

Ethnicity, sex, and community orders

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This Data Insight focuses on the relationships between ethnicity, sex, and community orders. It explores whether there are differences in the types of requirements imposed on individuals based on their sex and ethnic background, after considering factors such as age and offence category. Additionally, it investigates whether these differences impact the successful completion of community orders.

The analysis also seeks to determine whether disparities in community order requirements or completion rates contribute to ethnicity differences in the number of previous convictions that people have before receiving a short prison sentence – as found in my previous research.

Background

The Lammy Review indicates marked ethnic inequalities within the criminal justice system in England and Wales. It also highlights a lack of evidence on the causes of disparities, which can lead to a tendency to dismiss differences as due to other factors such as age (Lammy, 2017). Current Ministry of Justice (MoJ) statistics do not control for other things such as age and, prior to the Data First programme, it was difficult for researchers to gain access to individual-level data on criminal justice outcomes.

The use of community orders has declined considerably over the last decade (by 11 percentage points for indictable offences). Over the same period, the use of immediate prison sentences has increased (MoJ, 2020). This is concerning because community orders - when used well - can reduce the number of short prison sentences. Community orders have consistently been found to be better than short prison sentences in preventing reconviction (Mews et al 2015; Eaton and Mews, 2019; Hamilton, 2021) and they are considerably less costly financially. Short prison sentences contribute to high prison numbers. In August 2023, the Chief Inspector of Prisons highlighted '[Why the prison Population Crisis is everyone's concern](#)'. In [my previous Data First project](#) I found that men and women from some ethnic minority groups receive short prison sentences with fewer previous convictions compared to white men and women, even after controlling for other things such as age and offence category (Sorsby, 2022a; Sorsby 2022b).

There is a lack of information on the relationships between ethnicity, sex, and the requirements and effectiveness of community orders. Better understanding of these relationships has been identified as crucial by HM Inspectorate of Probation (HMIP)'s thematic inspections in relation to sex (HMIP, 2016) and ethnicity (HMIP, 2021).

Summary

Community orders are sentences served in the community. They are made up of one or more requirements and overseen by the Probation Service. Such sentences can be effective alternatives to short prison sentences. They can be tailored to the specific needs of individual offenders, with a view to reducing the likelihood of future offending. However, little is currently known about the use and effectiveness of these sentences – and their different requirements – for diverse groups of offenders.

This Data Insight investigates whether there are differences between men and women and between ethnic groups in the requirements of community orders. Specifically, it explores whether there are differences in what people are required to do as part of an order, after taking account of things such as age and offence category. It also examines whether there are sex and ethnicity differences in terms of successful completion of community orders.

The analysis is based on 224,629 community orders referred to the Probation Service in England and Wales between 1 January 2018 and 31 December 2020. The focus of the Data Insight is on community orders rather than suspended sentence orders, which are technically custodial sentences. Community orders are the most serious non-custodial sentence in England and Wales.

What we did

The analysis for this Data Insight is based on the [Data First](#) probation dataset. This dataset includes all people interacting with the Probation Service in England and Wales referred to the service between 1 January 2014 and 31 December 2020. The analysis also uses data from the Data First magistrates' courts and Crown Court datasets, which contain all court convictions from 1 January 2013 to 31 December 2020. In the analyses presented in this Data Insight, I have used only the last three years of cases from the probation dataset (cases referred between 1 January 2018 and 31 December 2020). This allowed me to control for the number of previous convictions over at least a five-year period.

I first identified community orders within the probation dataset¹. I then identified whether each order includes a rehabilitation activity requirement, unpaid work, or a curfew. These are the three most frequent requirements attached to orders, according to the Offender Management Statistics Quarterly (MoJ, 2022). Each requirement has an outcome. I identified whether the order includes successful completion.

¹ Disposal types counted as community orders for this analysis are: code 201 CJA - Community Order; code 205 Community Rehabilitation Order; code 206 Community Punishment Order; code 218 Curfew Order; code 223 Rehabilitation component of CPRO; code 227 Intensive Alternative to Custody; code 234 Scottish Community Order (CPA95); code 235 Scottish Comm Payback (CJLA2010); code 237 CS & Probation Order - Jersey; code 329 ORA Community Order; code 340 SA2020 Community Order.

In the interests of brevity, and because some ethnic groups include relatively few people, I focused the analysis for this Data Insight on broad ethnic groups.

I used the Income Domain Score from the Indices of Deprivation 2019 (Ministry of Housing, Communities and Local Government, 2020) as a proxy measure to control for deprivation. It corresponds to the Lower Layer Super Output Area where the person resided.

Logistic regression is a method used to investigate whether an event occurs while controlling for other variables. I used a series of logistic regressions for men and women separately, as well as for both groups combined, **to investigate the relationship between ethnicity, sex, and the inclusion of specific requirements within community orders:** a rehabilitation activity requirement, unpaid work, or a curfew. The models controlled for multiple factors: offence category, referral year, age, deprivation, number of previous convictions, plea type, the length of the order, and whether the offender had previously received a prison sentence.

I also used logistic regressions, for men and women separately and for both together, **to investigate the relationship between ethnicity, sex, and the successful completion of community orders.** This controlled for: offence category, referral year, age, deprivation, the number of requirements included in the order, the type of requirements included (a rehabilitation activity requirement, unpaid work, curfew, or accredited programme), number of previous convictions, plea type, the length of the order, and whether the offender had previously received a prison sentence.



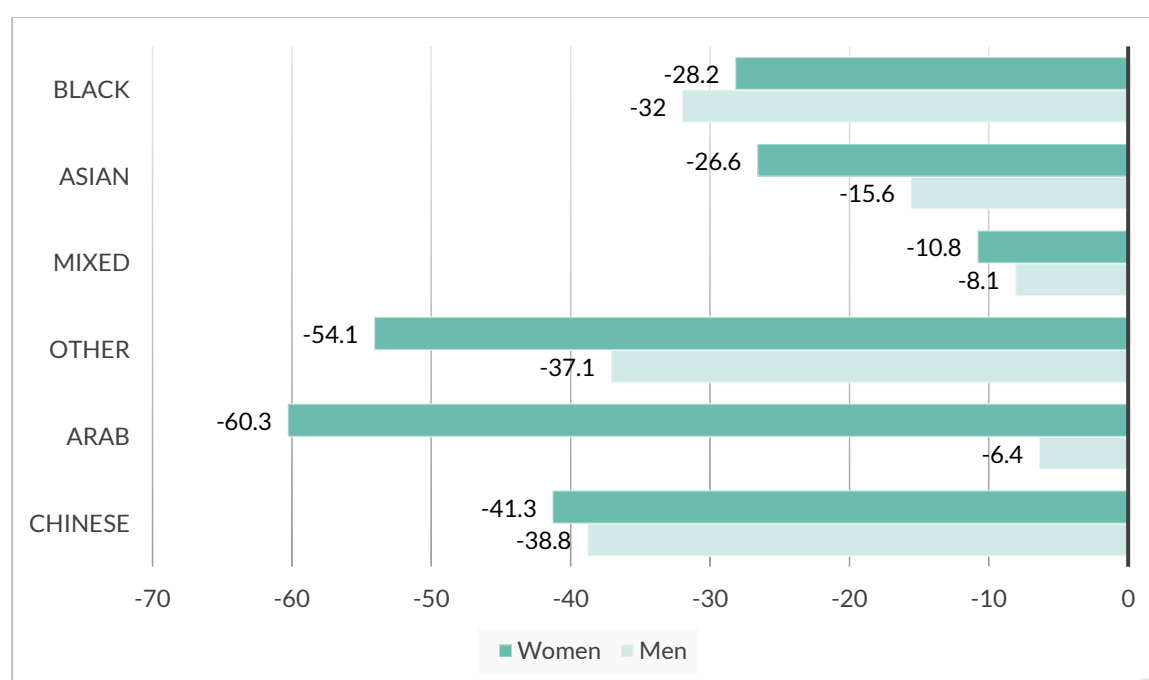
What we found

Of the 224,629 community orders referred to the probation service between 1 January 2018 and 31 December 2020, 185,895 orders were for men (83%) and 38,734 for women (17%). Of these, ethnicity is not stated for 16,756 people (17%). Where ethnicity is stated, 83.8% of people are White, 5.2% Asian, 6.2% Black, 0.2% Arab, 0.1% Chinese, 3.4% Mixed ethnicity, and 1.1% in the 'Other' ethnic group.

Type of requirements included in the order

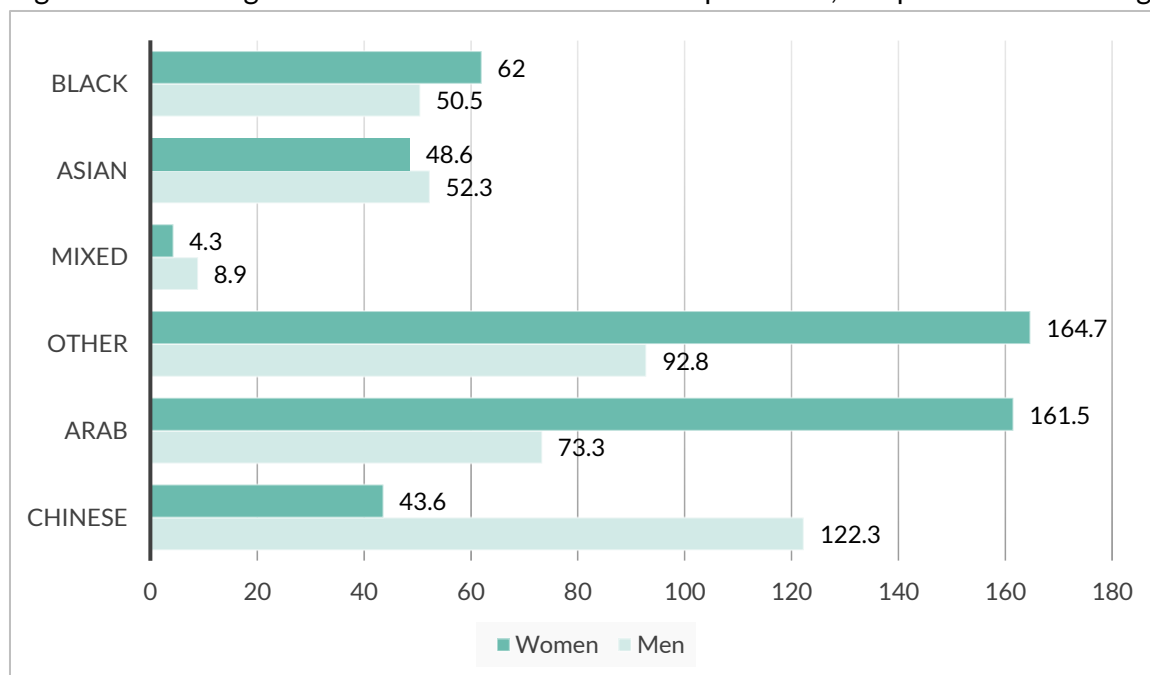
Figures 1 to 3 show the percentage differences in the likelihood of the order including each of the three most frequently used requirements, compared to the white group. These differences are presented after controlling for various factors (stated in 'What we did').

Figure 1. Percentage differences in the likelihood of a rehabilitation order, compared to the white group.



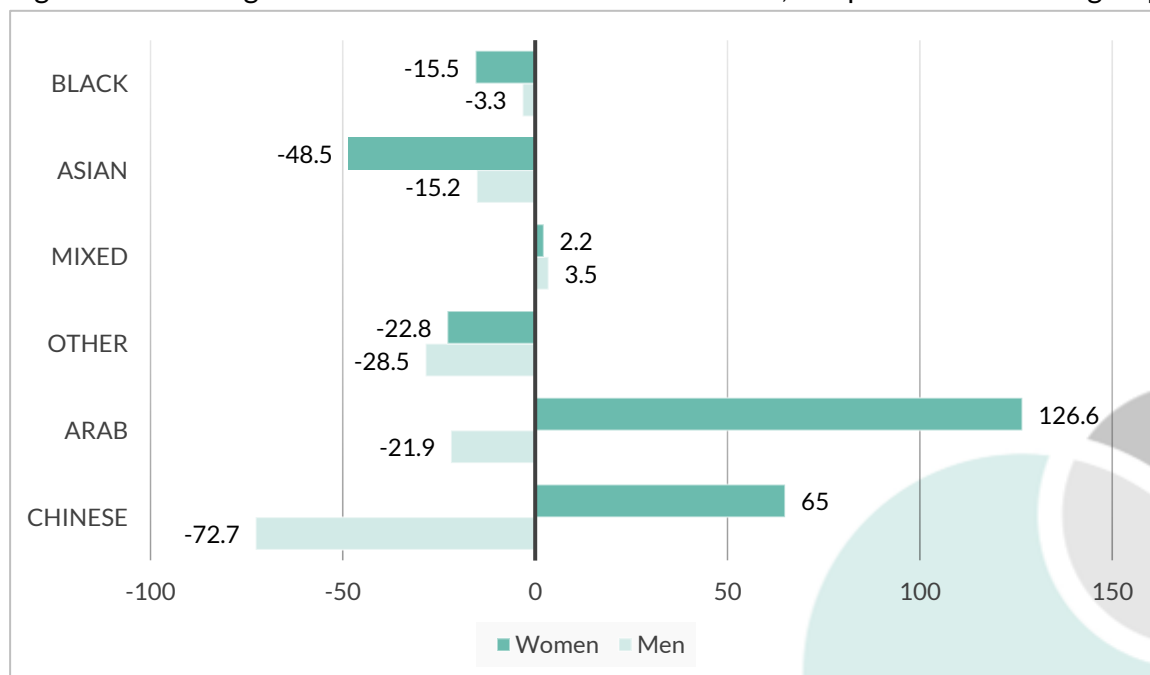
A rehabilitation activity requirement (Figure 1) is more likely to be included in the order for both men and women in the white group, compared to other ethnic groups. For men the difference is significant for all groups except Arab. For women the difference is significant for the Asian, Black, Arab and 'Other' ethnicity group. Black men, for example, are 32% less likely to have a rehabilitation activity requirement included in the order compared to white men.

Figure 2. Percentage differences in the likelihood of unpaid work, compared to the white group.



Unpaid work (Figure 2) is less likely to be included in the order for both men and women in the white group, compared to other ethnic groups. For men the difference is significant for all groups, and for women it is significant for all groups apart from the Mixed ethnicity group and the Chinese group. Women in the 'Other' ethnic group, for example, are 165% more likely to have unpaid work included in the order compared to white women.

Figure 3. Percentage differences in the likelihood of a curfew, compared to the white group.



Men and women from some ethnic minority groups are less likely to have a curfew included in the order compared to white men and women (Figure 3). Asian and Chinese men and men from the 'Other' ethnic group are significantly less likely than white men to have an order that includes a curfew. Asian women are significantly less likely than white women to have a curfew included in the order. Differences are not significant for any other ethnic group.

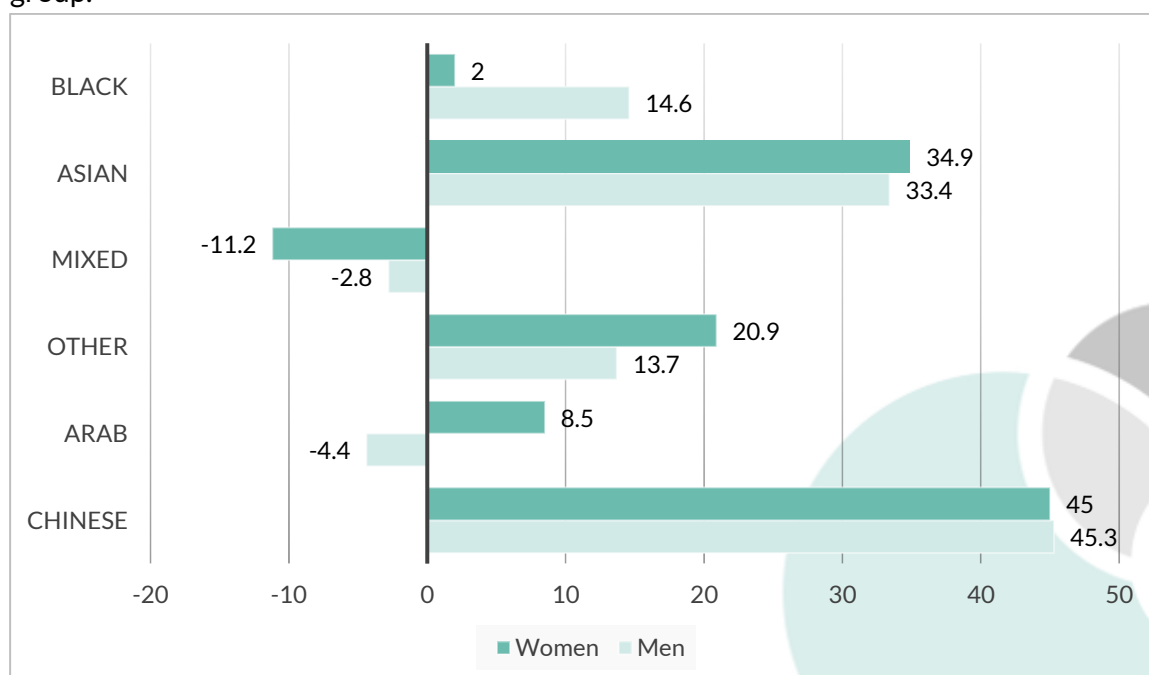
To sum up, compared to other ethnic groups, white people are more likely to have rehabilitative requirements and less likely to have the punitive requirement of unpaid work. However, white people are more likely to have a punitive curfew compared to some other groups.

Turning to the differences between men and women, men are more likely than women to have unpaid work included in the order (odds 151% higher). Men are less likely than women to have a rehabilitation activity requirement included in the order (odds 53% lower). There is no significant difference between men and women in terms of whether a curfew is included in the order.

Successful completion of requirements

As for the outcome of community orders, Figure 4 gives the percentage difference in the likelihood of the order, including successful completion. It provides the percentage difference in the likelihood of successful completion for each ethnic group compared to the white group after controlling for various factors (stated in 'What we did').

Figure 4. Percentage differences in the likelihood of successful completion, compared to the white group.



Compared to white men, Black and Asian men and men from the 'Other' ethnic group are significantly more likely to have a successful completion. The odds of successful completion are for example 33% higher for Asian men compared to white men. Even though the percentage difference in the likelihood of successful completion is large for Chinese men, the difference is not statistically significant, probably because there are relatively few Chinese men in the probation dataset.

Compared to white women, Asian women are significantly more likely to have a successful completion. The odds of successful completion are 35% higher for Asian women compared to white women. Even though the percentage difference in the likelihood of successful completion is large for Chinese women, the difference is not statistically significant, probably because there are relatively few Chinese women in the probation dataset.

Men compared to women are less likely to have a successful completion (odds 17% lower).

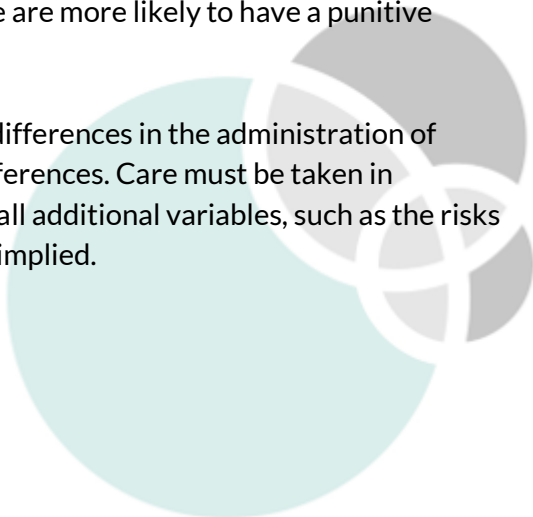
Why it matters

HM Inspectorate of Probation conducted [thematic inspections in relation to sex](#) (HMIP, 2016) and [ethnicity](#) (HMIP, 2021). They identified that there is a lack of information on the relationships between ethnicity, sex, and the requirements and effectiveness of community orders, and that better understanding of these relationships is crucial.

The above findings indicate that, compared to other ethnic groups, white people are more likely to have rehabilitative requirements and are less likely to have the punitive requirement of unpaid work. These findings are in accordance with findings produced by the Ministry of Justice (MoJ, 2021), which indicated that higher proportions of white and mixed ethnicity offenders received rehabilitation, while higher proportions of Black, Asian, and 'Other' ethnicity offenders received unpaid work.

However, the analysis reported in this Data Insight controls for other variables, while the MoJ analysis does not. The current analysis indicates that differences exist even after controlling for: offence category, referral year, age, deprivation, number of previous convictions, plea type, the length of the order, and whether the offender had previously received a prison sentence. At the same time, the current analysis indicates that white people are more likely to have a punitive curfew compared to some other groups.

It should be noted that, while the analysis points towards differences in the administration of justice, it is not clear at this stage what is causing these differences. Care must be taken in interpreting the findings as it is not possible to control for all additional variables, such as the risks and needs of offenders, which means causation cannot be implied.



The findings of this Data Insight also indicate that outcomes are, on the whole, more successful for ethnic groups other than white, or there is no significant difference. It therefore seems unlikely that findings from my previous Data First project – that men and women from ethnic minority groups receive short prison sentences with fewer previous convictions compared to white men and women, even after controlling for other variables such as age and offence category (Sorsby, 2022a, Sorsby 2022b) – are due to ethnicity differences in the successful completion of community orders. In my previous analysis I, for example, found that after controlling for plea type, court type, type of offence, and age, Asian men receive a short immediate prison sentence with 19% fewer previous convictions compared to white men. The analysis for this Data Insight indicates that the odds of successful completion of a community order are 33% higher for Asian men compared to white men, after controlling for other variables.

What next?

Further research into the reasons behind the differences highlighted in this Data Insight would be useful. [Data First datasets now include Offender Assessment System assessments](#), allowing us to better explore and control for links between order requirements and the underlying factors that contribute to offending behaviour.

The analysis in this Data Insight examines whether orders are successfully completed, as opposed to being revoked for non-compliance or a further offence during the order. A next step is to examine the relationships between order requirements, ethnicity, sex, and subsequent offending following termination of the order. It would also be useful to investigate whether failing to comply with an order increases the likelihood of a prison sentence for a subsequent offence.

References

- Eaton, G. and Mews, A. (2019) The Impact of Short Custodial Sentences, Community Orders and Suspended Orders on Re-offending. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814177/impact-short-custodial-sentences.pdf.
- Hamilton, M. (2021) The Effectiveness of the Principal Sentencing Options. A Review of Key Research Findings. London: The Sentencing Academy. Available at: <https://sentencingacademy.org.uk/wp-content/uploads/2021/01/The-Effectiveness-of-Sentencing-Options-1.pdf>.
- HM Inspectorate of Prisons (2023) Why the Prison Population crisis is everyone's concern. Available at: <https://hmiprisons.justiceinspectores.gov.uk/news/chief-inspectors-blog-why-the-prison-population-crisis-is-everyones-concern/>
- HM Inspectorate of Probation. (2016) A thematic inspection of the provision and quality of services in the community for women who offend. Available at: <https://www.justiceinspectores.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/09/A-thematic-inspection-of-the-provision-and-quality-of-services-in-the-community-for-women-who-offend.pdf>.

HM Inspectorate of Probation (2021b) Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff. Available at:

<https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/03/Race-Equality-in-Probation-thematic-inspection-report-v1.0.pdf>.

Lammy, D. (2017) The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System. Available online at: <https://www.gov.uk/government/publications/lammy-review-final-report>.

Mews, A., Hillier, J., McHugh, M., and Coxon, C. (2015) The impact of short custodial sentences, community orders and suspended sentence orders on re-offending. London: Ministry of Justice. Available at :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/399389/impact-of-short-custodial-sentences-on-reoffending.PDF.

Ministry of Justice (2020) Criminal Justice Statistics quarterly, England and Wales, year ending December 2019 (annual). Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/888301/criminal-justice-statistics-quarterly-december-2019.pdf.

Ministry of Justice (2022) Offender Management Statistics Quarterly: July to September 2021, probation: 2021, Table 4.4. Available at: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-july-to-september-2021>.

Sorsby, A. (2022a) Data Insight: the number of convictions before the imposition of a short sentence of immediate custody. Available at:

[https://www.adruk.org/fileadmin/uploads/adruk/Documents/Data Insights/Data Insight The number of convictions before the imposition of a short sentence of immediate custody ethnicity and gender differences August 2022.pdf](https://www.adruk.org/fileadmin/uploads/adruk/Documents/Data%20Insights/Data%20Insight%20The%20number%20of%20convictions%20before%20the%20imposition%20of%20a%20short%20sentence%20of%20immediate%20custody%20ethnicity%20and%20gender%20differences%20August%202022.pdf).

Sorsby, A. (2022b) Blog: Number of convictions before receiving a short immediate prison sentence: ethnicity and gender differences. Available at: <https://www.adruk.org/news-publications/news-blogs/number-of-convictions-before-receiving-a-short-immediate-prison-sentence-ethnicity-and-gender-differences/>.



Disclaimer

This work was produced using administrative data accessed the ONS Secure Research Service. The use of the data in this work does not imply the endorsement of the ONS Secure Research Service or data owners (e.g. HMPPS, MoJ and HM Courts and Tribunals Service) in relation to the interpretation or analysis.

This work uses research datasets which may not exactly reproduce National Statistics aggregates. National Statistics follow consistent statistical conventions over time and cannot be compared to Data First linked datasets.

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