

REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE – 23 MARCH 2015
REPORT ON: COMMUNITY PAYBACK ORDERS
REPORT BY: DIRECTOR OF SOCIAL WORK
REPORT NO: 118-2015

1.0 PURPOSE OF REPORT

This is the 3rd annual update on the local operation of Community Payback Orders (CPOs) covering the period 2013-14.

The Criminal Justice and Licensing Act (Scotland) 2010 imposes a duty on local authorities to submit annual reports in relation to CPOs to the Scottish Government. The 3rd of these reports was submitted in November 2014.

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 Community Payback Orders as outlined in the report as outlined in the report.
- 2.2 Notes the contribution of Criminal Justice Social Work (CJSW) to the Council Single Outcome Agreement (SOA) in respect of reducing crime and reducing the fear of crime and to the Community Justice Authority (CJA) Area Plan as outlined in the report.
- 2.3 Instructs the Director of Social Work to provide a further report on the operation of Community Payback Orders and related developments 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 February 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 Community Payback Orders as the single community sentence to which up to 9 requirements, such as supervision, unpaid work, programme and treatment requirements, can be attached by the Courts.
- 4.2 The Scottish Government published a summary of the local authority Annual Reports in February 2015. The summary does not specifically refer to individual local authorities but it is reassuring that Dundee's experience of the operation of CPOs reflects the national feedback. The Government also note their continued commitment to monitoring the impact of increasing numbers of CPOs on capacity and resources.
- 4.3 In 2013-14, CJSW has continued to implement CPOs whilst developing new services to improve overall performance and outcomes for specific groups. In total, 671 new CPOs were imposed and there were improvements across all groups in successful completion of Orders with a supervision requirement. For males this improved from 63% to 71%, for females from 72% to 76% and for 16-17 year olds from 55% to 70%. As Orders continue to be enforced robustly with breaches of requirements reported back to court, these improvements are associated with better engagement of offenders as opposed to a more tolerant approach towards any non-compliance.
- 4.4 In terms of unpaid work, there was a reduction in the total number of unpaid work hours undertaken from 40,008 to 36,291. The average weekly hours carried out by offenders also reduced. This reduction in the total hours carried out and average weekly hours is explained by 4 major Sports Development Projects undertaken in 2012-13. Unusually, this

necessitated dedicated groups of compliant offenders completing their hours more frequently and therefore more quickly than normal on 2-3 days a week. Despite the more recent reductions, the total number of hours completed last year were still 14,000 more than in the year before CPOs were introduced. The overall proportion of offenders successfully completing unpaid work also increased from 73% to 75%, with offenders carrying out the minimum amount of weekly hours over longer periods when compared with the year before.

- 4.5 The unpaid work involved 76 projects being completed at locations across the city. A key part of this has involved liaison with the 8 Local Community Planning Partnerships. In general, the projects had a focus on improving the visible environment for the community but work was also completed for specific groups and individuals. Examples include the painting and internal decorating of a one parent family project, the development of an accessible allotment for patients with respiratory conditions in partnership with the NHS and gardening for older people
- 4.6 A key feature of an unpaid work requirement is the opportunity for offenders to undertake up to 30% or 30hrs, whichever is less, as 'other activity'. In Dundee, this involved 639 hours access to literacy and numeracy training, social skills development and preparation for training and employment.
- 4.7 In terms of feedback from offenders and recipients, 92% of those subject to unpaid work noted that overall support offered was positive and 75% believed the time on unpaid work was spent usefully, with key benefits including having a routine and an opportunity to develop new skills. All recipients were satisfied with the timeliness and quality of the work carried out. Comments include:
- "Getting into routine of getting up for work"
 - "Getting on a course to get my CSCS (Construction Skills) Card"
 - "Meeting new people and learning new skills"
 - "Staying away from trouble".
 - "At last I can enjoy the garden, I wouldn't have been able to without their help"
 - "A very tidy, positive experience, we got everything we wanted done",
 - "Excellent work, very satisfied and the team are to undertake further painting for us".
- 4.8 In terms of other CPO conditions, there has been an increase in Orders with programme requirements, mainly related to domestic violence and sexual offences. The service now includes domestic violence offences as part of the criteria for a new multi-agency Intensive Support Programme, which targets serious and persistent offenders. In terms of sexual offenders, the service is presently implementing the new Moving Forward Making Changes programme across Tayside. This is a new accredited programme which is being rolled out across Scotland and has necessitated changes in the way groups are facilitated. These developments may impact on capacity in the longer-term and are being monitored.
- 4.9 There has been an increase from 25 to 32 CPOs imposed with a Drug Treatment Requirement but a corresponding reduction in the number of Drug Treatment and Testing Orders. Overall, substance misuse requirements remain low but this is believed to be attributable to improvements in access to mainstream substance misuse services. There have been recent revised arrangements between Criminal Justice Social Work and the NHS on substance misuse to standardise assessment and treatment pathways, whether on a Drug Treatment and Testing Order or a CPO with a treatment requirement.
- 4.10 The service has implemented a pilot Community Justice Centre for Women. This pilot is presently being evaluated but at this stage we are attributing improved completion numbers and reducing custody to the model of working that this service delivers. The results of the evaluation will inform discussions with partners about sustainability. The pilot is co-ordinated by a multi-agency steering group which has extended its remit to include vulnerability issues in general, such as prostitution and sexual health.

- 4.11 Over the last 3 years, there has been a reduction in the proportion of Criminal Justice Social Work Reports prepared for Courts which have resulted in prison sentences. Where a prison sentence is imposed, the service continues to try to engage individuals and contribute towards their continued support both in prison and on release. A Resettlement Trial introduced with the Scottish Prison Service at HMP Perth has led to 255 offenders who received short term prison sentences voluntarily engaging with services on release. There were also significant increases in the number of young people and women accessing resettlement services whilst in custody at HMP Polmont and HMPs Edinburgh and Cornton Vale respectively.
- 4.12 This progress with the delivery of Community Payback Orders along with the developing partnership with the Crown Office Procurator Fiscal Service in relation to interventions for diversion from prosecution and Fiscal Work Orders will continue to ensure both early identification and proportionate support across the whole system. This will contribute directly towards the SOA and CJA objectives of reducing re-offending.
- 4.13 The Service will continue to work with the Community Justice Authority, Community Planning and CoSLA to progress the new arrangements for Community Justice in Scotland.

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

7.0 BACKGROUND PAPERS

None.

Jennifer G Tocher
Director of Social Work

DATE: 20 February 2015

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:	19/02/15	
Committee Report Number:	118-2015	
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	

<p>7. Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy?</p> <p>(Example: if the impact on a community is not known what will you do to gather the information needed and when will you do this?)</p>	<p>No</p>
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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 checked="" type="checkbox"/>	<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 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>
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Part 4: Contact Information

Name of Department or Partnership	Social Work
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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
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Signature of author of the policy:	Jane Martin	Date: February 2015
Signature of Director/Head of Service:	Jane Martin	Date: February 2015
Name of Director:	Jennifer G Tocher	
Date of Next Policy Review:	October 2015	