absences prior to the start of the enforcement process from three to two. Further, the system of case management referred to above was introduced in April 2001, providing a comparison between the compliance rates for Orders imposed prior to and during the new system. A total of 34 women breached Orders during the two-year period. Of these, three remained in contact with the Probation Service. I met and interviewed these three and have included information concerning these women where appropriate. An important source of information was the Probation case files. Amazingly, of the 38 Orders where breach action was taken, I was able to locate the files for 37. No mean feat in the world of Probation where sadly not all files are well kept, well preserved or easily located. Although more successful than anticipated, this means I do not have a complete set of data.

The information from the case files must be viewed in the context of the discretion exercised by each probation officer. Enforcement continues to be an area of work in which the discretion of individual officers is subject to tighter regulation and audit. Despite this, discretion remains a factor in any decision to accept the evidence provided for an absence. The absence dates for each case may therefore not reflect the number or distribution of the actual absences.

## 2. Summary of Data Findings

A total of 118 Orders were imposed on 111 women during the two-year study period. Some women received two, even three Orders during the study period, and this is reflected in the data below. Of the 118 Orders;

- 67 (57%) were imposed in the first year (April 2000 - March 2001)
- 51 (43%) were imposed in the second year (April 2001 - March 2002)

Of the 67 Orders imposed in year one;

- 55 (82%) completed successfully
- 12 (18%) resulted in breach action

Of the 51 Orders imposed in year two;

- 29 (57%) completed successfully
- 22 (43%) resulted in breach action

As data concerning the absence dates is missing from one case, the following breakdown is based on 37 breach hearings, resulting from 33 Orders.

Over the two-year period;

Of the 37 breach hearings;

- 23 (62%) were based on absences that occurred during weekly reporting
- 11 (30%) were based on absences that occurred during fortnightly reporting
- 3 (8%) were based on absences that occurred during monthly reporting

Of the 34 Orders where breach proceedings were completed;

- 16 (47%) represented the woman's first CRO/CPRO
- 18 (53%) were imposed on women with previous experience of a CRO/CPRO

Of the 84 successful completions;

- 61 (73%) represented the woman's first CRO/CPRO
- 23 (27%) were imposed on women with previous experience of a CRO/CPRO

## Factors Significant to Compliance

### i. Consistency of Officer

Like most probation offices, female members of staff fulfil the majority of supervisory roles at Newham. It is therefore not unusual that all of the female offenders subject to breach proceedings were supervised by female staff. The introduction of case management created a new probation team, responsible for all new assessments. As cases pass through more probation teams, the probationer experiences a more frequent change of officer, where previously one member of staff had taken responsibility for the assessment and supervision of a case. Research suggests the relationship between offenders, especially females, and the supervising officer is crucial to the success of any Order. The Home Office publication 'The Government's Strategy for Women Offenders' highlights that for women, the breakdown of a significant relationship with a woman can often result in the onset of offending (Home Office 2000b). This has particular relevance when viewed against the gender-breakdown of staff in supervisory roles in the Probation Service.

I hypothesised that the supervisory relationship may mirror this and felt that a failure of this relationship, or the failure of this to develop, could be a precursor to a breakdown in compliance. The three women I interviewed all noted the significance of their relationship with their supervising officer and related their compliance

with subsequent Orders, in part, to the quality of this relationship. One of the women I interviewed, KD, is now reporting well. However, her past Orders had been characterised by non-attendance and eventual resentencing. She commented ‘you feel you bond with your officer, you’re building a relationship’.

The importance of this relationship is supported by two of my findings; firstly, of increased breach rates in the second year of the study. This may relate to the start of case management and the increase in the number of staff working with each case, thus delaying the start of the relationship with the supervising officer. Secondly, the majority of unacceptable absences occurred in the first three months of the Order. At this stage probationers are required to report to the probation office weekly and the turnover of supervising officer is most frequent.

## ii. Physical Appearance of the Office

One theory was that the waiting room felt predominantly masculine, and so could feel alien to the female offenders. Also, with one waiting room for all offenders, often the women would be the only female in the room. I felt that the layout of the room and atmosphere might be a factor contributing to some absences, or may have ‘tipped the balance’ when some were in doubt about whether to attend their appointment. However, when this question was posed to the women I interviewed, none felt that this had been relevant to their absences.

## iii. Characteristics of Female Offenders

### a) Race/ethnicity

Race and ethnicity data was available for 73 of the 111 women who were made subject to Orders in the study period. The largest group was ‘White British’ (39 women), followed by ‘Black Caribbean’ (13 women). The number of successful completions was greater than the number of Orders that went into breach in all groups except ‘Black British’, where 6 Orders were breached and 5 completed successfully, and ‘Bangladesh’ and ‘Other India’ where one Order breached but none were completed in either category. The general trend is of greater attendance than breach rates in most categories, the main exception being ‘Black British’. However, given the extremely low numbers involved, these figures should of course be viewed with caution. The diversity of the community is not reflected in the staff group, which, at the time of the study was unrepresentative of the race/ethnicity of the women supervised.

*Breakdown by Race and Ethnicity*

<b>Race and Ethnic Monitoring</b>	<b>Number of Breach Orders</b>	<b>Number of Successful Completions</b>	<b>Total for Race and Ethnicity Category</b>
No Data	2	22	24
Refused	0	4	4
Black British	6	5	11
White British	11	28	39
Other British	0	3	3
Other	0	2	2
Black Indonesia	0	2	2
Black Caribbean	4	9	13
Bangladesh	1	0	1
White-Republic/ Northern Ireland	1	2	3
White Other European	0	1	1
Other India	1	0	1
Black African	1	6	7
<b>Total</b>	<b>27</b>	<b>84</b>	<b>111</b>

**b) Age**

Data concerning the age of each woman when the Order was imposed was available in all cases. This shows that women aged 26 - 30 received the greatest number of Orders. Rather than an even spread across the age groupings, there is a peak at this age, with a gradual increase towards, and decline away, from this group. As a percentage, in my study the group most likely to breach were aged 36 - 40 years, where 40% of Orders resulted in breach action, followed by 18 - 21 years with 39%. Past the age of 40, the number of Orders imposed declines sharply; in my study only 2 Orders were imposed on women over the age of 45. This may be due to the low numbers of women in these age groups appearing before the Court, or a reflection of the Court's loss of patience with persistent female offenders, possibly balanced by a corresponding high imprisonment rate for this group. So what can explain this peak between 36 - 40 years when the trend is towards greater compliance with age? It may relate to the small sample size used and be unrepresentative of wider trends. Alternatively, it may be evidence of female offenders being given a final chance to comply with community penalties, possibly after numerous custodial sentences. This could be a useful starting point for further research in this area.

*Breakdown by Age*

<b>Age when Order Imposed</b>	<b>Breach Orders</b>	<b>Successful Completions</b>	<b>% Breached</b>	<b>Total Per Age Group</b>
18-21	7	11	39	18
22-25	8	15	35	23
26-30	7	20	26	27
31-35	3	19	14	22
36-40	8	12	40	20
41-45	1	5	17	6
46-50	0	2	0	2
50+	0	0	0	0
<b>Total</b>	<b>34</b>	<b>84</b>	<b>29</b>	<b>118</b>

**c) First Experience of Probation**

Seventy nine percent of the 77 Orders imposed on women previously unknown to the Probation Service were completed successfully, and 21% resulted in breach action. Forty four percent of the 41 Orders imposed on women previously known to the Probation Service completed successfully, and 56% went into breach. On a basic level, this suggests that a woman's first CRO/CPRO was more likely to be completed without breach proceedings, than subsequent Orders. The likelihood of successful completion appears to decrease as contact with the Probation Service increases. However, this study is not exhaustive and does not fully account for or include the previous convictions of the women concerned.

**d) Trends in Time of Year**

I anticipated more absences in the school holidays, possibly due to childcare. Collation of the absence dates for the 37 breach hearings clearly shows that the number of absences varies by month. On first glance I felt this did not reflect periods when childcare may become problematic. The peak month for absences resulting in breach action is October 2001, followed by July 2001 and March 2002. So why might this be the case?

One possibility is that the delay between the anticipated absence dates and those recorded may be due to the discretion exercised by individual officers. If the supervising officer is aware that childcare impacts on availability for appointments, discretion may be exercised to encourage attendance and avoid breach action. However, if attendance continues to be poor following the start of the school year, the same behaviour may result in unacceptable absences being recorded. This theory may account for the high number of absences recorded in January, May and October 2001 and January and March 2002, as these dates fall after Christmas, Easter and Summer school holidays. I expected to see high absence rates in August 2000 and 2001 as this falls within the long school summer break. However this was not borne out by the research. Perhaps absences that occurred during this time were recorded as acceptable as the supervising officer was aware that childcare was an issue? As the information I collated related to absences deemed unacceptable, it is possible that if all absence dates, both acceptable and unacceptable, were collated, the distribution of absences would appear

very differently.

Finally, the number of unacceptable absences was greater in the second year of the study. My theory suggested that there would be an increase in the number of breaches, and of unacceptable absences, in the second year. This was found to be the case. From April 2001 onwards, excluding June 2001 and November 2001, each month in 2001 experienced a higher rate of unacceptable absences than the previous year. Given that this was the date on which case management was introduced, I surmised that this might be related to a change in practice.

*Breakdown by Absence Dates*

<b>Month</b>	<b>Dates of Absences</b>											
Apr '00												
May '00												
Jun '00	8/6	15/6	22/6									
Jul '00	21/7											
Aug '00	22/8	29/8										
Sep '00	12/9	20/9										
Oct '00	10/10	17/10										
Nov '00	23/11	29/11	9/11									
Dec '00	1/12	5/12										
Jan '01	10/1	17/1	4/1	11/1	30/1							
Feb '01												
Mar '01	29/3	14/3	22/3	28/3								
Apr '01	17/4	24/4										
May '01	24/5	30/5	1/5	22/5	21/5	30/5						
Jun '01	18/6											
Jul '01	12/7	3/7	11/7	20/7	9/7	16/7	13/7	30/7	16/7			
Aug '01	6/8	14/8	20/8									
Sep '01	25/9	11/9	6/9	14/9	18/9	10/9						
Oct '01	3/10	10/10	22/10	29/10	30/10	4/10	9/10	2/10	9/10	17/10	24/10	
Nov '01	6/11											
Dec '01	5/12	21/12	27/12	21/12	18/12							
Jan '02	10/1	16/1	3/1	7/1	15/1	2/1	3/1	29/1				
Feb '02	14/2	25/2	20/2	28/2								
Mar '02	12/3	19/3	26/3	12/3	19/3	26/3	19/3	26/3	7/3			
Apr '02												
May '02	7/5											
Jun '02	14/6	18/6	24/6	5/6								

#### iv. Attitude Towards Probation/Awareness of Role of the Probation Service

All of the women interviewed linked their absences to factors they felt were unrelated to their Orders; two specifically mentioned domestic violence. Both felt unable to discuss this with their supervising officer, as they felt that issues of domestic violence were not relevant to their probation contact, and that their officer could not offer any assistance. Worryingly, one woman was only seen in the presence of her partner who perpetrated violence against her. Possibly, as their circumstances changed, the women's attitude towards the Probation Service improved and compliance increased.

Alternatively, the factors affecting attendance resolved or improved with little or no input from the Probation Service. Based on these three case studies, attendance does not appear to be related to the consequences of non-compliance, such as breach action, Court appearances, humiliation and fines, but is related to other issues which the women felt could not be addressed via the Probation Service. In essence, from these studies, it seems that change leads to compliance, rather than compliance leading to change. This links with Farrall's finding that 'probation interventions appear in many cases to have had little impact on either the obstacles faced by probationers or their lives more generally' (2002b: 116). Although initially this statement may appear pessimistic, it does suggest that change, and the desire for change, comes from within. If the Probation Service can work with people to nurture and harness this, it may begin to reverse the trend of higher enforcement rates.

### 3. Conclusions

- Contrary to the original hypothesis, the physical appearance of the office does not appear to have been significant to the women's failure to attend appointments, nor was it noted as a factor that may affect future attendance.
- Consistency of officer is significant. This was highlighted by my interview with KD and by the results of my quantitative study;
  - a) Sixty two percent of absence dates which led directly to a breach hearing occurred in the first three-months of the order, where weekly reporting is required and change of officer is most frequent. The continual change of officer may have a negative impact on compliance.
  - b) Both the percentage and number of cases resulting in breach action increased in the second year of the study. This follows the introduction of case management, and the accompanying delay/disruption to the start of the supervisory relationship.
- The likelihood of successful completion decreases as contact with the Probation Service increases. Over two-thirds (73%) of successful completions represented the women's first CRO/CPRO. Only 27% of orders imposed on women previously known to the Probation Service completed without breach proceedings being instigated. This may also be related to the length of criminal career and number of previous convictions.
- A greater number of unacceptable absences were recorded in the second year of the study, even though the number of orders imposed decreased (67 CRO/CPROs were imposed between April 2000-March 2001 compared to 51 CRO/CPROs imposed between April 2001-March 2002). This may be related to the

introduction of case management, and the impact of this on attendance rates/officer discretion in decisions concerning the acceptability/unacceptability of absences.

- The number of unacceptable absences varies by month. The distribution of absence dates does not fit with the original hypothesis linking absences to school holidays. The peak month for unacceptable absences is October 2001, followed by July 2001 and March 2002. A number of factors may affect this distribution, for example, unacceptable absences occurring one month after the end of a school holiday (for example October 2001) may be the result of continual poor attendance at the probation office, after officers have exercised discretion to accept absences related to childcare in the summer holidays.
- Race/ethnicity data was only available in 73/111 cases. This showed that the highest number of orders was imposed on 'White British' women, followed by 'Black Caribbean'. The general trend was towards greater compliance than breach rates, however this was not the case for the 'Black Caribbean' group, although the sample size is small and this may have biased the results. The race/ethnic distribution of female offenders subject to CRO/CPROs in the study period was not representative of the staff group who supervised them.
- Comparisons of the imposition of orders by age revealed the highest number of CRO/CPROs was imposed on the 26 - 30 age group. Only two orders were imposed on women over the age of 45. This may be indicative of the low numbers of women aged 40+ entering/remaining in the criminal justice system.
- Forty percent of women aged 36 - 40 at the time of sentencing appeared in Court for the breach of the order. This runs contrary to Home Office statistics for 2001 where the peak age for breach was 18 - 20.
- The women's perspectives on probation influenced their attendance; all three women interviewed felt that factors outside of their orders impacted on attendance. It seems that attendance was not related to the consequences of non-compliance, such as breach action, Court appearances, humiliation, fines etc, but was related to other issues in the women's lives which they felt could not be addressed via the Probation Service. In essence, change lead to compliance, rather than compliance leading to change.

## Recommendations

- Greater consistency in the relationship between supervising Officer and offender, especially during the initial stages of the Order. If women felt more secure in the relationship, they may be more likely to disclose issues that may otherwise remain hidden, for example domestic violence, which may impact on attendance.
- Provision of a separate service to women whose supervision coincides with that of their partner. Although the inclusion of partners within supervision can offer an insight into the issues influencing the probationer outside of the office, care should be taken to ensure that this is not at the expense of the supervisor/supervisee relationship. Good practice should provide each person with the space necessary to address their offending and joint visits entered into when necessary and not used as the primary supervisory tool.
- Improved flexibility with appointment times, to ensure that childcare does not prevent attendance.
- Increased awareness amongst women on subject to CRO/CPROs about the role of the Probation Service and links with other community organisations such as Refuge and Victim Support. The women should also be reassured that any information passed between organisations is done so in a confidential manner.

- Regular monitoring and review of the impact of the new structure on enforcement and compliance rates.
- Increased staff training on issues of domestic violence and other issues affecting women to raise awareness and assist staff to detect potential difficulties.

## Suggestions for Further Work;

- Collation of all absence dates within the study period to provide a greater understanding of the impact of discretion on the distribution of acceptable/unacceptable absences. This may alter the spread of absence dates and provide more support for the original hypothesis that childcare responsibilities impact negatively on attendance rates.
- Collation of all appointments offered in the study period to investigate whether the proportion of acceptable/unacceptable absences remains constant throughout. Variations in the number of unacceptable absences by month may be due to fluctuations in the number of appointments offered, rather than other factors affecting attendance.
- Inclusion of data concerning length of sentence. Home Office statistics suggest that those subject to shorter orders (of less than 12-months) were less likely to fail to comply than those subject to longer orders of two or three years (Home Office 2001).

## References

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- Home Office (2000b) *The Government's Strategy for Women Offenders*. London: Home Office.

## The Griffins Society

The Griffins Society is a voluntary organisation working for the care and resettlement of female offenders, including those with a history of mental illness and violent behaviour. The Society was set up in 1966. At that time there was little residential provision for women offenders and the Society concentrated its efforts on filling that gap by providing specialist hostel and move-on accommodation. Those residential projects were transferred to another voluntary organisation in 1997 and the Society decided to alter the focus of its activities. This change of emphasis included establishing the Griffins Society Visiting Research Fellowship Programme in the Social Policy Department at the London School of Economics and Political Science in 2001.

## The Griffins Society Visiting Research Fellowship Programme

The aim of the Fellowship Programme is to provide ‘thinking space’ for those working in the criminal justice system or allied fields who wish to study a particular aspect of the circumstances or treatment of women offenders. Applications are welcomed from anyone with an interest in female offenders, such as magistrates, probation officers, staff of supported accommodation, drug/alcohol counsellors. In keeping with its origins, the Griffins Society welcomes applications from the voluntary sector, as well as statutory organisations. Fellowships are not awarded to people in academic employment, or studying for a degree. Each Fellowship runs for one year and Fellows are awarded a grant. Academic support and supervision is provided by Dr Judith Rungay, Director of the Griffins Society Visiting Research Fellowship Programme. Fellows have full access to all facilities at the London School of Economics.

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