

THE FUTURE OF UNPAID WORK

Payback with a purpose

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THE FUTURE OF UNPAID WORK

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THE FUTURE OF UNPAID WORK

Summary



The Future of Unpaid Work: Background

Background and context

- Introduced in the 1970s, unpaid work (sometimes known as community payback) is one of the 12 requirements courts can impose as part of a community sentence. The courts set the number of hours that need to be worked (between 40 to 300 hours) and probation supervises people to complete all their hours within 12 months of the sentencing date, working on a range of projects to provide payback to communities.
- Over the past ten years, the total number of court sentences has fallen by 29%, and community sentences have seen a steeper decline of 46%, with falls every year since 2011. Consequently, the number of unpaid work requirements made by courts has fallen over the last ten years, yet it remains the most used requirement of all.

Unpaid work delivery challenges

- The impact of covid-19 reduced the number of hours probation could deliver by 72%. This disruption nearly tripled the (pre-existing) backlog of uncompleted unpaid work cases. Nevertheless, probation has made great efforts to both continue and to innovate, and we found from our interviews an understandable sense of pride in the resilience of probation to meet the challenges of covid-19.
- Moreover, the teams were enthusiastic that, with the injection of additional funds and new national and regional contracts to deliver more unpaid work hours, probation could make real dents in the backlog by the end of 2022.
- However, we did find these efforts are being hampered by bureaucratic barriers within HMPPS, especially around recruitment and procurement. We found strong support for these efforts to ‘ramp up’ to take better account of regional variations, and to better reflect the realities of ‘living with covid.’

The Future of Unpaid Work: Challenges ahead

Challenges for the future

- In the near future, it is possible that the use of unpaid work will rise because it is widely predicted that the recruitment of additional police officers will lead to more arrests, more prosecutions and, therefore, more community sentences.
- We also found that there are a number of pre-existing trends within the unpaid work cohort which are likely to continue. These include the ageing of the unpaid work cohort— we estimate that the proportion of the cohort under 25 will continue to decline from 31% in 2016 to 21% in 2024. We also found evidence which suggests that the complexity of the cohorts needs (such as mental ill health and trauma) will continue to rise.
- Our interviews with unpaid work teams in all regions of England and Wales also suggest that current delivery is missing opportunities to ‘build back better’, and that the new investment provided should be used, in part, to try to better involve communities in the delivery of unpaid work.
- We also found that the value of unpaid work, and its staff, is not fully embraced by the wider probation profession.

What good looks like

- Our review of the evidence suggests that unpaid work which promotes desistance from crime needs to be, and seen to be, ‘purposeful’ by those carrying it out.
- ‘Purposeful’ unpaid work is characterised by projects that build skills and/or in restoring places or providing services of benefit to the community.
- The evidence suggest that unpaid work supervisors play a pivotal role in ensuring unpaid work is seen as ‘purposeful,’ by promoting pro-social behavior, procedural fairness and showing interest in the people on probation.

The Future of Unpaid Work: Payback with a Purpose

Payback with a purpose

Once the 'ramp up' to clear the backlog is in full swing by the end of 2022, we believe there is a real opportunity to build the capacity and capability to deliver 'payback with a purpose' in the medium to long term:

- **Empowering the regions to deliver:** Devolving decision-making for the delivery of unpaid work to the regions is likely to produce more 'purposeful' unpaid work over the medium to long term. Our recommendations include giving the regions greater discretion over procurement for unpaid work, bolstering their management information and rapidly reviewing HMPPS's outsourced HR contract.
- **Investing in community involvement:** We should invest in building partnerships at a hyper-local level to fully deliver the reparative, purposeful value of unpaid work. Our recommendations include investing in dedicated regional resource to build hyper-local partnerships, especially in council wards particularly impacted by crime, which, by January 2024, should provide 10% of all unpaid work placements in each region. These should be promoted to the public and stakeholders accordingly.
- **Diversifying placements:** In order to respond to changes in the unpaid work cohort, we need to develop a wider diversity of placements to ensure unpaid work feels purposeful for all who undertake it, including the greater use of workshops to deliver unpaid work with an Employment, Training and Education focus and commissioning research on the experience of people completing unpaid work, to design more purposeful placements in the future.
- **Honouring the value of unpaid work:** We should take steps to more clearly recognise the value of unpaid work staff, including by rotating trainee probation officers through unpaid work, as well as providing new unpaid work supervisors a training and development package which supports them in pro-social modelling.

THE FUTURE OF UNPAID WORK

1. Background



Background: About Unpaid Work

About unpaid work

- Unpaid work (also called community service and community payback) is one of the 12 requirements courts can impose as part of community sentences, as governed by The Criminal Justice Act 2003. Since its introduction in the 1970s, unpaid work has been the most widely used requirement within community sentences (community orders and suspended sentence orders).¹
- Unpaid work involves people on community sentences working for free on projects, as determined by probation. The courts can set the number of hours that need to be worked (between 40 to 300 hours) and all the hours should be completed within 12 months.
- As with many criminal sentences, unpaid work seeks to punish, by imposing demanding tasks and a deprivation of liberty, and to rehabilitate, in providing life and vocational skills. However, perhaps uniquely amongst the 12 requirements of community sentences, unpaid work is also reparative, with the individual being asked to ‘pay’ back to the community by working on a project of community benefit.

This report has been generously funded by the Hadley Trust.

Smarter community sentences

Since 2016, the Centre for Justice Innovation has conducted research, and practical support to practitioners, to increase the use, and the effectiveness, of community sentences across the UK. This report is the latest installment in a series of reports in this programme.

For more, see our [Smarter Community Sentences pages](#).

Background: Scope of the report

Scope of our work

- Given the organizational changes to probation over the past ten years, and the impact of covid-19, we initiated this work to:
 - (i) summarise the evidence on the impact of unpaid work on outcomes;
 - (ii) identify good practice in its operation;
 - (iii) understand challenges in delivering unpaid work, especially in light of the covid-19 pandemic;
 - (iv) identify steps that can be taken to ensure unpaid work is as purposeful and as effective as possible in the medium to long term.
- While our focus has been on the operation of unpaid work in England and Wales, we hope some of the insights we have gathered have more general application across probationary services throughout the United Kingdom.
- The three strands to our work have been (i) a rapid literature review (see Annex A); (ii) analysing data on unpaid work and community sentences; (iii) gathering insights via interviews from practitioners, experts and academics (see Annex B).

This report has been generously funded by the Hadley Trust.

We would like to thank officials at HMPPS and at the Ministry of Justice for their time, insights and assistance and thanks to Maria Almonte (Center for Court Innovation), Professor Rob Canton, Niall McEvoy (Probation Board, Northern Ireland), Russell Webster and staff at the Centre for their comments and perspectives.

THE FUTURE OF UNPAID WORK

2. Strategic context



Strategic context: Summary of findings

Over the past ten years, the number of sentences handed down by courts has fallen. Community sentences have seen a deeper decline, with falls every year since 2011.

Between 2011 and 2020, community sentences as a proportion of all sentences has fallen from 17% to 10%.

As the number of community sentences has declined, so has the number of unpaid work requirements made by courts, yet it remains the most used requirement of all.

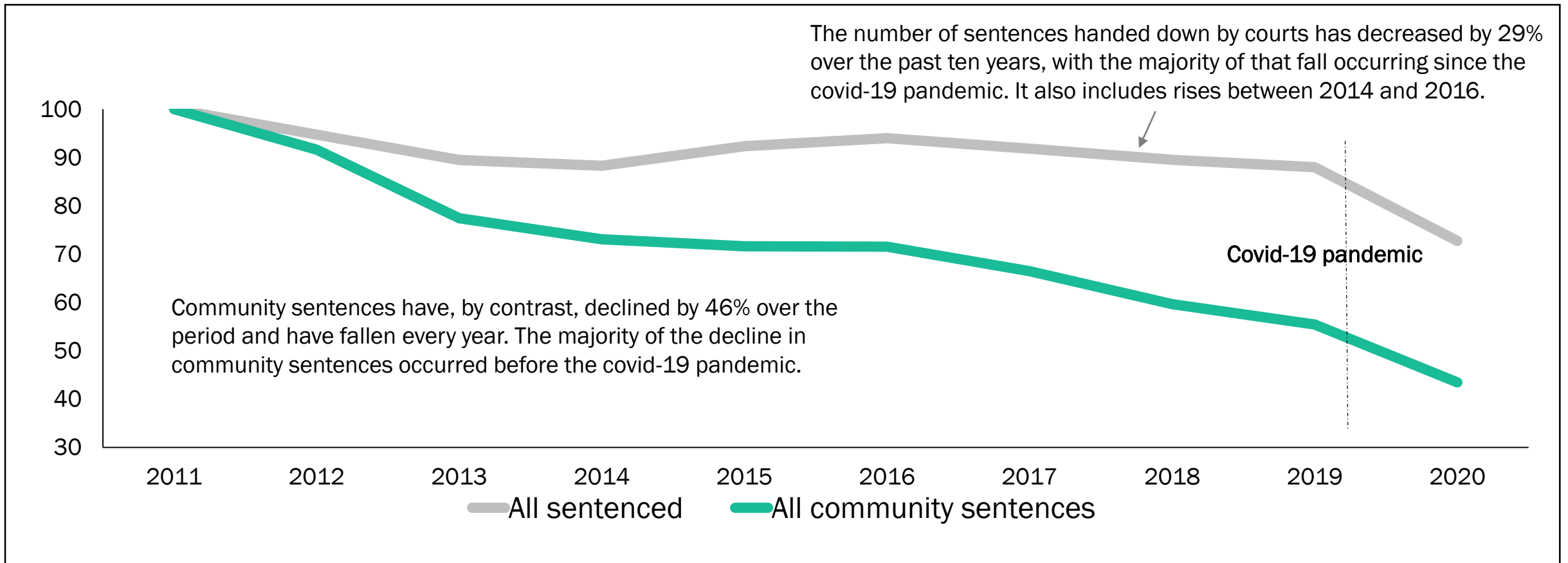
The profile of the people on community sentences has changed: there are proportionally more offenders sentenced for serious offences and far fewer for acquisitive offences.

The profile of the people on community sentences has changed: they are older. The proportion of people over 50 has almost doubled and young adults have nearly halved in ten years.

Strategic context: The use of community sentences

Over the past ten years, the number of sentences handed down by courts has fallen. Community sentences have seen a deeper decline, with falls every year since 2011.

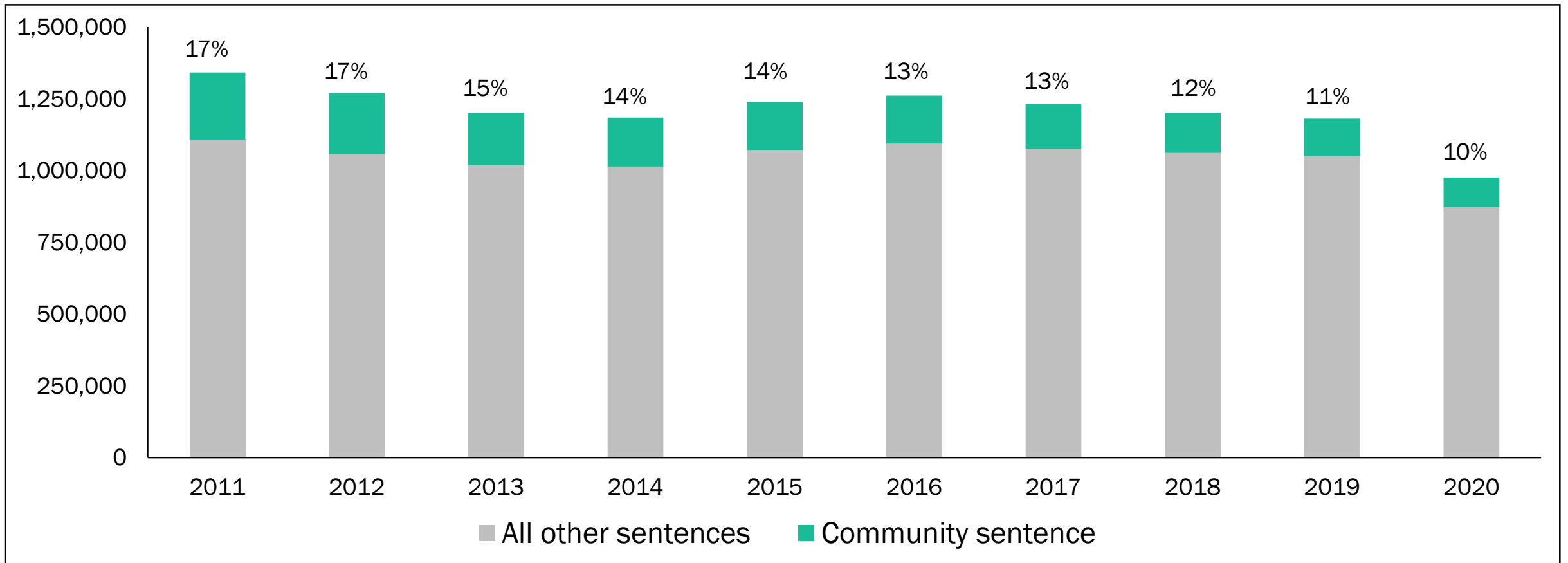
Figure 1: Total sentences and community sentences (indexed), 2011 to 2020²



Strategic context: The use of community sentences

Between 2011 and 2020, the proportion of community sentences as % of all sentences has fallen from 17% to 10%. The number of sentences in 2020 fell due to the covid-19 pandemic.

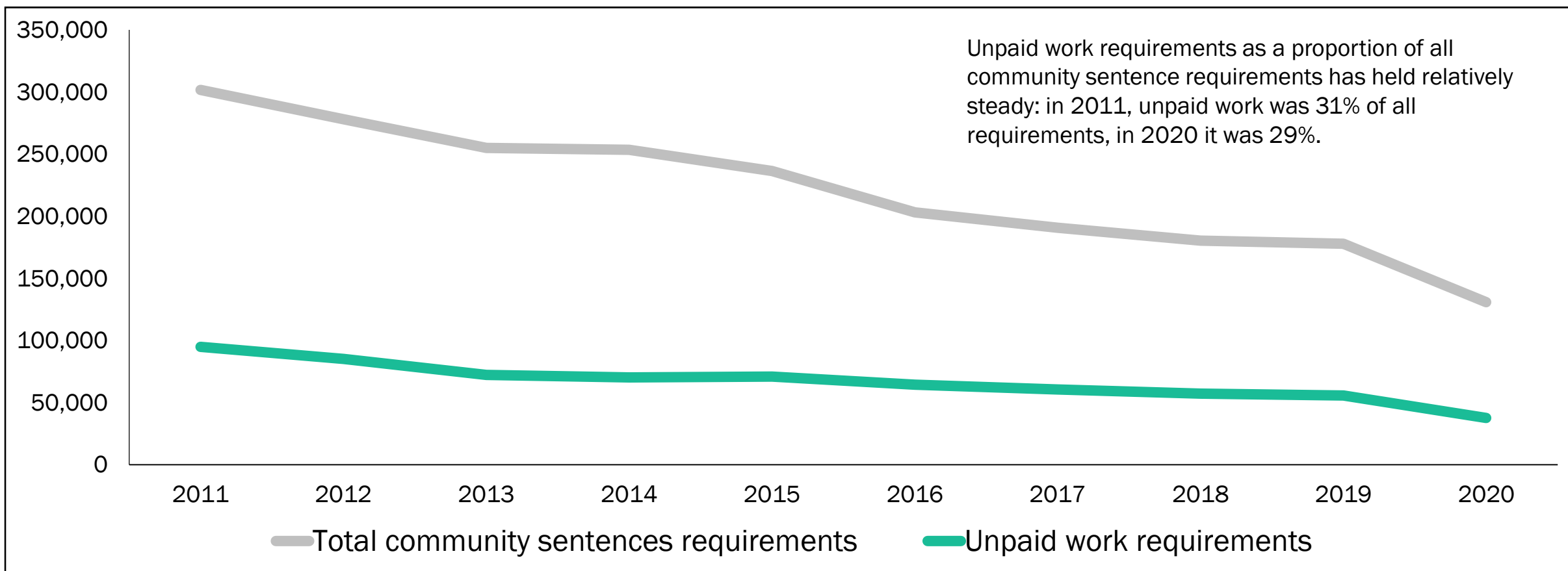
Figure 2: Community sentences as % of all sentences, 2011 to 2020³



Strategic context: The use of unpaid work

As the number of community sentences has declined, so has the number of unpaid work requirements made by courts (by 56% since 2011). However, unpaid work remains the most used requirement of all.

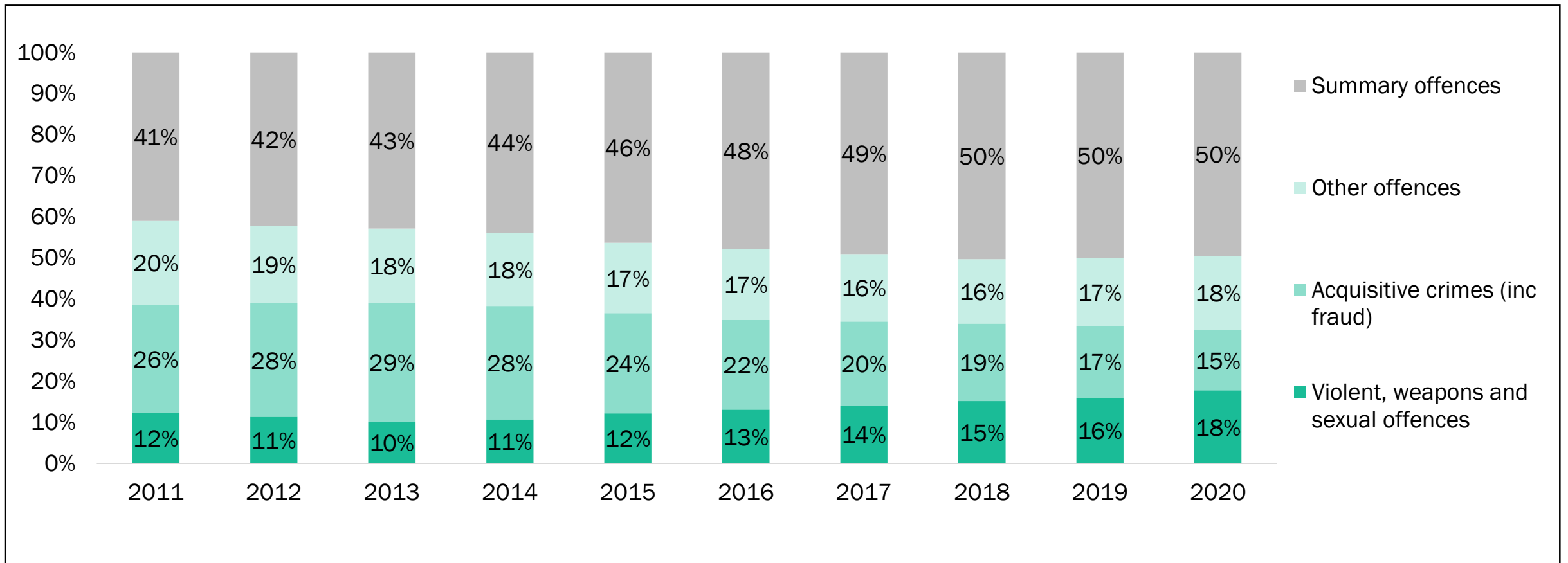
Figure 3: Total number of community sentence requirements and unpaid work requirements, 2011 to 2020⁴



Strategic context: People on community sentences

The profile of the people being supervised is changing: they are more likely to be sentenced for serious offences and far less likely to have committed acquisitive offences.

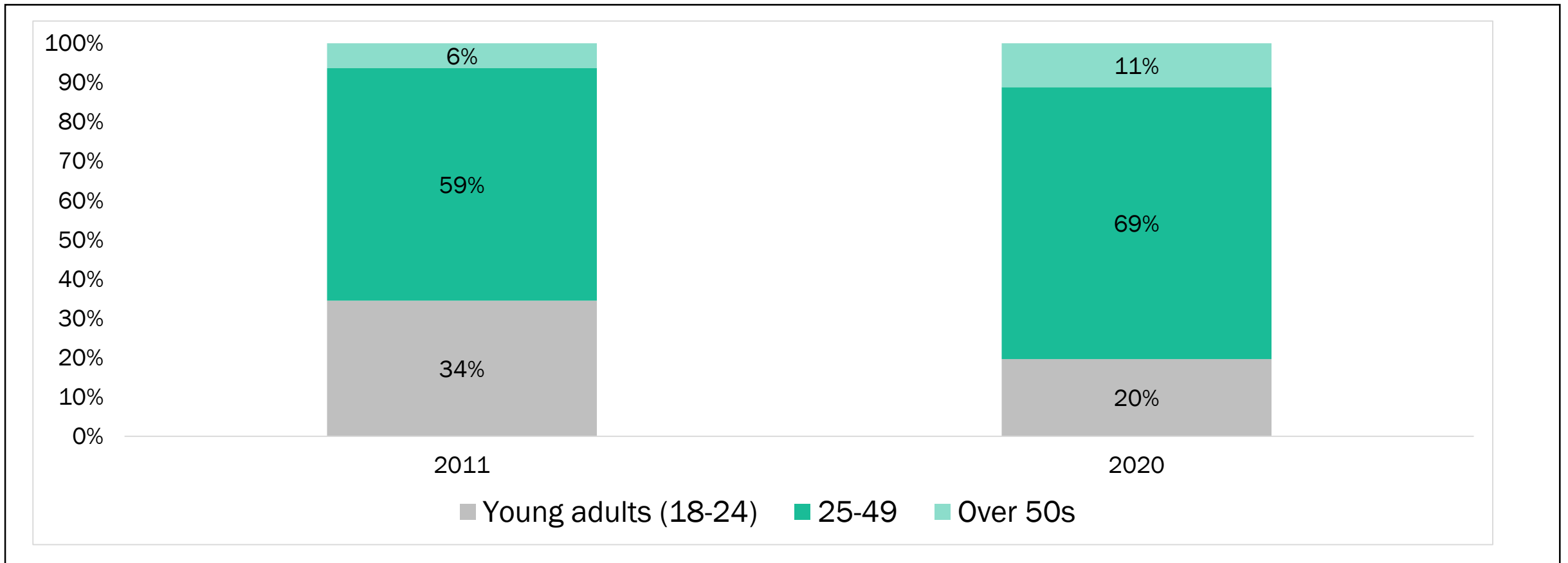
Figure 4: People sentenced to community sentences, by offence type, 2011 to 2020⁵



Strategic context: People on community sentences

The profile of the people on probation has changed: they are older. The proportion of people over 50 has almost doubled and young adults have nearly halved in ten years.

Figure 5: People sentenced to community sentences, by age, 2011 and 2020⁶



THE FUTURE OF UNPAID WORK

3. The evidence and good practice



Evidence: Summary of findings

While there is a lack of high quality research on the impact of unpaid work on re-offending and employment, where unpaid work is seen as ‘purposeful’, unpaid work can promote desistance from crime and a sense of reparation.

‘Purposeful’ unpaid work is characterised by projects that build skills or in creating/restoring places/services of benefit to the community (or both).

‘Purposeful’ unpaid work requires diversity of provision—diverse placements allow probation to tailor disposals to individual needs and circumstances.

Unpaid work supervisors can play a pivotal role in delivering ‘purposeful’ unpaid work, modelling positive behavior for people carrying out the work.

Some people experience unpaid work as a punishment, and a way to feel they are “paying off their debts,” while others can find it pointless.

Further research is needed on the experience of people on probation on unpaid work in England and Wales.

The evidence: The purposes of unpaid work

- **Probation interventions are often judged on their ability to impact on outcomes**, in particular their impact on re-offending. This locates the value of interventions on their consequences (e.g. did doing this intervention cause more or less future crime?), generally either through deterrence or rehabilitative mechanisms. But it is worth underlining that the consequentialist value of unpaid work is not the only value it is supposed to have.
- **Unpaid work is also designed to provide reparation to communities** (primarily by indirectly and symbolically repairing the harm caused by offending) and/or restitution to communities (using unpaid labour to restore community assets and spaces).
- Finally, **unpaid work is designed to be a punishment**, whether as a hardship imposed to limit an individual's free time and communicate our communal censure for offending, a hardship designed to induce and help individuals express remorse/repentance for their crimes, and or as a hardship designed to secure an individual's reconciliation back into the community that has been wronged.

The evidence: Impact on outcomes and reparation

- We conducted a rapid literature review on unpaid work (see Annex A for the methodology).
- We found **no systematic reviews on the impact of unpaid work on re-offending** in England and Wales.⁷ However, we did find the following evidence:
 - Offenders solely in receipt of unpaid work tend to be less likely to re-offend than offenders on other types of community sentences and there is mixed international evidence that, when compared to similar, matched offenders who receive prison sentences, offenders on unpaid work tend to re-offend at a lower rate;⁸
 - There is mixed international evidence that unpaid work is associated with lower levels of re-offending when compared to offenders in receipt of monetary penalties.⁹
- We found **only one international study on the impact of unpaid work on employment or employability skills** which found “(No) differences were found in employment and earnings outcomes for the two cohorts (*those on unpaid work and those not*).”¹⁰
- We found **no systematic research on the value of unpaid work** in providing reparation or restitution to communities.¹¹ We did, however, find some literature which tried to provide qualitative case studies of the value of unpaid work or which tried to summarise the total value of the labour provided.¹²

The evidence: Perceptions of people on probation

- Within the limited qualitative literature exploring the perceptions of people on probation subject to unpaid work, we found:
 - There is some evidence that **people can experience unpaid work as “hardship”; a “punishment,”** ¹³ with some limited qualitative evidence that some people would prefer prison time (though this seems limited to only those who have prior experience of prison); ¹⁴
 - There is some evidence that people can **experience unpaid work as providing a space in which they can reflect on their offending** and contribute toward “paying off a debt”; ¹⁵
 - There is some evidence that **people can experience unpaid work as “pointless”, “easy”,** and fail to understand what the purpose of it is. ¹⁶

Good practice: Importance of ‘purposeful’ unpaid work

- We found some evidence¹⁷ that, for people on probation themselves, the **experience of unpaid work can promote both desistance and a sense of reparation**, when the following good practice principles were followed:
 - There is evidence that people are more likely to comply with, and have a positive experience of, unpaid work where the **unpaid work is considered purposeful**, in giving them skills or in creating/restoring places/services of benefit to the community (or both). The literature suggests that delivering purposeful unpaid work **requires diversity of provision**—diverse placements allow probation to tailor disposals to individual needs and circumstances especially given the often highly unstructured circumstances of individuals, especially for women, people with substance misuse issues and older, more vulnerable people;
 - The literature highlights that **unpaid work delivery which is perceived as ‘fair’ may make people on probation more receptive to re-integrative opportunities**. This requires that individuals are provided with clear information about what is expected of them and in which the rules are consistently applied;
 - The literature also suggests that delivering **purposeful unpaid work relies on commencing the work promptly and being able to work regularly**;
 - The literature is also suggestive of the **importance of the role of unpaid work supervisors** in promoting procedural fairness and in demonstrating ‘pro-social’ behaviours.

THE FUTURE OF UNPAID WORK

4. The challenges of delivering unpaid work



Delivering unpaid work faces some serious challenges

1

The ability of probation to deliver unpaid work has been severely impacted by the **covid-19 pandemic**.

2

The ability of unpaid work staff to deliver unpaid work, and clear the backlog, is being hampered by **organisational barriers**, including (i) recruitment and procurement bureaucracy; (ii) the use of management data.

3

The **unpaid work cohort is likely to change**. Demand in the future may rise, due to the recruitment of additional police officers, and demographic changes are likely to continue.

4

We are missing opportunities to **involve communities** to realise the full value of unpaid work.

5

The **value of unpaid work is not embraced** by the wider probation profession.

Challenge 1. Delivering unpaid work in the pandemic

1

The ability of probation to deliver unpaid work has been severely impacted by the **covid-19 pandemic**.

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Challenge 1: Delivering unpaid work in the pandemic

Timeline of disruption to unpaid work during the covid-19 pandemic

- **March 2020 to end of June 2020:** Unpaid work projects were paused at the start of the initial Covid-19 lockdown in March 2020.
- **June 2020 to January 2021:** Unpaid work projects restarted: significant work was undertaken to ensure that projects adhered to government guidelines regarding safe working practices. This restricted the amount of work that could be delivered.
- **January 2021 to April 2021:** Unpaid work projects were paused in January 2021, when the country entered a further national lockdown- group placements severely restricted or ceased totally.
- **April 2021 to now:** Unpaid work projects recommenced in April 2021, while adhering to government guidelines regarding safe working practices. A renewed wave of Covid-19 infections brought by the Omicron variant in December led to hundreds of probation staff testing positive.

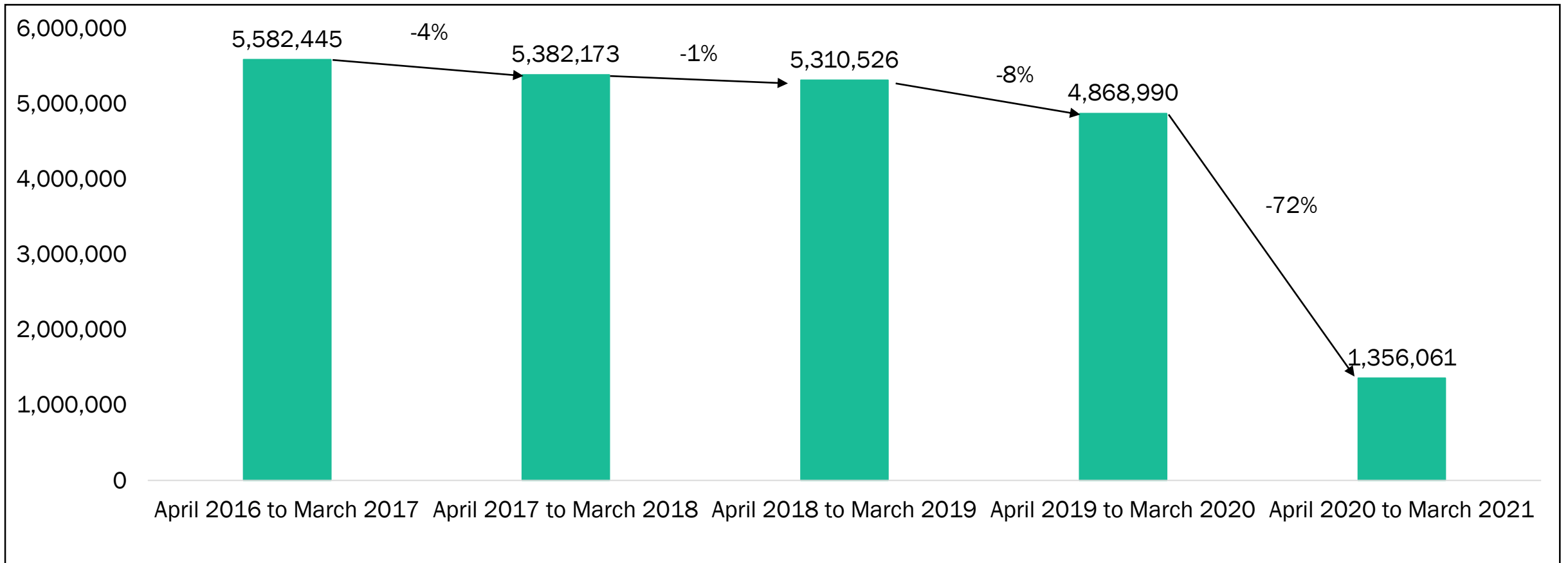
Challenge 1: Delivering unpaid work in the pandemic

- From March 2020, there has been a **total of approximately eight months** when it has not been possible for probation services to deliver on-site community payback projects.
- Moreover, probation managers, nationally and regionally, have had to **deliver unpaid work within restrictions even when it resumed**. Our interviews found that:
 - Covid restrictions severely limited the use of mini-buses to both collect people on probation and deliver them to site. Our interviews strongly suggest that, due to this, requirements for people on probation to “report to site” became more frequent, replacing the former practice of transporting people to projects in mini-buses;
 - Practitioners interviewed, across the regions, suggest that the lack of use of mini-buses led to higher than usual breaches as people on probation failed to report to site, or, having done so, simply walked off site. Other consequences of the pandemic have been higher attrition, lower staff morale, and higher staff sickness amongst those delivering unpaid work;
 - Singleton placements were particularly badly affected as many charities closed premises. This adversely affected women on probation, who tended to be placed in charity shops.

Challenge 1: Delivering unpaid work in the pandemic

While the number of unpaid work hours delivered was already decreasing year on year, the pandemic dramatically reduced the number of hours probation could deliver in 20/21.

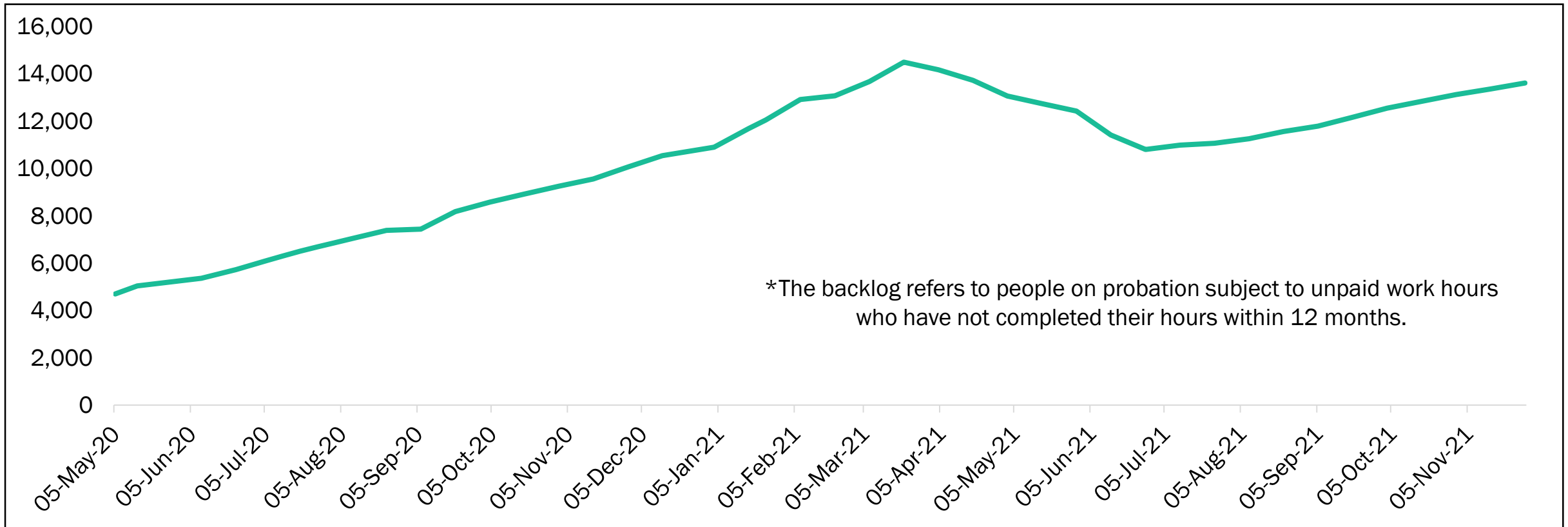
Figure 6: Total number of unpaid work hours delivered, 2016 to 2021¹⁸



Challenge 1: Delivering unpaid work in the pandemic

The disruption in the ability of probation to deliver unpaid work has nearly tripled the backlog* of uncompleted unpaid work cases between May 2020 and November 2021. This disruption came on top of an earlier backlog created by a court judgement (National Probation Service v The Crown Court Sitting at Blackfriars), eventually resolved on appeal.

Figure 7: Backlog of unpaid work cases, May 2020 to November 2021¹⁹



Challenge 1: Delivering unpaid work in the pandemic

- We heard a range of views concerning the Ministry of Justice and HMPPS's response to covid-19 and the delivery of unpaid work. We heard:
 - A general recognition that national, regional and local probation staff, and leaders in Her Majesty's Prison and Probation Service (HMPPS), had had to respond to a uniquely demanding set of circumstances that in particular impacted on the ability to deliver unpaid work. We detected an **understandable sense of pride in the resilience of probation to meet the challenges of covid-19**;
 - **Restrictions have led to innovation**, particularly "Project in a Box" (a scheme that introduced home working as an unpaid work placement). While this was initially received with scepticism, many reported that it had worked well and want to do more in the future;
 - However, at times, the **HMPPS Covid-19 recovery has been constrained by Public Health England (PHE) and HSE UK guidelines, to the frustration of staff in the regions and the centre equally**. For example, a number of interviewees identified that there had been circumstances during the pandemic where people on probation had taken public transport to meet Unpaid Work supervisors but then were unable to be transported via mini-bus to their placements, because PHE and HSE UK guidelines forbade this.

Challenge 1: Delivering unpaid work in the pandemic

- As part of the 2021 spending review settlement, a plan has been developed to **increase the speed, scale and quality of unpaid work delivery**, aimed at raising delivery to 155% of pre-pandemic levels by summer 2022. This ‘ramp up’ plan includes:
 - Investment to increase regional resources, replace ageing vans and relaunch unpaid work with local partners;
 - National projects with key organisations, including maintenance projects with the Canal and River Trust and Highways England, are being negotiated, to secure high-volume placements that are visible to the public;
 - Additionally, nationally, HMPPS is looking to recruit an additional 550 community payback staff, including over 300 supervisors and 70 administrative staff. Our discussions with senior leaders strongly suggest that these roles must be recruited quickly in order to achieve the ‘ramp up’ required. This recruitment is welcomed by the regions.
- We heard **particular enthusiasm for HMPPS’s role in creating large projects** like the national Canal and River Trust contract, and contracts with regional organisations like the Welsh Rugby Union.

Challenge 1: Delivering unpaid work in the pandemic

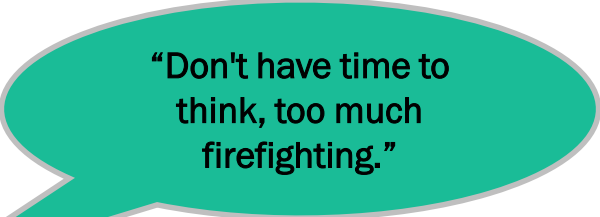
- While new investment, and the national projects attached to it, were generally welcomed, we found **some pessimism that ‘ramp-up’ of unpaid work hours can be realised**. We heard that:
 - Restrictions on what the new investment can be spent on (for example, not on capital projects like workshops) means that opportunities to build more purposeful unpaid work over the long term might be missed;
 - The slow pace of recruiting new supervisors is causing doubt in a number of regions about whether they can ramp up quickly (see challenge 2). By May 2022, 350 posts have been offered (though successful candidates not yet vetted). The centre has rectified errors in sifting criteria which restricted the pool of interview stage candidates but this has inevitably led to lost time in the race to achieve targets;
 - A number of areas are concerned that the baseline data on which ramp-up projections are based are incorrect, meaning some areas are being asked to deliver ramp-ups in excess of what they believe they can achieve. This is currently under review.

“(The backlog) will continue for several years to come, unless: delivery increases rapidly; there are alternative plans for dealing with the requirements in the backlog; or fewer unpaid work requirements are made.”

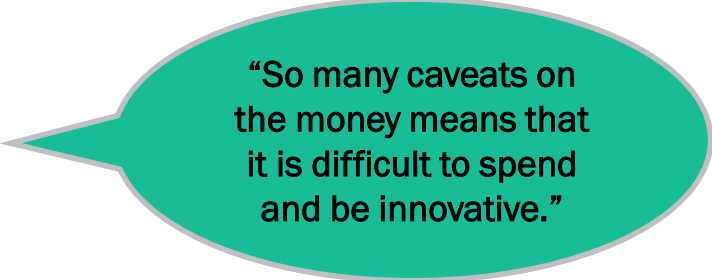
Her Majesty’s Inspectorate of Probation, 2021 Annual Report: inspections of probation services

Challenge 1: Delivering unpaid work in the pandemic

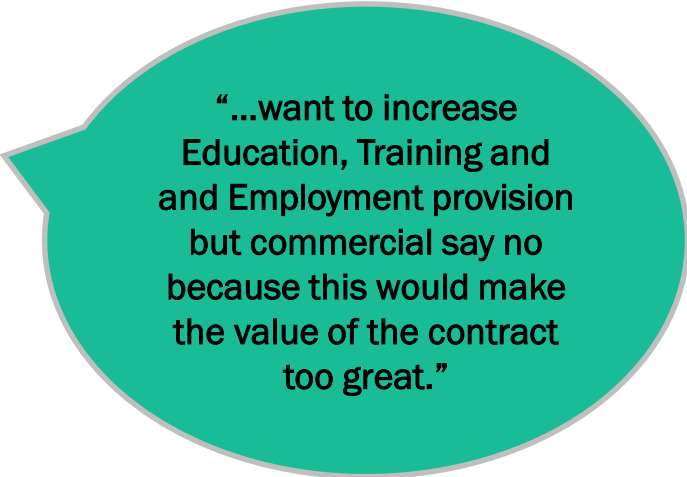
- In addition, the **pressure to clear the backlog is frustrating opportunities to develop more innovative, and diverse placements.** We heard that:
- The range of suitable work opportunities is narrow, and unpaid work managers have little space and time to establish the innovative partnerships and collaborations which could provide greater variety of placements. The overall impression from interviewees was that, in times of pressure, HMPPS strategy was to rely on business as usual. There was evidence from the interviews that even with the additional funds available to clear the backlog, managers are simply looking to do “more of the same”;
- Moreover, there were constraints being placed on unpaid work managers by HMPPS headquarters that are stopping them innovating (see organisational barriers below).



“Don't have time to think, too much firefighting.”



“So many caveats on the money means that it is difficult to spend and be innovative.”



“...want to increase Education, Training and and Employment provision but commercial say no because this would make the value of the contract too great.”

Challenge 2: Organisational barriers to delivery

1

The ability of probation to deliver unpaid work has been severely impacted by the covid-19 pandemic.

2

The ability of unpaid work staff to deliver unpaid work, and clear the backlog, are being hampered by **organisational barriers**, including (i) recruitment and procurement bureaucracy; (ii) the use of management data.

3

The unpaid work cohort is likely to change. Demand in the future may rise, due to the recruitment of additional police officers, and demographic changes are likely to continue.

4

We are missing opportunities to involve communities to realise the full value of unpaid work.

5

The value of unpaid work is not embraced by the wider probation profession.

Challenge 2: Organisational barriers to delivery

- There is significant frustration that **delivering unpaid work, and recovery from the impact of covid-19, is being compounded by bureaucracy associated with the new model of probation following re-unification.**
- While we found strong support for the investment, especially for the recruitment entailed in the national plan, we found significant frustration from those we interviewed with a number of the processes associated with completing basic tasks and how much paperwork needs to go with it.
- To those we spoke to, there was a general irritation that they were now operating in **an environment overly dominated by form-filling, complex contracting guidelines, and overly prescriptive directives.** Specifically, the top frustrations are:
 - The bureaucracy of HMPPS's procurement system;
 - The bureaucracy of HMPPS's recruitment systems;
 - The use of management information.

Challenge 2: Organisational barriers to delivery

HMPPS's ability to deliver unpaid work is being hampered by the time it takes unpaid work managers to buy and receive the equipment, and to recruit the staff they need.

“We wait ages to get equipment we used to get the next day”

We found that many of those we interviewed had become accustomed to ordering items and equipment and it arriving within days when they were employed as part of a Community Rehabilitation Company. They now experience significant delay, imposing additional work on staff, as a result of an overly centralised, slow and bureaucratic procurement process.

The centre acknowledges these frustrations but rules governing the supply of labour and materials to Government are onerous and not easily unpicked.

“Often successful applicants get fed up and take up jobs elsewhere.”

We found that many of those we interviewed are frustrated with how long it took to recruit new staff. Specifically, we heard complaints about recruitment turnaround time, a lack of succession planning, and an ‘on-boarding’ process that is so slow that often successful applicants had got different jobs.

Separately, we heard some frustrations that job advertisements are not attracting the necessary number of applicants or of the correct calibre. The centre is addressing this and is now confident that recruitment targets will be met.

Challenge 2: Organisational barriers to delivery

- Alongside bureaucratic frustrations, interviewees highlighted additional operational barriers to their ability to deliver effective and innovative unpaid work. In particular, we heard:
 - A number of unpaid work managers **regretted the loss of the high quality, meaningful, robust management information they had had under the CRCs**. While centrally produced data is considered by HMPPS senior officials to be robust and fit for purpose, the view from the regions is that their MI experience (acquired in the private sector) is stronger. Many continue to run their own data analysis as it provides a better picture of local operations;
 - While new national contracts for unpaid work are providing greater volume of placements, some of those we interviewed highlighted that these placements were not delivering extra capacity in their area and/or for their most difficult to place individuals;
 - Frustration that the **new nationally let contract to deliver Education, Training and Employment (ETE) does not cover support for the provision of ETE in unpaid work**. This view is disputed by the centre but it was clearly expressed by regions suggesting a mismatch in understanding;
 - Frustration that **HMPPS's probation estates strategy had not been responsive to the needs for unpaid work**, especially in not including the creation of workshop space, which a number of managers saw as having great potential for their unpaid work population.

Challenge 2: Organisational barriers to delivery

- We also discussed barriers to using unpaid work in different settings, especially commercial ones:
 - Interviewees were asked if **unpaid work should be allowed to generate funding directly** – overwhelmingly, the answer was that a contribution to the costs of a project should be made by the beneficiary;
 - The question further highlighted challenges inherent in using unpaid work within a commercial setting – specifically, a number of people interviewed were aware of discussions that **unpaid work could be used alleviate the UK’s current labour shortages, especially for industries like fruit picking, for example;**
 - However, preliminary investigations into this **strongly indicates that unpaid work would not provide a suitable replacement for these employers**, for the following reasons:
 - There is a strong likelihood that the concentration of people subject to unpaid work are most likely to be located in cities and not close to those rural areas where agricultural labour is most required (N.B. we have been unable to request and access data to validate this view);
 - The type of labour required for these industries needs to be (i) available seasonally; (ii) in sufficient capacity and (iii) have high levels of reliability for the short harvesting windows they are needed for. It is unlikely that labour available through unpaid work, even if available locally, would meet these requirements;
 - Depending on the placement and provider, it is possible that using unpaid work in this way is likely to be illegal, contravening the UK’s responsibilities under both the European Convention on Human Rights and the International Labour Organisation’s Convention on Forced Labour.

Challenge 3. The unpaid work cohort is likely to change

1

The ability of probation to deliver unpaid work has been severely impacted by the covid-19 pandemic.

2

The ability of unpaid work staff to deliver unpaid work, and clear the backlog, are being hampered by organisational barriers, including (i) recruitment and procurement bureaucracy; (ii) the use of management data.

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The unpaid work cohort is likely to change. Demand in the future may rise, due to the recruitment of additional police officers, and demographic changes are likely to continue.

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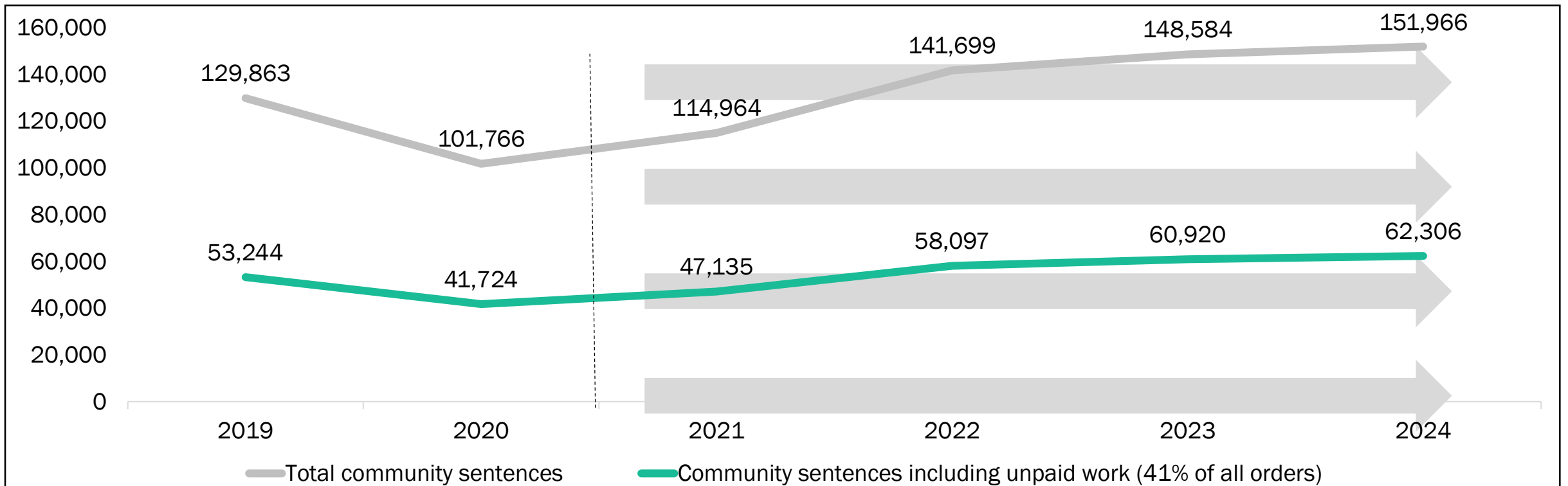
5

The value of unpaid work is not embraced by the wider probation profession.

Challenge 3: The unpaid work cohort is likely to change

The impact of plans to recruit 20,000 new police officers on the criminal justice system suggest that this could lead to a rise in the number of community sentences, and, consequently, in a 17% rise in the number of community sentences with an unpaid work requirement compared to the pre-pandemic baseline.

Figure 8: Estimates of future demand, community sentences and unpaid work, 2019 to 2024 ²⁰

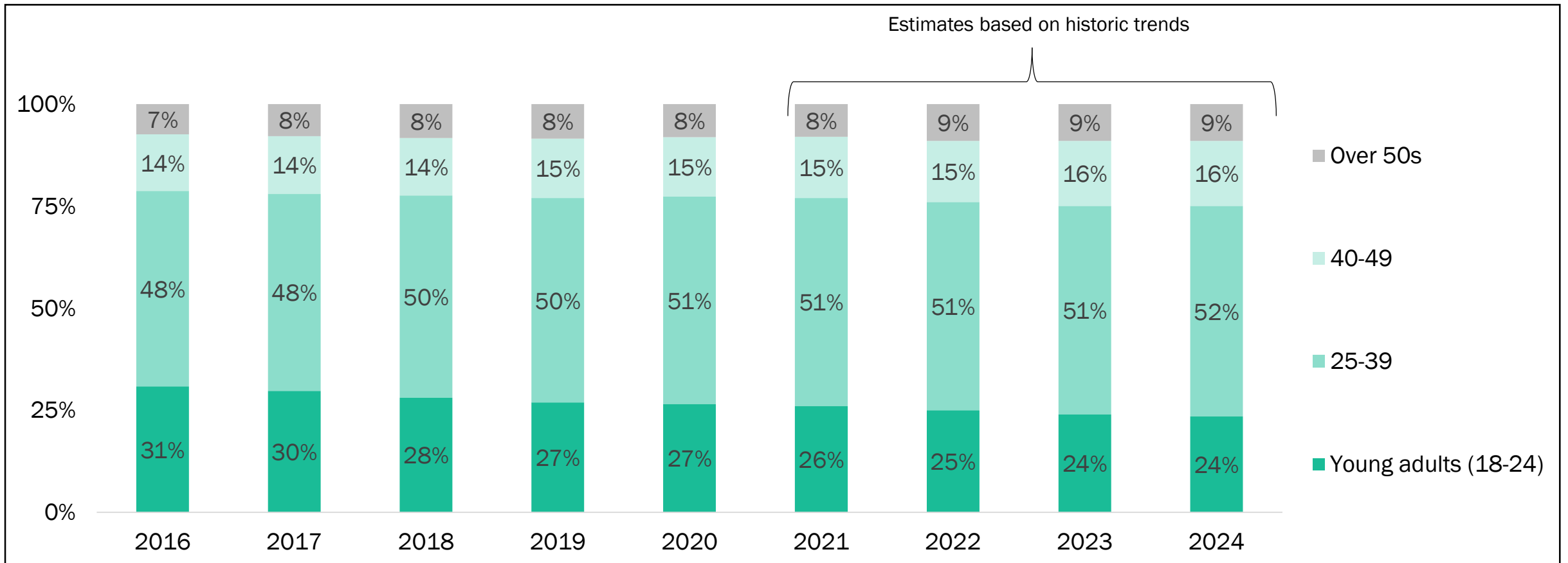


Projections, based on Crest Advisory modelling, suggest 24% increase in SSOs and 14% increase in COs between 2019 and 2024. Our modelling also assumes the proportion of community sentences with unpaid work requirements remains the same (n=41%)

Challenge 3: The unpaid work cohort is likely to change

As with all people serving community sentences generally, the cohort of people required to perform unpaid work is slowly getting older, a trend which is likely to continue. We estimate that 25% of the unpaid work population in 2024 will be over 40, compared to 21% in 2016. This has a direct consequence for the type of placements sourced.

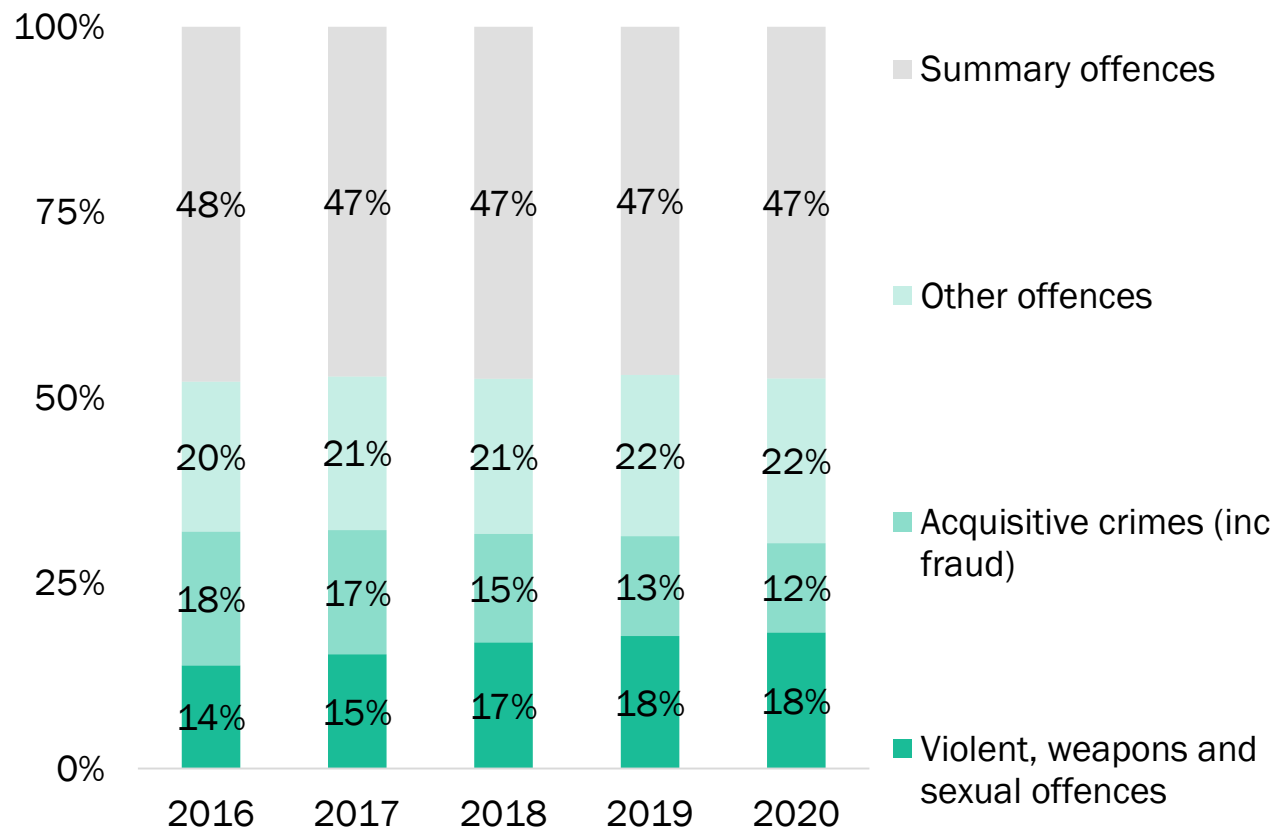
Figure 9: Estimated ages of people on unpaid work, 2016 to 2024²¹



Challenge 3: The unpaid work cohort is likely to change

The cohort of people on unpaid work are now more likely to have committed more serious offences. Whether this trend continues IF there is greater demand generated from additional police officers is unclear.

Figure 10: Offences of people on unpaid work, 2016 to 2020²²



Predicting future demand

If the additional 20,000 police officers leads to more prosecutions, and more court cases, while this is likely to increase the volume of people being sentenced to unpaid work, it is unclear how this will impact the offence mix of the unpaid work cohort. Seriousness of offending can impact which placements are suitable for individuals. The future offence mix for those on unpaid work will depend on (i) changes in crime; (ii) relative changes in detection and charging rates (which will be impacted by how the 20,000 police will be deployed); and (iii) changes in sentencing patterns. Crest Advisory modelling suggests a 10-20% rise in violence against the person by 2024.

Challenge 3: The unpaid work cohort is likely to change

There is circumstantial and qualitative evidence that suggests that the **cohort of people on unpaid work are now more likely to have complex needs than they previously did**. This tentative conclusion stems from the following pieces of evidence:

- Those we spoke to about the current unpaid work cohort reported changes over time in the complexity of their needs. A number of people interviewed think that ‘stand-alone’ unpaid work in particular is increasingly being given to more complex individuals who, in the past, would have received multiple requirements. (Some of our interviewees hypothesised that this might be a by-product of the deterioration of probation court teams, and their diminished influence with sentencers);²³
- Rises in complexity of needs have also been observed in other justice involved cohorts.²⁴ This includes:
 - Evidence of rises in complexities and vulnerabilities of people in contact with the police;
 - Evidence of rises in complexities and vulnerabilities of people in the youth justice system;
 - Evidence of rises in complexities and vulnerabilities of people the prison population.
- It is unclear whether these rises represent actual rises in complexity or whether they show that we, as a society, are becoming better at self-reporting and independently identifying them;
- In our judgment, this rise in complexity of the needs is likely to be reflected in the unpaid work cohort as it currently is, but is also likely to continue rise over time, regardless of the increased demand which may stem from the additional 20,000 police officers. However, our conclusions in this area are necessarily tentative as the lack of data on assessed needs of the unpaid work cohort has not allowed us to verify this.

Challenge 3: The unpaid work cohort is likely to change

- A more complex population exacerbates the biggest delivery challenge in delivering unpaid work: matching individuals to appropriate placements. We found that:
 - Our review of the evidence suggests that the most complex and challenging element of unpaid work delivery is matching people to work opportunities. Ideally, assessments of people on unpaid work, looking at their needs, their assets and their aspirations, would guide the choice of placements they complete: for example, physically fit individuals may be able to complete arduous, outside work that vulnerable, older individuals can't;
 - Our interviews suggested that this matching exercise is currently operationally problematic, in part, because the assessment undertaken pre-sentence (and immediately post-sentence) is completed against a backdrop of enormous workloads (a recent report by HMI Probation found that half of probation staff said that their workload remained 'not so' or 'not at all' manageable three months after unification), meaning there is often not sufficient information to match people to appropriate placements;
 - This can mean unpaid work supervisors have to switch people into different placements during the sentence when it becomes apparent that initial placements have been inappropriate.

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Challenge 3: The unpaid work cohort is likely to change

- There is the potential that **the cohort may also change if the police choose to use unpaid work as a reparative condition for statutory out of court disposals**. As part of the new out of court disposal framework, outlined the Police, Crime, Sentencing and Courts Act 2022 and due to be implemented in April 2023, the police must impose conditions when using the two new disposals (the diversionary and community caution) and can impose unpaid work as a condition under both (to a maximum of 20 hours for diversionary cautions and 10 hours for community cautions).
- While this represents no substantive change to the existing law (the police can already impose 20 hours unpaid work for a conditional caution),* it is possible that the **implementation of the new framework may lead to police forces to re-discover that they can impose unpaid work as a condition**. This could involve (i) running unpaid work crews themselves; (ii) commissioning other providers to deliver unpaid work; (iii) commissioning probation to deliver it. If take up was higher than it is currently, this could lead to even more unpaid work hours being conducted in the community and it is likely that the profile of these individuals could change the overall unpaid work cohort (e.g. they are likely to be less likely to have as long criminal histories as the sentenced cohort).
- That said, as our recent evidence review of conditional cautions found, **the police have not used conditional cautions extensively, often because they perceive imposing conditions, supervising offenders through those conditions, and enforcing non-compliance as burdensome.**²⁵ A 2006/7 pilot of the use of unpaid work (provided by probation) as part of conditional cautioning in seven police Basic Command Units found that the police only used unpaid work as condition 7 times in a year and found this low take up was because it was “perceived to be time-consuming and complex.”²⁶ Given that diversionary cautions are substantively the same as conditional cautions, it is possible that the police will choose not to use them extensively and, even if they do, may choose not to use unpaid work as a condition.

* There is no data available on how often unpaid work is used by police forces as condition.

Challenge 4: Missing opportunities to involve communities

1

The ability of probation to deliver unpaid work has been severely impacted by the covid-19 pandemic.

2

The ability of unpaid work staff to deliver unpaid work, and clear the backlog, is being hampered by organisational barriers, including (i) recruitment and procurement bureaucracy; (ii) the use of management data.

3

The unpaid work cohort is likely to change. Demand in the future may rise, due to the recruitment of additional police officers, and demographic changes are likely to continue.

4

We are missing opportunities to **involve communities** to realise the full value of unpaid work.

5

The value of unpaid work is not embraced by the wider probation profession.

Challenge 4: Missing opportunities to involve communities

- Unpaid work managers are concerned that **too much central prescription is constraining the ability of probation to deliver meaningful, responsive reparation to communities** through unpaid work. We heard that:
 - While those we interviewed recognised that the new ‘Target Operating Model’ advocated that regions ought to develop strong partnerships with outside organisations, local community groups and civic society and voluntary sector organisations, many identified that partnership building takes time and resource, both of which are in short supply. Specifically, there is a lack of capacity within the regions to find, promote and publicise the meaningful, responsive reparation unpaid work delivers to communities;
 - While unpaid work is intended to be part punitive, part rehabilitative (especially through Employment, Training and Education (ETE) opportunities), part redemptive, and part reparative, those we spoke to felt not enough is made the value of unpaid work, and that unpaid work feels hidden from the eyes of the courts, Police and Crime Commissioners (PCCs), the public and even fellow probation colleagues alike.

Challenge 4: Missing opportunities to involve communities

- Moreover, there is frustration amongst practitioners that **unpaid work is only described in the public sphere in terms of its punitive value**, missing its value as a rehabilitative and reparative intervention.
- We heard frustrations that when unpaid work is discussed in public debates, there is too often a focus on sounding tough- “chain gangs” “orange jumpsuits”— which provides an inaccurate and misleading impression of the reality of unpaid work.
- This narrow focus on unpaid work as punishment alone fails to reflect the full value of unpaid work, especially its role in:
 - Demonstrating to communities how the justice system seeks to use its resources to repair community assets and spaces;
 - Providing individuals with a redemptive experience, in which they work to pay back their ‘debt to society’;
 - Re-integrating people on probation back into their communities by involving them in civic projects, giving them a sense of pride in contributing to their restoration.

Challenge 4: Missing opportunities to involve communities

- We heard from those we interviewed that **national efforts to build community engagement have largely failed** while other national reforms to probation have undercut probation's ability to engage locally. We heard that:
 - While the Casey Report (2008) tried to increase unpaid work's visibility and probation's engagement with communities, its legacy was seen to have ossified into "high-vis vests and placards" (and not into additional capacity to build community engagement);²⁷
 - The various re-organisations of probation brought disruption, and this was felt to have resulted in a default toward less purposeful, but easy to administer unpaid work, generically referred to as "litter-picking";
 - There remains a perception that unpaid work cannot be used in roles which might be seen as competing with, or replacing, local authority staff (such as parks and gardens staff). This is despite cuts in local authority funding over the past decade;
 - While there is a national process for nominating unpaid work via gov.uk, no-one we spoke with mentioned this as a useful source of placements.

Challenge 4: Missing opportunities to involve communities

- Moreover, we heard from those we interviewed that the **local community engagement necessary to fully exploit the value of unpaid work is challenging**, partly due lack of capacity but also because our communities have diversified and changed. We heard that:
 - While there are traditional community organisations which unpaid work still has strong links to, such as faith-based groups, not enough time and investment has gone into engaging with and involving a plethora of hyper-local voluntary organisations and interest groups who are focused on what matters to neighbourhoods;
 - Not enough effort is made to integrate unpaid work with existing civic volunteering, outside of the charity shop singleton placements;
 - We heard some suggest that more unpaid work placements which integrated with existing civic volunteering could underline the purposeful nature of unpaid work to people on probation;
 - Probation staff, given time and investment, are enthusiastic about engaging with these groups, and see it as a route to fully delivering the full, civic value of unpaid work.

Challenge 4: Missing opportunities to involve communities

- The passage of the Police, Crime, Sentencing and Courts Act 2022 sees a new statutory requirement to consult on unpaid work.
- The Scottish Government introduced a similar provision requiring local authorities to consult prescribed persons in the community about the type of Unpaid Work that should be carried out by offenders.
- This new duty is likely to require probation to have to consult annually with a range of public bodies on the design and delivery of Unpaid Work, such as Police and Crime Commissioners, local authorities and others.
- While this new duty is very welcome, and explicitly responds to recommendations from a previous [Centre for Justice innovation report](#),²⁸ this new duty to consult is unlikely to encompass the engagement of local community groups below the local police force boundary or local authority level.

Challenge 5: Integrating unpaid work within probation profession

1

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3

The unpaid work cohort is likely to change. Demand in the future may rise, due to the recruitment of additional police officers, and demographic changes are likely to continue.

4

We are missing opportunities to involve communities to realise the full value of unpaid work.

5

The value of unpaid work is not embraced by the wider probation profession.

Challenge 5: Integrating unpaid work within probation profession

Since its inception, we heard staff say they felt unpaid work has been seen as somehow a lesser task than mainstream probation practice, in part because it employs 'non-qualified' staff.

"It is an internal thing that probation does to itself; public and sentencers understand it but our colleagues don't... The placement coordinator role not understood by the centre as exemplified by the banding that has been applied which is effectively a demotion."

Unpaid work supervisors are not qualified probation officers, and there is a clear perception amongst unpaid work supervisors that their work is not seen as skilled and worthy of similar recognition, reflecting a wider professional elitism. This is reflected in the career opportunities and human resource decisions of those running probation, both historically and now.

"There is an historic culture partly rooted in the fact that unpaid work has less qualifications and therefore seen as less skilled."

"No career path other than training as a probation officer."

Challenge 5: Integrating unpaid work within probation profession

This lack of recognition of the value of unpaid work is reflected in the place it is given within the probation profession and how it is communicated by the national bodies responsible for it.

“If it [UPW] is the jewel in the crown, then it needs to be given the chance to shine, not hid away in the dark.”

“Resources follow risk’ is the mantra of probation and this necessarily downgrades unpaid work.”

Because unpaid work tends to work with lower risk people on probation, the national organisations responsible for its delivery are seen to have never truly valued the work that unpaid work supervisors do nor the value that unpaid work can deliver to the public.

“Always been sold as the jewel in the crown but has never been treated that way.”

“Sentence management has a morbid obsession with risk failing to recognise that unpaid work manages risk seven hours every day!”

THE FUTURE OF UNPAID WORK

5. Payback with a purpose



The Future of Unpaid Work

July 2022 to December 2022

It is clear the impact of covid-19 created an unprecedented challenge for the delivery of unpaid work, and that the efforts to clear the backlog must continue...

- Over the next 6 months, there remains a strong imperative to ensure that all un-worked hours accrued during the pandemic years are cleared.
- The HMPPS recovery plan places a strong emphasis on large scale projects to get through that backlog.
- The plan also calls for a 'surge' in recruitment, to employ a large number of new staff to supervise unpaid work.

January 2023 and beyond

...and yet there is huge enthusiasm, and potential, to ensure that unpaid work, over the medium to long term, is made more purposeful and more responsive to our communities.

- When the recovery plan is in full swing in 6 months time, there is a real opportunity for HMPPS and the Ministry of Justice to build the capacity and capability to deliver unpaid work differently in the medium to long term.
- Our interviews uncovered a wealth of innovative and creative thinking, and passion for, **delivering payback with a purpose.**

The Future of Unpaid Work

Short term:
July 2022 to
December
2022

Maximising the ramp up

Efforts to ramp up unpaid work delivery should be adjusted to take consideration of living with covid, regional variations and data.

Medium to
long term:
January 2023
and beyond

Empowering the regions to deliver

Devolving decision-making for the delivery of unpaid work to the regions is likely to produce more 'purposeful' unpaid work over the medium to long term.

Investing in community involvement

We should invest in building partnerships at a hyper-local level to fully deliver the reparative value of unpaid work.

Diversifying placements

In order to respond to changes in the unpaid work cohort, we need to develop a wider diversity of placements to ensure unpaid work feels purposeful.

Honouring the value of unpaid work

We should take steps to more clearly recognise the value of unpaid work staff.

PAYBACK WITH A PURPOSE

Maximise the ramp up

Short term: July
2022 to December
2022

Maximising the ramp up

Efforts to ramp up
delivery on unpaid
work delivery should
be adjusted to take
consideration of living
with covid, regional
variations and data.

It was vital that HMPPS secured the investment for its plan to 'ramp up' delivery to overcome the growing backlog. We detected support for aspects of this ramp up plan, not least in the role of the central HMPPS team in securing national projects like with the Canal and River Trust project, as well as for more unpaid work supervisors. This increase in capacity is vital not only for covid-19 recovery but also for the anticipated future demand that is likely to arise from increases in police officer numbers.

Recommendation 1: In order to achieve the increases in capacity needed to clear the backlog, and to potentially meet the rise in demand for unpaid work as a result of the planned additional 20,000 police officers, HMPPS should build on its good work to date to sign up more national partners who can offer placements across the country.

Recommendation 2: As part of this effort, HMPPS regions should be presented with a menu of opportunities for placements which include these large national contracts and locally sourced projects, which they can then pick from and deploy in line with the realities of their geography and community composition.

Maximise the ramp up

Short term: July
2022 to December
2022

Maximising the ramp up

Efforts to ramp up
delivery on unpaid
work delivery should
be adjusted to take
consideration of living
with covid, regional
variations and data.

As the nation gets used to living with covid, ongoing restrictions on unpaid work delivery, identified in the national General Risk Assessment, seem to be producing unwarranted delays and stoppages. We also found unease concerning how the baseline and targets associated with the ramp up plan had been calculated.

Recommendation 3: HMPPS should conduct a new General Risk Assessment, based on the premise of ‘living with covid’ and a presumption toward return to pre-pandemic operations. Regions should have a degree of freedom and discretion in applying this new assessment to their delivery, with the onus on return to normal. This should include reinstating mini-bus use– transporting people to site, as this improves compliance which makes project completion more likely.

Recommendation 4: HMPPS and the regions to openly discuss the baseline assumptions for the ramp-up plan, and rapidly work toward a more realistic, achievable and publically available trajectory for the ramp up.

Payback with a purpose

Medium to long term:
January 2023 and
beyond

Empowering the
regions to deliver

Devolving decision-
making for the
delivery of unpaid
work to the regions is
likely to produce more
'purposeful' unpaid
work over the medium
to long term.

We found a great enthusiasm amongst practitioners to use covid-19 as an opportunity to ensure probation delivers more purposeful unpaid work in the future. Yet we also found significant frustration with the bureaucratic obstacles in the way of this goal, not least in central procurement and recruitment processes. While there are some of these functions that can be administered centrally, the unique and community focused nature of unpaid work especially demands a more local solution. We repeatedly heard pleas from staff in the regions to be empowered to deliver purposeful unpaid work tailored to their communities.

- **Recommendation 5:** The Shared Services Connected Limited contract, the outsourced HR service, should be reviewed as a matter of urgency to see if it can be more responsive to regional needs.

- **Recommendation 6:** Procurement for unpaid work, up to the value of £10,000 at PDU level, should be devolved to a regional level with clear financial accountability through the Regional Probation Director.

- **Recommendation 7:** Many probation regions already produce and interrogate their own management information on unpaid work, providing them with a better picture of regional trends and analysis. This should be encouraged and best practice examples shared across England and Wales, especially with probation officers who supervise cases with unpaid work.

Payback with a purpose

Medium to long term:
January 2023 and
beyond

Investing in
community
involvement

We should invest in
building partnerships
at a hyper-local level
to fully deliver the
reparative value of
unpaid work.

As our communities change, so must our efforts to engage with them. If HMPPS wants to realise the full value of unpaid work, making it purposeful to both people on probation and to communities, HMPPS needs to give greater emphasis to how it involves communities in its delivery of unpaid work.

What does community involvement look like?

As part of our research for this report, we spoke to our colleagues in New York about their experience of delivering unpaid work with community involvement at its heart. They stressed six principles:

1. Participatory Justice Research: a process of community-led investigation and idea generation designed to identify and prioritise issues and potential solutions.
2. Building Power with Community: creating strong local networks, engaging them to create policies and practices that can solve pressing local issues.
3. Restoring Community-System Partnership: bringing together local networks and agency representatives to jointly identify and address the underlying drivers of public safety concerns.
4. Focusing on the people and places most impacted.
5. Keeping it Customizable and Flexible: One size doesn't fit all.
6. Committing to Equality: Communities should not have to choose between safety and justice.

“...community residents themselves are the experts on their own neighborhoods, with a fundamental understanding of what needs to happen to achieve the prerequisites to community safety—e.g. education, economic mobility, quality housing, mental health supports, safe public spaces, trust in one’s neighbors. What residents often require is the opportunity to think creatively and collaboratively about what constitutes true safety for themselves, their families and their neighbors; and the resources to implement and iterate on community-based solutions.”

A Guide to Safe and Equitable Communities,
Center for Court Innovation²⁹

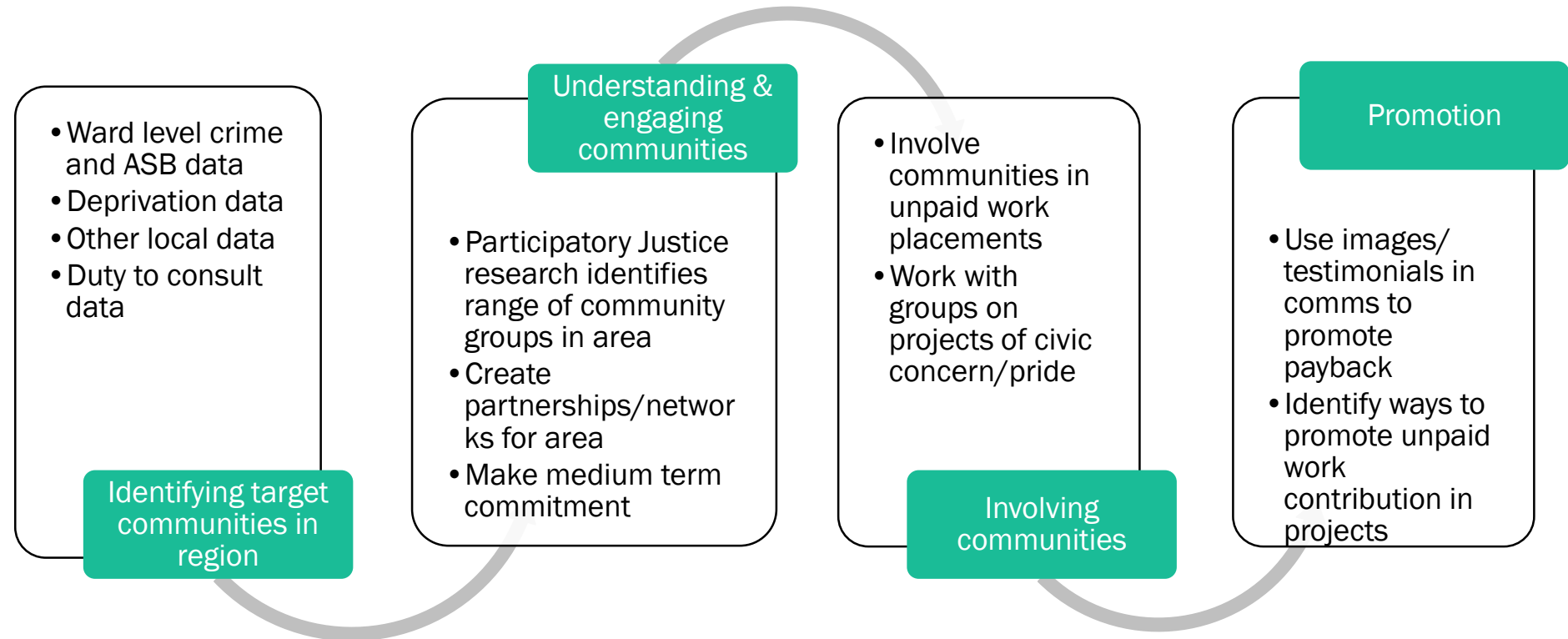
Payback with a purpose

Medium to long term:
January 2023 and
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Recommendation 8: HMPPS should develop new hyper-local partnerships with groups and organisations in communities especially affected by crime. Using the principles of community involvement, these hyper-local partnerships would seek to engage and involve community groups in identifying work that needs to be done locally, and in promoting the work carried out to visibly demonstrate that the justice system pays back.



Payback with a purpose

Medium to long term:
January 2023 and
beyond

Recommendation 9: We suggest that, alongside national and existing local projects, HMPPS should work toward ensuring 10% of placements are sourced from new hyper-local partnerships by January 2024.

Investing in
community
involvement

We should invest in building partnerships at a hyper-local level to fully deliver the reparative value of unpaid work.

July 2022 to December 2022

January 2023 and beyond

Placement delivered by national contracts/partnerships= 20%

Placement delivered by national contracts/partnerships= 20%

Placement delivered by existing local contracts/partnerships= 80%

Placement delivered by existing local contracts/partnerships= 70%

Placement delivered by new hyper-local contracts/partnerships by Jan 2024= 10%

Payback with a purpose

Medium to long term:
January 2023 and
beyond

Investing in
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involvement

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unpaid work.

Recommendation 10: To deliver this new focus on hyper-local partnerships, we recommend that HMPPS invests in a new regional role to lead this work, and dedicate their efforts to focusing solely in meeting the new 10% target, to ensure unpaid work is more integrated with existing civic volunteering, and that this work is celebrated locally and nationally.

Community Payback Engagement Manager

We suggest that HMPPS creates a new role of Community Payback Engagement Manager, to involve communities to source and promote innovative placements at a neighborhood level. Typically successful applicants would have experience in community involvement and in attracting business, through sales or bid work, or funding.

Community Payback Engagement Manager should enhance the region's community involvement and partnerships, dovetailing their work with that of the Heads of Community Integration (commissioning and contracts, focused on "big picture" issues and other government agencies). The Engagement Manager would concentrate on work that impacts at a local authority ward level. Additionally, *all staff* in the region should actively promote the sourcing of UPW through communities and groups they belong to.

Payback with a purpose

Medium to long term:
January 2023 and
beyond

Investing in community involvement

We should invest in building partnerships at a hyper-local level to fully deliver the reparative value of unpaid work.

Promoting the value of unpaid work: Unpaid work remains the most visible and tangible requirement that probation delivers. It is the shop window of probation and it needs to be recognised as a powerful tool for promoting desistance, restoring community assets, and helping people on probation ‘repay’ their debts. Characterisations of unpaid work which solely focus on its punitive value, often using unrealistic rhetoric which does not match the reality of delivery, undermines it in the public’s eye and does a disservice to those who deliver it and those who find it transformative. At the same time, shying away from the unpaid work’s punitive value, and only assessing it based on its rehabilitative value, misses its vital role in delivering meaningful punishment and reparation to communities.

Recommendation 11: As part of its community involvement work, HMPPS should invest in using both community network and service user voice to explain and show the value of unpaid work, to relevant government agencies, including Police and Crime Commissioners, and community residents.

Recommendation 12: These efforts should be integrated with wider Government efforts to ‘level up’, focusing unpaid work’s efforts on communities that are particularly affected by crime and anti-social behavior and promoting the restoration done to residents. This should include the Ministry of Justice working closely with the Department for Levelling Up, Housing and Communities to explore whether there are more opportunities to use unpaid work to assist local authorities.

Payback with a purpose

Medium to long term:
January 2023 and
beyond

Diversifying placements

In order to respond to changes in the unpaid work cohort, we need to develop a wider diversity of placements to ensure unpaid work feels purposeful.

As the cohort of people on unpaid work changes, especially as the cohort, and our society gets older, we need to ensure we have a diversity of placements. Innovations like ‘Projects in a Box’ show that this process is already underway. Moreover, we heard a number of suggestions at ways to improve this diversity such as the wider use of workshops (which could be crucial for certain individuals but which was currently frustrated by HMPPS’s estates strategy) and to deploy more alongside local authority workers. The Leveling Up White Paper states that “The UK Government is already encouraging local authorities to take greater advantage of unpaid work placements to improve the local area.”³⁰

Recommendation 13: HMPPS’s estate planning should have more scope for the creation of workshops in which unpaid work with an Employment, Training and Education focus can take place.

Recommendation 15: The Ministry of Justice should extend the use of innovations like the ‘Project in a Box’ scheme, developed during covid-19, to ensure that where solo working is needed, the work remains purposeful.

Recommendation 15: The Ministry of Justice, and philanthropy, should work together to commission further research on the experience of people completing unpaid work, and use its findings to design more purposeful placements in the future.

Payback with a purpose

Medium to long term:
January 2023 and
beyond

Diversifying placements

In order to respond to changes in the unpaid work cohort, we need to develop a wider diversity of placements to ensure unpaid work feels purposeful.

HMPPS ought to segment the regional and local cohorts of people getting unpaid work in order to better understand the range of placements they will need in the future. To be truly purposeful, and therefore deliver the greatest desistance impact, unpaid work, as with a great deal of probation work, needs to recognise and respond to the diverse and individuals assets and needs of the people completing it.

Recommendation 16: As part of its investment in community involvement, HMPPS should consider providing segmentation analytical support to the regions so they can better anticipate the future range of placement supply they will need to create.

Payback with a purpose

**Medium to long term:
January 2023 and
beyond**

Diversifying placements

In order to respond to changes in the unpaid work cohort, we need to develop a wider diversity of placements to ensure unpaid work feels purposeful.

It is unclear at this point whether there will need to be a great number, and an even greater diversity, of placements if the police choose to use unpaid work as a condition within the new out of court disposal framework. It also remains unclear, if they do, whether this unpaid work will be provided by probation. The limited evidence so far suggests that, while it is superficially attractive to think that the police can use unpaid work as a quick, reparative response to offending, the reality is the police already do not use conditional cautions extensively despite having the powers to do so, and find the use of unpaid work as a condition problematic and complex.

In theory, we see merit in probation taking over the supervision and interventions of formal out of court disposals for adults (much as youth offending services do in the youth justice system), not least so it can use its expertise in offender assessment and interventions as well as delivering unpaid work. One of the consequences of this could be to make unpaid work more available as a condition in out of court disposals. However, this issue is clearly both beyond the scope of this report, and, practically unlikely to happen soon, without even further expansion of probation officer numbers.

We simply point out, however, that carrying on as we are means we shall continue to use and pay for police officers to take on offender management roles to administer and supervise out of court disposals even though they aren't necessarily trained for this work.

Payback with a purpose

Medium to long term:
January 2023 and
beyond

Honouring the value
of unpaid work staff

We should take steps
to more clearly
recognise the value of
unpaid work staff.

It was clear, and sad, that unpaid work supervisors clearly feel their work is under-appreciated by both fellow probation staff (especially qualified probation officers) and ‘the centre’. This is especially so given the role that unpaid work supervisors can have in promoting desistance. As part of our wider support for the professionalisation of probation ([see our report](#)),³² we believe action needs to be taken to further value the diverse skill-set that unpaid work staff possess, as well as ensuring that their value is better appreciated across the probation family.

Recommendation 17: As part of its training and development offer to new unpaid work supervisors, HMPPS needs to develop a training and support offer to maximize unpaid work supervisors pro-social modelling.

Recommendation 18: As a part of the staffing and recruitment strategy for probation, equal standing should be given to the sentence management of unpaid work.

Recommendation 19: Unpaid work should be part of the rotation within probation officer training (Professional Qualification in Probation).

Recommendation 20: Ensure there are regular opportunities for offender managers to meet with unpaid work supervisors to embed the realities of unpaid work into probation practice.

THE FUTURE OF UNPAID WORK

REFERENCES



References

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2. Centre for Justice Innovation analysis using data from Ministry of Justice (2021) Criminal Justice Statistics - Quarterly update: the year ending June 2021. Table Q3.1: Overview of defendants(1)(2) dealt with at magistrates' courts(3) (MC) and Crown Courts (CC) by offence type, 12 months ending June 2011 to 12 months ending June 2021.
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Annex A: Literature review methodology (1/2)

Research questions

We searched the available literature to answer the following questions:

- **Outcomes:** What does the evidence suggest the impact of unpaid work is on:
 - Re-offending rates?
 - Offender's employment status?
 - Offender's employability skills?
 - Confidence in community sentences?
- **Practice:** What does the evidence suggest effective/good practice is in the delivery of unpaid work?

Search strategy

To define our search strategy, we used the PICO method:

	Inclusion	Exclusion
Population	Adult people on probation (over age of 18) on community sentences	People on probation under age of 18 on community sentences.
Intervention	Unpaid work (UPW)/community service as part of a court ordered community sentence.	<ul style="list-style-type: none">• Unpaid work (UPW)/community service not as part of a community sentence.• Unpaid work (UPW)/community service for young people/juveniles
Comparator/control	Adult people on probation on community sentences without UPW/Adult people on probation sentenced to other disposals	
Outcomes	<ul style="list-style-type: none">• Changes in reoffending (generally defined by conviction for a new offence within a period of time following the intervention, usually one year after the start of the intervention);• Changes in employment status of offender (generally defined by employment status at termination of order);• Changes in employability skills of offender;• Confidence in community sentences (by the public/ the judiciary/other key stakeholders).	

Annex A: Literature review methodology (2/2)

Search methods

Our search method was as follows:

Searches	<ul style="list-style-type: none">• The available academic electronic database was searched. The search procedure focused on the key terms relating to the PICO structure of the research questions.• The search was limited to the English language and restricted by publication date (looking at publications within the last twenty years= 2001-2021).• Only articles identified in the first two pages of google scholar, filtered for relevance, were included.• Additional studies were included based hand searches of the identified literature and on expert input.• Only studies from English speaking common law countries and from EU member states were included.
Sift	<ul style="list-style-type: none">• The sift of initial results were conducted by a single researcher scanning results for relevance.• Only those articles accessible for free were included.
Typology of evidence	<p>We sorted studies into the following typology:</p> <ul style="list-style-type: none">• Meta-analyses• Syntheses and literature reviews• Evaluation studies*• Best practice studies <p>*Of the evaluation studies, we included Randomized Control Trials, non-randomised trials/evaluations and qualitative evaluations.</p> <p>In presenting results, we prioritised studies from England and Wales and the rest of the United Kingdom first.</p>
Search terms	<p>Participants: 'offender'</p> <p>Intervention: 'unpaid work' OR 'community service'</p> <p>Outcomes:</p> <ul style="list-style-type: none">• Reoffending: 'reoffending' OR 'recidivism'• Employment: 'employment'• Employment skills: 'employment skills' OR 'job readiness'• Confidence: 'confidence' OR 'trust'

Annex B: Interview questions

Challenges

In your view, what are the top 3 biggest challenges in delivering UPW in your area currently?

Prompts

Are staff vacancies impacting upon your ability to deliver UPW? If so, how?

How has the disruption to UPW (caused by covid-19 and reunification) affected placements and hours worked in your area?

What is your model of UPW? What does your new model look like and will you achieve it in the time allowed?

The Crime and Courts Act 2013 requires that every community order includes a punitive element. What has been the impact of this on UPW in your area?

How does the existing management information and data you receive assist you in making decisions about UPW in the short, medium and long term? Can you provide examples?

Opportunities

Does the focus on, and additional funding for, clearing the UPW backlog provide opportunities to rethink UPW?

What are the best examples you are aware of good UPW practice?

Prompts

What are the best examples you are aware of where communities are engaged in determining where UPW is done?

What are the best examples you are aware of that capitalise on the value of the ETE element of UPW?

Future of Unpaid Work

If you could re-design UPW totally, what are the current elements you would keep and what would you happily dispense with?

Prompts

Do you think UPW can or should always have a direct link to employment or should it just be a punishment?

Do you think UPW could deliver greater benefits to communities? If so, how?

What views do you have on how visible UPW currently is and how visible it ought to be to communities and others in the future?

Would UPW look different for different segments of the people on probation?

What, in your view, would good Unpaid Work look like for key stakeholders like the judiciary?

UPW has been described as the Cinderella of probation – do you think this is true and if so why?

Annex C: Author biographies

Nigel Bennett has worked in criminal justice since 1987, having been first employed as a probation officer in 1989, with two years working with mentally disordered offenders before that. He was worked at every grade from probation officer to Chief Officer across England and in community, prisons and court settings. Strategic roles include posts in government offices and the Prime Minister's Delivery Unit and on secondment to the Turkish Ministry of Justice. His current post concerns the interface between probation and family safeguarding.

Phil Bowen is the Director of the Centre for Justice Innovation. Before becoming Director in 2012, Phil was a civil servant, working in policy reform at the Home Office, Ministry of Justice, the Prime Minister's Delivery Unit and the Cabinet Office. He has served as a part time senior policy fellow/adviser to The Rt Hon Michael Gove MP and The Rt Hon Robert Buckland QC MP during their tenures as Lord Chancellor.

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