

PERTH AND KINROSS COUNCIL**Community Safety Committee****30 March 2016****Community Payback Orders Annual Report 2014/15****Director (Housing and Community Care)****PURPOSE OF REPORT**

This report provides an update for the period 2014/15 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.

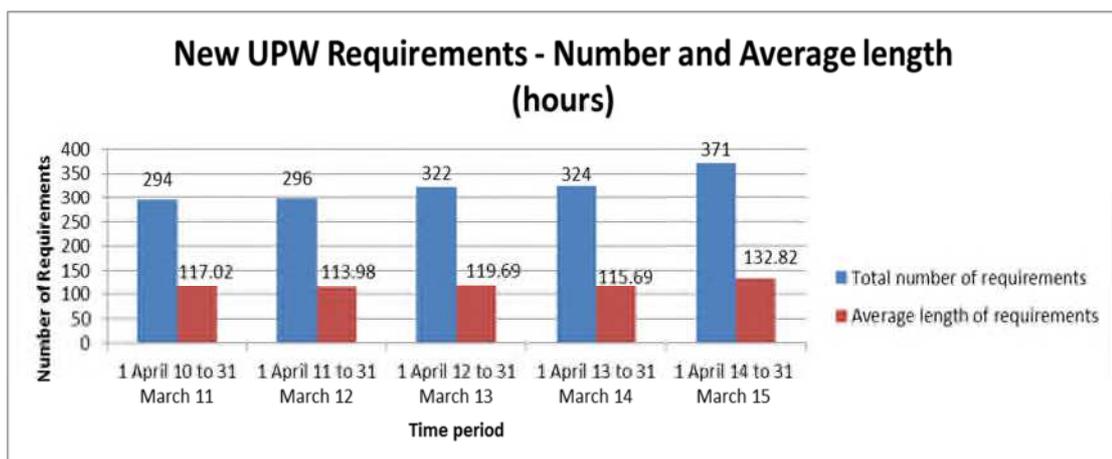
2. COMMUNITYPAYBACK ORDER ANNUAL REPORT

2.1 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:

- (i) By continuing to submit statistics for each financial year to the Scottish Government on the operation of community sentences in their areas (Unit Return).
- (ii) 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 2014/15 (Appendix 1) which was submitted to Scottish Government in October 2015 and records pertinent CPO activity.

2.2 From the reports received from the 32 Local Authorities the Scottish Government prepares a composite report on Community Payback Orders for the Scottish Parliament. The report for 2014/15 was laid before Parliament at the start of February 2016. Publication of any details that may be contained within that report is prohibited until that point.

2.3 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 2014/15 there were 371 CPOs imposed against 296 in 2011/12. The average length of requirements has also increased.



2.4 There were 312 Unpaid Work Requirements successfully completed in 2014/15. The total number of unpaid work hours completed 28,542.

2.5 This report highlights a number of community projects completed by those undertaking their CPO's including:

- Preparatory activity for the Ryder Cup
- Chewing gum removal from Perth Streets
- 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

3. CPO KEY PERFORMANCE DATA (Extract from the Unit Return)

3.1 2014/15 saw 78% of offenders seen within 1 working day of their CPO being imposed. This is a slight drop in performance when compared with 2013/14. However this figure is still extremely positive as not all offenders who are given a CPO attend their first scheduled appointment with criminal justice staff. In addition, some CPOs are imposed by Courts outwith Perth and Kinross and some offenders are not known to Criminal Justice Services (CJS) before their Order is imposed, i.e. CJS has not been requested by the Court to provide a Court report. These factors compound the difficulty for CJS to meet with all offenders within 1 working day of their Order being imposed.

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
2014/15	330 (81%)	79 (19%)	45	454
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.

- 3.2 In 2014/15, 81% of offenders undertook unpaid work induction or had their first case manager meeting within 5 working days of the CPO being imposed. This figure highlights continued positive progress in performance. Not all offenders who are given a CPO attend their unpaid work induction or first case manager meeting when instructed.
- 3.3 As previously noted, CPOs imposed in Courts out with 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
2014/15	234 (72%)	90 (28%)	40	364
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.

- 3.4 Performance has dropped slightly in 2014/15 with 72% 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 out with 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
2014/15	276 (68%)	31 (8%)	74 (18%)	8	406
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.

3.5 In spite of some of the logistical difficulties of Court notification of Orders and client compliance, 2014/15 performance data evidences that more than two-thirds of offenders successfully complete their CPOs. Improvements in data recording have enabled the reasons for revocation to be captured more accurately.

4. CONCLUSION AND RECOMMENDATIONS

4.1 Imprisonment will always be required for those individuals whose offences are so serious that prison is the only appropriate form of punishment, and for those who pose a risk of serious harm.

4.2 However the use of short-term imprisonment for individuals who do not fall into those categories is not effective - 60% of offenders imprisoned for 3 months or less are re-convicted within a year. Short-term imprisonment disrupts families and communities, and adversely affects employment opportunities and stable housing - the very things that evidence shows support desistence from offending.

4.3 Statistics published in March 2015 show that individuals released from a custodial sentence of 6 months or less were reconvicted more than twice as often as those given a CPO. That is clearly not a good use of public resources, and is a waste of human potential. Prison is also more expensive than community disposals with the average cost of a CPO being approximately half the cost of a three-month prison sentence.

4.4 It is recommended that the Committee:

- (i) Note the work being undertaken by the Public Protection and Unpaid Work Teams in respect of Community Payback Orders in Perth and Kinross.
- (ii) Instruct the Director (Housing and Community Care) to bring forward a report regarding the activity and performance of Community Payback Orders in 12 months.

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Approved

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John Gilruth	Director (Housing & Community Care)	26 February 2016

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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 2014/15.

COMMUNITY PAYBACK ORDER ANNUAL REPORT

FINANCIAL YEAR:	2014/2015
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LOCAL AUTHORITY:	PERTH & KINROSS
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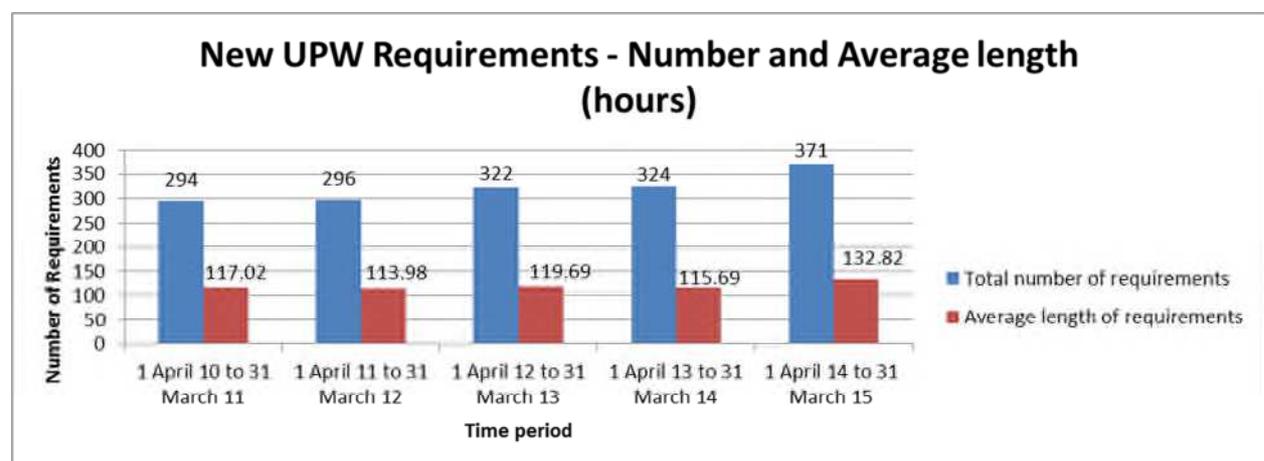


Types of unpaid work projects and activities which have been carried out; the total number of unpaid work hours completed during the year; and information and examples that help to demonstrate how communities benefit from unpaid work.

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.

There were 312 Unpaid Work Requirements successfully completed in 2014/15. The total number of unpaid work hours completed 28,542.

The following graph shows the increasing number of unpaid work requirements and the average length of unpaid work requirements being imposed by the Courts.



A number of larger projects have been initiated 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.

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 and 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.

The principle of Community Payback works well and has the potential to add further value to other initiatives 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 the crazy golf holes constructed by the team for the Ryder Cup.

Examples of specific projects that have carried out by the Unpaid Work team in 2014-15 include the following:

Partnership with PLUS PERTH – This charity benefits adults with learning difficulties in Perth. They obtained a plot of land behind buildings in South Street, Perth and purchased a large greenhouse to be used on it. They approached the Unpaid Work Team and as a result the team cleared the site of undergrowth etc. The team then built raised beds from timber held at Westbank and assembled the greenhouse. The plot was laid out to be wheelchair friendly to encourage users to access the area and plant vegetables etc. The Unpaid Work Team remains in regular communication with this charity and they have another request in the pipeline for additional similar work to be done.

Meigle Primary School – A programme of work has been undertaken to improve the environment for the children and the appearance of the village which includes repainting the school hall and the playground railings.

Vale of Atholl Football Pavilion – The local Pitlochry Amateur Football Team pavilion had fallen into disrepair and was suffering from damp. The Unpaid Work Team dug out an area to the rear and installed drainage to alleviate the damp and repainted the inside and outside. Following the work carried out at that location, Blairgowrie F.C. approached the Unpaid Work Team and they were subsequently involved in carrying out paintwork on their external property and fencing. As further organisations become aware of the Unpaid Work Team it will likely see an increase in demand for our services.

Ryder Cup – During the previous year the team created a wooden crazy golf course as part of the Ryder Cup celebrations. Over the summer this has been offered to various fetes and fairs and deployed to help local organisations to raise money. During the Ryder Cup the Unpaid Work Team were involved in a number of projects. One was the development of the central area of the new roundabout at the ends of the new road from the Gleneagles Railway Station. This area was developed by the team to accurately represent a golf course hole in miniature along with an area of rough planting to represent the rough of a golf course. This was finished off with the erection of large vertically installed golf clubs set into the ground and that has become a permanent feature with a plaque recognising the work done by the Team inserted into the stone wall forming part of the feature.

St Martins Church, Crieff – This disused church was being used for drinking and drug taking and had become an eyesore. The team worked with the Safer Community Investigators and the Police to clear the grounds and secure and board up the building.

Craigie Tennis Club – A programme of fence building and slabbing around the Craigie pavilion was undertaken by the Team. The success of this programme led to a request from Luncarty Tennis Club to remove their pavilion and fence the area once the new changing facilities were installed.

Westbank Enterprise – The Unpaid Work Team is co-located with Westbank Enterprises which runs the former council nurseries. This year the partnership between the two has strengthened further still with placements being offered to clients in the nurseries and a continued commitment to Beautiful Perth and the 'In Bloom' organisations. Through this the team empty and fill hanging baskets, deliver plants to outlying areas, paint poles and hangers and plant out and maintain an extensive area adjacent to Perth Leisure Pool.

Environmental Activity – The Team has been involved in a large number of litter picks, path clearances and chewing gum removal which enhances the appearance of the towns and villages of Perth and Kinross. They have repaired and painted wooden furniture, monuments and sculptures. It has been a key player in the Graffiti Strategy which is making a significant impact on the appearance of the City Centre in particular. This involves an innovative partnership with Right Track – a structured deferred sentence programme for 16-25 year olds – whereby the offenders volunteer for unpaid work one morning a week. This approach not only benefits the community but also the young people involved and is useful to the Sheriffs by affording them additional information about the young person when making their sentencing decisions which may include subsequent unpaid work.

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:

Comment taken from the Perth Plus Mental Health Group:

“We were all so pleased this week when the guys from the community payback team came down to build us our long planned raised beds. We take this opportunity to say thank you to the community payback team for their hard work.”

Letter from Crieff Community Council following work carried out at the Old St Michael's Parish Church Hall, Crieff

“We would like to thank you very much indeed for all the help you provided in securing these premises. We are really grateful, and would ask that you pass on our thanks to the rest of the team.”

Letter received from the Chairperson of Muthill In Bloom thanking the team for

work carried out

“On behalf of Muthill in Bloom can I take this opportunity to say thank you for all the work your team has recently carried out on our behalf. Being a very small committee we try our hardest to brighten up the village but extra help is always very much appreciated”.

Excerpt from a letter received from the Chairman of the Blairgowrie and Rattray Community Club for painting work carried out on a Pavilion in Davie Park Rattray.

“I would like to confirm that the painting of the pavilion at the Davie Park has been completed. It is looking superb, never been as good for many a year. A big thank you to Charlie (Charlie Richards Project Officer) and the Payback Team, a good job well done.”

Offender comments (taken from CPO completion feedback questionnaires)

“Carrying out tasks I wouldn’t normally do. Learning new skills.”

“Having a routine to adhere to whilst unemployed”

“Varied jobs and the ability to do things worthwhile in the community”

“Gave me something to do and has motivated me to do other things”

“Learning different skills and meeting the people who taught me these skills”

“The project officers were all very helpful and all willing to help you learn new skills”

“Getting a routine of working again”

“I enjoyed being part of a team and doing things for the community”

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

A variety of other activities have been undertaken as part of the “other activity” component of unpaid work requirements. These have included the following:

Childcare/parenting for female offenders - Through the One-stop Women’s Learning Service (OWLS) for female clients, women who have the diagnosis of Personality Disorder and are also mothers with young babies are placed on training courses to develop their skills in respect of childcare/parenting. Whilst this directly benefits them and their children, it is hoped that they will maintain the skills they have learned to improve their coping strategies and becoming positive role models for their children.

Employability - The Public Protection Team have worked with the Unpaid Work Team to develop 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 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.

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 Unpaid Work Team is completely integrated into the Community Planning Partnership process and is 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 and 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
- Litter picking to resolve wild camping issues
- Burn clearing
- Installation of Water Safety equipment at a high risk spot on the Tay at Perth.
- Graffiti removal

The Unpaid Work Team is integrated with the rest of the Safer Communities Team – Investigators, Wardens, Project Officers and Police. The services the team can provide are marketed by each member of the team and 2014/15 has seen a significant rise in demand for their services. The most effective form of marketing is word of mouth and staff tend to see trends in applications where this has been case: schools, football clubs, tennis clubs, and different organisations in the same village.

Management are called upon to speak at a variety of organisations about the work of the Unpaid Work Team: community councils, residents' organisations and other agencies.

The increased demand is evidenced by the recent need to streamline and modernise the application process. This increase has been essential to meet the challenge of the increasing numbers and length of Unpaid Work Orders.

The new business process highlights the need to market the successes and efforts of the Unpaid Work Team and has led management to broaden the definition of Unpaid Work from not only those on Community Payback but also to use the Right Track Team and HMP Perth to deliver 'unpaid' community projects.

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.

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.

Moving Forward, Making Changes was implemented in 2014 and replaced the Community Sex Offender Groupwork Programme. This is being successfully delivered as a Programme Requirement in conjunction with Tay Project (Dundee Criminal Justice Social Work). Client suitability for this programme is determined at the court reporting stage and is very much needs-led tied to their Stable & Acute 07 risk assessment and LSCMI.

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?

Joint working with Tayside Substance Misuse Service (TSMS) was implemented in 2014 with a dedicated TSMS Nurse located with criminal justice social workers and also attached to the OWLS. However, during 2014-15, Drug and Alcohol Requirements ceased to be delivered jointly with TSMS. Unfortunately, due to staffing issues, TSMS were unable to maintain a specific worker allocated to CPO cases. This has resulted in a number of clients who should have been breached for non-compliance not being returned to Court as information was not as readily available from TSMS in relation to compliance.

In order to try and resolve this situation, a member of the Public Protection team has been attending weekly TSMS team meetings to share information regarding client progress. However, TSMS feel unable to share information due to data protection concerns. Discussions are taking place between Managers and Data Compliance Officers in order to ensure that an appropriate resolution can be found.

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: The One-stop Women's Learning Service has been operating since February 2013 in response to a recommendation within the report from the Commission on Women Offenders chaired by Dame Elish Angiolini. OWLS initially operated every Thursday and specific rooms at Drumhar Health Centre were utilised both for appointments and as a drop-in facility. All work is now carried out at a new centre based in West Mill Street, Perth; a dedicated space for women only. 100 women have participated in OWLS since its inception. There are currently 54 women attending OWLS with ages ranging from 19 to 69 years. The women have committed offences including misuse of drugs, dishonesty, assault and offences against children, i.e. neglect and physical abuse. The work at OWLS involves both individual appointments with services and group work. All the women who have been eligible to attend OWLS have chosen to do so. Discussions are ongoing to enable the new centre in West Mill Street, Perth to be open 6 days a week and some evenings. It is hoped that in the future the centre would become a "Women's Centre", allowing access to not just OWLS clients but also to women who would benefit from the services available there. The financial sustainability of the centre is also being discussed with the voluntary sector and various avenues are currently being explored.

Counselling: The Public Protection Team has a qualified Counsellor who has been working with clients for the past three 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 runs at capacity of eight clients per week offering up to eight sessions or as required. Feedback from clients has been extremely positive with clients reporting they feel more in control of their lives and have a greater understanding of their behaviours, reactions and consequences. During 2014-15, this service has become essential in some cases where clients are denied access to mental health services due to being diagnosed with a personality disorder and therefore not meeting NHS criteria for treatment.

COMPLETED BY: Nicola Rogerson

DATE: 13 October 2015

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