

REPORT TO: Community Safety and Public Protection Committee 16 November 2020
REPORT ON: Community Payback Orders
REPORT BY: Executive Director Children and Families Service
REPORT NO: 307-2020

1.0 PURPOSE OF REPORT

This is the 8th annual report on the local operation of Community Payback Orders (CPOs) covering the period 2018-19. The Criminal Justice and Licensing (Scotland) Act 2010 imposed a duty on local authorities to submit annual reports on CPOs. In previous years, reports have been submitted directly to Scottish Government and this is the second year the report has been submitted to Community Justice Scotland. The report highlights key trends and the contribution CPOs make to community safety and social inclusion. This report was initially delayed by the statistical information being required first by the Scottish Government to populate a national summary . The suspension of Committees during the initial stages of the pandemic then produced a further delay. The statistical information for 2019-20 has been submitted to Scottish Government and is yet to be released.

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 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.

In 2019 the presumption against short term sentences was extended from 3 to 12 months or less. To support this extension the Management of Offenders (Scotland) Act 2019 introduced Electronic Monitoring (tagging) as a possible 10th requirement of a Community Payback Order. This provision has not been enacted yet and was not in force during the 2018-19 period reported on within this report.

Locally, the Community Justice Service (CJS) is 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 Parole Board Licenses.

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 therefore 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 2018-19

In 2018-19 the service has continued to implement CPOs alongside other services in a continued effort to increase community safety and improve outcomes for people who have offended. 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. Some key trends include:

- 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 126 in 2017-18 and 166 in 2018-19. 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 1,253 Court Reports to assist sentencing decisions made by Sheriffs. This is a reduction in the previous year figure of 1,473 and in part reflects the increase in pre-court disposals, such as Diversion. It may also reflect sustained reductions over the last 5 years in re-conviction rates in the city (see below).
 - In total, 535 new CPOs were imposed in 2018-19 compared with 591 the year before. This reduction appears to be similarly associated with increases in pre-Court disposals such as Diversion from Prosecution, the reduction in Court Reports which are required before a CPO is imposed and lower overall re-conviction rates.
 - Continued 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 231 in 2019. There was an 85% successful completion rate.
 - In 2018-19 Dundee CJS co-operated with a Scottish Government test of change to offer people on ROLOs voluntary support. The offer of support was also made to family members, as they are impacted by having someone on a curfew within the same household. There was a relatively low take up of support (16 individuals and 3 family members) and this finding supported the position taken within the Management of Offenders (Scotland) Act 2019 that Electronic Monitoring and support to address relevant issues may be best linked through a Court Order rather than on a voluntary basis.
- 4.2 The overall number of Unpaid Work hours issued by Court reduced from 51,012 hours in 2017-18 to 45,599 in 2018-19, with a consequent reduction in number of hours completed from 32,625 to 27,640 hours. However, it is clear that Unpaid Work remains a vital disposal, respected by the Court as an option 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, there were 67 Unpaid Work team projects and 55 individual placements in locations across the city. This is an increase in the proportion of individual placements, which are most commonly offered to people who may, for example through anxiety or previous traumatic experience, find group environments more difficult. Across the range of group and individual placements 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, 90% 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:

- It was good being able to do my unpaid hours at night, as I work.
- The good parts for me were helping people in the community.
- I got regular activity, team working and met people.
- Learned new skills and worked as part of a team.
- The transformation is absolutely astounding.
- I want to thank you all for the hard work you put in.
- It is all looking fabulous and the children can't wait to visit the allotment.

- 4.3 The overall decrease in CPOs involved only a very slight shift in other requirements. Supervision requirements reduced from 299 to 293. Given the overall decrease in orders this is actually an increase from 50% to 55% of individuals on CPO having to attend for regular supervision. Programme requirements, which include requirements to attend the Moving Forward Making Changes (MFMC) programme for Registered Sex Offenders (RSOs), reduced from 56 to 49. Typically, these requirements are imposed for people who have been assessed as being a medium to high risk of re-offending and who would benefit from supervision and support targeting relevant needs. During 2018-19 staff were recruited and trained to deliver the Caledonian Programme for men convicted of Domestic abuse offences and the impact of this new initiative will be reported on in next year's report.
- 4.4 In relation to Registered Sex Offenders, some people who have committed violent offences and people who are either serving or have been released on license from prison sentences of 4 years or more, Dundee CJS also operates 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. These arrangements are described in separate MAPPA Annual Reports.
- 4.4 The number of CPOs with a substance misuse treatment requirement remained steady, at 29. 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. 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 for both men and women, with the co-location of multi-disciplinary staff enabling an individualised, holistic and integrated approach.

Impact

Since CPOs were introduced, successful completion rates have increased locally from 52% in 2011-12 to a high of 81% in 2017-18. The average successful completion rate from

2011 to 2019 is 73%, compared with a national average of 70%. In 2018-19, this reduced to 69% and it is believed that this is associated with a higher proportion of people not complying with Orders and appropriate enforcement action being taken. An audit of cases where breach has been reported is being undertaken and findings will be used to inform any possible changes in practice. Over the period, the most recently available Scottish Government data shows that there have been year on year reductions in the percentage of people from Dundee with a conviction who are reconvicted within the year as follows:

2014-15: 33%
2015-16: 28.8%
2016-17: 25.4%
2017-18: 25%

Case Study

Mr B was charged with offences of Police assault, theft and possession of an offensive weapon and sentenced to a 2-year CPO with requirements of Supervision and Drug Treatment Requirement (DTR). He was seen weekly for Supervision as well as attending clinical appointments. He was able to identify positive goals and joint Health and Social Work appointments reinforced his motivation. Work was targeted at helping him manage high stress levels using a strengths-based approach to help him understand that he did have levels of resilience that he could access when faced with difficulties. He has engaged well, evidenced full stability during sample results and managed not to re-offend. Moreover, he is now working part-time and talks more positively about his future and improved family relationships.

4.6 Summary

In 2018-19, there was a continued increase in the use of pre-Court disposals which appears to have contributed towards a reduction in the number of both Court Reports and resultant CPOs. However CPOs and their associated requirements, such as unpaid work and programme requirements, remain central to addressing reoffending and providing the Court with a credible alternative to custody. The successful completion rate reduced but remains above the national average for the whole period and further analysis will inform potential improvement actions. This will be reported on when the next 3 year Community Justice Outcome Improvement Plan is submitted to Elected Members for approval on 11/01/21. More up to date information of reconviction rates will be reported on when it becomes available.

5.0 POLICY IMPLICATIONS

5.1 This report has been subject to an assessment of any impacts on Equality & Diversity, Fairness & Poverty, Environment and Corporate Risk. A copy of the Impact Assessment is available on the Council's website at www.dundeecity.gov.uk/ia/reports.

6.0 CONSULTATIONS

6.1 The Council Management Team were consulted on the preparation of this report and agree with its contents.

7.0 BACKGROUND PAPERS

None.

PAUL CLANCY
EXECUTIVE DIRECTOR CHILDREN AND FAMILIES
DATE: 29 OCTOBER 2020