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# The intermittent custody pilot: a descriptive study

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Home Office Online Report 23/06

The views expressed in this report are those of the authors, not necessarily those of the Home Office (nor do they reflect Government policy).

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# Summary

Intermittent custody was introduced through the Criminal Justice Act 2003. It was intended as a punishment for offenders who had committed serious offences, but who did not present such a risk to the public as to require immediate full-time custody. By allowing prisoners to serve a custodial sentence only at weekends, or only on weekdays, it was hoped that they would be able to retain their jobs or discharge their childcare responsibilities. This report represents findings from a descriptive study of a pilot of intermittent custody that began in 2004.

## Key points

- During the first 18 months of the pilot, 284 intermittent custody orders were passed and in 2004, intermittent custody orders accounted for three per cent ( $n=148$ ) of all custodial disposals ( $n=5,845$ ) passed by the pilot courts.<sup>1</sup>
- The offence categories most frequently receiving intermittent custody at Crown Court were violence against the person, fraud/forgery, theft/handling, and public order offences of affray and violent disorder. As a proportion of all custodial disposals, use of intermittent custody was highest for fraud and forgery offences.
- Judges who were interviewed were enthusiastic advocates of the disposal for cases involving serious 'one-off' offences committed by offenders with jobs or childcare responsibilities.
- Obstacles to uptake reported by sentencers and probation officers who were interviewed included: a restricted pool of eligible offenders; a lack of probation proposals for intermittent custody in Pre-Sentence Reports (PSRs); the time-consuming and complicated nature of passing an intermittent custody order; and, travel and childcare issues which disproportionately affected female offenders.
- The majority (87%: C.I.=84%–90%<sup>2</sup>;  $n=148$ )<sup>3</sup> of intermittent custody prisoners who were employed prior to custody were able to keep their jobs, and all those living with dependent children (46%: C.I.=43%–48%;  $n=104$ ) continued to do so whilst serving their sentence.
- Analysis of PSRs for offenders sentenced to intermittent custody revealed that, although a specific Offending Behaviour Programme (OBP) was recommended in 44 per cent of cases ( $n=24$ : C.I.=38%–50%), less than one per cent (C.I.=1%–2%) of offenders who were interviewed were engaged in any formal OBP.

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<sup>1</sup> Nine courts (four Crown Court centres and five magistrates' courts) were authorised to sentence male offenders to intermittent custody, and 45 courts (13 Crown Court centres and 32 magistrates' courts) were authorised to sentence female offenders.

<sup>2</sup> Confidence intervals are reported throughout. These indicate the range within which we can be 95% confident that the true proportion attributable to the population lies.

<sup>3</sup> As a case study of the pilot scheme, the research benefited from largely complete statistical information. In other words, findings are based on a census of prisoners involved in the pilot, and not on a sample of them. The main exception to this is the interviews that were carried out with prisoners. As discussed above, it was possible to contact and interview 80% of the prisoners in the pilot scheme. These can be regarded as an equal-probability random sample of the whole population because there was no evidence to suggest that non-respondents were statistically different from respondents. Therefore, as this is a sample, there will be some sampling error in given estimates, reflecting the fact that the sample interviewed was one of many possible samples. Because the interview sample can be treated as if it were a randomly selected sample of participants in the pilot scheme, it is possible to get some sense of the degree of variation in estimates attributable to sampling error. Where appropriate, confidence intervals have been calculated in this way for estimates derived from the interviews. In general, sampling error was small, reflecting the fact that a very large proportion of the population of prisoners in the pilot were interviewed.

There is, of course, the separate question of whether it is possible to generalise from the report findings to predict the characteristics of prisoners serving intermittent custody in the future. Tests of statistical significance on a single, cross-sectional study cannot help much here. To take an example, intermittent custody accounted for 6% of cases in the Crown Court centres included in the pilot. It makes no sense to place confidence intervals around this percentage, as it is not an estimate derived from sampling. Statistical inference can offer no guidance from this study about the likelihood of the percentage remaining at this level in any future versions of intermittent custody.

- Compliance was high with fewer than ten per cent of offenders sentenced up to end-July 2005 breaching the conditions of their intermittent custody orders.

## Background

The rationale behind intermittent custody is that part-time imprisonment can avoid some of the negative outcomes of even relatively short custodial sentences, such as loss of employment and accommodation, or family breakdown (Home Office, 2002). The Criminal Justice Act 2003 introduced the sentence, and a pilot was launched in January 2004. Two prisons (one male and one female) were selected as sites for the pilot and a standard-build residential unit (comprising 39 cells) was constructed outside the main perimeter fence at each establishment to accommodate offenders sentenced to intermittent custody.

Fifty-one courts in 11 Probation Service Areas in England were authorised to sentence adult offenders (aged 21 or over) to intermittent custody in the pilot. Potential candidates were required to have suitable accommodation, be able to travel each week to the intermittent custody centre (travel costs were covered by the Prison Service), and give their consent to serve the custodial portion of the sentence intermittently. Sexual offenders and offenders with serious substance misuse problems were excluded from consideration for the sentence.

The overall length of an intermittent custody sentence is expressed in weeks and incorporates a custodial element expressed in days. The minimum and maximum sentence lengths in respect of a single offence range from 14 to 51 weeks overall, incorporating between 14 and 90 custodial days. Offenders could be sentenced to either weekend (Friday evening to Sunday evening) or weekday (Monday morning to Thursday evening or Tuesday morning to Friday evening) intermittent custody, with one weekend counting as three custodial days, and a weekday period counting as four custodial days. During the intervening periods, and up to the end of the overall sentence, the offender was supervised on licence in the community.

The key aims of the descriptive study were to assess the uptake of intermittent custody, take stock of operational issues, examine the experiences of offenders sentenced to intermittent custody, and compare findings with learning from other jurisdictions. The main research methods used in the study included: analysis of baseline sentencing data to assess the uptake of intermittent custody (sentencing information for the 51 pilot courts authorised to impose intermittent custody from 26 January 2004 was collated for the 12 months prior to the availability of intermittent custody, and also for the first 12 months of the pilot period); analysis of enquiries (n=804) made to the intermittent custody centres by the courts and Probation Service concerning offenders under consideration for the sentence to see what sorts of offence and types of offender were being considered for intermittent custody, as well as the disposal outcome; 92 qualitative interviews with 57 key personnel (sentencers, probation officers and prison staff) involved in the pilot, conducted at two points in time to assess any change in the uptake and operation of intermittent custody over time; and, semi-structured questionnaire interviews conducted with 80 per cent (n=227) of intermittent custody prisoners sentenced up to 31 July 2005, examining their experiences of serving the sentence, and its impact on their employment, housing and childcare responsibilities.

## Uptake of intermittent custody by the pilot courts

During the first 18 months of the pilot a total of 284 intermittent custody orders were passed. More male than female offenders received the sentence (209 versus 75), although the male intermittent custody centre rarely reached capacity during the pilot period. In 2004, intermittent custody accounted for three per cent (n=148) of all custodial disposals (n=5,845) passed by the pilot courts. The offence categories most frequently receiving intermittent custody in the pilot Crown Court centres were violence against the person, fraud and forgery, theft and handling stolen goods and, for male offenders only, public order offences (affray and violent disorder). As a proportion of custodial disposals, use of intermittent custody was highest for fraud and forgery offences. In the pilot magistrates' courts, intermittent custody

was most commonly used to sentence summary motoring offences (driving whilst disqualified and excess alcohol).

Sentencing statistics do not provide any conclusive evidence that the availability of intermittent custody resulted in an increase in the use of custody. The use of custody for males sentenced at the pilot Crown Court centres reduced following the introduction of intermittent custody, and increased slightly for females. However, the possibility of a 'net-widening' effect cannot be excluded. For example, statistics on cases where an enquiry was made to the intermittent custody centre showed that 35 per cent (n=279) of cases eligible for intermittent custody resulted in a community sentence rather than a custodial outcome. It is impossible to hypothesise whether, in the absence of the intermittent custody option, all those cases receiving intermittent custody would have resulted in immediate custody.

Judges who were interviewed were enthusiastic advocates of the disposal; they viewed intermittent custody as a sentencing option that allowed them to impose a proportionate punishment for serious offences that had passed the custody threshold, whilst avoiding the disproportionately damaging effects of full-time custody for offenders in employment or with childcare responsibilities. Magistrates who were interviewed were less enthusiastic about the sentence, being concerned that the proportion of offenders considered eligible for intermittent custody was too small to justify the option. Obstacles to uptake reported by sentencers and probation officers who were interviewed included a restricted pool of eligible offenders, a lack of probation proposals for intermittent custody in PSRs, the time-consuming and complicated nature of passing an intermittent custody order, and travel and childcare issues which disproportionately affected female offenders. Weekday custody was considerably underused; intermittent custody was predominantly ordered to be served at weekends (88%, n=251), reflecting sentencers' use of the disposal primarily to preserve employment and childcare responsibilities in cases where custody was considered unavoidable.

### Impact on offenders' employment, housing and childcare responsibilities

The majority (84%: C.I.=82%–86%; n=191) of intermittent custody prisoners described their ethnicity as White British, and reported an average age of 33 years. There were some important gender differences in terms of employment and childcare. Males were more likely than the females to be employed prior to their sentence (85%: C.I.=83%–87%; n=147 versus 44%: C.I.=37%–51%; n=24), while the females were more likely to be living with dependent children (74%: C.I.=68%–80%; n=40 versus 37%: C.I.=34%–40%; n=64). Overall, three-quarters (C.I.=73%–78%; n=171) of offenders were in employment prior to being sentenced, and of these the majority (87%: C.I.=84%–90%; n=148) were able to keep their jobs. This compares with Home Office Resettlement Survey results which indicate that 32 per cent of full-time prisoners were in employment, training or education (ETE) prior to custody and 59 per cent had ETE arranged on release (Niven and Stewart, 2005).<sup>4</sup> There were some inevitable pressures in the present study in combining work and prison, including some loss of earnings because of reduced working hours. However, employers were generally willing to accommodate any changes to working hours to meet sentence requirements (usually leaving work early on a Friday in order to attend the intermittent custody centre on time).

The majority (99%: C.I.=98%–100%; n=224) of intermittent custody prisoners reported secure housing prior to starting their sentence, and 92 per cent (C.I.=90%–94%; n=209) remained in the same accommodation during their sentence. A minority (3%: C.I.=2%–4%; n=7) reported changes in housing as a result of being sentenced (three offenders gave up tenancies expecting immediate custody, and four moved home for practical reasons relating to intermittent custody). One-fifth (C.I.=18%–22%; n=46) of prisoners reported difficulties with rent or mortgage payments resulting from serving an intermittent custody sentence. These findings can be compared to Home Office Resettlement Survey findings which show that 86 per cent of full-time prisoners had stable accommodation prior to custody and 71 per cent had stable accommodation arranged for when they were released (Niven and Stewart, 2005).

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<sup>4</sup> Note that resettlement survey prisoners only reported ETE or accommodation arranged for release, not what they actually went to on release.

Just under half (46%: C.I.=43%–49%; n=104) of offenders were living with dependent children before starting intermittent custody, and all of them continued to do so during their sentences. However, there were statistically significant (at the 99.9% confidence level) gender differences in childcare and travel arrangements. While 88 per cent (C.I.=81%–95%; n=56) of males living with dependent children reported that a partner or ex-partner was providing childcare while they were in custody, this was the case for less than a quarter (23%: C.I.=14%–32%; n=9) of females with dependent children. Family members, including grandparents and older siblings were the most common temporary carers for female prisoners' children. Another gender difference emerged in terms of travel to the intermittent custody centres. Female offenders were more likely than the males to be dependent on public transport to get there and back (72%: C.I.=66%–78%; n=39 versus 30%: C.I.=27%–33%; n=52). In addition, the geographically larger female pilot catchment area meant that female offenders spent longer travelling to the intermittent custody centre (2 hours versus 1 hour on average).

Notwithstanding difficulties relating to employment, housing, childcare and travel, three-quarters (C.I.=73%–79%; n=170) of offenders stated they had been expecting a custodial sentence, and many expressed relief they had been given the option of an intermittent custody sentence. These offenders believed their employment, accommodation and care of dependent children would have been at risk had they received a full-time custodial sentence.

## Offenders' experiences of custody and supervision

Offenders serving weekend intermittent custody orders typically spent 12 weekends at the intermittent custody centre. The custodial regime comprised education and training courses and unpaid community work, although male prisoners benefited from a wider range of courses and greater provision of unpaid work than female offenders. The majority (94%: C.I.=92%–96%, n=181) of prisoners who were interviewed stated they had participated in education and/or training at the intermittent custody centre, and 71 per cent (C.I.=64%–78%; n=139) reported finding the education/training useful. The majority (92%: C.I.=90%–94%; n=159) of male prisoners reported participating in unpaid work during their time in custody, many describing undertaking a variety of group projects or individual placements in the local community, to which they felt they had made a positive contribution. In contrast, only one-third (C.I.=26%–40%; n=18) of female prisoners reported participation in unpaid work (again, this gender difference is statistically significant at the 99.9% confidence level). Both male and female offenders were especially positive about staff-prisoner relations at the intermittent custody centres, commenting that staff attitudes were 'firm but fair', and encouraged a relaxed but respectful and purposeful atmosphere.

Sentence plans predominantly focused on offenders' time in custody and there was no common sentence plan which covered both the custodial and supervision on licence elements of the sentence. Supervision on licence tended to be restricted to reporting only. The most obvious gap in the substance of the sentence as it currently operates is that of addressing offending behaviour. Analysis of 54 PSRs for offenders who were sentenced to intermittent custody revealed that a specific Offending Behaviour Programme (OBP) was recommended in 44 per cent of cases<sup>5</sup> (n=24: C.I. 38%–50%). However, less than one per cent (C.I.=1%–2%) of offenders who were interviewed were engaged in any formal offending behaviour programme despite 40 per cent (C.I.=38%–42%; n=98) of offenders sentenced to intermittent custody being assessed as medium or high risk of reoffending by the Probation Service (data were available for 244 offenders). Nevertheless, offenders' compliance with intermittent custody orders was high; of all offenders sentenced during the first 18 months of the pilot, fewer than ten per cent (C.I.=8%–12%; n=21) had failed to comply with the conditions of their intermittent custody sentence. However, there were some disciplinary issues mainly relating

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<sup>5</sup> These data relate to analysis of 78 per cent (n=54) of PSRs for all male offenders sentenced to intermittent custody during the six-month period August 2004 to January 2005.

to reporting for custody under the influence of alcohol or drugs, but also bringing drugs into the intermittent custody centre.

## Conclusions

Three key conclusions can be drawn from this descriptive study of the intermittent custody pilot. First, intermittent custody was regarded as a valuable addition to the sentencing menu among judges, probation officers and offenders interviewed as part of the study. It was viewed as a useful sentence that allowed sentencers to pass a custodial sentence whilst avoiding disproportionate damage to offenders' employment, housing and childcare responsibilities. Secondly, however, it was considered to be a 'niche' sentence, appropriate for only a minority of offenders. Thirdly, because female offenders encountered more practical difficulties in serving intermittent custody than male offenders, the sentence was perceived by sentencers and probation officers who were interviewed as gender-biased in terms of uptake.

This study highlights a number of other issues which would affect the operation of intermittent custody as a nationally available sentence. One key problem is the lack of uptake for weekday intermittent custody, meaning that prison cells would lie empty during the week (Roberts, 2003). In other jurisdictions, for example Canada, where accommodation within the existing prison estate has been used for intermittent custody sentences, prison population pressures tend to take precedence over retaining spaces for weekend-only prisoners (Lackey, 1999). In addition, unless special provisions were put in place, intermittent custody prisoners would have little or no regime at weekends and sentencers may see less merit in a reduced level of purposeful activity. Roll-out within the existing open prison estate would also make it difficult to keep intermittent custody and full-time prisoners entirely separate, a factor which was considered undesirable by sentencers, probation officers and prison staff.

The infrequency with which the disposal is likely to be used may not justify the cost of implementation in terms of briefing sentencers, courts and probation service staff. The pilot has demonstrated that without ongoing briefing and awareness training, the intermittent custody disposal is at risk of being forgotten or overlooked because of its rarity. The Criminal Justice Act (CJA) 2003 has increased the options for punishment and rehabilitation within the community and it remains to be seen whether the new suspended sentence ('custody minus'), to which a range of rehabilitative and punitive requirements can be attached, may be favoured above intermittent custody.

# 1. Introduction

Although versions of intermittent custody have existed in international penology for over 40 years (Prisgrove, 1973), it was only recently introduced in England and Wales through the Criminal Justice Act 2003. The origins of the English pilot of intermittent custody are to be found in the 2002 White Paper *Justice for All*, which followed the review of sentencing that took place under John Halliday in 2000.<sup>6</sup> The 2002 White Paper described how intermittent custody would operate both to deny liberty, and allow an offender to continue working and maintain family ties. It also underlined the fact that intermittent custody offenders would be able to follow a court specified educational, treatment or reparatory programme in the community, whilst serving their intermittent custody sentence.<sup>7</sup>

The central idea behind intermittent custody is to avoid some of the negative outcomes of even relatively short custodial sentences, such as loss of employment and accommodation, or family disintegration – factors known to contribute to recidivism rates among offenders (Niven and Stewart, 2005). Offenders sentenced to intermittent custody would be able to sustain the roles of 'productive employee', parent and provider for their families whilst at the same time satisfying the terms of a custodial sentence. The implementation of intermittent custody in pilot form in England clearly marks an innovative attempt by the Government simultaneously to increase sentencing options and tackle reoffending.

## Key features of the intermittent custody pilot

Fifty-one courts in 11 Probation Service Areas in England piloted intermittent custody and the pilot began in January 2004. Nine courts (four Crown Court centres and five magistrates' courts) were authorised to sentence male offenders to intermittent custody, and 45 courts (13 Crown Court centres and 32 magistrates' courts) were authorised to sentence female offenders<sup>8</sup>, hereafter referred to as the pilot courts. Two prisons (one male and one female) were selected as sites for the pilot, and a standard-build residential unit (comprising 39 cells) was constructed outside the main perimeter fence at each establishment to accommodate offenders sentenced to intermittent custody, hereafter referred to as the intermittent custody centres.

The sentence was introduced for adult offenders (aged 21 or over) who had committed an offence serious enough to warrant a custodial sentence, but who did not present such a risk to the public as to require immediate full-time custody. Sexual offenders and offenders with serious substance misuse problems were excluded from consideration for the sentence. Potential candidates were required to have suitable accommodation, be able to travel each week to the intermittent custody centre (travel costs were covered by the Prison Service), and give their consent to serve the custodial portion of the sentence intermittently.

The overall length of an intermittent custody sentence is expressed in weeks and incorporates a custodial element expressed in days. The minimum and maximum sentence lengths that the pilot courts had the power to impose are provided in Table 1.1. The overall length (in weeks) of an intermittent custody sentence has to be sufficient to enable the chosen number of custodial days to be served. Offenders could be sentenced to either weekend (Friday evening to Sunday evening) or weekday (Monday morning to Thursday evening or Tuesday

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<sup>6</sup> The Halliday review aimed to explore more flexible sentencing options that combined community and custodial penalties.

<sup>7</sup> Intermittent custody is a variant of another new sentencing option, also introduced in the Criminal Justice Act 2003, although not yet available to sentencers, known as 'Custody Plus'. 'Custody Plus' is intended to substitute for existing custodial sentences of between three and 12 months, combining a short period of imprisonment with release on licence under probation supervision. Intermittent custody allows for the custodial element of a 'Custody Plus' sentence to be served intermittently rather than continuously.

<sup>8</sup> Three of the 51 courts (two Crown Court centres and one magistrates' court) were authorised to impose the sentence on both male and female offenders. Further courts and Probation Service Areas were added to the intermittent custody pilot in 2005.

morning to Friday evening) intermittent custody, with one weekend counting as three custodial days, and a weekday period counting as four custodial days. During the intervening periods, and up to the end of the overall sentence, the offender was supervised on licence in the community.

**Table 1.1: Minimum and maximum intermittent custody sentence lengths**

Range	Crown Court		Magistrates' courts	
	Overall (weeks)	Custody days	Overall (weeks)	Custody days
Non-consecutive (single offence)	28–51	14–90	14–26	14–45
Consecutive (more than one offence)	56–65	28–180	28–52	28–90

## Literature review

A review of the research literature on the use of intermittent custody (variously referred to as periodic detention or intermittent sentences) in other jurisdictions reveals that many countries, including Australia, New Zealand and Canada, permit offenders to serve terms of imprisonment on a part-time rather than continuous basis; this usually (but not always) means at weekends. All jurisdictions place a limit on the length of sentence that can be served on a part-time basis, with 90 custodial days being the most common upper limit. Intermittent custody sentences have been applied to low-risk offenders and the sanction is generally considered inappropriate for those convicted of serious violent or sexual offences. The disposal has commonly been used for burglary, theft, drug offences, violence against the person, and driving offences (Potas *et al.*, 1998; Coyle, 2002; Lackey, 1999; Searle *et al.*, 2003).

However, uptake of intermittent custody in other countries showed that such sanctions were slow to become established, and after a period of popularity, their use often declined. At least five key problems were identified through a review of international literature:

- non-compliance of offenders with the terms of the sentence;
- compromised security for prison establishments accommodating intermittent custody prisoners;
- net-widening;
- social divisiveness as sentence considered appropriate for a limited and specific group of socially-stable offenders; and
- cost-effectiveness.

These problems may have contributed to the erosion of intermittent custody as a popular sentencing option:

- Levels of compliance were a concern for those weighing up the merits of intermittent custody. High rates of breach undermined both public and judicial confidence in this type of sanction, especially if offenders were perceived to consider the sentence as less punitive than full-time custody. Because the sentence required considerable self-discipline on the part of the offender and prisoners reported difficulties in coping with the combination of prison and community life, it was considered by members of the Judicial Commission of New South Wales that assessing the suitability of offenders prior to sentencing (looking at factors such as substance misuse, family situation and employment) was critical to ensuring compliance (Potas *et al.*, 1998).
- Where intermittent custody centres shared accommodation or facilities with full-time penal establishments there were associated security risks, including the heightened potential for smuggling in contraband, particularly illicit drugs (Lackey, 1999). However, attempts to

replicate in intermittent custody centres the security measures necessary for prisons may spread the negative aspects of prison culture that intermittent custody is seeking to avoid. Commentators stressed co-operation rather than coercion as the most appropriate model for intermittent custody (Potas *et al.*, 1998).

- Growth in uptake of intermittent custody sentences (particularly in the lower courts) meant that there was a potential net widening effect whereby those who would have received a community penalty were up-rated to a custodial sanction (Cavadino and Dignan, 2002; Gibbs and King, 2002; Potas *et al.*, 1998). In England, such concerns have surfaced among penal pressure groups, who argue that without proper guidance for sentencers, offenders who would not otherwise have gone to prison will be considered for an intermittent custody sentence (Nacro, 2004; Action for Prisoners' Families, 2004; Prison Reform Trust, 2003).
- Intermittent custody sentences were potentially socially divisive since they tended only to be appropriate for a limited and specific group of offenders (Johnson, 1981). Offenders serving intermittent custody sentences were more likely to be married or co-habiting (often with dependent children), employed, and slightly older than those in full-time custody, whilst unemployed offenders, offenders without family responsibilities, and offenders with extensive criminal records were less likely to be considered for intermittent custody (Coyle, 2002; Lackey, 1999; Searle *et al.*, 2003). The argument exists that it is wrong in principle for those who are already socially excluded to be treated worse than those convicted persons who have otherwise stable lives.
- The cost-effectiveness of intermittent custody was contingent upon there being no net-widening effect, but also on even and consistent uptake. The fact that internationally there tended to be a limited pool of suitable offenders, the majority of whom served intermittent custody sentences at weekends, created considerable cost implications in terms of inefficient use of accommodation (Roberts, 2003). In other jurisdictions, non-dedicated prison accommodation used to accommodate intermittent prisoners is often left vacant during the week, and is then used to ease overcrowding in the full-time prison population. The consequent loss of accommodation for existing and potential intermittent detainees created administrative problems and loss of public and sentencer confidence in the intermittent option (Lackey, 1999).

## Study methodology

The Home Office commissioned the Institute for Criminal Policy Research to conduct a descriptive study of the intermittent custody pilot, in order to examine the uptake and operation of the new sentence, and attempt to assess the extent to which it has been subject to the problems identified in other countries. The key aims of the study were:

- to assess the uptake of intermittent custody;
- to take stock of operational issues;
- to examine the experiences of offenders sentenced to intermittent custody; and,
- to compare findings with learning from other jurisdictions.

The main research methods are outlined below.

### Analysis of baseline sentencing data

To assess the uptake of intermittent custody in the context of existing sentencing patterns, sentencing information for the 51 pilot courts authorised to impose intermittent custody from 26 January 2004 was collated for the 12 months prior to the availability of intermittent custody, and also for the first 12 months of the pilot period. These data were analysed using the Statistical Package for the Social Sciences (SPSS).

## Analysis of enquiries

Staff at the intermittent custody centres logged all enquiries from the courts and Probation Service concerning offenders under consideration for the sentence. Each entry details the age and gender of the offender, index offence, date of enquiry, sentencing court, date of sentence and sentence outcome. Enquiries were analysed using SPSS, and results were used to further examine uptake in terms of offence types, court level and gender.

## Interviews with key personnel

The uptake and operation of intermittent custody were examined qualitatively via semi-structured interviews with personnel from the key professions involved in the pilot (see Table 1.2). Interviews were conducted at two points in time, once in the first year of the pilot (2004), and again towards the end of the study period (Summer/Autumn 2005) to assess any change in the uptake and operation (including inter-agency management) of intermittent custody over time.

**Table 1.2: Key personnel participation in qualitative semi-structured interviews**

Interviewees	Time 1	Time 2	Total
Probation Service	23	15	38
Prison Service	18	11	29
Judiciary/magistracy	16	9	25
<b>Total</b>	<b>57</b>	<b>35</b>	<b>92</b>

All interviews were audio recorded and transcribed verbatim in order to facilitate analysis. The analysis of the qualitative interviews was shaped by themes that had emerged through the review of existing literature, as well as requirements specified by the Home Office. There were two stages to the coding process. First, a selection of six interview transcripts (two transcripts were selected from each personnel group, representing personnel based in both the male and female pilot areas, and the two points in time when interviews were conducted) was used to identify broad themes in the data. Second, a further six interview transcripts were selected and used to check whether or not any other broad themes could be added and to divide the existing broad themes into sub-themes. An example of a larger thematic category was 'obstacles to uptake' with a smaller sub-theme being 'gender-specific issues'. Once we were satisfied that most of the themes and sub-themes had been identified, they were imported into the N6 (NUD\*IST version 6) qualitative data processing package, along with the interview transcripts for all qualitative interviews.

Once the data had been coded, a structure for the report was developed and the data collected on relevant themes were used to describe and summarise the views of key personnel, and also to systematically compare and contrast these views across the male and female pilot areas and between the different groups of personnel. Quotations are included which are typical of the themes identified in the data. This means that whilst a number of interviewees may have spoken about a particular theme, only one or two quotations may be included, primarily because of their typicality, although perhaps also because of their clarity or succinctness. Negative instances are also presented.

## Interviews with intermittent custody prisoners

The majority of offenders (80%, n=227) sentenced to intermittent custody from January 2004 to July 2005 were interviewed using a semi-structured questionnaire. These interviews formed a key component of the descriptive study and collected the views of prisoners about why they were willing to receive an intermittent custody sentence, the impact this had on their lives (domestic, family and other relationships, employment), their views on the custodial regime and community supervision, and how intermittent custody compared with any previous

custodial sentence received. The questionnaire data were analysed using SPSS; simple descriptive statistics were calculated.

Twenty per cent (n=57) of offenders sentenced to intermittent custody were not included in the interview sample (36 males and 21 females). Researchers were unable to make telephone contact with 20 prisoners who had finished their custodial period before fieldwork began. A further eight prisoners declined to be interviewed and 14 were missed by researchers either because their release date was in advance of that provided to the research staff or they were unavailable at time of interview. Fifteen offenders were 'missed' because they had been varied to full-time custody (n=12) or were unlawfully at large (n=3) at time of interview.

According to baseline information collected on all offenders receiving intermittent custody sentences between January 2004 and July 2005, derived from Pre-Sentence Reports (PSRs) and records of previous convictions, the profiles of the interview sample and the 'missed' prisoners were broadly similar.<sup>9</sup> Similar proportions were in permanent independent housing (around 90%). Despite comprising the majority of the non-compliers, slightly lower proportions of 'missed' prisoners were assessed as medium to high risk of reoffending (35% versus 41%), having previous recorded convictions (61% versus 70%), and having served a previous custodial sentence (20% versus 31%). However, a slighter lower proportion of 'missed' prisoners were in employment (59% versus 68%), as recorded by the Probation Service.

As a case study of the pilot scheme, the research benefited from largely complete statistical information. In other words, findings are based on a census of prisoners involved in the pilot, and not on a sample of them. The main exception to this is the interviews that were carried out with prisoners. As discussed above, it was possible to contact and interview 80% of the prisoners in the pilot scheme. These can be regarded as an equal-probability random sample of the whole population because there was no evidence to suggest that non-respondents were statistically different from respondents. Therefore, as this is a sample, there will be some sampling error in given estimates, reflecting the fact that the sample interviewed was one of many possible samples. Because the interview sample can be treated as if it were a randomly selected sample of participants in the pilot scheme, it is possible to get some sense of the degree of variation in estimates attributable to sampling error. Where appropriate, confidence intervals have been calculated in this way for estimates derived from the interviews. In general, sampling error was small, reflecting the fact that a very large proportion of the population of prisoners in the pilot were interviewed.

There is, of course, the separate question of whether it is possible to generalise from the report findings to predict the characteristics of prisoners serving intermittent custody in the future. Tests of statistical significance on a single, cross-sectional study cannot help much here. To take an example, intermittent custody accounted for six per cent of cases in the Crown Court centres included in the pilot. It makes no sense to place confidence intervals around this percentage, as it is not an estimate derived from sampling. Statistical inference can offer no guidance from this study about the likelihood of the percentage remaining at this level in any future versions of intermittent custody.

## Structure of the report

Chapter 2 examines the uptake of intermittent custody by court level, offence category and type of offender. Alongside quantitative data it presents key themes which emerged from qualitative interviews with judges, magistrates and probation officers on the value of the sentence, practical issues associated with proposing and passing intermittent custody orders, and perceived obstacles to uptake. The potential 'net widening' effects of the sentence and the disproportionate use of weekend versus weekday orders are also discussed.

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<sup>9</sup> PSRs and records of previous convictions were available for 90 per cent of 284 offenders sentenced to intermittent custody up to 31 July 2005.

Chapter 3 presents a socio-demographic profile of offenders sentenced to intermittent custody and interviewed as part of this descriptive study. It provides details of their employment, accommodation and family situations as well as their reasons for consenting to intermittent custody and how they coped with the sentence alongside employment and childcare responsibilities.

Chapter 4 examines offenders' experiences of custody and supervision. It presents the views of prison and probation officers and offenders on both the custodial and supervision elements of the sentence. It discusses offenders' compliance with the sentence and disciplinary issues.

Finally, Chapter 5 presents the main conclusions arising from this descriptive study of the intermittent custody pilot.

## 2. Uptake of intermittent custody by the pilot courts

This chapter examines the uptake of intermittent custody by the 51 pilot courts authorised to impose the sentence from January 2004. The chapter will present sentencing data from the pilot courts, which were collated for the period January 2003 to December 2004. Other data sources include data collected by the intermittent custody centres relating to enquiries from the courts and Probation Service concerning offenders being considered for the sentence, and qualitative data derived from interviews conducted with sentencers, probation officers and intermittent custody prisoners. This chapter will examine the types of offences and offenders tending to receive the sentence. Next, it will present the evidence for any 'net-widening' (in terms of an increase in the use of custody). It will go on to highlight the principal obstacles to uptake and, finally, it will look at reasons for the underuse of weekday intermittent custody.

### Use of intermittent custody by the pilot courts

#### Sentencing data

During the first 18 months of the pilot a total of 284 intermittent custody orders were passed.<sup>10</sup> More male than female offenders received the sentence (209 versus 75), although the male intermittent custody centre rarely reached capacity during the pilot period. In 2004, the pilot courts passed a total of 148 intermittent custody orders, 105 on male offenders and 43 on female offenders. At Crown Court, intermittent custody sentences accounted for three per cent (n=101) of all custodial disposals passed, and at the magistrates' courts, two per cent (n=47) of all custodial disposals passed (see Table 2.1). Female offenders sentenced to custody at Crown Court were more likely than their male counterparts to be subject to an intermittent custody order, the new sentence accounting for five per cent (n=34) of Crown Court custodial disposals passed on female offenders.

**Table 2.1: Intermittent custody orders as a proportion of all custodial disposals passed by the pilot courts in 2004**

	Pilot Crown Court centres (n=15)			Pilot magistrates' courts (n=36)		
	Males	Females	Both	Males	Females	Both
Intermittent custody	67 (2%)	34 (5%)	101 (3%)	38 (3%)	9 (1%)	47 (2%)
<b>All custodial disposals</b>	<b>2,845 (100%)</b>	<b>666 (100%)</b>	<b>3,511 (100%)</b>	<b>1,373 (100%)</b>	<b>961 (100%)</b>	<b>2,334 (100%)</b>

Offence categories most frequently receiving intermittent custody in the pilot Crown Court centres in 2004 were: violence against the person (n=30); fraud and forgery (n=24); theft and handling stolen goods (n=14); and, for male offenders only, public order offences of affray and violent disorder (n=9). As a proportion of custodial disposals, the new sentence was highest for fraud and forgery offences (13%; see Table 2.2).

<sup>10</sup> Total includes orders passed by courts added to the intermittent custody pilot in 2005.

**Table 2.2: Intermittent custody as a proportion of custodial disposals for the four key offence categories receiving the sentence at Crown Court (2004)**

Offence	Intermittent custody	Immediate custody	Total custody
Violence against the person	30 (5%)	571 (95%)	<b>601 (100%)</b>
Fraud and forgery	24 (13%)	167 (87%)	<b>191 (100%)</b>
Theft and handling	14 (4%)	326 (96%)	<b>340 (100%)</b>
Public disorder (males only)	9 (6%)	145 (94%)	<b>154 (100%)</b>
<b>Total</b>	<b>77 (6%)</b>	<b>1,209 (94%)</b>	<b>1,286 (100%)</b>

In the pilot magistrates' courts in 2004, intermittent custody was most frequently used to sentence the summary motoring offences of driving whilst disqualified (n=16) and, for male offenders only, excess alcohol (n=8). As a proportion of custodial disposals, the new sentence was highest for excess alcohol offences (14%; see Table 2.3).

**Table 2.3: Intermittent custody as a proportion of custodial disposals for the two key offence categories receiving the sentence at the pilot magistrates' courts (2004)**

Offence	Intermittent custody	Immediate custody	Total custody
Driving whilst disqualified	16 (4%)	410 (96%)	<b>426 (100%)</b>
Excess alcohol (males only)	8 (14%)	49 (86%)	<b>57 (100%)</b>
<b>Total</b>	<b>24 (5%)</b>	<b>459 (95%)</b>	<b>483 (100%)</b>

### Views from the judiciary and Probation Service

Members of the judiciary interviewed by the study team had embraced the concept of intermittent custody wholeheartedly, and were keen for the sentence to be made available nationally. Judges who were interviewed saw intermittent custody as a sentencing option that allowed them to impose a proportionate punishment for serious offences that had passed the custody threshold, whilst avoiding the disproportionately damaging effects of full-time custody.

*I think the principle of giving someone a taste [of custody] [but] not, as it were, destroying their lives or damaging their family, which an ordinary full-time sentence certainly can do, is something we should try and retain. (Judge, Midlands)*

*I would regard myself not as giving something different from imprisonment, I'm giving them imprisonment – but they can serve it in such a way that it doesn't make such a mess of the rest of their lives. Why can't we give people imprisonment which doesn't actually wreck the rest of their lives and make things much worse for them when they come out? (Judge, Midlands)*

*I'd be very disappointed not to have that available to me in the future because it...means that families are not so badly affected by their parents going to prison. Some people have jobs, in one case the [defendant] was self-employed and had he gone to prison full-time his business would have been wrecked. So there's definitely a place for it. (Judge, North)*

Judges who were interviewed saw the sentence as being appropriate for alcohol-related violent and public order offending where the behaviour was considered to be out of character and 'one-off' in nature. Judge interviewees also commented that they viewed intermittent custody as a particularly useful sentence for female high-end benefit fraud cases.

*I like the sentence because it gives me an option of being able to do what I think sometimes the public simply demand – you've got somebody who's really knocked off a lot of money say, one of these high value benefit frauds – there's no earthly point in sending them to prison for years, they're a mum, usually struggling...it's perfect, because what gets reported is the fact they've been sent to prison. I, as an individual judge, would welcome it being available nationally, even though I recognise the take-up [will be] comparatively minimal, it's a very useful tool in the right case. (Judge, Midlands)*

*One I sent down [to intermittent custody] was a benefit fraud...she would normally have got [immediate custody], it was over £50,000 as I recall, so certainly the fact that she only had to go there at weekends made a substantial difference...Someone who may have offended seriously, but is unlikely to do it again, I think you can cause them immense damage by sending them to [full-time] prison, and I try not to, particularly women with children. (Judge, Midlands)*

Probation officer interviewees who were supervising offenders sentenced to intermittent custody were also positive about the sentence, reporting that the sentence was punitive without damaging an offender's chances of rehabilitation.

*With the lad who's successfully completed his licence, it was an opportunity for him to keep his employment, to keep his relationships, he accepted that what he did was wrong and accepted the punishment, but was also appreciative of the fact that he could continue those other important things in his life, which in the future should keep him away from offending. (Probation Officer, Lancashire)*

*Certainly the two [female offenders] that I supervised, they benefited from that sentence. One of them was working at the weekend so she was able to keep her job, and the other one, she was able to save the relationship with her partner and get things sorted out with all the money they owed and keep the family together. And it was a [punitive] sentence for her because every week she would come in to see me just before she went to the train with the children and she was tearful about having to leave the husband and the children and get on this train and go. (Probation Officer, Humberside)*

## Net-widening

Net-widening (whereby the introduction of intermittent custody results in an increase in the use of custody) did not emerge overtly as a significant issue, although until all the new sentences introduced in the Criminal Justice Act 2003 (Custody Minus, Custody Plus, and the generic Community Order) have become established, it is difficult to measure the impact of intermittent custody on overall custody rates.

## Sentencing data

Baseline sentencing data do not provide any clear or conclusive evidence of a net-widening effect caused by intermittent custody. The use of custody for males sentenced at the pilot Crown Court centres reduced following the introduction of intermittent custody, and increased slightly for females. For male offenders sentenced at the pilot Crown Court centres, the overall proportion receiving custodial disposals (including intermittent custody) in 2004, compared to the 12-month period prior to the start of the pilot, had decreased by three per cent (see Table 2.4). The only offence category that showed a clear increase in the proportion of custodial disposals passed was fraud and forgery. However, this increase reflects a national trend and is therefore not attributable to the introduction of intermittent custody (nationally there was an increase in the proportion of custodial disposals passed on male fraud and forgery offenders from 53% in 2003 to 58% in 2004).

**Table 2.4: Proportion of cases receiving custodial and community sentences in the Crown Court centres authorised to sentence male offenders to intermittent custody in 2004 (n=4,565) with proportions for 2003 shown in brackets (n=4,723)**

Offence category	Disposal (% total disposals for offence category)			% total offences
	<i>Immediate custody</i>	<i>Intermittent custody</i>	<i>Community sentence</i>	
Violence	53 (56)	3 (-)	44 (44)	21 (20)
Burglary	64 (70)	- (-)	36 (30)	15 (16)
Drug offences	77 (79)	- (-)	23 (21)	15 (16)
Theft/handling	50 (51)	2 (-)	49 (49)	10 (10)
Public disorder	41 (45)	3 (-)	56 (55)	8 (6)
Robbery	94 (94)	- (-)	6 (6)	6 (6)
Dangerous driving	51 (58)	3 (-)	46 (42)	5 (4)
Other indictable	71 (73)	- (-)	29 (27)	5 (5)
Sexual	85 (84)	- (-)	15 (16)	4 (5)
Fraud/forgery	62 (58)	5 (-)	33 (43)	4 (4)
Summary (all)	36 (39)	2 (-)	62 (62)	3 (3)
Pervert course justice	40 (53)	3 (-)	56 (48)	3 (3)
Criminal damage	44 (48)	1 (-)	55 (52)	2 (2)
<b>% total disposals</b>	<b>61 (65)</b>	<b>1 (-)</b>	<b>38 (35)</b>	<b>100 (100)</b>

For female offenders sentenced at the pilot Crown Court centres, the overall proportion receiving custodial disposals (including intermittent custody) in 2004, compared to the 12-month period prior to the start of the pilot, had increased by two per cent (see Table 2.5). Use of immediate custody for female offenders was above the national average of 41 per cent in the pilot Crown Court centres in both 2003 and 2004. There were increases from 2003 to 2004 in the proportion of immediate custodial disposals passed for drug offences, theft/handling, burglary and robbery. The former two offence categories also received a proportion of intermittent custody orders (2% in each category). However, the largest proportion of intermittent custody orders relates to fraud and forgery offences, a category which saw a decrease in the use of custody (immediate and intermittent) from 41 per cent in 2003 to 33 per cent in 2004 (nationally, approximately 31% of fraud and forgery offences received custody in both 2003 and 2004).

**Table 2.5: Proportion of cases receiving custodial and community sentences in the Crown Court centres authorised to sentence female offenders to intermittent custody in 2004 (n=1,418) with proportions for 2003 shown in brackets (n=1,320)**

Offence category	Disposal (% total disposals for offence category)			% total offences
	Immediate custody	Intermittent custody	Community sentence	
Drug offences	60 (58)	2 (-)	39 (42)	20 (20)
Theft/handling	41 (40)	2 (-)	56 (60)	19 (19)
Violence	34 (36)	2 (-)	64 (64)	15 (15)
Fraud/forgery	26 (41)	7 (-)	66 (59)	13 (9)
Burglary	64 (50)	- (-)	37 (50)	8 (9)
Robbery	79 (77)	- (-)	21 (24)	6 (7)
Pervert course justice	30 (29)	3 (-)	67 (71)	5 (6)
Public disorder	25 (17)	- (-)	75 (83)	4 (4)
Other indictable	65 (60)	- (-)	35 (40)	3 (4)
Criminal damage	26 (26)	- (-)	74 (74)	3 (3)
Summary (all)	12 (23)	9 (-)	79 (77)	2 (3)
Dangerous driving	50 (24)	- (-)	50 (77)	1 (1)
Sexual	71 (71)	- (-)	29 (29)	0.5 (0.5)
<b>% total disposals</b>	<b>45 (45)</b>	<b>2 (-)</b>	<b>53 (55)</b>	<b>100 (100)</b>

#### Other evidence for net-widening

The majority (76%: C.I.=73%–79%<sup>11</sup>) of offenders stated they had been expecting to receive an immediate custodial sentence (see Table 2.6). Offenders sentenced at Crown Court reported they had been expecting to receive mean average sentence lengths of 13 months (males) and 17 months (females). However, these data provide no more than a tentative and subjective indication that offenders would have received a custodial sentence.

**Table 2.6: Sentence type which intermittent custody prisoner interviewees reported they were expecting prior to sentence**

	Custody	Community	Unsure	Total
Males	133 (77%)	7 (4%)	32 (19%)	<b>172 (100%)</b>
Females	37 (71%)	2 (4%)	13 (25%)	<b>52 (100%)</b>
<b>Total</b>	<b>170 (76%)</b>	<b>9 (4%)</b>	<b>45 (20%)</b>	<b>224 (100%)</b>

Note. See Appendix 2 for confidence intervals

Whilst all key personnel interviewees (including prison and probation service staff) agreed that the overwhelming majority of intermittent custody cases had passed the custody threshold, this did not necessarily mean that custody was inevitable. Analysis of data relating to cases where an enquiry was made to the intermittent custody centre demonstrated that around 30 per cent of those cases sentenced at the pilot Crown Court centres and an even higher proportion of those cases sentenced at the pilot magistrates' courts resulted in a

<sup>11</sup> Confidence intervals are reported. These indicate the range within which we can be 95% confident that the true proportion attributable to the population lies.

community sentence rather than a custodial outcome (see Table 2.7).<sup>12</sup> It is impossible to hypothesise whether, in the absence of the intermittent option, all those cases receiving intermittent custody would have resulted in immediate custody. It is difficult, therefore, to exclude the possibility of net-widening.

**Table 2.7: Disposal outcome for all cases where an enquiry was made to the male or female intermittent custody centre (Jan 2004 – July 2005)\***

Outcome	Crown		Magistrates'		Total
	Males	Females	Males	Females	
Community sentence	125 (30%)	58 (31%)	47 (38%)	49 (60%)	<b>279 (35%)</b>
Intermittent custody	129 (31%)	59 (32%)	61 (50%)	16 (20%)	<b>265 (33%)</b>
Immediate custody	143 (35%)	47 (25%)	12 (10%)	11 (12%)	<b>213 (26%)</b>
Suspended sentence	8 (2%)	12 (6%)	3 (2%)	1 (1%)	<b>24 (3%)</b>
Other	7 (2%)	11 (6%)	0 (-)	5 (6%)	<b>23 (3%)</b>
<b>Total</b>	<b>412 (100%)</b>	<b>187 (100%)</b>	<b>123 (100%)</b>	<b>82 (100%)</b>	<b>804 (100%)</b>

\* Data cover an 18-month period but exclude enquiries from courts added to the intermittent custody pilot in 2005.

Although sentencers who were interviewed were adamant that intermittent custody was always being used as an alternative to immediate custody, one judge sounded a note of caution:

*Its very existence could cause some judges to pass a custodial sentence, which if it weren't available they wouldn't pass. It's impossible...to work out whether you would have passed the sentence that you're passing if [intermittent custody] hadn't been available – and I think that's a risk, particularly with women, who despite what Home Office statistics say, are more leniently dealt with on a regular basis, for a perfectly appropriate reason in my view, if they have children. (Judge, Midlands)*

## Obstacles to uptake

Analysis of sentencing data revealed that uptake of the intermittent custody sentencing option was low. Interviews with sentencers and probation officers pointed to four main obstacles to uptake:

- the pool of eligible offenders was restricted;
- the option of intermittent custody was not routinely considered in PSRs;
- orders were complicated and time-consuming to pass; and,
- gender-specific issues meant intermittent custody was perceived as an impractical sentence for female offenders.

<sup>12</sup> Enquiries relating to cases considered ineligible for consideration for the sentence by intermittent custody centre staff were excluded from analysis (such enquiries accounted for less than ten per cent of the total number of enquiries). Reasons for ineligibility included: offender residing outside the probation service catchment area; sexual offence(s); offender under minimum age (21 years); offender assessed as high risk of harm to the public; serious health issues (including both physical and mental health problems); problematic drug/alcohol misuse; failure to appear at court for sentencing; and, offender declining to consent to intermittent custody.

## The pool of eligible offenders was restricted

The suitability criteria for intermittent custody tended to rule out offenders without stable accommodation, employment and/or childcare responsibilities, thereby restricting the pool of eligible offenders.

*The sentence of intermittent custody seems to me to be uniquely suitable for those who have...a stake in society, and that is highly likely to be people who are in employment...and of course they've got to commit an offence for which this is suitable, so it's an unusual breed. (Judge, North)*

*[With female offenders] very often their offences are just not serious enough to qualify for it, or far too serious to qualify for it, so it's this sort of limited middle band of female offenders that tend to collect intermittent custody, at any rate from me, and nearly always, [female offenders] with the young children – I don't want the children to have to go into care. (Judge, Midlands)*

Magistrates interviewed as part of the study agreed with judges that the rationale for intermittent custody was worthy, but were less enthusiastic about the usefulness of the sentence in the lower courts. Magistrates who were interviewed felt that the potential for passing intermittent custody orders was limited and that the resource implications could not be justified for the small proportion of offenders who might receive the sentence.

*It isn't a popular sentence with magistrates at the moment. I think you'd find it difficult to find people who meet the criteria...I think the criteria are right, but does that make it an effective sentencing option? It's very narrow...you have to pass [an] assessment to be eligible for it, and it's difficult. The number of people I get before me that are in employment [is] minimal, I would say 80 to 85 per cent [are] unemployed, and 75 to 80 per cent of the crime that comes before this court is drug related. (Magistrate, Lancashire)*

*There aren't many women we send to prison...if they're that bad, they're going to the Crown Court. So the proportion of women we deal with that would have intermittent custody is not great. (Magistrate, Leicestershire)*

## Intermittent custody was not routinely considered in PSRs

PSR authors were not routinely independently proposing intermittent custody in reports. The assessment of an offender's suitability for intermittent custody was usually conducted at the request of the court.

*If an order is made it's often on the direction of the court and the court will read a report and say 'I don't think this report is sufficient, can it be put off for an intermittent custody evaluation?' (Probation Officer, Nottinghamshire)*

*Quite a lot of the cases we've had sentenced to intermittent custody have had to be adjourned. The judge has adjourned for an assessment for intermittent custody because the report writers don't always seem to be recognising it as an option. I've not had many offenders who've got intermittent custody where it's been a proposal. (Probation Officer, Greater Manchester)*

*I think one of the reasons [for low uptake] is that we're not asking for it enough. We need to be putting the idea into the judge's head. We need to be asking for it more. I think it's the report writer's job to offer all the options that are available, not for the courts to have to keep flagging it up. (Probation Officer, West Yorkshire)*

Interviewees attributed the lack of independent consideration of the sentencing option in PSRs partly to a reticence to propose intermittent custody unless the court had indicated that

custody was inevitable, and partly to the fact that intermittent custody was unlikely to be prioritised in a climate of rapid change in the criminal justice system.

*I think [low proposal rates are] to do with officers wanting to explore as much as they can the community option for [offenders], and not wanting to give ideas about custody. (Probation Officer, West Midlands)*

*It's in the context of considerable change in the criminal justice system at the moment, significant changes in sentencing with the Criminal Justice Act [2003] and changes in the organisation of the Probation Service [National Offender Management Service] and the rate of change, wherever you look is really frenetic and I think we're struggling to keep up to date with all of it. (Probation Officer, West Midlands)*

Uptake of the sentence was largely dependent on it being championed by individual sentencers, the key problem being that sentencers who were unfamiliar with intermittent custody were unlikely to consider it as a sentencing option.

*I am an enthusiast, and amongst my colleagues here, they know that. (Judge, North)*

*I think one of the real problems is that because it doesn't arise very often I think a lot of judges, it doesn't enter their heads unless it's been raised by the Probation Service or by counsel, and thus far, I can't recall probation or counsel ever raising it. (Judge, Midlands)*

*Looking back I suppose I could have forced it more on occasions but the reality is, certainly in my position, that I tend to have big lists, most of the cases I do are first-thought custody anyway, and if there's any alternative you're really looking for the Probation Service to be recommending it, it's quite difficult in a busy list to start being creative yourself. So I really do think work needs to be done with the Probation Service. (Judge, North East)*

*Pre-sentence reports will often identify candidates for a non-custodial sentence, where I'm thinking that I can't pass a non-custodial sentence, but I would be prepared to consider intermittent custody because of employment or children. (Judge, Midlands)*

### Passing a sentence of intermittent custody was time-consuming and complicated

Both sentencers and probation officers who were interviewed highlighted the fact that the time taken up in court by intermittent custody cases was disproportionate in comparison to other sentences. There were two main elements that took time:

- First, offenders had to be assessed as suitable for intermittent custody and a number of key issues addressed, including: risk of harm to the public; risk of reoffending; substance misuse; whether the offender has suitable accommodation in the community; their ability to travel to the intermittent custody centre each week; and, whether any childcare arrangements are required. Although a formal written assessment was not a legal prerequisite for passing an intermittent custody order, it was certainly considered desirable by both sentencers and probation officers, not least of all since an offender must understand what the sentence entails in order to give their consent. Some courts developed a protocol whereby any case for which intermittent custody was being considered would automatically adjourn for two weeks while a suitability assessment was made.
- Secondly, the offender was required to receive a copy of the intermittent custody licence before leaving court. The licence stated the terms and conditions of the sentence including its length (both overall in weeks, and in custody days), and the date and time the offender was required to present him or herself at the custody centre. The licence was issued by,

and a copy returned to, the intermittent custody centre. This was completed via fax-machine and often took up valuable court time.

For enquiries to the intermittent custody centres where the outcome was an intermittent custody sentence, the average (median) number of days between enquiry and sentence was between four and five days in the Crown Court. In the magistrates' courts, however, the majority of sentences were passed on the same day that an enquiry was made. The magistrates' courts thus allowed themselves very little time for completing an assessment and issuing the licence. It is conceivable that uptake of intermittent custody was limited because courts wished to avoid the time-consuming factors (adjournments for assessment and the mechanics of issuing the licence) associated with making the orders.

*I try and list these cases first, to give us the whole day to sort it out. (Judge, North)*

*We still require two court clerks to actually sort all the things out which need to be done – which is not insurmountable, but it does make it just that much more difficult to do, and it takes a bit longer. (Judge, Midlands)*

*It can be done by a stand-down report [on the day]; it involves getting in touch with the prison, the prison looking at criteria, looking at risk assessments of the offence and the offender. It takes time and in real terms, a very busy bench, if they have the perception that getting intermittent custody sorted is going to take a long time, they may not intentionally disregard intermittent custody, but it may be lower down on the list. (Magistrate, Lancashire)*

Another off-putting factor was the perceived complexity of an intermittent custody sentence. A number of intermittent custody orders (including all consecutive orders passed) required review because the number of weeks and days did not comply with the legislation, adding to sentencers' frustrations and taking up even more court time.

*It's immensely complicated. I do think that it's appallingly difficult to calculate the sort of sentence you can pass for it...all this thing about the minimum days, the maximum days and all the rest of it, and what it's going to mean in practice, it does seem to me to be pretty complicated. (Judge, Midlands)*

*There are still considerable difficulties in actually getting the detail of the sentence worked out, such as calculating the number of days and dealing with consecutive sentences, which are very difficult to handle. It's far too complicated...days, and tagging and home detention curfew...I suspect the take-up rate has been somewhat lower than was anticipated. It's because it's so fiddly and a bit restrictive. (Judge, North)*

### Gender-specific issues

Due to the larger geographical catchment area and rural location of the female intermittent custody centre, female offenders were usually required to travel further and for longer than their male counterparts to serve intermittent custody sentences. Female offenders were also more likely than males to have to arrange childcare for their periods of absence from the community (see Chapter 3). Probation officers and sentencers who were interviewed expressed concern that these factors brought additional pressures to bear on female offenders who were considered for intermittent custody, making the sentence gender-biased in terms of uptake.

*Women are [often] the primary carers of children and they have...a lot more issues to think about when we are considering intermittent custody...the logistics of getting there...are just horrible...there's a lot of hurrying and scurrying around trying to find people to look after the children...women genuinely worry about what is going to*

*happen to their children. I think [intermittent custody] causes huge inconvenience for [women] and much more so than for men...it's an unequal burden.* (Probation Officer, Derbyshire)

*What I found was it actually can create more difficulties for women, who generally speaking tend to be the sole carers for children. So for men who are working it's an easier option.* (Probation Officer, Humberside)

This perceived bias served to limit uptake in the female pilot since sentencer interviewees reported that they were reluctant to impose intermittent custody where lengthy journey times were involved and childcare arrangements were proving problematic.

*No-one is prepared to send a woman five hours on public transport on a Friday and back again on Sunday night, with all the vagaries of Sunday travelling, it's just a nonsense...and...there's a reluctance to send females to intermittent custody when there are childcare issues...if effectively she's going to be at home for most of the time, why go to all this fuss just to take her out of circulation for a couple of days, there's probably a perfectly good community penalty that will offer the same rehabilitative elements.* (Judge, North)

*There was a benefit fraud [case] where [a colleague] was thinking of doing it, had enquiries being made, he then found that the arrangements for the child to be looked after, which is the sort of case we're thinking about, became so immensely complicated...it in fact went to another judge eventually who gave the defendant a community punishment [order], which [my colleague] thought was unduly lenient in the circumstances – but it was the practicalities which had put [my colleague] off.* (Judge, Midlands)

*The prison that we deal with is way over on the eastern side of the country...with all the other responsibilities [a female offender] will have, to be able to get herself to [the intermittent custody centre], on any form of public transport, for a set time, I think is just totally ridiculous. It is just grossly unfair on the defendant, whether she tries to do it by public transport, which is nigh on impossible, or whether she tries to get a friend or family member to take her by car. Because it's not just the taking, it's the fetching back, and it's the doing it every weekend that she's got to be there, and that's an awful lot to ask.* (Magistrate, Staffordshire)

Probation officers and magistrates who were interviewed reported that some female offenders had stated they would prefer to serve a short full-time custodial sentence when told about the possible option of intermittent custody.

*There are some women who have said to me, 'Look, I don't want all this faffing around, going up to [the intermittent custody centre] and coming back on a Sunday, if I'm going to do three or six months, just tell me and I'll do it to get it over with.'* (Probation Officer, Derbyshire)

*Women are saying: 'If I'm going to prison I might as well get it over and done with in a couple of months.'* (Probation Officer, Humberside)

*They find the childcare is easier to deal with if they go down [to full-time prison] for a week or two weeks, it's easier for mum or sister or boyfriend, than to try and cope with weekends. And getting to [the intermittent custody centre], it's daunting for people who can cope with trains and buses, and these women are not used to travelling on their own, and the rest of your week is on licence, which is quite a daunting aspect, if the kid's sick and you don't make the train.* (Magistrate, Leicestershire)

## Underuse of weekday intermittent custody

Of offenders sentenced to intermittent custody from January 2004 to July 2005, only one in ten males and less than one in five females received weekday orders (see Table 2.8). This resulted in the underuse of intermittent custody centre accommodation during the week.

**Table 2.8: Breakdown of weekend versus weekday intermittent custody orders at point of sentence (Jan 2004 – July 2005)<sup>\*</sup>**

Pilot	Weekend	Weekday	Total
Male	189 (90%)	20 (10%)	<b>209 (100%)</b>
Female	62 (83%)	13 (17%)	<b>75 (100%)</b>
<b>Total</b>	<b>251 (88%)</b>	<b>33 (12%)</b>	<b>284 (100%)</b>

<sup>\*</sup> Data cover an 18-month period and include orders passed by courts added to the intermittent custody pilot in 2005.

Interviews with sentencers and probation officers involved in the pilot demonstrate that intermittent custody was considered primarily a weekend sentence. Intermittent custody is structurally biased towards weekend rather than weekday orders because it is considered appropriate for offenders either in employment, or with childcare commitments. Sustaining employment usually (although not always) entails the offender being present in the community during the week. Likewise, childcare commitments are often best maintained with the offender present in the community during the week because substitute childcare is easier to arrange for weekends when partners and relatives are more likely to be available.

*If you think of what sort of cases are likely to attract intermittent custody and why...it's the 'and why?' that's so important – it's basically employment and children...and it's easier to farm out children just for a couple of days over the weekend...and... employment...tends to be in the week. (Judge, Midlands)*

It was originally anticipated that weekday orders would be suitable for unemployed offenders, who could be assisted with securing employment. However, probation officers and sentencers who were interviewed saw little worth in proposing or passing the sentence for those without jobs or children, and there were continued concerns about the adequacy of benefit payment arrangements.<sup>13</sup> Weekday custody therefore tended to be reserved for the small minority of offenders with employment or main childcare responsibilities at weekends.

*Intermittent custody I don't think is a good idea for people who aren't in work – the benefits situation is far from resolved, and I can't see the point. If they're unfit for work, [...] what are they going to do when they're at the intermittent custody centre anyway? And people who are not fit for work, they tend to have drink or drug problems, so they wouldn't really fit the criteria for intermittent custody [...]. If they are fit for work then they can't look for work can they? So in actual fact it's self-defeating. (Probation Officer, Greater Manchester)*

<sup>13</sup> With the agreement of the Home Office, Jobcentre Plus placed guidance on the Intranet to explain the rules of intermittent custody to frontline advisors. There was also an instruction to pass on any queries regarding intermittent custody to a contact within Jobcentre Plus National Tier. Offenders sentenced to intermittent custody were required to attend Jobcentre Plus to report this change in their circumstances. Some benefits were unaffected by the sentence, whilst others were recalculated on a pro rata basis.

## Key summary points

- In 2004, intermittent custody orders accounted for three per cent (n=148) of all custodial disposals (n=5,845) passed by the pilot courts.
- The offence categories most frequently receiving intermittent custody orders at Crown Court were violence against the person, fraud/forgery, theft/handling, and public order offences (affray and violent disorder).
- As a proportion of all custodial disposals, use of intermittent custody was highest for fraud and forgery offences in the pilot Crown Court centres.
- In the pilot magistrates' courts, intermittent custody was most commonly used to sentence summary motoring offences (driving whilst disqualified and excess alcohol).
- Judges who were interviewed were enthusiastic advocates of the disposal in cases where a 'one-off' offence was of a serious enough nature that custody was considered unavoidable, and the offender was in employment or had childcare responsibilities.
- Supervising probation officers who were interviewed stated that the sentence was punitive without damaging offenders' chances of rehabilitation.
- Magistrates who were interviewed were less enthusiastic about the sentence, being concerned that the proportion of offenders who might get intermittent custody was too small to justify the option.
- There was no conclusive evidence that the availability of intermittent custody resulted in any net-widening (an overall increase in the use of custody), although the possibility cannot be excluded.
- Obstacles to uptake reported by sentencers and probation officers who were interviewed included:
  - a restricted pool of eligible offenders;
  - a lack of probation proposals for intermittent custody in pre-sentence reports;
  - the time-consuming and complicated nature of passing an intermittent custody order; and,
  - travel and childcare issues which disproportionately affected female offenders.
- The lack of weekday orders reflected sentencers' overwhelming use of intermittent custody to preserve employment and childcare responsibilities.

### 3. Impact on offenders' employment, housing and childcare responsibilities

This chapter presents data from semi-structured questionnaire interviews conducted with offenders sentenced to intermittent custody during the first 18 months of the pilot. The study team interviewed 80 per cent (173 males and 54 females) of all intermittent custody prisoners sentenced up to 31 July 2005 (n=284). Of those, 208 interviews were conducted face-to-face at the intermittent custody centres, and 19 were conducted by telephone with offenders who had completed the custodial phase of their sentence prior to fieldwork commencing. Based on comparative analysis of the two groups of interviewees (face-to-face and telephone), there was no systematic response bias resulting from type of interview. The majority of offenders were serving weekend sentences (85%, n=194), with 33 offenders (24 males and 9 females) serving the custodial element of their sentence during the week. In addition to collecting detailed structured information on accommodation, employment and family situations, the questionnaire instrument included open-ended questions that allowed prisoners to talk about their experience of intermittent custody, including why they consented to the sentence and what domestic, childcare, employment and travel arrangements they had to make in order to attend custody each week.<sup>14</sup>

#### Socio-demographic profile of prisoner interviewees

The average (mean) self-reported age of male intermittent custody prisoner interviewees was 32 years (range 21 to 65 years) and for females it was 34 years (range 21 to 60 years). Sixteen per cent (C.I.=14%–18%) of prisoners stated they were from Black and Minority Ethnic (BME) groups, half of whom (n=18) identified themselves as Pakistani. Almost all (99%: C.I.=98%–100%) reported residing in stable accommodation and just over two-thirds (67%: C.I.=64%–70%) reported having qualifications prior to intermittent custody (see Table 3.1).

Overall, three-quarters of offenders (C.I.=73%–78%) stated they were in employment prior to being sentenced, although male offenders were much more likely to report being employed than their female counterparts (85%: C.I.=83%–87% versus 44%: C.I.=37%–51%). Male offenders were also more likely to report living with a partner (55%: C.I.=52%–58% versus 31%: C.I.=25%–38%) whereas female offenders were much more likely to be living with dependent children (74%: C.I.=68%–80% versus 37%: C.I.=34%–40%). A higher proportion of males reported a problem with alcohol before custody (12%: C.I.=10%–14% versus 6%: C.I.=3%–9%), whereas a higher proportion of females reported having a problem with drugs (11%: C.I.=7%–15% versus 6%: C.I.=5%–8%). In terms of offending history, two-thirds (C.I.=63%–69%) of male offenders and 43 per cent (C.I.=36%–50%) of female offenders sentenced to intermittent custody reported having previous convictions, and overall, just over one-third (34%: C.I.=31%–37%) reported having served a previous custodial sentence (see Table 3.1).

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<sup>14</sup> Two offender case studies, based on interview data, are presented in Appendix 1.

**Table 3.1: Self-report profile of intermittent custody prisoner interviewees<sup>15</sup>**

	<b>Males</b>	<b>Females</b>	<b>Total</b>
Black and Minority Ethnic group	27 (16%)	9 (17%)	<b>36 (16%)</b>
Secure housing <sup>*</sup>	172 (99%)	52 (96%)	<b>224 (99%)</b>
Qualifications	116 (67%)	36 (67%)	<b>152 (67%)</b>
Employed <sup>**</sup>	147 (85%) <sup>***</sup>	24 (44%) <sup>***</sup>	<b>171 (75%)</b>
Employment as main source of income	143 (83%) <sup>***</sup>	21 (39%) <sup>***</sup>	<b>164 (72%)</b>
Living with partner	95 (55%) <sup>****</sup>	17 (31%) <sup>****</sup>	<b>112 (49%)</b>
Children under 17 years	105 (61%)	41 (76%)	<b>146 (64%)</b>
Living with children under 17 years	64 (37%) <sup>***</sup>	40 (74%) <sup>***</sup>	<b>104 (46%)</b>
Problem with alcohol prior to custody	21 (12%)	3 (6%)	<b>24 (11%)</b>
Problem with drugs prior to custody	11 (6%)	6 (11%)	<b>17 (7%)</b>
Previous convictions	114 (66%) <sup>****</sup>	23 (43%) <sup>****</sup>	<b>137 (60%)</b>
Previous custodial sentence	68 (39%) <sup>****</sup>	9 (17%) <sup>****</sup>	<b>77 (34%)</b>
<b>Total</b>	<b>173 (100%)</b>	<b>54 (100%)</b>	<b>227 (100%)</b>

Notes. See Appendix 2 for confidence intervals

\* Living in owner-occupied, council/housing association/private rented sector, supported accommodation, or traveller with own caravan or boat (excludes hostels, squats, and any other temporary accommodation).

\*\* Employed on a full, part-time or temporary basis in four weeks prior to custody.

\*\*\* Chi-squared test for male and female samples  $p < 0.001$  (difference is statistically significant at the 99.9% confidence level).

\*\*\*\* Chi-squared test for male and female samples  $p < 0.01$  (difference is statistically significant at the 99% confidence level).

## Consenting to intermittent custody

Offenders were asked who had first raised with them the possibility of intermittent custody. They most commonly reported a solicitor or barrister (41%:C.I.=38%-44%; n=94) as introducing the idea. Probation officers were mentioned by just under one-third (30%: C.I.=27%-33%; n=68), and 22 per cent (C.I.=20%-24%; n=50) reported that a judge or magistrate had been the first person to introduce intermittent custody. Sixty-two per cent (C.I.=59%-65%; n=141) reported receiving a copy of the intermittent custody offender leaflet prepared by the Prison Service.

A common complaint of interviewees was the lack of knowledge among members of the Probation Service, judiciary and magistracy about some of the detail of intermittent custody, and this situation persisted over the duration of the pilot for a significant proportion of the male and female offenders interviewed. Overall, 31 per cent (n=71) of respondents mentioned that they did not have their questions about intermittent custody answered or that they were not given sufficient information about the sentence because key professionals did not know enough about it.

*The judge didn't know about intermittent custody so the case had to be stood down while the probation officer filled her in. They [probation] didn't know that much either, just that the sentence could be served at the weekend. (Female offender)*

*I had lots of questions but no one knew anything except that the intermittent custody centre was in Lincoln. They didn't know how I would get there or who was expected to*

<sup>15</sup> Confidence intervals are presented in Appendix 2.

*pay for travel. The court had to be adjourned while everyone found out about the proper procedures. (Female offender)*

*Probation didn't know anything, nor the solicitor, it was the first time he had come across the sentence. (Male offender)*

*It was all too new, even the judge didn't know, he had to go and see another judge and ask him. (Male offender)*

The reasons given by interviewees for consenting to intermittent custody centred around two key issues. For male respondents, this tended to be about keeping their jobs and for several respondents who owned businesses, it also meant securing the jobs of their employees.

*I agreed so I could keep my job. If I could have done it [custody] in one block, okay it would be done by now but I'd be redundant, I would have lost my job. (Male offender)*

*[I consented] because I could continue working. I wouldn't lose my job, I'd still have an income and time with my family. (Male offender)*

*[I consented] purely to earn a wage and pay my mortgage. My son and brother-in-law work for me and without me they can't work either. (Male offender)*

*[I consented in order] to maintain my company. It would have been a gamble to try to keep the business going [serving full-time custody]. When standing in front of the guillotine I'd rather have my finger cut off than my head. (Male offender)*

And for female respondents, childcare considerations were prominent reasons for consenting to intermittent custody.

*I agreed to weekend custody but if I could only have had weekday intermittent custody, I'd have taken it. I would have shuffled my whole life around to make it work and found a job at the weekend; at least I would have seen my child. (Female offender)*

*This way would mean that my children didn't have to go into care. (Female offender)*

*Mainly because of the children, I was also able [to continue] to work during week, but it made it much easier on the kids. (Female offender)*

*It fitted in with the children. If I'd got full-time [custody] my husband would have had to give up his job to look after them. (Female offender)*

The need to keep various aspects of life (including accommodation and relationships) intact and maintain a sense of 'normality' was also commonly mentioned and this was something that was considered far less possible if serving a full-time custodial sentence. Further, for some, it provided the opportunity to conceal from family, friends and employers that they were serving a prison sentence.

*Because [with full-time custody] I'd lose my flat, it'd be like stepping back, coming out of prison to no accommodation having to start from scratch again. (Male offender)*

*In the last few years I've built up so much: work, family, house, if I'd gone to prison I'd have lost it all. (Male offender)*

*I just thought 'thank God for that'. It was over 14 months from arrest to sentence and it was 14 months of torture, thinking what prison could do to my relationship and my life. (Male offender)*

*As long as you get to go home three days a week, that's fine. I can see the kids and keep all the affairs in order. It helps me a lot because my wife isn't a good English*

*speaker so I can still take care of any paperwork and any issues with the school. So that was a big help to me. (Male offender)*

*It was a chance to keep my job and my little boy and keep everything as it was before. (Female offender)*

*It meant I could still keep [some degree of] normality for my child. (Female offender)*

*Because it [intermittent custody] meant that I could sort things out and lead a normal-ish life, plus I haven't had to tell all my family that I'm in prison. (Female offender)*

## Impact on employment

A key part of the rationale for intermittent custody is to allow offenders to remain in employment while serving a prison sentence. However, this only works if employers are willing to keep an offender in post and to accommodate any changes to working hours to meet sentence requirements. Three-quarters (C.I.=73%–78%) of prisoners were in employment before serving their sentence (see Table 3.1), and at time of research interview, 99 per cent (C.I.=98%–100%; n=169) of these prisoners were in work.

Eighty-seven per cent (C.I.=84%–90%; n=148) of those who reported employment before intermittent custody had retained their jobs. This compares with Home Office Resettlement Survey results which indicate that 32 per cent of full-time prisoners were in employment, training or education (ETE) prior to custody and 59 per cent had ETE arranged on release (Niven and Stewart, 2005).<sup>16</sup> Of the remainder, 21 offenders were in different jobs, and two offenders were no longer working (two female offenders gave up their jobs prior to starting their sentence, anticipating that they would be unable to combine their working and custodial hours). Some offenders were forced to change jobs because they were dismissed. Seven offenders reported losing a job as a result of the intermittent custody sentence. In two cases respondents were sacked when their employers found out about their prison sentence and three respondents lost their jobs because their employers were not willing to allow them time off to complete the custodial portion of their sentence.

*I'd already been fired by my last job because of the charge and then I got fired from this one. My employer got rid of me when he found out about the sentence. (Male offender)*

*I was working as a hotel receptionist for two and a half years. That was the job after the one I was sentenced for. I hadn't told my new employers but when it got into the papers they sacked me. (Female offender)*

*I got sacked for having time off to come here. I told him before but he wasn't very happy about it and he wanted me to do extra hours all the time, more than I'd had off. (Male offender)*

*I lost my job because I worked on Saturdays. I didn't tell him at first. He said 'what else have you not told me?' and then told me that my services were no longer required. (Male offender)*

*I got sacked last week. I was supposed to start work at 5.00pm on Sunday but I didn't get released until late, I missed my lift and then got sacked for not turning up. (Male offender)*

One female offender was suspended from her post as a teaching assistant as a result of the intermittent custody sentence; however, she was eventually reinstated and returned to her job

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<sup>16</sup> Note that resettlement survey prisoners only reported ETE or accommodation *arranged* for release, not what they actually went to on release.

when her sentence was completed. Another female offender had her duties changed by her employer as her original work had involved the need for security clearance. Another female offender resigned from her post because she feared her employers would find out about her conviction.

For others, different jobs were more practical to manage alongside their sentence. Two male respondents reported changing jobs to ones that were compatible with their sentence.

*I was doing shop fitting and that involved travel and weekend work so I got another job on a building site. (Male offender)*

*This sentence messed the hours up for my last job, getting here at 6.00pm is difficult, but now [with this new job] I can do it. (Male offender)*

Overall however, where employers were made aware of the sentence, they were willing to make allowances in terms of rearranging working hours in order to arrive at the intermittent custody centre on time on Friday evenings.

*I've got to leave early on Fridays [to get to the intermittent custody centre]. I have an agreement with my boss about it. He doesn't dock my pay but I am losing out on weekend overtime. (Male offender)*

*It's a good job and I've got a decent boss, I work shifts and every Friday he's allowed me to swap shifts so I can come here, [even though] they have to stop the machines because I'm not there and they lose money. (Male offender)*

*My boss is glad I told him, he's not happy, but it's ok as long as it doesn't affect my work. I leave early on Fridays. I offered to use my holidays but he's been alright about it. (Male offender)*

*I told my boss and he wrote me a reference for court. I had to change my hours on a Friday...I finish at 2.00pm to catch the train [to the intermittent custody centre]. My colleagues have been very understanding. (Female, weekend custody)*

*I can do my normal hours to Thursday but on Fridays I do a shorter shift to get here [intermittent custody centre]. They [employers] have been brilliant. (Female offender)*

The fact that the majority of those in work prior to sentence remained in work indicates that these offenders were sufficiently qualified and experienced to retain or change jobs, and it is likely that many of them would have been able to retain jobs or find new jobs had they been sentenced to full-time custody. However, it is also possible that others would have had some difficulty with obtaining jobs after serving a full-time sentence.

## Impact on accommodation

The majority (99%: C.I.=98%–100%) of intermittent custody prisoners who were interviewed reported having secure accommodation prior to being sentenced. Two female offenders were living in hostels (one due to domestic violence and the other because of homelessness). Three prisoners (1%: C.I.=0%–2%) had given up tenancies prior to being sentenced because they were expecting full-time custody, but two of these had found alternative secure accommodation. The majority of prisoners (92%: C.I.=90%–94%, n=209) had retained the accommodation they were living in before starting intermittent custody. The remaining 15 prisoners (7%: C.I.=6%–9%) had moved home, four in order to make serving intermittent custody easier. These findings can be compared to Home Office Resettlement Survey findings which show that 86 per cent of full-time prisoners had stable accommodation prior to custody and 71 per cent had stable accommodation arranged for when they were released (Niven and Stewart, 2005). One-fifth of offenders in the present study (C.I.=18%–22%; n=46) reported having some difficulties covering their rent or mortgage payments as a result of

serving an intermittent custody sentence. This was often linked to a loss of earnings because of attending the custody centre each week.

*I can't work at the weekends, so there are no overtime payments, so I'm struggling. I haven't fallen behind [with the rent] yet but I have with other bills. (Male offender)*

*I'm a DJ at weekends and I'm losing about £200 a week. I've had to dive into my savings. We're using our savings to contribute to rent and living expenses. (Male offender)*

One respondent had rented his home in order to cover his mortgage repayments and was staying with friends. A few respondents complained that their housing benefits had been stopped temporarily and some reported parents or friends were helping them with mortgage or rent payments.

*I'm awaiting a decision about our housing benefit. They stopped it because of the custody and the housing association has asked us to pay the rent in full until that decision has been made. (Female offender)*

*I've struggled with electricity payments and food. If it weren't for my parents, I'd have been stuffed. I still have a son and a house to upkeep. (Female offender)*

## Impact on childcare arrangements

All 104 offender interviewees living with dependent children prior to intermittent custody were continuing to live with their children. However, there were some key gender differences when it came to childcare arrangements. Just under three-quarters (74%: C.I.=68%–80%; n=40) of the females had dependent children in their care (see Table 3.1). However, similar to female full-time prisoners (cf. Dodd and Hunter, 1992), only 11 females were currently living with a partner and only nine (23%: C.I.=14%–32%) reported that a partner or ex-partner was providing their childcare whilst they were in custody. Family members, including grandparents and older children were the most common child carers and one respondent paid a childminder. Although none reported ongoing problems with childcare arrangements, one female offender had failed to attend the custody centre one weekend because she was unable to find someone to look after her children. At interview she still had no regular carer arranged and depended on both family and friends to help her out.

Other issues that were raised by female respondents regarding childcare included the additional expense incurred in providing pre-prepared food for children to cover their periods in custody, problems with having to depend on an ex-partner to help with childcare, the burden on grandparents, and the fact that situations could arise that temporary carers would find difficult to deal with.

*I don't like leaving him at weekends [15-year-old son]. One issue for me is the expense. It costs me more because I have to buy ready-made meals for him to make sure that he eats and I have to leave him with money for emergencies so that's expensive. (Female offender)*

*My ex-partner has remarried and his new partner is a bit resistant to having [our child] every weekend and my ex is getting a bit fed up. (Female offender)*

*There are no big problems at present but my father is ill so my mother is looking after my father and my daughter, so it's a lot of work for her. (Female offender)*

*Good friends have taken over and they are great but there have been a few teething problems. My eldest tried to take an overdose and my other [child] was refusing to go to school. (Female offender)*

Despite these issues, all female interviewees with dependent children in their care retained their homes and care of their children during their sentences. Disruption for children was kept to a minimum, with the majority being cared for in their own home whilst their mother was attending the custody centre.

It is perhaps worth noting that full-time female prisoners who are mothers face particular disadvantages in relation to the care of their children (Social Exclusion Unit, 2002). For example, Dodd and Hunter (1992) found that 12 per cent of imprisoned mothers have one or more of their children taken into care, fostered or adopted, and the Prison Reform Trust (2000) report that few children remain in the family home (just 5%) once their mother has been sentenced. Also, around one-third of female prisoners lose their homes, which makes it difficult to regain custody of children (HMCIP, 1997). Although it is likely that lone-parent intermittent custody prisoners would have been able to make arrangements for relatives to look after their children in the event of an immediate custodial sentence being passed, there may have been some instances where this was not possible, and therefore, intermittent custody may have prevented family breakdown in some cases.

The situation for the male respondents living with dependent children (n=64) was somewhat different. Identical to male full-time prisoners (cf. Dodd and Hunter, 1992), they were more likely to have the support of a partner to arrange or provide childcare; the majority (88%, n=56) of male respondents living with children reported that their children were being looked after by either a current or ex-partner. Although no major difficulties were noted with these arrangements, several respondents acknowledged the extra pressure this put on their partner.

*My wife is on her own with very young children [both under 2 years old] at the weekend and she's on anti-depressants. (Male offender)*

*She [partner] finds it hard. They think the world of me but they [children] run rings round her while I'm in here. (Male offender)*

Where male offenders were not living with their dependent children, a key issue was rearranging access visits that were often scheduled for weekends.

*I can't really tell my ex-wife that I'm in prison so I skate round that. I used to have the kids every Saturday but I have to tell her I'm working away at the moment. If she knew she would use it against me. (Male offender)*

## Travelling to and from the intermittent custody centre

In addition to childcare issues, another perceived obstacle to uptake of intermittent custody for female offenders, according to sentencers and probation officers who were interviewed (Chapter 2), was the regular and sometimes long-distance travel involved. Interviews with female offenders certainly highlighted that there were gender differences in terms of travel. Females were more likely than the males to be using public transport to get to the intermittent custody centre (72%: C.I.=66%–78%; n=39 versus 30%: C.I.=27%–33%; n=52).<sup>17</sup> In addition, females were travelling on average for twice as long as males (2 hours versus 1 hour), and because of the rural location of the female intermittent custody centre, the journey often involved changing trains.

*I have to get two trains, I change at Leeds. At first it's hard until you work out the route, then it's not too bad. (Female offender)*

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<sup>17</sup> Statistically significant difference at the 99.9% confidence level.

*I have to take three trains to get here and I suffer from panic attacks so I do find the travel stressful. (Female offender)*

The main complaint of the female interviewees was the time it took to return home from the intermittent custody centre because of the less frequent Sunday rail service.

*It takes an hour to get here on Fridays but it can take three hours to get home on Sundays. (Female offender)*

*I do have problems getting home [as] the trains don't run as often on Sundays. (Female offender)*

However, these travel difficulties did not affect levels of compliance with the sentence for female offenders, and no female offenders were varied to full-time custody due to non-attendance at the intermittent custody centre (see Chapter 4).

### Offender perceptions of the advantages of intermittent custody

Three-quarters (C.I.=73%–79%; n=170) of offenders stated they had been expecting a custodial sentence (see Chapter 2), and many expressed relief that they had been given the option of an intermittent rather than immediate custody sentence. Many offenders who were interviewed believed they would have lost their employment, accommodation and contact with, or care of dependent children had they gone to prison full time.

*For people like myself who are raising a family [and running a] business, you make one mistake, it can all be demolished by prison, it's the end of the world. But then you get intermittent custody – it worked for me. (Male offender)*

*It makes you realise you've got a chance for the future. If you're in seven days a week you'll lose so much – this way there's a chance to carry on with your life. (Male offender)*

*I think it's a good idea. I'm impressed – it's saved me my flat, job and relationship. I'm still being punished but it's not ruining my life. If I'd gone to prison it would have. (Male offender)*

*It is a good idea, especially for mothers who've got kids that are at risk of losing their house and their kids. Relatives would have had my kids, but I'd have lost my house. (Female offender)*

*I would have lost everything; I'd have had to start from scratch like I had to when I came out of HMP New Hall, furniture, everything. (Female offender)*

Offender interviewees sentenced to intermittent custody also felt that full-time custody would have had a negative impact psychologically.

*If [I'd got] full-time prison I'd be starting from scratch, in fact I'd probably get out of prison and start committing crime. Doing it this way I feel better about myself. (Male offender)*

*I've still got my flat to go to instead of being homeless or in a hostel – that just breaks your spirit. (Male offender)*

*If I'd gone to full-time prison I'm sure I'd have lost my job, my mortgage, and I know I'd be feeling a lot more bitter. (Male offender)*

*If I'd gone to full-time it would have made me resentful, I'd have lost contact with my son, and I don't think I ever would have got back to where I am – how would I buy a house again with house price rises? (Male offender)*

## Key summary points

- The majority (84%: C.I. 82%–86%; n=191) of intermittent custody prisoners described their ethnicity as White British, and the average age was 33 years.
- The majority of intermittent custody prisoners reported secure housing (99%: C.I.=98%–100%) and having qualifications (67%: C.I.=64%–70%) prior to custody.
- There were some key gender differences (statistically significant at the 99.9% confidence level) in terms of employment and childcare; male offender interviewees serving intermittent custody sentences were more likely than the female offenders to be employed prior to their sentence, while the females were more likely to be living with dependent children.
- Prisoner interviewee data suggest that a lack of knowledge about intermittent custody persisted among court and probation staff from the pilot sites.
- The key reasons given by interviewees for consenting to intermittent custody were in order to keep a job (more commonly reported by male respondents), or in order to maintain contact with children (more commonly reported by female respondents). Maintaining accommodation and relationships were also factors in offender interviewees' decisions to consent to the sentence.
- The majority (87%: C.I.=84%–90%; n=148) of intermittent prisoners who were employed prior to custody were able to keep their jobs whilst serving their sentence.
- The majority of prisoners (92%: C.I.=90%–94%; n=209) retained the accommodation they were living in before starting intermittent custody. A minority (3%: C.I.=2%–4%; n=7) reported changes in housing as result of being sentenced (three offenders gave up tenancies expecting immediate custody, and four moved home for practical reasons relating to serving an intermittent custody sentence).
- One-fifth (C.I.=18%–22%; n=46) of prisoners reported difficulties with rent or mortgage payments resulting from serving an intermittent custody sentence.
- All offender interviewees living with dependent children prior to custody continued to do so. Less than a quarter (23%: C.I.=14%–32%; n=9) of females with dependent children reported that a partner or ex-partner was providing childcare while they were in custody, in contrast to 88 per cent (C.I.=81%–95%; n=56) of males living with dependent children (again, this gender difference is statistically significant at the 99.9% confidence level).
- The female offender interviewees spent more time travelling to the intermittent custody centre and were more likely than the males to be dependent on public transport to get them there.
- Many offender interviewees believed their employment, accommodation and care of dependent children would have been at risk had they received a full-time custodial sentence.

## 4. Offenders' experiences of custody and supervision

This chapter examines offenders' experiences of intermittent custody in terms of the custodial regime and supervision on licence. The chapter draws mainly on data from semi-structured interviews with offenders sentenced to intermittent custody and qualitative interviews with Prison and Probation Service staff. The chapter begins by outlining the length and structure of a typical intermittent custody order. Next, it examines the key components (education/training and unpaid work) of the custodial regime. Thirdly, it discusses what is entailed by supervision on licence for both offenders and probation officers, and the quality of sentence planning for offenders sentenced to intermittent custody. Finally, it examines offenders' compliance with intermittent custody orders.

### Custodial regime

Table 4.1 provides a breakdown of mean average sentence lengths for male and female offenders by sentencing court level. Sentence lengths ranged from the minimum to the maximum number of overall weeks and custody days allowed (see Chapter 1, Table 1.1). The mean average sentence length for male offenders sentenced to intermittent custody at Crown Court up to 31 July 2005 was 42 weeks incorporating 73 custodial days (see Table 4.1). For an offender sentenced to a weekend order this would require his attendance at the intermittent custody centre for 12 weekends, followed by a further 12 weekends subject to home detention curfew.<sup>18</sup> The offender is supervised on licence whilst in the community, and the remaining 18 weeks of the overall 42-week sentence would continue to be served on licence, supervised by the Probation Service. It is worth noting that offenders sentenced to shorter intermittent custody sentences (e.g. 19 weeks incorporating 36 custodial days) spend a similar number of weekends in custody compared to those with longer sentences since they are ineligible for HDC (which is only applicable to sentences with a minimum term of 42 custodial days).

**Table 4.1: Mean average intermittent custody sentence lengths\* passed during the pilot (Jan 2004 – July 2005)**

Sentence length	Crown Court		Magistrates' courts	
	Males (n=136)	Females (n=59)	Males (n=73)	Females (n=16)
Overall in weeks	42	40	19	22
Total custody days	73	65	36	39
Weekends at intermittent custody centre	12	11	12	13
Weekends on home detention curfew (HDC)	12	11	-	-
Post-custody/HDC licence period in weeks	18	18	7	9

\* Sentence lengths in terms of time spent in custody, on HDC and on licence are presented as per a weekend custody order (one weekend counts as three custodial days).

<sup>18</sup> Offenders sentenced to 42 or more custodial days are eligible for home detention curfew (HDC) after serving half their custodial days, subject to having served a minimum of 28 custodial days.

The intermittent custody centre regime comprised rehabilitative and reparative components. Rehabilitation occurred through prisoner participation in a rolling programme of skills-based education and training courses, and reparation was achieved through prisoner participation in unpaid work (in groups and/or individual work placements). More than half (58%: C.I.=53%–63%, n=103) of male prisoners who were interviewed felt they had enough activities to comfortably occupy their time during the custodial period (see Table 4.2). However, just over half (52%: C.I.=45%–59%, n=28) the female prisoners stated they had too little to do, as did a large minority (39%: C.I.=34%–44%, n=59) of male prisoners. Lack of purposeful activity was more acute in the female pilot because of the limited provision of education, training and unpaid work (discussed in more detail below). The main complaint of male intermittent custody prisoners was that they could not access the gym facilities in the main prison (because of the need for staff supervision), and as they were only allowed out of the centres to do unpaid work, the opportunity for physical exercise was very limited.

**Table 4.2: Whether prisoners reported having enough activities to occupy their time during the custody period\***

Activities	Males	Females	All
Too much to do	6 (3%)	- (-%)	<b>6 (3%)</b>
About right	103 (58%)	26 (48%)	<b>129 (58%)</b>
Too little to do	59 (39%)	28 (52%)	<b>87 (39%)</b>
<b>Total</b>	<b>168 (100%)</b>	<b>54 (100%)</b>	<b>222 (100%)</b>

\* Excludes cases with missing data.

Note. See Appendix 2 for confidence intervals

Whilst many prisoners were positive about their time spent in custody, others were less so. The following comments are from interviewees who compared their experience of intermittent custody with previous custodial sentences:

*This has been a good experience, I don't want to come back, but it's been a good experience. In the old times you were locked up and that was it – I'm walking away from this centre with something under my belt, I've lost my liberty but I've also gained something.* (Male offender)

*You get 23 hour bang-up in full-time prison; here you're doing something with your time and putting something back into the community.* (Male offender)

*Everyone has their own way of getting through jail, some use drugs, some get into education, some get fit. Here there's no gym, and the courses are no help to anyone – they're designed for children. Compared to normal jail there's nothing available.* (Male offender)

There was consensus, however, regarding staff-prisoner relations, with most prisoners commenting positively on the 'firm but fair' attitude of the prison staff, and the relaxed but respectful and purposeful atmosphere fostered at the centres.

*There [full-time prison], you are a number not a name. Here the officers have more time, they are more approachable...they are not soft on you, but just relaxed.* (Male offender)

*I feel that I would like to say something about the staff – their common decency and courtesy. I can't single anyone out, they've all been good.* (Male offender)

*[The officers] are really good with you, if you treat them with respect they'll treat you with respect, they're more than happy to talk about any problems with you.* (Female offender)

## Education and training

The overwhelming majority (94%: C.I.=92%-96%; n=181) of prisoners reported participating in education and training whilst at the intermittent custody centre (see Table 4.3).

**Table 4.3: Offenders reporting participation in education and/or training at intermittent custody centre**

Received education/training	Males	Females	All
Yes	146 (95%)	35 (88%)	<b>181 (94%)</b>
No	7 (5%)	5 (13%)	<b>12 (6%)</b>
<b>Total</b>	<b>153 (100%)</b>	<b>40 (100%)</b>	<b>193 (100%)</b>

\* Excludes cases with missing data.

Note. See Appendix 2 for confidence intervals

As Table 4.4 demonstrates, a variety of courses were run during the pilot period, with prisoners engaging most commonly in computer-based courses<sup>19</sup> (58%: C.I.=55%–61%, n=132), health and safety (52%: C.I.=49%–55%, n=119), and basic food and hygiene (43%: C.I.=40%–46%, n=97).

**Table 4.4: Courses undertaken by intermittent custody centre prisoner interviewees**

Courses	Males	Females	All
Computer courses	128 (74%)	4 (7%)	<b>132 (58%)</b>
Health and safety	116 (67%)	3 (6%)	<b>119 (52%)</b>
Food and hygiene	97 (53%)	-	<b>97 (43%)</b>
Drugs awareness	47 (27%)	-	<b>47 (21%)</b>
Manual handling	43 (25%)	2 (4%)	<b>45 (20%)</b>
First aid	26 (15%)	11 (20%)	<b>37 (16%)</b>
Safer driving	28 (16%)	-	<b>28 (12%)</b>
Preparation for work	-	19 (35%)	<b>19 (8%)</b>
Cookery	19 (11%)	-	<b>19 (8%)</b>
Creative art	8 (5%)	8 (15%)	<b>16 (7%)</b>
Money management	6 (3%)	7 (13%)	<b>13 (6%)</b>
Stress management	7 (4%)	2 (4%)	<b>9 (4%)</b>
English literature	1 (1%)	4 (7%)	<b>5 (2%)</b>
<b>Total</b>	<b>173 (100%)</b>	<b>54 (100%)</b>	<b>227 (100%)</b>

Note. See Appendix 2 for confidence intervals

However, as Table 4.4 also shows, the provision of education and training courses was less diverse for female prisoners and, in particular, the majority of female prisoners did not benefit from computer-based courses, unlike their male counterparts (this was due to the female

<sup>19</sup> Computer-based courses undertaken by intermittent custody prisoners included information technology courses (e.g. 'Basic Computing', 'Using Computers', 'Digital Photography', 'Web Design', 'The Internet and E-mail', and 'Spreadsheets'), and business and management courses (e.g. 'Business Running/Growth', 'Business Start-Up', and 'Fork Lift Truck Operation').

custody centre's local provider going into receivership during the pilot period). The low numbers of female prisoners also meant that it was difficult to run multiple courses and for a significant proportion of the pilot period there were only one or two courses running at any one time, making any tailoring of education and training to an offender's individual needs unfeasible.<sup>20</sup>

*You can't drive it unless you've got the numbers to do it. If you've got the numbers then there probably won't be a problem getting courses on, but because we're only talking ones and twos, nobody is interested. (Prison Officer)*

Education and training provision for both male and female prisoners was also limited by the fact that offenders on weekend orders spent (on average) a maximum of 11 to 13 weekends at the custody centre (see Table 4.1). This, coupled with the short length of the weekend custodial period made it difficult to run more in-depth or substantial courses. This issue was raised in the Inspection Report for HMP Kirkham (March 2005), which noted that 'Friday evening was taken up by the reception process' and 'most of Sunday afternoon was taken up with clearing up and preparing to depart', including 'considerable time being issued with licences'. The limited time available for education and training was further pronounced for female prisoners who often had further to travel and consequently left the centre earlier.

*Given the transient nature of the population that we have, it's quite difficult for teachers or tutors to try and put a meaningful course on. (Prison Officer)*

Many prisoners reported frustration at being required to complete the prison education department basic skills (literacy and numeracy) assessment, and a basic computing course (both mandatory on first induction). The Inspection Report for HMP Kirkham (March 2005) expressed concern that the education and training programme was 'targeted at those needing work to address employability and basic skills' and was therefore 'not entirely relevant for the intermittent custody centre population'. Male prisoners also reported some frustration with the computer-based courses because tutors did not always turn up, or the computers were non-operational due to loss of the internet connection. There were also some complaints about the rolling programme of education and training meaning that some prisoners were unable to attend courses relevant to their needs (e.g. the Driving Standards Agency (DSA) 'Drive Alive' safer driving course for those who had committed driving offences).

Nevertheless, despite these issues, the majority of prisoners (71%: C.I.=64%–78%, n=139) reported finding the education/training received at the custody centre either 'quite useful' or 'very useful' (see Table 4.5).

**Table 4.5: How useful prisoners reported finding the education/training received at the intermittent custody centre\***

Usefulness	Males	Females	All
Very useful	32 (21%)	10 (22%)	<b>42 (21%)</b>
Quite useful	75 (50%)	22 (48%)	<b>97 (50%)</b>
Not very useful	27 (18%)	6 (13%)	<b>33 (17%)</b>
Not at all useful	15 (10%)	7 (15%)	<b>22 (11%)</b>
Don't know	1 (1%)	1 (2%)	<b>2 (1%)</b>
<b>Total</b>	<b>150 (100%)</b>	<b>46 (100%)</b>	<b>196 (100%)</b>

\* Excludes cases with missing data.

Note. See Appendix 2 for confidence intervals

<sup>20</sup> At the female intermittent custody centre the existing Prison Service Education contract was amended to provide education for intermittent custody offenders at weekends, and as such the situation did improve towards the end of the pilot period. Funding was also secured by the male intermittent custody centre to provide Prison Service Education classes at the weekend.

The following comments from prisoner interviewees illustrate what they felt they had gained from the education and training component of their intermittent custody sentence:

*Before I came here I'd never been on a computer, so now I know 100 per cent more. (Male offender)*

*The computer courses were good – I have a computer at work and have usually just used it for word processing – now I will finish what I've started here. (Male offender)*

*'Health and Safety' was very useful, it has helped me improve my work environment, now I have lights and heating [at work] that I didn't have before. (Male offender)*

*I found 'Health and Safety' and 'Food and Hygiene' have been useful for my business. (Male offender)*

*'Preparation for Work' and 'First Aid' are excellent classes. (Female offender)*

*The budgeting course has helped me as the reason I stole the money was because I was so broke. (Female offender)*

In some cases, the education and training had served to encourage offenders to apply for courses and jobs in the community:

*If I apply for a job now I can tell them I've got basic IT skills. I'm trying to get out of warehouse work, I've applied for a couple of jobs with the council and I'm waiting for the interviews. (Male offender)*

*I'm doing 'Fork Lift Truck' theory – I'm doing my practical next week with a company in Preston, we have a fork lift at work so it's useful. (Male offender)*

*The 'Health and Safety' has opened a door for me, I've been advised to go on to Blackpool Technology College because there's a lot of Health and Safety inspectors needed, I've enrolled now and my ambition is to be a Health and Safety Inspector. (Male offender)*

*I have never thought about education and training as I'm on long-term sick, but coming here has changed my life and now I'm doing courses on the outside. (Female offender)*

*It did help me find a job, I used my CV and notes from the prison course, I got a book, and I still refer to it. (Female offender)*

However, as Table 4.5 also shows, 29 per cent (C.I.=23%–33%) of prisoners reported finding the education and training either 'not very useful' or 'not at all useful' and the following comments reflect some prisoners' negative experiences relating to doing courses that were not relevant to their needs, not having enough time to complete courses whilst in custody, and simply being too tired to engage in education and training at the end of the working week.

*I've done everything before, I'm not interested and I can't stand computers. (Male offender)*

*It's mainly stuff I already know as I have a job. It would be better if training was tailored to what you need. (Female offender)*

*We did a 'Preparation for Work' course, [we had] no choice, for me it was bloody boring. (Female offender)*

*It's difficult to do anything worthwhile in the short time you're in. (Male offender)*

*I've been too tired to concentrate. (Male offender)*

## Unpaid work

The reparative element of the regime consisted of unpaid community work, taking the form of supervised group-work (including conservation, path-laying, painting, decorating, cleaning and fencing work in the local community), and unsupervised individual placements in charity shops. Health issues and offence type (e.g. violence) could preclude prisoners from participating in this work. Otherwise, all prisoners who had completed their induction and passed a risk assessment conducted by the custody centre were required to undertake some form of unpaid work during each custodial stay. Again, as with the education and training component of the custodial regime, there was a disparity between the male and female custody centres in terms of the provision of unpaid work. Whilst more than 90 per cent (C.I.=90%–94%; n=159) of male prisoners participated in unpaid community work, only one third (C.I. 26%–40%; n=18) of female prisoners did so because of limited provision (see Table 4.6).

**Table 4.6: Offenders reporting participation in unpaid community work whilst at intermittent custody centre**

Participated in unpaid work	Males	Females	All
Yes	159 (92%)*	18 (33%)*	<b>177 (78%)</b>
No	14 (8%)	36 (67%)	<b>50 (22%)</b>
<b>Total</b>	<b>173 (100%)</b>	<b>54 (100%)</b>	<b>227 (100%)</b>

\* Chi-squared test for male and female samples  $p < 0.001$  (difference is statistically significant at the 99.9% confidence level).

Note. See Appendix 2 for confidence intervals

Many (mainly male) prisoners reported feeling they had made a valuable contribution to the community through their unpaid work:

*It's alright, we built a garden, it's beautiful, I know we did such a good job, it makes you feel good, the school work, you can see what you've done, you can see how everyone benefits, you feel like you're doing something worthwhile. (Male offender)*

*It's giving something back to the community and doing something good, seeing the changes and knowing whatever you do is being put to good use. (Male offender)*

*I did enjoy the voluntary work, you get a chance to put something back, I felt like I was doing something good for charity. (Male offender)*

Other prisoners were less positive, concentrating more on the punitive aspect of undertaking unpaid work. Female prisoners were understandably less enthusiastic about the unpaid work element of the sentence as they were more likely to have been engaged in repetitive and menial work, such as assembling Christmas crackers or folding bags.

*It's not good, I do it all week, but I understand it is a punishment, I am in prison. (Male offender)*

*It's plainly a punishment and I accept it for that, but it's of no aid or benefit to me. (Male offender)*

*I'm too tired; I've no energy to swing a pick. (Male offender)*

*It passes the time, alleviates the boredom. The work we do on Sunday morning is mind-draining [folding bags]. You've no choice as to whether to do it or not which I think is wrong, I feel I get punishment [twice], attending the intermittent custody centre and having to do community punishment as well. (Female offender)*

The Inspection Report for HMP Kirkham (March 2005) recommended that the community service provided for intermittent custody prisoners be formalised on a similar basis to the Probation Service's Enhanced Community Punishment (ECP) because this approach would introduce a further rehabilitative element into the sentence.<sup>21</sup>

## Supervision on licence

Supervision on licence, both during the custodial phase of the sentence when offenders were attending the intermittent custody centre or subject to HDC, and after the custodial phase of the sentence had been completed, tended to be nominal. During the custodial and HDC phases of the sentence, probation officers concentrated mainly on assisting offenders with any practical problems or queries which arose, such as issues to do with travel warrants and the implications of being fitted with an electronic tag for HDC. Supervising officers were also engaged in liaising with the custody centre in the event an offender was unable to attend (e.g. due to bereavement, hospitalisation, or breakdown of childcare arrangements), as well as making applications for amendments to the curfew licence (e.g. to preserve employment). The majority of male offenders made use of the late-night reporting hours offered once a week for all offenders on licence who are in employment, and local probation offices were able to absorb offenders sentenced to intermittent custody into this existing provision. Post-custody/HDC supervision on licence usually involved little more than monthly reporting. Offenders tended to view reporting as an inconvenience.

*[It's] sometimes a problem when I'm working in the [Lake District] and I have to set off to Bury for a quick meeting [with my probation officer]. (Male offender)*

*I understand why they are there, but we both know he's got this work cut out with other people. I go because the court says I must, it's a waste of time, especially if I'm working miles away; it's a ball-ache to be honest. (Male offender)*

*I'd like less contact because I work full-time doing shifts, plus I see my daughter in between when I'm not working. It's a bit of a trek [to the probation office]. I understand it's necessary but it's not helpful for me. (Male offender)*

*I realise why it's got to be done, but then again I'm only turning up to say hello, just checking in, I could do it over the phone. It's at least an hour from work, I get home at 7.00 p.m. instead of 5.30 p.m., for such a short meeting I'm not sure there's much point, especially when I'm coming here [to the intermittent custody centre]. (Male offender)*

## Sentence planning

Intermittent custody prisoners' criminogenic needs were assessed via the Probation and Prison Service offender assessment system (OASys) on first reception to the custody centre, and an individually tailored sentence plan was drawn up by the second custodial period. In practical terms, while these sentence/supervision plans were shared with field probation staff, they predominantly focused on the offender's time in custody. Thus, there was no common sentence/supervision plan which covered both elements of the sentence. Also, the sentence plan was limited to the available provision at the custody centres, which did not necessarily meet offenders' individual needs. The most obvious gap in the substance of the sentence as it currently operates is that of addressing offending behaviour.

Sentencer interviewees reported following briefing notes and Sentencing Guidelines Council recommendations urging them to resist adding additional requirements to intermittent custody orders because of the already inherently onerous nature of the sentence. However, an

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<sup>21</sup> ECP programmes require staff training for supervisors, a quality standard for placements, and access to guided skills learning leading to national vocational qualifications (NVQs).

assessment by a probation officer of the likelihood of reoffending was recorded for 244 offenders in either a PSR or on OASys and whilst 60 per cent (C.I.=58%-62%; n=146) were assessed as being at low risk of reoffending, just under one-third (31%: C.I.=29%-33%; n=76) were assessed as posing a medium risk and nine per cent (n=22) of offenders were assessed as highly likely to reoffend. The most common index offence for the high risk group was driving whilst disqualified (n=9).

Given that 40 per cent of offenders sentenced to intermittent custody were classified as medium or high risk of reoffending, the gap in offending behaviour provision could be perceived as a missed opportunity. Indeed, analysis of 54 PSRs for offenders who were sentenced to intermittent custody revealed that a specific Offending Behaviour Programme (OBP) was recommended in 44 per cent of cases<sup>22</sup> (n=24: C.I. 38%-50%). Less than one per cent of offenders sentenced to intermittent custody who were interviewed reported participating in an OBP during their supervision period. Despite the level of alcohol-related offending among the intermittent custody population, only one male offender was engaged on the Probation Service 'Drink Impaired Drivers' (DIDs) programme, and one other was attending one-to-one sessions with a trained alcohol counsellor, arranged through his probation officer. One female offender had a requirement attached to her intermittent custody order to participate in the Probation Service 'Enhanced Thinking Skills' (ETS) programme.

In practice, the majority of offenders sentenced to intermittent custody would find it difficult to attend an accredited OBP in the community because of employment and childcare commitments. Probation officers who were interviewed felt that once offenders had reached the post-custody licence stage of an intermittent custody order, it was then too late to productively engage them in offending behaviour work when they felt their sentence was nearly complete. Given the onerous nature of the sentence, any offending behaviour work would have to be delivered at the custody centre, and if necessary continued on a one-to-one basis in the community.

*Offending behaviour-focused work is usually quite involved and intermittent custody offenders tend not to have extensive criminal records, nor the time to do such work. I might set them a "Losses and Gains of Offending" piece of work, which takes around two hours, to do at home or at the intermittent custody centre, but given the fact that we would usually see all intermittent custody offenders from 5.00 p.m. to 7.00 p.m. on a Thursday evening it means there is little time in which to see everybody, and also intermittent custody offenders are knackered – they're at work all week, and at the intermittent custody centre all weekend. (Probation Officer, Greater Manchester)*

*[Supervision] has been more practical than offence-focused...[and during the post-custody supervision period] the problem is then that it's too late in the day I think, if the prison hasn't been dealing with the offence side of it, then it seems too far down the line for me to start bringing it back up again – so I'm not happy with that side of it...if they did a brief version of an ETS ['Enhanced Thinking Skills'] or 'Think First', or something like that [in prison] then I can maybe pick it up. (Probation Officer, Greater Manchester)*

## Compliance

Offender compliance with intermittent custody orders was high; of all offenders sentenced up to 31 July 2005 (n=284), fewer than ten per cent (n=21) failed to comply with the conditions of their intermittent custody sentence (see Table 4.7). Eight offenders had their sentences varied to full-time custody; six for failing to attend a scheduled custody period, and two for unacceptable behaviour whilst in custody. A further seven offenders were sentenced to full-time custody for further offences committed whilst serving their intermittent custody sentences. In two cases, offenders were refused HDC because of concerns in relation to risk and reoffending based on their custodial behaviour. In addition, four offenders who had been

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<sup>22</sup> These data relate to analysis of 78 per cent (n=54) of PSRs for all male offenders sentenced to intermittent custody during the six-month period August 2004 to January 2005.

granted HDC subsequently had their curfew revoked following breach of the curfew licence. In all four cases the offender successfully completed their remaining custody days on an intermittent basis at the intermittent custody centre.<sup>23</sup>

**Table 4.7: Non-compliance of offenders serving intermittent custody sentences\***

Breach/variation of sentence	Males (n=209)	Females (n=75)	Total (n=284)
Variation to full-time custody (non-attendance at intermittent custody centre)	6	-	6
Variation to full-time custody (unacceptable behaviour in custody)	2	-	2
Sentenced to full-time custody for further offences	4	3	7
HDC refused (based on behaviour in custody)	1	1	2
HDC revoked (breach of curfew licence)	4	-	4
<b>Total</b>	<b>17 (8%)</b>	<b>4 (5%)</b>	<b>21 (7%)</b>

\* Data represent compliance up to 4 December 2005.

The most significant disciplinary issue to emerge related to offenders arriving at the intermittent custody centre on a Friday evening under the influence of alcohol. Just over one in ten offender interviewees (11%, n=24) reported having a problem with alcohol prior to intermittent custody. However, following an incident at the male custody centre during which an intoxicated prisoner assaulted a prison officer, a formal written protocol was developed outlining procedures for expeditiously returning non-compliant offenders to court for variation of sentence. The successful variation of one prisoner's sentence to full-time custody was felt by prison staff to be serving as an effective deterrent to other prisoners.

*It's the Friday night thing again. The alcohol is the biggest problem we've got, without a doubt. But, slowly but surely...we're finding our own procedures and hopefully we are getting on top of that. (Prison Officer)*

*[With this offender] it was just recurring weekly. We went back to court and he got varied to full-time, so [the other prisoners] now know that that's it. They'd got it into their heads that it could never happen but now they know it can. (Prison Officer)*

Although only a minority (7%, n=17) of offender interviewees reported having a problem with drugs prior to intermittent custody (see Chapter 3), drug use has also raised issues relating to discipline and compliance. For example, one intermittent custody prisoner in receipt of a high-dose methadone prescription posed a number of problems.

*We were giving [the offender] a drug test every week which indicated that she was taking all manner of things. In fact, of the five tests that they do, over the period she proved positive on every single one. We knew she should show positive for methadone, but you would hope that she wouldn't show positive for any other opiate-based drugs, in order to safely give her the methadone. But unfortunately she came on one occasion and was still showing positive for opiates as well, so then they wouldn't give the methadone, but that then affected her behaviour, so that had a knock-on effect with that. (Prison Officer)*

<sup>23</sup> PSR data on risk of reoffending was available for 11 of the 21 offenders who did not comply with the conditions of the sentence. These data show that more non-complying offenders were assessed as medium (n=4) or high (n=4) risk of reoffending than low risk (n=3).

Aside from health and behavioural problems caused by offenders' drug and alcohol use in the community prior to a custodial period, there is also the serious issue of potential supply of contraband into the prison establishment. It should be noted that recently a male intermittent custody prisoner had his sentence varied to full-time custody for smuggling drugs into the custody centre (*Intermittent Custody Update*; Dec, 2005).

## Key summary points

- Offenders serving weekend intermittent custody orders typically spent 12 weekends at the intermittent custody centre.
- The custodial regime comprised education and training courses and unpaid community work, although male prisoners benefited from a wider range of courses and greater provision of unpaid work than female offenders.
- The majority (94%, n=181) of prisoners who were interviewed stated they had participated in education and/or training at the intermittent custody centre, and 71 per cent (n=139) reported finding the education/training useful.
- The majority (92%, n=159) of male prisoner interviewees reported participating in unpaid work during their time in custody. Many reported having enjoyed undertaking unpaid work in the local community and felt they had made a positive contribution to a variety of projects.
- Only one-third (n=18) of female prisoner interviewees reported participation in unpaid work (this gender difference is statistically significant at the 99.9% confidence level).
- Offender interviewees were especially positive about the staff-prisoner relations at the intermittent custody centres, commenting that staff attitudes were 'firm but fair', and encouraged a relaxed but respectful and purposeful atmosphere.
- Supervision on licence both during the custodial phase and post-custody phase of an intermittent custody sentence, tended to be restricted to reporting only.
- Sentence planning predominantly focused on offenders' time in custody and there was no common sentence/supervision plan which covered both elements of the sentence.
- A key gap in offenders' sentence plans was offending behaviour work; less than one per cent of offenders were engaged in any formal offending behaviour programme despite 40 per cent being assessed by the Probation Service as medium to high risk of reoffending.
- Compliance was high with fewer than ten per cent (n=21) of offenders breaching the conditions of their intermittent custody orders.
- There were some disciplinary issues at the intermittent custody centres relating to alcohol and drugs.

## 5. Conclusions

There are three key conclusions that can be drawn from this descriptive study of the intermittent custody pilot. First and foremost, intermittent custody was regarded as a valuable addition to the sentencing menu among judges, probation officers and offenders interviewed as part of the study. Interviewees from the judiciary in particular favoured intermittent custody as a sentencing option that allowed them to impose a proportionate punishment for offences that passed the custody threshold, whilst avoiding the perceived disproportionately damaging effects of full-time custody. Offenders in receipt of intermittent custody sentences were grateful for the option of serving a custodial sentence on an intermittent basis, which they felt allowed them to retain their employment and accommodation, and maintain caring responsibilities for dependent children. Only a tiny minority reported a loss of employment or change in accommodation or living arrangements as a result of serving an intermittent custody sentence. The positive reaction to this sentence among offenders is reflected in high levels of compliance.

Second, uptake of intermittent custody has been slow and remained low throughout the pilot period. In 2004, intermittent custody orders accounted for three per cent (n=148) of all custodial disposals passed by the pilot courts, and although intermittent custody was a more frequent disposal outcome for certain offence categories (particularly fraud and forgery), sentencers and probation officers who were interviewed felt the pool of potential offenders who could be considered for the sentence was always going to be small, particularly at the magistrates' courts. This would remain the case even if it proved possible to overcome all the obstacles to uptake, such as the lack of probation proposals for intermittent custody in pre-sentence reports, the time-consuming and complicated nature of passing an order, and gender-specific travel and childcare issues.

Third, sentencers and probation officers who were interviewed highlighted the relative disadvantages for female offenders in comparison to male offenders sentenced to intermittent custody. Because of the larger geographical female pilot catchment area, female offenders were required to travel longer distances to the intermittent custody centre. They were also more likely to be making the journey by public transport. Female offenders with children were less likely to have the support of a partner at home, and therefore tended to have sole responsibility for arranging childcare to cover their periods of time in custody. The study also found that during the custodial phase of the sentence, female offenders could only access a restricted range of educational and training courses, and had fewer opportunities to participate in unpaid community work in comparison to male offenders. All of the above reflects the general situation for the female custodial population (Social Exclusion Unit, 2002) and it is interesting that these inequalities similarly extended to intermittent custody.

Following the pilot, national roll-out of the intermittent custody sentence using accommodation within the existing open prison estate is a possibility. This descriptive study highlights a number of issues which would require thorough consideration before any such roll-out was set in motion:

- The lack of uptake for weekday intermittent custody means that prison cells would lie empty during the week. In other jurisdictions where accommodation within the existing prison estate has been used for intermittent custody sentences, prison population pressures tend to take precedence over retaining spaces for weekend-only prisoners. Thus, the sentence becomes nominal (as has been the case in the Netherlands and Canada) and loses favour with both sentencers and the public, leading to a sharp decline in its use.
- Unless special provisions were put in place, intermittent custody prisoners would have little or no regime at weekends. The rehabilitative and reparative elements of the custodial regime have proved important in persuading sentencers that intermittent custody is a sufficiently constructive whilst punitive disposal and sentencers may see less merit in a reduced regime.

- Roll-out within the existing open prison estate would also make it difficult to keep intermittent custody and full-time prisoners entirely separate, a factor which could be considered undesirable by sentencers, probation officers and prison staff.
- The relative infrequency with which the disposal is likely to be used may not justify the cost of implementation in terms of briefing sentencers and courts and probation services staff. The pilot has demonstrated that without ongoing briefing and awareness training, the intermittent custody disposal is at risk of being forgotten or overlooked because of its rarity. Any re-launch, expansion or roll-out would need to fully appraise all partner agencies of the findings of this descriptive study and, crucially, deliver more training for PSR authors in considering intermittent custody when preparing reports.
- The Criminal Justice Act (CJA) 2003 has increased the options for punishment and rehabilitation within the community and it remains to be seen whether the new suspended sentence ('custody minus'), to which a range of rehabilitative and punitive requirements can be attached, may be favoured above intermittent custody. It certainly seems credible that this might happen in the busy magistrates' courts where, for example, summary driving offences previously attracting intermittent custody could be dealt with swiftly using this option. The new suspended sentence also provides greater flexibility than the present form of intermittent custody in terms of addressing offending behaviour. Whilst a suspended term of imprisonment (albeit with additional requirements) may be less palatable for more serious indictable offences, it is unclear at this stage whether sentencers will prefer it to intermittent custody, particularly in the case of female offenders with children.

## Appendix 1 Two offender case studies

### Anita

Anita is 32 years old, and describes her ethnicity as Asian British (Indian). She is divorced, with one six-year-old child. She was convicted of false representation to obtain benefits (benefit fraud). The judge told her he was thinking of passing a 12- to 18-month custodial sentence. However, on the day of sentencing her barrister informed her that the judge was considering intermittent custody. She was sentenced at Crown Court to 45 weeks intermittent custody, incorporating the maximum 90 custodial days to be served at weekends. She had no previous convictions. Anita has both A level and NVQ level 2 qualifications. She lives alone with her child, and is the owner-occupier in the house where she has been living for the last four years.

Anita is in full-time employment and her wages are her main source of income. She kept her job, although her employers (Ministry of Defence) temporarily moved her to another site and restricted her duties in order to re-submit an application for security clearance. Once this was obtained, she was reinstated (*"my employers have been fantastic"*). Anita's parents looked after her child at their home while she was in custody. She had no childcare difficulties (*"mum's been reliant [sic] and it's been fine"*).

Anita experienced some travel difficulties getting to and from the intermittent custody centre, which she did each weekend by public transport. The following interview extract shows some of the difficulties Anita experienced combining full-time employment with childcare responsibilities and a lengthy journey to the custody centre by public transport:

*I was delayed on Friday; it took five and a half hours to get here [to the intermittent custody centre]. This Friday I got home [from work] at 1.25 p.m., I dropped my son's stuff [he needed for the weekend] at my mum's. My brother picked me up at 2.00 p.m. for the 2.20 p.m. train. The train was delayed and I'd forgotten to pack any underwear I was in such a rush! I was panicking because I didn't arrive until 6.55 p.m. The centre staff were fine, I made about three telephone calls to tell them about the delays.*

Anita did not participate in any courses at the intermittent custody centre, and spent her time assisting another offender who was unable to read or write. She stated that she was bored on Saturday evenings and on Sundays (*"there's nothing to do except go for a walk, or sit around talking"*). She did participate in unpaid community work on Saturdays, and enjoyed her individual placement at a British Heart Foundation charity shop.

*It makes the time go so much quicker, and I've enjoyed it to be honest. The people there, everybody's been really nice. I've worked the tills and all sorts, they treat me like normal. I'd carry on there for a couple of hours a week [after I'm released] if it were closer [to home].*

Anita was finding the sentence hard to cope with and had asked her probation officer if she could have counselling. However, she was told that the waiting list was too long, and was advised to see her GP. She was prescribed Prozac, but decided she preferred not to take medication. She had experienced a bad bout of asthma while at the custody centre, which she felt had been brought on by stress and anxiety. Anita was also concerned that her son had been very withdrawn. She had told him she was working away at weekends. Despite the stress she was experiencing as a result of the sentence, she felt it was worth it.

*If you're working full-time you're shattered, the travelling, leaving the little one [child] behind. But at least I still see my child, I've been able to keep my house going and pay the bills.*

## James

James is 23 years old and was convicted of a wounding offence (inflicting grievous bodily harm). He was sentenced at Crown Court to the maximum intermittent custody term (in respect of one offence) of 51 weeks incorporating 90 custodial days. James had four previous convictions for criminal damage, violence against the person, drugs and driving offences and had previous experience of full-time custody. James is single and has no dependent children. He left school at 16 with some GCSEs, and had since obtained an NVQ level 2 qualification. He lives with his parents in their home. James is employed full-time as an electrician's mate, and had recently been taken on permanently by a firm for whom he had been doing temporary work.

James was experiencing some difficulties combining intermittent custody with his job (*"I was working up in Dundee last week, I had to rush to get back here"*). This was also affecting his ability to attend his weekly probation appointments.

*I missed probation on Thursday because I was working in Nottingham. I got in touch to explain. The prison probation officer has agreed to contact my community probation officer and I'll go on Monday and Wednesday next week. It can be awkward if I'm working away to make the appointment.*

James had participated in a computer-based course while at the intermittent custody centre and was working to obtain a recognised information technology qualification (ECDL - European Computer Driving Licence). He had also participated in unpaid work both within the prison developing a conservation site, and in the community at a primary school, where he had helped dig a pond.

James had started a City and Guilds course in September 2003, but gave it up because of the stress of the court case. He had re-enrolled for September 2004 and was determined to spend his spare time positively in the future.

*Now I want to do something positive with my weekends, because I've been in here 12 weeks, something like overtime; put some money in the bank.*

Overall, James was very positive about the sentence.

*I've been in prison before. Intermittent custody is good because of all these courses we're doing. It's pointing me in the right direction, the direction I want to go, whereas with full-time prison you come out worse than when you went in. Don't get me wrong, it's punishment, it's prison, but at weekends. If I'd gone in full-time nick it would have finished me, it really would, like 'what's the point?'. I've definitely got positive things out of it.*

## Appendix 2 Confidence intervals for key findings

(Calculated with finite population correction factor)

**Table 2.6: Sentence type which intermittent custody prisoner interviewees reported they were expecting prior to sentence**

Sentence type	Males	95% Confidence intervals		Females	95% Confidence intervals		Total	95% Confidence intervals	
		Lower	Upper		Lower	Upper		Lower	Upper
Custody	133 (77%)	74.4%	78.7%	37 (71%)	64.2%	77.8%	170 (76%)	73.4%	78.6%
Community	7 (4%)	2.8%	5.2%	2 (4%)	1.1%	6.9%	9 (4%)	2.8%	5.2%
Unsure	32 (19%)	16.5%	21.5%	13 (25%)	18.5%	31.5%	45 (20%)	17.6%	22.4%
<b>Total</b>	<b>172 (100%)</b>			<b>52 (100%)</b>			<b>224 (100%)</b>		

**Table 3.1: Self-report profile of intermittent custody prisoner interviewees**

	Males	95% Confidence intervals		Females	95% Confidence intervals		Total	95% Confidence intervals	
		Lower	Upper		Lower	Upper		Lower	Upper
Black and Minority Ethnic group	27 (16%)	13.7	18.3	9 (17%)	11.7	22.3	36 (16%)	13.9	18.1
Secure housing	172 (99%)	98.4	99.6	52 (96%)	93.2	98.8	224 (99%)	98.4	99.6
Qualifications	116 (67%)	64.1	69.9	36 (67%)	60.4	73.6	152 (67%)	64.3	69.7
Employed	147 (85%)	82.8	87.2	24 (44%)	37.0	51.0	171 (75%)	72.5	77.5
Employment as main source of income	143 (83%)	80.7	85.3	21 (39%)	32.1	45.9	164 (72%)	69.4	74.6
Living with partner	95 (55%)	51.9	58.1	17 (31%)	24.5	37.5	112 (49%)	46.1	51.9
Children under 17 years	105 (61%)	58.0	64.0	41 (76%)	70.0	82.0	146 (64%)	61.2	66.8
Living with children under 17 years	64 (37%)	34.0	40.0	40 (74%)	67.8	80.2	104 (46%)	43.1	48.1
Problem with alcohol prior to custody	21 (12%)	10	14	3 (6%)	2.6	9.4	24 (11%)	9.2	12.8
Problem with drugs prior to custody	11 (6%)	4.5	7.5	6 (11%)	6.6	15.4	17 (7%)	5.5	8.5
Previous convictions	114 (66%)	63.1	68.9	23 (43%)	36.0	50.0	137 (60%)	57.1	62.9
Previous custodial sentence	68 (39%)	36.0	42.0	9 (17%)	11.7	22.3	77 (34%)	31.2	36.8
<b>Total</b>	<b>173 (100%)</b>			<b>54 (100%)</b>			<b>227 (100%)</b>		

\* Living in owner-occupied, council/housing association/private rented sector, supported accommodation, or traveller with own caravan or boat (excludes hostels, squats, and any other temporary accommodation).

\*\* Employed on a full, part-time or temporary basis in four weeks prior to custody.

\*\*\* Chi-squared test for male and female samples  $p < 0.001$  (difference is statistically significant at the 99.9% confidence level).

\*\*\*\* Chi-squared test for male and female samples  $p < 0.01$  (difference is statistically significant at the 99% confidence level).

**Table 4.2: Whether prisoners reported having enough activities to occupy their time during the custody period \***

Activities	Males	95% Confidence intervals		Females	95% Confidence intervals		Total	95% Confidence intervals	
		Lower	Upper		Lower	Upper		Lower	Upper
Too much to do	6 (3%)	1.4	4.6	-	-	-	6 (3%)	2.0	4.0
About right	103 (58%)	53.2	62.8	26 (48%)	40.9	55.1	129 (58%)	55.0	61.0
Too little to do	59 (39%)	34.3	43.7	28 (52%)	44.9	59.1	87 (39%)	36.0	42.0
<b>Total</b>	<b>168 (100%)</b>		<b>54 (100%)</b>		<b>222 (100%)</b>				

\* Excludes cases with missing data.

**Table 4.3: Offenders reporting participation in education and/or training at intermittent custody centre**

Received education/ training	Males	95% Confidence intervals		Females	95% Confidence intervals		Total	95% Confidence intervals	
		Lower	Upper		Lower	Upper		Lower	Upper
Yes	146 (95%)	93.2	96.8	35 (88%)	81.1	94.9	181 (94%)	92.1	95.9
No	7 (5%)	3.2	6.8	5 (13%)	5.9	20.1	12 (6%)	4.1	7.9
<b>Total</b>	<b>153 (100%)</b>		<b>40 (100%)</b>		<b>193 (100%)</b>				

\* Excludes cases with missing data.

**Table 4.4: Courses undertaken by intermittent custody centre prisoner interviewees**

Courses	Males	95% Confidence intervals		Females	95% Confidence intervals		Total	95% Confidence intervals	
		Lower	Upper		Lower	Upper		Lower	Upper
Computer courses	128 (74%)	71.3	76.7	4 (7%)	3.4	10.6	132 (58%)	55.1	60.9
Health and safety	116 (67%)	64.1	69.9	3 (6%)	2.6	9.4	119 (52%)	49.1	54.9
Food and hygiene	97 (53%)	49.9	56.1	-	-	-	97 (43%)	40.1	45.9
Drugs awareness	47 (27%)	24.3	29.7	-	-	-	47 (21%)	18.6	23.4
Manual handling	43 (25%)	22.3	27.7	2 (4%)	1.2	6.8	45 (20%)	17.7	22.3
First aid	26 (15%)	12.8	17.2	11 (20%)	14.4	25.6	37 (16%)	13.9	18.1
Safer driving	28 (16%)	13.7	18.3	-	-	-	28 (12%)	10.1	13.9
Preparation for work	-	-	-	19 (35%)	28.3	41.7	19 (8%)	6.4	9.6
Cookery	19 (11%)	9.1	12.9	-	-	-	19 (8%)	6.4	9.6
Creative art	8 (5%)	3.7	6.3	8 (15%)	10.0	20.0	16 (7%)	5.5	8.5
Money management	6 (3%)	1.9	4.1	7 (13%)	8.3	17.7	13 (6%)	4.6	7.4
Stress management	7 (4%)	2.8	5.2	2 (4%)	1.2	6.8	9 (4%)	2.9	5.1
English literature	1 (1%)	0.4	1.6	4 (7%)	3.4	10.6	5 (2%)	1.2	2.8
<b>Total</b>	<b>173 (100%)</b>			<b>54 (100%)</b>			<b>227 (100%)</b>		

**Table 4.5: How useful prisoners reported finding the education/training received at the intermittent custody centre \***

Usefulness	Males	95% Confidence intervals		Females	95% Confidence intervals		Total	95% Confidence intervals	
		Lower	Upper		Lower	Upper		Lower	Upper
Very useful	32 (21%)	17.5	24.5	10 (22%)	14.6	29.4	42 (21%)	17.8	24.2
Quite useful	75 (50%)	45.7	54.3	22 (48%)	39.0	57.0	97 (50%)	46.1	53.9
Not very useful	27 (18%)	14.7	21.3	6 (13%)	7.0	19.0	33 (17%)	14.1	19.9
Not at all useful	15 (10%)	7.4	12.6	7 (15%)	8.6	21.4	22 (11%)	8.6	13.4
Don't know	1 (1%)	0.2	1.8	1 (2%)	-0.5	4.5	2 (1%)	0.2	1.8
<b>Total</b>	<b>150 (100%)</b>			<b>46 (100%)</b>			<b>196 (100%)</b>		

\* Excludes cases with missing data.

**Table 4.6: Offenders reporting participation in unpaid community work whilst at intermittent custody centre**

Participated in unpaid work	Males	95% Confidence intervals		Females	95% Confidence intervals		Total	95% Confidence intervals	
		Lower	Upper		Lower	Upper		Lower	Upper
<b>Yes</b>	159 (92%)	90.3	93.7	18 (33%)	26.4	39.6	177 (78%)	75.6	80.4
<b>No</b>	14 (8%)	6.3	9.7	36 (67%)	60.4	73.6	50 (22%)	19.6	24.4
<b>Total</b>	<b>173 (100%)</b>		<b>54 (100%)</b>		<b>227 (100%)</b>				

\* Chi-squared test for male and female samples  $p < 0.001$  (difference is statistically significant at the 99.9% confidence level).

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