

# PERTH AND KINROSS COUNCIL

## Housing and Communities Committee

31 May 2021

### COMMUNITY PAYBACK ORDERS ANNUAL REPORT 2019-20

Depute Director (Education and Children's Services) and Chief Social Work Officer  
(Report No. 21/67)

#### PURPOSE OF REPORT

This report provides an update for the period 2019-20 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.

#### 1. BACKGROUND/MAIN ISSUES

- 1.1 The Criminal Justice and Licensing (Scotland) Act 2010 introduced the Community Payback Order (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.
- 1.2 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.

#### 2. COMMUNITY PAYBACK ORDER ANNUAL REPORT

- 2.1 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.

- 2.2 Following the Community Justice (Scotland) Act 2016, responsibility to produce the Community Payback Order (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 Parliament. However, the power to issue directions to local authorities on the content of the reports remains with Scottish Ministers.
- 2.3 In the production of the CPO annual report, local authorities are expected to fulfil their 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); and
  - (ii) By providing a narrative account of the implementation and operation of the CPO in the financial year to which the Unit Return refers.
- 2.4 Attached to this report is the Community Payback Annual Report for Perth and Kinross for the period 2019/20 (Appendix 1) which was submitted to Community Justice Scotland in December 2020 and records pertinent CPO activity. Normally the report would be submitted by the end of October, but due to the impact of the Coronavirus pandemic on essential services, the submission date was extended.
- 2.5 As illustrated in Table 1 below, in 2019-20, there were 353 new Community Payback Orders imposed on 311 individuals by the Court in Perth and Kinross. This represents a slight increase in both Orders and the number of people subject to them since 2018-19, although figures are still below the totals for that reporting year.
- 2.6 Over the same period, the number of non-Court disposals, such as Fiscal Fines, Fiscal Compensation and Fiscal Fixed Penalties has decreased. For example, between 2017-18 and 2018-19, the number of these disposals decreased by 154.

Table 1. Number of new Community Payback Orders and individuals for the preceding three years.

	<b>1 April 17 to 31 March 18</b>	<b>1 April 18 to 31 March 19</b>	<b>1 April 19 to 31 March 20</b>
Total number of new Community Payback Orders	391	346	353
Total number of individuals with new Community Payback Orders	336	301	311

- 2.7 As shown in Table 2 below, there were 219 Supervision requirements issued in 2019-20. This is an increase of 21 when compared with the previous year. During the same period of time, the average length of requirements has remained the same at an average of 14 months.

Table 2. New Supervision requirements and average length (months) for the preceding three years.

	<b>1 April 17 to 31 March 18</b>	<b>1 April 18 to 31 March 19</b>	<b>1 April 19 to 31 March 20</b>
All Orders with Supervision requirements	235	198	219
Average length (months) of Supervision requirements	13.2	14.0	14.4

- 2.8 Table 3 below, highlights that there were 271 Unpaid Work (UPW) requirements issued in 2019-20. This is a decrease of 19 when compared with the previous year. The number of UPW requirements has decreased consistently since 2017-18, falling from 309 in 2017-18 to 271 in 2019-20. In contrast, the average number of hours for UPW requirements has continued to increase over the same period, rising from 129.1 hours in 2017-18 to 142.2 hours in 2019-20.

Table 3. New UPW requirements and average length (hours) for the preceding three years.

	<b>1 April 17 to 31 March 18</b>	<b>1 April 18 to 31 March 19</b>	<b>1 April 19 to 31 March 20</b>
Total number of new UPW requirements	309	290	271
Average length of UPW requirements (hours)	129.1	138.3	142.2

- 2.9 Table 4 below, highlights the number of other CPO requirements (excluding Supervision and UPW) made as part of new CPOs from 2017-18 through to 2019-20. The overall number of requirements made (excluding Supervision and UPW) mirrors the trend witnessed with CPOs overall in showing a decrease between 2017-18 and 2018-19 followed by an increase in 2019-20.

When considering individual requirements, the biggest change has been an increase of 14 in Alcohol Treatment Requirements in 2019-20 when compared with 2018-19. There have also been increases in the number of Drug Treatment Requirements, Conduct Requirements and Mental Health Treatment Requirements during the same period. In contrast, there has been a slight drop in the number of Compensation Requirements, falling by 3 when compared with 2018-19. Of the remaining requirements, both the number of Programme Requirements and Residence Requirements are similar to the previous year.

Table 4. New CPO requirements for the preceding three years.

<b>Other Requirements</b>	<b>1 April 17 to 31 March 18</b>	<b>1 April 18 to 31 March 19</b>	<b>1 April 19 to 31 March 20</b>
<b>Compensation</b>	31	21	18
<b>Programme</b>	31	25	24
<b>Residence</b>	0	0	0
<b>Mental health treatment</b>	4	2	4
<b>Drug Treatment</b>	19	14	20
<b>Alcohol treatment</b>	15	13	27
<b>Conduct</b>	15	16	20
<b>Total</b>	<b>115</b>	<b>91</b>	<b>113</b>

- 2.10 Table 5 below, highlights that in 2019-20, 74% of CPOs were successfully completed at termination. In contrast, 25% of CPOs were revoked either due to review of the Order or breach. Figures for 2019-20 highlight that there has been an increase in the percentage of CPOs successfully completed when compared with the previous year, rising from 68% to 74%.

Table 5. Reasons for CPO terminations for the preceding years.

<b>Year</b>	<b>Order successfully completed</b>	<b>Revoked due to review</b>	<b>Revoked due to breach</b>	<b>Other <sup>1</sup></b>	<b>Total</b>
2017/18	257 (69.5%)	32(8.7%)	68(18.4%)	13(3.5%)	370
2018/19	273(67.9%)	23 (5.7%)	80 (19.9%)	26(6.5%)	402
2019/20	228(73.8%)	22(7.1%)	56(18.1%)	3(1.0%)	309

<sup>1</sup> 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.

When a CPO is not successfully completed, the Order is returned to Court and an alternative sentence is imposed. This will typically be another CPO or a custodial sentence.

- 2.11 Table 6 below, highlights the outcomes of CPOs following their revocation either for breach or following a review. In most cases, clients whose CPO is revoked received either a custodial sentence or an alternative CPO. Typically, the new CPO will include a longer Supervision requirement and/or additional UPW hours.

Table 6. Outcomes of CPOs revoked due to review or breach for the preceding year.

Year	Reason for Termination	Outcome of Termination							Total
		Unknown	Custodial sentence imposed	New CPO issued	Monetary sentence imposed	Other penalty issued	Other outcome	Outcome not known	
2017-18	Revoked due to Breach/ Review	0	32	32	5	13	16	2	100
2018-19	Revoked due to Breach/ Review	0	42	40	2	3	15	1	103
2019-20	Revoked due to Breach/ Review	0	26	32	2	13	4	1	78

2.12 The Criminal Justice Social Work Service remains focussed on improving outcomes for individuals in the justice system. Robust performance information is key to understanding how well interventions are managed and to support continuous improvement. The recent extension of the presumption against short term prison sentences from 3 months to 12 months is expected to result in an increased use of community sentences across Scotland. It is therefore anticipated that the recent trend of falling numbers of CPOs is likely to be reversed. A range of workforce planning scenarios have been developed by the Public Protection and Unpaid Work teams to ensure that they have sufficient capacity to manage any increase in CPO numbers. However recent analysis suggests that any rise will not have a significant impact on the overall numbers of CPOs managed in Perth and Kinross.

### 3. CONCLUSION AND RECOMMENDATIONS

3.1 It is recommended that Committee:

- (i) Notes the work undertaken by the Public Protection and Unpaid Work Teams in respect of Community Payback Orders in Perth and Kinross for the year 2019-2020; and
- (ii) Requests the Chief Social Work Officer to bring forward a report regarding the activity and performance of Community Payback Orders for 2020-2021 which also sets out the impact of COVID-19 restrictions.

**Author**

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**Approved**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
Jacque Pepper	Depute Director and Chief Social Work Officer	26 April 2021

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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. (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

### 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.

- 3.5 N/A

### Risk

- 3.6 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 – Community Payback Order Annual Report 2019/20