

**PERTH AND KINROSS COUNCIL**  
**HOUSING AND SOCIAL WELLBEING COMMITTEE**

**15 JUNE 2022**

**COMMUNITY PAYBACK ORDERS ANNUAL REPORT 2020-21**

**Report by Executive Director (Education and Children's Services)**  
**(Report No. 22/136)**

**1. PURPOSE**

- 1.1 This report provides an update for the period 2020-21 on the operation of Community Payback Orders in Perth and Kinross. The 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.

<b>2. RECOMMENDATIONS</b>
<p>2.1 It is recommended that the Committee:</p> <ul style="list-style-type: none"><li>• Approves the work being undertaken by the Public Protection and Unpaid Work Teams in respect of the Community Payback Orders in Perth and Kinross; and</li><li>• Requests the Executive Director (Education and Children's Services) to bring forward a report regarding the activity and performance of Community Payback Orders in 12 months' time.</li></ul>



**3. STRUCTURE OF REPORT**

- 3.1 This report is structured over the following sections:

- Section 4: Background/Main issues
- Section 5: Proposals
- Section 6: Further Considerations
- Appendices

**4. BACKGROUND/MAIN ISSUES**

- 4.1 The Criminal Justice and Licensing (Scotland) Act 2010 introduced the Community Payback Orders as the new statutory community disposal. The Community Payback Orders 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 **Community Payback Orders 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 Community Payback Orders to Scottish Ministers by the end of October each year.

4.3.2 Following the Community Justice (Scotland) Act 2016, responsibility to produce the Community Payback Orders 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 Community Payback Orders 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 Community Payback Orders in the financial year to which the Unit Return refers.

4.3.4 Attached to this report is the Community Payback Order 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 Community Payback Orders 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 pandemic and resulting restrictions throughout this period, it has rendered such analysis to be of little value.

4.3.6 Since COVID-19 lockdown in March 2020, and due to the implementation of necessary restrictions on Court activity and prison throughcare work, this resulted in the following measures:

- **Perth Sheriff Court (PSC)**

PSC was initially closed, and all work diverted to Dundee Sheriff Court (DSC). These arrangements worked well due to good partnership working and liaison between court services and social work colleagues in Dundee. Although PSC opened for a short time in Autumn 2020, it closed again following further restrictions before opening in early 2021 to focus on serious cases. In spite of these changes, it did not reduce the report requests from court and operational activity continued to be delivered throughout this period.

- **Early Release of Prisoners**

This was initiated by Scottish Government to alleviate pressure on the prison system and manage Covid outbreaks in these establishments. The programme took place from May to July 2020 and targeted those who were serving short term sentences and nearing the end of their sentence. Perth and Kinross worked with thirteen people who were subject to early release, managing this activity via the Hub at St Martin's House, which included the Scottish Prison Service, Police Scotland colleagues, the Safer Communities Team, Criminal Justice Social Work (CJSW) and housing colleagues.

- **Unpaid Work (UPW)**

UPW was first suspended in line with national policy in April 2020. Throughout the year, and due to fluctuations in restrictions, the ability to work directly with people at Westbank on UPW Orders fluctuated and some staff were re-deployed to assist with vaccination centres. In December 2020, the Scottish Government provided funding to assist local authorities to address the backlog of UPW hours which was to be administered via the third sector. In Perth and Kinross, this was used to build on the existing partnerships with the third sector through the St Johnstone Community Trust (Saints in the Community) which was a collaborative community project to provide outdoor furniture for schools, community centres and care homes.

- **Criminal Justice Social Work Activity**

Social workers and criminal justice assistants maintained contact with their allocated clients via telephone, and where appropriate, utilising technology (Microsoft Teams) as opposed to face-to-face contact. This fluctuated depending on Covid restrictions, although, face to face contact for the most vulnerable, serious offenders and high-risk individuals continued with the use of Personal Protective Equipment (PPE). The use of technology was helpful in maintaining contact with clients in more remote areas but was not the default option during Covid lockdown periods for those who were deemed to be a greater risk of harm to the public. This included:

- Perpetrators of domestic violence.

- People assessed as a high risk of harm and re-offending.
- People released from prison.
- Multi-Agency Public Protection Arrangement (MAPPA) clients in the community.
- Those who are assessed as vulnerable to exploitation.

4.3.7 The Criminal Justice Social Work Service continued to deliver a service through the challenges presented by the Covid pandemic, albeit on a limited basis. In spite of the restrictions, activity, including the development of employment opportunities and service redesign, continued for clients of the service and the broader opportunities afforded through Westbank.

The service has therefore emerged from the Covid pandemic recognising that there is agility in our service delivery through different ways of working which we now need to ensure are captured in our performance monitoring. It is therefore recognised that robust performance data will be pivotal in mapping our recovery journey and in the development of how we deliver our services in the future.

## 5. PROPOSALS

There are no proposals arising from this report for the Committee to consider.

## 6. FURTHER CONSIDERATIONS

There are no further considerations from this report for the Committee to consider.

### Author

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### Approved

Name	Designation	Date
Sheena Devlin	Executive Director (Education and Children's Services)	01/06/22

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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 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.

This section has 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 Not applicable.

### Risk

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

## **4. Consultation**

### Internal

- 4.1 Not applicable.

### External

- 4.2 Not applicable.

## **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 - Community Payback Order Annual Report 2020/21 for (Perth and Kinross)