



Ministry of  
**JUSTICE**

# **Punishment and Reform: Effective Community Sentences**

Equality Impact Assessment

27 March 2012

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## **Introduction**

This equality impact assessment (EIA) relates to the government's consultation on *Punishment and Reform: Effective Community Sentences*. This is an initial assessment of the potential impacts of the policy proposals in relation to equality, based on current available evidence. Work on the policies is being informed by on-going consultation with key stakeholders and interested parties. This is allowing us to improve our understanding of equality impacts as our policies develop, and will inform the future direction of policy development.

While re-offending rates for community orders are lower among similar offenders who are sentenced to short-term custody, they remain stubbornly high. Community orders do not garner sufficient public confidence and are perceived as insufficiently punitive for the offences for which they are given. The government is committed to delivering better punishment and rehabilitation of offenders, and to improved public protection. We are consulting so that changes can be made to the sentencing framework enabling the judiciary to hand down community sentences that the public have confidence in, and to ensure that an effective and efficient offender management system is in place to support this. The proposals relate to persons aged 18 and over.

This EIA is intended as a companion document to the consultation document and the impact assessment (IA). The EIA follows the structure of the consultation document.

## Equality Duties

Under the Equality Act 2010 section 149, when exercising its functions, Ministers and the Department are under a legal duty to have 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the Equality Act 2010;
- Advance equality of opportunity between different groups (those who share a protected characteristic and those who do not); and
- Foster good relations between different groups.

Paying 'due regard' needs to be considered against the nine "protected characteristics" under the Equality Act – namely race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.

MoJ has a legal duty to investigate how policy proposals are likely to impact on the protected characteristics and where a potential disadvantageous effect is identified how that is either mitigated or justified by reference to the objectives of the policy. MoJ also has a legal duty to advance equality of opportunity in the design and delivery of its policies and practices. MoJ records its fulfilment of its duties by completing an equality impact assessment (EIA).

## **Evidence Sources**

We have used evidence from a range of official statistics and research.

Data on the risk of becoming a victim of crime by demographic characteristics are from the British Crime Survey (BCS). The BCS includes data on race, disability, gender, age and marital status for victims of crime. There is limited information on religion and sexual orientation. The BCS does not include data on the following: gender reassignment, civil partnership or pregnancy and maternity. As such we do not have data relating to these characteristics for victims of crime.

Data on court disposals are from the Court Proceedings Database. This holds information on defendants proceeded against, found guilty and sentenced for criminal offences in England and Wales. It includes information on the age of the defendant, their gender, ethnicity, the police force area and court where proceedings took place as well as the offence and statute for the offence. Information on gender reassignment, disability, pregnancy and maternity, sexual orientation, religion or belief or marriage and civil partnership for criminal offences may be held by the courts on individual case files. However it has not been possible to collate these data for this EIA because of the cost and resource implications associated.

Data on community orders, their requirements and terminations are based on further analysis of data published in Offender Management Caseload Statistics. Data are held centrally for ethnicity, gender, age and disability. The MoJ does not hold data on sexual orientation, pregnancy and maternity, religion or belief, gender reassignment or marriage and civil partnership within this administrative data source. The facility exists in some Probation Trusts' case management systems to record sexual orientation and religion but these are not mandatory fields. These data are not returned to MoJ centrally. Disability data are collected and returned to the centre, but are not deemed sufficiently reliable to use in this EIA.

Data on the disability, marital status, household income, main activity and caring responsibilities of offenders starting community orders are drawn from the first wave of the Offender Management Community Cohort Study (OMCCS), a multi-methods study which employs longitudinal survey methods to track a cohort of adult offenders who commenced a community order between October 2009 and December 2010. The data presented is based on an interim dataset of the survey responses from the 'start of order' baseline interviews. The figures may change when the data is finalised. A total of 2,595 interviews are included in the Wave 1 dataset, representing a response rate of 39 per cent. The results have been weighted to be national representative for



offenders at tier 2 and above. The statistics presented in this document have not undergone significance testing<sup>1</sup>.

We have also reviewed the following reports:

- Households Below Average Income (HBAI) 1994/95-2009/10' by Department for Work and Pensions (May 2011);
- "Does restorative Justice affect reconviction: The fourth report from the evaluation of three schemes" by Shapland, J et al. Ministry of Justice Research Series 10/08 (2008).

Where data relating to certain protected characteristics is not available, we will seek to gather information from engagement with relevant stakeholders (see 'Consultation and Engagement' section below). We have also examined consultation feedback provided as part of the 'Breaking the Cycle' Green Paper consultation.

We note that there is a lack of research or statistical evidence relating to a number of protected characteristics. As part of a wider programme of work, MoJ is looking at how best (and most appropriately) the data gaps that exist might be filled, taking into account cost considerations.

The following assessments only explore equality impacts arising from the policy proposals in relation to the groups affected by the proposals. They are not intended to provide an assessment of the wider factors at play which may explain observed differentials in the distribution of protected characteristics at each stage of the criminal justice system. Such an analysis would consider the extent to which factors other than equality characteristics (such as offence type and offending history) might contribute to the over- or under-representation of particular groups. Two MoJ statistics publications provide some of this more detailed analysis: "Statistics on Race and the Criminal Justice System" and "Statistics on Women and the Criminal Justice System"<sup>2</sup>.

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<sup>1</sup> Significance testing involves standard statistical tests to conclude whether differences in results from a sample survey are likely to be due to chance or represent a real difference.

<sup>2</sup> <http://www.justice.gov.uk/publications/statistics-and-data/criminal-justice/race.htm>  
<http://www.justice.gov.uk/publications/statistics-and-data/criminal-justice/women.htm>

## **Consultation and Engagement**

We will be running a 12 week consultation seeking input into the policy development of the proposals from a wide range of stakeholders. The focus of the questions within the consultation will be to explore the potential impact of these proposals on those groups with certain protected characteristics to identify what measures, if any, can be put in place to mitigate any adverse impact.

We have identified a number of specific groups, such as people with learning disabilities/ learning difficulties/ mental health problems, lone parents (the majority of whom are women) and adults who are sole carers and will engage with equalities groups who represent their interests.

The focus of the consultation will be to explore how the needs of the various groups can be met, or, in exceptional circumstances, whether a mechanism, for example, should be available to exempt groups with certain protected characteristics from the general rule that all community orders will include a punitive element.

## Evidence on victims

Many of the proposals have the potential for an impact on victims, and a summary of these are provided under each policy proposal. These are drawn from the analysis in this section of the risk of experiencing certain crimes from the 2010/11 BCS. The analysis presented assumes there may be a greater impact on those groups that are currently at greatest risk of experiencing certain crimes.

In this section we examine the risk of being a victim of the following crime types, using the BCS:

- overall crime;
- violent crime (excluding sexual offences);

### *Potential Age Impacts*

Tables 1 and 2 (Annex A) show that younger people are at greatest risk of being a victim of overall crime and violent crime (this includes wounding, assault with minor injury, assault without injury and robbery). Adults aged 16 to 24 have a higher risk than older age groups of being a victim of overall crime. Risks of being a victim of violent crime for adults aged 65 and over were less than one per cent.

Tables 3 and 4 (Annex A) present experimental statistics on crime against children aged 10 to 15. These are not directly comparable to the adult statistics because of differences in methods of data collection and definitions used. Comparing the year ending December 2009 BCS data across the two age groups provided, though, suggests that the likelihood of being a victim of crime is similar for younger children (aged 10 to 12) and older children (aged 13 to 15).

### *Potential Disability Impacts*

Table 1 (Annex A) shows that the risk of being a victim of overall crime is slightly lower for people with a longstanding illness or disability than it is for those with no longstanding illness or disability; 19.4 per cent of adults with a limiting illness or disability had been a victim of all BCS crime in 2010/11 compared with 22 per cent of those with no longstanding illness or disability.

There is also little difference in the risk of being a victim of violence, as shown in Table 2 (Annex A). Those with limiting long term illnesses or disabilities, however, have an older age profile than the population at large: when age is

controlled for, those with a limiting long term illness or disability are more likely to be a victim of violent crime<sup>3</sup>.

*Potential Gender Reassignment Impacts*

Information is not available on the risk of being a victim by gender reassignment.

*Potential Marriage and Civil Partnership Impacts*

Tables 1 and 2 (Annex A) show that single people have the highest risk of being a victim of overall crime and violent crime by marital status (27.9 per cent and 6.8 per cent respectively). This is likely to reflect the younger age profile of this group.

*Potential Pregnancy and Maternity Impacts*

Information is not available on the risk of being a victim by pregnancy and maternity.

*Potential Race Impacts*

Table 1 (Annex A) shows that there are small differences in the risk of being a victim of overall crime by ethnic group, with 24.9 per cent of the Black and Minority Ethnic (BME) group reporting victimisation, compared to 21.1 per cent of the White ethnic group.

Table 2 (Annex A) shows that there are small differences in the risk of being a victim of violent crime by ethnic group, with 3.9 per cent of the BME group reporting victimisation, compared to 3.0 per cent of the White ethnic group.

*Potential Religion or Belief Impacts*

Table 5 (Annex A) provides the most recent published data on the risk of being a victim of crime by religion from the 2006/07 BCS. There are differences in the risk of being a victim of violent crime by religious group.

*Potential Sex Impacts*

Table 1 (Annex A) shows that men are slightly more likely to be a victim of overall crime than women (22.6 per cent compared to 20.5 per cent).

Table 2 (Annex A) shows that men are nearly twice as likely as women (4.1 per cent compared with 2.2 per cent) to experience one or more violent crimes and twice as likely to be victims of robbery (0.6 per cent compared to 0.3 per cent).

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<sup>3</sup> See Crime in England and Wales 2009/10, Chapter 3:  
<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1210/hosb1210?view=Binary> .

*Potential Sexual Orientation Impacts*

Due to the relatively small number of respondents to the BCS who identify themselves as gay, lesbian or bisexual, data from the 2007/08 and 2008/09 BCS have been combined for the purposes of analysis and are given in Table 6 (Annex A). This shows, for example, that more lesbian/gay or bisexual people reporting experiencing any domestic abuse in the past year than heterosexual/straight people.

## **Evidence on offenders**

This section presents information on offenders on community orders based on the evidence we have available.

Many of the proposals have the potential to have an impact on offenders, and a summary assessment is provided under each policy proposal drawing on information outlined in this section. The policy proposals are:

- Intensive Community Punishment
- A punitive element in every community order
- Creative use of electronic monitoring
- Confiscation of offenders' assets
- Promoting greater compliance with community orders
- More effective fines
- Restorative justice
- Compensating victims
- Tackling alcohol related crime through testing the case for sobriety schemes

As the proposals are in the early stage of development, these assessments should be viewed as exploratory in nature, and more detailed assessments will be produced as policy development continues.

### *Potential Age Impacts*

There is little difference in the age distribution of those given community orders compared to all sentences for indictable offences (Table 7, Annex A). However, there are differences in the age distribution for requirements attached to community orders. 18-20 year olds are over-represented amongst those given curfews compared to all requirements; 30-49 year olds account for a higher proportion of residential requirements compared to the proportion this age group account for of all requirements; and 18-24 year olds are over-represented amongst those starting community orders with Community Payback and/or a curfew requirement compared to all those starting community orders. (Tables 8 and 9, Annex A).

The younger age groups are more likely than other age groups to have their community order terminated for negative reasons. For example, the rate for

those aged 18-20 was 33 per cent compared to 7 per cent for those aged 60 and over (Table 10, Annex A).

With respect to the proposals on fines and compensation, average fine and compensation amounts imposed vary by age group, with the amount generally increasing with age (Tables 11 and 12). 18-20 year olds are over-represented amongst those given compensation orders attached to community orders compared to all community orders (Table 12, Annex A).

There are no clear patterns in the household income of offenders by age. (Table 13, Annex A).

With respect to tackling alcohol related crime, we have analysed selected sentences on the basis that alcohol can be an aggravating factor and in these circumstances offenders could receive sobriety requirements as part of their community sentence. We have looked at high volume offences where over 4,000 community sentences were given in 2010. Table 14 (Annex A) shows the age distribution for offenders sentenced to a community sentence for the 4 specified offences; this shows that younger age groups are over-represented amongst these 4 offences compared to all offenders sentenced to a community sentence. We have also analysed conditional cautions data by looking at those offences likely to be in the pilot. There is a similar pattern for conditional cautions with 18-24 year olds over-represented amongst offences that are likely to be in the pilot compared to all conditional cautions given in 2011. (Table 15, Annex A).

#### *Potential Disability Impacts*

Evidence suggests that a large proportion of offenders on community orders identify as having a long standing illness or disability. 51 per cent of the OMCCS sample of 2,595 people starting community orders stated that they had a longstanding illness, disability, or infirmity of some kind<sup>4</sup> (Table 16, Annex A). It is a reasonable assumption that at least some of these people will be disabled under the Equality Act 2010<sup>5</sup>. 33 per cent of the total OMCCS sample stated that they had a health condition or disability that limits their ability to carry out everyday activities a great deal or to some extent (Table 16, Annex A), and 14 per cent of the total OMCCS sample stated that they needed help with a physical health condition or disability (Table 17, Annex A).

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<sup>4</sup> A wide range of disabilities and illness were included in the definition used at interview, including: problem with arms, legs, hands, feet, back or neck (including arthritis or rheumatism); difficulty in seeing; difficulty in hearing; skin conditions, allergies; chest, breathing problem, asthma, bronchitis; heart, blood pressure or blood circulation problems; stomach, liver, kidney or digestive problems; diabetes; depression, bad nerves; mental illness or suffer from phobia, panics or other nervous disorders; learning difficulties; epilepsy; other health problems or disabilities.

<sup>5</sup> The Equality Act 2010 definition is that a person (P) has a disability if (a) P has a physical or mental impairment, and (b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

Offenders with a disability are less likely to be on Community Payback. 20 per cent of the OMCCS sample who stated that they have a long term illness or disability also stated that their community order involved Community Payback. This compares to 38 per cent of those who did not state that they had a long term illness or disability (Table 18, Annex A). Any move to increase the use of Community Payback will need to consider this lower use for offenders with a disability.

There is less of a difference for those on curfews. 12 per cent of the OMCCS sample who stated that they have a long term illness or disability also stated that their community order involved a curfew or tagging. This compares to 16 per cent of those who did not state that they had a long term illness or disability (Table 19, Annex A).

The proportion of the OMCCS sample who stated their community order involved an order 'to stay away from somewhere' as a requirement was similar for those with a disability and those without (11 per cent compared to 12 per cent) (Table 20, Annex A).

Offenders on tier 4<sup>6</sup> are more likely to have a disability. 52 per cent of the OMCCS sample who were at tier 2, 50 per cent who were at tier 3 and 61 per cent who were at tier 4 at the time of interview stated that they had a long standing illness or disability<sup>7</sup> (Table 21, Annex A).

Offenders with fewer requirements are more likely to have a disability. 44 per cent of the OMCCS sample with 3 or more requirements stated that they have a long standing illness or disability, compared to 56 and 51 per cent of those with 1 and 2 requirements respectively (Table 22, Annex A). This may be because sentencers take account of disability when deciding on the number and type of requirements.

Concerns have been raised that people with a learning disability may require increased support to enable them to meet the terms of any community order and the focus should be on ensuring that the additional support is available. This may also be the case for people with mental health, physical or sensory disabilities. Any increase in the use of Community Payback also has the potential to impact on disabled people. Work placements should meet the requirements of people with disabilities. MoJ will consider these issues as it develops these proposals.

Some concern was expressed during the Breaking the Cycle consultation that increasing the use of financial penalties may have an adverse impact on disabled people due to higher rates of poverty. A higher proportion of offenders in the OMCCS sample who stated that they had a longstanding

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<sup>6</sup> Offenders commencing community orders or suspended sentence orders are tiered according to their likelihood of re-offending and their risk of serious harm, and the requirements of their sentence. Higher tier offenders receive higher levels of resource. Tiers 1 and 2 are usually supervised by Probation Service Officers ("PSOs") and tiers 3 and 4 by qualified Probation Officers (POs).

<sup>7</sup> Tier 1 offenders are discounted as they are not part of the OMCCS survey sample.



illness, disability, or infirmity of some kind were in the lower household income bands. For example, 43 per cent of offenders with a longstanding illness, disability, or infirmity of some kind, had a household income of less than £5,000 compared to 36 per cent of those without a disability (Table 23, Annex A).

#### *Potential Gender Reassignment Impacts*

Due to limitations in the available evidence, we are unable to quantify the potential for any differential impact, as no comprehensive statistical evidence is available on persons starting community orders by gender reassignment.

Concern has been raised that offenders could be placed at increased risk of domestic violence and abuse by the imposition of a curfew, and that transgender people may be at a higher risk of domestic violence. MoJ will consider these issues as it develops these proposals.

#### *Potential Marriage and Civil Partnership Impacts*

Evidence suggests that a small proportion of offenders on community orders are married, with 8 per cent of the OMCCS sample stating that they were married (Table 24, Annex A).

There is variation by marital status in the likelihood of an offender being on Community Payback. 25 per cent of the OMCCS sample who were married stated that their community order involved Community Payback. This compares to 29 per cent of single, never married people and 35 per cent of those living with a partner (Table 25, Annex A).

Divorced offenders are least likely to be on curfew. 7 per cent of the OMCCS sample who stated that they were divorced also stated that their community order involved a curfew or tagging. This compares to 10 per cent of married offenders, 13 per cent of those living with a partner, and 16 per cent of single people (Table 26, Annex A).

The proportion of the OMCCS sample who stated their community order involved an order 'to stay away from somewhere' as a requirement was highest for single, separated and divorced offenders (13, 15 and 14 per cent respectively), and lowest for married offenders and those living with a partner (6 and 7 per cent respectively) (Table 27, Annex A).

There is little variation by tier or number of requirements in the proportion of offenders who were married (Tables 28 and 29, Annex A).

A higher proportion of single, never married, divorced or separated offenders were in the lowest household income band, compared to those married or living with a partner. For example, 49 per cent of single people had a household income of less than £5,000 compared to 11 per cent of married people. (Table 30, Annex A).

### *Potential Pregnancy and Maternity Impacts*

Due to limitations in the available evidence, we are unable to quantify the potential for any differential impact, as no comprehensive statistical evidence is available on persons starting community orders by pregnancy and maternity.

Any increase in the use of Community Payback may impact on pregnant women and new mothers who may have specific needs. For example, who will be responsible for childcare. MoJ will consider these issues as it develops these proposals.

### *Potential Race Impacts*

There are small differences in the ethnic breakdown of those given community orders compared to all sentences for indictable offences (Table 31, Annex A). There are also only small differences in the proportion of Black and Minority Ethnic (BME) given Community Payback, residence or exclusion requirements compared to all requirements (Table 32, Annex A). Table 33 (Annex A) shows that BME offenders are slightly over-represented amongst those starting community orders under Probation Service supervision with Community Payback and/or a curfew requirement compared to all those starting community orders.

Offenders in the Mixed, White and Black ethnic groups are more likely than other ethnic groups to have their community order terminated for negative reasons (Table 34, Annex A).

With respect to the proposals on fines and compensation, average fine and compensation amounts imposed are highest for the Other ethnic group (Tables 35 and 36). A higher proportion of persons from the White ethnic group are given compensation orders alongside community sentences in comparison to all those given community sentences (Table 36, Annex A).

A higher proportion of BME offenders were in the lowest household income band, compared to offenders in the White ethnic group. For example, 48 per cent of BME offenders had a household income of less than £5,000 compared to 39 per cent of White offenders. (Table 37, Annex A).

With respect to tackling alcohol related crime, we have analysed selected sentences on the basis that alcohol can be an aggravating factor and in these circumstances offenders could receive sobriety requirements as part of their community sentence. We have looked at high volume offences where over 4,000 community sentences were given in 2010. Table 38 (Annex A) shows the ethnic distribution for offenders sentenced to a community sentence for the 4 specified offences; this shows that the White ethnic group is over-represented amongst these 4 offences compared to all offenders sentenced to a community sentence, especially amongst those sentenced for criminal damage under £5000. We have also analysed conditional cautions data by looking at those offences likely to be in the pilot. There are only small differences for conditional cautions with the White ethnic group slightly over-

represented amongst offences that are likely to be in the pilot compared to all conditional cautions given in 2011. (Table 39, Annex A).

#### *Potential Religion or Belief Impacts*

Due to limitations in the available evidence we are unable to quantify the potential for any differential impact, as no comprehensive statistical evidence is available on persons starting community orders by religion. Any increase in the use of Community Payback requirements may impact on people from certain religious groups as the times could clash with religious holidays or practices. MoJ will consider these issues as it develops these proposals.

#### *Potential Sex Impacts*

Males account for a higher proportion of community orders than all sentences (Table 40, Annex A). There is little difference in the distribution by sex of those given Community Payback, residence or exclusion requirements compared to all requirements (Table 41, Annex A). Males are slightly over-represented amongst those starting community orders with Community Payback and/or a curfew requirement compared to all those starting community orders (Table 42, Annex A).

Concern was expressed during the Breaking the Cycle consultation that community orders need to take account of the different needs presented by women offenders compared to men; community sentence provision for women offenders needs to be particularly flexible and motivational. MoJ will consider these issues as it develops these proposals.

Concern has been raised that women offenders could be placed at increased risk of domestic violence and abuse by the imposition of a curfew requiring them to stay at home for long periods of time. There may also be issues with increasing the use of curfews amongst people with caring responsibilities, a large proportion of whom are women. A higher proportion of females compared to males are looking after children (during the week during the day). For example, 16 per cent of the females in the OMCCS sample were looking after a child/children (during the week, during the day), compared to 4 per cent of males (Table 43, Annex A). The OMCCS data also suggests that a higher proportion of single females live with dependant children. 34 per cent of single, (never married), divorced, separated or widowed females lived with dependant children, compared to 3 per cent of single, (never married), divorced, separated or widowed males. However, included in these figures may be offenders who live with another adult who shares parenting responsibility for their children.

MoJ will consider these issues as it develops these proposals.

Males are slightly more likely than females to have their community order terminated for negative reasons (26 per cent compared to 22 per cent) (Table 44, Annex A).

With respect to the proposals on fines and compensation, average fine and compensation amounts imposed on men are greater than the amount imposed on women, although the differences for compensation orders are not that great (Tables 45 and 46, Annex A). There is little difference in proportion of persons by sex given compensation orders alongside community sentences in comparison to all those given community sentences.

A smaller proportion of female offenders were in the higher household income bands, compared to male offenders. For example, 18 per cent of females offenders had a household income of £15,000 or more compared to 28 per cent of male offenders. (Table 47, Annex A).

Concern was raised during the 'Breaking the Cycle' consultation that the seizure of assets could have a differential impact on families of women offenders, many of whom may be the sole carer of dependant children.

With respect to tackling alcohol related crime, we have analysed selected sentences on the basis that alcohol can be an aggravating factor and in these circumstances offenders could receive sobriety requirements as part of their community sentence. We have looked at high volume offences where over 4,000 community sentences were given in 2010. Table 48 (Annex A) shows that men are over-represented amongst these 4 offences compared to all offenders sentenced to a community sentence. We have also analysed conditional cautions data by looking at those offences likely to be in the pilot. There are only small differences for conditional cautions, with males slightly over-represented amongst offences that are likely to be in the pilot compared to all conditional cautions given in 2011. (Table 9, Annex A).

#### *Potential Sexual Orientation Impacts*

Due to limitations in the available evidence, we are unable to quantify the potential for any differential impact, as no comprehensive statistical evidence is available on persons starting community orders by sexual orientation.

Concern has been raised that offenders in same sex relationships could be placed at increased risk of domestic violence and abuse by the imposition of a curfew that requires them to stay at home for a long period of time. BCS data shows that people who were lesbian/gay or bisexual were more likely to have experienced any domestic abuse in the past year compared with heterosexual/straight people. MoJ will consider these issues as it develops these proposals.

## **Intensive Community Punishment**

### **Aims and outcomes for the policy**

This proposal explores how we can create and deliver a tough and intensive community order for those on the cusp of custody. We believe there is a need for an intensive punitive disposal which courts can use for offenders who deserve a significant level of punishment, but who are better dealt with in the community where they can maintain ties with work and family which can ultimately move them away from crime. Intensive Community Punishment will include a combination of:

- Community Payback;
- significant restrictions on liberty through an electronically monitored curfew, exclusion, or a foreign travel prohibition requirement;
- a fine.

We will also explore how other, new punitive measures outlined elsewhere in the consultation might form part of Intensive Community Punishment.

We propose that these orders should be short and intensive, lasting a maximum of 12 months. Offenders should be occupied in purposeful activity throughout the week and certain activities such as socialising in the evening and foreign travel will be curtailed for the duration of the sentence. Courts will be able to add to this with requirements aimed at ensuring reparation to the victim and community and rehabilitative requirements, where this is necessary.

These orders should have a core of punitive elements and should be available to courts in every area. They can however be resource intensive, and during the consultation period we will work with Probation Trusts to assess further how best they can be delivered.

### **Methodology**

The consultation asks for views as to which offenders this type of sentence would be suitable for. It follows that there is some uncertainty at this stage of policy development about potential equality impacts. As an initial assessment, we have considered the impact on offenders by comparing the characteristics of all offenders given community orders; where certain groups are over-represented compared to all adults given any sentence we have noted that the evidence we have available suggests the potential for a differential impact, in that they are more likely to be affected by the proposals.

Using the British Crime Survey, we have considered information on the risk of becoming a victim of crime by demographic characteristics to further understand the potential equality impacts on victims of these proposals.

We have also sought to identify any potential differences in needs or outcomes in relation to the proposals for different equality groups, and where there are differences we have also noted that this suggests the potential for a differential impact.

## **Analysis**

### Impact on victims

Given a limit on the overall level of resources available for probation services, and the need for sentences to remain proportionate to the seriousness of the offending, delivering top end community orders may cause a number of primarily rehabilitative requirements to be substituted for primarily punitive ones. Evidence is unclear on the effectiveness of individual community order requirements in reducing re-offending i.e. some requirements may be more effective at reducing re-offending than others. For offenders who receive Intensive Community Punishment, there is a risk that re-offending rates may be higher than other Community Orders if some of the rehabilitative requirements are replaced.

Intensive Community Punishment is designed to give the public a greater level of confidence in community orders. There may be some intangible benefits arising from a greater level of public confidence in the Criminal Justice System, and from justice being seen to be done through offenders undertaking visible and punitive requirements on community orders. For offenders on the cusp of custody, there are likely to be economic and social benefits as similar offenders sentenced in the community generally have lower re-offending rates. There will also be social benefits if they are given a sentence in the community where they can maintain ties with work and family.

Information is not available on the characteristics of victims of those who may be sentenced to these orders. Using the BCS, we have considered wider information on the risk of becoming a victim of crime by demographic characteristics to further understand the potential equality impacts of these proposals. The results are presented in Tables 1-6 (Annex A). The analysis presented assumes there may be a greater impact on those groups that are currently at greatest risk of experiencing crime. We have identified the potential for differential impacts in relation to age.

### Impact on offenders

As described above, delivering top end community orders may cause the number of primarily rehabilitative requirements to be substituted for primarily punitive ones. Some of the rehabilitative benefit of current policies (or future planned policies) may be lost with potential adverse implications given the need for community orders to take account of the different needs of men and

women, for example. For offenders on the cusp of custody, where a community sentence is appropriate, there are benefits in their being given a sentence in the community where they can maintain ties with work and family.

The equality evidence suggests that men are over-represented amongst those starting community sentences in comparison with all those given any sentence, and thus men are more likely to be affected by the proposals relative to those sentenced; our assessment is therefore that there is the potential for the proposals to have a differential impact in relation to sex.

We note that people with disabilities, pregnant women and new mothers, people with certain religious beliefs, and women, may have specific needs in terms of community orders, and that these needs differ to those without those protected characteristics; our assessment is that there is the potential for the proposals to have a differential impact in relation to disability, pregnancy and maternity, religion and sex.

We also note that women, transgender people and people in same sex relationships may be at an increased risk of domestic violence by the imposition of a curfew; our assessment is that there is the potential for the proposals to have a differential impact in relation to sex, gender reassignment and sexual orientation.

## A punitive element in every community order

### Aims and outcomes for the policy

Too many community orders do not include a clear punitive element alongside other requirements aimed at rehabilitation and reparation and so they do not effectively signal to society that wrongdoing will not be tolerated. We propose that every community order should include a distinctly recognisable punitive element, which we think should be either Community Payback, an electronically monitored curfew, or a fine. We seek to encourage more imaginative use of community order requirements to ensure that all community orders both punish and reform offenders as well as ensure reparation to society.

### Methodology

As the consultation asks for views on which requirements of the community order should be regarded as punitive, there is some uncertainty about potential equality impacts at this stage of policy development. As an initial assessment, we have considered the impact on offenders by:

- comparing the characteristics of all offenders given community orders with the characteristics of all adults given any sentence;
- comparing the characteristics of offenders for each requirement separately, with the characteristics of offenders for all requirements in total;
- comparing the characteristics of those given community orders which include Community Payback and/or curfew requirement<sup>8</sup>, with the characteristics of all offenders given community orders;

Where certain groups are over-represented we have noted that the evidence we have available suggests the potential for a differential impact, in that they are more likely to be affected by the proposals.

Using the British Crime Survey, we have considered information on the risk of becoming a victim of crime by demographic characteristics to further understand the potential equality impacts on victims of these proposals.

We have also sought to identify any potential differences in needs or outcomes from the proposals for different equality groups, and where there are differences we have also noted that this suggests the potential for a differential impact.

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<sup>8</sup> This is an illustrative example. There may be other people who would be affected depending on policy development.



Responses to the consultation will help inform which requirements should be regarded as punitive, and whether every offender who received a community order should be subject to a punitive element, and this will help us identify potential differential impacts.

We have also examined consultation feedback provided as part of the 'Breaking the Cycle' Green Paper consultation and other information.

## **Analysis**

### Impact on victims

Given a limit on the overall level of resources available for probation services, delivering a clear punitive element to every community order may cause the primarily rehabilitative requirements to be substituted for primarily punitive ones. Evidence is unclear on the effectiveness of different community order requirements in reducing re-offending i.e. some requirements may be more effective at reducing re-offending than others. There is a risk that some of the rehabilitative benefits of current Community Orders could be lost with adverse implications for the re-offending rate of those offenders subject to community orders. MoJ will be undertaking analysis during the consultation period, in order to determine the effectiveness of different community order requirements, in terms of reducing re-offending rates for similar offenders.

Adding a punitive element to every community order is designed to give the public a greater level of confidence in community orders and demonstrate that all wrongdoing has consequences. There may be some intangible benefits arising from a greater level of public confidence in the Criminal Justice System, and from justice being seen to be done through offenders undertaking visible and punitive requirements on community orders.

There may be a change to the re-offending rate of community orders if a punitive element is included in every community order. This impact is highly uncertain and MoJ are currently undertaking analysis to determine the impact of punitive community order requirements on re-offending rates.

Information is not available on the characteristics of victims by community order requirement type given to offenders. Using the BCS, we have considered wider information on the risk of becoming a victim of crime by demographic characteristics to further understand the potential equality impacts of these proposals. The results are presented in Tables 1-6 (Annex A). The analysis presented assumes there may be a greater impact on those groups that are currently at greatest risk of experiencing crime. We have identified the potential for differential impacts in relation to age.

### Impact on offenders

The consultation asks for views on which requirements of the community order should be regarded as punitive for the purposes of the proposal. We are therefore unable to quantify how many and which offenders may be affected

by the proposals (which would involve making a punitive requirement a compulsory element of a community order).

Given a limit on the overall level of resources available for probation services, and the need for sentences to remain proportionate to the offending behaviour, delivering a clear punitive element in every community order may cause the number of requirements aimed primarily at rehabilitation to be substituted for requirements aimed primarily at punishment.

The equality evidence suggests that men are over-represented amongst those starting community sentences in comparison with all those given any sentence, and thus men are more likely to be affected by the proposals relative to those sentenced; our assessment is that there is the potential for the proposals to have a differential impact in relation to sex. There are age related differences in the use of requirements, and thus some age groups may be more likely to be affected by the proposals relative to other age groups; our assessment is that there is the potential for the proposals to have a differential impact in relation to age.

Disabled offenders are less likely to be on Community Payback, and this may have impacts in relation to the proposals for a punitive element in every community order

We note that people with disabilities, pregnant women and new mothers, people with certain religious beliefs, and women may have specific needs in terms of community orders, and that these possible impacts differ to those without those protected characteristics; our assessment is that there is the potential for the proposals to have a differential impact in relation to disability, pregnancy and maternity, religious beliefs and sex.

We also note that because women, transgender people and people in same sex relationships may be at an increased risk of domestic violence by the imposition of a curfew; our assessment is that there is the potential for the proposals to have a differential impact in relation to sex, gender reassignment and sexual orientation.

## **Creative use of electronic monitoring**

### **Aims and outcomes for the policy**

This proposal would harness new technologies such as Global Positioning System (GPS) and GSM (Global System for Mobile Communications) to monitor compliance with other requirements of a community order. Currently, curfew is the only requirement that is electronically monitored. These technologies could potentially help strengthen community orders further in the future by allowing us more effectively to monitor compliance with other requirements imposed by the courts, in addition to monitoring curfews. For example we could consider the use of new technologies to monitor compliance with:

- exclusion requirements;
- alcohol prohibitions;
- foreign travel prohibition requirements;
- residence requirements.

A further proposal, flowing from significant developments in EM technology, is a consideration as to where such new technology can be used in other new and different ways which go beyond monitoring compliance with community order requirements, and instead be used as a 'freestanding' requirement for suitable offenders.

We consider that these new technologies may, where they prove reliable and are effectively and properly targeted at high risk offenders, have the capacity to deliver increased public safety by tracking an offenders' whereabouts. This could act as a deterrent and reduce re-offending. It may also be possible to use these technologies to assist the police in crime investigation by tracking offenders' whereabouts.

### **Methodology**

In analysing the potential equalities impacts of these proposals, we have considered the impact on offenders by comparing the characteristics of offenders given exclusion or residence requirements under community orders against the characteristics of offenders for all requirements attached to community orders, and where certain groups are over-represented we have noted that the evidence we have available suggests the potential for a differential impact, in that they are more likely to be affected by the proposals.

Using the British Crime Survey, we have considered information on the risk of becoming a victim of crime by demographic characteristics to further understand the potential equality impacts on victims of these proposals.

We have also sought to identify any potential differences in needs or outcomes from the proposals for different equality groups, and where there

are differences we have also noted that this suggests the potential for a differential impact.

## **Analysis**

### Impact on victims

If greater use of electronic monitoring were to deter offenders from breaching their community orders, there may be social benefits in terms of reduced re-offending.

Greater use of electronic monitoring of compliance with the requirements of an offender's community order could deter the offender from breaching the requirements of their community order if they face being sanctioned. Equally, it could increase the number of detected breaches of community orders. If greater use of electronic monitoring were to deter offenders from breaching their community orders, there may be social benefits in terms of reduced re-offending.

Electronic monitoring of violent and prolific offenders increases the probability of being caught committing a crime, thereby reducing any pay-offs associated with committing a crime. Use of electronic monitoring as a preventative measure may potentially reduce future offending by this group of offenders.

Information is not available on the characteristics of victims by community order requirement type given to offenders. Using the BCS, we have considered wider information on the risk of becoming a victim of crime by demographic characteristics to further understand the potential equality impacts of these proposals. The results are presented in Tables 1-6 (Annex A). The analysis presented assumes there may be a greater impact on those groups that are currently at greatest risk of experiencing crime. We have identified the potential for differential impacts in relation to age.

### Impact on offenders

Greater use of electronic monitoring of compliance with the requirements of an offender's community order could either deter the offender from breaching the requirements of their community order if they face being sanctioned. Equally, it could increase the number of detected breaches of community orders.

If offenders given residential requirements were to be electronically monitored, this could have a differential impact on 30-49 year olds who are more likely to be given these requirements.

We note that people with disabilities may require increased support to enable them to meet the requirements of any community order and the focus should be on ensuring that that additional support is available; therefore, our assessment is that there is the potential for the proposals to have a differential impact in relation to disability.

## **Confiscation of offenders' assets**

### **Aims and outcomes for the policy**

Courts already have powers to issue distress warrants (executed by a bailiff) against offenders who default on paying financial penalties. Normally, distress warrants are issued after other methods of enforcement and sanctions have failed, and the bailiff company would then have 180 days in which to execute the warrant. Courts can also use asset seizure in relation to the proceeds of crime (both cash and assets).

We also want to explore whether there is any practical and affordable way in which we could introduce a new sentencing power that would allow courts to order the seizure and sale of assets alongside a community order, independently of any financial penalty. We would envisage this power allowing for the confiscation of property regardless of whether or not it was connected to the offence.

### **Methodology**

As the consultation asks for views on which offenders or offences could a new power to order the confiscation of assets most usefully be focussed on, there is some uncertainty about potential equality impacts at this stage of policy development. As an initial assessment, we have considered the impact on offenders by comparing the characteristics of offenders sentenced to community orders against all adults sentenced, and where certain groups are over-represented we have noted that the evidence we have available suggests the potential for a differential impact, in that they are more likely to be affected by the proposals.

Using the British Crime Survey, we have considered information on the risk of becoming a victim of crime by demographic characteristics to further understand the potential equality impacts on victims of these proposals.

We have also sought to identify any potential differences in needs or outcomes from the proposals for different equality groups, and where there are differences we have also noted that this suggests the potential for a differential impact.

### **Analysis**

#### Impact on victims

There may be social benefits from an increased level of public confidence in the Criminal Justice System.

Information is not available on the characteristics of victims of offenders given community orders. Using the BCS, we have considered wider information on

the risk of becoming a victim of crime by demographic characteristics to further understand the potential equality impacts of these proposals. The results are presented in Tables 1-6 (Annex A). The analysis presented assumes there may be a greater impact on those groups that are currently at greatest risk of experiencing crime. We have identified the potential for differential impacts in relation to age.

#### Impact on offenders

The consultation asks for views on which offenders or offences could a new power to order the confiscation of assets most usefully be focussed on, and therefore at this stage we are unable to quantify how many and which offenders may be affected by the proposals.

The impact of these proposals on offenders and their families will be financial and may have an adverse impact on their quality of life.

The equality evidence suggests that men are over-represented in those starting community sentences in comparison with all those given any sentence, and thus men are more likely to be affected by the proposals relative to those sentenced; our assessment is that there is the potential for the proposals to have a differential impact in relation to sex.

We note the concerns raised that the seizure of assets could have a differential impact on families of women offenders, many of whom may be the sole carer of dependant children. MoJ will consider this issue as it develops these proposals.

## Promoting greater compliance with community orders

### Aims and outcomes for the policy

The proposals would give offender managers the power to issue a fixed penalty notice for failure without reasonable excuse to comply with the requirements of a community order. The proposals would involve the offender manager continuing to be able to issue a warning for the first failure to comply, but having the power on the second failure within twelve months to issue the offender with a fixed penalty notice offering the choice between paying the penalty, which we believe should be small, and being subject to breach proceedings in court. The offender would need to be given a period in which to take this decision.

### Methodology

As an initial assessment, we have considered the impact on offenders by:

- comparing the proportion of offenders whose community order is terminated for failure to comply with requirements or conviction of an offence (terminated for negative reasons), and identified where there are differences between different groups;
- comparing the household income of offenders by protected characteristics. This data gives us an indication of the groups that, due to their lower average incomes, may be differentially affected by the introduction of fixed penalty notices for failure to comply.

We have also sought to identify any potential differences in needs or outcomes from the proposals for different equality groups, and where there are differences we have also noted that this suggests the potential for a differential impact.

### Analysis

#### Impact on offenders

Giving offender managers the power to issue fixed penalty notices to offenders who breach the requirements of their community orders twice in twelve months may deter some offenders from breaching the requirements of their community orders. The impact on offenders will be a financial one if they pay the penalty.

The equality evidence suggests that younger age groups and people from the Mixed, White and Black ethnic groups, are more likely to have their community order terminated for negative reasons, and thus these groups may be more likely to be affected by the proposals relating to non-compliance; our

assessment is that that there is the potential for the proposals to have a differential impact in relation to age and race.

We note that offenders with disabilities, BME offenders, and female offenders are more likely to be in lower income households and that issuing a fixed penalty notice for non-compliance may have an adverse impact on these groups in comparison to other groups. Our assessment is that that there is the potential for the proposals to have a differential impact in relation to disability, race and sex.

We also note that people with a learning disability may require increased support to enable them to meet the terms of any community order and the focus should be on ensuring that the additional support is available. This may also be the case for people with mental health, physical or sensory disabilities. Therefore, our assessment is that there is the potential for the proposals to have a differential impact in relation to disability.



## More effective fines

### Aims and outcomes for the policy

This proposal would explore how we could use the fine more flexibly. Fines should not be seen as a punishment that is suitable only for the lowest-level offenders. For offences that are sufficiently serious to pass the community sentence threshold, and where the circumstances demand rehabilitative requirements and public protection as well as punishment, a community order will clearly be the appropriate disposal. However, where the primary purpose of a sentence is punishment, and a fine would be a proportionate and sensible response to the offending behaviour, we believe there is no reason why courts should not consider imposing a high-value fine rather than a community order. In addition, we wish to explore what more can be done in the existing framework to encourage courts to make more flexible use of fines, for example alongside a community order.

We will also look at ways in which we can improve the information we have about offenders' financial means. Accurate information about offenders' means is essential in setting fines that are both sufficiently punitive and able to be enforced.

### Methodology

In analysing the potential equalities impacts of these proposals, we have considered the impact on offenders by:

- comparing the characteristics of offenders sentenced to community orders against all adults sentenced, and where certain groups are over-represented we have noted that the evidence we have available suggests the potential for a differential impact, in that they are more likely to be affected by the proposals;
- comparing the average fine amount by protected characteristics, and where there are differences we have noted that the evidence we have available suggests the potential for a differential impact;
- comparing the household income of offenders by protected characteristics. This data gives us an indication of the groups that, due to their lower average incomes, may be differentially affected in general by increasing the use of fines.

We have also sought to identify any potential differences in needs or outcomes from the proposals for different equality groups, and where there are differences we have also noted that this suggests the potential for a differential impact.

## **Analysis**

### Impact on offenders

The impact on offenders will be a financial one.

The equality evidence suggests that men are over-represented in those starting community sentences in comparison with all those given any sentence, and thus men are more likely to be affected by the proposals relative to those sentenced; our assessment is that there is the potential for the proposals to have a differential impact in relation to sex.

We note that offenders with disabilities, offenders from ethnic minority groups and female offenders are more likely to be in lower income households and that increasing the use and value of fines may have an adverse impact on these groups in comparison to other groups. We also note that there are currently differences in the average fine amount imposed by age, ethnic group and sex. Our assessment is that there is the potential for the proposals to have a differential impact in relation to age, disability, race and sex. We will look at ways in which we can improve the information we have about offenders' financial means. Accurate information about offenders' means is essential in setting fines that are both sufficiently punitive and able to be enforced.

## Restorative Justice

### **Aims and outcomes for the policy:**

We want to continue to help drive the culture change of developing effective evidence based restorative justice (RJ) practices. We therefore plan to develop a cross-criminal justice system framework for RJ later this year to provide guidance to local practitioners on how RJ approaches can be effectively developed and when they will be appropriate. We will draw upon existing evidence and practices that are already in place with the aim of spreading best practice across the system.

This will build on existing work to build provision in the criminal justice system, in particular in respect of more serious offences and making RJ more available as part of the post-sentence process. We propose to undertake work with one or more local areas to test pre-sentence RJ processes to establish when it would be appropriate, how it can be carried out and how it influences the views of the court of the impact of such a pre-sentence intervention. Such an intervention will be focused upon offenders who are likely to be subject to a community or custodial sentence.

### **Methodology**

In analysing the potential equalities impacts of these proposals, we have considered the impact on offenders by comparing the characteristics of offenders sentenced to community orders against all adults sentenced, and where certain groups are over-represented we have noted that the evidence we have available suggests the potential for a differential impact, in that they are more likely to be affected by the proposals.

Using the British Crime Survey, we have considered information on the risk of becoming a victim of crime by demographic characteristics to further understand the potential equality impacts on victims of these proposals.

We have also sought to identify any potential differences in outcomes from the proposals for different equality groups, and where there are differences we have also noted that this suggests the potential for a differential impact.

### **Analysis**

#### Impact on victims

Used in the right way, an increase in the use of restorative justice could result in increased victim satisfaction. A joint Home Office and Ministry of Justice commissioned evaluation of a number of restorative justice pilots found that 85 per cent of victims who participated in the restorative process said they were

satisfied with the experience<sup>9</sup>. The evaluation also found that when looking at these pilots together, they were effective in reducing the frequency of reoffending. Recent further analysis of the data by the Ministry of Justice has suggested that the size of this impact was around 14 per cent.

There is some evidence that restorative justice programmes can have a positive impact on re-offending rates, in comparison with non-restorative justice interventions<sup>10</sup>. There may therefore be social benefits if the chance of a convicted offender who participates in restorative justice schemes re-offending is lower than those who do not.

Information is not available on the characteristics of victims of offenders given community orders. Using the BCS, we have considered wider information on the risk of becoming a victim of crime by demographic characteristics to further understand the potential equality impacts of these proposals. The results are presented in Tables 1-6 (Annex A). The analysis presented assumes there may be a greater impact on those groups that are currently at greatest risk of experiencing crime. We have identified the potential for differential impacts in relation to age.

#### Impact on offenders

More offenders will be given the chance to engage in restorative justice.

The equality evidence suggests that men are over-represented in those starting community sentences in comparison with all those given any sentence, and thus men are more likely to be affected by the proposals relative to those sentenced; our assessment is that there is the potential for the proposals to have a differential impact in relation to sex.

The Breaking the Cycle consultation highlighted the particular issues that need to be taken into account in using restorative justice appropriately, especially with young people, those with learning disabilities, and in serious sexual or domestic violence cases (which may be more likely to affect women, and lesbian, gay, bi-sexual and transgender victims). MoJ will consider these issues as it develops these proposals.

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<sup>9</sup> Shapland, J et al (2008) "Does restorative Justice affect reconviction: The fourth report from the evaluation of three schemes" Ministry of Justice Research Series 10/08

<sup>10</sup> Latimer, J., Dowden, C., and Muise, D., (2001), The Effectiveness of Restorative Justice Practices: A meta-analysis, Carleton University

## Compensating victims

### Aims and outcomes for the policy

We believe that as many offenders as possible should be required to make reparation to victims, and that compensation orders play a critical role in achieving that aim. We are already legislating in the Legal Aid, Sentencing and Punishment of Offenders Bill to create a clear, positive duty on courts to consider imposing a compensation order in cases where a direct victim has been harmed. This section sets out proposals to ensure victims, and society as a whole, are justly served by the effective use of compensation orders by:

- ensuring sentencers have as full a picture of loss or harm caused to victims as possible when determining whether to impose a compensation order
- supporting a more consistent approach to fixing the value of compensation orders
- considering removal of the £5,000 cap on a single compensation order in the magistrates' court

### Methodology

In analysing the potential equalities impacts of these proposals, we have considered the impact on offenders by:

- comparing the characteristics of offenders sentenced to community orders against all adults sentenced, and where certain groups are over-represented we have noted that the evidence we have available suggests the potential for a differential impact, in that they are more likely to be affected by the proposals;
- comparing the characteristics of offenders given compensation orders alongside community orders against all those sentenced to community orders, and where certain groups are over-represented we have noted that the evidence we have available suggests the potential for a differential impact;
- comparing the average compensation amount for compensation orders given alongside community orders by protected characteristics, and where there are differences we have noted that the evidence we have available suggests the potential for a differential impact;
- comparing the household income of offenders by protected characteristics. This data gives us an indication of the groups that, due to their lower average incomes, may be differentially affected in general by increasing the use of compensation orders.

Using the British Crime Survey, we have considered information on the risk of becoming a victim of crime by demographic characteristics to further understand the potential equality impacts on victims of these proposals.

We have also sought to identify any potential differences in needs or outcomes from the proposals for different equality groups, and where there are differences we have also noted that this suggests the potential for a differential impact.

## **Analysis**

### Impact on victims

The intention behind compensation orders is that offenders should make compensation to victims for the physical, emotional and financial costs involved in committing a crime. If the value of compensation orders increases, victims of crime may benefit from a higher amount of compensation, assuming that these higher amounts do not affect the payment rate.

Information is not available on the characteristics of victims of offenders given community orders. Using the BCS, we have considered wider information on the risk of becoming a victim of crime by demographic characteristics to further understand the potential equality impacts of these proposals. The results are presented in Tables 1-6 (Annex A). The analysis presented assumes there may be a greater impact on those groups that are currently at greatest risk of experiencing crime. We have identified the potential for differential impacts in relation to age.

### Impact on offenders

The impact on offenders will be a financial one.

The equality evidence suggests that men are over-represented in those starting community orders in comparison with all those given any sentence, and thus men are more likely to be affected by the proposals relative to those sentenced; our assessment is that there is the potential for the proposals to have a differential impact in relation to sex.

We note that 18-20 year olds and people from the White ethnic group are over-represented amongst those given a compensation order alongside a community order in comparison to all those given community orders. Our assessment is that there is the potential for the proposals to have a differential impact in relation to age and race.

We also note that offenders with disabilities, offenders from ethnic minority groups and female offenders are more likely to be in lower income households and that increasing the use and value of compensation orders may have an adverse impact on these groups in comparison to other groups. We also note that there are currently differences in the average compensation amount imposed by age and ethnic group. Our assessment is that there is the

potential for the proposals to have a differential impact in relation to age, disability, race and sex.

## Tackling alcohol related crime

### Aims and outcomes for the policy

We are considering how we can help tackle the problem of alcohol related offending through enforced sobriety schemes. We are undertaking work to test out the purposes and effect of such schemes to establish the circumstances in which it would be appropriate and effective to impose such a requirement rather than enlist other interventions or forms of treatment. Legislative provisions are being brought forward in the LASPO Bill to create an alcohol abstinence and monitoring requirement as part of a community or suspended sentence order. This will allow us to pilot the use of sobriety requirements for more serious offences where alcohol has been a contributing factor.

We will also carry out another pilot which will focus on conditional cautions and apply to offenders who commit alcohol-related offences for which a conditional caution can be offered such as being drunk and disorderly, common assault and criminal damage. This will be done within existing legislation. We will set out further details of these pilots in the government's forthcoming Alcohol Strategy.

### Methodology

In analysing the potential equalities impacts of these proposals, we have considered the impact on offenders by comparing the characteristics of offenders given community orders for (i) assault occasioning actual bodily harm (ii) common assault (iii) criminal damage under £5000 and (iv) fear or provocation of violence, against all those given community orders, and where certain groups are over-represented we have noted that the evidence we have available suggests the potential for a differential impact. We have also analysed conditional cautions data by looking at those offences likely to be in the pilot. Whilst not all the offenders will have committed the offence under the influence of alcohol, the characteristics of offenders sentenced for these offences provide an estimate of the potential equality impacts.

Using the British Crime Survey, we have considered information on the risk of becoming a victim of violent crime by demographic characteristics to further understand the potential equality impacts on victims of these proposals.

We have also sought to identify any potential differences in needs or outcomes from the proposals for different equality groups, and where there are differences we have also noted that this suggests the potential for a differential impact.

### Analysis

This analysis looks at the potential impacts of the proposals to impose an enforced sobriety requirement.



### Impact on victims

For crimes committed while an offender is under the influence of alcohol, it is not clear whether these offences would have happened or would have reached the same level of seriousness, had the offender not been under the influence of alcohol. While compulsory alcohol requirements may reduce the number of offenders under the influence of alcohol, the extent to which compulsory alcohol requirements reduce crime is not clear.

In 2010/11 in 44 per cent of BCS violent incidents (around 930,000) the victim believed the offender to be under the influence of alcohol. If an alcohol abstinence and monitoring requirement reduces the number of alcohol related offences then there may be social benefits in terms of lower social costs of crime. The extent to which any re-offending is directly related to these alcohol abstinence and monitoring requirements will be difficult to measure as many offenders receive more than one requirement. We also cannot know how often the courts may impose this requirement and whether it will be used as a complement to or substitute for existing requirements. If the requirement is used as a substitute for other rehabilitative requirements, then some of the rehabilitative effect of existing requirements on offenders may be lost.

As this provision will only be commenced in certain geographic areas at the pilot stage, the government will keep these areas under review to monitor the effectiveness of this policy in reducing alcohol related re-offending.

Information is not available on the characteristics of victims of those sentenced to community orders for the specific offences we are interested in. Using the BCS, we have considered wider information on the risk of becoming a victim of violent crime by demographic characteristics to further understand the potential equality impacts of these proposals. The results are presented in Tables 1- 6 (Annex A). The analysis presented assumes there may be a greater impact on those groups that are currently at greatest risk of experiencing violent crime. We have identified the potential for differential impacts in relation to age, religion and sex.

### Impact on offenders

Offenders for whom this requirement would apply would be subject to compulsory alcohol testing. In the event that they fail, they would be liable to sanctions for breach.

We have analysed selected sentences on the basis that alcohol can be an aggravating factor and in these circumstances offenders could receive a sobriety requirement as part of their community sentence. This data shows that young people, men and White people sentenced to criminal damage under £5,000 are over-represented amongst these 4 offences compared to all offenders sentenced to a community sentence. Based on this analysis, our assessment is that there is the potential for the proposals on community sentences to have a differential impact in relation to age, race and sex.

We have also analysed conditional cautions data by looking at those offences likely to be in the pilot. This data shows that 18-24 year olds are over-represented amongst these offences compared to all conditional cautions given. Based on this analysis, our assessment is that there is the potential for the proposals on conditional cautions to have a differential impact in relation to age.

## **Next steps**

The early stage of policy development means that there is uncertainty about impacts with regard to equality. In some cases there is no available evidence on whether there would be the potential for a differential impact. We will seek to gather more evidence during the consultation process. On-going policy development will seek to identify differential impacts and to mitigate or avoid them.

We welcome feedback on all the issues raised in this document. Any representations received in response to this EIA will be used to inform the full EIA that will accompany the government's response to the consultation.

Responses can be submitted directly via email [effectivecommunitysentences@justice.gsi.gov.uk](mailto:effectivecommunitysentences@justice.gsi.gov.uk) or by post to Sentencing Policy and Penalties Unit, Ministry of Justice, 8th Floor, 102 Petty France, London, SW1H 9AJ.

## **Annex A – Evidence**

## Punishment and Reform: Effective Community Sentences Equality Impact Assessment

**Table 1 Proportion of adults who were victims of all BCS crime and personal crime by personal characteristics**

Percentages	England and Wales, 2010/11 BCS		
	All BCS crime	Personal crime	Unweighted base
<i>% victims once or more:</i>			
<b>ALL ADULTS</b>	<b>21.5</b>	<b>5.9</b>	<b>46,754</b>
16-24	31.8	14.0	3,885
25-34	26.6	8.1	6,464
35-44	24.7	5.4	7,976
45-54	22.1	4.3	7,805
55-64	17.3	3.1	8,139
65-74	11.0	2.1	6,577
75+	7.8	1.4	5,908
<b>Men</b>	<b>22.6</b>	<b>6.5</b>	<b>21,076</b>
16-24	33.1	15.7	1,805
25-34	27.5	8.8	2,835
35-44	25.8	5.9	3,599
45-54	21.5	4.5	3,629
55-64	18.2	3.2	3,782
65-74	11.9	1.9	3,041
75+	8.6	0.8	2,385
<b>Women</b>	<b>20.5</b>	<b>5.3</b>	<b>25,678</b>
16-24	30.4	12.2	2,080
25-34	25.6	7.3	3,629
35-44	23.6	4.8	4,377
45-54	22.7	4.1	4,176
55-64	16.5	3.1	4,357
65-74	10.1	2.3	3,536
75+	7.2	1.9	3,523
<b>Ethnic group</b>			
White	21.1	5.6	42,991
Non-White	24.9	7.5	3,687
<i>Mixed</i>	29.5	10.8	350
<i>Asian or Asian British</i>	25.6	7.0	1,676
<i>Black or Black British</i>	22.7	6.9	1,006
<i>Chinese or other</i>	23.5	8.5	655
<b>Marital status</b>			
Married	18.8	3.3	21,755
Cohabiting	26.5	6.4	4,176
Single	27.9	11.6	9,828
Separated	24.4	7.7	1,560
Divorced	21.1	5.9	4,244
Widowed	9.2	2.5	5,173
<b>Long-standing illness or disability</b>			
Long-standing illness or disability	20.1	5.5	13,793
<i>Limits activities</i>	19.4	5.3	9,879
<i>Does not limit activities</i>	21.7	5.7	3,909
No long-standing illness or disability	22.0	6.0	32,883

Source:  
Crime in England and Wales 2010/11

## Punishment and Reform: Effective Community Sentences Equality Impact Assessment

**Table 2 Proportion of adults who were victims of violence by offence type and personal characteristics**

Percentages	England and Wales, 2010/11 BCS					Unweighted base
	All violence <sup>1</sup>	Wounding	Assault with minor injury	Assault without injury	Robbery	
	<i>% victims once or more</i>					
<b>ALL ADULTS</b>	3.1	0.8	0.9	1.2	0.5	46,754
16-24	8.8	2.6	2.4	3.0	1.5	3,885
25-34	4.4	1.2	1.3	1.6	0.6	6,464
35-44	2.8	0.7	0.8	1.2	0.2	7,976
45-54	2.2	0.5	0.5	0.9	0.3	7,805
55-64	1.3	0.2	0.3	0.6	0.2	8,139
65-74	0.5	0.1	0.1	0.3	0.0	6,577
75+	0.2	0.0	0.0	0.1	0.0	5,908
<b>Men</b>	4.1	1.1	1.1	1.7	0.6	21,076
16-24	11.9	3.4	3.0	4.5	2.1	1,805
25-34	5.5	1.6	1.4	2.2	0.7	2,835
35-44	3.7	0.9	1.1	1.6	0.3	3,599
45-54	2.4	0.5	0.6	1.1	0.3	3,629
55-64	1.6	0.3	0.3	0.9	0.2	3,782
65-74	0.5	0.0	0.1	0.3	0.0	3,041
75+	0.3	0.1	0.0	0.2	0.0	2,385
<b>Women</b>	2.2	0.6	0.7	0.8	0.3	25,678
16-24	5.5	1.8	1.8	1.5	1.0	2,080
25-34	3.4	0.8	1.2	1.1	0.5	3,629
35-44	2.0	0.5	0.5	0.9	0.1	4,377
45-54	1.9	0.5	0.5	0.7	0.4	4,176
55-64	1.0	0.1	0.2	0.4	0.2	4,357
65-74	0.4	0.1	0.1	0.2	0.1	3,536
75+	0.2	0.0	0.1	0.0	0.0	3,523
<b>Ethnic group</b>						
White	3.0	0.8	0.9	1.2	0.4	42,991
Non-White	3.9	1.0	0.5	1.7	0.9	3,687
Mixed	7.1	1.0	1.2	3.3	2.2	350
Asian or Asian British	3.9	1.2	0.5	1.7	0.7	1,676
Black or Black British	3.2	1.0	0.5	0.8	0.8	1,006
Chinese or other	3.3	0.4	0.0	2.1	0.8	655
<b>Marital status</b>						
Married	1.5	0.3	0.4	0.7	0.2	21,755
Cohabiting	3.7	0.8	1.1	1.6	0.5	4,176
Single	6.8	2.1	1.9	2.4	1.1	9,828
Separated	4.0	1.2	1.3	1.2	0.2	1,560
Divorced	3.3	1.1	0.7	1.2	0.4	4,244
Widowed	0.5	0.1	0.1	0.2	0.1	5,173
<b>Long-standing illness or disability</b>						
Long-standing illness or disability	3.0	0.9	0.7	1.2	0.5	13,793
Limits activities	2.7	0.8	0.7	1.0	0.4	9,879
Does not limit activities	3.5	1.0	0.6	1.6	0.5	3,909
No long-standing illness or disability	3.2	0.8	0.9	1.2	0.4	32,883

Source:  
Crime in England and Wales 2010/11

## Punishment and Reform: Effective Community Sentences Equality Impact Assessment

**Table 3 Proportion of children aged 10 to 15 who were victims of BCS personal crime once or more in the last year**

Percentages	England and Wales, 2010/11 BCS	
	Preferred measure <sup>1</sup>	Broad measure <sup>1</sup>
All violence	7	12
Personal theft	5	6
Vandalism to personal property <sup>2</sup>	0	2
<b>All crime experienced by children aged 10-15</b>	<b>12</b>	<b>17</b>
<i>Unweighted base</i>	<i>3,849</i>	<i>3,849</i>

1. The 'Preferred measure' takes into account factors identified as important in determining the severity of an incident (such as level of injury, value of item stolen or damaged, relationship with the perpetrator) while the 'Broad measure' counts all incidents which would be legally defined as crimes and therefore may include low-level incidents between children.

2. These offences are designated as 'household' offences for adults on the BCS (respondents reply on behalf of the household) but are presented here as 'personal' offences when the property stolen or damaged solely belonged to the child respondent. This broadens the scope of personal victimisation but may also result in double-counting of offences on the adult survey; the extent to which this happens will be evaluated in the future.

Source: Home Office Statistical Bulletin 10/11: Crime in England and Wales 2010/11: Findings from the British Crime Survey and Police Recorded Crime

**Table 4 Proportion of children aged 10 to 15 who were victims of BCS personal crime once or more in the last year, by age group**

Percentages	England and Wales, January to December 2009 BCS			
	All incidents that would be a crime in law		Incidents the victim perceived as a crime	
	Age 10 to 12	Age 13 to 15	Age 10 to 12	Age 13 to 15
Theft from the person	1	2	0	1
Other theft of personal property	5	5	2	3
All violence	21	19	3	4
<b>All personal crime</b>	<b>18</b>	<b>17</b>	<b>5</b>	<b>7</b>
<i>Unweighted base</i>	<i>1,733</i>	<i>1,928</i>	<i>1,733</i>	<i>1,928</i>

Source: Home office Statistical Bulletin 11/10: Experimental statistics on victimisation in children aged 10 to 15: Findings from the British Crime Survey for the year ending December 2009

**Table 5 Proportion of adults who were victims of crime by religion**

Percentages	England and Wales, 2006/07 BCS			
	Violent crime	Personal crime	All BCS crime	Unweighted base <sup>1</sup>
<b>Religion</b>				
Christian	3	6	23	37,482
Buddhist	3	5	20	244
Hindu	2	4	22	389
Muslim	4	7	27	879
Other	5	9	27	849
No religion	6	9	29	7,132

1. Unweighted base relates to 'Personal crime'.

Source: Home Office Statistical Bulletin 19/07: Attitudes, Perceptions and Risks of Crime: Supplementary Volume 1 to Crime in England and Wales 2006/07

**Table 6 Proportion of adults who were victims of intimate violence by sexual orientation**

Percentages	England and Wales, 2007/08 and 2008/09 BCS			
	Domestic abuse <sup>1</sup>		Unweighted base	
	Men	Women	Men	Women
<b>Sexual Orientation</b>				
Heterosexual/straight	4	6	20,892	24,795
Gay or bisexual	9	17	512	473
Don't know/Don't wish to answer	8	7	705	886

1. Only covers victims aged 16-59. This data excludes stalking as questions on stalking were not included in the 2007/08 BCS.

Source: Home Office Statistical Bulletin 01/10: Homicides, Firearms offences and Intimate Violence 2008/09: Supplementary Volume 2 to Crime in England and Wales 2008/09

**Table 7: Persons aged 18 and over sentenced at all courts for indictable offences by age group and result, 2010**

	18 - 20	21 - 24	25 - 29	30 - 39	40 - 49	50 - 59	60+	Total
Community sentences	18%	18%	19%	26%	14%	4%	1%	100%
All sentences	15%	18%	19%	27%	15%	5%	2%	100%

Source: Further analysis of Criminal Justice Statistics 2010



## Punishment and Reform: Effective Community Sentences Equality Impact Assessment

**Table 8: Requirements commenced under Community Orders by age, 2010**

	18-20	21-24	25-29	30-39	40-49	50-59	60 and over	Total
<b>Community Orders under Probation Service Supervision</b>	<b>18%</b>	<b>19%</b>	<b>18%</b>	<b>25%</b>	<b>14%</b>	<b>4%</b>	<b>1%</b>	<b>100%</b>
Residential	15%	16%	18%	29%	16%	4%	2%	100%
Accredited Program	17%	19%	19%	25%	15%	5%	2%	100%
Drug treatment	5%	14%	25%	40%	15%	2%	0%	100%
Alcohol treatment	8%	13%	16%	31%	24%	7%	1%	100%
Curfew	24%	21%	18%	22%	11%	3%	1%	100%
Attendance Centre	69%	30%	1%	0%	0%	0%	0%	100%
Mental Health	10%	17%	17%	27%	20%	7%	2%	100%
Specified Activity	22%	21%	18%	23%	12%	3%	1%	100%
Prohibited Activity	15%	15%	16%	24%	19%	7%	3%	100%
Unpaid Work	22%	22%	18%	21%	13%	4%	1%	100%
Exclusion	16%	21%	19%	24%	14%	5%	1%	100%
Supervision	15%	17%	18%	28%	16%	5%	1%	100%

Source: Further breakdown analysis of Offender Management Caseload Statistics 2010

Note: Does not include offenders subject to stand-alone curfew orders not supervised by the Probation Service.

**Table 9: Offenders starting Community Orders under Probation Service supervision by age, 2010**

	CO contains unpaid work and/or curfew	All COs
18-20	20%	17%
21-24	21%	19%
25-29	18%	18%
30-39	22%	25%
40-49	13%	15%
50-59	4%	5%
60 and over	1%	1%
<b>All</b>	<b>100%</b>	<b>100%</b>

Note: Does not include offenders subject to stand-alone curfew orders not supervised by the Probation Service

Source: Further breakdown analysis of Offender Management Caseload Statistics 2010

**Table 10: Court orders terminated in 2010, by reason for termination and age**

	18-20	21-24	25-29	30-39	40-49	50-59	60 and over	All
<b>Community Order</b>								
Expired (normal)	46%	50%	51%	56%	61%	64%	66%	53%
Completed (early good progress)	11%	12%	11%	11%	13%	16%	17%	12%
Revoked (failure to comply)	22%	18%	16%	13%	9%	5%	3%	15%
Revoked (further offence)	12%	10%	11%	11%	7%	5%	3%	10%
Terminated (other reasons)	10%	10%	10%	10%	9%	10%	10%	10%
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>SSO</b>								
Expired (normal)	49%	54%	53%	56%	63%	67%	69%	56%
Completed (early good progress)	9%	10%	11%	11%	12%	14%	15%	11%
Revoked (failure to comply)	19%	15%	13%	10%	7%	4%	2%	12%
Revoked (further offence)	16%	15%	17%	16%	11%	7%	5%	15%
Terminated (other reasons)	7%	6%	7%	6%	7%	7%	10%	7%
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: Further analysis of Offender Management Caseload Statistics 2010

## Punishment and Reform: Effective Community Sentences Equality Impact Assessment

**Table 11: Mean fine amount imposed on persons aged 18 and over at all courts for indictable offences by age group, 2010**

	Mean fine
18-20	£90
21-24	£108
25-29	£162
30-39	£136
40-49	£217
50-59	£381
60+	£454
All ages	£157

Source: Further analysis of Criminal Justice Statistics 2010

**Table 12: Persons aged 18 and over given compensation orders alongside community sentences by age group, 2010**

	18-20	21-24	25-29	30-39	40-49	50-59	60+	Total
Persons given compensation orders alongside community sentences	22%	21%	18%	23%	12%	3%	1%	100%
Mean compensation amount	£194	£226	£228	£249	£251	£1,303	£324	£261
Persons given community sentences	17%	18%	18%	25%	15%	5%	1%	100%

Source: Further analysis of Criminal Justice Statistics 2010

**Table 13: Household income of offenders by age group**

	18 to 20	21 to 24	25 to 39	40 or over	Total
Less than £5,000	42%	45%	39%	38%	40%
£5,000 to less than £10,000	21%	17%	23%	23%	22%
£10,000 to less than 15,000	13%	11%	13%	12%	12%
£15,000 to less than £20,000	7%	6%	8%	7%	7%
£20,000 to less than £30,000	6%	8%	7%	8%	7%
£30,000 or more	11%	12%	11%	10%	11%
All	100%	100%	100%	100%	100%

*Unweighted base*

2,321

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

## Punishment and Reform: Effective Community Sentences Equality Impact Assessment

Table 14: Offenders aged 18 and over sentenced to a community sentence for selected offences by age group, 2010

	18-20	21-24	25-29	30-39	40-49	50-59	60 and over	Total
Assault occasioning actual bodily harm	25%	22%	17%	19%	12%	4%	1%	100%
Common assault	17%	19%	18%	24%	17%	4%	1%	100%
Criminal damage under £5000	26%	25%	19%	19%	9%	2%	0%	100%
Fear or provocation of violence	28%	26%	16%	17%	10%	2%	0%	100%
All selected offences	22%	22%	18%	21%	14%	4%	1%	100%
<b>All offenders sentenced to a community sentence</b>	17%	18%	18%	25%	15%	5%	1%	100%

Source: Further analysis of Criminal Justice Statistics 2010

Note. Sentences selected on basis that alcohol can be an aggravating factor and in these circumstances offenders could receive sobriety requirements as part of their community sentence and as high volume offences where over 4,000 community sentences were given. Therefore there could be a higher likelihood that a proportion of these offenders would be affected by the changes.

Table 15: Conditional cautions given in 2011 by age group

	Conditional cautions for offences likely to be in the pilot	All conditional cautions
Under 18	1%	2%
18-24	52%	47%
25-59	43%	48%
60 and over	1%	2%
Not Provided	2%	2%
<b>Total</b>	<b>100%</b>	<b>100%</b>

Source: Further analysis of Crown Prosecution Service data for 2011

**Table 16: The extent, if any, an offender's health condition or disability limits their ability to carry out everyday activities**

	Per cent
A great deal	14.0
To some extent	18.5
A little	10.6
Not at all	7.7
<b>Total with a longstanding illness, disability, or infirmity of any kind</b>	<b>51.0</b>
Don't Know	.0
Item not applicable	49.0
<b>Total without a longstanding illness, disability, or infirmity of any kind</b>	<b>49.0</b>
<b>Total</b>	<b>100.0</b>
<i>Unweighted base</i>	<i>2,595</i>

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

Note: this question is not based on the Equality Act 2010 definition of disability. There are a wide range of disabilities and illness included in the definition used at interview, including: problem with arms; legs; hands; feet; back or neck (including arthritis or rheumatism); difficulty in seeing; difficulty in hearing; skin conditions, allergies; chest; breathing problem, asthma, bronchitis; Heart, blood pressure or blood circulation problems; stomach; liver; kidney or digestive problems; diabetes; depression, bad nerves; mental illness or suffer from phobia; panics or other nervous disorders; learning difficulties; epilepsy; other health problems or disabilities.

**Table 17: The proportion of offenders who feel they need help with a physical health condition or disability**

	Per cent
No	85.6
Yes	14.3
Missing	0.1
<b>Total</b>	<b>100.0</b>
<i>Unweighted base</i>	<i>2,595</i>

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

**Table 18: Proportion of offenders who stated that since their community order began it involved an unpaid work requirement, by whether they had a longstanding illness, disability, or infirmity of any kind**

Do you have any longstanding illness, disability, or infirmity of any kind?	Since it began has your Community Order involved unpaid work?		Total
	Not mentioned	Mentioned	
Yes	80.4%	19.6%	100.0%
No	61.8%	38.2%	100.0%
<b>Total</b>	<b>71.3%</b>	<b>28.7%</b>	<b>100.0%</b>
<i>Unweighted base</i>			2,594

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

**Table 19: Proportion of offenders who stated that since their community order began it involved curfew and/or tagging, by whether they had a longstanding illness, disability, or infirmity of any kind**

Do you have any longstanding illness, disability, or infirmity of any kind?	Since it began has your Community Order involved curfew and/or tagging?		Total
	Not mentioned	Mentioned	
Yes	88.4%	11.6%	100.0%
No	84.0%	16.0%	100.0%
<b>Total</b>	<b>86.2%</b>	<b>13.8%</b>	<b>100.0%</b>
<i>Unweighted base</i>			2,594

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

**Table 20: Proportion of offenders who stated that since their community order began it involved staying away from somewhere, by whether they had a longstanding illness, disability, or infirmity of any kind**

Do you have any longstanding illness, disability, or infirmity of any kind?	Since it began has your Community Order involved staying away from somewhere?		Total
	Not mentioned	Mentioned	
Yes	88.8%	11.2%	100.0%
No	87.8%	12.2%	100.0%
<b>Total</b>	<b>88.3%</b>	<b>11.7%</b>	<b>100.0%</b>
<i>Unweighted base</i>			2,594

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

**Table 21: Offender's Tier at time of interview, by whether they had a longstanding illness, disability, or infirmity of any kind**

Tier	Do you have any longstanding illness, disability, or infirmity of any kind such as the ones listed on this card?		
	Yes	No	Total
2	52.0%	48.0%	100.0%
3	50.0%	50.0%	100.0%
4	60.9%	39.1%	100.0%
<b>Total</b>	<b>51.0%</b>	<b>49.0%</b>	<b>100.0%</b>
<i>Unweighted base</i>			<i>2,594</i>

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

**Table 22: Number of requirements in order by whether the offender has any longstanding illness, disability, or infirmity of any kind**

Number of requirements	Do you have any longstanding illness, disability, or infirmity of any kind		
	Yes	No	Total
1	56.2%	43.8%	100.0%
2	50.7%	49.3%	100.0%
3 or more	44.2%	55.8%	100.0%
<b>Total</b>	<b>51.0%</b>	<b>49.0%</b>	<b>100.0%</b>
<i>Unweighted base</i>			<i>2,594</i>

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

**Table 23: Household income of offenders by whether they have a longstanding illness, disability, or infirmity of any kind**

	Yes	No	Total
Less than £5,000	43%	36%	40%
£5,000 to less than £10,000	25%	18%	22%
£10,000 to less than 15,000	12%	13%	12%
£15,000 to less than £20,000	6%	9%	7%
£20,000 to less than £30,000	5%	10%	7%
£30,000 or more	8%	14%	11%
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

*Unweighted base* 2,306

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

**Table 24: Marital status of offenders**

<b>Marital status</b>	<b>Per cent</b>
Married	7.7
Living with a partner	17.5
Single, never married	59.0
Divorced	7.5
Separated	7.3
Widowed	.4
Other Specific	.6
Refusal	.0
<b>Total</b>	<b>100.0</b>

*Unweighted base* 2,595

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

**Table 25: Proportion of offenders who stated that since their community order began it involved an unpaid work requirement, by marital status of offender**

Marital status	Since it began has your Community Order involved unpaid work?		
	Not mentioned	Mentioned	Total
Married	75.5%	24.5%	100.0%
Living with a partner	64.8%	35.2%	100.0%
Single, never married	70.8%	29.2%	100.0%
Divorced	79.4%	20.6%	100.0%
Separated	76.6%	23.4%	100.0%
Other (including widow)	*	*	*
<b>Total</b>	<b>71.4%</b>	<b>28.6%</b>	<b>100.0%</b>
<i>Unweighted base</i>			<i>2,594</i>

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

\* figures are not shown as the sample size is less than 30 offenders

**Table 26: Proportion of offenders who stated that since their community order began it involved curfew and/or tagging, by marital status of offender**

Marital status	Since it began has your Community Order involved curfew and/or tagging?		
	Not mentioned	Mentioned	Total
Married	90.0%	10.0%	100.0%
Living with a partner	87.0%	13.0%	100.0%
Single, never married	84.3%	15.7%	100.0%
Divorced	93.3%	6.7%	100.0%
Separated	89.4%	10.6%	100.0%
Other (including widow)	*	*	*
<b>Total</b>	<b>86.3%</b>	<b>13.7%</b>	<b>100.0%</b>
<i>Unweighted base</i>			<i>2,594</i>

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

\* figures are not shown as the sample size is less than 30 offenders



**Table 27: Proportion of offenders who stated that since their community order began it involved staying away from somewhere, by marital status of offender**

Marital status	Since it began has your Community Order involved staying away from somewhere?		
	Not mentioned	Mentioned	Total
Married	94.5%	5.5%	100.0%
Living with a partner	92.7%	7.3%	100.0%
Single, never married	86.9%	13.1%	100.0%
Divorced	85.6%	14.4%	100.0%
Separated	84.7%	15.3%	100.0%
Other (including widow)	*	*	*
<b>Total</b>	<b>88.3%</b>	<b>11.7%</b>	<b>100.0%</b>

*Unweighted base* 2,594

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

\* figures are not shown as the sample size is less than 30 offenders

**Table 28: Offender's Tier at time of interview, by marital status**

Tier	Marital status						Total
	Married	Living with a partner	Single, never married	Divorced	Separated	Other (including widow)	
2	7.4%	17.8%	57.3%	8.0%	8.2%	1%	100%
3	7.4%	17.7%	60.0%	7.1%	6.9%	1%	100%
4	11.5%	18.6%	56.4%	7.7%	5.8%	0%	100%
<b>Total</b>	<b>7.7%</b>	<b>17.5%</b>	<b>59.1%</b>	<b>7.5%</b>	<b>7.3%</b>	<b>1%</b>	<b>100%</b>

*Unweighted base* 2,594

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

## Punishment and Reform: Effective Community Sentences Equality Impact Assessment

**Table 29: Number of requirements in order by marital status of offender**

Number of requirements	Marital status						Total
	Married	Living with a partner	Single, never married	Divorced	Separated	Other (including widow)	
1	6.7%	16.4%	59.3%	8.2%	8.1%	1%	100.0%
2	9.0%	17.5%	57.7%	7.9%	7.1%	1%	100.0%
3 or more	5.7%	19.2%	62.4%	5.3%	6.5%	1%	100.0%
<b>Total</b>	<b>7.7%</b>	<b>17.5%</b>	<b>59.1%</b>	<b>7.5%</b>	<b>7.3%</b>	<b>1%</b>	<b>100.0%</b>

*Unweighted base*

2,594

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

**Table 30: Household income of offenders by marital status**

	Marital status						Total
	Married	Living with a partner	Single, never married	Divorced	Separated	Other (including widow)	
Less than £5,000	11%	23%	49%	38%	44%	67%	40%
£5,000 to less than £10,000	23%	26%	21%	21%	17%	10%	22%
£10,000 to less than 15,000	16%	20%	9%	14%	12%	5%	12%
£15,000 to less than £20,000	14%	10%	5%	9%	9%	10%	8%
£20,000 to less than £30,000	16%	10%	5%	8%	9%	5%	7%
£30,000 or more	20%	10%	10%	9%	8%	5%	11%
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

*Unweighted base*

2,310

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

**Table 31: Persons aged 18 and over sentenced at all courts for indictable offences by ethnic group and result, 2010**

	White	Black	Asian	Other	Unknown	Total
Community sentences	79%	7%	4%	1%	9%	100%
<b>All sentences</b>	<b>75%</b>	<b>9%</b>	<b>5%</b>	<b>2%</b>	<b>10%</b>	<b>100%</b>

Source: Further analysis of Criminal Justice Statistics 2010

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**Table 32: Requirements commenced under Community Orders and Suspended Sentence Orders by ethnicity, 2010**

	White	Black or Black British	Asian or Asian British	Chinese or Other ethnic group	Mixed	Not Stated	Missing	Total
<b>Community Orders under Probation Service supervision</b>	<b>85%</b>	<b>5%</b>	<b>4%</b>	<b>1%</b>	<b>3%</b>	<b>1%</b>	<b>1%</b>	<b>100%</b>
Residential	86%	5%	4%	1%	2%	2%	1%	100%
Accredited Program	86%	5%	4%	1%	3%	1%	1%	100%
Drug treatment	87%	5%	4%	1%	3%	1%	1%	100%
Alcohol treatment	91%	2%	2%	1%	2%	1%	1%	100%
Curfew	86%	4%	3%	1%	2%	1%	3%	100%
Attendance Centre	77%	5%	4%	1%	4%	2%	7%	100%
Mental Health	73%	12%	7%	1%	3%	2%	1%	100%
Specified Activity	87%	5%	3%	1%	3%	1%	1%	100%
Prohibited Activity	84%	5%	4%	2%	3%	1%	2%	100%
Unpaid Work	81%	6%	5%	2%	3%	1%	2%	100%
Exclusion	82%	6%	4%	2%	3%	2%	2%	100%
Supervision	87%	5%	4%	1%	3%	1%	1%	100%

Source: Further breakdown analysis of Offender Management Caseload Statistics 2010

Note: Does not include stand-alone curfews not supervised by the Probation Service.

**Table 33: Offenders starting Community Orders under Probation Service supervision by ethnic group, 2010**

	CO contains unpaid work and/or curfew	All COs
White	80%	83%
Black or Black British	6%	6%
Asian or Asian British	5%	4%
Chinese or Other ethnic group	2%	1%
Mixed	3%	3%
Not Stated	1%	1%
Missing	2%	2%
<b>Total</b>	<b>100%</b>	<b>100%</b>

Note: Does not include offenders subject to stand-alone curfew orders not supervised by the Probation Service

Source: Further breakdown analysis of Offender Management Caseload Statistics 2010

## Punishment and Reform: Effective Community Sentences Equality Impact Assessment

**Table 34: Court orders terminated in 2010, by reason for termination and ethnic group**

	White	Mixed	Black or Black British	Asian or Asian British	Chinese and Other ethnic group	Refusal	No ethnic code	All
<b>Community Order</b>								
Expired (normal)	53%	53%	58%	58%	60%	59%	51%	53%
Completed (early good progress)	12%	9%	10%	14%	14%	7%	20%	12%
Revoked (failure to comply)	15%	19%	16%	12%	12%	17%	11%	15%
Revoked (further offence)	10%	10%	9%	8%	6%	8%	3%	10%
Terminated (other reasons)	10%	9%	7%	8%	8%	9%	14%	10%
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>SSO</b>								
Expired (normal)	55%	53%	59%	59%	56%	67%	44%	56%
Completed (early good progress)	10%	9%	11%	13%	17%	9%	25%	11%
Revoked (failure to comply)	12%	14%	11%	10%	9%	10%	6%	12%
Revoked (further offence)	15%	16%	13%	12%	11%	10%	8%	15%
Terminated (other reasons)	7%	7%	5%	7%	7%	5%	17%	7%
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: Further analysis of Offender Management Caseload Statistics 2010

**Table 35: Mean fine amount imposed on persons aged 18 and over at all courts for indictable offences by ethnic group, 2010**

	Mean fine
White	£109
Black	£96
Asian	£121
Other	£180
<b>All</b>	<b>£157</b>

Source: Further analysis of Criminal Justice Statistics 2010

**Table 36: Persons aged 18 and over given compensation orders alongside community sentences by ethnic group, 2010**

	White	Black	Asian	Other	Unknown	Total
Persons given compensation orders alongside community sentences	84%	6%	3%	1%	6%	100%
Mean compensation amount	£214	£257	£276	£340	n/a	£261
Persons given community sentences	79%	7%	4%	1%	9%	100%

Source: Further analysis of Criminal Justice Statistics 2010

**Table 37: Household income of offenders by ethnic group**

	White	BME	Total
Less than £5,000	39%	48%	40%
£5,000 to less than £10,000	22%	17%	22%
£10,000 to less than 15,000	12%	12%	12%
£15,000 to less than £20,000	8%	7%	8%
£20,000 to less than £30,000	8%	7%	8%
£30,000 or more	11%	10%	11%
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

*Unweighted base* 2,306

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

**Table 38: Offenders aged 18 and over sentenced to a community sentence for selected offences by ethnic group, 2010**

	White	Black	Asian	Other	Unknown	Total
Assault occasioning actual bodily harm	83%	6%	4%	1%	6%	100%
Common assault	82%	7%	4%	1%	5%	100%
Criminal damage under £5000	87%	6%	2%	0%	4%	100%
Fear or provocation of violence	83%	7%	3%	1%	6%	100%
<b>All selected offences</b>	<b>83%</b>	<b>6%</b>	<b>4%</b>	<b>1%</b>	<b>5%</b>	<b>100%</b>
<b>All offences</b>	<b>79%</b>	<b>7%</b>	<b>4%</b>	<b>1%</b>	<b>9%</b>	<b>100%</b>

Source: Further analysis of Criminal Justice Statistics 2010

Note. Sentences selected on basis that alcohol can be an aggravating factor and in these circumstances offenders could receive sobriety requirements as part of their community sentence and as high volume offences where over 4,000 community sentences were given. Therefore there could be a higher likelihood that a proportion of these offenders would be affected by the changes.

**Table 39: Conditional cautions given in 2011 by ethnic group**

	Conditional cautions for offences likely to be in the pilot	All conditional cautions
White	76%	74%
Mixed	1%	1%
Black or Black British	1%	2%
Asian or Asian British	1%	2%
Chinese and Other	0%	0%
Not provided	19%	19%
Not stated	1%	1%
<b>Total</b>	<b>100%</b>	<b>100%</b>

Source: Further analysis of Crown Prosecution Service data for 2011

**Table 40: Persons aged 18 and over sentenced at all courts by sex and result, 2010**

	Female	Male	Unstated	Total
Community sentences	16%	83%	1%	100%
All sentences	23%	74%	3%	100%

Source: Further analysis of Criminal Justice Statistics 2010

**Table 41: Requirements commenced under Community Orders by gender, 2010**

	Male	Female	Total
<b>Community Orders under Probation</b>			
<b>Service supervision</b>	<b>85%</b>	<b>15%</b>	<b>100%</b>
Residential	84%	16%	100%
Accredited Program	91%	9%	100%
Drug treatment	79%	21%	100%
Alcohol treatment	83%	17%	100%
Curfew	84%	16%	100%
Attendance Centre	91%	9%	100%
Mental Health	83%	17%	100%
Specified Activity	79%	21%	100%
Prohibited Activity	88%	12%	100%
Unpaid Work	88%	12%	100%
Exclusion	82%	18%	100%
Supervision	82%	18%	100%

Source: Further breakdown analysis of Offender Management Caseload Statistics 2010

**Table 42: Offenders starting Community Orders under Probation Service supervision by sex, 2010**

	CO contains unpaid work and/or curfew	All COs
Male	87%	84%
Female	13%	16%
All	100%	100%

Note: Does not include offenders subject to stand-alone curfew orders not supervised by the Probation Service

Source: Further breakdown analysis of Offender Management Caseload Statistics 2010

**Table 43: Main activity of offenders in last seven days by sex**

	Male	Female	Total
Looking for paid work / preparing to be self-employed/unpaid work (not domestic work)	49%	23%	44%
Activities related to my sentence (attending programmes etc)	7%	8%	8%
Training	5%	6%	5%
Looking after a child / children (in the daytime on a weekday)	4%	16%	6%
Looking after someone sick or disabled (in the daytime on a weekday)	2%	4%	3%
Looking after the home (in the daytime on a weekday)	3%	19%	6%
Off sick / focus was health condition or disability	22%	19%	22%
Other	6%	4%	6%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

*Unweighted base*

1,946

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data



**Table 44: Court orders terminated in 2010, by reason for termination and sex**

	Community Order	Suspended Sentence Order
<b>Males and Females</b>		
Ran their full course	53%	56%
<b>Terminated early for:</b>		
Good progress	12%	11%
Failure to comply with requirements	15%	12%
Conviction of an offence	10%	15%
Other reasons	10%	7%
<b>All Community orders (=100%)</b>	<b>100%</b>	<b>100%</b>
<b>Males</b>		
Ran their full course	53%	55%
<b>Terminated early for:</b>		
Good progress	12%	11%
Failure to comply with requirements	15%	12%
Conviction of an offence	11%	16%
Other reasons	10%	7%
<b>All Community orders (=100%)</b>	<b>100%</b>	<b>100%</b>
<b>Females</b>		
Ran their full course	57%	62%
<b>Terminated early for:</b>		
Good progress	12%	12%
Failure to comply with requirements	14%	9%
Conviction of an offence	8%	11%
Other reasons	10%	6%
<b>All Community orders (=100%)</b>	<b>100%</b>	<b>100%</b>

Source: Offender Management Caseload Statistics 2010

**Table 45: Mean fine amount imposed on persons aged 18 and over at all courts for indictable offences by sex, 2010**

	Mean fine
Female	£117
Male	£159
All	£157

Source: Further analysis of Criminal Justice Statistics 2010

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**Table 46: Persons aged 18 and over given compensation orders alongside community sentences by sex, 2010**

	Female	Male	Not Stated	Total
Persons given compensation orders alongside community sentences	14%	85%	0%	100%
Mean compensation amount	£249	£261	n/a	£261
Persons given community sentences	16%	83%	1%	100%

Source: Further analysis of Criminal Justice Statistics 2010

**Table 47: Household income of offenders by sex**

	Male	Female	Total
Less than £5,000	40%	40%	40%
£5,000 to less than £10,000	20%	29%	22%
£10,000 to less than 15,000	12%	14%	12%
£15,000 to less than £20,000	8%	5%	7%
£20,000 to less than £30,000	8%	4%	7%
£30,000 or more	11%	9%	11%
<b>All</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

*Unweighted base* 2,309

Source: Interim dataset for the first wave of the Offender Management Community Cohort Study  
The figures may change when the data is finalised.

Due to weighting there may be rounding errors in the data

**Table 48 Offenders aged 18 and over sentenced to a community sentence for selected offences by sex, 2010**

	Female	Male	Not stated	Total
Assault occasioning actual bodily harm	15%	85%	0%	100%
Common assault	13%	87%	0%	100%
Criminal damage under £5000	7%	92%	0%	100%
Fear or provocation of violence	8%	92%	0%	100%
<b>All selected offences</b>	<b>11%</b>	<b>88%</b>	<b>0%</b>	<b>100%</b>
<b>All offences</b>	<b>16%</b>	<b>83%</b>	<b>1%</b>	<b>100%</b>

Source: Further analysis of Criminal Justice Statistics 2010

Note. Sentences selected on basis that alcohol can be an aggravating factor and in these circumstances offenders could receive sobriety requirements as part of their community sentence and as high volume offences where over 4,000 community sentences were given. Therefore there could be a higher likelihood that a proportion of these offenders would be affected by the changes.

**Table 49: Conditional cautions given in 2011 by sex**

	Conditional cautions for offences likely to be in the pilot	All conditional cautions
Female	11%	14%
Male	89%	86%
<b>Total</b>	<b>100%</b>	<b>100%</b>

Source: Further analysis of Crown Prosecution Service data for 2011