

## **DUNDEE CITY COUNCIL**

**REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE - 25TH JUNE 2012**

**REPORT ON: COMMUNITY PAYBACK ORDERS**

**REPORT BY: DIRECTOR OF SOCIAL WORK**

**REPORT NO: 243 -2012**

### **1.0 PURPOSE OF REPORT**

1.1 This report provides an update on the operation of Community Payback Orders, in accordance with the requirements of the Criminal Justice and Licensing Act (Scotland) 2010. The Act imposes a duty on local authorities to submit annual reports on the Order and this is the first such report since the legislation was enacted in February 2011. A previous report outlined the implications of the Act and measures being put in place to implement it effectively.

1.2 The Act replaced existing community sentences with a single Order and was intended to simplify sentencing options, provide a robust alternative to short-term imprisonment, reduce re-offending, promote community consultation on unpaid work projects and increase community confidence in the criminal justice system, particularly in respect of offender management.

### **2.0 RECOMMENDATIONS**

It is recommended that the Social Work and Health Committee:

2.1 Note progress made in the implementation and operation of Community Payback Orders.

2.2 Instruct the Director of Social Work to provide a further report in 12 months.

2.3 Instruct the Director of Social Work to provide a report on Women Offenders in August 2012.

### **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 replaces separate Probation, Community Service and Supervised Attendance Orders with the single community sentence of a Community Payback Order.

A Community Payback Order can contain up to 9 conditions, including supervision, substance misuse treatment and unpaid work. It was implemented alongside revised National Outcomes and Standards for Criminal Justice Social Work, which introduced new requirements on timescales for the commencement and completion of community sentences and the supervision of offenders in accordance with levels of risk and need.

4.2 In Dundee, based on short-term custodial sentencing trends and the intention to replace short-term imprisonment with community based alternatives, it was anticipated that the Act had the potential to result in a 30% increase in Orders. The Service also wanted to ensure

services for women offenders were seen as credible alternatives and to improve overall performance in respect of the commencement and completion of sentences.

#### 4.3 **Developments**

In the last 12 months, the number of Community Payback Orders imposed by the Court has gradually increased by around 33%. However, contrary to expectations, this has largely involved an increase in cases requiring statutory supervision with only a small increase in the numbers of offenders required to undertake unpaid work. A total of 389 Orders were imposed, with 139 of these having a condition of unpaid work. The focus of the Service has been on improving immediacy and speed and overall there have been improvements in performance as follows:

- 90% of offenders attend their first appointment within 1 working day of sentence compared with 73% last year
- 64% of offenders commencing their work placement within 7 days of sentence compared with 60% last year
- 10 hours on average worked each week by each offender subject to unpaid work compared with 5 hours a week last year
- 65% of offenders successfully completing their unpaid work requirement compared with 59% last year
- 52% of offenders successfully completing a supervision requirement compared with 51% last year
- 59% of young offenders successfully completing a CPO compared with 53% completing the equivalent Order last year
- 128 unpaid work projects started and completed compared with 93 started and completed last year

4.4 Where offenders have not attended their first appointment or started work within required timescales, enforcement procedures have been followed. Liaison with all 8 Local Community Planning Partnerships has increased unpaid work referrals markedly and a total of 33,233 hours, the equivalent of 898 weeks, of unpaid work was completed across the City. The type of projects included garden restoration, graffiti removal, a laundry service re-circulating children's clothes and individual placements with local charities. Projects frequently involved supporting vulnerable people with basic garden maintenance. Invariably, this work has been well received by the local community.

4.5 Offenders subject to unpaid work have also been required to undertake other activities, which can consist of up to 30% of the work as an aid to addressing risks and needs. The Service works in partnership with Apex to improve employability prospects and a number of offenders have progressed into positive destinations in terms of college, paid work or voluntary activities. The Service also works with services such as Venture Trust and Princes Trust Fairbridge to improve the support offered to young offenders aged 16-17.

4.6 In terms of women offenders, a new team comprising social work and health has been established focusing specifically on women. The team is currently piloting a new Risks and Needs Assessment tool to assist identification of distinct gender based needs and deliver suitably tailored support. The NHS Nurse seconded to the team conducts assessments, operates a weekly clinic and liaises with health specialists. In addition, mentoring services are delivered in partnership with Tayside Council on Alcohol. The team was recently commended in a report of the Women Offender's Commission and a more detailed report on this will be presented to the Social Work and Health Committee in August 2012.

4.7 In terms of drugs and alcohol, there has been a 10% increase in Orders with a substance misuse treatment requirement, from 90 to 100. In partnership with NHS, work is ongoing to integrate the health assessment and treatment pathways in order to ensure speedy access to substance misuse assessment and treatment.

4.8 There has also been a focus on increasing voluntary resettlement for short-term prisoners in order to reduce repeat offending and repeat custody. This involves attempting to engage with offenders whilst in prison in order to encourage them to avail themselves of support both in the prison and on release. Over the year, there has been an 11% overall increase in those prepared to engage, from 92 to 104. This represents around one third of

those released from short-term imprisonment. There have been particular increases in the number of both young people aged 16-17 years and women prepared to engage.

4.9 In order to develop this further, the service is implementing a new 7 stage resettlement pilot with HMP Perth for adult males and with HMP Edinburgh and HMP Cornton Vale with adult females.

#### 4.10 **Summary and Next Steps**

In Dundee, the Community Payback Order has been implemented effectively. The anticipated higher levels of demand have been realised and the service has supervised and supported a higher number of offenders subject to not only the CPO but also to Drug Treatment and Testing Orders and Voluntary Resettlement. There has been a significant increase in the number of unpaid work projects completed to the benefit of both offenders and the community as a whole. Significantly higher proportions of adult males, adult females and young people have successfully completed their Order. This has been achieved despite overall reductions in resources.

4.11 Over the next 12 months, ongoing priorities include working with the Crown Office Procurator Fiscal Service (COPFS) to increase referrals to formal diversion schemes as an alternative to prosecution for appropriate offenders; working with the Court to promote the credibility and effectiveness of community based alternatives to short-term imprisonment; working with the NHS to fully implement a single substance misuse care pathway for all offenders; and working with the Scottish Prison Service to implement the Voluntary Resettlement pilots.

4.12 A bid has been submitted to the Tayside Community Justice Authority to provide funding to improve sports facilities. If the bid is successful, the service will also coordinate significant unpaid work projects at the Riverside Sports Pavilion, Craigie Community Sports Hub, Charlotte Street Pavilion and Whitton Park Pavilion in 2012-13.

### 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 has been carried out and will be made available on the Council website <http://www.dundee.gov.uk/equanddiv/equimpact/>.

### 6.0 **CONSULTATIONS**

The Chief Executive, Director of Corporate Services and Head of Democratic and Legal Services have been consulted in preparation of this report.

### 7.0 **BACKGROUND PAPERS**

Committee Report Number 27-2011 Criminal Justice Licensing (Scotland) Act 2010.

Equality Impact Assessment

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**Director of Social Work**

DATE: 14th June 2012