

ITEM No ...5.....

REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE – 28th MARCH 2016

REPORT ON: COMMUNITY PAYBACK ORDERS

REPORT BY: HEAD OF SERVICE, STRATEGY, INTEGRATION, PERFORMANCE AND SUPPORT SERVICES

REPORT NO: 113-2016

1.0 PURPOSE OF REPORT

In line with the requirements of the Criminal Justice and Licensing Act (Scotland) 2010, this is the 4th annual update on Community Payback Orders (CPOs) covering the period 2014-15.

2.0 RECOMMENDATIONS

It is recommended that the Social Work and Health Committee:

- 2.1 Notes continued progress made in relation to the operation of CPOs as outlined in the report.
- 2.2 Notes the significant amount of CPO unpaid work undertaken which is of benefit to the City.
- 2.3 Notes the contribution of Criminal Justice Social Work (CJSW) to the Council Single Outcome Agreement (SOA) and to the Community Justice Authority (CJA) Area Plan.
- 2.4 Instructs the Executive Director, Children and Families, to provide a further report on the operation of CPOs and related community justice plans in 12 months.

3.0 FINANCIAL IMPLICATIONS

None.

4.0 MAIN TEXT

- 4.1 The Criminal Justice and Licensing (Scotland) Act 2010 was implemented in 2011 to deliver credible, visible and effective community sentencing as an alternative to short-term imprisonment. The Act includes a presumption against prison sentences of 3 months or less and introduced CPOs as the single community sentence to which up to 9 requirements, such as supervision, unpaid work, programme and substance misuse treatment requirements, can be attached by the Courts.
- 4.2 The Scottish Government published a summary of the 32 local authority CPO Annual Reports in February 2016. The summary does not specifically refer to individual local authorities but comments on overall trends, which are largely in line with the local experience. In the summary, the Government also note their continued commitment to monitoring the impact of increasing numbers of CPOs on available capacity and resources within Criminal Justice Services.
- 4.3 Throughout 2014-15, Criminal Justice Services continued to implement CPOs whilst developing other services in a continued effort to enhance community safety by improving outcomes for adults who re-offend. In total, 717 CPOs were imposed compared with 671 the year before and a range of initiatives, such as a Community Justice Centre for Women, an Intensive Support Programme for persistent offenders and a Community Reintegration Programme for short-term prisoners, were either newly introduced or maintained.

4.4 In terms of CPOs with an unpaid work requirement, there was a slight increase in the number of hours carried out from 36,291 to 36,436. In total, 72 team projects, 33 individual placements and renovation or gardening work at the addresses of 13 vulnerable adults was completed. The work involved a range of projects, including ramps for disabled access, painting, decorating, developing a market garden and preparing food parcels. The unpaid work team works closely with Local Community Planning Partnerships to agree local priorities for unpaid work activities. Since CPOs were introduced in 2011, the number of unpaid work hours has increased by 14,000.

4.5 As part of unpaid work, there was also a continued focus on providing 'other activities', which can constitute up to 30% of the required hours and can include areas such as victim awareness, alcohol or drug education and literacy and numeracy tutoring. In total, 1,124 hours of other activity were completed compared with 639 hours the year before. In terms of customer feedback 100% of the recipients and 93% of people subject to unpaid work were satisfied with the work carried out and support provided. Comments included:

- "They always do a good job, we were very satisfied"
- "There was a positive attitude and I was happy with the quality of the work"
- "It was easy to make contact and they kept me informed of when the work would start"
- "I learned how to build a roof"
- "Team building"
- "All staff were supportive".

4.6 In terms of other CPO conditions, there was a similar increase in the number of Orders imposed with a supervision requirement, from 377 to 403. Typically, this requirement is imposed for people who have been assessed as medium to high risk of re-offending and who would benefit from support targeting relevant needs. Increasingly, the Court is retaining oversight through more regular case reviews, as well as consideration of breach reports and alternative sentencing options should a person fail or be unable to comply.

There was a slight drop in the number of Orders imposed with a programme requirement from 97 to 82. However, although a drop, the number of programme requirements has increased by 43% during the first 4 years of CPOs. This reflects increases in public reporting and detection rates of sexual and domestic violence offences. The people subject to such requirements have been assessed as medium to high risk of both re-offending and serious harm. These are resource intensive Orders which are usually delivered with other agencies.

4.7 The number of CPOs with a substance misuse treatment requirement has reduced from 70 in 2011-12 to 43 in 2014-15. This does not reflect the number of people subject to Orders who have a substance misuse or alcohol problem as assessments indicate that this applies to over 80% of people who re-offend. They may be assessed as not able to comply with the more stringent aspects of such an Order, they may already be receiving treatment or the problem may not be acute enough to warrant a statutory intervention.

4.8 In respect of women, Dundee was one of 16 pilot sites for Community Justice Centres in 2014-15. Based on an analysis of local needs, which indicated financial exclusion and emotional and mental health as key unmet risk factors, additional funding was used to create Welfare Rights Officer and Mental Health Nurse posts. They worked alongside existing Social Work, paraprofessional, mentoring and employability staff to deliver holistic support to women at different stages of the criminal justice system, including CPOs.

In total, the Welfare Rights post generated £15,460 from unclaimed Benefit payments and appeals against Benefits decisions. The Mental Health post worked directly with women with mental health problems and contributed towards training in trauma informed practice for all other staff. The local evaluation demonstrated that women made progress in a range of indicators, including their engagement with services, mental health and substance misuse.

Since CPOs were introduced the proportion of Court Reports resulting in a prison sentence has reduced from 24% to 18%. The completion rates for community sentences has increased from 52% to 76%. In addition, the local 1 year reconviction and reconviction frequency rates of people subject to a community sentence has reduced markedly.

4.9 However, the numbers of short-term prisoners has remained consistent in the last 4 years. This is thought to be associated with a number of factors, including a higher proportion of prison sentences of between 6 months and 2 years. If a person fails to comply with a CPO, they are also breached, which may result in a custodial sentence ultimately being imposed. Where people do receive a short-term prison sentence, there has been an increase in numbers voluntarily engaging with services on release.

4.10 In order to further increase the use of community based disposals as an alternative to short-term imprisonment, the service is also currently one of 3 Penal Policy Improvement Project pilot sites. In collaboration with the Scottish Government and key partners, including the Sheriff Court, Crown Office and Police Scotland, this involves the development of a programme to target people most at risk of custody who could be supported and managed in the community through intensive, tailored interventions.

Since the introduction of CPOs, more community sentences have been imposed, most of the available requirements have increased and the Court is retaining a growing oversight of Orders through the use of regular reviews. These increases are being addressed through the appropriate targeting of Social Work and paraprofessional staff on low, medium and higher risk cases but the impact continues to be monitored. The Scottish Government is also currently reviewing the national funding formula, with revised allocations expected to be made to local authorities from April 2017.

Moving towards the implementation of a new national model for community justice from April 2017, it is anticipated that the operation of CPOs will be progressed within new Community Justice Outcome Improvement Plans which will be prepared on an annual basis. The first such plan is due to be submitted to the Government in December 2016.

5.0 **POLICY IMPLICATIONS**

5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

5.2 An Equality Impact Assessment is attached to this report.

6.0 **CONSULTATIONS**

The Chief Executive, Executive Director of Corporate Services and Head of Democratic and Legal Services were consulted in the preparation of this report.

7.0 **BACKGROUND PAPERS**

None

Laura Bannerman
Head of Service
Strategy, Integration, Performance and Support Services

2nd March 2016

EQUALITY IMPACT ASSESSMENT TOOL

Part 1: Description/Consultation

Is this a Rapid Equality Impact Assessment (RIAT)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Is this a Full Equality Impact Assessment (EQIA)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Date of Assessment:	19/02/16	Committee Report Number: 113-2016
Title of document being assessed:	Annual Report on Community Payback Orders	
1. This is a new policy, procedure, strategy or practice being assessed (If yes please check box) <input type="checkbox"/>	This is an existing policy, procedure, strategy or practice being assessed? (If yes please check box) <input checked="" type="checkbox"/>	
2. Please give a brief description of the policy, procedure, strategy or practice being assessed.	New legislation and practice guidance introduced in February 2011 to simplify sentencing, reduce short-term imprisonment and promote evidence based interventions with offenders.	
3. What is the intended outcome of this policy, procedure, strategy or practice?	Reduced crime, reduced custody and increased social inclusion.	
4. Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.	N/A	
5. Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.	No consultation has taken place.	
6. Please give details of council officer involvement in this assessment. (e.g. names of officers consulted, dates of meetings etc)	N/A	
7. Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy? (Example: if the impact on a community is not known what will you do to gather the	No	

information needed and when will you do this?)	
--	--

Part 2: Protected Characteristics

Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?

NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.

If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.

	Positively	Negatively	No Impact	Not Known
Race, Ethnic Minority Communities including Gypsies and Travellers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People with a disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, Gay and Bisexual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Part 3: Impacts/Monitoring

<p>1. Have any positive impacts been identified? (We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)</p>	<p>Yes – all groups appear to be engaging better with sentences as a result of the new legislation and related initiatives.</p>
<p>2. Have any negative impacts been identified? (Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)</p>	<p>No</p>
<p>3. What action is proposed to overcome any negative impacts?</p> <p>(e.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. See Good Practice on DCC equalities web page)</p>	<p>N/A</p>
<p>4. Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome?</p> <p>(If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)</p>	<p>N/A</p>
<p>5. Has a 'Full' Equality Impact Assessment been recommended?</p> <p>(If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required. Seek advice from your departmental Equality lead.)</p>	<p>No</p>
<p>6. How will the policy be monitored?</p> <p>(How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)</p>	<p>On an annual basis using a standard Government template and performance framework.</p>

Part 4: Contact Information

Name of Department or Partnership	Social Work
--	-------------

Type of Document	
Human Resource Policy	<input type="checkbox"/>
General Policy	<input type="checkbox"/>
Strategy/Service	<input type="checkbox"/>
Change Papers/Local Procedure	<input type="checkbox"/>
Guidelines and Protocols	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Manager Responsible	Author Responsible
Name: Jane Martin	Name: Glyn Lloyd
Designation: Head of Service	Designation: Service Manager
Base: Dundee House	Base: Friarfield House
Telephone: 01382 436013	Telephone: 01382 435017
Email: jane.martin@dundeecity.gov.uk	Email: Glyn.lloyd@dundeecity.gov.uk

Signature of author of the policy:	Glyn Lloyd	Date: February 2016
Signature of Head of Service:	Laura Bannerman	Date: February 2016
Name of Director:	Laura Bannerman	
Date of Next Policy Review:	February 2017	