



Research Publication

Community Service Orders in NSW:

**Is the Community Service Orders
Scheme operating effectively?**

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COMMUNITY SERVICE ORDERS IN N.S.W.

Is the Community Service Orders Scheme
operating effectively?

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Abstract

The Community Service Orders Act (1979), which created the Community Service Orders scheme in New South Wales, authorizes the sentencing of offenders to a prescribed number of hours of community service work.

This study aimed at determining whether the scheme was operating effectively, with particular emphasis placed on the possibility of role confusion among the participants and the administrative structure of the scheme.

A total of 132 interviews were conducted with organisers, paid supervisors, offenders sentenced to Community Service Orders, and staff of agencies for whom work had been performed.

There did not appear to be role confusion among the participants in the scheme as there was overall agreement regarding the aims of the scheme and the responsibilities of personnel involved. Paid supervisors expressed a desire to expand their role from one with primarily clerical responsibilities to include counselling of offenders. Half of the organisers felt inadequately prepared to prosecute breaches.

The maintenance of confidentiality by the organisers was appreciated by workers, and other staff and volunteers stated that they received sufficient information.

Although half the agencies in the interviews had received at least one unsatisfactory placement, they continued their involvement with the Community Service Orders Scheme.

INTRODUCTION

The Scheme in New South Wales

The sentencing of offenders to Community Service work in New South Wales is authorized by the Community Service Order Act (1979). The length of the community service order is determined by the term of imprisonment, which has been provided by law for the offence. Where the maximum term of imprisonment:

- (a) does not exceed 6 months – the prescribed number of hours is 100;
- (b) exceeds 6 months but does not exceed 1 year – the prescribed number of hours is 200;
- (c) exceeds 1 year – the prescribed number of hours is 300". (C.S.O. Act (1979) Regulations (1980)).

Breaching and Revocation

Failure to attend as instructed without reasonable excuse, work as directed, work in a satisfactory manner, comply with reasonable directions of an organiser or paid supervisor, notify of changed address, and fulfil other requirements under the Regulations are considered failures to comply with the terms of a Community Service Order. The other requirements under the Regulation include participating in activities that he/she is directed to, receiving visits at home, and reporting to work free from the influence of drugs or alcohol. It must be noted that the commission of a further offence does not constitute a failure under the Act.

Breaches of C.S.O.s are prosecuted in court by the organiser and may result in:

- (a) the order continuing and a fine imposed;
- (b) the order being revoked, and the offender dealt with in any manner which he could have been for the offence, as if the order had not been made;
- (c) the offender being remanded in custody or released on bail until he/she can be brought before the court that made the order; or
- (d) no action taken.

Prior to the courts making a Community Service Order, a report is prepared by the Probation and Parole Service regarding the offender's suitability for community service. Apart from the requirements that the offender be over 18 years of age and the offence punishable by imprisonment, the court must be satisfied that the offender is suitable to perform community work and that work can be provided. Offenders must also consent to receiving a C.S.O. prior to one being given (C.S.O. Manual).

Once an order has been given, the offender is introduced to the scheme and signs a declaration confirming that he or she understands their responsibilities under a C.S.O. A booklet is also given to the offender as a reminder of his or her obligations and as a personal record of hours that have been worked.

Administrative personnel

There are three people with whom an offender will come in contact during a C.S.O. who are responsible for the administration of the scheme.

The "organiser" is the Probation and Parole Officer assigned to organise the Community Service

scheme in a Probation and Parole Office. This job may be full-time or part-time and may encompass two district offices.

The "voluntary supervisor" is the contact person in an agency for whom work is performed. They accept responsibility for the placement at their agency and report on an offender's performance as required.

A "paid supervisor" is a part-time officer acting as a liaison between the organiser and agencies with C.S.O. workers. He or she reports to the organiser regarding hours of work, work performance and on the progress of orders and placements.

Major issues

Although the administration of the scheme encompasses many processes and inter-relationships, four major issues have been identified as the focus of this study:

- (1) Does the selection process result in satisfactory placements with specific agencies?
- (2) Are participants in the scheme confused about the roles of others in the scheme?
- (3) Are they dissatisfied with their own roles, job preparation or working conditions?
- (4) Is communication between participants in the scheme satisfactory?

METHODOLOGY

Subjects comprised representatives of all groups involved in the C.S.O. scheme at ten probation and parole offices in N.S.W., sampled from 26 offices at which the scheme was operating in October 1982. Interviews were conducted with 14 organisers, 10 paid supervisors, 20 probation and parole staff having varying contact with the scheme, 51 offenders working under the scheme, 37 agency supervisors and 4 individuals for whom C.S.O. work was performed. Major topics covered in the structured interviews comprised aims of the scheme, roles, role relationships, analysis of work performed by offenders, provision of information about workers and administrative issues. In this report data relating to roles, role relationships, provision of information about workers and administrative issues are presented. (For more details of the methodology see the first report of this series, Community Service Orders in N.S.W.: Do participants think the scheme is fulfilling its aims?)

SUMMARY OF FINDINGS RELATED TO MAJOR ISSUES

- (1) **Does the selection process result in satisfactory placements with specific agencies?**

Half the agencies represented in the interviews had received at least one unsuitable placement but this did not deter them from continuing to be involved in the scheme.

- (2) **Are participants in the scheme confused about the roles of others in the scheme?**

There was overall agreement about the aims of the scheme and the responsibilities of personnel involved in the scheme.

(3) **Are participants dissatisfied with their own roles, job preparation or working conditions?**

Paid supervisors expressed dissatisfaction with some working conditions and with the emphasis on clerical tasks. Some indicated a desire to expand their client contacts. Half of the organisers who had prosecuted breaches felt that they were inadequately prepared for this role.

(4) **Is communication between participants in the scheme satisfactory?**

Workers appreciated the maintenance of confidentiality by organisers. Other staff and volunteers stated that they received sufficient information for their needs.

RESULTS

Is the Community Service Orders Scheme operating effectively?

This issue is quite distinct from the question of whether the scheme is fulfilling its aims. A project may be producing the desired results in spite of administrative difficulties such as role confusion, poor communication and dissatisfaction with operational policies.

A large proportion of interview time for each respondent group was devoted to describing and assessing how the scheme was operating in practice. Specific areas examined were: role relationships, the work of the organiser, paid supervisor and other probation and parole staff, C.S.O. tasks and confidentiality.

(a) Roles

There was a fairly high degree of consensus concerning roles, with differences occurring in the frequency of responses rather than in actual responses.

1. Organisers

Arrangements of suitable placements for C.S.O. workers (23.6% of responses) and assessment and court activities (18.1%) were the two most frequent responses by organisers when asked to describe their job. However, the supervision of the Community Service Orders, public relations and finding C.S.O. work, and liaison with agencies were also mentioned quite frequently. Other personnel also viewed the organiser's role primarily as arranging suitable placements for workers.

Individual organisers thought their contribution would be more successful with an improved method of dealing with the paperwork such as using a clerical assistant or having a ceiling on caseloads, greater client contact, public relations to develop confidence in C.S.O.s, increased agency follow-up and recruitment, and specifying jobs so an offender would get a mix of tasks if the agency offered menial work.

2. Paid supervisors

Paid supervisors viewed their role as primarily clerical (33.3% of responses) involving the obtaining and recording of the hours completed by the workers each week. Other job aspects included supervision of workers (visiting work sites), liaising with the

organiser, client contact and counselling and agency liaison.

Other respondents perceived the role of the paid supervisor as comprising supervision, clerical work and, according to organisers, liaison.

Both organisers and paid supervisors thought that the latter's role could be improved by increased contact with the agencies and workers (described as "counselling" by paid supervisors) and by more flexible hours.

3. Agency personnel

Agency personnel viewed their contribution to the C.S.O. scheme primarily as supervision and recordkeeping (51.4%) and the provision of work for C.S.O. workers (28.6%). Organisers (45.2%), other Parole and Probation staff (42.8%) and paid supervisors (84.6%) all emphasized friendship, counselling, and positive benefits resulting from the interaction between C.S.O. workers and agency staff.

(b) Participants in the C.S.O. Scheme

The following segment of this study will deal with the contributions of the participants in the C.S.O. scheme in more detail. Organisers, paid supervisors, agency personnel, other Probation and Parole staff, recipients of service and workers were all canvassed for their views regarding their work, satisfying or unsatisfying tasks, liaison with other participants in the scheme, and views of the C.S.O. scheme. Situations or responsibilities particular to certain groups (such as breaching actions by organisers) were also examined.

(1) The organiser

When organisers were questioned regarding the most satisfying aspect of their work, a successful placement was cited most frequently. This was typically described as "allocation of work when the person was at risk but has responded particularly well" or "placing people in locations of benefit to the offender". Organisers also found contact with agency personnel very satisfying: they enjoyed broadening their area of contact and having an opportunity to relate to offenders in a different context.

The tasks perceived by organisers to be least satisfying comprised clerical work and negative contacts with offenders. Contacts relating to disciplinary matters, impersonal contacts or counselling that conflicted with the supervisory role of the organiser were described as unsatisfying.

When organisers were asked how their work differed from probation and parole work almost two-thirds of the responses related to differences in the type of contact with clients or the pressure of increased administrative tasks. Eight respondents described the nature of the client contact as changing towards a superficial, concrete relationship with little counselling: three organisers perceived the change as towards a closer personal contact through counselling or the insights available from the community work situation.

Half of the organisers stated that their views of the scheme had changed since they began working as a C.S.O. organiser. Five organisers said that their views had become more positive: the scheme was seen to have greater value to offenders and the com-

munity than they expected. Two organisers expressed negative attitudes: less job satisfaction resulting from enforced role changes and more cynicism concerning secondary gains of the scheme.

Other respondents said that they were becoming more selective in recommending clients, that finding suitable work was harder than expected, that at times they lost perspective on the pettiness of C.S.O. offences and there was more paperwork than they had ever imagined.

Ten organisers who recommended expansion of the scheme to more serious offenders generally advocated careful selection of cases or changes in the structure of the scheme such as an increase in the maximum number of hours to be worked or with counselling as a condition of the order.

(2) Other probation and parole staff

A total of 20 other probation and parole staff were interviewed. These comprised seven officers-in-charge, two probation and parole officers supervising C.S.O. workers who were also reporting under a probation order (dual status cases) and eleven probation and parole officers who had no direct responsibility for any aspect of the C.S.O. scheme.

Three quarters of the respondents stated that the C.S.O. scheme had increased their workload, despite the fact that the organiser took on the day-to-day responsibility for the scheme. Officers-in-charge mentioned their overall responsibility for assessments, clerical systems and dealing with issues when the organiser was absent. Field officers supervising dual status clients reported that extra work was required to supervise the C.S.O. component. One field officer who had been a court duty officer reported greatly increased work in providing on-the-spot assessments for the court.

Staff were asked which body should be responsible for administering the C.S.O. scheme: the Probation and Parole Service, another section within Corrective Services, a unit attached to the courts or a community based group. All respondents stated that the Probation and Parole Service should administer the scheme.

Fifty-five percent of respondents stated that separate officers should handle the C.S.O. and probation aspects of the dual status clients. Of the eight respondents who advocated a single officer to undertake C.S.O. administration and a counselling function, four worked in offices where this arrangement was already operating and another two respondents suggested that the single officer approach would be best suited to small C.S.O. caseloads. Those who advocated separate roles stated that the single officer approach would blur the clarity of the C.S.O. scheme, that different purposes were involved, that separation would enhance a team work approach and avoid an intolerable load on the C.S.O. organiser.

Half the organisers suggested that other probation and parole staff could participate more actively in a team, providing recommendations and feedback. Specifically it was proposed that they should consider a C.S.O. in all pre-sentence reports, inform the organiser early of potential cases, keep alert for more work possibilities and take more care to use

the official criteria in C.S.O. assessments.

Over half of the organisers stated that they would strongly recommend a C.S.O. in cases where the offender was very likely to receive a gaol sentence and compelling reasons existed for an alternative sentence. These reasons included the person being a first offender, the person had a lot to lose (job, house, etc.), he would benefit from a C.S.O. and that work was available. Twelve organisers reported that magistrates followed their recommendations concerning the suitability of a C.S.O. in all but a few cases.

Only eight organisers made suggestions concerning improvements to the assessment procedures. Half of these suggestions related to the organiser's role: that he should refuse to do on the spot assessments but rather ask the magistrate for an adjournment in order to make further inquiries and that he should become more conservative in assessments.

Most commonly organisers cited unsatisfactory attendance at work or performance on the job as reasons for taking breach action. Manipulation of the system by the offender was also cited as a major reason for breach action in 18% of the cases. Other behaviour that could attract breach action included failure to notify a change of address (S.14(d)), consuming alcohol on the job (regulations) and failure to respond to warnings thereby withdrawing consent to the order.

Of the 14 organisers interviewed, 8 stated that they had experienced difficulties in completing a breach. Major difficulties related to the absence of an offender (disappeared or failed to respond to a summons - 40% of difficulties cited) and legal proceedings (magistrates adjourning cases where procedures were not understood - 15%, time consuming court procedures - 10% and problems in having warrants served - 10%).

Of the ten organisers who had prosecuted breaches, half considered that their training had been inadequate and requested special training. Suggested areas for training included: procedures to follow where a not guilty plea was entered, presentation of facts in a succinct manner when laying the basis for a breach action and emphasis on keeping detailed notes on cases and not just hours of work completed in order to justify breach action.

Organisers mentioned other problems they had experienced in prosecuting breaches. Some felt disadvantaged in court when arguing against the client's solicitor or barrister. Two organisers felt that they lacked professional recognition by the courts and others stated that good working relationships with Clerks of Petty Sessions were needed to prosecute breaches efficiently.

Only three organisers had experienced conflict between a disciplinary and counselling role. The majority of organisers who did not experience this role conflict commented that they tried to keep their roles separate, that if they did undertake counselling (and this applied especially to dual status cases) they nonetheless made hard decisions and stuck by them.

(3) Paid supervisors

Almost two-thirds of the supervisors worked from 5 to 12 hours per week. However only three supervisors were satisfied with the number of hours they were permitted to work. For these supervisors, the hours available suited their financial commitments and the workload.

The four supervisors who already worked more than eight hours but wanted more work stated that the permitted maximum did not enable them to do the work properly. Those working shorter hours felt that they would like to increase their working hours to offset the time and cost of travelling to the office or to create a more significant part-time job.

Paid supervisors listed client contact and counselling, the completion of an order, a worker's personal development through a Community Service Order and the positive response from workers and agencies as the most satisfying tasks in their job. The clerical aspects of diary sheets was the most frequently mentioned response to the question concerning the least satisfying tasks. Lack of power, and locating people when they fail to attend at an agency were other unsatisfactory tasks.

The frequent mention of clerical tasks and problems associated with maintaining clerical records as the least satisfying tasks contrasts with the paid supervisors' perception of clerical work as comprising their major task. It appears that they obtain job satisfaction from the personal contact of their roles, although they stated that this can also generate frustration, when workers are unreachable or deliberately unavailable and when time does not permit a wider role.

(4) Recipients

A section of the C.S.O. interview study pertained to the individuals who had had work done for them by people serving Community Service Orders. In spite of attempts by members of the research team to interview at least ten recipients, only four interviews were completed. It is therefore not possible to determine if the work performed directly and without supervision for individuals is qualitatively different from agency placements.

Most of the work performed by C.S.O. workers involved gardening or labouring, although workers provided companionship and personal aid to a paraplegic recipient. None of the recipients had any complaints concerning the work that was done, and all thought that they were at least on friendly terms with the workers. Recipients were most appreciative of the work that had been performed and were very grateful for the personal contact with the workers.

In those areas placing C.S.O. workers with individuals, organisers and paid supervisors stated that individuals contribute by accepting workers as human beings, offering a normal relationship and the emotionally beneficial aspects of helping the needy. Maintenance of confidentiality, being more sensitive to the feelings of workers and publicising the scheme to friends and neighbours were areas cited by the organisers as producing more successful contributions from individuals.

(5) Workers

From answers to specific questions about their initial briefing session with the organiser, it could be seen that most of the workers were aware of their responsibilities and the restrictions of the Community Service Order Scheme. When asked, over half (59%) said that they had used the C.S.O. booklet given to them at the time of the initial briefing session.

The majority of workers (75%) were happy with their current level of contact with the Community Service organiser although a minority (18%) had had no further contact with the organiser since the initial briefing session.

Almost three-quarters (71%) reported that their work was checked by a paid supervisor, not attached to the agency. The frequency with which these people saw the paid supervisor ranged from at least once on every work occasion (39%), through weekly (28%), fortnightly (3%) to less often than fortnightly (33%). Workers reported that most of their conversations with paid supervisors had been work-related (52%), general or superficial (37%) and only a minority were related to personal problems (7%). In contrast, paid supervisors perceived their conversations with workers to be personal, involving home problems or counselling 30% of the time with 35% impersonal or superficial and 25% work oriented conversations.

Workers were split amongst those who felt that they had a choice when they agreed to work under a Community Service Order (35%), those who felt they had no choice (33%) and those who felt that because their only alternative was gaol they had no real choice (27%). The majority of workers (78%) reported that they understood what the scheme was about when they agreed to work under a Community Service Order.

When asked about their experience of Community Service Orders, over half (55%) replied that they found it easier than they had expected, over one third (37%) thought it was the same as expected and only a small proportion found it harder (6%). The workers unanimously agreed that they preferred Community Service work to serving a prison sentence.

Organisers most frequently considered the client's skills and work experience (26%) and programme restraints such as the times when the client was available for work and travelling arrangements (19%). Client preference (14%) and personality (14%) – with emphasis on responsibility, motivation and ability to fit in well with others – were also considered. Organisers stated most frequently that they considered the type of work available at an agency (32%) and the likely response of staff to the workers (24%) when making a placement.

Almost two-thirds of the organisers stated that they had experienced difficulties in finding a suitable task for certain offenders. These stemmed equally from offender variables and agency variables.

Organisers found it difficult to place unreliable offenders, offenders with awkward working hours,

notorious offenders and disqualified drivers (this resulting from transport difficulties in some areas). The four organisers who had experienced some agency difficulties in their placements stated that limited work was available with volunteers, it was hard to get manual work for unskilled workers and it was difficult to find meaningful work using the offender's skills.

(c) Confidentiality

Under the C.S.O. scheme a number of people require some information about the offender. This differs from probation and parole work where only the supervising officer requires access to case data on a regular basis. However, it is necessary to balance the needs of these people with the privacy of the worker.

The organisers perceived the paid supervisors as front line workers, who required at least a resume including offence data for their job. Of the ten paid supervisors interviewed, eight were satisfied with the information provided.

Organisers varied more in their approach to agency supervisors, although the general attitude appeared to be to limit the number of details provided to a minimum. However, they recognised that the agency required some information so that the needs of agency clients could be safeguarded. Most of the agency supervisors were satisfied with the information provided. Twenty-six respondents declared that they did not need any additional information while four agency supervisors requested more data on offence and past record.

The approach of organisers to individual recipients of C.S.O. work seemed to combine strict confidentiality with assurances that the offender was carefully screened and was not a threat to their lives or property.

DISCUSSION

Organisers

During this study, two issues were raised regarding the organisers that require further discussion. The first issue involves the change in client contact from probation and parole work to dealing with offenders under C.S.O.s.

The organisers commented on the changed client contact with the majority referring to superficial contacts and less counselling involved with C.S.O.s. However, three did mention closer contacts with workers and specifically cited the insight available from contact with offenders at work sites.

The second area for discussion is the breaching process where the organiser is responsible for prosecuting breaches. This is an area for potential conflict between the disciplinary C.S.O. and counselling probation and parole roles. Conflict between a disciplinary and counselling role did not appear to be a serious problem for organisers in this study, although some difficulty in completing breaches was mentioned.

In New South Wales, guidelines are available, and were cited by organisers when questioned regarding action that would result in a breach.

Workers were also familiar with their responsibilities from the induction procedure and the booklet they are given. However, it appears that C.S.O.s are losing their credibility in the sentencing tariff through variability regarding breaches, more stringent guidelines may be necessary.

In this study, half of the organisers who had prosecuted breaches felt that their training had been inadequate. Perhaps more training regarding prosecution of breaches would give organisers more confidence when preparing breaches and prosecuting in court.

Paid supervisors

Although there is general agreement regarding the contribution of paid supervisors and their interrelationship with organisers and agency personnel, there appears to be some dissatisfaction among paid supervisors regarding their role. When questioned, both organisers and agency personnel emphasized the client contact and counselling aspects of the paid supervisor's role. However, in reality it appears that their job is primarily clerical, although job satisfaction is gained from their contacts with the workers. In contrast to the opinion that paid supervisors counsel C.S.O. workers, the workers report that their contacts with the paid supervisors are superficial and work related.

Paid supervisors expressed considerable dissatisfaction with their hours of work and travel allowances. If allowed to work longer hours, it is possible that they would be able to expand their role to emphasize counselling. If the role of the paid supervisor evolves in this manner, it would be necessary to provide adequate training to ensure that all are able to fulfill this responsibility.

Agency personnel

TECHELP, one of the agencies that participated in this study, has extensive experience with C.S.O. workers and has prepared a report comparing the C.S.O. worker with the periodic detainee. According to this report, the very adaptability of the C.S.O. scheme regarding the demands that it may or may not place on the workers, makes C.S.O. workers unreliable and unlikely to fulfil their obligations to the agency. The workers learn, because sanctions are not immediately applied, that regardless of the manner in which the order is discharged, the hours completed are counted (Roper, 1982).

These criticisms were not mentioned by any other agency personnel involved in this study. C.S.O. workers were generally considered to be similar to volunteers regarding their work performance and those agencies which had experienced difficulty with C.S.O. workers maintained their enthusiasm for the scheme. Possibly TECHELP's experiences are unique to that agency due to their experience with periodic detainees or the type of service they provide.

Workers were appreciative of the fact that their status as a C.S.O. worker was not common knowledge. Many stated that they were treated as if they were simply another volunteer and did not feel stigmatised as a result.

During this study, feelings of optimism and enthusiasm regarding C.S.O.s were found throughout interview groups. This enthusiasm was reflected not only in response to direct questions regarding the scheme, but indirectly through the comment that more publicity should take place regarding C.S.O.s.

While many respondents stated that they could do more public relations, if they had more time, there was also a feeling that members of other groups could also contribute in this area. Perhaps the best publicity results from successful C.S.O. placements with a variety of agencies in the community. The planned expansion of the scheme will also bring more individuals and agencies into contact with the scheme.

RECOMMENDATIONS

1. That Community Service Order organisers receive additional training, including procedures and any necessary precautions, to enable them to prosecute breaches more effectively.
2. That the paid supervisor's role be re-examined and, if the counselling role is to be expanded, that appropriate training courses be initiated.

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