

Going It Alone

The Story of the Intensive
Alternative to Custody Pilots

by Phil Bowen

The Centre for Justice Innovation seeks to promote criminal justice reform in the United Kingdom by helping to improve the implementation, evaluation, and dissemination of demonstration projects.

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For more information, contact:
cjienquiries@justiceinnovation.org.

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Introduction

Everyone who works in public services knows the story: an innovative Government initiative is launched with great fanfare. Times change and the funding is stopped as politicians and civil servants move on to the next big thing. This paper looks at one such initiative, the Intensive Alternative to Custody (IAC) programme. It tells the story of how IAC has gone from a nationally funded demonstration programme to a thriving, locally owned set of projects.

Piloting the IAC approach: 2007 to 2011

In the summer of 2007, the prison population in England and Wales reached an all-time high, with prisoners having to be held in court and police cells for days at a time.¹ While the immediate crisis passed, the Government wanted to explore ways of reducing the prison population, with a particular focus on those prisoners who were in the ‘revolving door’ of offending: low-level but persistent criminals who faced prison sentences of less than 12 months.

The National Offender Management Service (NOMS), the executive agency in England and Wales which brought together prisons and probation services, began

sketching out a new type of community sentence that would be specifically targeted at offenders at risk of short-term custody: a community sentence with a combination of intensive control requirements such as electronic monitoring and intensive rehabilitative assistance. After a short bidding process, six projects were selected to join a pre-existing project in Derbyshire in delivering an Intensive Alternative to Custody (IAC) project: Dyfed Powys, South Wales, West Yorkshire, Greater Manchester, Humberside, and Merseyside.

Over the three years of the national programme, these seven Probation Trusts implemented new intensive regimes of punishment and rehabilitation. Each of the projects had selected a target group of offenders at risk of short term custody: for example, South Wales focused on offenders with alcohol misuse problems while Manchester focused on young male adult offenders. Based on this targeting, probation court teams prepared detailed sentencing recommendations to court.

From the start, IAC's core goal was to come up with a sentencing alternative for prison-bound offenders that appealed to magistrates and judges. It was to do this in two ways: first, by creating a customised community disposal option, and second, by dedicating additional resources (including employment-focused mentoring and family counselling) to ensuring that individuals on IAC complete the order.

Between September 2008 to March 2011, almost two thousand offenders were sentenced to an IAC community sentence. Most of the offenders had been convicted of low-level violent offences or offences of theft and burglary. Under IAC, offenders began their sentence immediately, often the day after sentencing. The offender's first few weeks on the order were filled with multiple appointments, with most offenders receiving between three and five separate requirements, whether that was targeted social service (e.g. drug treatment or mental health counselling) or punishment

through community payback or curfews. Most IAC orders were for 12 months supervision, and in certain areas, the offender's progress on the order would be monitored not just by the probation service but also by the courts as well, through specialist court reviews (a process normally reserved only for drug using offenders and offenders passing through community courts).²

During 2010-11, the final year of the programme, a new administration came to power. The new Coalition Government's focus on reducing public spending and inspiring innovation from the bottom up meant that IAC, as a centrally-funded and nationally-driven initiative, was on the chopping block. On top of that, after at least one and a half full years of delivery, it was still unclear whether IAC worked, either in reducing reoffending or short-term custody rates. As with many other centrally inspired pilots before it, it looked like IAC would be rolled up before it had a chance to prove itself.

The five IAC survival factors

A full year after Government funding was withdrawn, all seven projects are still running. In some of the trusts, the IAC approach is being extended to cover other offenders and has been rebranded as a general intensive community order. In Wales, the IAC order is available to almost all courts in the Principality. West Yorkshire has successfully rolled out from Bradford to Leeds and are considering new ways of mainstreaming provision through a social finance and 'payment by results' operating model. Manchester is proposing to extend their pilot to Trafford in Greater Manchester (they are also expanding to under-18 youth cases).

At the same time, IAC has garnered, and continues to garner, recognition nationally. The Magistrates Association publicly backed the expansion of IAC to

other areas in June 2010.³ The ‘Make Justice Work’ review in 2011 highlighted the programme as an example of effective probation work.⁴ The Manchester IAC project was given a national criminal justice award by the Butler Trust and has been the subject of positive media attention.⁵ Other probation trusts have developed similar approaches to the IAC, such as the Bridge Project in Essex, which also seeks to divert offenders away from short-term custody. Importantly, the Coalition Government’s review of community sentences endorsed the IAC approach, arguing for the spread of more intensive approaches across the country. And national evaluations issued by the Ministry of Justice have reported that IAC schemes reduced recidivism and they were accurately targeted at offenders who would otherwise have received short-term custodial sentences.⁶

So what was it that kept IAC going after the funding was cut?

1. IAC projects were designed around a commitment to localism.

From the start, IAC was designed so that the projects would be locally designed and owned. In asking probation areas to bid to participate in the new initiative, officials at the Ministry of Justice knew that one reason criminal justice innovations had previously failed had been that they did not tailor programmes to their local circumstances.⁷ Criminal justice innovations had often foundered when a model developed in one area was replicated elsewhere without a sufficient understanding of context.

Therefore, Ministry of Justice planners set broad parameters for what an IAC was but left it up to local areas to select their target groups (based on feedback from sentencers and sentencing data) and to prepare their operational models. For Kevan Fridlington, an Assistant Chief Officer of Probation in Humberside, this was a welcome change. Humberside had previously

been involved in a Government sponsored ‘alternative to custody’ initiative, the Intensive Control and Change Programme (ICCP) project. But, as Fridlington recalled, “What Government proposed was [with ICCP] quite a rigid model. That did not work. ... In comparison, the flexibility in the IAC model was very welcome.”

This view was shared in West Yorkshire. “We had heard about ‘local needs’ so often and then had been told by the centre what was expected. IAC really was about local needs,” recalls Nick Hawley, head of the IAC project in Leeds. Neil Moloney, an Assistant Chief Officer in West Yorkshire, agreed, “In my view, it is beneficial for commissioners to set top-level outcomes and for them to then let local providers work out how best it is to achieve them... IAC certainly operated on those principles.” This sense that providers at the coal-face were best placed to design and deliver the orders lent the projects a keen sense of local ownership. Almost by happy accident, the original design of IAC had anticipated Coalition aims that innovation was done best when it was done and owned locally.

2. Probation successfully marketed IAC to its primary client, the local courts.

From the outset, it was clear that the key to influencing demand was persuading sentencers that IAC was a credible alternative to the slam of the prison door. Knowing that local sentencing patterns varied considerably, with different courts taking different views on where the threshold was for sending someone to custody, each programme needed to be designed around the local needs of the magistrates and district judges.

Probation IAC project managers did not want magistrates and judges to be simply passive consumers of probation services, but rather sought to involve them more actively in design of the orders. For example, in Derbyshire, a District Judge sat on the project board

throughout the lifetime of the project. In Wales Probation Trust, Susan O’Leary, who had oversight of the IAC project, highlighted the day-to-day working between project managers and the bench, stating that the “close relationship between the project managers and the sentencers... (was) not just the regular liaison we normally have.”

It was not just at a strategic level that projects involved sentencers. Operationally, many projects developed marketing and communication information to promote the IAC orders to sentencers. In some areas, senior managers or specialist IAC workers were on hand at court to strengthen probation’s pitch. As O’Leary recalls, in Wales, “Project managers went to court regularly when report staff were recommending IAC. ... That helped develop a strong relationship.”

In some areas, offenders on IAC were regularly brought back in front of the court for a court review. The reviews were a chance for sentencers to see the progress of offenders, understand more profoundly the issues they were facing, and to see the positive work probation had done with them. According to Paul Pandolfo, Assistant Chief Officer in Greater Manchester, probation staff saw the reviews as effective in maintaining compliance. In addition, the reviews strengthened the feedback probation received on what magistrates and district judges required when deciding if an offender could be safely kept in the community, rather than sent to prison a few weeks.

These close relationships were valuable when it became clear Government funding and support was being withdrawn. Local probation trusts were able to have reasonable discussions with sentencers about what probation could continue to offer and what they couldn’t. As David O’Sullivan, Assistant Chief Officer in Derbyshire recalls, “In Derbyshire, mentoring became something the sentencers had become quite attached to and so we continued that while having to reduce the

amount of contact our probation officers had with the offenders.”

3. Probation ensured that IAC was embedded within the strategic priorities of local partners.

In bidding for IAC projects, probation trusts knew that the failure to successfully manage and provide services to the short-term custodial population caused real problems for many local partners. For example, Pandolfo in Greater Manchester knew that the city “had a big problem with young, adult crime causing males. The partners all recognised that this group was a priority for them too. And we (probation) were potentially going to get the resources to do something about it.” At the local level, many agencies such as employment, training, and health providers wanted to reach out to marginalised and disengaged populations. And probation held the key working with such a population.

As probation let it be known that central funding was not going to continue, local partners worked with trusts to continue the projects. This included not just social service providers but law enforcement agencies as well. The IAC projects had developed at the same time that many police forces and probation trusts were developing a new form of offender management initiative called Integrated Offender Management (IOM), providing multi-agency supervision for offenders who were of a particular concern to the local community. When Government funding was being withdrawn from IAC, many of the IAC project managers realised that folding IAC into larger IOM projects was a way of protecting the IAC innovation. In areas such as West Yorkshire and Manchester, middle managers found that the joint agency staff in IAC teams and IOM teams were doing very similar work—targeting intensive multi-agency supervision at offenders who were causing the most amount of crime in their area—and so the teams

were merged and IAC orders became the recommended tool to be used when an IOM offender was brought in front of court. This allowed local jurisdictions to rationalise the resources they were using to manage identified offenders.

In some places, the commitment to partnership allowed IAC projects to continue but at reduced levels. But, in general, there was local resilience when national Government decided not to continue funding IAC.

4. IAC strengthened probation trusts' business acumen, which allowed them to access new sources of local and regional funding.

Though the national headquarters team at NOMS never characterised the bidding process for IAC as a 'competition,' in essence it was. NOMS acted as the central commissioner and had to sift through numerous bids to get down to six successful projects. The IAC bidding process came at a time when central Government was turning probation areas into probation trusts in order to "deliver even better outcomes through more local responsiveness and business flexibility."⁸ Richard Barnes, Assistant Chief Officer in Greater Manchester, saw the IAC bidding process as an "early introduction of things to come... It was a competitive process, pitting probation area bids against each other." In Humberside, Kevan Fridlington, saw the IAC bid as an "opportunity for... to do something new... IAC fit into our strategic picture as a trust that was responsive, flexible and innovative."

This exposure to the demands of competition, and the organisational imperative to demonstrate adaptability, was to come in handy when central funding dried up. Some trusts were able to successfully convince regional commissioners to play a helpful role in sustaining IAC. In Derbyshire, the East Midlands regional commissioner top sliced probation budgets and asked areas to bid for monies to continue IAC

approaches. In Humberside, the commissioner recognised the strategic importance of the project and provided additional funds. The same was repeated in Manchester. While less than the trusts had received previously, this money helped IAC continue.

The Coalition's commitment to localism in public services also strengthened IAC's hand during 2011. The emphasis the previous administration had tried to place in its last few years on looking at the total government spend on certain places and people (known as Total Place), had been reinvigorated by the Coalition. The Coalition's attempt to reform public services through new commissioning models, including their 'payment by results' proposals, continued this effort to get providers to collaborate in their efforts to tackle problems such as social exclusion and offending. These initiatives, such as the community budget pilots in Manchester, placed an emphasis on partnerships sharing resources to target difficult populations. All of this fit neatly with the existing IAC approach. In IAC, many agencies were already working with a problematic group of individuals who needed services. So when direct central government investment dried up, these new localism approaches convinced partners to continue their commitment to IAC and helped leverage local funds. In Manchester for example, regional, and local funders helped to cross-fund the survival of IAC because probation had the keys to a target group of individuals that directly fitted into these new policy approaches.

5. Throughout the national pilot phase, self-reflection was a core value: the projects continually used data to review progress and make adjustments.

The national bidding process helped to unleash local innovation. But, as many studies of innovation show, initial creativity can often ossify into rigid rules, procedures, and formula. In the case of IAC, the pilot projects seem to have engaged in just the

sort of continual review that kept IAC practice feeling innovative. The projects identified a range of informal and formal internal processes that allowed staff, partners, and senior and middle managers to review progress. For example, in Leeds staff group meetings were used as a forum to shape the orders, discuss issues and cases, and make recommendations. In Manchester, the close connection between operations and in-house research meant that there was “a really dynamic process between what was going on the ground and what we are finding in the statistics,” states Rebecca Clarke, Head of Research and Analysis at Greater Manchester Probation Trust. In many project areas, the formal project governance boards checked that work was on track and new opportunities were spotted. “The board looked at performance, heard feedback from sentencers, and we were asked to come forward with positive proposals for change,” says David O’Sullivan, Assistant Chief Officer in Derbyshire.

Sharing practice between sites, either informally or through the national programme team’s knowledge-sharing events, was also crucial to spurring continuous innovation. Paul Pandolfo of Greater Manchester recalls that the national events allowed him “to see what other people were delivering and understand their challenges and feed off their creativity and transfer some of it to our projects.” Others cited the impact of the technical assistance provided by Robin Brennan (a seconded Assistant Chief Probation Officer working in NOMS at the time) in “helping us audit our work... identify operational problems we may have missed.” All of these processes helped the pilots make mid-course adjustments. For example, the initial South Welsh focus on offenders with alcohol misuse problems was widened to involve other offenders with complex needs. In Hull, the pilot was able to extend its IAC offer to female offenders.

The need for review is perhaps best demonstrated

in Derbyshire. After six months of delivery, the Derbyshire project was in difficulty—it was not getting enough offenders onto the project and its breach rate was creeping upwards. As the result of a formal review process, the Derbyshire project changed focus to take offenders from all over the local jurisdiction, rather than just Derby city, and it made changes to the sentences it was proposing, making the curfew monitoring more flexible so it could be more tailored to local circumstances. The review also documented that the project’s original cost estimates had been too high and that the area was not going to spend all its money. Because of good working relationships between the regional commissioning team, the national team, and the area, the money was reinvested in other alternative-to-custody provision in the region.

Despite the lack of a definitive national evaluation at the time when funding was cut (process evaluations and initial outcome evaluations were published in July 2012), the projects’ own insistence on continual review and data collection meant they were able to document positive results. Compliance rates were high. Feedback from sentencers and offenders, especially concerning those projects with mentoring schemes, was positive. Small-scale attempts at research suggested the seriousness and frequency of the targeted individuals offending was reducing. In most areas, some internal work had been done to demonstrate the positive impact IAC was having to local partners. A Ministry of Justice practice summary issued in 2011 suggested that IAC had successfully diverted offenders away from short-term custodial sentences.⁹

The emphasis on data and continuous improvement helped the pilot sites to respond swiftly and diligently once central funding was cut. They had a sense of which elements of the order had to continue, which ones felt like add-ons, and also which parts of the order had to cost less. None of this was easy. But the trusts ensured

that IAC continued to be offered to courts even while it was being significantly remodelled. According to Paul Pandolfo, “diverting people from short term custody is an issue which requires continuous learning.” IAC was kept on the road in part because trusts had taken responsibility for reviewing themselves from day one.

Conclusion

The five ‘survival’ factors identified in this paper offer insights into how local innovations can change and sustain themselves. Without support from central government, probation trusts in England and Wales have demonstrated that they can deliver innovative community sentences independently. Given the positive outcome and process evaluations of the projects, other probation trusts are actively planning to start their own initiatives. Can other agencies learn from their experience? Four lessons stand out:

- *Innovation that is successfully embedded in local partnerships can survive central government cuts in funding:* As national support was withdrawn from IAC, local and regional partners stepped into the breach, encouraged not only by the performance to date but also by Coalition reforms which supported innovative partnerships. A number of projects were able to have mature conversations with a range of partners, sentencers in particular, about the required reductions in service levels when the central funding stopped. IAC’s real strength was its original commitment to localism.
- *Public sector agencies need to develop their capabilities to survive in the new world of competition:* Probation’s status as a ‘Cinderella service,’ as it was described in 2009 by the then Attorney General Baroness Scotland, has long required it to punch above its weight. The decision to embed IAC within the matrix

of local service provision proved crucial to helping local probation trusts to leverage impact. IAC indicates that probation trusts were able to develop vital capabilities for the coming, competitive world. Through IAC, probation trusts developed mature, business-focused understandings of their own IAC offer and of their local operational environment. Their ability to adapt is a skill vital for a time when all local providers of offender services are being called on to be increasingly inventive.

- *Innovative projects need to continually self reflect in order to adapt and survive:* The experience of the seven IAC projects from 2008 to the current day has shown that to innovate, criminal justice agencies need processes to support self-reflection. The seven projects did this in a number of ways, including project boards, feedback from staff meetings, user groups, and through skilled middle managers who regularly engaged with local partners.
- *Demonstrating impact in the first few years of development needs to be carefully managed:* The IAC story highlights the continuing tension about how best to demonstrate the impact of innovative pilots. The national strategy of evaluation clearly was not fit for purpose. Pilots were left without any real clue as to their effectiveness by the time the funding ended. The understandable onus within the Ministry of Justice on only the best quality research designs and the protracted delay in producing the commissioned evaluations left the IAC projects vulnerable to the charge that they could not demonstrate whether IAC worked. Many areas found ways around this but it was a difficult, ad-hoc process.

The IAC story is one of survival. With the Coalition Government supportive of the idea of intensive community sentences, it is probable in the days to

come that more probation trusts will start their own IAC-style project. This paper identifies some of the key ingredients that have allowed the original seven projects to continue to operate in a time when resources have become even scarcer. But, away from the world of probation and offender management, the IAC story suggests that innovation in public services is best sustained when the innovation is local, where local resilience and commitment is built up over time, and where all partners in the venture review and adjust their plan continuously. These are lessons that local partners, commissioners, and Government should take heed of when embarking on reform. If not, they risk their new initiatives failing, failing in both delivering their own goals and, more importantly, the communities whom they seek to serve.

Endnotes

- 1 'The story of the prison population: 1995-2009,' Ministry of Justice, 2009.
- 2 Hansbury, 'Evaluation of the Intensive Alternatives to Custody Pilots,' Ministry of Justice, <http://www.justice.gov.uk/publications/research-and-analysis/moj/2011/intensive-alternatives-custody>, 2011.
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- 4 'Community or Custody', Make Justice Work, 2011.
- 5 Examples of positive media for IAC can be found at the Manchester Evening News and The Guardian respectively: http://menmedia.co.uk/manchestereveningnews/news/business/s/1491039_the-intensive-alternative-to-custody-was-a-success-says-new-economy and <http://www.guardian.co.uk/uk/the-northerner/2012/apr/12/probation-offenders-alternative-to-custody-mentoring-manchester-salford>.
- 6 Process evaluations of the seven projects and a reoffending study were published by the Ministry of Justice in July 2012. They can be found respectively at 'Process Evaluations of the Intensive Alternatives to Custody,' Ministry of Justice, <http://www.justice.gov.uk/publications/research-and-analysis/moj/process-evaluations-on-the-intensive-alternatives-to-custody>, 2012 and 'Initial analysis of the impact of the Intensive Alternatives to Custody on re-offending rates,' Ministry of Justice, <http://www.justice.gov.uk/publications/research-and-analysis/moj/initial-analysis-of-the-impact-of-the-intensive-alternatives-to-custody-on-re-offending-rates>, 2012.
- 7 Berman, G., Bowen, P., Mansky, A., 'Trial and Error: Failure and Innovation in Criminal Justice Innovation,' *Journal of Probation Studies*, 2007.
- 8 'Enabling Effective Probation Trusts,' Probation Association, 2009.
- 9 Hansbury, *supra* note 2.

About the Author

Phil Bowen is the director of the Centre for Justice Innovation.

Centre for Justice Innovation

Kean House, 6 Kean Street

London, WC2B 4AS

P. +44 2076.329.060

justiceinnovation.org