

Perth And Kinross Council

Housing And Social Wellbeing Committee

21 June 2023

COMMUNITY PAYBACK ORDER ANNUAL REPORT 2021-22

Report by Executive Director (Education and Children's Services)
(Report No. 23/191)

1. PURPOSE

- 1.1 This report provides an update for the period 2021-22 on the operation of Community Payback Orders (CPO) in Perth and Kinross. The Orders are managed and delivered by Criminal Justice Social Work (CJSW), specifically the Public Protection team and the Unpaid Work (UPW) team, and in accordance with the requirements of the Criminal Justice and Licensing (Scotland) Act 2010.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee:
- Approves the work being undertaken by the Public Protection and UPW teams in respect of the CPO in Perth and Kinross; and
 - Requests the Executive Director (Education and Children's Services) to bring forward a report regarding the activity and performance of CPO in 12 months' time.

3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:
- Section 4: Background
 - Appendices

4. BACKGROUND

- 4.1 The Criminal Justice and Licensing (Scotland) Act 2010 introduced the 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.
- A conduct requirement.

4.2 When these requirements are imposed by the Court, it is mandatory that they are overseen by a suitably qualified social worker, with the exception of low-level unpaid work or other activity. The level is determined by the number of hours imposed.

4.3 **CPO Annual Report**

4.3.1 The Criminal Procedure (Scotland) Act 1995 places a duty on local authorities to submit an annual report on the operation of CPO to Scottish ministers by the end of October each year.

4.3.2 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 the Scottish Parliament. However, the power to issue directions to local authorities on the content of the reports remains with Scottish ministers.

4.3.3 In the production of the CPO annual report, local authorities are expected to fulfil their requirement in two ways:

- Firstly, 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
- Secondly, by providing a narrative account of the implementation and operation of the CPO in the financial year to which the Unit Return refers.

4.3.4 Attached to this report is the CPO Annual Report for Perth and Kinross for the period 2020/21 (Appendix 1) which was submitted to Community Justice Scotland in October 2021 and records pertinent CPO activity. As a result of the impact of the Coronavirus pandemic, the report includes a reflection on the impact of service delivery and highlights the opportunities which were created through innovative developments and new ways of working.

4.3.5 In previous reports to committee, it has been customary to link the statistical data with the narrative of the report and conduct trend analysis with preceding reporting years' activity. However, due to the impact of the Coronavirus pandemic and resulting restrictions throughout this period, it has rendered such analysis to be of little value.

4.3.6 As the Council moved through the Coronavirus pandemic and fluctuating recovery period, the work in CJSW and the UPW team continued to adapt to those challenges, and where possible, re-evaluate and modify how services were delivered. This is evidenced across various activities and interventions which has included:

- **Criminal Justice Social Work (CJSW)**

Offending behaviour programmes as part of a CPO which are designed to address specific offences and offending behaviours. These include Caledonian System (domestic abuse) and Moving Forward Making Changes (sexual offending). These programmes are delivered in partnership with Dundee City Council and continued to be delivered in a reduced way through the more restrictive period of the Covid pandemic before incrementally increasing these interventions as restrictions eased. Irrespective of these fluctuations, different methods were employed to maintain monitoring and management of individuals through face to face contact, telephone and online methods. All contacts were informed by the assessed risk the person posed in respect of their index offence, propensity for re-offending and risk of harm. Coupled with this, was consideration for the emotional wellbeing of the individual as well as their social and practical circumstances which can often impact on the propensity for someone to offend.

- **Unpaid Work (UPW)**

Following the fluctuating operating restrictions for the UPW team and the re-deployment of staff to assist with elements of the Covid pandemic, the team gradually returned to their core activity of servicing UPW CPO. However, there was the accumulation of a backlog of UPW hours which was reduced because of Scottish Government intervention as, during periods of severe restriction, it had not been possible for the UPW team to operate. To address the remaining UPW hours which needed to be completed, it was projected that this demand would level out as the team returned to normal operations. Of note was the impetus to continue to deliver training and employability opportunities for those during this period as well as counselling and wellbeing support. This was particularly beneficial for those individuals who were struggling, not only with the consequences of the Covid pandemic, but those who were facing challenges in their attempts to re-enter the workforce.

4.3.7 As the CJSW service continued to operate throughout the Covid pandemic and recovery period, the service has endeavoured to capitalise on the opportunities for improvement which transpired as a result of these circumstances. Through being able to work in a different way and utilising feedback from those in the criminal justice system, it has been possible to have a more flexible working approach. This is in part through the utilisation of technological developments and balancing this operational enhancement with the assessment of a person's risk. This has allowed for a more effective use of time and targeting of resources.

4.3.8 A notable change in practice related to the servicing and imposition of a drug and alcohol requirement as part of a CPO. It was identified that the practice presently undertaken did not adhere to the spirit of the legislation and led to discussion with the local Sheriffs and colleagues in the Integrated Drug and Alcohol Recovery Team (I-DART). A Test of Change was planned which included funding via Covid Recovery monies and the Alcohol and Drug Partnership as 'specified workers' were required to fulfil the specific requirements of such a CPO. This has been a positive development and has led to improved working relationships with colleagues and greater collaboration between services.

Author

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Approved

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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 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 Vision, Values and Priorities in respect of the following key Priority area:

- Safe and Protected

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

- 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.

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.

The proposals have been considered under the Act; 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 Under the provisions of the Local Government in Scotland Act 2003, the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:
- In the way best calculated to delivery of the Act's emissions reduction targets.
 - In the way best calculated to deliver any statutory adaption programmes.
 - In a way that it considers most sustainable.
- 3.3.1 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 Not applicable.

Risk

- 3.6 There are no issues in respect of risk arising from this report.

4. Consultation

Internal

- 4.1 Not applicable.

External

- 4.2 Not applicable.

5. Communication

- 5.1 There are no communication issues arising from this report.

2. BACKGROUND PAPERS

- 2.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report.

3. APPENDICES

3.1 Appendix 1 - Perth and Kinross Community Payback Order Annual Report
2021/22