

Perth and Kinross Council

Housing and Social Wellbeing Committee

19 June 2024

COMMUNITY PAYBACK ORDER ANNUAL REPORT 2022-23

Report by Strategic Lead – Children, Families and Justice

(Report No. 24/190)

1. PURPOSE

- 1.1 This report provides an update for the period 2022-23 on the operation of Community Payback Orders (CPOs) in Perth and Kinross. The Orders are managed and delivered by the Justice and Community Safety Service, specifically the Community Justice Social Work team (CJSW) and the Unpaid Work team (UPW). All activity is carried out in accordance with the requirements of the Criminal Justice and Licensing (Scotland) Act 2010.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee:
- Take assurance about the work being undertaken by the CJSW and UPW teams in respect of CPOs in Perth and Kinross; and
 - Requests the Strategic Lead for Children, Families and Justice brings forward a report regarding the activity and performance of CPOs 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 CPO as a new statutory community disposal. CPOs 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 except for 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 about the operation of CPOs to Scottish Ministers by the end of October each year. Following the Community Justice (Scotland) Act 2016, this responsibility was transferred to Community Justice Scotland (CJS). This placed a duty on CJS to collate all local authority reports and lay a summary report before the Scottish Parliament. Until this takes place, all local authority reports are embargoed. The power to direct local authorities on the content of the report remains with Scottish ministers.

4.3.2 In the production of the CPO Annual Report, local authorities are expected to fulfil their requirement 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;
- Providing a narrative account of the implementation and operation of the CPOs in the financial year to which the Unit Return refers.

4.3.3 Attached to this report is the CPO Annual Report for Perth and Kinross for the period 2022-23 (Appendix 1) which was submitted to CJS in October 2023 and records pertinent CPO activity. In addition, this report provides some data which gives an indication of the impact of the COVID-19 pandemic on aspects of core activity in contrast to the data from 2019-20 which was the last full reporting year.

4.3.4 Table 1 below indicates the number of new CPOs imposed and the number of individuals who received a new CPO. Both figures remain below that of 2019-20 with new CPOs 16% lower and individuals who received a new CPO being 16.7% lower. While numbers have yet to reach pre-pandemic levels, there is a notable steady increase in both areas which is anticipated to continue as the Courts manage their backlog of work.

Table 1: Number of new CPOs and individuals for the preceding three years, and for the year ended 31 March 2019

| Activity | 2019-20 | 2020-21 | 2021-22 | 2022-23 |
|---------------------------|---------|---------|---------|---------|
| New CPOs | 353 | 148 | 215 | 296 |
| Individuals with new CPOs | 311 | 138 | 202 | 259 |

4.3.5 Table 2 below highlights the total number of CPOs with a supervision requirement which has seen a steady rise and almost returned to pre-pandemic levels. The average length of a supervision requirement has remained reasonably stable, the variation not exceeding 1.5 months which may be an indication of the Courts confidence in using this sentencing option.

Table 2: New Supervision Requirements and average length (months) for the preceding three years, and the year ended 31 March 19

| Activity | 2019-20 | 2020-21 | 2021-22 | 2022-23 |
|--|---------|---------|---------|---------|
| CPO with a Supervision Requirement | 219 | 103 | 133 | 193 |
| Average length of a Supervision Requirement (months) | 14.4 | 17.1 | 15.3 | 15.5 |

4.3.6 Table 3 below indicates the total number of UPW requirements which were approximately 27.3% lower in 2022-23 compared to 2019-20. Despite this, the number of UPW requirements has been consistently increasing since 2020-21 although the volume has yet to reach pre-pandemic levels. The challenge of managing UPW activity during the COVID-19 pandemic was impacted by the reduced operational capacity of the Court and legislated percentage decrease of a portion of UPW hours. While the latter action was to mitigate the impact from intermittent COVID-19 lockdowns, it resulted in skewing the performance data and made it difficult to use this information in a meaningful way. However, it is notable that there was a 27% reduction in new UPW requirements in 2022-23 compared to 2019-20 with a reduction of 15.9 (11.2%) in the average length of hours imposed during the same period. Although definitive conclusions cannot be drawn from this, it will be monitored and inform part of our ongoing liaison and discussion with our local Sheriffs.

Table 3: New UPW requirements and average length (hours) for the preceding three years, and for the year ended 31 March 2019

| Activity | 2019-20 | 2020-21 | 2021-22 | 2022-23 |
|------------------------------------|---------|---------|---------|---------|
| New number of UPW CPOs | 271 | 104 | 145 | 197 |
| Average length of UPW CPOs (hours) | 142.2 | 142.6 | 131.9 | 126.3 |

4.3.7 Table 4 below highlights the percentage of CPOs which were successfully completed, and although the number of CPOs remained lower in 2022-23 than 2019-20, the percentage of Order completions remained similar. The table also notes CPOs which are breached and returned to Court. This is usually because of an individual's non-compliance or following a review of the CPO where there is concern regarding the level of risk and potential to re-offend.

The outcome of a breach often results in an individual being made subject to a new and potentially longer CPO or to a period in custody if their risk is not deemed to be manageable in the community.

Table 4: Reasons for CPO terminations for the preceding years

| Year | CPO Successfully Completed | CPO Revoked (Review) | CPO Revoked (Breach) | Other ¹ | Total |
|---------|----------------------------|----------------------|----------------------|--------------------|-------|
| 2019/20 | 273 (67.9%) | 23 (5.7%) | 80 (19.9%) | 26 (6.5%) | 402 |
| 2020-21 | 135 (73.8%) | 6 (3.3%) | 24 (13.1%) | 18 (9.8%) | 183 |
| 2021-22 | 112 (61.5%) | 6 (3.3%) | 25 (13.7%) | 39 (21.4%) | 182 |
| 2022-23 | 167 (65.7%) | 12 (4.7%) | 55 (21.7%) | 20 (7.9%) | 254 |

¹ 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.

4.3.8 The Justice Social Work Service remains focussed on improving outcomes for individuals in the justice system, and while our performance information is pivotal to this, it has been challenging over the preceding years to utilise this information to best effect. From the data over the previous three years, it is apparent that the volume of activity is steadily increasing and returning closer to pre-pandemic levels. This is set against the continued backlog of work which the Courts are attempting to address as well as the challenges for the Scottish Prison Service and the increasing prison population. The Scottish Government have promoted mechanisms to address this, and these will be reported on in future reports.

4.3.9 Through the COVID-19 pandemic recovery process, Justice Social Work and Safer Community colleagues have looked for opportunities to improve service delivery and address some of the gaps in service provision.

These include the expansion of Bail Supervision and Diversion from Prosecution to support and divert people from coming into the justice system. The reporting year has also seen the development of a Throughcare test of change for those leaving custody after a short sentence. This is a co-ordinated multi-agency approach to support residents of Perth and Kinross who are leaving custody and address their specific and immediate needs, eg housing, medication (including GP registration) and benefits etc. Early indications of the impact of this intervention are positive with the plan to extend this offer to those on remand. The progress and impact of this approach is being monitored and will be more fully reported on in future reporting periods.

Author

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Approved

| Name | Designation | Date |
|------------|---|-------------|
| Arun Singh | Strategic Lead – Children, Families and Justice | 29 May 2024 |

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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. (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. (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.

3.1.1 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.

3.2.1 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 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 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 2022/23
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