



**Community Justice Scotland**  
Ceartas Coimhearsnachd Alba

**Community Payback Order**  
**Summary of Local Authority Annual Reports 2018-19**

March 2020

Laid before the Scottish Parliament by Community Justice Scotland  
under Section 227ZM of the Criminal Procedure (Scotland) Act 1995

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## 1. Foreword



I am pleased to introduce the third Summary of Local Authority Annual Reports on Community Payback Orders (CPOs) produced by Community Justice Scotland, covering the period 2018-2019. This report meets the requirements set out under section 227ZM of the Community Justice (Scotland) Act 2016.

The report provides an overview of activity completed by people in local areas subject to a CPO. As with previous reports, a focus is placed on unpaid work, other activity and the range of issues faced by local authority areas when delivering such an important service to individuals. Local area providers report an increasingly complex range of needs and challenges faced by those given a CPO, but their commitment to supporting people to complete a CPO, and to meeting these needs, is to be commended.

The benefits to those engaging with a CPO are undeniable, and extend well beyond the length of their orders. Criminal Justice Social Work cannot operate in isolation when supporting individuals in their desistance journey, and the service recognise this, and seek to foster effective relationships with universal and third sector services. This is of particular importance when delivering skills development programmes as part of 'other activity', and ensuring support provided as part of a CPO is consistent and sustainable.

1.11 million hours of unpaid work was completed in communities across Scotland during 2018-19. This represents a slight reduction when compared against 2017-18, but is consistent with a reduction in the total number of orders imposed. The breadth of work completed is becoming increasingly more diverse and includes projects which benefit communities as a whole, specific groups and individuals. Local areas are particularly responsive to the challenges poverty and inequality place on those completing a CPO.

Accessing timely support to mental health services remains an ongoing concern for a high number of local authority areas, and a solution to this must be developed across national justice and health policy going forward. That said, the report outlines a number of examples which evidence local areas working in collaboration to overcome such barriers, seeking out the support people in their care most desperately need, at a point in their lives where change may be truly possible.

I would like to thank everyone involved in the production of this report and look forward to their support in the ongoing development of this important area of work.

Lindsay Montgomery CBE  
Chair of CJS Board



## 2. Background

1. The CPO was introduced in 2011 and replaced a number of community disposals including Probation Orders, Community Reparation Orders, Supervised Attendance Orders and Community Service Orders. The legislation governing these disposals, the Criminal Procedure (Scotland) Act 1995 (referred to as 'the 1995 Act') was amended by the Criminal Justice and Licensing (Scotland) Act 2010 and the CPO came into effect on 1 February 2011. Courts are therefore able to use the CPO as a disposal for offences committed on or after that date.
2. A CPO may consist of one or more of the nine requirements set out in the 1995 Act, which are:
  - a) unpaid work or other activity requirement
  - b) offender supervision requirement
  - c) compensation requirement
  - d) programme requirement
  - e) residence requirement
  - f) mental health treatment requirement
  - g) drug treatment requirement
  - h) alcohol treatment requirement
  - i) conduct requirement

Further information on each of these requirements is contained within sections three and four.

3. In April 2017, section 227ZM of the 1995 Act was amended to reflect new reporting requirements arising from the Community Justice (Scotland) Act 2016. The amended 1995 Act requires each local authority in Scotland to prepare an annual report 'on the operation of CPOs within their area during that reporting year' and submit a copy of the report to Community Justice Scotland. The Scottish Ministers may issue directions to the local authorities in relation to the content of the report<sup>1</sup>.
4. Community Justice Scotland will arrange for a summary of the narrative reports to be laid before the Scottish Parliament and publish, together with or part of, the annual report on performance in relation to community justice outcomes under section 27 of the Community Justice (Scotland) Act 2016.
5. This report is the eighth such summary and the third to be published under the new reporting arrangements, covering the reporting year 1 April 2018 to 31 March 2019.

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<sup>1</sup> A summary of the direction is attached at Annex A.



Previous summaries can be found on the Community Justice Scotland and Scottish Government websites at: <https://communityjustice.scot/reports-statistics/> and <http://www.gov.scot/Publications> respectively.

6. As with previous years, local authorities were provided with a standard template with which to provide information on the delivery of CPOs in their area. This template requests information on a specific range of issues including:
  - a description of the types of unpaid work projects and activities which have been carried out
  - the total number of unpaid work hours completed during the year
  - information that helps to demonstrate how communities benefit from unpaid work
  - quotes from beneficiaries and those subject to CPOs on the impact of unpaid work on them and the community
  - a description of the 'other activity' carried out as part of unpaid work (see section 3.5 for further information on other activity)
  - a description of the work carried out to consult prescribed persons and organisations on the nature of unpaid work and how this helped determine which projects were undertaken
  - a description of the use by the courts of the CPO requirements other than unpaid work, e.g. what requirements are being used for those whose offending is driven by drug, alcohol and mental health issues
  - details of any issues affecting access to services provided by other partners and what work is underway to resolve them
  - any other relevant information, including examples of any work carried out with people to address their offending behaviour but which does not fall into the category of a specific requirement, examples of work carried out in partnership with the third sector, areas identified where improvements can be made, for example, CPO commencement or completion rates and any other areas identified for improvement and planned next steps
7. A copy of the guidance and template issued to local authorities are provided at Appendix one. It should be noted that, while there is no statutory requirement to do so, local authorities can make separate arrangements to publish their annual reports in full. However, this is at their own discretion.
8. This summary comprises four sections which are based on the information that local authorities were asked to provide. These are:
  - the use of unpaid work or other activity requirement
  - the use of requirements other than unpaid work



- issues affecting services provided by other partners and work underway to resolve them
- other relevant information

9. This summary report can be read in conjunction with the following publications:

- [Criminal justice social work statistics: 2018-19](#): provides further information about criminal justice social work services and social work orders, as well as characteristics of the people involved
- [Community payback orders: unit level data report](#): provides a number of detailed analyses, which have been produced from data collected from Scottish local authorities on community payback orders

10. Further information, including contact details for the Scottish Government and Community Justice Scotland and links to local authority websites can be found in section seven.

### **3. Unpaid work and other activity requirement**

11. Continuing the trend of previous years, the ‘unpaid work or other activity’ requirement was the most commonly imposed of the nine requirements which are available to the court.

12. This requirement can be imposed for any period between 20 and 300 hours, with those falling between 20 and 100 hours referred to as ‘Level 1’ and those between 101 and 300 hours as ‘Level 2’ requirements.

#### **3.1 Unpaid work**

13. Areas report that they continue to work with stakeholders to identify and prioritise projects which meet the needs of local communities. Several areas noted that individuals subject to a CPO have an increasingly diverse range of needs, and that they have been required to be more responsive to that through, for example, the establishment of joint working arrangements with universal and third sector services. Needs include poverty, trauma and mental health. This is expected to continue as a result of the presumption against short-term sentences (PASS) being extended to up to 12 months in June 2019.

14. The bulk of unpaid work is designed to make communities more accessible, safe and pleasant. Agreed projects prioritise communities where service users reside or crime and the fear of crime can be more prevalent.



15. Orders are managed and overseen by Social Workers, Social Work Assistants and Supervisors, providing a range of skill sets which promote creativity across landscaping, construction, wood work and furniture restoration. The majority of local areas operate one or more workshops for unpaid work which allow this to continue during inclement weather conditions, and provide a base for the completion of offence and needs-focused interventions.
16. Sessions continue to be delivered over evenings and weekends to support those in employment, to meet health needs and manage childcare commitments.
17. Requests for unpaid work activities come from members of the public, their representatives, community groups, voluntary groups and organisations local to each area. Each local area holds its own policy and procedure for assessing and delivering projects. However, a robust risk assessment will be completed prior to an individual taking part in unpaid work within every area. This includes ongoing consultation with any organisation or group involved in the work being undertaken.

### **3.2 Types of unpaid work**

18. Activities undertaken by unpaid work parties are varied and include gardening and environmental improvements, landscaping, construction, painting, recycling and support to schools, community-use halls, community events and local festivals.
19. Requests for unpaid work and activity completed are often seasonal in nature. These include clearing snow and gritting in winter to allow safer travel; winter warmth and log storage projects; toy collection for Christmas appeals; and the development and maintenance of market gardens and allotments, which provide seasonal vegetables all year-round to older people, families and people with disabilities.
20. A growing number of projects are being delivered, which support organisations and activities within communities affected by poverty and disadvantage. These include foodbank pick-ups and drop-offs, staffing cafes aimed at reducing isolation, the renovation of temporary housing and shelters, and working within soup kitchens. There is a general consensus across feedback received from those who have benefitted from such projects that without the support from unpaid work groups, these would not function.
21. Project requests and their completion vary across urban and rural areas. In rural areas, unpaid work parties often partner with countryside and ranger services, support the maintenance of coastal pathways and plant trees for conservation purposes. Within urban areas, projects include the maintenance of parks and gardens, school and nursery playground refurbishment and support to individual community members.





22. Support to a range of community planning themes and outcomes presented within Local Outcome Improvement Plans (LOIPs) feature heavily across reported unpaid work activity. One example which supports enhanced health and wellbeing across several local authority areas is the refurbishment of donated and abandoned bicycles. Within one local authority area every child receiving a bicycle from the scheme was also provided with a helmet, lights and high visibility vest.
23. A number of projects were also achieved which improve community safety. These included removing graffiti and repairing vandalism, cutting back trees to improve night-time visibility and the removal of unauthorised bonfire sites.
24. Taking part in unpaid work also supports the development of a range of 'soft skills'. Feedback captured by local authorities evidences improved communication, use of initiative, team working, problem solving and self-esteem across those who took part. Further to this, areas report that connecting people on unpaid work with members of the community promotes citizenship, challenges stigma and reduces feelings of isolation and loneliness.
25. Several groups particularly benefited from unpaid work undertaken in Scotland's communities, including older people, people with disabilities, women and children.
26. Within one local authority area, a rehabilitation centre for people with physical disabilities, their families and carers required regeneration of their outdoor space. The unpaid work team undertook landscaping and gardening, restored a pathway for people to learn to walk again and refurbished benches using recycled wood. In another local authority area, a kitchen garden was built as part of a local sensory centre. This attracted a range of visitors and local media.
27. Across Scotland, a total of 1.11 million hours of unpaid work were carried out in local authority areas during the reporting period.

### **3.3 Examples of projects**

28. The local authority annual reports describe a wide range of unpaid work activities carried out by individuals both within group and individual placements. Examples of these activities are described in the following sections.



### **3.3.1 Groupwork placements**

29. Groupwork placements support the completion of large-scale projects and allow people taking part in unpaid work to break the cycle of isolation and to develop skills in team working. Examples of such projects include painting, landscaping and construction.
30. This type of activity also improves the visibility of unpaid work within local areas, and increases confidence in this as a community-led response to crime. Many local authority areas attract positive feedback from local Elected Members and the media for such projects, and mark these in communities using plaques.
31. Within one local authority area, housing services required unpaid work to assist with extensive gardening work for householders who were unable to maintain their gardens. The overall result was an improvement in the appearance of the properties, also contributing to the security of the individual tenancies.
32. Groups of unpaid work participants have been involved in a number of environmental projects including flood prevention, fence building, hall and church maintenance and the creation of viewing platforms and pathways within animal sanctuaries and conservation areas.
33. Workshops provided as part of unpaid work continue to support the refurbishment and construction of park benches, picnic tables, planters and bird boxes. In one local authority area, bird boxes were donated for sale, with proceeds going to a local charity. This is highlighted as of particular benefit to local areas seeking to find non-plastic alternatives to items such as playground and park equipment.

### **3.3.2 Individual placements**

34. Personal placements are recognised as a way for people to pay back to their communities, while also being responsive to the needs of the individual on placement. This includes where offending is at a lower level, or is a first offence.
35. Personal placements vary in size and task and are commonly completed within local charity shops, resource centres and voluntary organisations. Placements allow those participating in them to develop new and existing skills which can contribute to future employment opportunities. Agencies supporting placements describe being grateful for additional resources whilst also feeling they are helping local people to move on from crime and achieve their potential.
36. Several local authority areas place those completing unpaid work within local cafes which support people living in poverty, in recovery or experiencing isolation. Placement roles here include food preparation and customer service.



37. The following are further examples of individual placements carried out during 2018-19. This is not intended to be an exhaustive list, and more details can be obtained directly from local authorities (links are provided at section seven):

- local charity shops
- community centres
- churches
- animal and wildlife sanctuaries
- social enterprises
- collection, restoration and recycling workshops
- foodbanks

### 3.4 Impact of unpaid work projects

38. In their annual reports, local authorities provided quotes from people on CPOs, as well as beneficiaries of unpaid work, regarding the impact that the work had on them or their community.

39. The following is a sample of verbatim comments received from beneficiaries of unpaid work upon completion of the project. These include organisations and community groups, individuals, their friends and family members.

*“A team cleared an area where river debris had led to significant littering with plastic bottles. Clearing work by the team cleared 20 black bags of plastic bottles from this one site. Clearing work was done on a path near the Golf Course. This work, due to the scale, location, and other factors make it difficult to be done by other means and so we greatly value the support provided by the teams...A good quality of work is produced and this is essential for the countryside access paths we work on which are all public paths, open to all. The work done by the Criminal Justice Unpaid Work teams allows work to be done that would be difficult to arrange to be done otherwise.”*

*“On behalf of the trustees I would like to thank you for the recent work done by your clients in the painting at the Museum. They have done a good job and we are very grateful for their assistance.”*

*“The whole team was a pleasure to be around, they deserve to be employed and I would be happy to see them anytime.”*

*“The members and I cannot thank you and your team enough for the wonderful job you have completed. You have gone above and beyond all our expectations; we would never have obtained the standard of the path that your team had achieved. Please would you pass on our thanks to each and every member of the team.”*



*“This is a double benefit to the local community, firstly your guys are paying back to their local community and secondly the community is paying back to its wildlife.”*

*“Our community will benefit from the staining of the garden furniture, looks much nicer, something they can take a pride in. The garden shed also looks very good and as it has been recently painted this will also preserve the wood. It is very obvious from just looking at the shed and wall that work had been carried out. It makes the whole place look much tidier. The planters are scattered round the village and everyone admires how well they are blooming.”*

*“Just wanted to thank you and the guys for the great job they did. The guys worked efficiently and with a great attitude. Please pass on my thanks and appreciation.”*

*“This is good work that will benefit the community. The work squad are carrying out a fantastic job. The bridge and step work has made the path much safer to use and strimming the undergrowth means that people won't be getting stung by nettles or tripped-up by long grass and so make for a more pleasant user experience! The work would have entailed a great deal of effort from you and your team, so thanks once again for your hard work”.*

40. As well as asking for feedback from beneficiaries, Criminal Justice Social Work staff also ask the individuals carrying out unpaid work for their views on the impact this has had on them. These views are sought from individuals following the completion of their unpaid work as part of an exit interview or a questionnaire.
41. Those who completed unpaid work generally reported feeling a high level of satisfaction with work completed and the support provided by staff to achieve this. Many individuals thanked staff for the time they gave to helping them in developing new skills, their professionalism, fairness and non-judgemental attitudes.
42. Progress towards addressing the causal factors for crime, and achieving person-centered outcomes was also evidenced in a number of local authority areas. For example, one local authority area demonstrated a high percentage of those completing unpaid work to feel their needs were met in areas such as community involvement, health, housing and finance. Individuals also reported feeling happier and more capable in terms of managing relationships, their mental health and addiction needs.
43. In general, participants completing feedback felt they had been treated with respect and dignity, and that the work completed gave them a sense of purpose and the ability to upskill. One local authority area reported developments in organisation skills, improved confidence, feeling positive and getting up in the morning.



44. The following unsolicited comments were received from individuals upon completion of their unpaid work activity:

*“It is better than the alternative, especially for my family.”*

*“The supervisor talks to me like a real person and he has a lot of knowledge which he talks about and he makes sense. Even when I did something wrong, he was calm and explained why. I think he has got me through this order, he is genuine, honest, knowledgeable but with a firm assertive manner.”*

*“Helped me get out of the house and help the community.”*

*“I am making my own soup and the children say they prefer it to the soup in the café – this has saved me money.”*

*“I was happy with the way things went with my CS order, on completion of said order. Also it, in my opinion, is a deterrent for not to commit any more offences.”*

*“Everyone has been kind and friendly and have helped with any questions I had. I really enjoyed the landscaping work we did. I would like to continue this into work when I finish my CPO as the supervisor showed me many skills that I will use in the future. I would like to thank him for my time working with him.”*

*“The good parts for me were helping people in the community.”*

### **3.5 Local authority consultation on unpaid work**

45. Under the 1995 Act, local authorities are required to consult specific people and organisations on the types of unpaid work activity that should be carried out in their area. The regulations made under the Act specify a list of those who should be consulted, although it is not intended to limit local authorities who are free to consult more widely. As a minimum, on an annual basis, local areas must consult:

- the Chief Constable (in practice the local Police Commander) for the area of the local authority
- the Sheriff Principal within those jurisdictions the local authority area lies
- organisations representative of victims of crime
- voluntary organisations within the local authority area
- one or more community council within the local authority area
- one or more Community Planning Partnership within their area
- one or more Community Safety Partnership within their area



### 3.5.1 Additional consultation activity

46. Local areas report use of existing internal and external Community Planning Partnership mechanisms to engage with their stakeholders and communities.
47. Area Committee Meetings, Locality Meetings, Community Councils and Civic Forums were used to engage with community representatives and explore the requirements of their communities. This also included feeding back to such groups on work completed within local authority areas, which increased confidence in unpaid work as a community sentence.
48. Several local authority areas have completed formal consultation with communities and the third sector on unpaid work during the 2018-19 period. Within two local authority areas, an online survey was undertaken to ascertain community views on unpaid work, as part of a broader community justice communications strategy. Findings from this will be used to improve visibility and feedback mechanisms in this area.
49. Criminal Justice Social Work also utilised its position on groups such as the Community Justice Partnership, Adult Protection Committee and Community Safety Partnership to communicate about unpaid work and seek their views. The majority of areas also consulted with stakeholders on a one-to-one basis. These included the judiciary, local charities, Elected Members, police and housing providers.
50. Social media continues to provide a useful and immediate tool in disseminating information and receiving immediate feedback from communities. This also allows partners and stakeholders to 'share' stories of success and achieve a greater reach, promoting innovative practice.
51. Newsletters, bulletins and leaflets are also identified as valuable in raising awareness, particularly within communities less likely to utilise social media. Those participating in unpaid work often deliver leaflets, which further increases their visibility within communities and supports integration.
52. Within one local authority area, staff attend monthly GP meetings and Community Nurse and Healthcare groups. This has resulted in support provided to a number of elderly and vulnerable individuals within local communities. Leaflets are distributed at various service points to promote unpaid work, including libraries, council service points, heritage centres and care homes.



### 3.6 Other activity

53. While the unpaid work or other activity requirement is mainly used to deliver unpaid work, the 1995 Act allows for a proportion of the requirement to be used to undertake 'other activity' in addition. This part of the requirement gives the individual an opportunity to develop skills to help them reduce or stop further offending in the future. Other activity often focuses on improving someone's educational, job-related or social skills. The person's allocated Criminal Justice Social Worker will determine the individual's needs and suitability for other activity and the type of activity to be undertaken.
54. The other activity component of the CPO must not exceed 30 hours, or 30% of the total specified number of hours of unpaid work imposed – whichever is lower. Where it is determined that other activity is not required, the requirement will only consist of unpaid work.

#### 3.6.1 Types of other activity

55. Many local authority areas provide support to employment, education and skills training as part of other activity. This is often in partnership with universal and third sector services. Local colleges provide courses in literacy and computer skills which can be completed in this time, and individuals can be placed with voluntary organisations to gain work experience. Construction Skills Certificate Scheme (CSCS) Cards are also supported to facilitate access to construction site employment.
56. Local authority areas have identified the impact of poverty and inequality to be extensive across those taking part in unpaid work across Scotland. Through other activity it has been possible to reduce some of the impact of this by offering life skills and management modules in cooking, healthy eating and affordable lunches, budgeting, and household management.
57. To further address the impact of inequality, the majority of local authority areas provide health and wellbeing support as part of other activity. Within modules designed to improve mental health, local authority areas offer mindfulness programmes, alternative therapy treatments, and inputs on emotional health and stress management. To improve physical health, health checks are provided with the opportunity for onward referral, and these often include dental health. Outdoor activities also focus on personal and social outcomes, and walking groups take place within a number of local authority areas to get participants active while communicating with others.
58. Local authority areas continue to support individuals to access support for drug and alcohol issues as part of other activity opportunities. This engages local Drug and Alcohol Partnerships, along with health care providers and the third sector to complete



Alcohol Brief Interventions which promote self-awareness, co-ordinate individual and group-based activities and to establish contact with agencies which continues beyond the end of a statutory order. One local authority area reported the establishment of individual goals in addressing substance misuse issues and where possible, offered bespoke support that once undertaken could contribute to the completion of hours under other activity.

59. There remains extensive commitment to the provision of bespoke opportunities for women as part of other activity. Across most local authority areas, groups or 'hubs' have been created to support women with addressing the causal factors for their offending, and with broader needs such as housing, health, education, money management and parenting classes. Offering the opportunity for women to meet and communicate as a group also empowers them, improves their self-esteem and encourages them to make connections with themselves and communities. Weekly group activity is designed and led by women themselves, and includes art-based activity. Many women remain part of the group beyond the end of their orders, using their experiences to benefit other women in similar situations.

#### **4. Requirements other than unpaid work**

60. The unpaid work or other activity requirement is one of nine requirements which a court can impose as part of a CPO. The other requirements are offender supervision, compensation, programme, residence, mental health treatment, drug treatment, alcohol treatment and conduct.

61. While the court can impose a standalone unpaid work or activity requirement, all other requirements must be imposed together with an offender supervision requirement. Supervision requirements are also mandatory in cases where the individual is under 18 years old.

##### **4.1 Use of other requirements**

62. A publication presenting national level information on criminal justice social work activity in Scotland during the reporting period was published in February 2020, and this report has drawn on some of the statistical analysis contained within that publication.

63. There were 16,400 CPOs commenced in 2018-19, a fall of eight percent from 17,900 in 2017-18. Most CPOs in 2018-19 included a requirement for unpaid work or other activity (73%). 58% of CPOs included a supervision requirement and 31% included both supervision and unpaid work or other activity requirements.





64. In each of the last four years, the use of unpaid work or other activity requirements has fallen while the use of offender supervision has increased.
65. The average number of requirements per order was highest in the first years after the introduction of CPO. However, it has remained the same in each of the years 2014-15 to 2018-19, at 1.5 requirements.

#### **4.1.1 Offender supervision requirement**

66. The supervision requirement aims to change the way the person behaves by compelling them to attend regular appointments with a Criminal Justice Social Worker. Local authority areas report that a thorough assessment of risk and need is undertaken using a variety of available tools. Timely outcomes and focused interventions for people are determined by case management planning with the service user. This ensures input, support and guidance as required from core services and local partner agencies.
67. The offender supervision requirement allows individuals with a range of needs to access one-to-one support which doesn't meet the threshold for a specific programme requirement. How well individuals feel their needs are then met during a CPO is measured using an exit questionnaire. Several local authority areas noted the collection of this data as something to be improved going forward.
68. Feedback from those receiving supervision requirements reflects that this can be effective in addressing the causes of offending, taking responsibility for actions and behaviours, putting in place protective measures to reduce further offending, and providing someone to talk things through with objectively.
69. In the years 2014-15 to 2018-19, around 56% to 58% of supervision requirements were for 12 months or under. The average length of supervision requirements in 2018-19 was 15.4 months, in line with the position in the previous four years. Where an order was issued with supervision and nothing else, the average length was shorter, at 13.7 months.

#### **4.1.2 Compensation requirement**

70. A compensation requirement is used to compel a person to pay money to victims for injuries or distress caused, or to pay for damage to property.
71. One local authority area reported that courts are more routinely using the compensation requirement alongside a supervision requirement because this is recognised as more visible and 'real' to a victim of crime.



### 4.1.3 Programme requirement

72. A programme requirement is used when the court considers that an individual needs to undertake a programme or course to address their offending behaviour. This is sometimes referred to as a 'court-mandated programme'.
73. Local authority areas report that accredited programmes are used effectively in response to convictions for sexual offences and domestic abuse. The programme requirement enhances not only the compulsory nature of the participation in the work, but also validates responsibility and acceptance of the need to address the risks presented in these behaviours.
74. Moving Forward Making Changes (MFMC) is a behavioural programme designed to provide treatment for men who have been convicted of sexual offences or offences with a sexual element. The programme is delivered in modules, which allows for it to be tailored to meet an individual's specific needs. MFMC is a rolling programme, and there is no start date or end date. As one group member completes the programme a new member joins. This allows individuals to work at their own pace and provides the potential for new group members to be supported by existing participants. A preparation programme is undertaken with the individual prior to their participation in the group work programme.
75. To maximise the cost efficiency of delivering accredited programmes, several areas have identified working across local authority boundaries. This is often in partnership with other relevant organisations.
76. At the end of the reporting period, 75% of the Scottish population had access to the Caledonian Programme. This is available across 19 local authority areas and is an evidence-based trauma-informed accredited programme which takes an integrated approach to address men's domestic abuse and to improve the lives of women, children and men. The men's programme is delivered through a combination of group work and one-to-one sessions. There is also a women's and children's service. Several local authority areas now anticipate an increase in programme referrals going forward as a result of being awarded the Caledonian Programme within their area.
77. Programmes available in other local authority areas for those who have committed domestic abuse offences also utilise both group work and one-to-one delivery while taking an evidence and research-informed approach to 'what works'. One local authority area reports this to be in line with trauma-informed practice and attachment theory.
78. Further examples of programme requirements reported by local authority areas during the period include mentoring support for both men and women, programmes managed



by an outdoor activity provider and bespoke programmes designed locally to meet specific needs.

79. The proportion of orders with a programme requirement has been steady over the last five years, at between five and six percent of all orders.

#### **4.1.4 Residence requirement**

80. Several local authorities report the use of residential treatment facilities both as part of, and outwith the imposition of a residence requirement. These are generally provided by third sector partners and focus on stabilising addiction. One local authority area reported making referrals for those on CPO and attending multi-agency midway meetings to ensure support was effectively in place for the individual on return to the community.

#### **4.1.5 Mental health treatment requirement**

81. If the person has been diagnosed with a mental health condition that plays a role in their offending, they can be compelled to receive support and treatment with a mental health treatment requirement. Mental health treatment, alongside residence requirements, were the least commonly issued requirements in 2018-19.

82. Local areas report that this is in no way reflective of the scale of mental health issues among those on a CPO, but because mental health support is also offered across other types of requirement, such as supervision. A mental health requirement can only be imposed where there is a diagnosed disorder or condition.

#### **4.1.6 Drug treatment requirement**

83. If the person has a drug problem, they can receive treatment under this requirement. They might be ordered to attend a clinic or hospital to deal with the problem. Only 0.8% of CPOs included a drug treatment requirement in 2018-19.

84. Local areas report that drug and alcohol problems are more routinely addressed as part of other requirements, where these are not 'single issues' for the individual, or the problem is not acute enough to warrant such an intensive intervention.

85. One local authority area reported that drug, alcohol and mental health support is generally provided as part of a broader supervision plan. It was felt that the development of local 'hubs' which supported strong working relationships between social work, mental health, substance misuse and homelessness services ensured a clear pathway into services and reduced the number of drug treatment requirements and Drug Treatment and Testing Orders (DTTOs) which would otherwise have been made.



86. Two local authority areas reported the impact of a 'lighter' version of a DTTO, also known as a DTTO2, may have on reducing the number of drug treatment requirements. This can be offered to an individual at an early stage to prevent more extensive damage caused by drug use and related crime for communities, families and the individual themselves. More timely, fast-tracked referrals into multi-agency support are an attractive characteristic within this type of support.
87. Several areas reported that sentencers may be reluctant to impose a drug treatment requirement where an individual is unlikely to comply with such an intense programme. These are also not widely used if the individual is already engaged in drug treatment, or where this has lapsed.

#### **4.1.7 Alcohol treatment requirement**

88. An alcohol treatment requirement is used when an individual is alcohol dependent and alcohol is considered to be a significant factor in their life. The aim of this requirement is recovery from alcohol dependency. 1.2% of CPOs included an alcohol requirement in 2018-19.
89. Within one local authority area, alcohol and drug treatment requirements were met by referral and engagement with the Community Addiction Team. Criminal Justice Social Work had particularly strong links with this service and this was felt to be pivotal in ensuring that people with addiction issues maintained stability and completed their order.
90. It was further reported by local areas that the reduction in the use of both drug and alcohol treatment requirements may be as a result of the need for health services to report precisely on the presence of an 'assessed dependency' within a report. There is also a challenge in how treatment providers prioritise their services to meet such orders once these are in place. It is reported that strong communication between partners and co-location allows for any shortfalls to be identified and swiftly resolved.
91. One local authority area reported that women who receive this requirement can access support from local NHS services, including presenting at a drop-in assessment clinic. Women are supported to engage with these services following a medical assessment before being triaged to the appropriate service. A keyworker assists with the completion of relapse prevention diaries and workbooks.

#### **4.1.8 Conduct requirement**

92. Conduct requirements continue to be the most commonly used after unpaid work or other activity and offender supervision requirements. The proportion of orders with conduct requirements has risen in each of the last three years and now sits at almost nine percent. The rise in this proportion may have been a contributing factor in the



increase in the proportion of orders with offender supervision requirements over the same period.

93. The purpose of conduct requirements is to instruct on or limit certain actions and behaviours, thereby reducing the risk of further offending, promoting rehabilitation and protecting the public. These will include directions such as prohibiting or controlling contact with victims and groups of potential victims and stating someone should not enter a certain location.
94. Several local authorities reported increased use of conduct requirements related to sexual offending. These may be used to limit or regulate internet access where this may result in offending behaviour, and orders for this type of offence are reported to have increased. Conduct requirements may also state an individual must disclose any relationships they enter into and may stipulate they need to allow electronic devices to be checked by social workers or police on request.
95. One local authority area reported that the need to access partner support in developing care plans which support conduct requirements has resulted in positive outcomes for individuals:

*“A service user who was subject to a conduct requirement to engage with Adult Protection was chaotic in drug use, established over a significant period of time; there was a risk of death due to overdose in addition to exploitation from others. This resulted in Adult Protection procedures being put in place. Given a previous period of remand as a result of accommodation issues, an inability to engage and risk of harm, the Sheriff was keen that community support be made available. Joint working between the Justice and Adult Protection Social Work Services and NHS substance misuse services facilitated funding and identification of accommodation. The service user was eager to accept the rehabilitation opportunity. Now in a safer place mentally and physically, having engaged in therapeutic supports, joint plans have been made to move away from the area, and to live independently with support from local services.”*

## **5. Issues affecting services provided by other partners**

### **5.1 Access to mental health services**

96. Local authority areas continue to report issues with accessing community-based mental health services for those subject to a CPO. It is recognised that the prevalence of mental health needs, which include experience of trauma, are disproportionately high within this group. However, services cannot be accessed in an equitable way. Concerns reported were the refusal of mental health treatment where substance misuse is also a factor, a



lack of specialist mental health services for those with specific diagnoses and staffing shortages resulting in fewer available psychologists.

97. In order to address some of this impact, several local areas reported plans to work in partnership across health and justice services to improve provision within Accident and Emergency Departments, prisons and cell blocks under Action 15 of the Scottish Government's Mental Health Strategy 2017-27. This has received significant investment and appears to gain the most traction where the needs of those in the justice system have been identified as a priority within the area's LOIP.
98. Another local authority reports the development of a service supported by a psychologist in response to the under-representation of those subject to CPOs within mental health services. Individuals will be screened and, where appropriate, provided with a stage one trauma intervention. Further actions taken to provide timely access to mental health services across local authority areas include Mental Health Peer Workers and nurse posts within GP surgeries, use of third sector interventions and a suicide prevention telephone line.

## **5.2 Access to substance misuse services**

99. Changes to funding, the retendering of contracts and the restructuring of services have resulted in a range of challenges for local authority areas when seeking access to substance misuse services. To mitigate the impact of this, areas continue to work on establishing and maintaining positive working relationships with service providers. One local authority area has benefitted from the deployment of substance misuse nurses across the criminal justice system. This has improved communication and transitions into universal substance misuse services beyond completion of an order. Another local authority area is able to directly refer individuals with substance misuse needs into a drop-in centre where such needs are urgent, although it has been reported that individuals may be unreliable in terms of their attendance.

## **5.3 Drug-related deaths**

100. Within 2018, [drug related deaths in Scotland](#) increased by 27% to reach 1,187. The greatest increase was within the 35-54 age bracket. Several local authority areas reported an increase in drug-related deaths among those subject to CPOs during the 2018-19 period, and social work services are acutely aware of the complex needs and risk-taking behaviour often apparent within this group. Local authority areas report the development of joint working arrangements with health services to reduce vulnerability and there are examples of strategic working groups which seek to tackle the issue collaboratively. One local authority area is maintaining a Naloxone supply within each of



their workshops and has trained 50 staff on its use in the event of an overdose. This is also to be expanded to include training for individuals completing unpaid work.

## **5.4 Housing**

101. Several local authority areas report issues with accessing timely and appropriate housing for individuals on CPOs. This can be as a result of bail conditions, challenging behaviour on the part of the individual, and complex support needs. Increased dialogue with local authority housing departments and Registered social landlords has begun to address this gap, and any issues which may occur can be quickly resolved collectively.

## **6. Any other relevant information**

### **6.1 Trauma-informed practice**

102. Research and evidence has shown that individuals within the criminal justice system have often experienced high levels of trauma both as children and within their adult lives. This, coupled with the impact of poverty and adversity can impact on their behaviours and cause further offending and problems when engaging effectively with services designed to support their needs. A number of local authority areas have recognised this and committed to providing trauma-informed services when delivering CPOs. This takes the form of trauma-informed practice training for staff, parenting programmes for those with experience of trauma and work with individuals to develop case management plans and interventions which are personal and reflect their life experiences.

### **6.2 Mitigating the impacts of poverty**

103. Across all reports received from local authority areas, the impact of poverty and adversity on those completing CPOs is recognised to be extensive. This creates an extremely challenging backdrop to effective service delivery within rural and urban areas alike. Services work in partnership to offer a variety of support across money management, budgeting, cooking, parenting and IT skills as a matter of course, however this does not fully reflect the true resource commitment provided across local authority areas to ensure compliance with CPOs and a reduction in further offending, when an individual and their family are struggling with the consequences and stigmas associated with austerity.

104. One local authority area reports providing those attending unpaid work with breakfast and a hot drink on commencement, because it is likely many have not eaten. A number of areas report issues with the cost of public transport for those required to attend





supervision appointments and unpaid work. Vouchers can be provided at the discretion of staff where financial hardship is recognised as the reason for this.

105. Much of the unpaid work completed across Scotland is designed to support communities in need to overcome challenges created by poverty and adversity. Unpaid work also improves on, and creates, community-based assets that promote health, wellbeing and learning opportunities for people of all ages, backgrounds and needs. There is a requirement for local authority areas to be in a position to provide those completing this work with the same supports and opportunities, and this may require national consideration.

## 7. Further information

106. Should you have any queries in relation to this report please contact:

 Keith Gardner  
 Head of Improvement and Analysis  
 Community Justice Scotland  
 Y1 Spur  
 Saughton House  
 Edinburgh  
 EH11 3XD  
 [info@communityjustice.scot](mailto:info@communityjustice.scot)

107. Further information on CPOs can be found on the Scottish Government website at: <https://www.gov.scot/Topics/archive/law-order/offender-management/CPO>.

### 7.1 External links

108. Information about local arrangements for CPOs can be found on local authority websites:

Local Authority	Local Authority
<a href="#">Aberdeen City Council</a>	<a href="#">The Highland Council</a>
<a href="#">Aberdeenshire Council</a>	<a href="#">Inverclyde Council</a>
<a href="#">Angus Council</a>	<a href="#">Midlothian Council</a>
<a href="#">Argyll and Bute Council</a>	<a href="#">Moray Council</a>
<a href="#">City of Edinburgh Council</a>	<a href="#">North Ayrshire Council</a>
<a href="#">Clackmannanshire Council</a>	<a href="#">North Lanarkshire Council</a>
<a href="#">Comhairle nan Eilean Siar (Western Isles)</a>	<a href="#">Orkney Islands Council</a>
<a href="#">Dumfries and Galloway Council</a>	<a href="#">Perth and Kinross Council</a>
<a href="#">Dundee City Council</a>	<a href="#">Renfrewshire Council</a>
<a href="#">East Dunbartonshire Council</a>	<a href="#">Scottish Borders Council</a>
<a href="#">East Lothian Council</a>	<a href="#">Shetland Islands Council</a>
<a href="#">East Renfrewshire Council</a>	<a href="#">Stirling Council</a>





<a href="#"><u>East Ayrshire Council</u></a>	<a href="#"><u>South Ayrshire Council</u></a>
<a href="#"><u>Falkirk Council</u></a>	<a href="#"><u>South Lanarkshire Council</u></a>
<a href="#"><u>Fife Council</u></a>	<a href="#"><u>West Dunbartonshire Council</u></a>
<a href="#"><u>Glasgow City Council</u></a>	<a href="#"><u>West Lothian Council</u></a>



## Appendix One – Circular ECJ/01/2017

Justice Directorate  
Community Justice Division



T: 0131-244-4259

To Chief Social Work Officers  
Criminal Justice Social Work Managers  
Karyn McCluskey, Community Justice Scotland  
Andrew Gillies, Social Work Scotland  
Mike Callaghan, COSLA

Our ref: ECJ/01/2017

August 2019

Dear Colleagues

### **COMMUNITY PAYBACK ORDERS: ANNUAL REPORTS National Guidance provided by Scottish Ministers**

#### **Introduction**

1. This circular, ECJ/01/2017 provides revised guidance to local authorities on the requirement to submit an annual report on the operation of the Community Payback Order (CPO). It replaces circular LJ/02/2013 issued on 23 September 2013, which previously replaced circular JD/5/2011.
2. This revised guidance has been agreed with Social Work Scotland.

#### **Purpose**

3. Section 227ZM of the Criminal (Procedure) Scotland Act 1995 (the 1995 Act) imposes a duty on local authorities to submit annual narrative reports on the operation of the CPO (see **Annex A**).
4. The Community Justice (Scotland) Act 2016 (the 2016 Act) established Community Justice Scotland as a new national body to oversee community justice in Scotland, coming into operation on 1 April 2017.
5. In addition, Schedule 2 of the 2016 Act amended the provisions of the 1995 Act by giving Community Justice Scotland responsibility for the completion of the summary of local authority narrative reports on the CPO. Annex A sets out the relevant section of the 1995 Act as amended.

#### **Fulfilling the requirement**

6. Circulars LJ/02/2013 and JD/5/2011 explained that local authorities would be expected to fulfil the requirement at Section 227ZM of the 1995 Act 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; and

(ii) in addition to these statistics, by providing a narrative account of the implementation and operation of the CPO in the financial year to which the statistics refer.

7. Local authorities are still to fulfil the requirement in these two ways, however the narrative account should now be submitted to Community Justice Scotland as opposed to the Scottish Government. The statistics requested at 6(i) above should continue to be sent to the Scottish Government as per current procedures.

### **Narrative accounts**

8. As with previous years, the narrative account should cover the following range of issues:

- a description of the types of unpaid work projects and activities which have been carried out;
- the total number of unpaid work hours **completed** (not imposed) during the year;
- information that helps to demonstrate how communities benefit from unpaid work, for example that could include:
  - examples of the total number of hours spent on specific projects/activities (e.g. X hours of unpaid work upgrading community sports and leisure facilities);
  - numbers of facilities which have benefited during the year e.g. the number of church halls; care homes; schools; parks and beaches etc.
  - examples of work which has been done in partnership with local or national organisations and agencies e.g. Historic Scotland, Rotary Club, SportsScotland etc;
  - examples of work with a direct immediate personal benefit, such as winter weather-related work.
- if available, quotes from people on CPOs and beneficiaries about the impact of the unpaid work on them and the community;
- a description of the kinds of "other activity" carried out as part of unpaid work or other activity requirements;
- a description of what activities were carried out to consult prescribed persons and organisations, pursuant to Section 227ZL of the Criminal Procedure (Scotland) Act 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;
- a description of the 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;
- details of 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; and
- any other relevant information e.g. a description of other work being carried out with people on CPOs which does not fall into the category of a requirement but nevertheless contributes to addressing offending behaviour.



## Template and Timings

9. The template to be completed is attached at **Annex B**. This should be submitted to Community Justice Scotland at [info@communityjustice.scot](mailto:info@communityjustice.scot) by the Director of Social Work or Chief Social Work Officer of the local authority no later than 31 October following the end of the financial year to which the report refers.

## Publication

10. Community Justice Scotland will arrange for a summary of the narrative reports to be laid in Parliament in accordance with section 227ZM(3) of the Criminal Procedure (Scotland) Act 1995.

11. Whilst there is no statutory requirement to do so, local authorities can make separate arrangements to publish their narrative accounts in full. However, there is a requirement that any report, or any reference to the contents of a report to be laid in Parliament, should not appear in the public domain in advance of that report being laid. Therefore, publication by local authorities should not take place in advance of the Community Justice Scotland's summary of the narrative reports being laid in Parliament.

12. It should be noted that, even if a local authority decides not to publish their narrative account, the information may still require to be released by Community Justice Scotland under the Freedom of Information (Scotland) Act 2002.

## Enquiries and further information

13. For enquiries or further information on this circular please contact me on 0131-244-4259 or email [cpo@gov.scot](mailto:cpo@gov.scot)

Community Justice Division



*Annual reports on community payback orders*

**227ZM Annual reports on community payback orders**

- (1) Each local authority must, as soon as practicable after the end of each reporting year, prepare a report on the operation of community payback orders within their area during that reporting year, and send a copy of the report to Community Justice Scotland.
- (2) The Scottish Ministers may issue directions to local authorities about the content of their reports under subsection (1); and local authorities must comply with any such directions.
- (3) Community Justice Scotland must in relation to each reporting year, lay before the Scottish Parliament and publish a report that collates and summarises the data included in the various reports under subsection (1).
  - (3A) A report under subsection (3) must be laid before the Parliament and published, together with, or as part of, the corresponding report under section 27 of the Community Justice (Scotland) Act 2016
  - (3B) The reference in subsection (3A) to the corresponding report under section 27 of the Community Justice (Scotland) Act 2016 is, in relation to a report under subsection (3) for a particular reporting year, a reference to the report under that section which requires to be published as soon as reasonably practical after that 31 March.
- (4) In this section, “reporting year” means a year ending with 31 March



**ANNUAL REPORT TEMPLATE**

A template for local authorities to complete is attached overleaf.

Please populate with information as requested. Include the name of the local authority and the financial year which the report covers.

Please note that there is no limit to the amount of text that can be included in each box. These boxes can be expanded as necessary.

Please use the final box in the template to include any additional information not already covered by the previous section.



# COMMUNITY PAYBACK ORDER ANNUAL REPORT

FINANCIAL YEAR: 2018/19

LOCAL AUTHORITY:



**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.**





**Quotes from people on CPOs and beneficiaries about the impact of the unpaid work on them and/or the community.**



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



**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.**



**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.**



**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.**



**Any other relevant information, which may include:**

- **Examples of any work carried out with people on CPOs to address their offending behaviour but which does not fall into the category of a specific requirement.**
- **Examples of work carried out in partnership with the third sector**
- **Areas identified where improvements can be made, i.e. CPO commencement/completion rates**
- **Any other areas identified for improvement and planned next steps**
- **Any other information**



COMPLETED BY:

DATE:

CONTACT FOR QUERIES ABOUT THE REPORT

Name:

E-mail:

Telephone:





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