

REPORT TO: Community Safety and Public Protection Committee 24 September 2018
REPORT ON: Community Payback Orders
REPORT BY: Executive Director Children and Families Service
REPORT NO: 303-2018

1.0 PURPOSE OF REPORT

This is the 6th annual report on the local operation of Community Payback Orders (CPOs) covering the period 2016-17. 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 first year the report was submitted to the newly created organisation Community Justice Scotland. The report highlights key trends and the contribution CPOs make to community safety and social inclusion.

Ordinarily, local reports have been submitted to Elected Members after the Scottish Government laid a national summary report before Parliament. This has normally occurred 12 months after the reporting year to which reports have related. Following the transfer of responsibilities to Community Justice Scotland, there has been a delay in producing a summary report however local authorities have now been given special dispensation to publish their reports in advance of the national summary being presented to Parliament.

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 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 Locally, Community Justice Services (CJS) has continued to implement CPOs alongside other services in a continued effort to increase community safety and improve outcomes for adults who offend. In total, 656 new CPOs were imposed compared with 793 the year before. This reduction is not a reflection of declining performance and is likely to be associated with the cumulative effect of a number of positive factors from arrest through to sentence:
 - There was an 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. These are generally used for less serious offences where individuals are motivated to work to address underlying issues. Over 70% successfully completed.

- There was a reduction in requests for Criminal Justice Social Work Court Reports, from 1,647 to 1,473. This reflects national trends in requests for reports and may be due to overall reductions in crime and re-offending rates alongside the option available to the Court to impose a CPO with less than 50 hours of Unpaid Work without such a report.
- There was an increase in other community disposals such as Restriction of Liberty Orders (ROLOs). These Orders involve the imposition of curfews monitored by an electronic tag increased from 204 in 2016 to 272 in 2017. Dundee Sheriff Court consistently uses ROLOS with over 80% of people successfully completing their order.

4.4 The number of unpaid hours carried out increased from 38,864 to 40,016. This was due to Unpaid Work being used more as a requirement of an Order. Successful completions also increased from 73% to 79%.

In total, there were 106 team projects and 33 individual placements. Work was carried out in every area of the city and involved a particular focus on practical assistance to vulnerable groups, including:

- Ramps for disabled access
- Renovating a communal garden for a sheltered housing complex in Coldside
- Improving play facilities for primary children across the city
- Preparing food parcels
- Beach clearing at Broughty Ferry
- Renovating furniture within the integral workshop at Friarfield House for dispersal across the city
- Transforming a neglected allotment at West Law into a Market garden
- Ground clearance and improvements at Ardlar Community Garden

In terms of feedback, 100% of the recipients of Unpaid Work and 93% of people subject to an Order were satisfied with the work carried out and support provided. Comments included:

- 'The person on placement transformed our outside grounds'
- 'The children loved the mud kitchen, it is a good space for families to come to
- 'I can see the garden work helped other folk'.
- 'I got motivation and into a routine'.
- 'I learned and stayed out of trouble'.

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, 900 hours of other activity were completed, a small drop on the 939 hours completed the year before.

4.5 The overall decrease in CPOs did involve a reduction in other requirements, such as supervision or programme requirements which reduced from 441 to 303 and 68 to 52 respectively. 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 support targeting relevant needs. The Court retains oversight through regular case review reports and considers alternative sentencing options should a person fail or be unable to comply.

4.6 The number of CPOs with a substance misuse treatment requirement reduced from 44 to 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.

4.7 In respect of women, CJS has a dedicated Woman's Team which includes a Mental Health Nurse. There is a purpose built clinic within Friarfield House which is used for substance misuse treatment and the facilities are also used by a visiting dentist on a monthly basis. Tayside Council for Alcohol also provide a range of mentoring services either as part of a bail condition or a CPO using a trauma informed approach. The purpose is to ensure gender specific services are available to meet the needs of women and enable them to engage with requirements. It should however be noted that a number of these services are also available to men

4.8 CPOs 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 11%. However, there has been no reduction in the use of short-term prison sentences for males aged 21-26 which is often linked to repeat acquisitive offending involving substance misuse and failure to comply with previous disposals.

There has been a significant reduction in custody for 16/17 year olds. In 2011-12, 20 in this age group were given custodial sentences in 2016-17 this number had reduced to 3. The strength of Dundee's Community alternatives for young people is attributed to a long standing implementation of the Whole System Approach, which utilises strong partnership working and aims to divert as many young people as possible from the adult justice system.

Since CPOs were introduced, the successful community sentence completion rate has continually increased on a year-on-year basis from 52% in 2011-12 to a high of 79% in 2016-17. The most recent 2014-15 reconviction rates published by the Scottish Government in May 2017 also highlight a reduction in reconviction rates for those issued with a CPO, moving from 35.5% in 2013-14 to 32.8% in 2014-15. Males declined from a rate of 36% in 2013-14 to 32.8 in 2014-15. Females declined from 33.3% to 32.5% in the same period.

4.9 In Dundee, CPOs continue to provide the Courts with a credible community sentencing option which can benefit both the community and the individual subject to the sentence. The number of Orders has declined but this is due to a number of positive factors operating across the criminal justice system. Despite the reduction, the number of Unpaid Work hours increased markedly. Successful completion rates are at their highest level, the use of short-term prison sentences is declining overall and re-offending rates continue to decline.

These trends show that structured, relevant and targeted support, either through Unpaid Work or supervision, programme and substance misuse requirements, can balance the sometimes competing priorities of community safety and social inclusion. Future priorities include a continued focus on diversion from prosecution and a targeted approach towards young adult males.

5.0 POLICY IMPLICATIONS

5.1 This report has been screened for any policy implications in respect of Sustainable Development, Strategic Environmental Assessment, Anti-Poverty, Integrated Impact Assessment and Risk Management. There are no major issues.

6.0 CONSULTATIONS

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

7.0 BACKGROUND PAPERS

None.

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