

Context briefing: offenders

Del Roy Fletcher

In recent years around 250,000 people in England and Wales each year have entered the criminal justice system to serve a custodial sentence or undertake a period of Probation Service supervision. This context paper updates our project's Conditionality Briefing from September 2014 (<http://www.welfareconditionality.ac.uk/publication-category/briefing-papers>).

Background

The level of support required by offenders varies widely with some relatively close to the labour market but many others experiencing **severe** and **multiple barriers** to employment. These may include **physical** and **mental health problems**, **literacy and numeracy difficulties**, **problems with drugs or alcohol**, and **poor vocational skills** or **employment experience** (see Table 1).

Table 1: A profile of the prison population

	Prisoners (%)	General population (%)
Excluded from school	42	1
Reading below level expected of an 11 year-old	37	16
No qualifications	47	15
Suffer from two or more mental disorders	72 % of men 70 % of women	5 % of men 2 % of women
Drug use in the previous year	66 % of men 55 % of women	13 % of men 8 % of women
Treatment for a drug problem	44	N/A
Hazardous drinking	63 % of men 39 % of women	38 % of men 15 % of women
Treatment for a drink problem	16	N/A
Attempted to take own life	24	N/A

Source: Ministry of Justice (2010) Surveying Prisoner Crime Reduction Wave 1 questionnaire tables; HM Government (2005) Reducing re-offending through skills and employment; Social Exclusion Unit (2002) Reducing re-offending by ex-prisoners.

Policy context

There have been three key recent policy developments that significantly increase the conditionality applied to offenders:

- The 'day one' mandation of prison leavers on to the Work Programme.
- The extension of statutory supervision to short-sentenced prisoners.
- The development of intensive community punishment with a core of punitive elements.

The Work Programme is the government's flagship employment programme. From March 2012 all prison leavers who claimed JSA were meant to enter the programme from 'day one' of their release. In addition, any individual claiming JSA within 13 weeks of leaving custody is also referred to the programme. The belief is that many prison leavers experience significant barriers to work and early intervention is the key to preventing re-offending. Nevertheless, they are mandated to participate as a condition of receiving JSA and may be sanctioned for failing to undertake a mandated activity.

The evaluation of 'day one' found that referral numbers have been much lower than estimated and a substantial minority of participants were not aware of sanctioning for non-compliance. Nearly one in three (28%) of those surveyed had all or part of their benefit stopped; with those aged 25 years or less by far the most likely (DWP, 2014). Furthermore, the sanctioning regime appears to have encouraged some prison leavers to view the Work Programme as punishment (DWP, 2014). Advisers were also concerned about the negative impact that sanctioning had on their relationship with participants. Moreover, the study found that sanctioning had led to some ceasing to participate, signing off and resorting to robbery to cope with the loss of benefit (DWP, 2014).

Additional rehabilitative support is also being provided to short-sentenced prisoners. Those serving sentences of less than 12 months account for the majority of those released each year. On average they have 16 previous convictions and lead 'chaotic

lives' characterised by drug and alcohol problems (National Audit Office, 2010). Between a third and a half are not involved in work or courses and spend almost all day in their cells (*ibid*, 2010). They have the greatest level of need, receive the least help during their incarceration and are the group most likely to be reconvicted.

The Offender Rehabilitation Act 2014 was fully implemented on 1 February 2015. At the heart of the reforms is the extension of supervision to approximately 45,000 offenders a year who are released from short prison sentences of less than 12 months. This means that any person whose offence was committed on or after 1 February 2015, who is sentenced to a custodial term of more than one day, and is 18 years old or over when released, will now receive supervision in the community. The delivery and enforcement of the new supervision period will be the responsibility of the relevant Community Rehabilitation Company or National Probation Service. Participants will be subject to sanctions if they breach their supervision conditions. These sanctions may include: a fine, unpaid work, a curfew, or ultimately a return to custody for a period of up to 14 days. Consequently, when this proposal was originally announced the Prison Reform Trust (2013: 16) argued that: 'A measure intended to be rehabilitative could end up reinforcing the revolving door of prison, breach and recall back into custody.'

The proposal to develop intensive community punishment draws upon the Intensive Alternatives to Custody (IAC) pilot programme. IAC orders typically lasted 12 months and combined intensive probation supervision with a mix of demanding requirements and interventions (accredited programmes to tackle offending, unpaid work, curfew, specified activities including basic skills, reparation, etc). The maximum length of curfew courts can impose will be extended from 12 hours a day to 16 hours, and the overall duration from six months to 12.

About the project

Welfare Conditionality: Sanctions, Support and Behaviour Change is a major five year programme of research funded under the Economic and Social Research Council's Centres and Large Grants Scheme, running 2013-2018. The project aims to create an international and interdisciplinary focal point for social science research on welfare conditionality and brings together teams of researchers working in six English and Scottish Universities: University of Glasgow, Heriot-Watt University, University of Salford, Sheffield Hallam University, University of Sheffield and the University of York, which acts as the central hub for this collaborative partnership.

Central to our work is a desire to inform international policy and practice through the establishment of an original and comprehensive evidence base on the efficacy and ethicality of conditionality across a range of social policy fields and diverse groups of welfare service users.

For further information about the project visit www.welfareconditionality.ac.uk or contact the Project Manager, Vici Armitage, on 01904 321299 or email info@welfareconditionality.ac.uk

About the author

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References

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Prison Reform Trust (2013) Prison Reform Trust Response to Transforming Rehabilitation.