

PERTH AND KINROSS COUNCIL**Community Safety Committee****14 January 2015****COMMUNITY PAYBACK ORDERS ANNUAL REPORT****Executive Director (Housing and Community Care)****PURPOSE OF REPORT**

This report provides an update for the period 2013/14 on the operation of Community Payback Orders in Perth and Kinross. The Orders are managed and delivered by the Community Safety Service, specifically the Public Protection Team and the Unpaid Work Team and in accordance with the requirements of the Criminal Justice and Licensing (Scotland) Act 2010.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Criminal Justice and Licensing (Scotland) Act 2010 established the presumption against prison sentences of 3 months or less and introduced the Community Payback Order as the new statutory community disposal.
- 1.2 The Community Payback Order has replaced a range of community disposals available to the Courts namely Probation, Community Service and Supervised Attendance Orders. The Order is therefore a generic term which covers a range of disposal options which includes the following:
 - a. An offender supervision requirement.
 - b. A compensation requirement.
 - c. An unpaid work or other activity requirement.
 - d. A programme requirement.
 - e. A residence requirement.
 - f. A mental health requirement.
 - g. A drug treatment requirement.
 - h. An alcohol treatment requirement.
 - i. A conduct requirement.
- 1.3 The offender supervision requirement necessitates the involvement of a social worker and must be imposed if the other requirements have been imposed. The only exception is a low level unpaid work or other activity requirement which is determined by the number of hours of unpaid work which has been imposed by the Court.
- 1.4 Since the introduction of Community Payback Orders (CPOs) in February 2011 there has been a year on year increase as the previous Probation, Community Service and Supervised Attendance Orders have been replaced. In 2013/14 there were 307 CPOs imposed with only 25 of these previous Orders imposed which occurred because of the date when the offence was committed. The increase of Community Payback Orders is a recurrent trend

and suggests that the previous Court Orders have now almost been completely replaced by CPOs.

- 1.5 Section 227ZM of the Criminal (Procedure) Scotland Act 1995 imposes a duty on local authorities to submit an annual report on the operation of Community Payback Orders to Scottish Ministers. Local authorities are expected to fulfil this requirement in two ways:
1. By continuing to submit statistics for each financial year to the Scottish Government on the operation of community sentences in their areas (Unit Return).
 2. By providing a narrative account of the implementation and operation of the CPO in the financial year to which the Unit Return refers. Attached to this report is the Community Payback Annual Report for Perth and Kinross for the period 2013/14 (Appendix 1) which was submitted to Scottish Government in October 2014 and records pertinent CPO activity.

CPO KEY PERFORMANCE DATA (Extract from the Unit Return)

- 1.6 In 2013/14, 75% of offenders undertook unpaid work induction or had their first case manager meeting within 5 working days of the CPO being imposed. This figure matches the 2012/13 performance for this indicator and thereby highlights continued positive progress in performance. Not all offenders who are given a CPO attend their unpaid work induction or first case manager meeting.

Table 1. Number of CPOs imposed when first induction / first case manager meeting took place.

Year	Within 5 working days of the imposition of the Order by Court	More than 5 working days after the date of imposition of the Order by Court	Not known/ Not provided ¹	Total
2013/14	247 (75%)	83 (25%)	52	382
2012/13	208 (75%)	71 (25%)	31	310
2011/12	84 (58%)	62 (42%)	22	168

¹ Includes Orders where the client did not (or was unable to comply) and also orders which were transferred in from another local authority or a country outwith Scotland

- 1.7 As previously noted, CPOs imposed in Courts outwith Perth and Kinross and the issue of offenders who are not known to CJS until their Order has been imposed means that it is extremely difficult to meet with every offender with a CPO within 5 working days to carry out an unpaid work induction or begin the case management process.

Table 2. Number of Unpaid work or other activity requirements issued:
Breakdown by the time when the work placement started.

Year	Within 7 working days of the imposition of the Order by Court	More than 7 working days after the date of imposition of the Order by Court	Not known/ Not provided ¹	Total
2013/14	187 (75%)	63 (25%)	49	299
2012/13	169 (76%)	52 (24%)	32	253
2011/12	51 (49%)	53 (51%)	18	122

¹ Includes Orders where the client did not (or was unable to comply) and also orders which were transferred in from another local authority or a country outwith Scotland.

- 1.8 Following a sharp rise in 2012/13, performance has remained consistent in 2013/14 with 75% of offenders who have an unpaid work requirement starting their placement within 7 working days. It is difficult to start every offender's placement within 7 working days as some offenders fail to attend despite written and text instruction; CPOs are imposed in Courts outwith Perth and Kinross; some offenders are not known to CJS until the Court who imposed the Order contacts the service.

Table 3. Number of completions / terminations of CPOs.

Year	Order successfully completed	Revoked due to review	Revoked due to breach	Other ¹	Total
2013/14	231 (71%)	1	64 (20%)	17	324
2012/13	147 (65%)	2	65 (29%)	11	225
2011/12	27 (56%)	0	20 (42%)	1	48

¹ Includes Offenders whose Orders were transferred to another local authority and terminations owing to the death of the offender.

- 1.9 In spite of some of the logistical difficulties of Court notification of Orders and client compliance, the current performance data evidences the highest percentage of successful completions of CPOs since they were introduced in 2011/12. Notably 71% of CPOs have successfully been completed and this improvement continues the trend which was apparent in 2012/13.
- 1.10 Community Safety remains focussed on improving outcomes and good performance information is one element in how performance is managed and improved. This year, management will seek to benchmark against comparator authorities and are already in touch with Authorities that appear to be performing well, with a view to learning from good practice. Scottish Government had expected to publish national performance information by

now but there has been a delay. Publication is expected sometime in Spring 2015.

2. CONCLUSION AND RECOMMENDATION(S)

2.1 It is recommended that the Committee:

1. Approve the work being undertaken by the Public Protection and Unpaid Work Teams in respect of Community Payback Orders in Perth and Kinross.
2. Instruct the Executive Director of Housing and Community Care to bring forward a report regarding the activity and performance of Community Payback Orders in 12 months.

Author(s)

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Approved

Name	Designation	Date
John Walker	Executive Director (Housing & Community Care)	5 January 2015

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	None
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 The recommendation in this report will assist in the delivery of both the Perth and Kinross Community Plan and Single Outcome Agreement in respect of the following local outcomes:

- (i) *Developing educated, responsible and informed citizens*
- (iii) *Promoting a prosperous, inclusive and sustainable economy*
- (iv) *Supporting people to lead independent, healthy and active lives*
- (v) *Creating a safe and sustainable place for future generations*

Corporate Plan

- 1.2 The Councils Corporate Plan 2013 – 2018 lays out five strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. The relevant strategic objectives in respect of this report are as follows:

- (ii) *Developing educated, responsible and informed citizens;*
- (iii) *Promoting a prosperous, inclusive and sustainable economy;*
- (iv) *Supporting people to lead independent, healthy and active lives; and*
- (v) *Creating a safe and sustainable place for future generations.*

2. Resource Implications

Financial

- 2.1 This report contains no proposals which would have a financial impact on the Council.

Workforce

- 2.2 There are no workforce implications arising from this report.

Asset Management (land, property, IT)

- 2.3 There are no Asset management implications arising from this report.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. However, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

Sustainability

- 3.3 There are no issues in respect of sustainability from the proposals in this report.

Legal and Governance

- 3.4 This report contains no proposals which would have a legal or governance impact on the Council.

Risk

There are no issues in respect of risk from the proposals in this report.

4. Consultation

Internal

4.1 None.

External

4.2 None.

5. Communication

5.1 There are no communication issues in respect of the proposals in this report.

2. BACKGROUND PAPERS

2.1 None.

3. APPENDICES

3.1 Appendix 1 – Perth and Kinross Community Payback Order Annual Report 2013/14.

COMMUNITY PAYBACK ORDER ANNUAL REPORT

FINANCIAL YEAR:	2013/2014
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LOCAL AUTHORITY:	PERTH & KINROSS
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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.

The team has had a very productive year and staff have ensured that the clients are occupied with worthwhile tasks that have most impact and benefit to the community.

The approach has been to have a number of larger projects including:

- Preparatory activity for the Ryder Cup
- Chewing Gum Removal from streets in Perth City Centre
- Perth in Bloom (horticulture)

The management and delivery of the above activities have been balanced with completing a higher volume of smaller tasks to improve communities including:

- War memorial repair
- Graffiti removal
- Garden clearance
- Outdoor furniture renovation
- Decorating
- Litter Picking

Every effort is made to generate publicity around these jobs to increase visibility of 'Payback' to the community.

A major review of Unpaid Work processes has been instigated to improve the efficiency of the system and reduce the bureaucracy of processing activity requests.

The Unpaid Work Team is accommodated at Westbank House in Perth which is an extensive site and also houses Westbank Enterprises. This is a social enterprise which runs the Council plant nurseries in partnership with the Shaw Trust and Perth and Kinross Council Community Greenspace.

The Unpaid Work Team use a partially converted roads department shed as a workshop in which they store their outdoor tools but where they also build and repair furniture and other wooden projects. This co-location provides many opportunities for partnership working and promoting employability skills and opportunities for offenders. The contribution of the Unpaid Work Team in supporting the villages in the Perth and Kinross in Bloom displays is critical.

There remains significant unexploited potential and management is working closely with the Council Property Services to improve the facility there. This will be a lengthy and possibly expensive process but the principle of Community Payback works well and has the potential to add further value to the partnerships in the future e.g. providing support to deal with problems discovered during Joint Home Safety Visits, tackling existing graffiti, working with Eco Schools projects, community engagement through crazy golf (golf structures constructed by the team for the Ryder Cup).

There were 208 Unpaid Work Requirements successfully completed in 2013/14. The total number of unpaid work hours completed during 2013-14 was 24,356.

Examples of specific tasks and the number of unpaid hours of work attributed to them from January to March 2014 are as follows:

Litter picking – 1318 hours

Grass cutting and gardening (including vulnerable citizens' gardens, community gardens as well as clearing pathways) - 1059 hours

Ground clearance/environmental tasks – 930 hours

Making and restoring garden furniture, planting beds and other joinery related tasks – 1620 hours

Painting decorating for a vulnerable citizen – 65 hours

Westbank site maintenance including tending to the Unpaid Work gardening allotment – 615 hours

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

The following are examples of quotes received during the current year:

26 February 2014 – by email

Just wanted to say a big thank you for the work that Charlie and his team have undertaken here at Family Change. The work was completed very quickly with no disruption to our service and was carried out to a high standard. Our garden now looks really tidy and much more welcoming for the children and families who attend our service – I only wish I had been in touch sooner.

Our grateful thanks.

Family Change Service

Perth and Kinross Council

17 June 2014 (relating to work carried out in March – by letter)

Sorry about the delay in writing but I wanted to thank you on behalf of Mr A for the work you carried out in his property.

Mr A is visually impaired and recently had a level access shower fitted. He required his shower room to be painted and had no one to call upon to carry out the work. Thanks to your service the work was carried out promptly and to a high standard.

Many thanks again

Yours Sincerely

Client Services Manager

Vision PK

Press coverage:

The Bridge (Dunkeld & Birnam Local magazine) 16 December 2013 – a positive mention on team's effort to prepare the war memorial for Remembrance Sunday celebrations:

"With reference to previous correspondence and the contribution from Councillor Grant Laing in the last Bridge on this subject, I can tell you that considerable work on

clearing the access pathways to the Memorial has been undertaken by an Unpaid Work Team organised by the relevant Council Department, as would be evident to all who attended at the Memorial on Sunday 10th November. The paths were cleared and trimmed about two weeks ago to a more than reasonable standard, and in addition on 8th or 9th November further attention was paid to them by some person/s sweeping the fallen leaves to make them even more presentable. I think that our thanks are due to the Council for their attention".*(...)
David MacDougall.

Strathearn Herald, 14th March 2014: "Payback Orders make a difference to Crieff" – very positive coverage including a picture of the team with councillor Rhona Brock. She told the Herald: "This service has enabled the community to benefit by keeping public areas clear of litter. This has been carried out on a weekly basis over the past few months and I have been impressed with the work that has been carried out to date and look forward to working with them in the future".

Offender comments:

"It made me really think hard of where my actions could lead me to"

"Made me think about behaviour and consequences....made me stop and think before I act"

"They teach lots of new skills and make me feel confident and productive in my work life"

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

This is being delivered onsite at the Unpaid Work complex which is adjacent to the Shaw Trust. Following completion of the Employability course representatives from Shaw Trust are invited to discuss their project with clients. This has proven a successful introduction with a number of our clients going on to apply and accept positions within the Shaw Trust Enterprise.

The Public Protection Team have worked together with the Unpaid Work Team to pilot an employability group work programme whereby offenders are referred to a 5 week course to develop employment skills and an improved attitude to employment. This is still in the evaluation stage but it is hoped that it will provide a pathway to employment via Westbank Enterprises.

Wherever possible CPO clients learn new skills and how to work as part of a team as well as improve and enhance their current knowledge of practical life tasks. This has a positive and beneficial impact for participants with some clients taking a real pride in their work and achievement. On occasion, this has been to the extent that clients have volunteered to work extra hours for the Gardening Scotland exhibit (Perth and Kinross won a gold medal) and in the design and development of a new roundabout for the Ryder Cup where clients worked alongside Community Greenspace and private contractors to a tight deadline.

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.

The Unpaid Work Team supervisor contacted and visited Community Councils within the area to promote the service and establish the needs of the community.

A Communication Strategy has been developed by the service and provides a structure for marketing the capability and capacity of the Unpaid Work Team. A weekly update is provided to the Council's Communications Team and 'word of mouth' recommendation is encouraged by management through elected members, Community Councillors, sports associations, in the local press and through satisfied customers.

The services of the Safer Communities Team in which the Unpaid Work Team is based have been actively marketed to partner agencies as part of a problem solving solution to community issues. This, allied to a streamlining of the tasking processes, has led to an increase in the number of requests.

Decisions on which projects are undertaken are taken on a case-by-case basis and based on the principles in the Criminal Justice and Licensing (Scotland) Act 2010 and the Perth and Kinross' Community Plan/Single Outcome Agreement 2013 – 2023.

The Unpaid Work Team is completely integrated into the Community Planning Partnership process and regarded as a valuable resource. The Team and wider Partnership consults widely with residents and other stakeholders through tactics such as: Customer Satisfaction Survey, Street a Week (where Community Wardens pick an area and visit households to establish any problems that they are experiencing), liaison with elected members, liaison with Community Councils. These engagement activities help to inform the work of the partnership at an operational level and has enabled the Unpaid Work Team to get involved with multi agency operational activity such as:

- Undergrowth removal as part of a campaign to reduce the level of drug litter
- Tree surgery to resolve an ongoing neighbours dispute
- Litter picking to resolve wild camping issues at Loch Tay
- Burn clearing to resolve anti-social behaviour at Dunning Glen
- Installation of Water Safety equipment at a high risk spot on the Tay at Perth
- Graffiti removal strategy

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.

Drug Treatment requirements: In 2013 discussions with Tayside Substance Misuse Service (TSMS) were initiated in relation to co-location and joint working with all female heroine/methadone users subject to CPOs. This was implemented in 2014 with a dedicated TSMS nurse located within St Martin's House and attached to

the One-stop Women's Learning Service (OWLS) project. This has increased our ability to drug test and ensure compliance with not only CPO's but also their treatment pathway. Future meetings are planned for October 2014 to discuss expanding this joint working to encompass all male clients hopefully by 2015.

Mental Health requirement: This is currently working well within the OWLS project with a dedicated Community Psychiatric Nurse enabling quicker access to support and monitoring of engagement and attendance.

Programme Requirements:

Moving Forward Making Changes was implemented in 2014 and replaces the Community Sex Offender Groupwork Programme. The groupwork sessions are delivered by Tay Project (Dundee Criminal Justice Social Work) whilst the role of case managers has greatly increased. Client suitability for this programme is determined at the court reporting stage and is very much needs-led tied to their Stable risk assessment and LSCMI.

The Positive Relationship Programme has been running from 2013. This has been a direct response to the growing number of general CPO clients disclosing or evidencing difficulties/issues in managing personal/family relationships. This is not directly offence focused. However in those cases where there is an explicit need in relation to domestic abuse/violence this in-depth work is currently carried out on a 1:1 basis with Social Workers.

The Drink Driving Group was re-established in 2013 due to an increasing number of CPOs for drink driving offences which allowed the running of a group work programme to be viable. A women only group has been successfully delivered in 2014 with the programme being redesigned and shortened to enable a more time efficient and gender specific programme to be delivered.

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?

Mental Health requirement: As has been the experience of other Local Authorities, this requirement is proving to be problematic to deliver due to the challenge posed of securing a service delivery agreement with the NHS. This is less of an issue for female offenders subject to a CPO as mental health treatment/support is accessed through the OWLS project and are therefore able to service this requirement. To date there is no such joint arrangement in relation to men subject to a CPO. However in an effort to address this issue, the Public Protection Team are currently undertaking research to determine if a similar approach to that which has been established in OWLS for women would be conducive to and welcomed by male clients. As OWLS, the service would be multi-agency in its approach and address the holistic needs of male offenders.

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

OWLS: This project is proving to be a success not only with women subject to CPOs but those on statutory supervision following release from custody or voluntary Throughcare. The future plan is to expand the service to include vulnerable women including those at risk of offending. To achieve this, OWLS has recently secured permanent premises with a view to moving to this accommodation in early 2015. This will enhance the current multi-agency approach and embed the relationships between all services including public, private and third sector, through co-location.

Employability: During 2013/2014 staff from the Public Protection Team along with staff from the Unpaid Work Team undertook training in delivering employability groupwork sessions. There has been a mixed response with some notable success. Currently the workers are completing a questionnaire with a number of our clients to ascertain their thoughts regarding such interventions continuing and whether or not this is something regarded as beneficial by clients. The outcome of this will shape further joint working between the two teams in relation to employability group work delivery.

Counselling: Although this type of work is not part of a CPO, the Public Protection Team has a qualified Counsellor who has been working with clients for the past two years. This has enabled clients to be fast tracked into receiving this type of support and in addressing client's complex emotional needs and difficulties. This service is not mandatory and is completely confidential between the client and Counsellor. This service runs at capacity of eight clients per week offering up to eight sessions or as required. Feedback from clients attending counselling reports positive outcomes and resolution to many personal issues and conflicts. Clients have reported that they feel more in control of their lives and have a greater understanding of their behaviours, reactions and consequences.

COMPLETED BY: Nicola Rogerson

DATE: 23 October 2014

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