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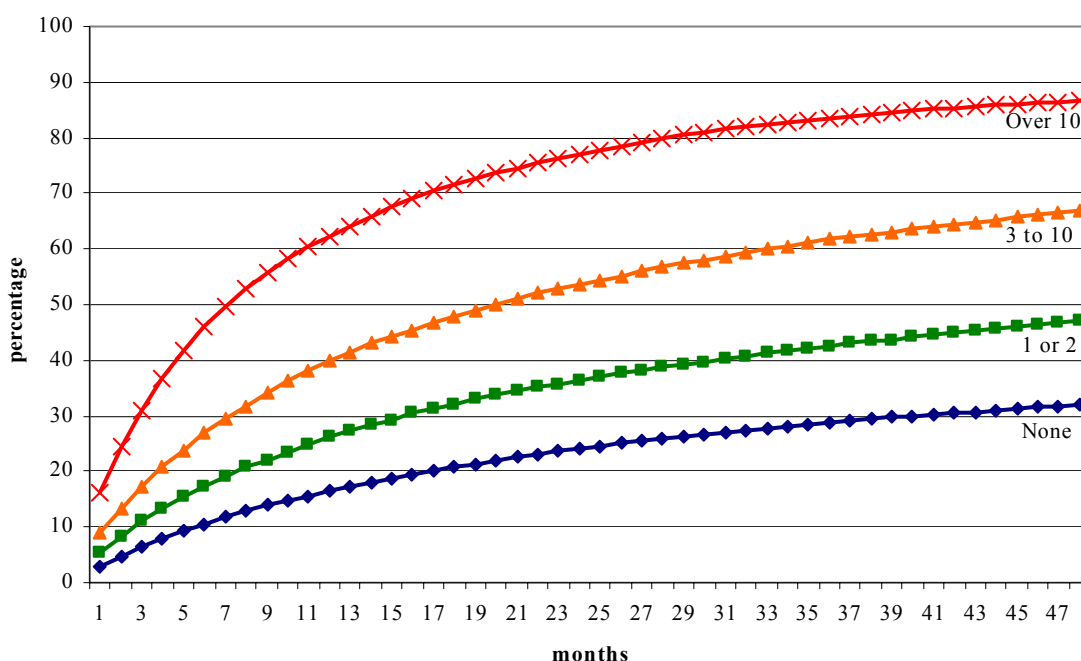
RECONVICTIONS OF OFFENDERS DISCHARGED FROM CUSTODY OR GIVEN NON-CUSTODIAL SENTENCES IN 1999, SCOTLAND

1. Introduction

1.1 This is the third bulletin in the series presenting information on reconvictions of offenders in Scotland. The results, which provide an update of summary statistics published in March 2003, are based on an analysis of the Scottish Offenders Index. The bulletin considers the reconviction rates over one, two and four year intervals for all offenders who were released from custody or who were given non-custodial sentences in 1999. Reconviction rates are broken down by the age and sex of offenders; by sentence type and the main crime for which they were convicted; by their previous conviction history; and by geographical area. A comparison of the corresponding two year reconviction rates of the offender cohorts from 1995 to 2001 is made and similarly over the financial years 1994-95 to 2000-01. Finally, estimates are made of the impact of “pseudo reconvictions” on the calculated reconviction rates.

1.2 Detailed technical and other background notes on the analyses presented in the bulletin are given in the Annex.

Chart 1: Percentage of offenders reconvicted within four years of release from custody or sentence in 1999 by number of previous convictions



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2. Key Points

Of the cohort of 45,245 offenders who were discharged from a custodial sentence (5,738) or given a non-custodial sentence (39,507) in 1999:

- Eighty-five per cent were male, 27 per cent were aged under 21, 34 per cent had no previous convictions and 14 per cent had over 10 previous convictions.
- Thirty-one per cent were reconvicted within one year, 42 per cent within two years, 49 per cent within three years and 53 per cent within four years.
- Males were more likely to be reconvicted than females for all age groups: 44 per cent of males and 34 per cent of females were reconvicted within two years. Males (16 per cent) were more than twice as likely as females (6 per cent) to receive a custodial reconviction within two years. However, for those persons who are reconvicted at least once within two years, there was little difference between the sexes in the average number of convictions they acquired.
- Reconviction rates for males decreased by age: 55 per cent of male offenders aged under 21 were reconvicted within two years compared with 32 per cent of those over 30. Reconviction rates for females varied less by age, with similar reconviction rates for females aged under 30. However those aged over 30 were significantly less likely to be reconvicted than younger females.
- The likelihood of reconviction increased markedly with the number of previous convictions: 24 per cent of offenders with no previous convictions were reconvicted within two years compared with 77 per cent of offenders with over 10 previous convictions. Of those with over 10 previous custodial convictions, 69 per cent received a further custodial reconviction within two years.
- Those discharged from a custodial sentence (60 per cent) or given probation (58 per cent) were on average more likely to be reconvicted within two years than those given community service (42 per cent) or a monetary penalty (40 per cent). Once the age, sex and number of previous convictions of offenders are taken into account, these differences are less pronounced.
- Those offenders whose index conviction was for a crime of dishonesty had the highest two year reconviction rate (54 per cent) whilst the lowest was for sexual crime (17 per cent).
- For those offenders in the 1999 cohort, the younger the offender was at their first conviction the more likely they were to be reconvicted. Almost three quarters (73 per cent) of those offenders aged under 16 at their first conviction are reconvicted within two years of their index conviction in 1999 compared to just 22 per cent of those aged over 30 at their first conviction.
- Excluding pseudo reconvictions reduces the two-year reconviction rate by an estimated 10 percentage points for offenders discharged from custody, 11 percentage points for those given community service and by 13 percentage points for those given probation.

A comparison of two-year reconviction rates for the 1999 cohort of offenders with those for the corresponding offender cohorts from 1995 to 2001 shows that:

- The overall reconviction rate fell marginally from 45 per cent for the 1995 cohort to 44 per cent for the 2001 cohort. This mainly reflects a decrease in the rate for male offenders (down from 47 per cent to 45 per cent). The rate for females remained stable at around 34 per cent between 1995 and 1999, increasing to 36 per cent in 2000 and 2001. This reflects slight increases recorded in the rates for younger (aged 25 and under) female offenders.
- For those with an index disposal of community service, the reconviction rate fell from 50 per cent for the 1995 cohort to 42 per cent for the 2001 cohort. The corresponding rates for custodial and probationary index disposals fell by 4 percentage points each.

3. Background and Methodology

3.1 The information presented in this bulletin is based on data held in the Scottish Offenders Index (SOI). This database contains statistical information on each conviction in Scottish courts for all offences classified as crimes within the Scottish Executive Justice Department's classification of crimes and offences plus the offences of simple assault, breach of the peace, racially aggravated harassment, racially aggravated conduct, miscellaneous firearm offences and social security offences. Conviction records for individual offenders can be linked by a system of unique reference numbers to enable statistical analysis of their conviction histories, in this case their reconviction outcomes. Further background details on the coverage, definitions and limitations of the SOI and on the methodology used in the analysis presented in this bulletin are given in the Annex.

3.2 The SOI currently contains data on just over 381,600 offenders and just under 1,237,000 convictions between 1989 and 2003. Of these offenders, 82 per cent were male. Over half (55 per cent) of the convictions recorded on the SOI are accounted for by the 14 per cent of offenders who each had 6 or more convictions. Only 16 per cent of male offenders and 5 per cent of female offenders present on the SOI had received one or more custodial convictions between 1989 and 2003, whereas 81 per cent of males and 67 per cent of females had received more than one fine or other monetary penalty. The majority of offenders were dealt with by sheriff summary courts or by the district courts; only 11 per cent of offenders had been convicted in the High Court or in a sheriff solemn court. More information on the profile of offenders covered by the SOI is given in Tables A1 and A2 in the Annex.

3.3 Definitions

The analysis presented in this bulletin focuses on the cohort of offenders who were either discharged from a custodial sentence in 1999 or who were given a non-custodial sentence in 1999. The following terminology is applied throughout the bulletin:

Index conviction - for each offender in the 1999 cohort, this is the conviction which resulted in a non-custodial sentence being imposed or the one which had originally led to a custodial sentence being served.

Relevant date of the index conviction - the sentence date for non-custodial sentences or the estimated date of discharge from custody for custodial convictions.

Index disposal – the type of sentence imposed in the index conviction.

Index crime - the main offence for which the offender was convicted.

Previous convictions – all convictions preceding the relevant date of the index conviction.

Reconvictions – all subsequent convictions after the relevant date of the index conviction.

Custodial reconviction – a reconviction which results in a custodial sentence being imposed.

Rates of reconviction - the percentage of offenders with index convictions in 1999 who were reconvicted one or more times within a specified follow up period, for example two years, from the relevant date of the index conviction.

3.4 One particular group of reconvictions included in the general analysis presented in this bulletin are **pseudo reconvictions**. These are convictions which take place after the relevant date of the index conviction but which relate to offences committed prior to that date. So while they represent actual reconvictions as defined in section 3.3, they are “pseudo” reconvictions in the sense that the offending behaviour involved could not be said to have been influenced by the sentence imposed for the index conviction. As the data held on the SOI does not contain actual offence dates it is not generally possible to separately identify “pseudo” from “real” reconvictions. However, the effect of pseudo reconvictions on overall reconviction rates can be estimated for over 6 in 10 of the offenders (61 per cent), and this is described further in section 8.

3.5 It is important to note that information on **convictions** and **reconvictions** is not the same thing as information on **offending** and **reoffending**, or **recidivism**. Not all offences which are committed are reported to the police, while some of those that are reported and recorded do not result in an offender being identified, charged and a report being sent to the Procurator Fiscal. For cases which are reported to the Procurator Fiscal, it may be decided to take no proceedings or to employ some alternative to prosecution such as a warning letter or a fiscal fine. Where persons are prosecuted, the proceedings may end up being dropped, e.g. where witnesses fail to turn up, or the accused may be acquitted. Convictions and reconvictions can therefore only ever be a subset of actual offending and reoffending, and reconviction rates only a proxy measure of reoffending rates.

3.6 This analysis of reconviction is an update of the previous bulletin, published in March 2003 and focussing on the 1997 cohort of offenders. The findings re-emphasise the picture painted by the previous report. New areas which have been considered in this bulletin are listed below:

Tables 10 and 11	Reconviction rates by age at first conviction
Table 14	Offenders released from a custodial sentence or given a non-custodial sentence, by financial year, 1994-95 – 2000-01
Chapter 7	Geographic analysis

3.7 The Scottish Prison Service also publishes annual return to custody information by gender, type of offender, age of offender, type of offence, length of time in prison prior to release and the time between release and subsequent return for those offenders who return to prison within the follow up period. This information can be accessed via their website at www.sps.gov.uk.

4. Characteristics of the 1999 cohort

4.1 The analysis presented in this bulletin relates to a total of 45,245 individual offenders for whom convictions data are recorded on the Scottish Offenders Index and who were either discharged from a custodial sentence in 1999 (5,738 offenders) or who received a non-custodial sentence (39,507 offenders) in 1999. Of this cohort of offenders, 85 per cent were male; 27 per cent were aged under 21; over half had a violent crime (23 per cent) or a crime of dishonesty (29 per cent) as their index crime; 34 per cent had no previous convictions while 14 per cent had over 10; and 78 per cent had no previous custodial convictions while 3 per cent had over 10.

Persons released from a custodial sentence or given a non-custodial sentence in 1999 **Table 1**
Numbers and percentage by age, sex, index disposal, index crime and number of previous convictions⁽¹⁾

	Total number	Percentage
Persons (=100%)	45,245	100
Age		
under 21	12,152	27
21 to 25	9,687	21
26 to 30	7,641	17
over 30	15,765	35
Sex		
Males	38,430	85
Females	6,815	15
Index disposal in 1999		
Discharged from custody	5,738	13
Community Service	2,620	6
Probation	3,216	7
Monetary	26,265	58
Other	7,406	16
Index Crime in 1999		
Violent crime	10,356	23
Sexual crime	474	1
Dishonesty	13,021	29
Criminal damage	3,100	7
Drugs offences	4,998	11
Breach of the peace	10,532	23
Other crimes and offences	2,764	6
Number of previous convictions		
None	15,221	34
1 or 2	10,988	24
3 to 10	12,876	28
Over 10	6,160	14
Number of previous custodial convictions		
None	35,373	78
1 or 2	4,307	10
3 to 10	4,071	9
Over 10	1,494	3
Number of previous community convictions⁽²⁾		
None	32,301	71
1 or 2	8,988	20
3 to 10	3,844	8
Over 10	112	*

1. Convictions since start of 1989.

2. Convictions resulting in probation or community service.

5. General Analysis of Reconviction Rates

5.1 Overall reconviction rates

Of the 45,245 offenders with an index conviction in 1999, 31 per cent were reconvicted within one year, 42 per cent within two years, 49 per cent within three years and 53 per cent within four years. The proportion of offenders who received a custodial reconviction was 10 per cent within one year rising to 20 per cent after 4 years.

Persons released from a custodial sentence or given a non-custodial sentence in 1999
Percentage reconvicted within 1 to 4 years, by sex and age

Table 2

Sex by age	Total number (=100%)	Percentage reconvicted within:				Percentage with a custodial reconviction within:			
		1 year	2 years	3 years	4 years	1 year	2 years	3 years	4 years
Persons	45,245	31	42	49	53	10	14	17	20
under 21	12,152	41	53	60	64	12	17	21	24
21 to 25	9,687	34	47	53	58	12	17	21	23
26 to 30	7,641	31	42	49	53	11	16	19	21
over 30	15,765	22	31	37	41	6	10	12	13
Males	38,430	32	44	50	54	11	16	19	21
under 21	10,546	42	55	62	66	13	19	23	25
21 to 25	8,219	35	48	55	59	13	19	23	26
26 to 30	6,445	31	43	50	54	12	18	21	23
over 30	13,220	23	32	38	42	7	11	13	15
Females	6,815	25	34	40	44	4	6	8	9
under 21	1,606	30	40	45	50	6	10	11	13
21 to 25	1,468	30	40	45	49	5	7	9	10
26 to 30	1,196	29	38	44	49	4	7	10	11
over 30	2,545	18	26	31	35	2	3	4	5

5.2 Reconviction rates by sex and age

Male offenders are more likely to be reconvicted than females, for example 44 per cent of males were reconvicted within two years compared to 34 per cent of females. This difference applied across all age groups. However, for those persons who are reconvicted within two years, there was little difference between the sexes in the average number of reconvictions acquired.

5.3 For male offenders, the reconviction rate decreases with age. 55 per cent of those males aged under 21 were reconvicted within 2 years compared with 32 per cent of those aged over 30. There was less variation in the two year reconviction rate for females, being around 40 per cent for all of those age groups under 30. The exception is for those females aged over 30 where the rate is significantly lower (26 per cent). The above picture is similar for custodial reconvictions although the overall rates are lower with 16 per cent of males and 6 per cent of females receiving a custodial reconviction within 2 years.

Persons released from a custodial sentence or given a non-custodial sentence in 1999
Percentage reconvicted within 2 years, by sex, age and number of reconvictions

Table 3

Sex by age	Total number (=100%)	Percentage with following number of reconvictions within 2 years:					Average number of reconvictions ⁽¹⁾
		None	1 or 2	3 to 10	Over 10	1 or more	
Persons	45,245	58	28	13	1	42	2.5
under 21	12,152	47	31	21	1	53	2.9
21 to 25	9,687	53	31	15	1	47	2.5
26 to 30	7,641	58	30	12	*	42	2.3
over 30	15,765	69	24	7	*	31	2.1
Males	38,430	56	29	14	1	44	2.5
under 21	10,546	45	32	22	1	55	2.9
21 to 25	8,219	52	32	15	1	48	2.5
26 to 30	6,445	57	31	12	*	43	2.3
over 30	13,220	68	24	8	*	32	2.1
Females	6,815	66	23	10	1	34	2.5
under 21	1,606	60	24	15	1	40	3.0
21 to 25	1,468	60	26	14	1	40	2.6
26 to 30	1,196	62	28	10	1	38	2.3
over 30	2,545	74	20	6	*	26	2.0

1. Average for offenders who had at least one reconviction within two years

5.4 *Reconviction rates by number and type of previous convictions*

The likelihood of reconviction increased markedly with the number of previous convictions held by the offender at the time of their index conviction. 77 per cent of those offenders with over 10 previous convictions were reconvicted within two years compared with only 24 per cent of offenders with no previous convictions. Similarly, 69 per cent of those offenders with over 10 previous custodial convictions were given a further custodial conviction within two years compared to 7 per cent of those with no previous custodial convictions.

Persons released from a custodial sentence or given a non-custodial sentence in 1999

Table 4

Percentage reconvicted within 1 to 4 years, by number and type of previous convictions⁽¹⁾

Number and type of previous convictions	Total number (=100%)	Percentage reconvicted within:				Percentage with a custodial reconviction within:			
		1 year	2 years	3 years	4 years	1 year	2 years	3 years	4 years
All offenders	45,245	31	42	49	53	10	14	17	20
Number of previous convictions									
None	15,221	16	24	29	32	2	4	5	6
1 or 2	10,988	25	36	42	47	4	7	9	11
3 to 10	12,876	39	53	61	67	12	18	22	25
Over 10	6,160	61	77	83	87	35	48	54	58
Number of previous custodial convictions									
None	35,373	25	35	41	45	4	7	9	10
1 or 2	4,307	44	59	67	72	19	28	33	37
3 to 10	4,071	57	74	81	85	34	47	55	59
Over 10	1,494	71	83	89	91	54	69	74	77
Number of previous community convictions⁽²⁾									
None	32,301	23	33	39	43	5	7	9	11
1 or 2	8,988	45	60	68	73	18	27	32	35
3 to 10	3,844	60	75	82	85	32	44	50	54
Over 10	112	78	89	95	96	43	58	66	67

1. Convictions since start of 1989.

2. Convictions resulting in probation or community service.

5.5 For those offenders who had at least one reconviction within two years, the average number of reconvictions rose steadily from 2.1 for those with no previous convictions to 3.3 for those with over 10 previous convictions. The two year reconviction rates are similar by number of previous custodial convictions and number of previous community convictions except where the number of previous convictions is over 10. In this case, 83 per cent of those offenders with over 10 previous custodial convictions are reconvicted within two years compared to 89 per cent of those with over 10 previous community convictions.

5.6 The length of time to reconviction is also likely to be shorter for those offenders with higher numbers of previous convictions. 61 per cent of offenders with over 10 previous convictions are reconvicted within 1 year compared to less than 40 per cent for all other groups. This is further illustrated by Chart 1 in the introduction which shows the reconviction rates in each month of the first four years following the offender's index conviction. The reconviction rates for offenders with over 10 previous convictions are significantly higher than the other groups from month 1.

Persons released from a custodial sentence or given a non-custodial sentence in 1999

Table 5

Percentage reconvicted within 2 years, by number and type of previous convictions⁽¹⁾ and number of reconvictions

Number and type of previous convictions	Total number (=100%)	Percentage with following number of reconvictions within 2 years:					Average number of reconvictions ⁽³⁾
		None	1 or 2	3 to 10	Over 10	1 or more	
All offenders	45,245	58	28	13	1	42	2.5
Number of previous convictions							
None	15,221	76	18	6	*	24	2.1
1 or 2	10,988	64	27	9	*	36	2.2
3 to 10	12,876	47	37	16	1	53	2.4
Over 10	6,160	23	39	36	2	77	3.3
Number of previous custodial convictions							
None	35,373	65	25	9	*	35	2.2
1 or 2	4,307	41	39	19	1	59	2.6
3 to 10	4,071	26	40	32	1	74	3.0
Over 10	1,494	17	34	46	4	83	3.9
Number of previous community convictions⁽²⁾							
None	32,301	67	25	8	*	33	2.2
1 or 2	8,988	40	38	22	1	60	2.7
3 to 10	3,844	25	38	35	2	75	3.3
Over 10	112	11	34	50	5	89	4.3

1. Convictions since start of 1989.

2. Convictions resulting in probation or community service.

3. Average for offenders who had at least one reconviction within two years.

5.7 *Reconviction rates by index disposal and index crime*

Those offenders who were discharged from a custodial sentence (60 per cent) or given probation (58 per cent) were on average more likely to be reconvicted within two years than those given community service (42 per cent) or a monetary penalty (40 per cent). Offenders discharged from custody were much more likely to acquire a custodial reconviction: over two-fifths (43 per cent) were given a further custodial sentence within two years compared to 1 in 10 (10 per cent) of those given a non-custodial sentence. Of those offenders with at least one reconviction within two years, those who were discharged from custody (3.1) or given probation (3.0) have a greater number of reconvictions on average than those given community service (2.3) or a monetary penalty (2.3).

Persons released from a custodial sentence or given a non-custodial sentence in 1999
 Percentage reconvicted within 2 years, by index disposal and crime in 1999

Table 6

Index disposal and crime in 1999	Total number (=100%)	Percentage reconvicted within:				Percentage with a custodial reconviction within:			
		1 year	2 years	3 years	4 years	1 year	2 years	3 years	4 years
All offenders	45,245	31	42	49	53	10	14	17	20
Index disposal in 1999									
Discharged from custody	5,738	46	60	67	71	32	43	48	51
Community Service	2,620	30	42	48	52	8	13	16	18
Probation	3,216	46	58	64	68	16	24	29	32
Monetary	26,265	29	40	46	50	6	9	12	14
Other	7,406	21	31	37	41	4	7	9	10
Index Crime in 1999									
Violent crime	10,356	22	33	40	44	6	9	12	13
Sexual crime	474	11	17	19	22	3	5	7	8
Dishonesty	13,021	43	54	59	63	18	25	29	32
Criminal damage	3,100	28	39	46	50	6	9	11	13
Drugs offences	4,998	26	39	46	51	6	11	14	16
Breach of the peace	10,532	29	41	48	52	7	10	13	14
Other crimes and offences	2,764	30	42	49	54	9	15	19	21

Persons released from a custodial sentence or given a non-custodial sentence in 1999
 Percentage reconvicted within 2 years, by index disposal and crime in 1999 and number of reconvictions

Table 7

Index disposal and crime in 1999	Total number (=100%)	Percentage with following number of reconvictions within 2 years:					Average number of reconvictions ⁽¹⁾
		None	1 or 2	3 to 10	Over 10	1 or more	
All offenders	45,245	58	28	13	1	42	2.5
Index disposal in 1999							
Discharged from custody	5,738	40	33	26	1	60	3.1
Community service	2,620	58	30	11	*	42	2.3
Probation	3,216	42	33	24	1	58	3.0
Monetary	26,265	60	28	11	*	40	2.3
Other	7,406	69	23	8	*	31	2.2
Index crime in 1999							
Violent crime	10,356	67	25	8	*	33	2.1
Sexual crime	474	83	14	3	-	17	1.8
Dishonesty	13,021	46	29	23	1	54	3.1
Criminal damage	3,100	61	29	10	*	39	2.2
Drugs offences	4,998	61	31	8	*	39	1.9
Breach of the peace	10,532	59	30	11	*	41	2.2
Other crimes and offences	2,764	58	30	12	*	42	2.3

1. Average for offenders who had at least one reconviction within two years.

5.8 The comparison of reconviction rates across disposals is complicated by a number of issues. Pseudo reconviction rates can have a differential effect across different types of disposal and this is discussed further in section 8. In addition the characteristics of offenders receiving different disposals are likely to be different. Indeed, the risk of re-offending is often taken into account at the time of sentence. The issue of offenders characteristics is considered in table 8. Once the age, sex and particularly the number of previous convictions of offenders are taken into account, the differences observed in average reconviction rates for different types of index disposal are found to be less significant. These factors are all strongly associated with the likelihood of reconviction. Table 8 shows that for all types of disposal, and for all sex and age groups, the percentage of offenders with over 10 previous convictions who were reconvicted within two years – typically over 70 per cent - were all fairly similar. This was also broadly the case for offenders with smaller numbers of previous convictions. In other words, the number of previous convictions held by an offender appeared to be the dominant factor in terms of the likelihood of reconviction. The main exception

to this pattern was for offenders with no, or only one or two, previous convictions who were given probation. These offenders, particularly those in the younger age groups, had higher reconviction rates than offenders of the same age and with a similar previous conviction history who had other types of index disposal, even compared with those discharged from custody.

Persons released from a custodial sentence or given a non-custodial sentence in 1999 Table 8
 Percentage reconvicted within 2 years, by index disposal in 1999, age, sex and number of previous convictions⁽¹⁾

Index disposal in 1999 by age	Males					Females				
	Total number (=100%)	Number of previous convictions				Total number (=100%)	Number of previous convictions			
		None	1 or 2	3 to 10	Over 10		None	1 or 2	3 to 10	Over 10
All	38,430	25	36	53	77	6,815	19	33	55	74
under 21	10,546	42	59	74	88	1,606	29	49	78	94
21 to 25	8,219	19	35	55	79	1,468	21	36	60	83
26 to 30	6,445	14	26	45	74	1,196	15	34	53	75
over 30	13,220	10	23	45	73	2,545	10	23	46	66
Discharged from custody	5,435	20	36	58	80	303	21	53	68	78
under 21	1,092	47	61	77	86	51	40	83	86	90
21 to 25	1,392	19	29	57	81	84	25	44	81	84
26 to 30	1,135	16	35	50	80	65	*	67	68	69
over 30	1,816	7	23	48	78	103	14	36	44	77
Community service	2,284	27	39	55	75	336	15	33	56	75
under 21	778	45	58	75	81	77	27	40	89	100
21 to 25	514	19	30	59	86	60	16	25	60	50
26 to 30	349	9	33	41	67	62	5	42	56	75
over 30	643	11	23	43	65	137	9	29	44	78
Probation	2,541	48	52	62	82	675	40	49	63	76
under 21	905	72	76	83	93	178	58	66	89	80
21 to 25	530	35	51	59	82	162	58	58	65	64
26 to 30	344	32	32	55	76	117	21	35	56	87
over 30	762	14	26	50	78	218	10	39	53	69
Monetary	22,782	24	36	51	75	3,483	20	33	55	77
under 21	6,005	39	56	72	89	776	28	46	80	100
21 to 25	4,945	18	36	55	78	786	20	37	60	91
26 to 30	3,982	14	25	44	71	628	17	34	52	77
over 30	7,850	11	23	45	72	1,293	13	23	47	65
Other	5,388	23	33	46	67	2,018	14	25	46	64
under 21	1,766	38	58	68	86	524	23	43	55	100
21 to 25	838	17	30	42	68	376	16	24	48	74
26 to 30	635	10	21	40	67	324	13	31	50	67
over 30	2,149	9	21	40	62	794	7	15	38	56

1. Convictions since start of 1989.

Chart 2a: Percentage of offenders reconvicted within two years of release from prison or sentence in 1999 by index crime in 1999

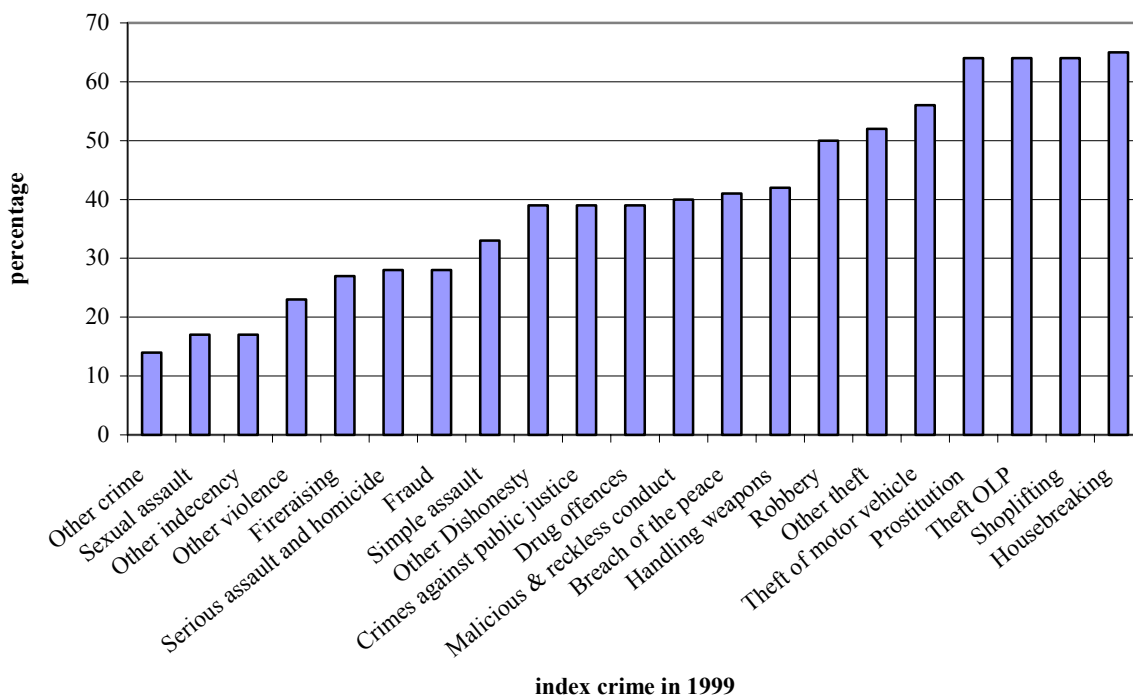
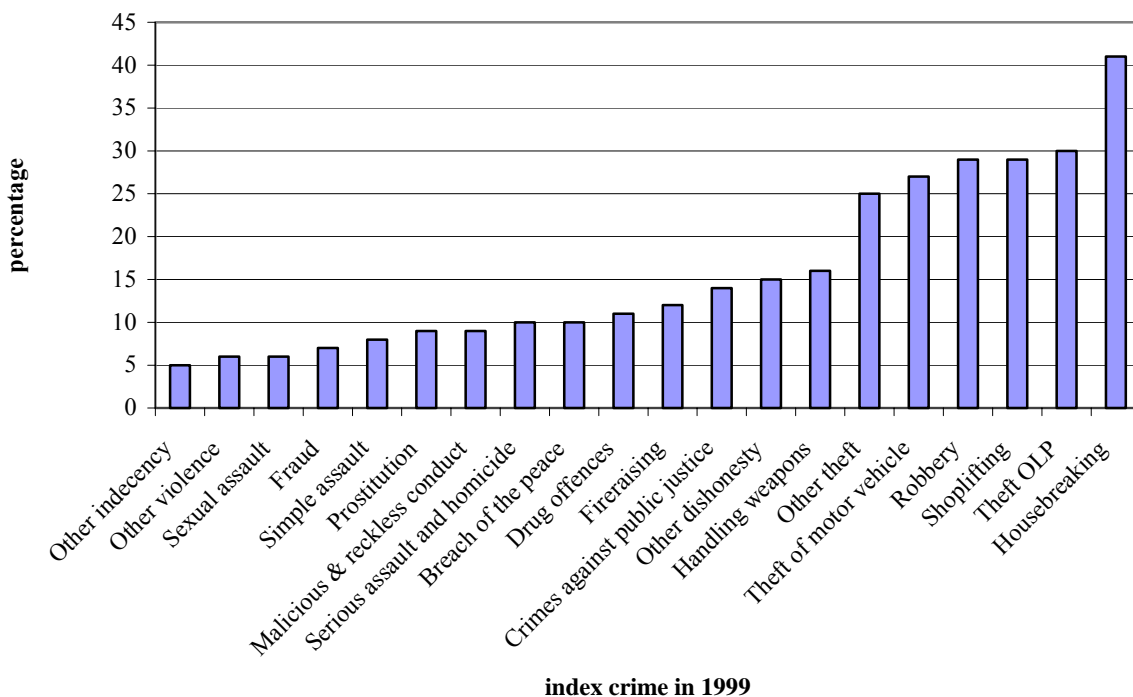


Chart 2b: Percentage of offenders with a custodial reconviction within two years of release from custody or sentence in 1999 by index crime in 1999



5.9 Those offenders with a sexual crime as their index crime had the lowest reconviction rate on average (17 per cent reconvicted within two years) although this is based on a particularly small number of offenders. Those with a crime of dishonesty as their index crime had the highest reconviction rate (54 per cent reconvicted within two years). Many offenders acquire convictions for a variety of crimes. For example, table 9 shows that, with the exception of those convicted of fraud, between 18 and 35 per cent of offenders with an index conviction in 1999 in the dishonesty crime categories were reconvicted for a violent crime within two years. Conversely, offenders convicted for certain categories of crime are more likely to be reconvicted for the same type of crime: the percentage reconvicted within two years for the same type of crime as the index crime was highest for prostitution offences (50 per cent), shoplifting (41 per cent), housebreaking (31 per cent) and breach of the peace (27 per cent). The likelihood of a custodial reconviction within two years was highest for those with an index crime of housebreaking (41 per cent) and theft OLP (opening lockfast places) (30 per cent).

Persons released from a custodial sentence or given a non-custodial sentence in 1999
Percentage reconvicted within 2 years for selected crimes, by index crime in 1999

Table 9

Index crime in 1999	Total number (=100%)	Percentage with a reconviction within 2 years for:										
		Any crime	Same crime category	Violent crime	Sexual crime	House breaking	Dishonesty ⁽¹⁾	Criminal damage	Drug offences	Breach of the peace	Serious violent crime ⁽²⁾	Serious crime ⁽²⁾
All offenders	45245	42	20	25	*	5	19	6	8	20	3	7
Violent crime												
Serious assault and homicide	982	29	3	24	-	2	8	3	5	14	4	6
Robbery	458	51	9	37	1	9	29	6	8	20	11	18
Simple Assault	8,753	34	15	27	*	2	8	5	4	19	3	4
Other Violence	163	23	-	17	1	1	9	2	4	10	-	2
Crimes of indecency												
Sexual Assault	104	17	1	8	2	-	2	1	2	5	3	5
Other indecency	370	18	4	6	4	2	5	2	1	8	1	2
Prostitution	145	64	50	17	-	1	21	3	9	14	2	6
Crimes of dishonesty												
Housebreaking	1,513	66	31	35	*	31	43	8	12	21	7	22
Theft OLP	857	66	22	33	*	16	45	8	12	21	7	15
Theft of motor vehicle	929	57	21	35	*	10	39	10	8	24	7	15
Shoplifting	3,544	65	41	28	*	9	51	5	12	20	4	9
Other theft	2,993	53	20	26	*	10	37	6	9	18	4	9
Fraud	1,289	29	7	13	*	2	15	3	5	10	2	4
Other Dishonesty	1,896	40	8	18	*	7	24	4	10	13	3	7
Criminal Damage												
Fireraising	91	27	3	16	-	1	8	5	4	15	2	7
Malicious & reckless conduct	3,009	40	9	27	*	3	13	10	6	22	3	5
Other												
Handling offensive weapons	1,556	44	8	26	*	4	17	5	10	21	4	7
Crimes against public justice	1,041	41	13	21	-	4	18	3	10	15	3	8
Drugs	4,998	40	18	17	*	3	14	3	18	12	2	6
Breach of Peace	10,532	42	27	28	*	2	11	6	6	27	3	5
Other Crime	22	14	-	9	-	-	5	5	-	5	-	-

1. Excluding housebreaking.

2. See Annex note 12 for definition.

5.10 *Reconviction rate by age at first conviction*

The younger an offender is at the time of their first conviction, the more likely they are to be reconvicted. Almost three quarters (73 per cent) of those offenders aged under 16 at their first conviction are reconvicted within two years of their index conviction in 1999. This compares to just 22 per cent of those offenders in the 1999 cohort who were aged over 30 at their first recorded conviction. Of all those offenders in the 1999 cohort, 14 per cent receive a custodial reconviction within two years. This increases significantly to 47 per cent for those who received their first conviction when they were under 16. As noted at point 16 of the annex, convictions for those aged under 16 will generally have involved the more serious types of offence.

Persons released from a custodial sentence or given a non-custodial sentence in 1999 **Table 10**
Percentage reconvicted within 1 to 4 years, by sex, number of previous convictions and age at first conviction⁽¹⁾

Sex and number of previous convictions by age at first conviction	Total number (=100%)	Percentage reconvicted within:				Percentage with a custodial reconviction within:			
		1 year	2 years	3 years	4 years	1 year	2 years	3 years	4 years
All offenders	45,245	31	42	49	53	10	14	17	20
Under 16	443	59	73	80	83	35	47	54	57
16-18	16,644	44	58	66	70	15	23	27	30
19-20	5,636	30	43	50	54	8	13	15	17
21-25	7,688	27	38	44	48	7	11	14	16
26-30	4,962	23	34	40	44	6	9	12	13
Over 30	9,872	15	22	27	30	4	5	7	7
Males	38,430	32	44	50	54	11	16	19	21
Under 16	422	59	74	82	85	36	48	55	58
16-18	14,924	45	59	67	71	16	24	29	32
19-20	4,737	31	43	50	55	9	13	16	18
21-25	6,251	27	38	44	49	8	12	15	17
26-30	4,019	24	35	41	45	8	11	14	15
Over 30	8,077	16	23	28	31	4	6	8	9
Females	6,815	25	34	40	44	4	6	8	9
Under 16	21	52	52	52	57	24	33	38	38
16-18	1,720	38	48	54	59	8	13	15	17
19-20	899	29	40	46	51	5	8	10	11
21-25	1,437	27	37	43	47	3	6	8	9
26-30	943	22	29	35	40	2	3	4	5
Over 30	1,795	12	18	22	25	1	1	2	2
No previous convictions	15,221	16	24	29	32	2	4	5	6
Under 16	53	32	53	62	74	8	17	28	30
16-18	4,151	32	45	52	56	5	9	11	14
19-20	1,949	18	28	33	38	2	3	4	5
21-25	2,335	13	19	23	26	1	1	2	3
26-30	1,554	8	14	17	19	1	1	2	2
Over 30	5,179	6	10	14	16	1	1	2	2
1 or 2 previous convictions	10,988	25	36	42	47	4	7	9	11
Under 16	79	48	61	72	73	23	28	33	37
16-18	3,752	38	51	58	63	8	12	15	18
19-20	1,382	27	38	44	49	3	6	8	9
21-25	1,918	19	28	34	40	2	3	5	6
26-30	1,392	17	27	33	38	2	4	6	6
Over 30	2,465	15	23	28	32	2	3	4	5
3 to 10 previous convictions	12,876	39	53	61	67	12	18	22	25
Under 16	145	59	74	81	83	34	49	56	59
16-18	5,507	46	61	69	74	16	23	29	32
19-20	1,618	37	51	60	66	10	16	20	22
21-25	2,402	33	47	55	60	8	13	17	20
26-30	1,502	31	46	55	62	7	12	16	18
Over 30	1,702	32	43	51	56	7	11	14	16
Over 10 previous convictions	6,160	61	77	83	87	35	48	54	58
Under 16	166	73	83	89	92	50	65	70	73
16-18	3,234	63	79	85	88	38	52	58	62
19-20	687	58	74	81	86	33	44	49	54
21-25	1,033	60	75	83	86	30	43	50	53
26-30	514	62	76	82	85	32	41	46	50
Over 30	526	52	69	74	78	27	37	41	45

1. Convictions recorded since 1989.

5.11 The age of the offender at the time of their first conviction also affects the number of reconvictions they are likely to accrue in the follow up period. 41 per cent of those offenders aged under 16 at the time of their first conviction have 3 or more reconvictions within two years of their index conviction in 1999. Of those offenders with at least one reconviction, the average number of reconvictions decreases markedly with age at first conviction. Offenders who were under 16 at the time of their first conviction have on average 3.6 reconvictions within two years of their index conviction in 1999, decreasing steadily to 2.0 for those over 30 at the time of their first conviction. The difference is more pronounced for females who have on average 4.7 reconvictions if their age at the time of their first conviction is under 16 and only 1.9 if they are over 30.

5.12 Taking the number of previous convictions into account as well as the offender's age at the first of those convictions, those offenders who are youngest at the time of their first conviction and have the most previous convictions have the highest reconviction rates. For example, 83 per cent of offenders who have over 10 previous convictions and were under 16 at the time of their first conviction are reconvicted within two years of their index conviction in 1999.

Persons released from a custodial sentence or given a non-custodial sentence in 1999

Table 11

Percentage reconvicted within 2 years, by sex, age at first conviction⁽¹⁾ and number of reconvictions

Sex by age at first conviction	Total number (=100%)	Percentage with the following number of reconvictions within 2 years:				Average number of reconvictions ⁽²⁾
		None	1 or 2	3 to 10	Over 10	
All offenders	45,245	58	28	13	1	2.5
Under 16	443	27	32	38	3	3.6
16-18	16,644	42	34	23	1	2.9
19-20	5,636	57	31	11	*	2.2
21-25	7,688	62	28	9	*	2.1
26-30	4,962	66	26	8	*	2.1
Over 30	9,872	78	18	4	*	2.0
Males	38,430	56	29	14	1	2.5
Under 16	422	26	32	38	3	3.6
16-18	14,924	41	35	23	1	2.8
19-20	4,737	57	32	11	*	2.2
21-25	6,251	62	29	9	*	2.1
26-30	4,019	65	26	8	*	2.1
Over 30	8,077	77	18	4	*	2.0
Females	6,815	66	23	10	1	2.5
Under 16	21	48	19	29	5	4.7
16-18	1,720	52	28	19	1	3.1
19-20	899	60	28	12	1	2.4
21-25	1,437	63	26	11	*	2.3
26-30	943	71	22	7	*	2.1
Over 30	1,795	82	15	3	*	1.9

1. Convictions recorded since 1989.

2. Average for offenders who had at least one reconviction within two years.

6. Changes in reconviction rates over time

6.1 The analysis in this section compares two-year reconviction rates for the 1999 cohort of offenders with those for the corresponding cohorts from 1995 to 2001. It also considers changes in reconviction rates over the financial years 1994-95 to 2000-01. The two year reconviction rates up to 2001 are considered to allow a comparison with the most recent data. However, in general, studies of reconviction which offer longer follow up periods are more reliable particularly for some specific offender groups, e.g. sexual offenders, where reconviction is more likely to be longer term.

6.2 When considering trends over time in reconviction rates, it should be borne in mind that these will be affected by changes in criminal justice policy and practice. For example, the increased use of alternatives to prosecution such as fiscal fines in the last 5-10 years will, other things being equal, tend to reduce reconviction rates. In addition, this analysis is based on unadjusted reconviction rates. It is important to note that reconviction rates may also be affected by the characteristics of each cohort group (e.g. age, sex, index crime, index disposal etc).

6.3 Table 12 shows that over the period from 1995 to 2001, the overall two-year reconviction rate fell marginally from 45 per cent to 44 per cent. This trend was driven by a reduction in the reconviction rate for males (from 47 to 45 per cent). The reconviction rate for females remained fairly constant at around 34 per cent between 1995 and 1999, rising to 36 per cent in 2000 and 2001. This is driven by an increase in the reconviction rate for females aged under 25. The two year reconviction rate for females aged 21 to 25 was 37 per cent in 1995 and rose to 43 per cent in 2001.

6.4 For those with an index disposal of community service, the reconviction rate fell from 50 per cent for the 1995 cohort to 42 per cent for the 1999 cohort and has remained constant at 42 per cent between 1999 and 2001. The corresponding rates for custodial and probationary index disposals fell by 6 percentage points each between 1995 and 1999. These rates subsequently increase by 2 percentage points between 1999 and 2001.

6.5 The two year reconviction rate for those offenders with an index crime of violence decreased from 39 per cent in 1995 to 33 per cent in 1999 and rises slightly to 35 per cent in 2001. The corresponding rates for damage and breach of the peace fell by 3 and 6 percentage points respectively between 1995 and 1999 whilst the rate for drug offences has remained fairly steady across the five year period. The rates for damage and breach of the peace have since marginally increased in 2001. Conversely, the rate for those offenders with an index crime of dishonesty has increased from 50 per cent in 1995 to 54 per cent in 1999 and continues to increase to 57 per cent in 2001.

Offenders released from a custodial sentence or given a non-custodial sentence, 1995-2001

Table 12

Percentage reconvicted within 2 years by sex and age

Sex by age	Percentage reconvicted within 2 years							Percentage with a custodial reconviction within 2 years						
	1995	1996	1997	1998	1999	2000	2001	1995	1996	1997	1998	1999	2000	2001
Persons	45	44	43	43	42	44	44	14	14	13	14	14	15	15
under 21	58	57	54	54	53	55	54	18	17	17	17	17	18	17
21 to 25	48	47	46	46	47	48	49	16	16	15	16	17	19	19
26 to 30	44	44	42	43	42	43	45	15	15	14	15	16	16	17
over 30	33	33	32	32	31	32	32	9	9	9	9	10	10	11
Males	47	46	45	44	44	45	45	16	15	15	15	16	17	16
under 21	60	59	57	56	55	57	55	20	19	18	18	19	20	18
21 to 25	49	48	47	46	48	49	50	18	17	16	17	19	20	20
26 to 30	45	45	43	43	43	44	46	16	16	16	16	18	18	19
over 30	34	34	33	33	32	33	34	10	10	10	10	11	11	12
Females	34	33	34	35	34	36	36	5	5	6	5	6	7	7
under 21	38	39	39	39	40	43	42	5	5	6	7	10	10	10
21 to 25	37	35	39	40	40	42	43	8	7	7	7	7	8	10
26 to 30	37	36	37	38	38	38	40	6	7	7	5	7	7	8
over 30	28	27	27	28	26	28	27	4	4	4	3	3	4	4

Offenders released from a custodial sentence or given a non-custodial sentence, 1995-2001

Table 13

Percentage reconvicted within 2 years by index disposal and crime

Index disposal and crime	Percentage reconvicted within 2 years							Percentage with a custodial reconviction within 2 years						
	1995	1996	1997	1998	1999	2000	2001	1995	1996	1997	1998	1999	2000	2001
All offenders	45	44	43	43	42	44	44	14	14	13	14	14	15	15
Index disposal														
Discharged from custody	66	64	62	61	60	61	62	48	44	42	43	43	44	44
Community service	50	48	45	43	42	42	42	17	16	14	13	13	14	13
Probation	64	61	59	58	58	60	60	29	26	23	23	24	25	26
Monetary	42	42	41	40	40	41	40	9	9	9	9	9	10	9
Other	34	34	33	32	31	33	32	7	8	7	6	7	8	7
Index crime														
Violent crime	39	38	36	34	33	35	35	11	10	10	10	9	10	10
Sexual crime	18	16	17	19	17	16	17	7	6	7	7	5	5	5
Dishonesty	50	50	51	52	54	55	57	21	21	22	23	25	27	28
Damage	42	42	40	38	39	40	41	9	9	9	8	9	9	9
Drugs offences	39	40	39	40	39	39	38	10	10	10	10	11	10	11
Breach of peace	47	45	43	43	41	42	42	11	10	10	10	10	11	10
Other crimes and offences	47	46	44	44	42	43	44	16	15	15	14	15	15	15

6.6 The publication ‘Building a better Scotland: Spending Proposals 2005-08’ set out the Scottish Executive’s spending plans and a series of targets for each department over this period. The targets for the Justice Department are intended to create safer and stronger communities and include ‘a 2% reduction in reconviction rates in all types of sentence by March 2008’. This will focus on the percentage of offenders discharged from custody or given a non-custodial sentence in a given financial year who are reconvicted within two years. The baseline year will be 2003-04. Table 14 provides this information for 1994-95 to 2000-01 to illustrate the current trends.

6.7 There has been no change in the overall two year reconviction rate in the five year period between 1996-97 and 2000-01 although the rates have fallen and subsequently risen again in the intervening years. The two year reconviction rate has fallen in this period for all types of disposal except probation which has remained fairly constant. For those offenders with a custodial index disposal, the two year reconviction rate has fallen from 64 per cent in 1996-97 to 62 per cent in 2000-01. The corresponding rates for community service orders and monetary penalties have fallen by 4 percentage points and 2 percentage points respectively.

Offenders released from a custodial sentence or given a non-custodial sentence, by financial year 1994-95 - 2000-01. Percentage reconvicted within 2 years by index disposal and crime

Table 14

Index disposal and crime	Percentage reconvicted within 2 years						
	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000	2000-01
All	45	45	44	43	42	43	44
Index disposal							
Discharged from custody	66	65	64	62	61	61	62
Community service	50	49	47	44	42	42	43
Probation	53	64	60	59	59	59	60
Monetary	42	42	42	40	40	40	40
Other	34	34	33	33	31	31	33
Index crime							
Violent crime	40	38	38	36	34	34	35
Sexual crime	22	16	15	15	19	16	19
Dishonesty	49	49	51	51	52	54	56
Damage	44	41	43	39	37	40	40
Drugs offences	37	40	39	39	39	39	39
Breach of peace	47	46	45	43	42	42	42
Other crimes and offences	47	48	45	43	45	43	43

7. Geographic analysis

7.1 The analysis in this section compares two year reconviction rates for the 1999 cohort of offenders across approximate local authority areas and police forces.

Persons released from a custodial sentence or given a non-custodial sentence in 1999

Table 15

Percentage reconvicted within 1 to 4 years by approximate local authority area

Local Authority	Total number (=100%)	Percentage reconvicted within:				Percentage with a custodial reconviction within:			
		1 year	2 years	3 years	4 years	1 year	2 years	3 years	4 years
Aberdeen ⁽¹⁾	3,349	33	44	50	54	9	12	15	16
Angus	1,011	32	42	49	53	6	9	12	13
Argyll & Bute	646	24	37	42	47	5	8	10	11
Ayrshire ⁽²⁾	4,037	31	43	49	53	12	17	21	23
Clackmannanshire	344	31	44	47	52	6	13	15	18
Dumfries & Galloway	1,310	32	41	46	50	9	16	19	22
Dundee City	1,960	33	44	51	55	10	14	18	19
East Lothian	430	20	31	39	46	5	9	10	12
Edinburgh ⁽³⁾	4,265	28	39	45	50	9	14	16	18
Eilean Siar	180	25	35	43	46	8	11	14	16
Falkirk	1,213	32	46	52	56	8	14	18	20
Fife	2,303	33	43	49	52	9	13	15	17
Glasgow ⁽⁴⁾	10,107	34	45	52	56	13	19	22	24
Highland	1,665	29	41	47	52	7	11	14	16
Inverclyde	1,016	38	51	58	62	16	24	27	30
Lanarkshire ⁽⁵⁾	4,548	30	42	49	52	7	11	14	16
Moray	650	30	40	44	48	6	10	11	14
Orkney Islands	118	15	29	36	37	4	6	8	9
Perth & Kinross	932	30	43	48	52	8	13	16	18
Renfrewshire ⁽⁶⁾	1,812	30	42	49	53	10	15	18	20
Scottish Borders	627	30	41	47	53	8	12	16	18
Shetland Islands	123	25	33	35	39	8	10	10	11
Stirling	566	31	44	51	56	9	14	17	20
West Lothian	1,130	27	39	45	48	6	9	12	14
Scotland⁽⁷⁾	45,245	31	42	49	53	10	14	17	20

1. Aberdeen City and Aberdeenshire (Aberdeen, Banff, Stonehaven and Peterhead Sheriff Courts).

2. North, South and East Ayrshire (Kilmarnock and Ayr Sheriff Courts).

3. City of Edinburgh and Midlothian (Edinburgh Sheriff Court).

4. Glasgow City, East and West Dunbartonshire (Glasgow and Dumbarton Sheriff Courts and Stipendiary Magistrates).

5. North and South Lanarkshire (Airdrie, Hamilton and Lanark Sheriff Courts).

6. Renfrewshire and East Renfrewshire (Paisley Sheriff Court).

7. Includes High Court and Remit to High.

7.2 The 1999 cohort can be grouped into approximate local authority areas based on the court of their index conviction, as in table 15. This shows that the highest reconviction rate is for offenders whose index conviction was heard at a court in the Inverclyde area, over half of such offenders were reconvicted within two years. Similarly the lowest reconviction rate is for offenders whose index conviction was received at a court in the Orkney Islands, less than a third (29 per cent) of such offenders were reconvicted within two years. Whilst this approach provides a useful approximation to local authority areas, it is important to note that an offender may not always be supervised in the area in which they are convicted and, additionally, that subsequent reconvictions may have occurred in different areas. The characteristics of offenders are also likely to vary across these areas.

7.3 Table 16 illustrates the variation in reconviction rates by police force area of index conviction. The two year reconviction rates for Central (45 per cent), Fife (43 per cent), Grampian (43 per cent), Strathclyde (43 per cent) and Tayside (43 per cent), were all slightly above the Scottish average (42 per cent). In contrast the rates for Dumfries & Galloway (40 per cent), Lothian & Borders (38 per cent) and Northern (39 per cent) were all below the Scottish average.

7.4 Offenders whose index conviction was recorded in the Strathclyde police force area have the highest rate of custodial reconvictions within two years (17 per cent) whilst the lowest rate is for those whose index conviction was recorded in the Northern police force area (10 per cent).

**Persons released from a custodial sentence or given a non-custodial sentence in 1999
Percentage reconvicted within 1 to 4 years by police force of index conviction**

Table 16

Police Force of Index Conviction	Total number (=100%)	Percentage reconvicted within:				Percentage with a custodial reconviction within:			
		1 year	2 years	3 years	4 years	1 year	2 years	3 years	4 years
All	45,245	<i>31</i>	<i>42</i>	<i>49</i>	<i>53</i>	<i>10</i>	<i>14</i>	<i>17</i>	<i>20</i>
Central	2,152	<i>31</i>	<i>45</i>	<i>51</i>	<i>55</i>	<i>8</i>	<i>14</i>	<i>17</i>	<i>20</i>
Dumfries & Galloway	1,334	<i>31</i>	<i>40</i>	<i>46</i>	<i>50</i>	<i>10</i>	<i>16</i>	<i>19</i>	<i>22</i>
Fife	2,362	<i>32</i>	<i>43</i>	<i>49</i>	<i>52</i>	<i>9</i>	<i>13</i>	<i>15</i>	<i>16</i>
Grampian	4,061	<i>32</i>	<i>43</i>	<i>49</i>	<i>53</i>	<i>8</i>	<i>12</i>	<i>14</i>	<i>16</i>
Lothian & Borders	6,587	<i>27</i>	<i>38</i>	<i>45</i>	<i>49</i>	<i>8</i>	<i>12</i>	<i>15</i>	<i>17</i>
Northern	2,122	<i>27</i>	<i>39</i>	<i>45</i>	<i>49</i>	<i>7</i>	<i>10</i>	<i>13</i>	<i>15</i>
Strathclyde	22,664	<i>32</i>	<i>43</i>	<i>50</i>	<i>54</i>	<i>11</i>	<i>17</i>	<i>20</i>	<i>22</i>
Tayside	3,963	<i>32</i>	<i>43</i>	<i>50</i>	<i>54</i>	<i>8</i>	<i>13</i>	<i>16</i>	<i>17</i>

8. The effect of “pseudo reconvictions”

8.1 As noted in section 3.4, pseudo reconvictions are defined to be convictions which occur after the relevant date of the index conviction but which relate to offence(s) committed prior to that date. For example, this can arise in cases where there may be several sets of proceedings in train against an individual for offences committed on a range of dates. Pseudo reconvictions will therefore exaggerate the rate of “real” reconvictions to some extent. They will also complicate comparisons between reconviction rates for different types of disposal as they will tend to have less impact on the reconviction rates for offenders who are discharged from a custodial sentence relative to those given non-custodial sentences. Pseudo reconvictions will also tend to be more significant when considering reconviction rates for groups of offenders with a relatively high frequency of offending, such as younger offenders or those engaged in particular kinds of crime. Unless otherwise specified, all of the reconviction rates quoted in this bulletin include pseudo reconvictions. This should therefore be borne in mind when making comparisons between the reconviction rates for different types of disposal and offender.

8.2 Since the Scottish Offenders Index does not currently contain information on offence dates, the extent of pseudo reconvictions remains an unknown quantity. However, it is possible to estimate their impact by making use of the fact that the police case reference numbers associated with most convictions recorded in the Strathclyde Police Force Area, and increasingly in other police force areas, contain the month and year that the offence was recorded. This information can be used to derive a proxy for the date of offence (on the assumption that in the majority of such cases it will be close to the date the actual offence was committed). This proxy offence date for a reconviction can then be compared with the relevant date of the index conviction to determine whether or not it is a pseudo reconviction.

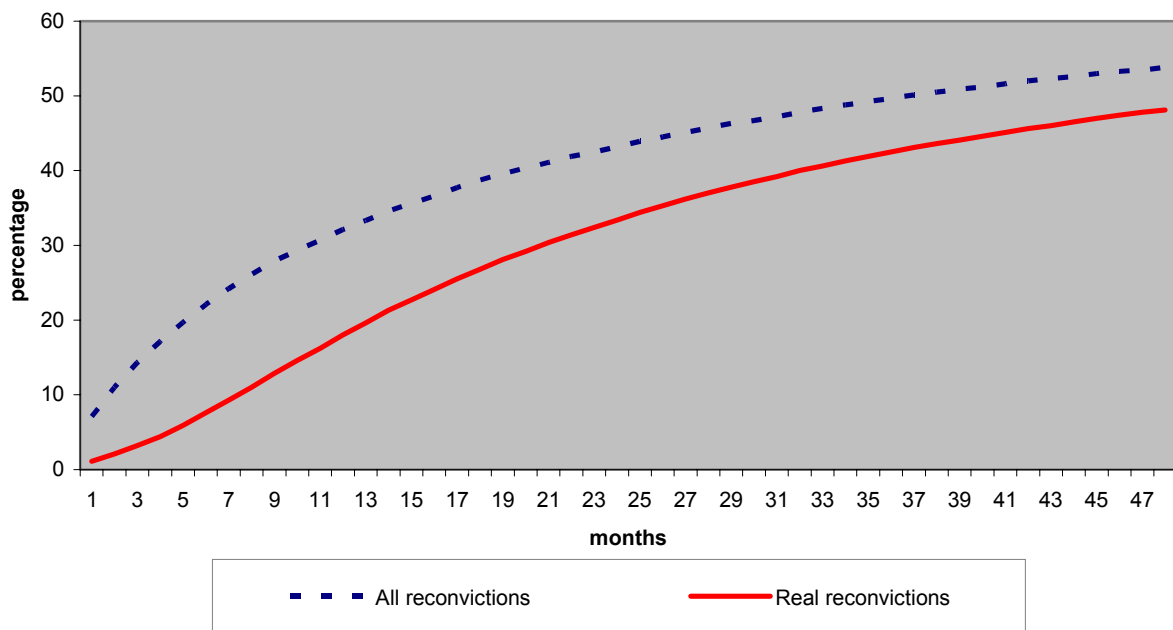
8.3 For 27,560 (61 per cent) of the cohort of offenders with an index conviction in 1999, offence dates for their convictions can be derived in the way described above. The profile of this subset of offenders, by sex, age, index disposal, index crime and number of previous convictions, does not differ greatly from that of the cohort as a whole. It features slightly higher proportions of offenders who are male; were discharged from a custodial sentence; who had more than 3 previous convictions; and who had drugs or breach of the peace as their index crime. Similarly, it features slightly lower proportions of offenders who are aged over 30; who have no previous convictions; whose index disposal was monetary; and whose index crime was violence, dishonesty or criminal damage. However, in the majority of cases the difference in proportion is only around one percentage point and therefore these marginal differences are not judged to bias significantly this approach to estimating the effect of pseudo reconvictions.

8.4 Just under a quarter (23 per cent) of this subset of the 1999 cohort of offenders were reconvicted within two years for offences committed prior to the relevant date of their index conviction, i.e. had at least one pseudo reconviction within this period. However, nearly 60 percent of these offenders also had “real” reconvictions, i.e. in respect of offences committed after the relevant date of their index conviction. The overall two-year reconviction rate for this subset of the cohort was 43 per cent (slightly higher than the 42 per cent for the cohort as a whole). However, excluding pseudo reconvictions gives a “real” reconviction rate of 33 per cent. The average estimated effect of pseudo reconvictions is therefore 10 percentage points. Chart 3 illustrates the effect of excluding pseudo reconvictions over a 4-year follow-up period; as might be expected, the difference in reconviction rate is initially fairly large but decreases steadily over time.

Age, sex, index disposal and index crime in 1999	Total cohort	Cohort subset ⁽¹⁾			
	Overall rate of reconviction	Overall rate of reconviction	"Real" rate of reconviction	Estimated effect of pseudo reconvictions	Rate of pseudo reconvictions
All offenders	42	43	33	10	23
Age					
under 21	53	53	42	11	31
21-25	47	48	36	12	27
26-30	42	43	32	11	23
over 30	31	31	24	8	15
Sex					
Males	44	44	34	10	24
Females	34	36	26	10	21
Index disposal in 1999					
Discharged from custody	60	62	52	10	33
Community service order	42	41	31	11	22
Probation	58	60	47	13	37
Monetary	40	40	29	10	22
Other	31	31	24	7	15
Index crime in 1999					
Violent crime	33	31	25	6	13
Sexual crime	17	18	15	3	5
Dishonesty	54	56	44	13	36
Criminal damage	39	40	30	9	20
Drug offences	39	39	28	11	21
Breach of the peace	41	41	31	10	20
Other crimes and offences	42	42	31	10	24

1. Offenders for whom the month and year of the offence(s) they are convicted of can be proxied by information embedded within the associated police case reference number.

Chart 3: Percentage of offenders reconvicted within four years of release from custody or sentence in 1999 (subset of data)



8.5 As reconviction rates vary with type of crime, age and other factors, so might the effect of pseudo reconvictions. In general, those groups of offenders who tend to have higher reconviction rates also have higher rates of pseudo reconvictions, though the effect of these is generally offset by higher rates of “real” reconvictions.

8.6 The estimated effect of pseudo reconvictions on the reconviction rates for those discharged from a custodial sentence in 1999 was 10 percentage points; for offenders whose index conviction involved a community service or probation disposal the effect was 11 and 13 percentage points respectively. This will partly reflect the fact that the follow up time for reconvictions for the former group is taken from their estimated date of release from custody rather than the date they were originally sentenced to custody. Offenders released from custody, particularly those who have served relatively long sentences, might be expected to have fewer subsequent pseudo reconvictions.

8.7 The estimated effect of pseudo reconvictions ranged from 3 percentage points for those whose index crime was a sexual crime to 13 percentage points with an index crime of dishonesty.

8.9 A comparison of the estimated effect of pseudo reconvictions on the two-year reconviction rates for each of the 1995 to 2001 cohorts of offenders is given in Table 12. There is in general little variation between the different cohorts.

Persons released from a custodial sentence or given a non-custodial sentence in 1995-2001 **Table 18**
Estimated impact of pseudo reconvictions on percentage reconvicted within 2 years⁽¹⁾ **Percentage points**

Age, sex, index disposal and index crime	Offender cohort						
	1995	1996	1997	1998	1999	2000	2001
All offenders	9	10	9	9	10	10	10
Age							
under 21	10	11	10	11	11	12	11
21-25	10	11	9	10	12	10	11
26-30	9	10	9	10	11	10	10
over 30	7	7	7	7	8	8	7
Sex							
Males	9	10	9	10	10	10	10
Females	7	8	8	9	10	9	10
Index disposal							
Discharged from custody	9	10	8	9	10	10	9
Community service order	11	11	10	10	11	9	10
Probation	12	12	10	12	13	13	12
Monetary	9	10	9	10	10	10	10
Other	7	7	6	7	7	8	8
Index crime in 1999							
Violent crime	7	8	7	7	6	7	7
Sexual crime	1	3	2	6	3	3	3
Dishonesty	11	11	10	11	13	12	11
Criminal damage	8	8	8	9	9	10	8
Drug offences	8	11	10	11	11	11	10
Breach of the peace	10	9	8	9	10	9	10
Other crimes and offences	9	11	10	10	10	12	11

1. Based on subsets of offenders for whom the month and year of the offence(s) they are convicted for can be proxied by information embedded within the associated police case reference number(s).

Endnote

The statistics on reconvictions which are presented in this bulletin represent only a selection of those which can be derived from the information held on the Scottish Offenders Index. Comments and suggestions for further analysis are welcomed. These should be directed to the enquiry point given at the end of this bulletin.

Annex

9. Notes on Statistics Used in this Bulletin

Data sources

1. The information presented in this bulletin is based on data held in the Scottish Offenders Index (SOI). This database, which is in turn derived from information held on the police operational computer at the Scottish Criminal Record Office (SCRO), currently contains a record for each set of criminal proceedings against individuals (excluding companies) in Scottish courts. The data currently covers all convictions where sentence was imposed in the period 1989 to 2003 and the main offence involved was a crime in Groups 1-5 of the Scottish Executive Justice Department's classification of crimes and offences or the offences of simple assault, breach of the peace, racially aggravated harassment or conduct, miscellaneous firearms offences and social security offences.

2. Each record on the SOI database includes information on the sex and age of the offender, the dates of conviction and sentence, the main offence involved and details of the sentence imposed. Information is also available on any offences which were additional to the main offence involved. Each offender has a unique reference number, which allows individual convictions for that offender to be linked together. (It should be noted that the SOI is a purely statistical database; names and other personal information of offenders are not held.)

3. A summary profile of the offenders and convictions covered in the SOI is given in Tables A1 and A2.

Counting rules and data definitions

4. If more than one set of court proceedings against an offender is disposed of on the same day, then each occasion will be counted as a separate conviction record in the SOI.

5. Generally only the initial court sentence is included in the statistics on convictions, so that, for example, a person fined is regarded as fined even if he or she subsequently goes to prison in default of payment. Similarly, the offenders released from prison who are included in the analysis in this bulletin will only include those directly sentenced to prison, i.e. persons released after imprisonment for fine default are excluded. Also, no account is taken of the outcome of appeals, or of interim decisions such as deferral of sentence.

6. Where a person is convicted for more than one charge, then it is the main offence which is recorded in the SOI. The main offence is taken to be the charge receiving the severest penalty. If more than one charge receives the same (or a combined) penalty, then the main offence is the one judged by the police (who provide the information) to be the most serious. In the analysis of reconvictions presented in this bulletin, where an offender was sentenced for a court or bail-related offence and other offences on the same day, then the most serious of the latter is taken as being the main offence (even where the court or bail offence had attracted the heaviest penalty).

7. Additional information is also available (in analysis data sets separate to the SOI) of court disposals in relation to individual offences. These analysis data sets were created only relatively recently, and as the information on the source SCRO database is constantly updated, they differ marginally from the coverage of the SOI, e.g. to reflect the outcome of appeals. However, these differences are not judged to be significant for the purposes of the statistical analysis presented in this bulletin.

8. The police record very detailed information on statutory offences but this does not always correspond exactly to the SEJD classification of crimes and offences. The most important example in numerical terms is an offence under Section 41(1)(a) of the Police (Scotland) Act 1967. This offence relates to "any person who assaults, resists, obstructs, molests or hinders a constable..". The SEJD classification divides this into 3 categories - resisting arrest, serious assault and simple assault, but this distinction is not made by the courts. The majority of such cases are thought to have been classed as simple assault, and all

the offences under this subsection have been so classified from 1988 onwards. Only a minimal number of cases are affected by other instances of this type of problem.

9. The Criminal Justice (Scotland) Act 1995 led to a change in the way in which offending while on bail is treated in the statistics on convictions. Offenders convicted of offending while subject to a bail order issued prior to 1 April 1996 will, if the main result related to the bail re-offending offence, have this classified as the main offence in the conviction record in the SOI. Where the bail order was issued after 1 April 1996, the main offence will be the offence committed while on bail as the aggravation applies to that offence and is not now separately categorised. The effect of the 1995 legislation was therefore to decrease the number of persons with a main offence classified as “bail re-offending” category, with consequent rises in the figures for other categories.

10. In order to analyse reconvictions, a decision has to be made as to which of an individual's convictions in a series is to be taken as a reference point, or index conviction. That is, the conviction before which all convictions are counted as previous convictions, and after which are counted as reconvictions. In this bulletin, the rule for choosing the index conviction is the first occasion in the year in question on which an individual was given a non-custodial sentence, or the first date at which an individual was estimated to have been released from prison from a custodial sentence, whichever occurred first. This is defined to be the offender's index conviction. The crime and disposal involved in this index conviction are referred to throughout this bulletin as the index crime and index disposal respectively. The analysis then considers the proportion of these individuals who are reconvicted within 1, 2, ... years from the date of sentence or the estimated prison release date, i.e. from the relevant date of the index conviction. Convictions for a court or bail related offence, are not considered as index convictions. If the first conviction in the year for a particular offender was for such an offence, their next non-court related conviction was taken instead. Where an individual had no further convictions in the year for non-court related crimes they are not included in the data set.

11. Where there is a choice of more than one index conviction for an individual, i.e. where they received more than one sentence disposal on the same day, then the one selected is by reference to a) the most severe form of sentence, and then b) the most serious main offence.

12. Crimes and offences and sentence type have been grouped in this bulletin as follows.

Crime category	Crimes and offences included
Violent crime	Murder, culpable homicide, attempted murder, serious assault, robbery, simple assault, other violence.
Sexual crime	Rape, attempted rape, indecent assault, lewd and libidinous practices, other indecency, breach of a sex offender order. Excludes prostitution offences.
Dishonesty	Housebreaking, theft by opening lockfast places, theft of motor vehicle, other theft, fraud, other crimes of dishonesty and social security offences.
Criminal damage	Fire-raising, vandalism.
Drug offences	Illegal importation, supply or possession of drugs, other drug offences
Breach of the peace	Breach of the peace, racially aggravated harassment, racially aggravated conduct.
Other crimes and offences	Crimes against public justice, handling offensive weapons, miscellaneous firearm offences, prostitution offences, other crimes and offences (not elsewhere specified).
Serious violent crime	As per violent crime, but including only those convictions which took place in the High Court or a sheriff solemn court.
Serious crime	All convictions which took place in the High Court or in a sheriff solemn court, and any other convictions for serious assault, robbery, possession of a firearm with intent to endanger life etc., abduction, attempted rape and indecent assault.

Sentence category	Sentences included
Custody	Custodial sentence to prison, young offender's institution or child detention, including life and indeterminate sentences.
Community service orders	Community service order (CSO), supervised attendance order.
Probation	Probation (with or without CSO or RLO), restriction of liberty order (RLO) and drug treatment and testing order (DTTO).
Monetary	Fine, compensation order, caution.
Other	Absolute discharge, remit to children's hearing, admonishment, hospital order, guardianship order, finding of insanity, hospital order & restricted order, supervision and treatment order and disposals not elsewhere specified.

13. The age of each person relates to their age at the time that sentence was passed. This also applies to offenders discharged from a custodial sentence, i.e. their age at the date of sentence rather than estimated release date is taken.

14. Information on actual dates of release for prisoners is not currently available for matching with the conviction data held on the Scottish Offenders Index. For the purposes of the analysis in this bulletin, the date of release for offenders given a custodial sentence has therefore been estimated from their date of sentence, the length of sentence imposed, assumptions about time spent on remand and release on parole, and information about whether the offender had been granted bail. The release date estimated by this approach will inevitably not always tie in with the (unknown) actual release date because the offender may be serving other custodial sentences for example, or because the sentence may have been backdated. However, this is not judged to be significant for the analysis purposes here. The main exception to this relates to offenders discharged from very long determinate (over 14 years) custodial or life sentences - see note 18 below.

Limitations of reconviction analysis

15. While virtually all convictions between 1989 and 2001 for all crimes, simple assault, breach of the peace, racially aggravated harassment and conduct, miscellaneous firearm offences and social security offences are covered by the SOI, other types of conviction are not. These include:

- convictions for motor vehicle and most minor statutory and common law offences
- convictions in courts outwith Scotland
- convictions prior to 1989
- any relevant convictions not recorded on SCRO by the end of February 2005

16. All but the most serious of offences alleged to have been committed by children under the age of 16 are generally dealt with by the children's hearings system. The SOI does not currently hold information on offenders' juvenile offending history.

17. Since the SOI does not hold information on the actual dates offences were committed, some reconvictions will be for crimes or offences committed prior to the date of the index conviction. These "pseudo reconvictions" will therefore inflate the apparent reconviction rate, particularly in cases where an offender pleads not guilty.

18. It is not possible using the method described at note 14 above to identify from the data those offenders released in 1999 from serving life sentences or very lengthy (over 14 years) determinate sentences. This category of offender will therefore not have been available for possible selection for the set of index convictions in 1999. However, the number of offenders involved is relatively small (only around 50 offenders receive such sentences each year) and so will not affect the analysis presented in this bulletin significantly. Separate research evidence (*Life Sentence Prisoners in Scotland, Scottish Office, Machin et al, 1999*) shows that just over a quarter of the 491 life sentence prisoners released on licence were reconvicted.

Notation

- 19. The following symbols are used throughout the tables in this bulletin:
 - Nil
 - * Less than 0.5
 - n/a Not available

Profile of offenders on Scottish Offenders Index with at least one conviction in 1989-2003

Table A1

	Number of offenders	Sex of offender		
		Male	Female	Total ⁽¹⁾
		313,937	67,623	381,646
Number of convictions received in 1989-2003				
All Convictions	None			
	1 or 2	68	79	70
	3 to 10	25	17	24
	over 10	7	4	6
Sentences				
Custodial convictions	None	84	95	86
	1 or 2	10	3	9
	3 to 10	4	2	4
	over 10	1	*	1
Convictions resulting in probation⁽²⁾	None	87	86	87
	1 or 2	10	11	10
	3 to 10	3	3	3
	over 10	*	*	*
Convictions resulting in community service	None	87	93	88
	1 or 2	12	7	11
	3 to 10	1	*	1
	over 10	*	*	*
Convictions resulting in a monetary penalty	None	19	33	22
	1 or 2	58	55	58
	3 to 10	21	11	19
	over 10	1	1	1
Convictions resulting in another sentence	None	69	55	67
	1 or 2	28	40	30
	3 to 10	3	4	3
	over 10	*	*	*
Court Procedure				
Convictions in solemn proceedings	None	88	95	89
	1 or 2	11	5	10
	3 to 10	1	*	1
	over 10	*	-	*
Convictions in summary proceedings	None	3	2	3
	1 or 2	66	78	68
	3 to 10	25	17	23
	over 10	6	4	6
Type of crime (main offence)				
Convictions for serious crime	None	86	95	88
	1 or 2	12	5	11
	3 to 10	1	*	1
	over 10	*	-	*
Convictions for serious violent crime	None	94	98	95
	1 or 2	6	2	5
	3 to 10	*	*	*
	over 10	-	-	-
Convictions for violent crime	None	60	70	62
	1 or 2	35	28	33
	3 to 10	5	2	4
	over 10	*	*	*
Convictions for sexual crime⁽³⁾	None	97	100	98
	1 or 2	3	*	2
	3 to 10	*	-	*
	over 10	*	-	*
Convictions for prostitution	None	100	98	100
	1 or 2	*	1	*
	3 to 10	*	1	*
	over 10	*	*	*
Convictions for housebreaking	None	90	98	92
	1 or 2	8	2	7
	3 to 10	2	*	2
	over 10	*	*	*
Convictions for dishonesty	None	64	49	61
	1 or 2	28	43	31
	3 to 10	7	7	7
	over 10	2	1	2
Convictions for criminal damage	None	82	92	84
	1 or 2	17	7	15
	3 to 10	1	*	1
	over 10	*	*	*
Convictions for drug offences	None	84	89	85
	1 or 2	15	10	14
	3 to 10	2	1	2
	over 10	*	*	*
Convictions for breach of the peace	None	59	74	62
	1 or 2	34	23	32
	3 to 10	7	3	6
	over 10	*	*	*

1. Includes a small number of offenders where sex was not known.

2. Includes probation, restriction of liberty orders and drug treatment and testing orders.

3. Does not include prostitution.

Offenders on Scottish Offenders Index with at least one conviction in 1989-2003
Number of convictions in 1989-2003

Table A2

	Sex of offender		
	Male	Female	Total ⁽¹⁾
Total number (=100%)	313937	67,623	381,646
Number of convictions held by offender:			
1 or 2	68	79	70
3 to 5	17	12	16
6 to 10	8	5	8
11 to 20	5	3	4
Over 20	2	1	2
	<i>Number of convictions:</i>		
Total number (=100%)	1069303	167,380	1,236,770
Number of convictions held by offender:			
1 or 2	25	38	27
3 to 5	19	18	19
6 to 10	18	15	18
11 to 20	19	15	19
Over 20	19	14	18

1. Includes a small number of offenders where sex was not known.

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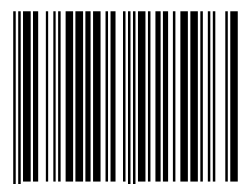
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