
COMMUNITY CORRECTIONS IN THE UK: ENGLAND & WALES

Narrative Summary

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ABOUT THE PROBATION SERVICE

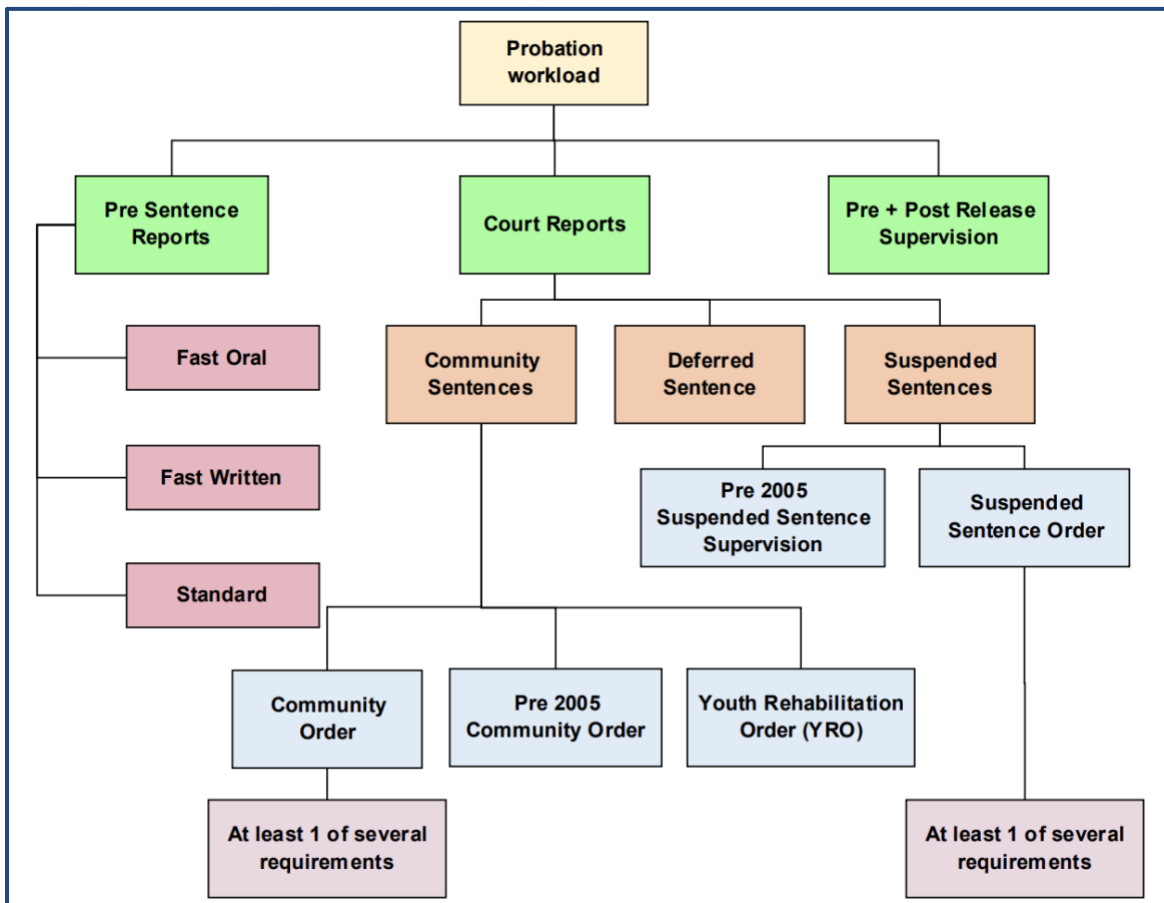
Since June of 2014, the probation service of England and Wales has been divided and operated by two sectors, one public – the National Probation Service (NPS) – and one private – Community Rehabilitation Companies (CRCs). The probation service generally oversees offenders who are 18 years and older. Juveniles are managed mainly by Youth Offending Teams, responding to the Youth Justice Board ([Hall & Canton, 2014](#)). High risk offenders fall within the jurisdiction of NPS, while medium to low risk offenders are overseen by 21 CRCs ([Ministry of Justice, 2020](#)). The probation service is not only responsible for supervising offenders who have received community or suspended sentences, but also for the time surrounding release from custodial sentences (pre and post-release supervision).

In an effort towards unification in the delivery of probation services, the Ministry of Justice announced in early June of 2021 that probation services will be centralized under the NPS, thus ending operations through CRCs effective June 26th ([GOV.UK, 2021a](#); [Worrall & Phillips, 2021](#)). For more context on the shift in probational (organizational and operational) structure in England and Wales see [Tidmarsh \(2020\)](#). A total of 12 probation areas across England and Wales will be in operation; 11 new probation areas will be instituted in England and overseen by Regional Probation Directors in each area, while existing arrangements in Wales will remain unchanged, but under the authority of one NPS Director ([GOV.UK, 2021a](#)).

The probation service carries out many responsibilities, of which the following are primary: (1) writing reports for the Court to assist magistrates and judges to decide upon sentencing, (2) bringing into effect court orders by supervising offenders who have been made subject to a community order, (3) working with offenders in custody, and (4) supervising adult offenders subject to license after they are

discharged from prison (Hall & Canton, 2014). In other words, the probation service is involved in all phases of the criminal justice process including pre-trial, trial and enforcement, and post-release (see Figure 1).

Figure 1. Organization of probation service involvement.



Source: Ministry of Justice's Guide to Offender Management Statistics (2020).

COMPOSITION OF OFFENDERS SUPERVISED IN THE COMMUNITY

The probation service of England and Wales supervises slightly under 224,000 probationers in the community,¹ of which approximately 30% are under pre-release supervision, 41% are supervised in the community under court orders, and 29% are

¹ Total reported in December 2020.

monitored under post-release supervision ([GOV.UK, 2021b](#)).² Approximately 38% of court orders resulted in suspended sentences, with 62% resulting in community sentences ([GOV.UK, 2021b](#)). Ninety-one percent of probationers supervised in the community are male. The offense type with the largest proportion of probationers under community orders is non-motoring, which includes a wide array of less serious crimes ([GOV.UK, 2021b](#)).³

FORMS OF COMMUNITY SUPERVISION

A range of sanctions that are designed to punish, rehabilitate, manage, and reintegrate offenders into the community are supervised by the probation service ([Hall & Canton, 2014](#)). While the designed purpose of probationary sanctions can differ, the role of the probation service over the past twenty years has shifted more heavily toward managing and controlling offenders (e.g., dangerous offenders), whereas the original purpose of probation in England and Wales was to “advise, assist and befriend” offenders. This philosophy has since been replaced with a commitment to enforcement, rehabilitation and public protection ([Hall & Canton, 2014](#)). Further evidence to corroborate the drastic shift in principles behind probation services (i.e., from support and reintegration to control and monitoring) is the nature of post-custodial supervision from voluntary to statutory ([Hall & Canton, 2014](#)). The dimensions of community supervision discussed below include pre and post-release community supervision (hybrid of custodial and non-custodial sanctions) and court ordered community supervision (non-custodial sanctions only).

² In England and Wales, “probation” refers broadly to community corrections, which includes all court orders (e.g., community sentence, suspended sentences), as well as pre and post-release supervision (e.g., release on temporary licenses).

³ Non-motoring offenses include, but are not limited to: betting and gaming; brothel keeping; cruelty to an animal; truancy (parent failing to secure attendance of child); poaching; racially or religiously aggravated harassment, alarm, or distress; theft of a motor vehicle; drunkenness; immigration offenses; selling tobacco to a minor; and more.

PRE AND POST-RELEASE SUPERVISION

Enacted in 2015, a provision of the Offender Rehabilitation Act of 2014 (ORA) mandated that all offenders with custodial sentences are subject to statutory supervision on release from custody. More specifically known as “top-up supervision,” any offender sentenced to a custodial term of more than 1 day but less than 2 years will receive a cumulative total of at least 12 months supervision in custody and in the community ([Ministry of Justice, 2020](#)). For example, an offender who is sentenced to a 16-month custodial term that serves 8 months in custody will be “on license” in the community for 8 months and a total of 4 months under post-release supervision (totaling 12 months of community-based supervision). Prior to this law, statutory supervision was mandated only to adults sentenced to over 12 months in custody and all youth offenders. Below highlights the varying mechanisms of early conditional release ([Ministry of Justice, 2020](#)).

Home Detention Curfew (HDC): Offenders can be released from custody early, subject to an electronically monitored curfew. Eligible offenders (i.e., offenders with sentences between 12 weeks and 4 years) must undergo rigorous assessment to determine fit and perceived success in this mode of community supervision.

Release for Reporting Purposes (or split sentencing): The offender is sentenced to a custodial term and after serving half of this term in custody, the offender is released at the conditional release date. However, the offender spends the remaining period of the custodial term supervised “on license” in the community.

Release on Temporary License (ROTL): Offenders may be released into the community, generally towards the end of their sentences, for

rehabilitative purposes. Below outlines the types of rehabilitative releases into the community.

Resettlement day release: Allows for offenders to be released for the purposes of fulfilling specific objectives of their sentence plans, which includes paid or unpaid work placements, training or education, maintaining family ties, and other activities.

Resettlement overnight release: Allows offenders to spend time at their release address, or an approved temporary address, and for re-establishing links with family and the local community.

Childcare resettlement license: Encourages offenders who are sole providers for children 15 years old and younger to maintain the parent/child tie and to help prepare the offender for the resumption of parental responsibilities upon release.

Special purpose license (short duration temporary release): Allows eligible offenders (often at a short notice) to respond to exceptional, personal circumstances (e.g., compassionate reasons such as dying relatives, medical attention) and to wider criminal justice needs (court, other proceedings, and police enquiries).

COURT-ORDERED COMMUNITY SUPERVISION

Community orders are imposed in cases that are not severe enough to hand down custodial sanctions and are therefore carried out in the community, but are too severe for the imposition of conditional discharge or a fine ([GOV.UK, 2021c](https://www.gov.uk/government/news/court-orders-to-supervise-offenders)). The length of community orders can span from 6 months to 3 years depending on the severity of the offense and at least one court-ordered requirement (e.g., treatment or

unpaid work), if not a combination of multiple requirements, must be fulfilled ([Ministry of Justice, 2020](#)). Community orders can manifest in one of three forms – suspended sentences, deferred sentences, or community sentences, which are summarized below ([Ministry of Justice, 2020](#); see Figure 1).

Suspended Sentence: A custodial sentence is imposed (i.e., the defendant is convicted) but suspended for a defined period of time. As long as the offender maintains the established conditions and does not commit another crime, there is no further sanction. In other words, if successful, the offender does not serve any time in custody.

Deferred Sentence: Although similar to a suspended sentence, the main distinction is that any custodial sentencing is put on hold (for up to six months) dependent on whether the defendant abides by the conditions that were imposed by the judge when the sentence was deferred. If successful, the offender will receive a non-custodial sentence. If unsuccessful, the offender will receive a custodial sentence.

Community Sentence: A non-custodial, community-based sentence is imposed, which includes supervision in the community by NPS and a range of requirements that must be upheld and completed. Requirements include residence restrictions, curfews, mental health treatment, drug or alcohol treatment, enrollment in accredited programs, unpaid work (community payback), restrictions on engagement in certain activities and more.

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