

**PERTH AND KINROSS COUNCIL**

**Housing & Communities Committee**

**2 September 2020**

**COMMUNITY PAYBACK ORDERS ANNUAL REPORT 2018-19**

**Report by Executive Director (Education and Children's Services)  
(Report No. 20/154)**

**PURPOSE OF REPORT**

This report provides an update for the period 2018-19 on the operation of Community Payback Orders in Perth and Kinross. These Orders are managed and delivered by Criminal Justice Social Work, 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 introduced the Community Payback Order (CPO) as the new statutory community disposal. The CPO is therefore a generic term which covers a range of disposal options which includes the following:
- An offender supervision requirement;
  - A compensation requirement;
  - An unpaid work or other activity requirement;
  - A programme requirement;
  - A residence requirement;
  - A mental health requirement;
  - A drug treatment requirement;
  - An alcohol treatment requirement; and
  - A conduct requirement.
- 1.2 When these requirements are imposed by the Court, it is mandatory that they are overseen by a suitably qualified social worker, exceptions being low-level unpaid work or other activity. The level is determined by the number of hours imposed.

**2. COMMUNITY PAYBACK ORDER ANNUAL REPORT**

- 2.1 The Criminal Procedure (Scotland) Act 1995 places a duty on local authorities to submit an annual report on the operation of Community Payback Orders to Scottish Ministers by the end of October each year.

- 2.2 Following the Community Justice (Scotland) Act 2016, responsibility to produce the CPO annual report was transferred to Community Justice Scotland (CJS). This places a Duty on CJS to collate all local authority reports and lay a summary report before Parliament. However, the power to issue directions to local authorities on the content of the reports remains with Scottish Ministers.
- 2.3 In the production of the CPO Annual Report, local authorities are expected to fulfil their requirement in two ways:
- By continuing to submit statistics for each financial year to the Scottish Government on the operation of community sentences in their areas (Unit Return); and
  - By providing a narrative account of the implementation and operation of the CPO in the financial year to which the Unit Return refers.
- 2.4 The Community Payback Annual Report for Perth and Kinross for the period 2018/19 (Appendix 1) was submitted to Community Justice Scotland in October 2019.
- 2.5 As illustrated in Table 1 below, in 2018-19, there were 346 new Community Payback Orders imposed by the Court for Perth and Kinross for 301 individuals. Since 2016-17, the number of Orders and individuals receiving an Order has shown a year-on-year decrease. These decreases are in line with the national trend.
- 2.6 Over the same period, the number of non-court disposals, such as Fiscal Fines, Fiscal Compensation and Fiscal Fixed Penalties has increased. For example, between 2016-17 and 2017-18, the number of these disposals increased by 50.

**Table 1 - Number of new Community Payback Orders and individuals for the preceding three years:**

	<b>1 April 16 to 31 March 17</b>	<b>1 April 17 to 31 March 18</b>	<b>1 April 18 to 31 March 19</b>
Total number of new Community Payback Orders	465	391	346
Total number of individuals with new Community Payback Orders	359	336	301

- 2.7 As shown in Table 2, there were 198 Supervision requirements issued in 2018-19. This is a decrease of 37 when compared with the previous year. Although the number of requirements has decreased, during the same period of time, the average length of requirements has increased, from 13.2 months to 14 months.

**Table 2 - New Supervision requirements and average length (months) for the preceding three years:**

	<b>1 April 16 to 31 March 17</b>	<b>1 April 17 to 31 March 18</b>	<b>1 April 18 to 31 March 19</b>
All Orders with Supervision requirements	219	235	198
Average length (months) of Supervision requirements	13.7	13.2	14

- 2.8 Table 3 below, highlights that there were 290 Unpaid Work (UPW) requirements issued in 2018-19. This is a decrease of 24 when compared with the previous year. The number of UPW requirements has decreased consistently since 2016-17 falling from 411 in 2016-17 to 290 in 2018-19. In contrast, the average number of hours for UPW requirements has continued to increase over the same period, rising from 118.5 hours in 2016-17 to 138.3 hours in 2018-19.

**Table 3 - New UPW requirements and average length (hours) for the preceding three years:**

	<b>1 April 16 to 31 March 17</b>	<b>1 April 17 to 31 March 18</b>	<b>1 April 18 to 31 March 19</b>
Total number of new UPW requirements	411	322	290
Average length of UPW requirements (hours)	118.5	129.1	138.3

- 2.9 Table 4, highlights the number of other CPO requirements (excluding Supervision and UPW) made as part of new CPOs from 2016-17 to 2018-19. The overall number of requirements made has consistently decreased since 2016-17 thereby mirroring the trend witnessed with CPOs overall during the same period and the trend for Supervision and UPW requirements.
- 2.10 When considering individual requirements, while most show a continual decrease, there are some exceptions:
- The number of conduct requirements has increased slightly since 2016-17, rising from 12 to 16;
  - The number of Compensation requirements has fluctuated since 2016-17, initially increasing to 31 and then decreasing to 21 in 2018-19; and
  - The number of Mental Health Treatment requirements and Residence requirements have remained consistently low since 2016-17.

**Table 4 - New CPO requirements for the preceding three years:**

<b>Other Requirements</b>	<b>1 April 16 to 31 March 17</b>	<b>1 April 17 to 31 March 18</b>	<b>1 April 18 to 31 March 19</b>
Compensation	24	31	21
Programme	42	31	25
Residence	0	0	0
Mental health treatment	2	4	2
Drug Treatment	28	19	14
Alcohol treatment	31	15	13
Conduct	12	15	16
<b>Total</b>	<b>139</b>	<b>115</b>	<b>91</b>

- 2.11 Table 5 below, highlights that in 2018-19, 68% of CPOs were successfully completed at termination. In contrast, 26% of CPOs were revoked either due to review or breach. Figures for 2018-19 are comparable to 2017-18 when 70% of CPOs were successfully completed and 27% were revoked.

When a CPO is not successfully completed, the Order is returned to Court and an alternative sentence is imposed. This will typically be a CPO or a custodial sentence.

**Table 5 - Reasons for CPO terminations for the preceding three years:**

<b>Year</b>	<b>Order successfully completed</b>	<b>Revoked due to review</b>	<b>Revoked due to breach</b>	<b>Other <sup>1</sup></b>	<b>Total</b>
2016/17	312 (67.2%)	27 (5.8%)	102 (22%)	23 (5%)	464
2017/18	257 (69.5%)	32 (8.7%)	68 (18.4%)	13 (3.5%)	370
2018/19	273 (67.9%)	23 (5.7%)	80 (19.9%)	26 (6.5%)	402

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

- 2.12 Table 6 highlights the outcomes of CPOs following their revocation either for breach or following a review. In most cases, where the CPO was revoked, the individual went on to receive either a custodial sentence or an alternative CPO. Typically, alternative CPO included a longer Supervision requirement and/or additional UPW hours.

**Table 6 - Outcomes of CPOs revoked due to review or breach for the preceding year:**

Year	Reason for Termination	Outcome of Termination							
		Unknown	Custodial sentence imposed	New CPO issued	Monetary sentence imposed	Other penalty issued	Other outcome	Outcome not known	Total
2017-18	Revoked due to Breach/ Review	0	32	32	5	13	16	2	100
2018-19	Revoked due to Breach/ Review	0	42	40	2	3	15	1	103

- 2.13 The Criminal Justice Social Work Service remains focussed on improving outcomes for individuals in the justice system. Robust performance information is key to understanding how well interventions are managed and to support continuous improvement. The recent extension of the presumption against short term prison sentences from 3 months to 12 months is expected to result in an increased use of community sentences across Scotland. It is therefore anticipated that the recent trend of falling numbers of CPOs is likely to be reversed. A range of workforce planning scenarios have been developed by the Public Protection and Unpaid Work teams to ensure that they have sufficient capacity to manage any increase in CPO numbers. However, recent analysis suggests that any rise will not have a significant impact on the overall numbers of CPOs managed in Perth and Kinross.

### **3. CONCLUSION AND RECOMMENDATIONS**

- 3.1 It is recommended that the Committee:

- (i) Approves the work being undertaken by the Public Protection and Unpaid Work Teams in respect of Community Payback Orders in Perth and Kinross; and
- (ii) Requests the Executive Director (Education and Children's Services) to bring forward a report regarding the activity and performance of Community Payback Orders for the period 2019/20 in 12 months.

**Author(s)**

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**Approved**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
Jacquie Pepper	Chief Social Work Officer	26 February 2020

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

- 1.1 This section sets out how the proposals relate to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- (i) Giving every child the best start in life;
- (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.

This report relates to Objective No (ii), (iii), (iv and (v).

#### Corporate Plan

- 1.2 This section sets out how the proposals relate to the achievement of the Council's Corporate Plan Objectives.

- (i) Giving every child the best start in life;
- (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.

This report relates to Objective No (ii), (iii), (iv and (v).

- 1.3 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area:

- Learning: Developing Communities

## **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.
- 3.5 N/A

### Risk

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

- 3.6 N/A

## **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 2018/19.