

ITEM No ...6....

REPORT TO: COMMUNITY SAFETY AND PUBLIC PROTECTION COMMITTEE 3 JUNE 2019

REPORT ON: COMMUNITY PAYBACK ORDERS

REPORT BY: EXECUTIVE DIRECTOR CHILDREN AND FAMILIES SERVICE

REPORT NO: 215-2019

1.0 PURPOSE OF REPORT

This is the 7th annual report on Community Payback Orders (CPOs) covering the period 2017-18. The Criminal Justice and Licensing Act (Scotland) 2010 imposed a duty on local authorities to submit annual reports on CPOs. Whilst originally these were submitted to the Scottish Government they are now submitted to Community Justice Scotland. The report highlights key trends and the contribution CPOs make to community safety and social inclusion.

2.0 RECOMMENDATIONS

It is recommended that the Community Safety and Public Protection Committee:

- 2.1 Notes continued progress made in relation to the operation of Community Payback Orders as outlined in the report.
- 2.2 Notes that the effective delivery of Community Payback Orders continues to be an important element of the City Plan and the Community Justice Outcome Improvement Plan.
- 2.3 Instructs the Executive Director, Children and Families to provide a further report on the operation of CPOs in 12 months.

3.0 FINANCIAL IMPLICATIONS

None.

4.0 MAIN TEXT

4.1 Background

The Criminal Justice and Licensing (Scotland) Act 2010 was implemented to deliver credible, visible and effective community sentencing as an alternative to short-term imprisonment. The Act includes a presumption against short-term 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.

Locally, Community Justice Services (CJS) are a co-located multi-disciplinary service based at Friarfield House, which incorporates appointment rooms, an accredited group work room, a workshop and a medical clinic. The service combines Social Work, NHS Tayside, Police Scotland and the Third Sector jointly supervising, supporting and treating people who have committed offences which range in type, frequency and seriousness. This includes work as part of Diversion from Prosecution, CPOs, Resettlement and License.

A key role of the service also involves providing Court Reports and other written and verbal information to Dundee Sheriff Court, which following the closure of Cupar Sheriff Court also deals with people from North East Fife. Officers inform Court decisions on bail and sentencing, liaise with other members of the judiciary and contribute towards the

overall administration of justice. Following sentence, this includes the provision of review reports on people's compliance with CPOs and other reports which relate to the enforcement of Orders.

Typically, the service supervises and supports around 700 people at any given time. Many of these people have had adverse childhood experiences and experiences of other trauma and abuse in adulthood. They can present with sometimes long-standing, multiple, complex and overlapping problems, such as mental and physical health issues, substance misuse, employability and housing. The service therefore puts a great emphasis on the importance of trauma informed practice, for which all staff receive training.

Developments in 2017-18

Over the last 12 months the service has continued to implement CPOs alongside other services in a continued effort to increase community safety and improve outcomes for people. These outcomes relate to improvements in the factors which contribute towards re-offending and other personal or social problems, along with reductions in re-conviction rates. They also relate to the satisfaction of local community recipients of unpaid work projects. At progressive stages of the criminal justice system, some key trends included:

- There was a further increase in individuals referred by the Crown Office Procurator Fiscal Service (COPFS) for Diversion from Prosecution and Fiscal Work Orders, rising from 51 in 2015-16 to 95 in 2016-17 and 126 in 2017-18. These disposals are generally used for less serious offences where individuals are motivated to work to address underlying issues instead of being prosecuted in Court.
- The service prepared over 1,400 Court Reports to assist sentencing decisions. Since CPOs were introduced, the proportion of such reports resulting in a custodial sentence has reduced from 24% in 2011-12 to 11% in 2017-18. Fewer 16-17 year olds are also appearing in Court and the number sentenced to custody has reduced markedly from 20 to just 3 over the same period.
- In total, 591 new CPOs were imposed last year compared with 656 the year before. This reduction is likely to be associated with the cumulative effect of a number of positive factors applying across the criminal justice system from arrest through to sentence, which involve more people being dealt with under alternatives to prosecution and lower overall re-conviction rates.
- The Court also continues to make use of other community disposals such as Restriction of Liberty Orders (ROLOs). These Orders, which involve the imposition of curfews monitored by an electronic tag for up to 12 hours a day for a maximum of 12 months, increased from 204 in 2016 to 251 in 2018.

4.2 As the overall number of Unpaid Work hours issued by Court reduced, there was a consequent reduction in number of hours completed from 40,016 to 32,625 hours. However, it is clear that Unpaid Work remains a vital disposal that allows people to learn new skills and make reparation to their local community. Over the last 5 years, it has consistently been selected by the Court as a requirement in approximately 70% of all CPOs.

In total, 112 Unpaid Work team projects and 33 individual placements were completed in locations across the city. This work would not otherwise be completed by people in paid employment and if the number of hours carried out was calculated in terms of the minimum wage for over 25's, it would equate to £267,851.25 in labour costs alone. There was a particular focus on working in partnership with community organisations and alongside members of the public, with work including:

- Transforming a neglected allotment at West Law into a community garden.
- Constructing and maintaining stands at the Dundee Flower and Food Festival.
- Preparing food parcels

- Beach clearing at Broughty Ferry
- Renovating furniture for public spaces.
- Ground clearance and improvements on a range of allotment sites.
- Building new and refurbishing existing play equipment in school playgrounds.

In terms of feedback, 100% of the recipients of Unpaid Work were satisfied with the consultation, timeliness and quality of the work carried out. In addition, 92% of people subject to a CPO involving Unpaid Work were satisfied with the support they received. From the range of very positive comments received from both the recipients of Unpaid Work and people carrying out the work, there were high levels of satisfaction and a sense that the work had a clear purpose. Examples include:

- Good points of my order were local community work, I feel like I served my community
- Doing this has helped me to be involved in the local community.
- The benefits for me were working as a team, attending regularly and working outside.
- I learned how to use equipment and learned skills useful to help get employment.
- The team were amazing and we really can't express how grateful we are.
- We are very grateful for all the help and that it has been completed in time for a wedding.

4.3 The overall decrease in CPOs involved only a very slight shift in other requirements. Supervision requirements reduced from 303 to 299 and programme requirements, which include requirements to attend the Moving Forward Making Changes (MFMC) programme for Registered Sex Offenders (RSOs), rose marginally from 52 to 56. Typically, these requirements are imposed for people who have been assessed as being a medium to high risk of re-offending who would benefit from supervision targeting specific issues and needs.

4.4 All RSOs subject to a CPO, some people who have committed violent offences and all people who are either serving or have been released on license from long-term prison sentences of 4 years or more are supervised by a dedicated Public Protection Team (PPT). This includes Social Workers and Support Workers who are co-located with Police Scotland Offender Management Officers, an NHS Tayside Sex Offender Liaison Officer and the Tayside Multi-Agency Public Protection (MAPPA) Coordinator.

4.4 The number of CPOs with a substance misuse treatment requirement remained steady, moving from 29 to 28. This does not reflect the number of people subject to Orders who have a substance misuse or alcohol problem, with assessments indicating that this applies to over 80% of people who 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 on a voluntary basis or the problem may not be acute enough to warrant a statutory intervention.

4.5 In respect of specific services for women, the service has a dedicated Woman's Team which includes a Mental Health Nurse. The team typically supervises and supports around 120 women, who present with a range of often complex and very challenging needs related to their health and wellbeing. The clinic is used for substance misuse treatment and by a visiting dentist on a regular basis. Mentoring services are also provided either as part of a bail condition or a CPO. Some specific services include:

- Cooking groups run in partnership with voluntary agencies
- Harm reduction advice
- Overdose awareness and Naloxone prescribing
- Safer sex advice and BBV testing
- STI testing
- Pregnancy testing

Other services include support in relation to post bereavement, sexual abuse, housing and suicidal ideation safety planning. Support extends to services provided by a Keep Well

Nurse, who carries out general health screening and either directly provides or coordinates relevant support on an individualised basis. The same overall approach also applies to males and the co-location of multi-disciplinary staff enables a holistic and integrated approach where it is necessary to address complex needs.

Since CPOs were introduced, the successful completion rate has increased from 52% in 2011-12 to 81% in 2017-18. Given that many of the individuals made subject to CPOs experience a combination of various adverse issues, this is a remarkable achievement. The most recent Scottish Government data on re-conviction rates also show that rates reduced from 33% in 2014-15 to 28.8% in 2015-16. Data for 2016-17 will be published in September 2019.

- 4.6 In Dundee, CPOs therefore continue to provide the Courts with a credible community sentencing option which can benefit both the community and the person subject to the order. The number of Orders has declined but this is due to a number of positive factors operating across the justice system. Successful completion rates are at their highest level, the use of short-term prison sentences is declining overall and re-offending rates have declined.

Case Study

A 30 year old male was made subject to an 18 month CPO with a supervision requirement and a 6 month Restriction of Liberty Order. In addition to addressing offending behaviour, physical health needs were identified and a referral was made to the Keep Well Nurse, where he was given advice on dietary needs and support to attend Cooking and Adult Literacy Groups. He also received support to maximise his entitlement to benefits. When his mental health became problematic, further support was provided by the Mental Health Nurse and a Support worker gave assistance to his mother to help stabilise arrangements at home. He has subsequently been helped with a housing application. Despite his multiple needs he has been supported to complete the ROLO and is on course to complete the CPO.

- 4.7 Over the next 12 months, priorities include the local implementation of the Caledonian Programme, preparation for the potential impact if a Presumption Against Short Sentences (PASS) is extended from 3 months to 12 months and the development of pathways which enable people to obtain educational qualifications. Based on calculations of possible increases in the number of CPOs if PASS is extended, it is anticipated that the service is well placed to respond to any increase in structured community alternatives to custody.

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 Integrated Impact Assessment has been completed.

6.0 CONSULTATIONS

The Council Management Team were consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

None.

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Date: 15 May 2019