

# Community Payback Order

## Scottish Government Summary of Local Authority Annual Reports 2015-16

February 2017



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

February 2017

SG/2017/11

## CONTENTS

<b>1. MINISTERIAL FOREWORD</b>	<b>4</b>
<b>2. BACKGROUND</b>	<b>6</b>
<b>3. UNPAID WORK OR OTHER ACTIVITY REQUIREMENT</b>	<b>9</b>
3.1 Unpaid work	9
3.2 Examples of projects	10
3.2.1 Groupwork placements	10
3.2.2 Individual placements	11
3.3 Impact of unpaid work projects	12
3.4 Local Authority consultation on unpaid work	14
3.4.1 Additional consultation activity	15
3.5 Other activity	17
3.5.1 Uptake of other activity	17
3.5.2 Delivery of other activity	18
<b>4. REQUIREMENTS OTHER THAN UNPAID WORK</b>	<b>19</b>
4.1 Other types of requirement	19
4.2 Use of other requirements	19
4.2.1 Offender supervision requirement	20
4.2.2 Compensation requirement	20
4.2.3 Programme requirement	21
4.2.4 Residence requirement	22
4.2.5 Mental health treatment requirement	22
4.2.6 Drug treatment requirement	23
4.2.7 Alcohol treatment requirement	23
4.2.8 Conduct requirement	24
<b>5. ISSUES AFFECTING SERVICES PROVIDED BY OTHER PARTNERS AND WORK UNDERWAY TO RESOLVE THEM</b>	<b>26</b>
5.1 Funding	26
5.2 Access to psychological and psychiatric services	26
5.3 Access to services in rural areas	26
5.4 Housing	27
5.5 Interaction with other agencies	27
<b>6. ANY OTHER RELEVANT INFORMATION</b>	<b>28</b>
6.1 Women on CPOs	28
6.2 Welfare reform	28
6.3 Resource implications	28
6.4 Other information	29
<b>7. FURTHER INFORMATION</b>	<b>30</b>

## 1. MINISTERIAL FOREWORD



This is the fifth Scottish Government annual report on the delivery of Community Payback Orders (CPOs) since their introduction in February 2011, providing a summary of the narrative accounts from each of Scotland's local authorities on the delivery of CPOs in their areas between 1 April 2015 and 31 March

2016. The report highlights the innovative work being carried out by Criminal Justice Social Work Services and their partners to deliver CPOs across Scotland.

CPOs make individuals pay back to their communities for the damage caused by their offending – predominantly by carrying out unpaid work. Critically, they also offer real opportunities for rehabilitation by requiring individuals to tackle the underlying causes of their offending behaviour through offence-focussed work. CPOs therefore hold people to account for their offending while supporting them to make positive contributions to their communities.

Since their introduction, the number of CPOs being imposed has risen every year, with the latest figures showing that of the 20,100 social work orders issued in 2014-15, over 19,000 of these were CPOs. This is testament to the ability and commitment of local authorities to deliver these orders effectively which, in turn, is supporting confidence in CPOs.

Promoting and supporting the use of CPOs is part of this Government's commitment to reduce reoffending. This is smart justice – an approach which balances reparation to the community, with addressing the underlying causes of offending and providing people with opportunities to make more positive choices. This approach is working, with Scotland's reoffending rate currently at a 17-year low.

A crucial element of the effective delivery of CPOs is the knowledge, skills and experience of the Criminal Justice Social Workers who supervise the individuals on these orders and determine the nature of unpaid work and other activities that they should complete. In doing so, they ensure that the projects not only reflect local

priorities and deliver tangible benefits to the community, but that they are also matched to the considerable skills of the Unpaid Work Supervisors.

The unpaid work or other activity requirement remains the most frequently imposed of the nine requirements available to the court when imposing a CPO. Through this, individuals are given the opportunity to develop new skills which can help to reduce reoffending in addition to improving their chances of future employment or training.

Over the last year I have had the privilege of visiting a number of excellent CPO unpaid work projects and groups across Scotland, giving me a real insight into all of the valuable work that goes on around CPOs. It is important to remember that these orders are not just about unpaid work; Criminal Justice Social Workers and their colleagues in partner agencies put in a great deal of care and effort to ensure the successful delivery of these orders which are as much about rehabilitation and reintegration as they are about punishment. And the evidence shows that this works – individuals released from a sentence of six months or less are reconvicted more than twice as often as those given a CPO.

Looking forward, the recent launch of the [National Strategy for Community Justice](#) provided a vision for the future of community justice in Scotland; one that is inclusive, supported by a progressive justice system and underpinned by collaboration, partnership working and joint responsibility. The successful delivery of CPOs is a critical element of that vision. I would therefore like to express my gratitude to each local authority and their partners for their sustained hard work and continued determination to deliver robust CPOs that support the ambitions of a modern and progressive Scotland.

**MICHAEL MATHESON**  
Cabinet Secretary for Justice

## 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 (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. In imposing a CPO, the court may include one or more of 9 specific requirements which are set out in the 1995 Act. These are:

- i. unpaid work or other activity requirement;
- ii. offender supervision requirement;
- iii. compensation requirement;
- iv. programme requirement;
- v. residence requirement;
- vi. mental health treatment requirement;
- vii. drug treatment requirement;
- viii. alcohol treatment requirement; and
- ix. conduct requirement.

Further information on each of these requirements is contained in [Sections 3](#) and [4](#)

3. The 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 to Scottish Ministers. Ministers may issue directions to the local authorities in relation to the content of the report.<sup>1</sup>

4. Ministers are then required, in accordance with the 1995 Act, to publish and lay before the Scottish Parliament, a report that collates and summarises the information in the local authority reports. This report is the fifth such summary and

---

<sup>1</sup> A summary of the direction is attached at Annex A.

covers the reporting year 1 April 2015 to 31 March 2016. Previous summaries can be found on the Scottish Government website at: <http://www.gov.scot/Publications>

5. 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.

6. 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.

7. This summary comprises four sections which are based on the information that local authorities were asked to provide. These are:

- the use of the 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.

8. Further information, including contact details for the Scottish Government and links to local authority and Community Justice Authority websites can be found in [Section 7](#).



### **3. UNPAID WORK OR OTHER ACTIVITY REQUIREMENT**

9. 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.

10. 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**

11. In relation to the 'unpaid work' aspect of this requirement, local authorities select the projects on a number of criteria, including:

- projects which would make the best use of the skills of the Unpaid Work Supervisors;
- whether the work would compete with the local labour market, which would be inappropriate; and
- where relevant, whether the potential recipients of the unpaid work would be in a position to meet or contribute towards the cost of materials.

12. Local authorities aim for a mix of indoor and outdoor work projects in order to take advantage of the seasons and to minimise disruption of the scheme in adverse weather conditions.

13. Also, wherever possible, unpaid work projects are identified which would provide the individuals on CPOs with opportunities to maximise their learning and development of new skills whilst still paying back to their local community. Following sentencing, Criminal Justice Social Work (CJSW) staff meet with the individual to discuss any particular skills which they may have, as well as other factors which require consideration such as health, employment or caring responsibilities. Where possible, CJSW staff try to ensure that individuals undertake unpaid work in the communities which have been impacted as a result of their offending.

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 Examples of projects**

15. The number of unpaid work placements carried out by individuals on CPOs continues to be wide-ranging, as evidenced by the variety of projects outlined in the local authority annual reports. These projects allow for both group work and individual placements.

16. Continuing the focus of recent years, a number of local authorities reported that they have worked hard to increase the visibility of their unpaid work projects so that the public can see the work that is being done under CPOs and the benefits that this has brought to their communities. This included communicating the benefits of unpaid work through social media, videos on councils' websites and even word of mouth. Further examples of consultation activity are provided at [Section 3.4.1](#)

#### **3.2.1 Groupwork placements**

17. Examples of the type of unpaid work projects that were commonly carried out within a group work setting during 2015/16 are provided below. This is not intended to be an exhaustive list, and more detailed information of the types of projects undertaken by unpaid work teams can be obtained directly from local authorities (links are provided at [Section 7](#)).

- Gardening and landscaping – including ground clearance, upkeep and maintenance work in private gardens for elderly or disabled residents, as well as community spaces such as public parks;
- Interior and exterior refurbishment or redecoration – including community facilities such as scout halls, schools, day centres, museums, care homes and youth clubs and public play parks;
- Work to support charities, community centres and churches - including collection, delivery and sorting of donations for charity shops and foodbanks, repairs and maintenance and preparation for community events;

- Work assisting the elderly or disabled – including carrying out home removals and repairs, erecting fencing, uplifting furniture and delivery of shopping;
- Environmental work – including beach and path cleaning, litter collection, clearing of bottle banks, removal of fly-tipping or cleaning of graffiti and chewing gum, tree planting, cleaning of waterways and riverbanks and removal of invasive plant species;
- Crafts completed within the local authority workshop – including the creation of planters, street furniture, bird boxes and general joinery, as well as small craft items which can be sold and proceeds donated to charity;
- Recycling and restoration – including schemes to restore and donate bicycles, the restoration of street/community furniture and gravestones, painting of railings and the restoration and upkeep of war memorials; and
- Winter resilience – including gritting of pathways, snow clearing, delivery of logs and kindling plus erection of log stores for remote, elderly residents, support for victims of flooding, planting of trees on riverbanks for flood prevention and filling of sandbags.

18. A small number of local authorities highlighted the need for flexibility in the provision of unpaid work, both in relation to the days and times when unpaid work can be undertaken, and also being flexible enough to accommodate the changing patterns of availability of individuals because of employment or training needs.

### **3.2.2 Individual placements**

19. In addition to offering placements as part of a group, local authorities also offer individual placements which can be beneficial for people who are unable to attend full-day groups due to health or employment reasons. Individual placements can also be used to improve a person's employment prospects by allowing them to build on specific skills which they may already have. These can also provide the individual with a more direct way to payback to their local community, with the placements being in their own community, where possible.

20. Some local authorities also found that many of those who completed their unpaid work on individual placements stayed on as volunteers after they had completed their hours. One local authority advised that individuals on CPOs working

alongside people who were not on statutory orders could bring positive outcomes by helping to increase their self-esteem and self-confidence, and establish pro-social links with the community.

21. Examples of individual placements carried out during 2015/16 are provided below. As with the group work placements, this is not intended to be an exhaustive list, and more detailed information can be obtained direct from local authorities (links are provided at [Section 7](#)).

- local charity shops;
- woodland charities;
- charities supporting veterans;
- furniture recycling projects;
- community food growing projects;
- lunch clubs for older people;
- care homes; and
- animal and wildlife sanctuaries.

### **3.3 Impact of unpaid work projects**

22. 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.

23. The majority of local authorities reported very positive feedback from beneficiaries, both at an individual and organisational level. Many expressed their gratitude for the quality of work being carried out and the short timescale it was completed in. The respect shown to them by the people on CPOs and their supervisors received particular praise.

24. While local authorities seek feedback from beneficiaries of unpaid work upon completion of the project, in many instances they also receive unsolicited feedback from members of the community. The following is a small sample:

*“This project involved a large amount of heavy manual labour. It helped make an area accessible for adults with disabilities. This project was long overdue and it was only completed and accomplished thanks to the community payback team.”*

*“What an amazing difference you and your team make to vulnerable people’s lives. Thank you for all of your help and kindness.”*

*“I thought you would tell me that it was too big a job to be carried out (it was an awful mess). Instead you said ‘no problem, we can do this!’. I was stunned by the reaction.”*

*“Many thanks for your help with my garden at the end of the year, as I am a wheelchair user I can now enjoy the summer at my back door and it makes me very happy.”*

*“I duly received my log store and felt compelled to send all of you in your marvellous, generous organisation a Great Big Thank You! This is quite easily the biggest and best bargain I have ever received in my life – and I am 89 now! I didn’t really have anywhere to store my logs so all I could do was stack them against the wall of my house and cover them with a bit of plastic sheet, but this lovely log store is just sublime. It fits into a corner of my house next to my back door and looks great, and keeps all of my logs bone dry! Thanks for this wonderful gift – for it is almost a gift – you are all so kind.”*

25. In addition to seeking feedback from beneficiaries, CJSW staff also ask the individuals on CPOs for their views on the impact that carrying out unpaid work in their community has had on them. In the main, individuals are given the opportunity to do this by completing an exit questionnaire at the end of their CPO, although feedback is sought and recorded by CJSW staff throughout the duration of the CPO. The service can then use this information to inform the ongoing development and delivery of CPOs.

26. A high proportion of individuals completing CPOs advised that while they found the experience demanding it was also rewarding because it gave them the chance to learn ways of changing their behaviour and move away from offending. Some individuals advised that simply having structure to their days helped them to avoid reoffending. There was also evidence of individuals developing skills while on unpaid work which increased their likelihood of gaining employment.

27. Many specifically praised their Unpaid Work Supervisor or Criminal Justice Social Worker for how fairly and respectfully they were treated despite the circumstances of their attendance. The following is a small sample:

*“Throughout my placement, I found my supervisor to be non-judgmental, fair and firm yet prepared to rebuke if or when necessary.”*

*“[The best parts of unpaid work were] helping me to feel I was at least part atoning for the crime I committed. Simply the feel-good factor that comes inherently from a job well done. Most of all, the realisation that you certainly don’t have to commit a crime in order to go out and do some good, in whatever form, for the benefit of someone, or your community. Do it anyway.”*

*“All the supervisors are skilled at dealing with a difficult client group, building relationships that support and motivate clients as far as possible.”*

*“I found it inconvenient fitting my order in when working full-time, but knew it was my own doing.”*

*“Hope to make this experience my first and last, proving that it has helped me learn not only my mistakes but, I feel that I have taken a feeling of change into my life by reflecting on it.”*

### **3.4 Local Authority consultation on unpaid work**

28. Under the 1995 Act, local authorities are required to consult specific people and organisations on the types of unpaid work that individuals on CPOs should undertake in their area. The regulations made under the Act provide a list of those

who must be consulted, although it is not intended to be exhaustive and local authorities are free to consult more widely. However, at a minimum, they must consult on an annual basis:

- The Chief Constable (in practice the local Police Commander) for the area of the local authority;
- the Sheriff Principal within whose jurisdiction the local authority area lies;
- organisations representative of victims of crime;
- voluntary organisations within the local authority's area;
- one or more community council within the local authority's area;
- one or more Community Planning Partnership within their area; and
- one or more Community Safety Partnership within their area.

#### **3.4.1 Additional consultation activity**

29. As reported in previous years, the majority of the local authorities consulted far more widely than the organisations and individuals listed above. Some examples of the methods used by local authorities to consult, or otherwise to interact with the community about CPOs, are listed below:

- a form or interactive facility on the local authority's website where the local community can suggest or request assistance with unpaid work projects;
- marketing through the use of social media or local press;
- engagement with local community groups on areas to target with unpaid work;
- publication and distribution of literature such as booklets or pamphlets on CPOs to highlight the service to the community;
- erection of plaques at successfully completed project sites, or A-frames at sites where work is ongoing, to inform the public that work was/is being undertaken by CPO scheme;
- use of digital media, such as plasma screens, in public spaces displaying contact details for service, or examples of completed projects;
- feedback from and discussions with those on CPOs; and
- encouraging word of mouth.

30. There was acknowledgement by some local authorities that consultation helped their service by increasing the visibility of unpaid work, and therefore expanding community awareness of the service, which could then lead to more requests being received. One local authority reported that they had been proactive in encouraging beneficiaries of unpaid work to acknowledge the contribution of the service in any publicity that the project generated.

31. A couple of local authorities advised that they would have a focus on extending and increasing the level of consultation undertaken as a central part of the development of their Community Justice Outcomes Improvement Plans, in preparation for the introduction of the new model for community justice in 2017.<sup>2</sup>

32. Some local authorities reported that consultation with organisations had led to direct referrals for unpaid work being received. In one instance, discussions between police and the unpaid work team about community safety resulted in the team receiving direct referrals from the police for unpaid work which had a specific community safety remit attached. For example, clearing shrubbery from poorly lit areas that were subject to anti-social behaviour and therefore were avoided by members of the public. A couple of local authorities also reported engagement with Victim Support Scotland, and other agencies supporting victims, around referrals for unpaid work to assist with some practical issues for victims, such as assisting with accommodation moves or erecting fencing and cutting back foliage to increase security for a victim of domestic abuse or stalking

33. As reported last year, one local authority found it difficult to consult with every group they would have liked, reiterating that there were no forums in their area to allow for effective liaison or consultation with organisations that represented the commercial or retail sectors. In addition, it reported that it continued to find an absence of any structure to consult with groups representative of ethnic minorities or religious, inter-faith or belief groups, which meant that opportunities to consult with these demographics was limited.

---

<sup>2</sup> [Guidance for Local Partners in the New Model for Community Justice](#)



### **3.5 Other activity**

34. While the unpaid work or other activity requirement is primarily used to deliver unpaid work, the 1995 Act allows a proportion of the requirement to be used to undertake 'other activity' as well. This aspect of the requirement tasks the individual with developing their educational, vocational or interpersonal skills in order to support them to stop further offending. It is for their Criminal Justice Social Worker to determine the individual's suitability for other activity and the type of activity to be undertaken.

35. Other activity must not exceed 30 hours, or 30% of the number of unpaid work hours specified in the requirement, whichever is lower. If the Criminal Justice Social Worker determines that other activity is not appropriate, the requirement will consist solely of unpaid work.

#### **3.5.1 Uptake of other activity**

36. Around a fifth of local authorities reported that uptake of activity remained low, with individuals preferring to undertake solely unpaid work because they considered that this would allow them to complete their specified hours more quickly rather than having to engage with other services. Other reasons included that the individual was already in employment, they had caring responsibilities or they felt that there was insufficient choice of other activity available.

37. A small number of local authorities reported that they had recognised that further development of the 'other activity' options was required in order to ensure that sufficient opportunities were available. Some were already in the process of reviewing the type and range of options that they were able to offer with a view to encouraging greater use in the coming year. One local authority hoped that the inclusion of 'the use of other activities' in CPOs as an indicator in the Scottish Government's [Community Justice: Outcomes, Performance and Improvement Framework](#) would act as a catalyst to stimulate further development in this area.

38. The areas which reported an increase in the uptake of other activity advised that this was due to an increased effort on their part to seek out opportunities with delivery partners.

### **3.5.2 Delivery of other activity**

39. As with previous years, local authorities reported that 'other activity' was most often used to improve an individual's employability skills, with those who are more equipped to enter work being given the opportunity to attend courses to learn IT skills to complete CVs and application forms. For those who are not quite so ready, this involves one-to-one support to develop employability skills which is generally provided through partner agencies.

40. Examples of other activity provided by local authorities included:

- Employability – help with CV writing and job applications, interview support, training courses, assistance to gain Construction Skills Certification Scheme card, and work-based support;
- Education - literacy and numeracy support, adult learning, engagement with local colleges, and development of IT skills;
- Health and Wellbeing – referrals to drug and alcohol support services, healthy eating, fire safety training, first aid training, dental health, health checks and physical activity;
- Interpersonal Skills – anger management, self-confidence training, parenting and childcare classes, problem-solving skills, communication skills, social awareness, mentoring support, self-management, crisis awareness and budgeting; and
- Wider Issues – victim empathy and awareness, citizenship courses, women's group/services, road traffic awareness training, financial/debt management, support with housing, support with veteran issues, and desistance work.

## **4. REQUIREMENTS OTHER THAN UNPAID WORK**

### **4.1 Other types of requirement**

41. As outlined in [Section 2](#), in addition to the unpaid work or other activity requirement, there are a further 8 requirements which a court can impose as part of a CPO. These are offender supervision, compensation, programme, residence, mental health treatment, drug treatment, alcohol treatment and conduct.

42. Where the court determines that any requirement other than unpaid work or other activity is necessary, it must also impose an offender supervision requirement. Supervision requirements are also mandatory in cases where the individual is under 18 years old.

### **4.2 Use of other requirements**

43. As with previous years, the unpaid work or other activity and supervision requirements remain the most commonly imposed requirements by far. Aside from the residence requirement, the treatment requirements (alcohol treatment, drug treatment and mental health treatment) are used least often, although this does vary across the country, with some local authorities reporting higher numbers than others.

44. A number of local authorities reported that the continuing low use of the treatment requirements did not reflect the scale of the problems faced by those subject to CPOs, but many were keen to point out that these issues were being appropriately addressed through another requirement, predominantly through offender supervision.

45. One of the reasons given for the low number of treatment requirements was that, generally, individuals are already engaged with services at the time of their assessment. It was also suggested that partner agencies could sometimes view that compelling someone to engage with multiple requirements as unhelpful because this could 'jeopardise the nature of a self-motivated change process'.

46. Further information on the use of each of the requirements, other than unpaid work and other activity, is outlined below.

#### **4.2.1 Offender supervision requirement**

47. The supervision requirement involves the individual's Criminal Justice Social Worker working with them to achieve positive change in their behaviour and compliance with the order. As outlined previously, this requirement is mandatory in cases where the individual is aged under 18 years old or where the court has imposed any requirement other than unpaid work or other activity.

48. The majority of local authorities noted that the supervision requirement was the second most frequently used requirement after unpaid work or other activity. They reported that this requirement is generally used to undertake offence focussed work with the individual. In practice, this can mean the Criminal Justice Social Worker drawing up an action plan for the individual to follow during the course of the CPO, with many plans including contributions from partner agencies such as services specifically aimed at women, young people or those with learning disabilities. These agencies provide a variety of interventions to help people to make significant changes in their lives, both in terms of lifestyle and behaviour.

49. Some local authorities reported that the supervision requirement was often used to prepare individuals to participate in programmes and to address drug and alcohol problems.

#### **4.2.2 Compensation requirement**

50. This requires the individual to pay the victim of their offence a sum of money as compensation for damage, loss or personal injury. It is always imposed in conjunction with a supervision requirement and the Criminal Justice Social Worker is required to monitor the payments made by the individual by requesting evidence of payment and liaising with the court. The sum must be paid within 18 months, or two months before the end of the offender supervision requirement – whichever is first.

51. Other than slight variances in the numbers of compensation requirements imposed in a small number of local authorities, little mention was made of the usage of this requirement.

#### **4.2.3 Programme requirement**

52. The programme requirement is used when the court considers that an individual needs to undertake a programme or course to address their offending behaviour.

53. As with previous years, local authorities reported that programme requirements were one of the most frequently imposed after the unpaid work or other activity and supervision requirements. The programmes used most often were the nationally accredited *Moving Forward, Making Changes*, for sexual offending, and *Caledonian*, for domestic abuse.

54. Further programmes mentioned by local authorities include:

- Venture Trust's *Living Wild, Chance for Change* programme which helps men and women in the criminal justice system to reduce their risk of re-offending through personal and social development, specifically through a combination of outreach support and an intensive wilderness experience;
- Turning Point Scotland's *Turnaround* project, for men and women involved in the criminal justice system who have complex social and addiction issues;
- *Constructs: Positive Steps to Stopping Offending*, a groupwork programme aimed at helping persistent male offenders reduce their risk of re-offending by assisting them to become better problem-solvers and develop social skills to help prevent a relapse into offending;
- Drink driving or road traffic programmes, aimed at those with motoring convictions, to challenge offending behaviour and support the development of consequential thinking as well as a more pro-social attitude; and
- Women's programmes, with a particular focus on addressing the specific needs of women either through groupwork or individually

55. One local authority noted that, due to their rural setting, the numbers of people on CPOs tended to prevent groupwork being able to take place, and as a result,

programme requirements were not frequently used. However, the local authority continues to work with individuals to address their offending behaviour through other requirements, such as supervision.

#### **4.2.4 Residence requirement**

56. The residence requirement is imposed when the court considers that an individual must reside within a designated address. In general terms, this is imposed when an individual lacks settled accommodation and requires practical assistance in securing accommodation in order to stabilise their lives and improve their chances of engaging with interventions.

57. As outlined in previous reports, the residence requirement continues to be imposed less frequently than all of the other requirements. Aside from one local authority noting a continued decrease in the number of residence requirements imposed, there were no particular issues raised by any local authority in relation to this requirement

#### **4.2.5 Mental health treatment requirement**

58. The mental health treatment requirement is imposed to allow an individual who has been diagnosed with a mental health condition to receive support, care and treatment to help them improve their mental health.

59. This requirement continues to be one of the less frequently imposed requirements. One of the reasons reported for this is that these requirements are only used in cases where there is 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 routinely used.

60. One local authority advised that particular effort had been made this year to train their staff in techniques which would allow them to engage more effectively with individuals with personality disorders. They reported that while many of these individuals are not engaging with mental health services, and are also not able to engage effectively in personal change work, they do benefit from a structured

management plan. Another local authority reported that they found it difficult to secure mental health support for individuals who present with mental health issues, particularly ongoing support for people who are difficult to engage or who have dual diagnoses (e.g. co-morbid mental health and substance misuse issues).

61. However, a number of local authorities pointed out that one of the reasons for the low number of mental health treatment requirements may be because individuals with mental health issues who require clinical treatment are already in the NHS system. They advised that where higher-end intervention is not needed these issues are dealt with as part of regular supervision and in conjunction with Community Psychiatric Nurse services.

#### **4.2.6 Drug treatment requirement**

62. The drug treatment requirement is used in instances where the individual has identified drug issues which contribute to their offending, but does not have an established chronic history of drug misuse. It provides an alternative to a Drug Treatment and Testing Order (DTTO) particularly for individuals with drug problems who are not eligible for a DTTO because their offending history is not sufficiently high tariff.

63. A number of local authorities reported that drug treatment requirements continue to be imposed in relatively few cases. This is not representative of the significant part that substance misuse plays in offending behaviour.

64. Local authorities also reported that some individuals with drug issues may already be in treatment, or they may be assessed as being unable to comply with the more stringent conditions of the requirement, or that the substance misuse may not be acute enough to warrant such a highly invasive intervention. As with previous years, it was highlighted that individuals are accessing support for drug misuse through other requirements such as supervision.

#### **4.2.7 Alcohol treatment requirement**

65. The alcohol treatment requirement is imposed in cases where there is an alcohol dependency identified as contributing to an individual's offending behaviour.

Individuals are required to undertake alcohol treatment, including counselling, which can be delivered on a community or residential basis.

66. As with the drug treatment requirement, the use of the alcohol treatment requirement remains low. It was suggested that one of the reasons for this was that individuals who have established issues with alcohol can already be voluntarily attending such services and so would not require to have attendance imposed within a requirement. Another reason given was that establishing whether an individual has an assessed dependency relies on partner agencies completing a report to confirm this which can be difficult to obtain within the court's timescale.

67. Similar to the drug treatment requirement, it was reported by a number of local authorities that the low number of alcohol treatment requirements was not representative of the number of individuals for whom alcohol is an issue. However, these local authorities also pointed out that, despite there being no specific requirement regarding alcohol, addiction issues were still being addressed through supervision.

#### **4.2.8 Conduct requirement**

68. The conduct requirement is imposed to provide the courts with additional flexibility to direct an individual to do or refrain from doing specified things not covered elsewhere in the legislation. In doing so, the court has to be satisfied that this is necessary to obtain or encourage good behaviour by the individual. For example, the court may require the individual not to enter a certain street or enter specific stores if they are an habitual shoplifter.

69. The conduct requirement continues to be imposed less frequently than requirements such as unpaid work or other activity and supervision, but significantly more than the treatment requirements. A small number of local authorities reported increases in the number of conduct requirements imposed, with a suggested reason for this being that they allow additional sub-requirements to be easily added to the CPO, such as to 'remain drug free' or 'submit for breath testing by the police'.



70. One local authority reported that a conduct requirement had been used to instruct an individual 'not to use alcohol' which left the Criminal Justice Social Worker no discretion in their management of the person, and meant that the case was soon subject to breach proceedings. In this instance, the case was returned to the case manager with no additional sanction, but the local authority questioned the value of such a requirement.

71. A couple of local authorities highlighted the overlap between the conduct requirement and other requirements, such as the court imposing a conduct requirement to attend the *Caledonian* programme, or a conduct requirement to undertake drug counselling, both of which could have been addressed through other requirements such as a programme requirement or drug treatment requirement.

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

### **5.1 Funding**

72. A small number of local authorities raised concerns that reductions in budgets and the uncertainty over continued funding could affect their ability to deliver interventions. However, they also noted that they had reorganised resources in order to ensure continued delivery.

### **5.2 Access to psychological and psychiatric services**

73. A few local authorities reported that accessing psychological and psychiatric services can be problematic. Specifically, the long waiting times for access to these services, as well as securing continuing provision were identified as particular concerns. It was highlighted that when an individual's need is acute, any delay in accessing treatment can be traumatic, potentially leading them to self-medicate with alcohol or drugs. This in turn means that they are denied psychological/psychiatric assessment until they can present as substance free.

74. One local authority reported that psychology services, other than forensic psychological assessments, are subject to a policy in their area whereby individuals are not eligible for the service whilst subject to a CPO or supervision. However, the local authority highlighted that joint working between CJSW staff and psychological services had resulted in more direct information sharing about individuals on CPOs whose circumstances and risk management suggested a possible need for psychological intervention. The number of unsuitable referrals to the psychology service had subsequently decreased, and CJSW staff were able to discuss these cases with psychology services colleagues more speedily.

### **5.3 Access to services in rural areas**

75. A very small number of local authorities reported that the rural nature of their area had an impact on their ability to deliver some services. Due to the low number of people on CPOs in these areas, specialist services are not always available

locally, with referrals to mainstream services more common. However this has the benefit of allowing the links made during supervision to continue seamlessly after the CPO expires. One local authority also reported that they felt some of the national accredited programmes were unsuitable for delivery in a small population context.

76. Another related issue which was raised by a couple of these local authorities was that it can prove difficult for people subject to CPOs who live in rural areas to travel to CJSW offices or to urban locations where accredited programmes are delivered, particularly in relation to the travel time. This can be exacerbated by the lack of public transport links in some rural areas.

#### **5.4 Housing**

77. A small number of local authorities reported that access to housing continues to present a considerable problem for individuals on CPOs. In particular, accessing appropriate accommodation and being subject to timescales governed by priority need were identified as issues. However, the local authorities that highlighted this as a problem also reported that work was underway between CJSW and Housing colleagues to identify ways in which the needs of those affected could be addressed.

#### **5.5 Interaction with other agencies**

78. A large number of local authorities reported that they did not encounter any issues in accessing other services. Some pointed out that the redesign of the model for community justice, and the integration of Health and Social Care should improve the understanding of the roles and responsibilities of those involved in the delivery of justice services. They also highlighted that this would lead to more effective resolution of access issues and would provide opportunities to improve joint working, which would benefit people on CPOs.

## **6. ANY OTHER RELEVANT INFORMATION**

79. Local authorities were asked, under this section, to provide details of any other relevant information, e.g. 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. As with previous years, many local authorities reported that work being carried out to address offending behaviour usually takes place under one of the requirements (e.g. supervision or programme), and that even if a CPO did not contain a specific requirement (such as an alcohol treatment requirement), any risk or need identified in relation to this issue would still be addressed regardless.

### **6.1 Women on CPOs**

80. Many local authorities wished to highlight the work that was being undertaken with women on CPOs, and in particular the specific programmes and supports that are available. It was noted by one local authority that the continued availability of funding for women's services has permitted them to sustain and continue to develop their women's groupwork programme, with work ongoing to increase their links with other agencies to support the women beyond their exit from the criminal justice system.

### **6.2 Welfare reform**

81. A number of local authorities reported that they work closely with colleagues in the Department for Work and Pensions to ensure that those subject to unpaid work can continue to meet their obligations in terms of being 'available for work' so that their benefits are not jeopardised as a result of their community sentence.

82. One local authority noted that there had been an increase in requests for financial advice and assistance with benefit claims following recent welfare reforms and added that work undertaken with a local charity in assisting with food parcels and cooking on a budget had been very beneficial.

### **6.3 Resource implications**

83. A small number of local authorities had concerns about the pressure on resources coming from the increase in CPOs each year since 2011, particularly in

relation to achieving speed targets on the time taken to get individuals through their unpaid work. To address this, one local authority had adopted a Red-Amber-Green status reporting system to highlight those at risk of failing to meet these targets as well as recruiting sessional unpaid work supervisors to offer additional placements where available.

#### **6.4 Other information**

84. Some other information provided by local authorities in their reports included:

- the use of new psychoactive substances (NPS) continues to be experienced by a small number of local authorities, although the recent change in the legislation and the provision of appropriate advice by CJSW and health colleagues which appears to have improved matters;
- the co-location of council services such as Criminal Justice Groupwork, Throughcare, and Women's Community Justice within one building assists with access to wider services. In some instances the co-location of NHS or Turnaround staff with Criminal Justice Services has also helped; and
- a project to trial a problem-solving approach in one sheriff court. This approach sees individuals receiving a Structured Deferred Sentence as an alternative to a CPO or custodial sentence, and has the potential to reduce the number of CPOs which are issued in the area in the future.

## 7. FURTHER INFORMATION

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

Andrew Corrigan  
 Scottish Government  
 Community Justice Division  
 St Andrew's House  
 Regent Road  
 Edinburgh,  
 EH1 3DG

Email – [cpo@gov.scot](mailto:cpo@gov.scot)

86. Further information on CPOs can be found on the Scottish Government Website at:

<http://www.gov.scot/Topics/Justice/public-safety/offender-management/CPO>.

### 7.1 External Links

87. Information about local arrangements for the CPO can be found on local authority and Community Justice authority websites:

<p><b>Local Authorities</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Perth &amp; Kinross Council</a></li> <li>• <a href="#">Renfrewshire Council</a></li> <li>• <a href="#">Scottish Borders Council</a></li> <li>• <a href="#">Shetland Islands Council</a></li> <li>• <a href="#">Stirling Council</a></li> <li>• <a href="#">South Ayrshire Council</a></li> <li>• <a href="#">South Lanarkshire Council</a></li> <li>• <a href="#">West Dunbartonshire Council</a></li> <li>• <a href="#">West Lothian Council</a></li> </ul>
<ul style="list-style-type: none"> <li>• <a href="#">Aberdeen City Council</a></li> <li>• <a href="#">Aberdeenshire Council</a></li> <li>• <a href="#">Angus Council</a></li> <li>• <a href="#">Argyll and Bute Council</a></li> <li>• <a href="#">City of Edinburgh Council</a></li> <li>• <a href="#">Clackmannanshire Council</a></li> <li>• <a href="#">Comhairle nan Eilean Siar (Western Isles)</a></li> <li>• <a href="#">Dumfries and Galloway Council</a></li> <li>• <a href="#">Dundee City Council</a></li> <li>• <a href="#">East Dunbartonshire Council</a></li> <li>• <a href="#">East Lothian Council</a></li> <li>• <a href="#">East Renfrewshire Council</a></li> <li>• <a href="#">East Ayrshire Council</a></li> <li>• <a href="#">Falkirk Council</a></li> <li>• <a href="#">Fife Council</a></li> <li>• <a href="#">Glasgow City Council</a></li> <li>• <a href="#">The Highland Council</a></li> <li>• <a href="#">Inverclyde Council</a></li> <li>• <a href="#">Midlothian Council</a></li> <li>• <a href="#">Moray Council</a></li> <li>• <a href="#">North Ayrshire Council</a></li> <li>• <a href="#">North Lanarkshire Council</a></li> <li>• <a href="#">Orkney Islands Council</a></li> </ul>	<p><b>Community Justice Authorities</b></p> <p><a href="#">Fife and Forth Valley</a>  <a href="#">Glasgow</a>  <a href="#">Lanarkshire</a>  <a href="#">Lothian and Borders</a>  <a href="#">North Strathclyde</a>  <a href="#">Northern</a>  <a href="#">South West Scotland</a>  <a href="#">Tayside</a></p>

## **A SUMMARY OF THE GUIDANCE TO LOCAL AUTHORITIES ON CPO ANNUAL REPORTS**

Section 227ZM of the Criminal Procedure (Scotland) Act 1995 imposes a duty on local authorities to submit annual reports on the operation of the CPO. It states:

- 1) Each local authority must, as soon as practicable after the end of each reporting year, prepare a report on the operation of community payback orders within their area during that reporting year, and send a copy of the report to the Scottish Ministers.
- 2) The Scottish Ministers may issue directions to local authorities about the content of their reports under subsection (1); and local authorities must comply with any such directions.
- 3) The Scottish Ministers must, as soon as practicable after the end of each reporting year, lay before the Scottish Parliament and publish a report that collates and summarises the data included in the various reports under subsection (1).
- 4) In this section, “reporting year” means—
  - (a) the period of 12 months beginning on the day this section comes into force, or
  - (b) any subsequent period of 12 months beginning on an anniversary of that day.

This provision was commenced on 1 April 2011.

### **Fulfilling the requirement**

Circular JD/5/2011 explained that local authorities would be expected to fulfil the requirement 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.

### **Narrative accounts**

Therefore from 2012/13 onwards, the narrative account should cover the following revised 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 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. in last year's report one local authority indicated that 2,522 hours of unpaid work was spent 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 offenders 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, 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 or other activity, 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 offenders 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: 2015/16

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:



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

© Crown copyright 2017

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](http://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at  
The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-78652-787-5 (web only)

Published by The Scottish Government, February 2017

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS261857 (02/17)

W W W . G O V . S C O T