

**ITEM No ...7.....**

**REPORT TO:** Community Safety and Public Protection Committee 13 June 2022  
**REPORT ON:** Community Payback Orders Annual Report 2020-21  
**REPORT BY:** Executive Director Children and Families Service  
**REPORT NO:** 146-2022

**1.0 PURPOSE OF REPORT**

This is the 9th Annual Report on the local operation of Community Payback Orders (CPOs) covering the period 2020-21. The Criminal Justice and Licensing Act (Scotland) 2010 imposed a duty on local authorities to submit annual reports on CPOs. The report is embargoed until Scottish Government publish a national Annual Report and highlights the contribution CPOs make locally to community safety and social inclusion. The statistical information for 2021-22 has not yet been submitted to Scottish Government but to bring the report more up to date and explain justice responses to the changing public health landscape, a broad overview of activity in the last 12 months is also included.

**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 Service 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 order to further promote community-based penalties as an alternative to imprisonment, the presumption against short term sentences was extended to 12 months or less in 2019. To support this extension the Management of Offenders (Scotland) Act 2019 introduced Electronic Monitoring, or tagging, as the 10<sup>th</sup> requirement of a Community Payback Order. This provision was enacted very recently on 17 May 2022 and therefore falls outside this reporting period.

Locally, the Community Justice Service (CJS) is a co-located multi-disciplinary service which incorporates appointment rooms, a 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 for long-term prisoners.

Typically, the service supervises and supports around 700 people at any given time. Many of these people have had adverse childhood experiences and 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 2020-21

In 2020-21, service delivery was hugely impacted by public health adaptations to address the risk from Covid-19. In terms of the criminal justice system, the pandemic had a variable impact on different elements, with adaptations allowing for some continuity in pre- and post-Court business and restrictions more severely affecting the capacity of the Court and Unpaid Work. Consequently, demands in respect of Diversion from Prosecution and Voluntary Resettlement increased, whilst Court Reports and CPOs both reduced.

For all types of support, the service determined the frequency of face to face and/or telephone contact through new Minimum Practice Requirements introduced at the onset of the pandemic. In support of this framework, monthly auditing was carried out to ensure supervision and support were proportionate. This consistently showed that in over 90% of cases levels were defensible and allowed for real-time adjustments in the other cases. In MAPPA, contact was provided at a higher level than neighbouring authorities.

Programme work was also sustained, with delivery of the Caledonian and Respect programmes for perpetrators of domestic abuse and the Moving Forward Making Changes (MFMC) programme for Registered Sex Offenders continuing either in groups or on a 1:1 basis depending on current public health requirements. As a result, the integrity of the Court sentence was maintained and no one needed more time to complete a programme. Substance use staff also continued to support drug treatment requirements.

The area of service delivery most impacted was Unpaid Work, with a national shut down for several months and reduced numbers permitted in vehicles or on projects even when service resumed. However, a range of projects were still carried out, including community gardens, repairing fencing and litter picking. Teams also increased 'Other Activity', defined in the legislation as being able to consist of up to 30% of an Order and involving life-skill enhancing work, such as support from a Keep Well Nurse and support on employability.

Teams also contributed towards wider developments, such as the daily Non-Fatal Overdose (NFO) co-ordination call. Staff joined with multi-agency partners to form a virtual team to address early prison release, which has continued as a prison release co-ordinating group. Staff showed flexibility to deliver food parcels, mobile phones and support prescription delivery to individuals self-isolating. Unpaid work staff were redeployed during shutdown to help with PPE delivery and work in the mass vaccination centres when they opened up.

4.2 To illustrate the differing overall impact of the pandemic across the system, the information provided below shows trends in the preceding and subsequent periods from Diversion from Prosecution through to Voluntary Resettlement from short-term imprisonment. It can be seen from this that, in general, the period 2020-21 was most severely impacted but that some interventions increased. It is also apparent that the system is showing signs of clear recovery in the more recent 2021-22 period:

- **Diversion from Prosecution** – an overall increase in referrals over the last three years, from 140 in 2019-20 to 187 in 2020-21 and 166 in 2021-22. Successful completions increased from 51 in 2019-20 to 81 in 2020-21 and 82 in 2021-22.
- **Bail supervision** – reduced from 51 people in 2019-20 to 22 in 2020-21 due to reduced Court sittings, increasing again to 31 in 2021-22 as relaxations to the public health requirements allowed more Court business to resume

- **Court Reports** - reduced from 1,435 in 2019-20 to 770 in 2020-21 and similarly rose again to 1,020 in 2021-22 as the Court progressed through various stages of the recovery process.
- **Community Payback Orders** – reduced from 534 in 2019-20 to 204 in 2020-21 and an estimated 320 in 2021-22. This again shows a closer return to normal business, although clearly still not at pre-pandemic levels
- **Unpaid Work** - hours completed in 2019-20 were 30,934, reducing markedly to 5,569 in 2020-21 and rising again to 11,000 hours in 2021-22, although still not close to pre-pandemic levels. Please see Appendix 1
- **Other Activity** - in 2019-20 was 418 hours and this rose to 1,546 hours in 2020-21, a 270% increase which has since been sustained. Activities continue to focus on rehabilitative work with people subject to an Order
- **Successful completion** – successfully completed CPOs increased from 68% in 2019-20 to 77% in 2020-21. The National average for successful completions in 2020-21 was 75%
- **Voluntary Throughcare** - increased from 176 in 2019-20 to 214 in 2020-21 due to the improved information sharing between partners and coordination of multi-agency support.

#### 4.3 **Summary**

Clearly, Covid-19 had a marked impact on Community Justice in 2020-21. However, by adapting different interventions, the service ensured that people continued to receive appropriate levels of supervision and support. Positive changes to some practices, such as the Minimum Practice Requirements, Other Activity and Voluntary Resettlement, are also being sustained during recovery. The service favoured well in national and regional comparisons on CPO completion rates and levels of contact with high-risk offenders.

Building on this, key priorities in 2022-23 include the full resumption of Bail Supervision to pre-pandemic levels of activity, including in relation to the adoption of Electronic Monitoring from May 2022. The service will continue to monitor the impact of the resumption of normal Court business but it is anticipated that it has sufficient capacity to meet an expected increase in new Orders being imposed. The full resumption of Unpaid Work as a group activity will be determined by ongoing public health requirements.

#### 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 Integrated Impact Assessment has been completed.

#### 6.0 **CONSULTATIONS**

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

#### 7.0 **BACKGROUND PAPERS**

None.

**Audrey May**  
**EXECUTIVE DIRECTOR CHILDREN AND FAMILIES**  
**DATE: 15 MARCH 2020**



## Appendix 1

### Examples of Unpaid Work carried out in 2020 – 21

**The Old Piggery** – ongoing works to create a Community Garden.

**St Francis Allotment @ Murrayfield Allotment Site** – repairs made to fencing and new fencing

**Braeview Academy** – refurbishment of Picnic Tables and Garden Furniture.

**Rowantree Nursery** – 2 Mud Kitchens for the Nursery

**Kingspark @ St Francis PS** – mud Kitchen and installation of various raised beds

**St Francis PS** – converting 2 raised beds into sandpits.

**NHS Tayside** – restoration of various Benches.

### Examples of Unpaid Work carried out in 2021 – 22

**Ancrum PS** – refurbishing 2 picnic benches and supplying and constructing 6 picnic benches.

**MacKinnon Centre** – assistance to clear a flower bed at the front of the centre.

**Kingscross Veterans Garden** – laying slabs and creating an accessible potting table.

**Craigiebarns PS** – assistance to remove uneven slabs and level the ground ready for seeding grass.

**Charleston Raised Bed Initiative** – assisting digging over and preparing the ground for growing.

**Kingspark School** – install a bespoke chicken run

**Lochee Community Group** – assisting with the disposal of items not required or needing moved

**Murrayfield Allotments** – assisting a new plot holder to bring the plot to a manageable state.

**Fintry Early Years** – Assistance to construct a flat-pack pirate ship and move to final location.

**Fintry Early Years** – Supply 2 raised planters using only recycled pallets.

**Fairbairn Street** – Assist with a one off tidy up of Council let front gardens in the area.

**Claypotts Castle** – To create 4 bespoke storage boxes on wheels for toys in the nursery.

**Robertson Terrace** – Removal of dumped furniture.

**Eurobins** – Litter picking windblown rubbish around Eurobins at various parts of the City.

**Broughty Ferry Beach** – Litter Picking along the award and grassy beaches.

**NHS Tayside** – Continuing with the refurbishment of Benches.

**Environment Dept** – Making interment boxes and flower boards for the Cemeteries Team.

**Barns of Wedderburn** – Assisting Siobhans Trust installing raised beds for a community garden



## **Appendix 2**

### **Case Study**

The successful management of a Community Payback Order involves trauma informed practice alongside regular review and appropriate enforcement. Mr A, a 25-year-old male, was convicted for a domestic offence. He was made subject to a CPO with Supervision and Caledonian Programme requirements. Mr A was very mistrusting of professionals and very resistant to the Order, stating that "we may as well breach him now". Mr A suffered significant anxiety and depression and his appointments were often crisis led, focusing on more practical support.

Following 2 warnings, Mr A's attendance began to improve. After 3-6 months, it was assessed that he was no longer suitable for the stringent requirements of the Caledonian Programme and his Order was returned to Court for review. Mr A was terrified that this meant he would be sent to prison but a new Order was imposed and the Caledonian requirement was removed but with ongoing 1:1 supervision. Mr A did not feel safe in his accommodation, he was supported with housing application and a Support Worker helped with various referrals for Community Care grant and PIP application.

Mr A was also encouraged to address his mental health and was supported to have telephone consultations with his GP. His domestic offence was addressed through completing part of the Respect Programme during supervision sessions. As his anxiety and resistance lessened, Mr A was able to reflect and make links to childhood trauma and his coping strategies. Mr A went back to Court for reviews and viewed any Court appearance as challenging but following praise from the Court for his compliance and engagement, his confidence grew.

Mr A did not re-offend during the Order, the risk of re-offending was shown to have decreased using an accredited tool and he developed more capacity to regulate his emotions. He completed his Order at the end of 2021, when support was left open for two months on a voluntary basis so that he knew he could still make contact should he need further guidance. At his last appointment he expressed his gratitude for the support he had been given and that the service did not give up on him. Consistency, honesty, trauma informed practice and persistence were key in this case.