



Community Payback Order

**Community Justice Scotland Summary of
Local Authority Annual Reports
2016-17**

March 2019

Laid before the Scottish Parliament by Community Justice Scotland under Section 227ZM of the Criminal Procedure (Scotland) Act 1995

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1. FOREWORD



I am delighted to introduce the Summary of Local Authority Annual Reports on Community Payback Orders covering the period 2016-17. This is the sixth such summary, but the first to be produced by Community Justice Scotland, following new reporting requirements for local authority areas provided under Section 227ZM of the Community Justice (Scotland) Act 2016.

This report provides an overview of activity completed by people in local areas subject to a Community Payback Order (CPO). A focus is placed on unpaid work, other activity and additional issues affecting service provision in order to inform on the range and breadth of such activity, and the benefits this can have across whole communities in Scotland. Those who engage with a CPO stand to improve their lives, and the lives of their families by receiving often bespoke support to address the causes of their offending.

This report highlights that 1.14 million hours of unpaid work has been completed over the year, across every community in Scotland. There is evidence of work to directly support the most vulnerable, support to others in overcoming adversity and disadvantage and the redevelopment of community assets in the absence of other resource. This demonstrates the sheer scale of human potential when this is focussed and nurtured towards positive, local aims.

The ‘other activity’ component of a CPO is invaluable. This affords Criminal Justice Social Work and those engaged with a CPO the opportunity to address the causes of their offending through structured interaction with both universal and justice services. The evidence presented shows this time to be a gift; improving literacy, supporting mental health issues, tackling substance misuse and encouraging self-esteem and citizenship.

Criminal Justice Social Work and their partners are to be recognised for their commitment to delivering high-quality, effective services in the face of significant challenges which cannot be underestimated. I would like to thank everyone involved in the preparation of this report, and look forward to its future development.

Glenys Watt
Acting chair of the CJS Board



2. BACKGROUND

1. The Community Payback Order (CPO) was introduced in 2011 and replaced a number of community disposals including Probation Orders, Community Reparation Orders, Supervised Attendance Orders and Community Service Orders. The legislation governing these disposals, the Criminal Procedure (Scotland) Act 1995 (referred to as “the 1995 Act”) was amended by the Criminal Justice and Licensing (Scotland) Act 2010 and the CPO came into effect on 1 February 2011. Courts are therefore able to use the CPO as a disposal for offences committed on or after that date.
2. A CPO may consist of one or more of the nine requirements set out in the 1995 Act, which are:
 - a) unpaid work or other activity requirement;
 - b) offender supervision;
 - c) compensation requirement;
 - d) programme requirement;
 - e) residence requirement;
 - f) mental health treatment requirement;
 - g) drug treatment requirement;
 - h) alcohol treatment requirement; and
 - i) conduct requirement.

Further information on each of these requirements is contained within Sections three and four.

3. In April 2017, section 227ZM of the 1995 Act was amended to reflect new reporting requirements arising from the Community Justice (Scotland) Act 2016. The amended 1995 Act requires each local authority in Scotland to prepare an annual report ‘on the operation of CPOs within their area during that reporting year’ and send a copy of the report to Community Justice Scotland. The Scottish Ministers may issue directions to the local authorities in relation to the content of the report¹.
4. Community Justice Scotland will arrange for a summary of the narrative reports to be laid before the Scottish Parliament and publish, together with or part of, the

¹ A summary of the direction is attached at Annex A.



annual report on performance in relation to community justice outcomes under section 27 of the Community Justice (Scotland) Act 2016.

5. This report is the sixth such summary and the first to be published under the new reporting arrangements; covering the reporting year 1 April 2016 to 31 March 2017. Previous summaries can be found on the Scottish Government website at: <http://www.gov.scot/Publications>.

6. As with previous years, local authorities were provided with a standard template with which to provide information on the delivery of CPOs in their area. This template requests information on a specific range of issues including:
 - a description of the types of unpaid work projects and activities which have been carried out;
 - the total number of unpaid work hours completed during the year;
 - information that helps to demonstrate how communities benefit from unpaid work;
 - quotes from beneficiaries and those subject to CPOs on the impact of unpaid work on them and the community;
 - a description of the 'other activity' carried out as part of unpaid work (see section 3.5 for further information on other activity);
 - a description of the work carried out to consult prescribed persons and organisations on the nature of unpaid work and how this helped determine which projects were undertaken;
 - a description of the use by the courts of the CPO requirements other than unpaid work, e.g. what requirements are being used for those whose offending is driven by drug, alcohol and mental health issues;
 - details of any issues affecting access to services provided by other partners and what work is underway to resolve them; and
 - any other relevant information.

7. A copy of the guidance and template issued to local authorities are provided at Annexes A and B. It should be noted that, while there is no statutory requirement to do so, local authorities can make separate arrangements to publish their annual reports in full. However, this is at their own discretion.



8. This summary comprises four sections which are based on the information that local authorities were asked to provide. These are:
- the use of unpaid work or other activity requirement;
 - the use of requirements other than unpaid work;
 - issues affecting services provided by other partners and work underway to resolve them; and
 - other relevant information.
9. Further information, including contact details for the Scottish Government and Community Justice Scotland and links to local authority websites can be found in section seven.

3. UNPAID WORK AND OTHER ACTIVITY REQUIREMENT

10. Continuing the trend of previous years, the ‘unpaid work or other activity’ requirement was the most commonly imposed of the nine requirements which are available to the court.
11. This requirement can be imposed for any period between 20 and 300 hours, with those falling between 20 and 100 hours referred to as ‘Level 1’ and those between 101 and 300 hours as ‘Level 2’ requirements.

3.1 Unpaid work

12. Areas report that they are working in partnership with communities to identify what the priorities are in terms of local work projects. Most areas describe offering a wide range of projects and services that have had tangible benefits to residents alongside utilising and developing the skills of people made subject to unpaid work.
13. Several local areas report offering sessions to complete unpaid work out of office hours for those participants in employment or with particular care responsibilities.
14. A robust risk assessment is carried out before an individual is cleared to do unpaid work in the community, which can include consultation with any organisations or groups that are involved in the work being undertaken. Individuals are supervised during all unpaid work activity.



3.2 Types of unpaid work

15. Activities undertaken by unpaid work parties are varied and include gardening and landscaping, painting, construction, flood prevention, janitorial duties in local churches, setting up polling stations and recycling activities.
16. Some activities specifically focus on improving community safety. For example, some areas report the removal of unauthorised bonfire sites before, and clear up after, Bonfire Night activities. Similarly, some activities are seasonal, such as the clearing of snow and gritting of paths.
17. Other activities are focused on specific benefits to the local community, for example, restoring and maintaining trails and paths in support of the wider objective of providing the community with access to the countryside for health, recreation and learning.
18. Many requests for unpaid work activities come from members of the public and each local area has its own procedural arrangements for dealing with requests.
19. As well as benefitting the community, working on these projects helps the individual undertaking the unpaid work to learn new skills, increase self-esteem, improve employment prospects and learn to work as part of a team.
20. People undertaking unpaid work present with a wide range of needs relating to physical health, mental health and substance misuse. Areas report becoming more responsive to complex needs in order to ensure people are given equal access to unpaid work and are given every opportunity to comply with their order.
21. Several areas report examples of people undertaking unpaid work who continue to be involved with the projects once they have completed their time, with some having gone on to gain employment as a result of what they have learned.
22. Across Scotland, a total of 1.14 million hours of unpaid work were carried out in local authority areas during the reporting period.



3.3 Examples of projects

23. The local authority annual reports describe a wide range of unpaid work activities carried out by individuals both within group and individual placements. Examples of these activities are described in the following sections:

3.3.1 Groupwork placements

24. Work has been undertaken in parks and community land across Scotland. Paths have been cleaned and widened, hedges cut and fencing replaced. This has enhanced community access to parks and open spaces and contributed to the wider health and wellbeing improvement agenda.

25. In one local authority area donations of wood from local landowners and businesses are processed by a local unpaid work team and stored over the summer months. This long running project provides free firewood and kindling to over 300 vulnerable older people.

26. A number of local areas have participated in painting and decorating services for vulnerable people.

27. Individuals carrying out unpaid work in local areas have benefited from specialist training to reposition damaged, fallen or unsafe gravestones.

28. Groups of individuals have been involved in the upkeep of buildings and grounds supporting a range of charity organisations, schools and churches.

29. A number of local areas have workshop facilities to produce wooden products such as access ramps, picnic benches, planters, sheds, sand pits and playground equipment.

3.3.2 Individual placements

30. Personal placements are an effective way for an individual to develop new skills while supporting their local community.

31. Personal placements vary greatly in size and task and are commonly carried out within local charity shops and resource centres. There is a strong focus within personal placements on the individual developing the skills required to sustain



future employment, which is an important protective factor in reducing reoffending. In one local authority, two peer mentor employability workers have been commissioned to support staff and individuals carrying out unpaid work to make connections with local employers and third sector organisations.

32. Some local authorities reported that individuals continue to volunteer for the organisations they are involved with during their personal placement once their unpaid work period comes to an end.

33. The following are examples of individual placements carried out during 2016-17. This is not intended to be an exhaustive list, and more details can be obtained directly from local authorities (links are provided at section seven):

- local charity shops;
- community centres;
- churches;
- animal and wildlife sanctuaries;
- social enterprises;
- collection, restoration and recycling workshops;
- foodbanks;
- recovery cafés;
- city farms.

3.4 Impact of unpaid work projects

34. In their annual reports, local authorities provided quotes from people on CPOs, as well as beneficiaries of unpaid work, regarding the impact that the work had on them and/or their community.

35. The following is an unabridged sample of the comments received from beneficiaries of unpaid work upon completion of the project;

“We would like to thank you for the team’s reliability, integrity, respect and honesty. Not one person queried what they were doing and why. If ever there was a time that Community Service (sic) showed that they were in no doubt paying something back into the community then that day was a highly positive example.”

“We will definitely have unpaid work back again. It was a well organised group who worked together as a team and achieved the desired objectives within the



timeframe. This has greatly helped the Trust which benefits everyone in the community.”

“Very satisfied with how the referral was dealt with, information provided and how quickly the work was completed from referral.”

“I can’t thank you enough for the things you and your squads have helped me with, being on my own and practically housebound you are my lifeline.”

“We have a 19 year old son who is seriously compromised by Autism. He has resided at a National Autistic Society school for 10 years. He was allocated a property and we needed assistance to do some of the work. What I found was very pleasing indeed, the team made such a good job. It would be nice if my appreciation could be passed onto the Sheriff as it has helped us prepare the property for our son returning home after all these years, thank you all so much.”

“I am writing to express my sincere thanks for the lovely knitting you have done for the babies in the Neonatal Unit. The knitting will certainly be used for all our babies and we appreciate the hard work involved in knitting them.”

“I just wanted to say a big thank you for all your help with the recent house painting and move. The family are really struggling managing looking after three children whilst also supporting the oldest sibling in hospital. I visited yesterday and this was the girl’s first visit home from hospital and she was delighted with her room and the house. So much so that she didn’t want to return. The girl has a terminal illness and words can’t express the smile on her face being home. None of this would have been possible without all your help. Thanks again.”

36. As well as asking for feedback from beneficiaries, Criminal Justice Social Work staff also ask the individuals carrying out unpaid work for their views on the impact this has had on them. These views are sought from individuals as they complete their unpaid work in the form of a questionnaire.

37. A high percentage of individuals report a positive impact as a result of their involvement with unpaid work activity. Some individuals report that the structure of unpaid work activity gives them the opportunity to gain some order and purpose in their lives and helps them to realise the benefits of establishing a routine.



38. Many individuals were highly complementary about the skills of, and support they received from, the supervisory staff in their unpaid work teams. Local areas were recognised as being flexible in taking account of individuals' needs while at the same time setting and enforcing fair compliance criteria.

39. The following unsolicited comments were received from individuals upon completion of their unpaid work activity:

"It made me realise that I had to take the punishment for what I did and that I couldn't get away with doing something wrong."

"CPO made me realise that I'm at a stage in my life where I shouldn't be offending for benefit of myself and my family."

"I was able to help some of the younger lads and teach them joinery skills. I felt good doing this and I feel that I maybe have something that I can give back."

"Helped me understand that violence is worthless when greater can be achieved when engaging brain."

"I have a better knowledge of how my behaviour in the past has harmed certain people."

"Thank you to everyone (staff). I won't be back."

3.5 Local Authority consultation on unpaid work

40. Under the 1995 Act, local authorities are required to consult specific people and organisations on the types of unpaid work activity that should be carried out in their area. The regulations made under the Act specify a list of those who should be consulted, although it is not intended to limit local authorities who are free to consult more widely. As a minimum, on an annual basis, local areas must consult:

- the Chief Constable (in practice the local Police Commander) for the area of the local authority;
- the Sheriff Principal within those jurisdiction the local authority area lies;
- organisations representative of victims of crime;
- voluntary organisations within the local authority area;



- one or more community council within the local authority area;
- one or more Community Planning Partnership within their area; and
- one or more Community Safety Partnership within their area.

3.5.1 Additional consultation activity

41. Local areas report that they are utilising the new Community Justice Partnership arrangements to facilitate wider consultation. This supports the community justice strategy aim of informing local communities about community justice issues and involving them in the decisions that affect them which will support reintegration, reduce stigma, and lead to the delivery of better, more responsive services and improved community justice outcomes. Some areas report using information from this forum to identify areas most affected by crime, in order to target resources to ensure those communities benefit the most from unpaid work activities.

42. The use of social media remains an effective, rapid and efficient way to receive ideas and requests for work from individuals and community groups. Local areas report that, by advertising the work of unpaid work squads through social media, a ready dialogue with the public is generated. Several areas have a dedicated web link for local people and organisations to make direct referrals for assistance.

43. When unpaid work has been carried out in an area, many local authorities report that a plaque is displayed at completed project sites making the public aware of the work completed in communities.

3.6 Other activity

44. While the unpaid work or other activity requirement is mainly used to deliver unpaid work, the 1995 Act allows for a proportion of the requirement to be used to undertake 'other activity' in addition. This part of the requirement gives the individual an opportunity to develop skills to help them reduce or stop further offending in the future. Other activity often focuses on improving someone's educational, job-related or social skills. The person's allocated Criminal Justice Worker will determine the individual's needs and suitability for other activity and the type of activity to be undertaken.

45. The other activity component of the CPO must not exceed 30 hours, or 30% of the total specified number of hours of unpaid work imposed – whichever is lower.



Where it is determined that other activity is not required, the requirement will only consist of unpaid work.

3.6.1 Types of other activity

46. Many local authority areas offer interventions, through other activity, which focus on building the person's employability skills. Alongside developing important generic skills needed to gain and sustain employment, some individuals have attended training courses on Health and Safety related issues which has enabled them to work towards certificates required for working on building sites. People have also been able to work towards forklift truck driving licences and develop skills in painting and decorating, plastering, tiling and floor fitting.

47. Several areas report the effective use of support groups, often gender specific, to support people to explore issues and improve their skills in areas such as problem solving, stress management, attitudes towards offending, anger management, victim empathy, conflict resolution and isolation.

48. During 2016-17 individuals have had the opportunity, through other activity, to undertake specific work with partner organisations to address substance use issues that are not at a treatment requirement level, but are significant enough to impact negatively on their lives.

49. Many other activity interventions are delivered through local third sector organisations which support people in areas such employment and training, life skills, mentoring, substance misuse, housing and financial wellbeing.

50. Local authority areas report that they also work closely with public sector partners to deliver opportunities through other activity. For example, in one area the Fire and Rescue Service deliver sessions designed to raise awareness of general fire safety issues and to educate participants about fire safety at home. In other examples, NHS partners deliver health promotion activities, particularly in respect of anticipatory care which often involves signposting to specialist services where necessary.

51. One local authority area reported that they had observed Sheriffs making greater use of CPO progress reviews, particularly in respect of young people, where specific issues are requested to be addressed through other activity.



4. REQUIREMENTS OTHER THAN UNPAID WORK

52. The unpaid work or other activity requirement is one of nine requirements which a court can impose as part of a CPO. The other requirements are offender supervision, compensation, programme, residence, mental health treatment, drug treatment, alcohol treatment and conduct.

53. While the court can impose a standalone unpaid work or activity requirement, all other requirements must be imposed together with an offender supervision requirement. Supervision requirements are also mandatory in cases where the individual is under 18 years old.

4.1 Use of other requirements

54. A publication presenting national level information on [criminal justice social work activity in Scotland](#) during the reporting period was published in February 2018, and this report has drawn on some of the statistical analysis contained within that publication.

55. There were 19,100 community payback orders commenced in 2016-17, with numbers having stabilised at around 19,000 in each of the last four years. Most CPOs included a requirement for unpaid work or other activity (76%).

56. The proportion of CPOs with both unpaid work or other activity and offender supervision has generally been around 30% over the last four years.

4.1.1 Offender supervision requirement

57. The supervision requirement aims to change the way the person behaves by making them attend regular appointments with a criminal justice social worker. Local authority areas report that a thorough assessment of risk and need is undertaken with individuals as standard practice when a supervision requirement is imposed, and an appropriate and proportionate case management plan is developed and monitored throughout the duration of the order.

58. Generally, around half of orders have an offender supervision requirement, with 53% doing so in 2016-17. The average length of supervision requirement during the year was around 15½ months.



59. While periods of supervision are more often received by younger individuals, longer periods of supervision tend to go to those who are older. 60% of people given supervision of up to six months were aged 30 or under, compared with 39% for those given the maximum of 36 months supervision. As a result, those given supervision of up to six months were on average over seven years younger than those given 36 months.

4.1.2 Compensation requirement

60. A compensation requirement is used to order a person to pay money to victims for injuries or distress caused, or to pay for damage to property.

61. The prevalence of compensation requirements has stayed around the same over the last few years.

62. When a compensation requirement is imposed as part of a CPO, an offender supervision requirement must also be imposed. One area reported that the use of compensation requirements has continued to increase in instances where supervision was not recommended in reports submitted to the court.

4.1.3 Programme requirement

63. A programme requirement is used when the court considers that an individual needs to undertake a programme or course to address their offending behaviour. This is sometimes referred to as a “court-mandated programme”.

64. Local authority areas report that accredited programmes are used effectively in response to convictions for sexual offending and domestic abuse. The programme requirement enhances not only the compulsory nature of the participation in the work, but also validates responsibility and acceptance of the need to address the risks presented in these behaviours.

65. Moving Forward: Making Changes (MFMC) is the national accredited programme for males who have been convicted of a sexual offence, or a non-sexual offence that contains a sexual element. MFMC is designed to be delivered in a group format, although it can also be delivered 1:1 or 2:1 in response to individual needs. MFMC is delivered in both custodial settings and in the community as part of a CPO.



66. To maximise the cost efficiency of these accredited programmes, several areas have pooled their resources and are delivering interventions as a collective.

67. Importantly, in terms of domestic abuse, the imposition of a programme requirement to attend the Caledonian System ensures that there is support and safety planning available for the victims and children of domestic abuse perpetrators. One recipient of the service commented:

“Whether the service helps someone find the resources and strength to leave or whether it is just to support the victim in staying safe and also help the offender realise their behaviour and help them to see the impact and change, it makes a huge difference to not only them but also any children involved, helping to better their emotional wellbeing and also ensuring they do not grow up thinking this behaviour is normal, resulting in them growing up to also be a victim or perpetrator of domestic abuse.”

68. Other examples of programme requirements were reported by local authority areas and included bespoke interventions for young people, persistent male offenders and women with complex needs.

4.1.4 Residence requirement

69. Residence requirements were the least commonly issued requirement across Scotland during the reporting period.

70. One local authority area gave an example of where a residence requirement was imposed relating to a domestic abuse situation, and reported that the requirement offered some level of external control around an individual. The absence of civil proceedings and a history of non-compliance with exclusions through bail conditions led to this outcome.

4.1.5 Mental health treatment requirement

71. If the person has been diagnosed with a mental health condition that plays a role in their offending, they can be compelled to receive support and treatment with a mental health treatment requirement.



72. Local authority areas recognise that the low number of mental health requirements issued does not reflect the prevalence of mental health issues for people within the criminal justice system. A mental health requirement can only be imposed where there is considered to be a diagnosed disorder or condition, and the lack of availability of up to date information in this regard reduces the likelihood of these requirements being imposed. Areas report the need to routinely address mental health issues through case management within offender supervision requirements.

4.1.6 Drug treatment requirement

73. If the person has a drug problem, they can get treatment under this requirement. They might be ordered to attend a clinic or hospital to deal with the problem.

74. Some local authority areas reported that the low use of drug treatment requirements may be because issues relating to drug use are often dealt with through an offender supervision requirement or drug treatment and testing order.

75. One local authority area reported that issues around voluntary versus compulsory engagement have previously been a factor in the reduced use of drug treatment requirements. However, through establishing closer working links between criminal justice and substance misuse services, this area has seen a welcome increase in the number of drug treatment requirements imposed during this reporting period.

76. Several areas report the importance of effective and timely referral pathways into treatment in the success of drug treatment requirements. Of particular importance is how criminal justice and NHS staff work together in an holistic way to ensure that the clinical assessment and interventions required for these orders is delivered as an integral part of the statutory court order.

77. Several areas noted that often, individuals are already engaged in drug treatment when the CPO is imposed, negating the need for a compulsory drug treatment requirement.

4.1.7 Alcohol treatment requirement

78. If the person has an alcohol problem which is connected to their offending behaviour, they can be ordered to receive counselling or attend a clinic to deal with the problem.



79. In one local authority area, in response to a request from a Sheriff and after consultation with partners, an Alcohol Problem Solving Court pilot commenced. The Sheriff can refer men over 18 years of age, on summary procedure, who frequently appear in court for alcohol related offences and, historically, have often received short term prison sentences. The Court uses CPO legislation to offer a fast track assessment with an alcohol focus, immediate access to alcohol treatment services, and regular court reviews with the sentencing Sheriff. There have been many positive outcomes for people and a full evaluation is underway.

80. Several areas report the effectiveness of support groups in addressing problematic alcohol use, such as AA and SMART Recovery.

4.1.8 Conduct requirement

81. Excluding unpaid work or other activity and offender supervision requirements, conduct requirements were the most commonly issued requirement across Scotland during the reporting period. Larger numbers of conduct requirements were issued during the early years of CPOs, although this was before the 2012 appeal court judgement² that such requirements must be specific and include more than general conditions to stay out of trouble or to refrain from committing another criminal offence. Following this judgement, the prevalence of conduct requirements fell. The number of conduct requirements did, however, rise sharply by 25% between 2015-16 and 2016-17. This may have been a contributing factor in the increase in the number of offender supervision requirements issued over this reporting period.

82. Local authority areas report that a common use of conduct requirements is to compel people to allow Police Scotland and Council Officers access to their internet devices. This is in order to guarantee that appropriate checks can be undertaken on this equipment to ensure that there is no further offending or breach of their specified conditions.

83. However, in line with the national CPO guidance issued in 2010 which does not recommend general alcohol counselling as part of a conduct requirement, some areas report that addressing substance misuse issues continues to be specified within a conduct requirement rather than an alcohol or drug treatment requirement.

² Scottish Court Service (2012), High court of judiciary appeal court opinion 96.



For example, anti-social behaviour as a result of binge drinking in the community may be addressed through a conduct requirement.

5. ISSUES AFFECTING SERVICES PROVIDED BY OTHER PARTNERS AND WORK UNDERWAY TO RESOLVE THEM

5.1 Supporting people with complex needs

84. Local areas report that they continue to see an increase in the complexity of need in individuals completing CPOs which can have a detrimental effect on their ability to meaningfully engage with interventions and participate in unpaid work. One local authority area has trained all staff in the use of an assessment framework to identify specific areas of support that will assist in reducing reoffending. This has enabled them to take a structured approach whilst managing offender supervision and unpaid work requirements, and includes joint work with partners to support people in areas such as financial wellbeing, welfare rights, education, health, housing and mentoring.

5.2 Access to mental health services

85. Several areas reported difficulties in accessing mental health services to assess clients. If people have to wait for services it can be inferred that some individuals try to alleviate their symptoms using drugs and/or alcohol, which means they are prohibited from accessing mental health services until they are substance free. One local authority area has responded by establishing a Recovery Hub where substance misuse, mental health and criminal justice services share a building and work in partnership to ensure people receive the service that best meets their needs. Another area has established a multi-agency working group tasked with developing a policy which sets out how best to engage with this group. Many areas highlight the importance of partnership arrangements and describe the positive effect of Health and Social Care integration and Community Justice Partnership arrangements in enhancing joint working.

5.3 Welfare reform

86. People experience significant difficulty in accessing and maintaining financial income, often through provision of statutory benefits, which has a significant



impact on their ability to engage with offence focused interventions. One local authority area has addressed this by providing a free and confidential advice service to people within the criminal justice system which has helped to reduce waiting times for people in urgent need and offers person-centred support to individuals facing multiple vulnerabilities.

5.4 Access to services in rural locations

87. A small number of local authorities highlight geographical challenges facing their areas which can impinge on the accessibility of services that are often specialist in nature and intermittent in demand. Poor public transport networks and limited opportunity due to the rural geography of some authorities raise ongoing challenges for the criminal justice service to deliver its statutory requirements. In terms of delivering unpaid work opportunities for people on CPO, one local authority area has mitigated these issues by introducing a number of working groups that start later in the morning to accommodate people who face issues such as childcare, health difficulties and limited transport options.

6. ANY OTHER RELEVANT INFORMATION

6.1 Local Partnership Arrangements

88. Local authority areas recognise that to work effectively with people subject to a CPO, it is important to work holistically and see people in the context of the challenges they face on a day to day basis. To do this, Criminal Justice Services need to work with a wide range of partners that are involved with that person, and may be able to positively impact on their presenting risks and needs.

89. The Community Justice (Scotland) Act 2016 introduced a new set of duties on a range of partners to share information, provide advice and assistance, co-ordinate activities and fund activities together³. Several areas report that the new local Community Justice Partnership arrangements have improved strategic planning and will be a firm legislative basis upon which to improve information sharing.

³ Community Justice (Scotland) Act 2016, section 35(3)



6.2 Funding and resources

90. Some local authority areas report the increased use of other community interventions, such as Structured Deferred Sentences and Restorative Justice, to prepare a person for their CPO. Although these areas wholly embrace the value of these interventions, the resources attached through the current funding calculations are thought to be inadequate.
91. The anticipated presumption against short term sentences rising to 12 months will bring further resource pressures to local authority areas. This is particularly the case where CPOs are imposed as an alternative to custody, as these individuals are likely to present with a range of complex risks and needs.

6.3 Supporting vulnerable groups

92. Several local authority areas have established a bespoke service which is designed to meet the specific needs of women. Often this service is delivered in partnership with other local organisations and includes interventions for a broad range of needs such as physical, mental and sexual health, trauma, abuse, offending, literacy, life skills, confidence and self-esteem.
93. Often, young people are offered more intensive support both before and during their CPO with interventions tailored to ensure they are age appropriate. The transition from children's services to adult services can often be difficult and several local authority areas report the extension of youth justice services over the age of 16. This often means that a young person can continue to be supported using the whole systems approach, which includes supporting the young person through the court process for example. Several areas report a drop in the number of young people being sentenced to a CPO.
94. People who have a learning difficulty or disability often need additional support to complete the requirements of their CPO. One local authority area reports offering a bespoke support service that includes a group work programme.



7. FURTHER INFORMATION

95. Should you have any queries in relation to this report please contact:



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96. Further information on CPOs can be found on the Scottish Government Website at: <https://www.gov.scot/Topics/archive/law-order/offender-management/CPO>.

7.1 External links

97. Information about local arrangements for the CPO can be found on local authority websites:

Local Authority	Local Authority
Aberdeen City Council	The Highland Council
Aberdeenshire Council	Inverclyde Council
Angus Council	Midlothian Council
Argyll and Bute Council	Moray Council
City of Edinburgh Council	North Ayrshire Council
Clackmannanshire Council	North Lanarkshire Council
Comhairle nan Eilean Siar (Western Isles)	Orkney Islands Council
Dumfries and Galloway Council	Perth and Kinross Council
Dundee City Council	Renfrewshire Council
East Dunbartonshire Council	Scottish Borders Council
East Lothian Council	Shetland Islands Council
East Renfrewshire Council	Stirling Council
East Ayrshire Council	South Ayrshire Council
Falkirk Council	South Lanarkshire Council
Fife Council	West Dunbartonshire Council
Glasgow City Council	West Lothian Council



ANNEX A

A Summary of the Guidance to Local Authorities on CPO Annual Reports

Section 227ZM of the Criminal (Procedure) Scotland Act 1995 (the 1995 Act) imposes a duty on local authorities to submit annual narrative reports on the operation of the CPO (see **Annex A**).

The Community Justice (Scotland) Act 2016 (the 2016 Act) established Community Justice Scotland as a new national body to oversee community justice in Scotland, coming into operation on 1 April 2017.

In addition, Schedule 2 of the 2016 Act amended the provisions of the 1995 Act by giving Community Justice Scotland responsibility for the completion of the summary of local authority narrative reports on the CPO. Annex A sets out the relevant section of the 1995 Act as amended.

Fulfilling the requirement

Circulars LJ/02/2013 and JD/5/2011 explained that local authorities would be expected to fulfil the requirement at Section 227ZM of the 1995 Act in two ways:

- (i) by continuing to submit statistics for each financial year to the Scottish Government on the operation of community sentences in their areas; and
- (ii) in addition to these statistics, by providing a narrative account of the implementation and operation of the CPO in the financial year to which the statistics refer.

Local authorities are still to fulfil the requirement in these two ways, however the narrative account should now be submitted to Community Justice Scotland as opposed to the Scottish Government. The statistics requested at 6(i) above should continue to be sent to the Scottish Government as per current procedures.

Narrative accounts

As with previous years, the narrative account should cover the following range of issues:

- a description of the types of unpaid work projects and activities which have been carried out;



- the total number of unpaid work hours **completed** (not imposed) during the year;
- information that helps to demonstrate how communities benefit from unpaid work, for example that could include:
 - examples of the total number of hours spent on specific projects/activities (e.g. X hours of unpaid work upgrading community sports and leisure facilities);
 - numbers of facilities which have benefited during the year e.g. the number of church halls; care homes; schools; parks and beaches etc.
 - examples of work which has been done in partnership with local or national organisations and agencies e.g. Historic Scotland, Rotary Club, SportsScotland etc;
 - examples of work with a direct immediate personal benefit, such as winter weather-related work.
- if available, quotes from people on CPOs and beneficiaries about the impact of the unpaid work on them and the community;
- a description of the kinds of "other activity" carried out as part of unpaid work or other activity requirements;
- a description of what activities were carried out to consult prescribed persons and organisations, pursuant to Section 227ZL of the Criminal Procedure (Scotland) Act 1995 Act, and wider communities on the nature of unpaid work and other activities and how the consultation results helped determine which projects were undertaken;
- a description of the use by the courts of CPO requirements other than unpaid work, for example what, and in what way, different requirements are being used for those whose offending is driven by drug, alcohol and mental health issues; or how requirements such as programme or conduct are being used to address offending behaviour;
- details of any issues affecting access to services which are provided by other partners (e.g. drug and alcohol services) and, where such issues have been identified, what work is underway to resolve them; and
- any other relevant information e.g. a description of other work being carried out with people on CPOs which does not fall into the category of a requirement but nevertheless contributes to addressing offending behaviour.

The template to be completed is attached at Annex B.



COMMUNITY PAYBACK ORDER ANNUAL REPORT

FINANCIAL YEAR: 2016/17

LOCAL AUTHORITY:



Types of unpaid work projects and activities which have been carried out; the total number of unpaid work hours completed during the year; and information and examples that help to demonstrate how communities benefit from unpaid work.



Quotes from people on CPOs and beneficiaries about the impact of the unpaid work on them and/or the community.



Types of "other activity" carried out as part of the unpaid work or other activity requirement.



Activities carried out to consult prescribed persons and organisations, pursuant to section 227ZL of the 1995 Act, and wider communities on the nature of unpaid work and other activities and how the consultation results helped determine which projects were undertaken.



Use by the courts of CPO requirements other than unpaid work, for example what, and in what way, different requirements are being used for those whose offending is driven by drug, alcohol and mental health issues; or how requirements such as programme or conduct are being used to address offending behaviour.



Any issues affecting access to services which are provided by other partners (e.g. drug and alcohol services) and, where such issues have been identified, what work is underway to resolve them.



Any other relevant information. This might include details of work which is carried out with people on CPOs to address their offending behaviour but which does not fall into the category of a specific requirement.



COMPLETED BY:

DATE:

CONTACT FOR QUERIES ABOUT THE REPORT

Name:

E-mail:

Telephone:

