

ITEM No ...5.....

REPORT TO: Community Safety and Public Protection Committee – 13 March 2017

REPORT ON: Community Payback Orders

REPORT BY: Executive Director of Children and Families Service

REPORT NO: 89-2017

1.0 PURPOSE OF REPORT

This is the 5th annual report on the local operation of Community Payback Orders (CPOs) covering the period 2015-16. The Criminal Justice and Licensing Act (Scotland) 2010 imposes a duty on local authorities to submit annual reports on CPOs to the Scottish Government. The 5th of these reports was submitted to the Government in November 2016.

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 the contribution of Criminal Justice Social Work (CJSW) to the Single Outcome Agreement (SOA) and moving forwards, to both the Local Outcome Improvement 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 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 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 2017. The summary does not specifically refer to individual local authorities but comments on overall trends and it is reassuring that the local experience of the operation of CPOs continues to reflect largely positive national feedback. The Government also note their continued commitment to monitoring the impact of increasing numbers of CPOs on available capacity and resources.
- 4.3 Locally, in 2015-16, CJSW continued to implement CPOs whilst developing other services in a continued effort to improve outcomes for adults who offend and contribute towards community safety. In total, 793 CPOs were imposed compared with 717 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, all continued to operate.

4.4 In terms of CPOs with an unpaid work requirement, there was an increase in the number of hours carried out from 36,436 to 38,864. In total, 75 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. Work has been undertaken throughout the city. Since CPOs were introduced in 2011, the number of unpaid work hours has increased by 16,000.

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, 939 hours of other activity were completed compared with 1,124 hours the year before. In obtaining feedback, 100% of the recipients of unpaid work and 94% of people subject to unpaid work were satisfied with the work carried out and support provided. Comments included:

- I thought you would tell me that it was too big a job to be carried out (it was an awful mess). Instead, you said "no problem, we can do this!" I was stunned by the reaction.
- Work was commenced and completed within days of me initially emailing you. I really cannot put into words how grateful I am for all the work carried out.
- Your clients have been great and work very hard.
- I felt I was able to give something back.
- I learned lessons and stayed out of trouble.
- I got motivation and into a routine.
- I was using my time constructively.
- Getting my (CSCS) construction training

4.5 In terms of other CPO conditions, there was a similar increase in the number of Orders imposed with a supervision requirement, from 403 to 441. 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 regular case review reports. The Court also considers 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 82 to 68. However, although a drop last year, the number of programme requirements has increased from 36 to 68 during the first 5 years of CPOs. This reflects increases in public reporting and detection rates of sexual and domestic violence offences and an increased number of perpetrators appearing in Court. As the perpetrators have been assessed as medium to high risk of both re-offending and serious harm, these are resource intensive Orders, usually delivered with other agencies.

4.6 The number of CPOs with a substance misuse treatment requirement has remained very similar with 43 in 2014-15 and 44 in 2015-16. 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 or the problem may not be acute enough to warrant a statutory intervention.

4.7 In respect of women, CJSW was one of 16 pilot sites for Community Justice Centres in 2014-15. Building on this, the CJSW Woman's Team continues to employ a Mental Health Nurse and has both a purpose built clinic for substance misuse treatment and facilities which are used by a visiting Dentist on a monthly basis. The service also works alongside Tayside Council for Alcohol, which provides professional Mentors for women either as part of a Bail condition or as part of a CPO. The purpose is to ensure gender specific services are available to meet the particular needs of women and enable them to engage with requirements more effectively.

In terms of CPOs providing an alternative to short-term imprisonment, they have clearly offered the Courts a robust community based sentencing option. Since they were introduced, the proportion of Court Reports resulting in a prison sentence has reduced from 24% to 18% and the successful community sentence completion rate has increased from 52% (2011-12) to 73% (2015-16). In addition, the local 1 year reconviction and reconviction frequency rates of people subject to a community sentence have reduced markedly.

4.8 The numbers of short-term prisoners has however 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 being imposed. However, where people do receive a short-term prison sentence, there has been an increase in the number of people voluntarily engaging with services on release.

4.9 In respect of the new national model for community justice to be implemented from April 2017, the operation of CPOs will be progressed within new Community Justice Outcome Improvement Plans (CJOIP). In Dundee, the Community Safety and Justice Executive Board will hold responsibility for the annual production of the CJOIP and the first such plan will be submitted to the Government in March 2017. The Board will also provide an annual review report to both the Community Planning Partnership and the Community Safety and Public Protection Committee.

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 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.

MICHAEL WOOD
EXECUTIVE DIRECTOR CHILDREN AND FAMILIES
DATE: 20 FEBRUARY 2017

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:	20/02/17	
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	
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?)	
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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"/>	

Part 3: Impacts/Monitoring

<p>1. Have any positive impacts been identified?</p> <p>(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?</p> <p>(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</p>	<p>No</p>

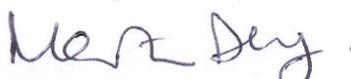
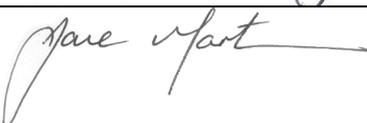
lead.)	
6. How will the policy be monitored? (How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)	On an annual basis using a standard Government template and performance framework.

Part 4: Contact Information

Name of Department or Partnership	Children and Families
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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: Martin Dey
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Signature of author of the policy:		Date: 21/02/2017
Signature of Director/Head of Service:		Date: 21/02/2017
Name of Director/Head of Service:	Jane Martin	
Date of Next Policy Review:	March 2018	