

PERTH AND KINROSS COUNCIL

Community Safety Committee

4 December 2013

Community Payback Orders Annual Report

Executive Director (Housing & Community Care)

PURPOSE OF REPORT

This Report provides an update for the period 2012/13 on the implementation and operation of Community Payback Orders and other services provided by the Criminal Justice section in Perth and Kinross 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 presumption against prison sentences of 3 months or less and a new community statutory disposal, i.e. Community Payback Order (CPO).
- 1.2 A court must not impose a sentence of imprisonment for a term of 3 months or unless it considers that there is no other appropriate option of dealing with the offender.
- 1.3 Community Payback Orders have been available to the Courts in Scotland since 1 February 2011. The Order replaced a range of non-custodial penalties available to the courts – including Probation and Community Service Orders – with the new generic sentence of **Community Payback**.
- 1.4 A Community Payback Order can contain one or more of 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 treatment requirement
 - g. A drug treatment requirement
 - h. An alcohol treatment requirement
 - i. A conduct requirement

The Supervision requirement noted at 2.4(a) **must** be imposed where there are other requirements imposed – other than a low level imposition of Unpaid Work.

1.5 In addition to reporting on Community Payback Order activity, last year's report on Community Payback Orders proposed that, during the next 12 months, there would be an enhanced focus on the following areas:

- Offenders receiving sentences of 0-6 months, including a number of **persistent offenders** who commit multiple offences of dishonesty, usually to feed a drug habit
 - Younger adults exiting the Criminal Justice system through the Right Track Scheme where there may be a need for continuing support
 - Women at risk of offending or reoffending, particularly in light of the findings of the Angiolini Commission on Women Offenders and the particular challenges faced by them
- The work done in furtherance of these objectives is described in detail within section 5 of this report

1.6 **COMMUNITY PAYBACK IN PERTH AND KINROSS – 2012/13**

The legislation applicable to Community Payback Orders was formally introduced in Perth and Kinross in February 2011. The introduction of Community Payback Orders also provided a real opportunity to revise some aspects of operational practice. For example, existing links with the Drug & Alcohol team have been further developed to establish a 'drop-in' clinic for those offenders subject to Community Payback Orders with a condition of Drug or Alcohol support. In addition, arrangements are now in place with Mental Health services to ensure that, where the court is considering a condition of mental health treatment as a requirement of a Community Payback Order, then a psychiatric/psychological assessment will have been undertaken beforehand. The embedding of CPOs as the standard Community Court Disposal, however, has not been the only significant development within the last 12 months.

2013 has also seen the beginning of a major development to support women at risk of offending. The Drumhar Medical Centre in Perth city centre now functions as a Women's Centre for Criminal Justice clients - as detailed later at (paragraph 5.1) of this report. This initiative has been made possible as a result of 3 year funding provided by the Local Authority. One element of this funding, for an initial period of 2 years, entailed part funding a GP post to ensure that the complex needs of women at the margins of society can be adequately met by an identified GP service.

Over the last 12 months, we have also built upon the progress of the Unpaid Work Teams. During the year up to April 2013, some 14,000 hours of unpaid work have been expended on Community Payback schemes within Perth and Kinross. The work undertaken has been varied and has included:

- Clearance of soil and detritus accumulated over many years around Aberuthven Village Hall
- Clearance of waste ground near Auchterarder Community School to allow school children to develop a landscaping project
- Laying of slabs to assist the 'Kinross in Bloom' project

In order to encourage community participation, a number of community councils were visited by staff to seek suggestions for specific Unpaid Work Team projects. It is planned to increase this activity in the coming months through improving connections to other community-based groups and organisations.

Finally, a Social Enterprise project, based at the Westbank site, is now scheduled to start providing employability placements during the early months of 2014. It is envisaged that this will provide employability opportunities for ex-offenders, particularly those who have satisfactorily completed periods under Criminal Justice Supervision.

1.7 KEY PERFORMANCE INDICATORS

Numbers of new Community Payback Orders

2010/11		2011/12		2012/13	
M	F	M	F	M	F
4	0	146	22	260	54
4		168		314	

Age/Gender Distribution

	2011/12		2012/13	
	M	F	M	F
16-21	43	4	75	11
22-25	27	4	47	7
26+	76	12	138	36
	146	22	260	54

As the figures indicate, the number of Community Payback Orders has increased significantly during the past year – from 168 to 314, an increase of 87%. This sharp rise in the number of Payback Orders, however, should be seen within a context of the natural expiry of Probation and Community Service Orders, imposed prior to the implementation of the 2010 legislation, or re-imposed owing to failure to comply with such orders. Put simply, Probation Orders and Community Service Orders have effectively been replaced by Community Payback Orders over the last 2 years.

Within this total figure of CPOs, however, the number of women on Community Payback Orders is relatively high at 54 – some 20% of the total for Perth and Kinross. This high representation of women within the overall ranks of Community Payback Orders forms part of the rationale for the Offending Women's Learning Service project, described at section 5 of this report.

Unpaid Work Team and Supervision

Clients commencing work within 7 days

2010/11	2011/12		2012/13
CS	CS	Community Payback Orders	Community Payback Orders
42%	45.7%	53.5%	68.1%

Average hours per week to complete Unpaid Work Team Orders

2010/11	2011/12		2012/13
CS	CS	Community Payback Orders	Community Payback Orders
4.6 hrs	5.6 hrs	8.0 hrs	8.4

Unpaid Work Team Completions

2010/11	2011/12	2012/13
CS	CS/Community Payback Orders	Community Payback Orders
76.5%	64%	67%

Supervisions/Completions

2010/11	2011/12	2012/13
Probation 54.3%	Probation/Community Payback Orders 61.5%	Community Payback Orders 67.6%

Clients seen within 1 working day

2010/11	2011/12	2012/13
Not measured until 2011-12	85.6%	77.5%

Community Service/Unpaid Work – Induction undertaken within 5 working days

2010/11	2011/12	2012/13
CS	CS/Community Payback Orders	Community Payback Orders
67.3%	62.8%	69%

In terms of Unpaid Work and Supervision, most of the critical 'key performance indicators' continue to show a steady improvement. The figure for clients commencing work within 7 days indicates an increase of 26% since 2010/11. The same can also be said for the Unpaid Work Team average weekly hours data – now standing at 8.4 hours per worker per week - well in excess of National and Tayside-wide performance figures for past years.

The one area in this section where the statistics show a reduction is in relation to 'Clients seen within 1 working day'. While this is disappointing, the Committee should be aware that this is mainly due to the following factors:-

- The Order has been made outwith Perth & Kinross and it is simply not possible to contact the client in the timeframe available, as paperwork is unlikely to be received until 2-3 days after the court hearing
- The Order has been made on a day other than a normal Court day – which means that there is no Social Work presence in Court and the details are not forwarded by the Court Office to the Criminal Justice Service within the required timeframe

It is important that Committee are aware that it is not yet possible to compare local 2012-13 data with National or Regional data. The Annual Returns for all 32 Local Authorities have not been fully collated by Scottish Government and one of our Tayside Criminal Justice Social Work Partners has yet to submit details due to a serious computer problem. Consequently, comparative data between 2011-12 and 2012-13 and across Authorities is unlikely to be available until 2014.

Right Track (17-21 Year Olds)

The Right Track Project, providing enhanced support and supervision to younger offenders aged between 17-21 years of age, is an example of a successful project, initially run as a pilot and now funded longer term by the Council because of its considerable success in breaking the cycle of repeat offending by younger people. Staff delivering the service focus on the young person and his/her needs as the starting point. Having attained the young person's engagement, work can then be undertaken on the various factors influencing their offending behaviour.

The Right Track Project built upon the success of the Youth Justice Team in bringing a 'welfare' approach into a 'justice-dominated' model of adult Criminal Justice. Many younger offenders simply lack the maturity and self-discipline associated with compliance with an adult Criminal Justice Order. The pro-active approach taken through the Right Track Scheme can provide basic support in helping young people to organise their lives, and can be delivered within a Community Payback Order, but is more generally delivered via a Structured Deferred Sentence.

Right Track Activity 2011-13

	2011/12	2012/13
Clients/Referrals	44	68
Work ongoing	17	26
Community Payback Orders subsequently imposed	4	9
Court requested further Right Track involvement	17	23
Fine	-	1
Other	2	3
Imprisonment	4	6

44 referrals in 2011-12

Male - 38

Female - 6

68 referrals in 2012-13

Male - 53

Female - 15

While a formal reconviction figure for young people on Right Track supervision is difficult to extrapolate from the total 'Perth and Kinross' reconviction figure – recent analysis of reoffending by younger offenders whilst still under Right Track supervision suggests a recidivism rate of only 8.8%. The recent addition of post-supervision mentoring should also help to sustain more pro-social behaviour upon exiting the Right Track.

Resettlement/Throughcare

2010/11	2011/12	2012/13
62 referrals	53 referrals	46 referrals
47 males	41 males	36 males
15 females	12 females	10 females

Over a two year period the number of referrals has fallen steadily, although there has not been a commensurate reduction in the number of Perth & Kinross individuals sentenced to imprisonment. It is likely that the reorganisation of prison-based health, and related drug/alcohol provision, which occurred during this time, has affected the referral process. It appears that the majority of such referrals now emanate from prison officers rather than prison based health/drug and alcohol services.

The issue has been raised with the Service Manager responsible for prison-based health provision in HMP Perth and the Governor of HMP Perth. It is planned to introduce a revitalised process before the end of 2013 in order to improve 'prisoner pathways' in terms of drug/alcohol work and to reinvigorate the provision and delivery of throughcare to all short-term prisoners from Perth and Kinross.

1 Year Reconviction Frequency Rate by Area

	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011
Scotland	61.1	60.1	59.7	57.1	57.9	54	50.2
Tayside	66.7	72.3	75.5	67	74.2	66.4	66
Angus	52	66.1	66.2	56.3	67.5	68.4	66.1
Dundee City	73.7	78.6	86	77.9	85.5	74.6	75.7
Perth & Kinross	66.3	63.7	61.8	54.8	59.7	48.6	47.9

Reconviction Frequency Rate

The average number of reconvictions within a specific follow-up period from the date of the index conviction per 100 offenders.

1 Year Reconviction Rate by Area

	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011
Scotland	32.5	32.5	32.4	31.3	31.5	30.1	28.4
Tayside	33.9	36.3	37	33.7	36.5	33.7	34.1
Angus	29.3	33.9	33.8	29.7	33.4	33.4	31.6
Dundee City	36.7	38.4	40.6	37.5	40.5	36.6	38.3
Perth & Kinross	32.6	33.6	32.5	29.5	32	28.5	28.6

Reconviction Rate

The Reconviction Rate is described as the percentage of offenders with index convictions in the cohort who were reconvicted one or more times within a specified follow-up period from the relevant date of index conviction.

Therefore, the Reconviction Rate describes the percentage of offenders reconvicted, whereas the Reconviction Frequency Rate is a count of the number of reconvictions by these offenders.

For reconviction rate and frequency statistics, there are 25 different areas, as opposed to the actual 32 Local Authorities. This is because the data covers approximate areas, based on the court of the offender's conviction. Some Sheriff Court boundaries include more than one Local Authority area. For example, North and South Lanarkshire are treated as one area that is covered by Airdrie, Hamilton and Lanark Sheriff Courts. With this qualification:

- Of the 2010-11 cohort of offenders, with a reconviction rate of 28.6% Perth & Kinross are 16th out of the 25 and for reconviction frequency rate (47.9) 14th out of 25.
- For the previous cohort, for reconviction rate (28.5%) Perth & Kinross were 10th out of 25 and for reconviction frequency rate (48.6) 9th out of 25.

Reducing Reconviction performance within Perth and Kinross remains strong, but the pace of reduction has slowed over the last 12 months but which data is available. The developments outlined in this paper should provide us with the opportunity to achieve further reductions in reoffending.

As noted above, reconviction data is not yet available from the Scottish Government for 2011/12 or 2012/13.

1.8 KEY DEVELOPMENTS DURING 2012/13

The period 2012-13 has seen the introduction of a number of significant new developments. 3 of which seek to improve service co-ordination and all of which seek to improve the quality of support provided to the offender, as follows:

Offending Women's Learning Service

The Offending Women's Learning Service (OWLS) was developed in response to a recommendation in the report by the Commission on Women Offenders chaired by Dame Elish Angiolini in February 2013.

It was established in consultation with NHS Tayside, Drug and Alcohol Services, and Housing and Criminal Justice Services - who formed the core group for service design and development.

A local survey of female offenders was undertaken to determine the shape and focus of a women's centre at the Drumhar Health Centre. The progress and impact of 'OWLS' is monitored via a Steering Group consisting of representatives from the core group of services - with weekly operational meetings between front line staff to share client information and deal with operational problems.

This service endeavours to demonstrate the following outcomes:

- Reduced offending and re-offending
- Reduced and stabilised substance misuse
- Improved physical health
- Improved mental well being
- Improved access to appropriate accommodation
- Improved employability opportunities
- Income maximisation and improved financial wellbeing

While still in its first year of operation, a review of the first 10 women supported by the project has indicated that almost all had made positive progress in relation to their own personal outcomes or targets.

CCIG

During the past few months, the first Complex Case Integration Group (CCIG) has been developed. This is a multi-agency group focusing on adults aged 16 and over with complex needs, living in the Perth City centre area. Those referred to the Complex Case Integration Group will generally not be receiving co-ordinated support through other formal systems such as Multi Agency Public Protection Arrangements, Child Protection or Adult Protection processes or formal mental health procedures. The group aims to build on the successful and innovative integrated work of the Homeless Integration Team and Equally Well models of practice.

‘An individual with complex needs’ is, for the purposes of considerations by CCIG, someone who has inter-related health and social care needs which impact on their physical, social and emotional wellbeing. These circumstances limit their ability to participate in society and can result in homelessness, criminal behaviour, substance misuse, illness and social exclusion.

The Core Agencies in CCIG who consider and co-ordinate services for a person with complex needs reflect the services that are most likely to support that individual. These include the following:

- Tayside Council on Alcohol
- The Access Team (Adult Care Services)
- Housing Service
- Central Health Care Team
- Community Mental Health Team
- Drug and Alcohol Services
- Criminal Justice Services
- Tayside Police

While every individual will have their own agreed personal outcomes, key factors which CCIG members endeavour to support include:

- Reducing Reoffending
- Reducing the number of adults mental health services within a defined period
- Sustaining tenancies safely
- Reducing and stabilising substance misuse
- Stabilising financial wellbeing
- Improving health and wellbeing

Further detail on the progress of CCIGs in Perth City and beyond will be set out in future reports.

Tayside Intensive Support Service

In August 2012, the Tayside Community Justice Authority (CJA) facilitated a meeting between Police and Criminal Justice Social Work personnel from across Tayside and representatives from the Glasgow Persistent Offenders Project (POP). The background to the meeting was the identification of the social and economic costs of **persistent offending** by the Scottish Government, the Tayside Community Justice Authority and the Tayside Criminal Justice Social Work Partnership, as a key strategic objective. In recent years a number of research studies have demonstrated the significant cost of persistent offending by a relatively small number of offenders. It is apparent that the criminal histories of offenders has changed. More have been convicted before and fewer are being convicted for the first time. The Scottish Government has estimated that the financial cost of recorded crime over a ten year period is in excess of £5 billion – which does not include the wider social costs of tenancy terminations, the emotional/physical injuries to victims and the impact on communities. Of this total figure, a significant proportion is now accounted for by repeat offenders. Consequently the Glasgow POP analysis, shared at the meeting in August 2012, was an attractive benchmark when it was indicated that for every £1 invested in the project there had been a saving of £14.

It was subsequently agreed with the Tayside Community Justice Authority Board that a trial 'persistent offender' scheme should begin in Perth and Kinross, with the intention of extending it at a later date to Angus and Dundee. The rationale for this decision was that work between Perth and Kinross Criminal Justice Service and Police Scotland in relation to 'persistent offending' had already commenced.

The preparatory work continued during the early months of 2013, with a formal trial project in Perth and Kinross beginning on 1 April 2013. The aims/objectives of the scheme are not dissimilar to the Glasgow Project and include:

- To target persistent offenders
- To encourage these individuals to engage (voluntarily) with and take up the service
- To reduce future offending
- To reduce alcohol and drug misuse and related crime
- To reduce anti-social behaviour
- To reduce the fear of crime
- To promote community safety and well being
- To promote training and employment opportunities and encourage offenders to take up work initiatives

All of the above initiatives are at a relatively early stage, restricting the amount of meaningful data currently available. It is proposed to present a more detailed report during the early part of 2014.

Mentoring and Befriending

In 2013, this Council determined to invest £180,000 over 3 years in the development of a Mentoring Service to compliment the work of the formal Criminal Justice Services in supporting people out of patterns of offending behaviour.

Mentoring can be a powerful personal development and empowerment tool. It functions as a partnership between two people (mentor and mentee) and is based upon mutual trust and respect. The aim, in a CJS context, is to help offenders to become more self aware and to take responsibility for their lives/decisions; in short, to support them in their efforts to reintegrate into their community and to cease offending.

In Perth and Kinross, mentoring acts as a support to the formal Criminal Justice Supervision process. Usually a mentor is introduced when Supervision is approaching completion and/or when agreed milestones within an Order have been achieved.

The provision of mentoring within a Criminal Justice setting in Perth and Kinross has been undertaken by Tayside Council on Alcohol. Co-location of this service within St Martin's House supports close collaboration between mentoring and formal supervision services. The scheme has been available for all statutory offenders since October 2012, but there is an additional specific mentoring arrangement for women offenders focussed on the Offending Women's Learning Service. As noted earlier, mentoring is also now available to Right Track supervisees, while a Befriending Service to provide lower level support to those who have left the service is also in place.

The data available indicates that the impact of mentoring can be very positive and shows progress in relation to the client cohort as follows:-

- Reduction in criminal activity
- Engagement with education and training
- Improved employability skills
- Increased confidence
- Improved psychological well-being
- Reduction in the use of illicit drugs
- Reduction in alcohol consumption
- Increased feelings of appropriate personal responsibility

Client Comments

"My mentor has helped me to make choices. I sometimes have a problem with my money and I spend too much. My mentor and Social Worker have talked to me about this and my mentor helps me to budget".

"I know I can speak to you and really appreciate you being there. It helps me to keep my head together and to understand things better".

"I know it's your job but you know what you're talking about and I know you want to help me".

A comprehensive Report on the Mentoring schemes within Perth & Kinross is to be presented to the next meeting of the Community Safety Committee by Eric Knox (Tayside Council on Alcohol).

2. PROPOSALS

Criminal Justice Teams within the Community Safety section have embarked on a range of interrelated, new projects over the last 12 months. These projects epitomise the spirit of inter-agency working required for effective Community Safety progress. It is now proposed to extend key aspects of this work into localities in order to extend co-ordinated support to those at risk of reoffending and to make our communities safer. It is also proposed to build upon connections established between the Public Protection and Unpaid Work Teams and staff from other teams working within communities. In this way, we will endeavour to establish a strong platform on which to take forward work to reduce crime within the communities in which it occurs.

3. CONCLUSION AND RECOMMENDATIONS

Within the next 2 months, an announcement will be made by the Justice Minister on the future shape and direction of Criminal Justice Social Work Services in Scotland. In the event that the delivery of this service remains a Local Authority function, it will be essential that individual Local Authorities have clear proposals to support the continuing reduction of reoffending. The inter-related developments taking place within Perth and Kinross provide a strong platform on which to take forward the next stage of our Reducing Reoffending agenda. As we seek to extend the number of Complex Case Integration Groups and the relationships between Criminal Justice staff and colleagues operating within communities, so we will seek to integrate offenders within their communities and, thereby, to reduce the level of reoffending.

It is recommended that Committee:

- Approve the work being taken forward by the Criminal Justice section and its partners across Perth and Kinross
- Instruct the Executive Director of Housing and Community Care to bring forward comprehensive Criminal Justice progress report in 6 months time

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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	No
Workforce	No
Asset Management (land, property, IST)	No
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	No
Sustainability (community, economic, environmental)	No
Legal and Governance	No
Risk	No
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	No

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 This report supports the following Community Plan/Corporate Plan/Single Outcome Agreement objective:

(v) *Creating a safe and sustainable place for future generations*

2. Resource Implications

Financial

- 2.1 There are no immediate financial implications arising from this report.

Workforce

- 2.2 There are no immediate 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
- (ii) Assessed as **relevant** and actions taken to reduce or remove the following negative impacts: (add summary points only here)
- (iii) Assessed as **relevant** and the following positive outcomes expected following implementation: (add summary points only here).

This report is assessed as relevant to the above and the following positive outcomes are expected:

- Offenders, a category of persons at risk of exclusion from society, are less likely to experience exclusion owing to the impact of their behaviour
- Vulnerable people in communities are less likely to be the victims of such offending

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

This section should reflect that the proposals have been considered under the Act and 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.

4. Consultation

Internal

- 4.1 The Chief Social Work Officer and Director of Education and Children's Services have been consulted in the preparation of this report.

External

- 4.2 The Chief Inspector for Western Division, the Chief Executive of Tayside Council on Alcohol and the Governor of Perth Prison have been consulted in the preparation of this report.