

The Griffins Society Visiting Research Fellowship Programme

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

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Research Paper 2003/01



The Griffins Society

Working for female offenders
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The Griffins Society

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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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1. Introduction

As a probation officer in London, anecdotal evidence suggested to me that more female offenders fail to attend Probation appointments in the summer holidays and at Christmas, than other times of the year. It was surmised that this was possibly related to school holidays and child-care concerns. From my own experience, I was also interested to see whether a change in probation practice, resulting from the introduction of 'case management' to the Probation Service had impacted on female attendance rates. Case management is a process requiring all new cases to be assessed by a separate probation team prior to allocation. The effect of this can often be a fragmentation of the supervision process, whereby the probationer is asked to report to a different member of staff each week in the early stages of the order. 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 therefore concerns the partnership between the female offenders and the Probation Service, hence the title of this piece. It also points to the need to listen to this group to reduce non-attendance rates, something of benefit to all concerned.

Historically, little research has been conducted on the reasons for non-compliance with community sentences. There is even less when this focus is narrowed to female offenders. A growing emphasis within the Probation Service on enforcement has resulted in a blossoming academic interest, although to date little material has been published. As a response to this, my literature search shifted away from the reasons for non-attendance to focus on why people, specifically women, comply with Court orders and attend appointments. The current focus and funding of the Probation Service has been guided by the 'What Works' literature. This dictates that resources should follow risk, that results should be measurable and interventions effective (Underdown 2001). Despite the wholesale acceptance of the key principles of What Works into the work of the Probation Service, scant attention has been paid to those who do not attend as required. As Bottoms (2001:89) notes 'effectiveness and compliance are, in the field of community penalties, topics that are inextricably linked'. For the Probation Service to effectively address the offending behaviour of those subject to orders, it must begin to identify factors contributing to absences. On a basic level, offenders must come through the door before any work, even less effective work, can be completed.

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 appearing in Court for failure to comply with the requirements of the order, including attending as required (Farrall 2002). Home Office statistics record the rise in the percentage of orders terminated early for failure to comply. In 1988, 2% of probationers had their orders terminated early (Home Office 2000a). This increased to 3% in 1993 and 6% in 1999 (Home Office 2001). This dramatic increase may not be solely due to increased numbers of probationers choosing to fail to attend appointments; improvements in record keeping and the introduction of National Standards may also have played a role. Caution should therefore be exercised when using such statistics to determine trends in attendance rates. Crucially, the statistics relate to orders terminated following non-compliance. The study does not take into account those who appeared for non-attendance where the order was allowed to continue. Accuracy is further reduced by the unknown numbers of orders where no action is taken, despite absences, either because the order was near completion, or for another

reason best known to the supervising officer (Hine 1995).

The Home Office's policy document *National Standards 2000* requires people made subject to CRO/CPROs to attend 12 appointments with the Probation Service during the first 12 weeks of the order (Home Office 2000b). This reporting frequency 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 explain why. Where no evidence is forthcoming, for example no medical certificate, confirmation of working hours etc, this absence may be deemed 'unacceptable'. Action is taken once two 'unacceptable' absences are recorded. This is known as the 'enforcement' or 'breach' process.

This research aimed to identify patterns in the attendance rates of female offenders subject to CRO and CPROs. This will then be used to make practical recommendations to improve compliance with these orders. Initially, I intended to compare the experience of my own office in North East London with other offices in the region. However, as the study progressed my focus shifted towards one in-depth review of Newham probation office. Although the large-scale adoption of accredited programmes is apparent in today's Probation Service, this was a fairly new phenomenon at the time of my study. The role of programmes and the associated impact on attendance is outside the remit of this piece of work and do not feature in my discussion or review of attendance.

This study focuses on four areas relevant to female compliance with CROs and CPROs as evidenced by literature and my research;

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

Part of the attraction of research of this nature was the opportunity to speak directly to women who had breached community orders. These women were naturally well placed to offer an insight, and I was fortunate enough to meet with 3 women and their supervising probation officers. Given the focus of this research, I also employed quantitative research methods as the techniques gave complementary perspectives.

Firstly I requested a breakdown of the volume and type of orders imposed on women between April 2000 and March 2002 from the Research Department of London Probation Area. This timescale was chosen as April 2000 saw the implementation of *National Standards 2000*, the document referred to above which reduced the number of 'unacceptable' absences prior to the start of the enforcement process from three to two. Those orders imposed in the first 12-months of the study (April 2000 - March 2001) were supervised before the introduction of case management, while those in the final 12-months (April 2001 - March 2002) were supervised in line with the new case management system, as discussed below. I compared this against the case records to identify orders resulting in breach action and the dates of the absences that led to this. This produced two

groups; those women who breached and those that did not.

Initially, I planned to contact all women who had breached orders where this was practical. However due to time constraints, it quickly became apparent that this would not be possible. I therefore decided to focus on three women, from a total of 34 who breached their orders, who were still in contact with the Probation Service. I liaised with their supervising officers to produce in-depth case studies. Rather than presenting this information in a distinct section, I have included evidence from the case studies where applicable throughout the study, and have provided background information for each case below.

From the quantitative data received, I calculated the percentage of the sample where breach action was taken and focused on factors that could explain the differences between the two groups, such as age and race/ethnicity. The qualitative data brought the study to life, and was informed by the women's own experiences, not direct questioning. An important source of information was the probation case files for the orders where breach action was taken. Amazingly, of the 38 orders where breach action was taken, I was able to locate the supervision files relating to 37! This is 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 full set of data. However I feel confident that the information held within the 37 files, together with the data collated via the computerised case record system and interviews, offers a good reflection of the trends in attendance for female offenders in my office.

There is no doubt that in recent years there has been an increased emphasis on compliance with community penalties. I reflected on the theories that could be used to explain compliance to offer a theoretical framework within which to place my own findings. This section looks to the work of Bottoms (2001) and identifies 4 types of compliance. These are visited at the end of this study to assess how my results compare with Bottoms hypothesis. These 4 types of compliance will therefore provide a framework for the later discussion and review.

All the data collected 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 increasingly subject to tighter regulation and audit. Despite this, discretion remains a factor in the decision whether to accept the evidence provided for an absence, or whether a line manager's approval is sought to suspend the enforcement process. This means that the absence dates provided for each case may not reflect the number or distribution of the absences that actually occurred and it is important that the following discussion is considered with this in mind.

2. Results

Summary of Data Findings

To inform the following debate and discussion, the data collected has been displayed below.

A total of 118 Orders were imposed on 111 female offenders during the two-year study period. Of the 118 Orders;

67 (57%) of these were imposed in the first year (April 2000 - March 2001)

51 (43%) of these 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.

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%) 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%) imposed on women with previous experience of a CRO/CRPO

Introduction to Newham

To set the study in context, it may be useful to briefly introduce the borough in which the study was set. According to the 2001 census, the London Borough of Newham had a population of 243,891. Of this, 26% were under 16 years, 62% were aged 16-59, and 12% were over 60. 49% of the population was male, 51% female. In Newham, as in London as a whole, the largest ethnic group was White British. In Newham, 33.8% of the population identified themselves with this category compared to 59.79% across London. In general, Newham had a larger population of most ethnic groups than London as a whole. Out of 14 identified ethnic groups, the exceptions to this rule were White Other, White Irish, White & Asian (mixed) and Chinese, although the percentage differences involved between Newham and London as a whole were negligible (Office of National Statistics 2001).

The provision of Probation supervision in the borough is broken down as follows; 1 x field Probation Office (providing reporting facilities for the entire borough), 1 x Community Service Unit, 1 x Probation and Bail Hostel. At the time of this study, all offenders, including those assessed as posing a very high risk of harm to others, were supervised at Newham Probation Office where this study was set.

Case studies

All three interviews took place during the women's normal contact with the Probation Service. AG and KD were interviewed in Newham Probation Office, and RB at her home address in the presence of her supervising officer.

Case Study # 1; AG

During the study period, AG was made subject to two CROs (on 19.4.01 and 14.8.01). The latter order was imposed with a condition to attend an accredited programme. The initial CRO was imposed for the breach of a previous CPRO (imposed in early 2000 and outside the timescale of this study). All of AG's offences concerned obtaining property by deception and handling stolen goods. Her list of recorded convictions began in 1981. Her case file confirmed a lengthy gap in her convictions between this date and 1991. It also documented a long history of domestic violence and AG spoke openly about the abuse she suffered. The injuries she sustained from the violence she suffered resulted in numerous medical, along with optical and dental, appointments. This had an impact on her ability to attend appointments at the probation office as the appointment times mentioned above sometimes clashed. AG had adult and younger children of her own and was also a grandmother. She took primary responsibility for the care of her own children and provided substantial amounts of care for her grandchildren. Both of these placed restrictions on her own time and therefore her ability to meet all of her commitments. She was born in 1962 and identified herself as being of Black British origin.

Case Study # 2; KD

KD received a 12-month CRO on 4.3.02. Her male partner, JM received a CPRO on the same date; both were allocated to the same probation officer in Newham and were seen for joint appointments only. KD was not given the opportunity to see her officer without her partner present. She first came to the attention of the Criminal Justice System in 1982 at the age of 16. There are a number of parallels between KD and AG; like AG, KD committed predominately acquisitive offences, has a documented history of domestic violence and has a substantial gap in her offending (one offence committed between 1990 and 2001 which she identified as a period of stable employment). KD has a history of problematic alcohol use and the majority of her offences were committed with her partner to finance their alcohol dependency. When I asked KD what the one factor most likely to encourage her to attend probation appointments was, she commented 'being listened to'. KD has one child, aged 17 at the time of writing. Although almost an adult, KD continued to take responsibility for his actions, placing his real and perceived needs above her own. KD was born in 1967 and described herself as White British.

Case Study # 3; RB

RB received a 12 month CRO on 5.9.01 following her conviction for false representation. She was breached twice during the course of this order. RB related this to the physical abuse she sustained from her ex-partner and to difficulties sleeping which often resulted in her waking up after her Probation appointment had been missed. Unfortunately, as RB gave differing accounts of her relationship with her ex-partner to the different services she was involved with, it was difficult to identify the issues affecting her attendance more accurately. Again RB's offending is acquisitive; she has convictions for theft (shop), theft (employer) and the false representation offences noted above. She received a further order on 4.7.02, which has been completed successfully. One factor identified by both RB and her officer as instrumental to her improved attendance was the switch from office based visits to home visits, a decision related to RB's childcare commitments. Due to identified child protection issues, RB was required to attend regular appointments with Social Services alongside her probation commitments. Whilst her case remained unallocated at Social Services, her attendance was chaotic and inconsistent. In contrast, her compliance with her supervising officer at probation improved markedly during this period.

Factors Significant to Compliance

i. Consistency of Officer

During each of the interviews with the women, we discussed their relationship with their supervising officer, all of whom were female. The demography of Newham probation office resembles the staff breakdown in many probation offices, where female members of staff are employed in the majority of supervisory roles (i.e. probation officers/probation service officers). It is therefore not unusual that all of the female offenders subject to breach proceedings during this study were supervised by female members of staff. However, this may add a further dimension to the question of why women comply/fail to comply with the attendance requirements of their orders. Nash (1995) considered whether the gender of the supervising officer affected the assessment of risk of harm or reoffending and found that 'women probation officers have, in general,

presented a more aggravated picture of women's offences in their Pre-Sentence Reports than have their male colleagues' (1995:257). Although Nash accepts that it is unclear which account is most accurate, the decisions made by male and female officers are instrumental to the decisions made in relation to the management of the case. This has clear implications for the supervision of the order, and will ultimately affect how the case is supervised, the content of this work and, on occasion, the decision whether to accept the evidence provided for an absence from an appointment. Unfortunately the scale of this study does not allow a greater review of the impact of the supervising officer's gender on compliance, however I would signpost this as an area of future interest in this debate.

In Newham probation office, case management was launched in April 2001, midway through the period covered by this study. Case management changed the way CRO and CPROs were managed. Creating a separate team responsible for all assessments, this system effectively broke down the supervision process. As the cases now pass through more Probation teams, the probationer experiences a more frequent change of officer, possibly up to four within the first four weeks of the order being imposed. Different teams take responsibility for different tasks related to the order. For example, completion of the 'Initial Supervision Plan' (an assessment document outlining the aims of supervision and how this will be achieved), and the supervision of the initial appointments are completed by staff in different teams. This is in contrast to the previous system, where one member of staff took responsibility for both the assessment and supervision of a case. One by-product of this new system is that those officers responsible for all assessments do not supervise people subject to the Orders or other conditions proposed. This may result, over time, in unrealistic expectations of people subject to a range of Court Orders simultaneously, for example those subject to a Curfew Order alongside a CPRO.

Research suggests that the relationship between offenders, especially female offenders, and the supervising officer is crucial to the success of any order. In his 1978 study of breach practice, Lawson found that those in breach were characterised by 'instability, with frequent changes in employment, address and supervising officer' (Lawson 1978: 60, in Drakeford 1993: 292). This is reminiscent of Sinclair's research into probation 'approved' hostels between 1954-63. This study focused on male offenders aged 15-21 years, clearly a different target group from my own research and set in a period when the aims, objectives and methods of the Probation Service differed greatly to the Probation Service of today. However, important findings from Sinclair's work concerning the impact of the relationship between the offenders and the supervisory staff provide an important comparison for this study. Sinclair found that staff combining 'emotional warmth' with clear guidance and rules experienced higher compliance rates during the offenders' stay in the hostel. As all residents surveyed were required to remain for one-year, Sinclair compared their reoffending rates post-hostel and found no difference between those compliant at the probation hostel and those who were not. Sinclair concluded that the emotional warmth, together with firm boundaries echoed the characteristics of successful parenting, however the length of stay in the hostel was insufficient to encourage and sustain longer-term improvements in compliant behaviour. Sinclair's study period began over 50 years ago, and subsequent studies have echoed the findings. Despite this, and the Probation Service's continued work with, amongst others, those who may have suffered disrupted relationships with their family and those in authority, it does not appear to have incorporated conclusions of this nature into work with offenders.

The Home Office's publication *The Government's Strategy for Women Offenders* suggests that, in general, men and women become involved in offending for different reasons. It further suggests that, for women, the breakdown of a significant relationship with another woman can often result in the onset of offending

(Home Office 2000c). 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. From my own research, the women interviewed all noted the significance of the relationship with the supervising probation officer. They related their compliance with subsequent orders in part to the influence of the quality of this relationship. For example, one of the women interviewed, KD, is now reporting well. However past orders were characterised by non-attendance and eventual re-sentencing. KD commented 'you feel you bond with your officer, you're building a relationship'. She noted that during her previous order her probation officer arranged joint appointments with KD's male partner, also subject to a CRO. KD felt that the content of the supervision was weighted towards her partner's needs and that her own were not met. Feeling this, and unable to change the situation, she eventually began to miss appointments and the order was returned to Court for re-sentencing.

Similarly AG had been supervised on previous community orders that had resulted in breach action. When I spoke with her, she was reporting well on a subsequent order. Her supervising officer was in the process of requesting that the order be revoked early on the grounds of good progress, quite a change from her previous compliance rate. AG explained that in the past she had been unable to attend a number of appointments with her previous officer due to ill-health, as mentioned previously in this report. Despite leaving messages for her probation officer and vice-versa, this tenuous communication broke down. This left AG questioning why she should continue to contact her officer if she could never speak with her. Although clearly it was AG's responsibility to ensure that information concerning her absences was conveyed to her officer, this highlights the importance of clear communication between supervisor and supervisee and the possible implications for attendance when this breaks down.

My hypothesis concerning the importance of this relationship is supported by two of my findings; firstly, of increased breach rates in the second year of my study. This may be related to the onset of case management, resulting in increased numbers of staff working with a case. This will delay and disrupt the start of the relationship noted above. Secondly, from collating the distribution of absence dates leading to breach action, the majority of absences occurred in the first three months of the order. This is a time when probationers are required to report to the probation office weekly, and when the turnover of supervising officer is most frequent. Similarly, Underdown (2003) notes that internal monitoring of breach action suggests 20% of cases are subject to enforcement in the initial three months due to non-compliance. Although he does not speculate on possible reasons for this, he notes that 'success with a community penalty could depend on how compliant behaviour fits into lifestyles, daily routine and the ordinary exchanges of social relationships' (2003; 121).

Greater flexibility with appointment times may improve attendance rates. However work with the probationer to identify mutually convenient appointment times may be more realistic and effective once a supervisory relationship has been established as the offender may feel able to convey this information to their officer. In the cases of AG and KD, both suffered domestic violence whilst subject to CROs, yet neither felt it necessary or relevant to disclose this vital information. Had a more open relationship existed between the supervising officer and probationer, in these cases improved attendance and effective work may have been achieved. This echoes comments by Raynor and Vanstone (1996) who suggest that the completion of offending behaviour programmes should be 'complemented by attempts to assist them with the problems that they encounter in their everyday lives in the real world' (1996: 282, quoted in Rex 1999: 373). I would argue that a relationship

has to exist between the supervising officer and offender before the offender will allow the worker access to their personal world and disclose information pertinent to their offending. Without this secure relationship the offender may be less likely to divulge certain information that may have a bearing on the management of their case.

ii. Physical Appearance of Office

Prior to refurbishing the office, the waiting room at the office was badly lit with black metal chairs fixed to the floor in two opposing rows. One hypothesis was that this room felt predominately masculine, and so could feel alien to the female offenders. Also, there is one waiting room for all offenders, and often the women would be the only female in the room. One past offender commented that she felt that she must be the only woman on a CRO, as she never saw any women, other than staff, during her 12-months of contact with the office. I felt that the layout/atmosphere of the office 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. All agreed that the refurbished room felt less imposing, although none felt that this would impact on their current or future attendance. Further, while being the only female in the room made the women feel more exposed, this again was fleeting and was not a factor affecting attendance. KD likened it to entering the building; the fear related to being seen in a probation context but was momentary and soon forgotten once their wait was over.

iii. Characteristics of Female Offenders

a) Race/ethnicity

Perhaps there are characteristics common to female offenders who fail to attend their Probation appointments? Of the 111 women made subject to orders in the study period, race and ethnicity data is available in 73 cases. Newham is one of the most diverse boroughs in London, with an estimated 121 languages. According to the 2001 census, after English, the most frequently spoken languages in homes throughout the borough (by men and women) were Bengali (10.97%), Hindi (8.95%) and Punjabi (7.24%). My study identified 12 race/ethnicity groups amongst the women whose Orders went into breach. The largest 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 for 'Black British', where 6 orders were breached and 5 were completed successfully, and 'Bangladesh' and 'Other India' where one order was breached but none was completed in either category. Given the extremely low numbers involved, these figures should of course be viewed with caution, however the percentages of women involved per ethnic category appears to reflect the breakdown across the borough as a whole. The general trend is therefore of greater attendance than breach rates in most categories, the main exception being 'Black British'.

The diversity of the community is not reflected in the staff group. At the time of the study, there were only 2 black female members of staff working at the office, a breakdown unrepresentative of the race/ethnicity of the women supervised. Although interesting, these figures are small and so must be viewed with caution.

Breakdown by Race and Ethnicity

Race and Ethnic Monitoring	Number of Breach Orders	Number of Successful Completions	Total for Race and Ethnicity Category
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
Total	27	84	111

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 groups most likely to breach an order were; 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 may reflect the Court's loss of patience with persistent female offenders, possibly witnessed by a corresponding greater imprisonment rate for this group.

This pattern is largely consistent with the results of two larger pieces of research. Home Office statistics from 2001 noted those aged 18-20 had the highest breach rate (7%), followed by the 21 - 29 group with a 6% breach rate and those 30+ with just 4%. Similarly Hedderman and Hearnden (2000) found 20% of those aged under 21 failed to attend their first appointment, compared with 10% for the over 45's. In each of the studies, the peak age for failing to comply is young, with a decrease in the breach rate as age increases (Home Office 2001).

Excluding the high breach rate for the 36 - 40 group, my data supports the general desistance theories. Generally, desistance theories fall into two camps. The first focuses on the impact of external factors, such as marriage and employment. Research, such as that by Graham and Bowling (1995), identifies external factors such as children, employment and economic independence, as central to female offenders' decisions to desist

from offending. Interestingly for men, the acquisition of the external factors noted above did little to quell their involvement in crime (Graham and Bowling 1995). The second type of theory focuses on changes in the offenders' decision-making skills and abilities. This latter type of desistance bears similarities to AG's decision to stop offending, prompted in the main by her desire to prevent her grandchildren from visiting her in prison as her own children had done. Her decision to desist from offending did not relate to a change in circumstances, but rather from an attitudinal change which took place independent of other influences.

Breakdown by Age

Age when Order Imposed	Breach Orders	Successful Completions	% Breached	Total Per Age Group
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
Total	34	84	29	118

In contrast to other authors, Farrall and Bowling (1999) argue that both are significant. They conclude that 'life events beyond the control of themselves, and their own decision making, provides an explanation for changes in behaviour, including desistance' (1999: 253). So what can explain this sudden peak in my findings when the trend is towards greater compliance? It may relate to the small sample size used and be unrepresentative of the wider trends. Alternatively, it may be evidence of female offenders being offered a final chance to comply with community penalties, possibly after numerous custodial sentences. The high breach rate detected may be linked to continued offending. The scope of this study is limited, however it would be interesting to see how this group fared in larger studies of female offenders and the breach of community sentences.

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 Orders imposed as the woman's first CRO/CPRO are more likely than other Orders to be completed without breach proceedings. The likelihood of successful completion appears to decrease as contact with the service increases. However, this study is not exhaustive and does not fully account for or include the previous convictions of the women concerned. As a general rule, it seems that the less convicted the woman, the more compliant she is with the community penalty. However, you only have to look towards victim and self-report studies to see that offences that are reported/recorded comprise a small

percentage of what is actually committed (Home Office 1998). It therefore follows that the number of past Orders may be not be representative of actual past offending, thus limiting the strength of this argument.

d) Trends in Time of Year

My original hypothesis was that attendance at probation appointments fluctuated monthly. I anticipated finding a greater number of absences during the school holidays, possibly due to childcare issues. Collation of the absences dates for the 37 breach hearings clearly shows that the number of absences varies by month. On first glance, I felt this did not neatly reflect periods when childcare provision may become problematic, as I expected the months with the greatest number of absences to fall neatly within the school summer break (predominately August but also including July and September) and the Christmas break (December and early January). 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. For example, if the supervising officer is aware that child-care impacted on availability for appointments, discretion might be exercised to encourage attendance and prevent breach action from being taken. However if attendance or time-keeping continued to be poor following the start of the school year or return to school following Christmas, the same behaviour may result in unacceptable absences. This theory may account for the high number of absence dates recorded in January, May and October 2001 and January and March 2002, as these dates fall after Christmas, Easter and Summer school holidays.

Breakdown by Absence Dates

Month	Dates of Absences										
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							

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 collected relates to absences deemed unacceptable, it is possible that if all absence dates, both unacceptable and acceptable in terms of the enforcement process, were collated, the distribution of absences would appear very differently. It may be that August 2000 and 2001 would have the peak number of absence dates, which would confirm my hypothesis, however this is outside the remit of this study.

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 this change in practice. For example, in July 2000, there is only one unacceptable absence, however in July 2001, this has increased to nine. One reason for this may be that in July 2000 (before the introduction of case management) there was greater consistency in supervising officer. This may equate with the exercise of greater discretion in the favour of the probationer, or be evidence of a good relationship between the supervising officer and the probationer and their ability to arrange and rearrange mutually convenient appointment times.

The flip side of this is that once case management was in place, the swifter change of officer might mean that the supervising officer knew the case less well, and so was less likely to exercise discretion in this way. At the same time, the person subject to the conditions of the CRO/CPRO may feel less able or inclined to discuss personal issues with their supervising officer if they do not know them well. This was certainly an issue for KD during the community order she eventually breached. Had she felt more able to speak with her officer and disclose some of the issues that were having an impact on her life, such as the domestic violence she suffered, her experience of probation may have been far more positive.

iv. Attitudes Towards Probation/Awareness of Role of Probation Service

All of the women interviewed linked their absences with the Probation Service to factors that they felt were unrelated to their orders. Although the care of children during appointments was not raised specifically, one woman said she did not wish her grandchildren to visit her in prison as her own children had done. This gave her an added incentive to comply with her community order. Two specifically mentioned domestic violence. Both felt unable to discuss this with their officer as they felt that issues of domestic violence were not relevant to their probation contact, and that probation could not offer any assistance. Worryingly, one woman was only seen by her probation officer 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. Could this have left the women with a more positive outlook on life and a greater self-image, which in turn increased their motivation to attend? Was the Probation Service unable to meet their needs at the time when these needs were greatest? Based on these 3 cases, attendance does not appear to be related to the consequences of non-compliance, such as breach action, Court appearances, humiliation, fines etc, but is related to other issues in their lives which the women felt could not be addressed via the Probation Service. In essence, from these case studies, it seems that change leads to compliance, rather than compliance leading to change.

This links with Farrall's findings that 'probation interventions appear in many cases to have had little impact on either the obstacles faced by practitioners or their lives more generally' (2002b: 116). Although on first glance this statement may appear pessimistic, an argument for a radical overhaul of the Probation Service, 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 and move towards desistance from offending. But what would such a Probation Service look like? My research suggests

that the Probation Service needs to be more responsive to the needs of female offenders. It is not possible to hypothesise whether this should be extended to all offenders regardless of gender as this was outside the remit of my study. However, it may be worth signposting this as an area of potential future exploration, as the catch-all policy of accredited programmes may not be able to hold all they catch. Responsivity is a key factor in the implementation of the What Works agenda and holds that offending behaviour work should be linked to the offenders learning style, needs and ability. It appears that while this is well rehearsed with regards to attendance at and completion of accredited programmes, the same cannot be said for individual work with offenders.

3. Theories of Compliance

The current emphasis on compliance is supported and sustained by the National Standards documents referred to above which have brought the issues of compliance and enforcement to the fore. As noted in the methodology section of this report, Bottoms has devised a theoretical structure to underpin and categorise compliance. He identifies main 4 kinds of compliance relevant to my study of female offenders in Newham. It seems likely that people do not subscribe to one type of compliance, but will move between the different types dependant on circumstances.

Instrumental/Prudential Compliance

This type of compliance is fundamental to the enforcement process within the Probation Service. It can also be seen in other areas of the Criminal Justice System, for example the loss of privileges or the movement to enhanced regime in the Prison Service for prisoners displaying non-complaint or compliant behaviour respectively. In this scenario, compliance is based on a series of incentives and disincentives, for example the early termination of successful CRO/CPROs set against the negative implications of the breach process. The incentives and disincentives are clearly laid out and the public arena within which failures to comply are dealt with ensures that this process may also act as a deterrent to others.

Normative Compliance

There are three elements to this type of compliance;

- 1) Acceptance of/belief in norm. Bottoms describes this as a 'conscious belief in or a moral acceptance of the norm in question' (2001:91). This belief/acceptance becomes fundamental to our societal interactions and can transcend all areas of the law and the Criminal Justice System.
- 2) Attachment leading to compliance. Even though people may not have a normative belief in a particular behaviour, the development of a social relationship that prioritises and emphasises the behaviour can lead to an adjustment of the action or behaviour. This relates to the desistance literature described above where the start of a significant relationship can herald the end of offending behaviour, for example someone may be more motivated and inclined to stop using drugs if encouraged and supported by their non-drug-using partner.
- 3) Legitimacy. This is reminiscent of the above sub-group, however the social bond is made with someone in 'formal authority'. In a probation context, this highlights and centralises the relationship between the offender and their supervising probation officer. Bottoms offers the example of someone conforming to the speed limit on a motorway, not because they agree with the limit per se, but because it has been set by an appropriate authority figure.

Constraint-Based Compliance

There are three elements to this type of compliance;

- 1) Physical constraints (both natural and imposed). Imposed constraints such as imprisonment physically prevent offending, whereas natural constraints limit our free time and result in a choice as to how time is spent, for example time spent eating and sleeping may be at the expense of time which could be used for planning and executing offences.
- 2) Restrictions on access to target, necessarily affecting opportunistic offending.
- 3) Structural Constraint. This may occur where there is a power imbalance and someone is forced to comply, even though the consequences of non-compliance hold no fear or concern for them, nor do they buy into the normative consensus concerning reasons not to offend.

Compliance Based on Habit or Routine

Compliance becomes such a routine behaviour that it occurs almost without thought or planning. The compliant behaviour is not questioned by those performing it as it becomes part of their everyday life.

How do the Results Compare to the Theories of Compliance?

Given the nature of the Probation Service's core target and catchment group, there is an obvious constraint to the level and type of interventions the service can engage with to assist compliance. In its current guise, the enforcement process within the Probation Service resembles the 'Instrumental/Prudential Compliance system' outlined as per Bottom's guidance above. As a national organisation working with thousands of offenders, the Probation Service requires a system to deal with non-compliance that can be applied uniformly across each of the Probation Areas. The current system is measurable, allowing comparisons across areas and over time. It encourages compliance by offering incentives to those who comply with requirements, such as early termination of successful CRO/CPROs, while offering disincentives to those who fail to comply. The disincentives are well documented, and can result in further Court appearances, alongside the associated potential humiliation and financial impact of this process. While this is the system currently adopted by the Probation Service, my research suggests the threat of disincentives does little to encourage attendance. Although the women interviewed may not have actively chosen to attend Court for a breach hearing, the fear of answering to their actions within this public arena was not sufficient to sustain attendance at the Probation Office. This may have implications for how the service responds to those who do not, or cannot, attend as directed.

From my case studies, the three women interviewed felt that their attendance with their CRO/CPROs improved as their circumstances changed, independent of their current Orders or attendance with the Probation Service. If this is the case, it may be beneficial to review the other types of compliance visited earlier in this report and assess to what extent they are able to meet the needs of the Probation Service and whether they can be used to explain why women attend probation appointments.

Normative Compliance

Firstly I will address the second element of Normative Compliance - attachment. The importance of this is highlighted by research by Haines (1990) focusing on resettlement in the community following a custodial sentence. His research noted that a pro-social environment, encouraging a non-offending lifestyle together with informal support networks, was crucial to successful reintegration. Such a structure seeks to encourage attendance via the attachment element of Bottoms' 'Normative Compliance' and may provide a useful insight to the supervision of those subject to licence conditions, however this was beyond the scope of this study.

Secondly, Normative Compliance - legitimacy. KD specifically mentioned her relationship with her supervising officer and the impact she felt this had on her compliance. When she did not feel listened to, her attendance slipped. However, once a supportive supervisory relationship had been established, her attendance and compliance improved greatly. This has shades of the legitimacy element of 'Normative Compliance', as KD bonded with the representative of formal authority. This argument is further strengthened by the results of Rex's research into desistance, based on interviews with probationers and probation officers. This research is sadly unusual yet extremely welcome as it seeks to relate the What Works research to offenders' experiences of the Probation Service, and directs the questions to the service users themselves. It is important to note that the transferability of the research to address issues concerning female offenders may be limited; only a quarter of Rex's sample were female and comparable research by Graham and Bowling (1995) identified different factors as significant to female and male desistance.

Rex notes that those probationers for whom the supervisory experience felt successful, identified positive characteristics about their officers. Over two thirds of the respondents felt they were less likely to offend following their engagement in the supervisory relationship. The study highlighted the officer's 'negotiating skills', and probationers described their supervising officers as 'reasonable' (1999: 370). Offenders were more prepared to engage in the work required to reduce the likelihood of reoffending if they felt their efforts were recognised by their supervising officer. This, in turn, was related to 'the commitment, both professional and personal, shown by probation officers' (Rex 1999: 371). This depth of relationship and understanding may develop during the supervisory process, and is unlikely to be assisted by a frequent change of officer. Consequently, where this relationship fails to thrive, engagement may suffer. In a similar vein to Rex, Worrall's 1990 account of 'Offending Women' is based on a series of interviews with probationers and supervisory staff. Although the aims, objectives and methods of the Probation Service have evolved significantly during this time, many of Worrall's observations remain pertinent. Sadly this may simply be a reflection of how little the Probation Service's development has incorporated the needs of women and factors relevant to their offending.

Worrall's research adds value to the debate by listening to and recording the views of those supervising female offenders. The research identified a catalogue of apparently widespread views amongst probation officers concerning the female offenders they supervised and the women's attitude towards their Orders. The following excerpts from the book provide a flavour of the views expressed about female offenders;

- 'the commonest complaint about women on probation was their inability/refusal to keep appointments' (1990: 124)
- supervising officers 'implied that the women deliberately and consciously (even if furtively) refuse to fulfill the obligations they undertook in court' (1990: 124)

- ‘probation officers feel that women “go through the motions” of adhering to the conditions of their probation orders but lack commitment to changing their behaviour or attitudes. Evidence of this is seen to exist in the apparent readiness of the women to use family responsibilities as excuses for non-engagement’ (1990: 125).

If a woman subject to a community order finds herself as the primary carer for her children, this is likely to have some impact on her availability to attend appointments. The relatively high number of women compared to men who fulfill this role is well documented, making this a realistic element of the supervision of women in the community. This research highlights the belief that women ‘deliberately and consciously (even furtively) refuse to fulfill their obligations’. This creates an image of the offending woman as a devious and deceptive character, willing to use any means to avoid contact with the Probation Service and able to use their circumstances, even their children, to this end. Without a realistic understanding of the needs of women with dependant children, it is questionable how the Probation Service can respond effectively to these needs. The existence and influence of such attitudes would seriously damage or even prevent the development of the relationship with the figure of formal authority highlighted by normative compliance – legitimacy, possibly impacting on attendance decisions and rates.

Constraint Based Compliance

The Probation Service can recommend someone be made subject to a Curfew Order i.e. Constraint-Based Compliance (physical), however this will not necessarily impact on someone’s willingness/ability to attend appointments at the Probation Office. As concluded by my own research, the decision whether to attend appointments does not appear to be related to the negative aspects associated with non-compliance (such as Court appearances), but seems to be made in isolation from this.

Compliance Based on Habit or Routine

As attendance in line with the requirements of the women’s CRO and CPRO continued, it could be argued that compliance became routine. Attendance at the Probation Office then becomes something the women did as part of their regular commitments. This interpretation could also be supported by the decrease in the number of CRO/CPROs going into breach as the women progressed through their Orders and the relationship with the formal authority figure becomes established.

4. Conclusions

- Contrary to the original hypothesis, the physical appearance of the officer 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;
- 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.
- The likelihood of successful completion decreases as contact with the 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 were 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 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.
- Where partners are both subject to CRO/CPROs, supervision should remain separate. Although occasional joint appointments may be beneficial, this should be arranged at the discretion of the supervising officers and take the needs and individual circumstances of those supervised into account.
- Improved flexibility with appointment times, so childcare does not prevent attendance.
- Increased awareness amongst women subject to CRO/CPROs about the role of the Probation Service and links with other community organisations such as Refuge and Victim Support. Reassurance 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 them 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 change the spread of absence dates and provide more support for the original hypothesis that childcare concerns 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).

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