



COMMUNITY PAYBACK ORDER

**Summary of Local
Authority Annual reports
2019-20**

March 2021

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

March 2021

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1. Foreword



I am pleased to introduce the fourth Summary of Local Authority Annual Reports on Community Payback Orders (CPOs) produced by Community Justice Scotland (CJS), covering the period 2019-20. This report meets the requirements set out under section 227ZM of the Community Justice (Scotland) Act 2016 by publishing this summary of local authority returns.

The report provides an overview of activity undertaken by people in local areas subject to a CPO for the year 2019-20 which ended with the first national COVID-19 lockdown announced in March 2020. This year, the report draws upon an abbreviated evidence template return from local authority areas. The template return was approved by the Scottish Government and recognised the reduced operational capacity of local areas to compile data as a result of the current pandemic. Therefore, this report provides an overview rather a comprehensive account of CPOs in the reporting year. I would like to express my thanks to local areas for producing these returns in challenging circumstances.

Each individual's experiences are unique and must be considered in that context if they are to be properly supported to change their behaviours. This requires strong community justice connections between services, community groups and other stakeholders, so that they work effectively together in localities. An individual's multiple needs such as housing, mental health and money advice can only be addressed with the right specialist supports working collaboratively.

Despite the abbreviated evidence base this year, the report contains some clear illustrations of quality work undertaken before the pandemic. Furthermore, it shows important contributions which CPOs made to wider local and national outcomes, including the climate change emergency, active travel and community safety, as well as the person centric outcomes which address the causes of crime and delivery of payback to the communities harmed.

The pandemic has significantly changed CPO activities during 2020/21, however the Recover, Renew and Transform processes will aim to rebuild community justice systems to contribute to the overarching outcome of wellbeing and economic growth in its aftermath.

The reporting year has seen 16,700 new orders imposed, participation in 1,028,000 hours of unpaid work¹ as well as 'other activity' and engagement in the other 8 CPO requirements.

Lindsay Montgomery CBE, FRSE
Chair Community Justice Scotland

¹ The total of hours worked as reported by 31 local areas. One area did not report a total number of hours worked.



2. Background and Statutory Requirements

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. There were 16,700 new orders imposed in the reporting year and a local authority breakdown of these orders is contained in Table 1 of [Appendix one](#).
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) supervision requirement²
 - 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 CJS. The Scottish Ministers may issue directions to the local authorities in relation to the content of the report³.
4. CJS 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.

² Referred to as "Offender Supervision Requirement" in section 227G of the 1995 Act

³ A summary of the direction is attached at [Appendix Two](#).



5. This report is the ninth such summary and the fourth to be published under the new reporting arrangements and covers the reporting year 1 April 2019 to 31 March 2020. Previous summaries can be found on the CJS and Scottish Government websites at: <https://communityjustice.scot/reports-statistics/> and <http://www.gov.scot/Publications> respectively.

6. This year, local authorities were provided with a reduced standard template with which to provide information on the delivery of CPOs in their area. This template requested 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 3.6](#) 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. Section 227ZM(1) of the 1995 Act provides that this report must be prepared as soon as practicable after the end of each reporting year. Due to the impact of COVID-19, it was acknowledged that for the year ending 31 March 2020 compliance with this duty would be difficult for local authorities. Following consultation with CJS and Social Work Scotland (SWS), the Scottish Government amended and shortened the template for completion this year and local areas were encouraged to complete the template with reference to the information that was provided in the previous year where this is still relevant. This was intended to reduce the amount of work involved in preparing such reports as much as practicable in the context of COVID-19 and associated guidance and restrictions.



8. A copy of the amended guidance and template issued to local authorities are provided at [Appendix two](#). It should be noted that, although 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.
9. 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
10. This summary report can be read in conjunction with the following publication:
 - [Criminal justice social work statistics: 2019-20](#): provides further information about justice social work services and social work orders, as well as characteristics of the people involved
11. Further information, including contact details for the Scottish Government, CJS and links to local authority websites can be found in [section seven](#).

3. Unpaid work and other activity requirement

12. The 'unpaid work or other activity' requirement was the most commonly imposed of the nine requirements which are available to the court.
13. 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

14. The needs of local communities were identified by engaging with local stakeholders and setting priorities.
15. 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.



16. 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. Local areas operate workshops for unpaid work which allow it to continue during inclement weather conditions and provide a base for the completion of offence and needs-focused interventions.
17. Sessions continue to be delivered over evenings and weekends to support those in employment, to meet health needs and manage childcare commitments.
18. Local community planning partners are central to requests for unpaid work, therefore elected members, community councils, residents' groups, third sector organisations and public surveys play a crucial role. Each local area uses its own resources for assessing and delivering projects however, a robust risk assessment is completed prior to an individual taking part in unpaid work. This includes engagement with any organisation or group involved in the work being undertaken.

3.2 Types of unpaid work

19. Activities undertaken by unpaid work parties make significant contributions to communities. These activities include environmental improvements, landscaping, construction, painting, recycling and support to schools, community-use halls, community events and local festivals.
20. There is a seasonal nature to unpaid work. In winter, squads commonly clear snow and engage in gritting activities which supports accessibility, safety of footpaths and roads. Many areas also work with partners to provide Christmas presents and food to vulnerable families. Development and maintenance of community gardens and allotments is also important work at other times of year.
21. A number of activities make community contributions to addressing local poverty. These include involvement with foodbanks such as pick-ups and drop-offs, staffing cafes aimed at reducing isolation, decorating homes for vulnerable people, and working within community kitchens. Poverty and deprivation are commonly part of the lives of people receiving CPOs and they typically find it hard to access the services they need or community groups which could help them. It is hoped that accessing new services becomes much easier for individuals after they have built confidence by making contributions to these services through unpaid work.
22. Unpaid work squads continue to provide items such as mud kitchens, sand boxes and fairy doors which promote 'learning through play' in early years settings. The priority of unpaid work in more deprived areas means that over time, these efforts will contribute to addressing education inequalities. The work also provides a safe connection between



individuals serving CPOs and the places which are important to their children, grandchildren or nieces and nephews.

23. Organisations and individuals benefitting from unpaid work contributions have provided feedback which confirms the high value of these contributions. Without the support of unpaid work, some of these projects would not be able to operate.
24. Urban and rural areas tend to have different priorities. In rural areas, unpaid work teams often support the maintenance of coastal pathways and plant trees for conservation purposes. Within urban areas, more projects include the maintenance of parks, cleaning graffiti from underpasses and clearing overgrowth to improve night-time visibility in dark areas. Working with others to support climate change emergency issues or enabling community safety and wellbeing in the built environment can be used to provoke helpful reflections and discussions with participants after the work is complete. Work which is perceived as purposeful is more valuable for these reflections and discussions.
25. Supporting 'active travel' is another common contribution from unpaid work. This also supports outcomes to help address the climate change emergency. Activities include clearing or maintaining cycle routes and footpaths to support safe journeys. There are also many bicycle repair, refurbishment and distribution projects. One area supports a local organisation which redistributes bicycles to the developing world for children going to and from school or collecting water.
26. Wider projects involved recycling, reusing, upcycling, beach cleans and removal of fly tipping also made important environmental contributions.
27. A number of projects specifically support improvements to community safety and wellbeing. These included removing graffiti and repairing vandalism, cutting back trees to improve night-time visibility and more generally improving the aesthetics of built environments.
28. A number of areas provide examples of work in memorial gardens, graveyards and cemeteries. One area cleaned 230 Commonwealth War Graves of people who had fought and died during the First and Second World Wars. Feedback from participants indicated that they felt this to be a most worthwhile task and this was echoed by members of the veterans community.
29. In addition to supporting important consequential thinking and reflections, taking part in unpaid work also supports the development of a range of life skills. Feedback captured by local authorities evidences improved communication, team working, problem solving, self-esteem and other features of employability progression across those who took part.



30. Supporting community inclusion is another important outcome from unpaid work. Several groups particularly benefit from unpaid work undertaken in Scotland's communities, including older people, people with disabilities, women and children. Places of worship are also commonly supported. Connecting people on unpaid work with members of their community promotes citizenship, challenges stigma and reduces feelings of isolation and loneliness.
31. Across Scotland, a total of 1,028,000 hours of unpaid work⁴ were carried out in local authority areas during the reporting period. Using the real living wage as a proxy shows that this labour was worth more than £9,500,000 to local communities. Other examples demonstrate wider important contributions which unpaid work and "other activities" make to other Scottish policy areas especially in health inequalities, environment, economy, education and culture. A breakdown of hours as reported by each local authority is available in Table 2 of [Appendix 1](#).

3.3 Examples of projects

32. 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 Group-work placements

33. Group-work 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.
34. 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.
35. A large scale urban project in one area created a 145 metre mural in a disused railway tunnel which forms part of a walkway from one area of the city to another. Prior to the project, the tunnel was poorly lit and was described as a 'dark, dank hole in the ground' with a low footfall through it. The unpaid work team contributed to its transformation by preparing hundreds of plywood sheets, rubbing down sharp edges, covering them with multiple basecoats and waterproofing them for posterity so that local children could draw

⁴ The total of hours worked as reported by 31 local areas. One area did not report a total number of hours worked. This is not consistent with the total number of unpaid work hours of orders which were completed in the reporting year.



their 'own piece of history'. The tunnel is now a safe environment which attracts over 1,000 visitors each day and has a positive effect on the local economy.

36. One area described carrying out landscaping work at a sheltered accommodation complex to improve the communal garden, making it more accessible for wheelchair users and providing a barbeque area. Corporate sponsorship provided extra resources for renovating a shed and creating an attractive social space with raised sensory beds. The project enabled participants to take pride in their work, develop creativity, learn new skills and find valuable social connection with staff and residents as the garden took shape.
37. Another area undertook a project to paint the inside and outside of a village hall and cleared overgrowth around it. The impact of the facelift has attracted increased community use of the hall and has facilitated new essential income from hiring out the premises.
38. Collaboration with a local prison was undertaken in another area to fully refurbish and rebuild a large pirate ship used by children in an early years setting. Most of the wood was rotten and was replaced with recycled materials.
39. A polytunnel was used in one area so that participants with wider health needs can work as part of a squad more easily. This enabled people to become involved in propagation and care for plants which are used in other projects. Surplus plants were sold off raising over £400 for a veterans charity.
40. Another area has established an income generation fund where participants with disabilities or health issues are deployed in a workshop where they make items for sale. This has enabled completion of unpaid work by individuals who were unable to undertake heavier work. The fund has made three charitable donations of £1,000. Supporting charity fundraising was also reported in other areas.
41. Innovation is commonplace within the local model. Residents of a sheltered housing complex which is located in an exposed area in a windy island community could only sit outside for limited time periods. The unpaid work team re-engineered reclaimed wood from various sources to build and erect a shelter solution, refurbish benches and lay safe paving. The project provided a practical solution by using local connections to source, recycle and upcycle materials which would have otherwise gone to waste.
42. Groups of unpaid work participants have been involved in a number of other 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.



3.3.2 Individual placements

43. Personal placements allow people to pay back to their communities and are responsive to the individual needs of the person on placement. This includes where offending is at a lower level, or is a first offence and is subject to appropriate risk assessments.
44. Personal placements vary in size and task and are commonly completed within local charity shops, recycling centres and community organisations. Placements can develop a symbiotic partnership which allow participants to contribute and build new healthy relationships with staff and volunteers. They also help to build skills which contribute to future employment opportunities. Organisations which support placements welcome the additional resources whilst also making critical contributions as a community justice partner by helping local people to move on from crime and achieve their potential.
45. The following are further examples of individual placements carried out during 2019-20. This is not 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

46. 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.
47. The following is a sample of verbatim comments received from beneficiaries of unpaid work upon completion of the projects. These include organisations and community groups, individuals, their friends and family members:

"[We] really appreciate the ongoing support the team [unpaid work participants] give us as we would not be able to run our service without them"

"This was heavy work. Digging, rotovating and clearing areas of stones and weeds in preparation of wildflower sowing. Thrilled with the results and seeing seeds popping through. Hope the community appreciates all the work!"



“The men who carried out the work were very polite and handled belongings with care. Very hard working and good attitude”

“I am writing to thank you and your team for all your hard work in getting our clubhouse and grounds ready for this season’s bowling. It is very much appreciated by us all.”

“The service has been invaluable, and we hope to continue to utilise it going forward. Just to say a very big ‘Thank You’ to you and your team for the excellent cars and house that were delivered today. The children are delighted with them”

“We think this is an amazing service, it makes a massive difference to our kids, especially the youngest ones. We would really have struggled this year without this support”

“The cubs think the hut is AWESOME!! Looks fab. Can you pass on our sincere thanks to the team? We are really very grateful. Really exceeded our expectations.”

“The collaboration has been a very, very positive experience not only in terms of what has been achieved at the site but also in relation to the brief relationships formed and in relation to a deeper understanding of the work of Community Payback”

48. 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.
49. 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. Two local authorities reported the development of an exit questionnaire in a digital format for service users to complete on-line.
50. Comments demonstrate that participants 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.
51. The following comments were received from individuals upon completion of their unpaid work activity:

“It has helped me to pay a debt to the public and not to break the law”

“(I) was able and encouraged to access support that I previously was burying my head in the sand about”



“Led to more positive outcomes. Bit of structure”

“Helped support me through loneliness and see how bad things can get”

“Keeps you in a good routine, and helps you socialise with different people (but not always a good thing, depends on person)”

“It has made me realise I can use my own initiative and has built my confidence”

“It made me more active and got me working in community. Helped my mental health”

“made me want to stay out of trouble so I don't come back”

“getting out and learning practical skills”

“It has made me reflect on my behaviour to make better choices”

“Changed attitude. Would have reacted to situations in a negative way in the past”

“I have been supported with housing and health issues”

“It helped me as I've not committed another offence since and made me think about what I want from life and put a few things into perspective”

“Gave me time to reflect on reasons why I had CPO and made me think how to make better decisions/choices for life”

“Helped rehabilitate me and gave me a different outlook on offending”

“Getting out of house, being in environment not about drugs”

“I'd rather be doing paid work and won't be back”

“It has helped me realise what I did and how it affects other people”

“I think the good points of my order have been going out and working as part of a team doing something for a community.”

“I learned my lesson about getting in trouble.”

“The level of help, respect and exercise I got helped me get better life skills”

3.5 Local authority consultation on unpaid work

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

52. Local areas report using community justice and other community planning forums to engage with their stakeholders and communities.
53. 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.
54. Local authority areas reported use of formal consultation with communities and the third sector on unpaid work during 2019-20. Findings are used to improve visibility and feedback mechanisms in this area.
55. Justice Social Work also utilised its position on groups such as the Adult Protection Committee and Community Safety Partnership to communicate about unpaid work and seek their views. The majority of areas also reported consultation with stakeholders individually. These included the judiciary, local charities, Elected Members, police and housing providers.
56. Social media continues to be valuable for sharing information about unpaid work and receiving fast feedback from communities. Sharing stories of success, reaching more people and promoting innovation, helps to increase understanding and participation in community justice.
57. Newsletters, bulletins and leaflets are also valuable in raising awareness, particularly for individuals who are less likely to use social media.
58. Many areas have long term relationships between community organisations and unpaid work services. These relationships complement referrals from consultations. One area reported how they showcased unpaid work within a wider justice social work event. They highlighted recent completed projects and sought to develop new unpaid work relationships.

3.6 Other activity

59. While the unpaid work or other activity requirement is mainly used to deliver unpaid work, the 1995 Act allows for a number of hours to be used to undertake 'other activity'. 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 works with a



Justice Social Worker to define their individual needs and informs the type of activities which should be undertaken.

60. 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. If other activity is determined to be not required, then the requirement will only consist of unpaid work.

3.6.1 Types of other activity

61. Developing tailored personal pathways to employment is a typical feature of other activity. This is often in partnership with universal and third sector services and support with disclosing convictions to employers is an important feature. Courses in literacy, numeracy and computer skills were completed, and individuals were placed with voluntary organisations to gain work experience. Construction Skills Certificate Scheme (CSCS) Cards, Food Hygiene, First Aid, Health & Safety as well as digital literacy were also supported to facilitate access to employment or further learning.
62. Local authority areas have also identified the impact of poverty and inequality to be extensive across those taking part in unpaid work across Scotland. Other activity has empowered individuals to address the impact of this by offering life skills, modules in cooking, healthy eating and affordable lunches, budgeting, and household management. Support is also provided to help individuals access the benefits they are entitled to.
63. Some areas also mention links to “NHS Keep Well” programmes. Local areas also provide modules which are designed to improve mental health, mindfulness programmes and Cognitive Behavioural Therapy. Onward referrals include dental health and other personal health requirements. Outdoor activities also focus on personal and social outcomes. Walking groups take place to encourage participants to be active while communicating with others and reduce isolation.

4. Requirements other than unpaid work

64. 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 supervision, compensation, programme, residence, mental health treatment, drug treatment, alcohol treatment and conduct.
65. While the court can impose a standalone unpaid work or activity requirement, all other requirements must be imposed together with a supervision requirement. Supervision requirements are also mandatory in cases where the individual is under 18 years old.



4.1 Use of other requirements

66. A publication presenting national level information on criminal justice social work activity in Scotland during the reporting period was published in March 2021, and this report has drawn on some of the statistical analysis contained within that publication. A local Authority breakdown in the use of CPO requirements is shown in Table 3 of [Appendix one](#).
67. There was a small rise in the number of CPOs imposed in 2019-20 of 1 per cent to 16,700. Numbers in March 2020 were clearly lower than normal due to the effect on court business of the pandemic. It is worth noting that, if March figures had been excluded from both years, the increase would have been higher - 5 per cent. Most CPOs in 2019-20 included a requirement for unpaid work or other activity (70%). 62% of CPOs included a supervision requirement and 32% included both supervision and unpaid work or other activity requirements.
68. In each of the last four years, the use of unpaid work or other activity requirements has fallen while the use of supervision has increased.
69. The average number of requirements per order has been steadily rising over the last five years, increasing from 1.45 in 2015-16 to 1.55 in 2019-20.

4.1.1 Supervision requirement

70. A supervision requirement aims to change the way the person behaves by compelling them to attend regular appointments with a justice social worker. 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.
71. A 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.
72. Feedback over the years 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.



73. The proportion of orders with a supervision requirement rose to 62 per cent in 2019-20, the highest level in the last seven years. The average length of supervision requirements in 2019-20 was 15.7 months, in line with the position in the previous four years.

4.1.2 Compensation requirement

74. 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. 3.1% of orders had a compensation requirement in 2019-20.

4.1.3 Programme requirement

75. 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. 7% of orders had a programme requirement in 2019-20.
76. Accredited programmes continue to be used 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.
77. 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.
78. At the end of the reporting period, the Caledonian Programme was available in 19 local authority areas (covering 75% of the Scottish population). It 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.



79. A number of areas also mentioned developing Up2U programmes for domestic abuse. This programme also supports the development of healthy relationships and can be used when professionals are concerned about domestic abuse behaviours but the individual has no convictions for domestic abuse.

4.1.4 Residence requirement

80. Several local authorities report the use of residential treatment facilities both as part of, and out with the imposition of a residence requirement. These are generally provided by third sector partners and focus on stabilising addiction. Less than 1% of orders had a residence requirement in 2019-20.

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. Less than 1% of orders had a mental health treatment requirement in 2019-20.

4.1.6 Drug treatment requirement

82. 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. 1% of orders had a drug treatment requirement in 2019-20.

83. Drug and alcohol problems are more routinely addressed as part of other requirements and supervision, where these are not 'single issues' for the individual, or the problem is not acute enough to warrant such an intensive intervention.

4.1.7 Alcohol treatment requirement

84. 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 2019-20.

4.1.8 Conduct requirement

85. Conduct requirements continue to be the most commonly used after unpaid work or other activity and supervision requirements. 9.5% of orders had a conduct requirement in 2019-20.



86. 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.
87. These may be used after sexual offending 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.

5. Issues affecting services provided by other partners

5.1 Access to mental health services

88. There are continued issues with accessing community-based mental health services for those subject to a CPO. It is recognised that the prevalence of mental health needs, including severe symptoms of trauma, are disproportionately high in this group. Engagement with mental health services has complex challenges for individuals who have the most need for support. They may find it difficult to trust others and keep appointments. Social anxiety may restrict their ability to go to new places and meet new people. Many more personal challenges exist for individuals to engage with services.
89. There are also complex practical considerations for treatment providers to consider. For example, the individual may live in a violent environment or may use substances which adversely affect their behaviour and responses. In these circumstances, certain approaches may be deemed unsafe or impracticable.
90. These challenges exist over and above normal pressures on the availability of specialist mental health services for the general population through GP referral routes. Therefore, equity of access to mental health treatment for people with chaotic lives is an ongoing problem which requires ongoing structural change, improved availability of person-centred specialist services and appropriate wrap-around supports to complement treatment within a whole system of care.
91. Some areas have described early successes by integrating mental health professionals in justice social work teams after making bids for resources which were made available by Action 15 of the Scottish Government's Mental Health Strategy 2017-27.
92. In one area, following a prompt from a Serious Incident Review notification involving an individual with multiple complex needs, it was recognised that front line managers in



Justice Social Work, Substance Recovery, Homelessness and Mental Health Services would benefit from a forum to improve pathways and develop better understanding of each other's roles. As a consequence, regular interface meetings now take place and these have helped to improve referral routes, information sharing and positive working relationships. There is evidence that the service is now well integrated into the Health and Social Care Partnership and that this supports quick and easy access to services for individuals, including those services aimed at addressing mental health and addiction issues.

93. There are other examples of practice which aims to address the social determinants of mental health problems. For example, local partners and specialist agencies working together to keep individuals safe from the harm of suicide and self-harm.

5.2 Access to services to address substance use

94. Alcohol and Drugs continue to be a persistent problem in the lives of many people receiving CPOs.
95. One area described how a Drugs Recovery Nurse Practitioner has been successfully co-located in the social work team. This initiative won a Health and Social Care Partnership award and has helped individuals who use drugs to navigate around common obstructions which can block them from accessing necessary mental health treatment.
96. Three local authorities also collaborated in an initiative to work with a specialist Addiction Development Officer to support staff to address alcohol and drug related offending, by providing knowledge and interventions to enhance the work carried out with individuals.

5.3 Housing

97. Having and keeping a safe place to live is another common challenge for some people who serve CPOs. Bail conditions, challenging behaviour on the part of the individual, complex support needs and other individual requirements such as providing gender specific accommodation are some of the factors. Support to stabilise behaviours and learning to communicate effectively with other services and neighbours can improve housing outcomes. The Housing First model is another important development in some areas.

6. Any other relevant information

6.1 Trauma-informed practice

98. Trauma symptoms such as flashbacks, nightmares and being unable to self-regulate behaviours, are an ongoing challenge for individuals and services which support them.



Research evidence has shown that individuals in the criminal justice system are more likely to have suffered multiple painful and damaging experiences both as children and in their adult lives. They are also less likely to have benefited from healthy and trusting relationships which provide protection from the onset of Post-Traumatic Stress Disorder.

99. Social anxiety, habitual masking of emotions, low self-esteem and self-medicating are all linked problems which obstruct individuals from using services effectively. A number of local areas report that they are continuing to develop trauma-informed practices when delivering CPOs.

6.2 Mitigating the impacts of poverty

100. The impact of poverty on those completing CPOs and victims is recognised to be extensive. This creates additional challenging barriers to progression for individuals undertaking CPOs within rural and urban areas alike. Support with managing poverty such as budgeting, debt advice and accessing benefits play a crucial role.
101. Much of the reparation work undertaken through unpaid work makes direct contributions to services which address poverty.

6.3 Measuring outcomes

102. A number of areas have reviewed processes for measuring outcomes and some have specifically mentioned arranging training and implementation of the Justice Outcome Star™ tool.

6.4 Lived experience/expertise

103. Relationships involving other people with lived experience is a central theme of “what works” in recovery and desistance research evidence. The expertise of people using services is also a valuable source of information to improve services. A number of areas have developed models to enable and empower lived experience with men’s and women’s groups. In one area a “Making A Difference” group is well established and it has developed a range of activities including the publication of a regular magazine, speaking to professionals and cooking.
104. Some verbatim quotes from professionals and participants are shown below:
‘As practitioners we must learn from people, like X who have been through this journey and are now a positive role model to others in recovery.’

‘By X attending the meeting it gave the overall team a realistic insight into how far he has come in his recovery journey and the obstacles that he encountered along the way’



'He was very inspiring, and it would be great if he could be more exposed to a vulnerable client group as he clearly will occupy the mentor/role model role with complete success!'

"It's not just about cooking, it's about sitting with each other and connecting"

"The food was amazing, so cheap & easy to make. However, the most positive factor was the pride felt by those who had contributed to making it. True community spirit!"

'I couldn't have done it without the support from X and the Women's Group.'



7. Further information

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



Community Justice Scotland
R1 Spur
Saughton House
Edinburgh
EH11 3XD



info@communityjustice.scot

106. Further information on CPOs can be found on the Scottish Government website at:

<https://www.gov.scot/policies/reducing-reoffending/community-sentencing/>

7.1 External links

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

Local Authority	Local Authority
Aberdeen City Council	The Highland Council
Aberdeenshire Council	Inverclyde Council
Angus Council	Midlothian Council
Argyll and Bute Council	Moray Council
City of Edinburgh Council	North Ayrshire Council
Clackmannanshire Council	North Lanarkshire Council
Comhairle nan Eilean Siar (Western Isles)	Orkney Islands Council
Dumfries and Galloway Council	Perth and Kinross Council
Dundee City Council	Renfrewshire Council
East Dunbartonshire Council	Scottish Borders Council
East Lothian Council	Shetland Islands Council
East Renfrewshire Council	Stirling Council
East Ayrshire Council	South Ayrshire Council
Falkirk Council	South Lanarkshire Council
Fife Council	West Dunbartonshire Council
Glasgow City Council	West Lothian Council



Appendix One - Additional Tables

Table 1: Community Payback Orders by Local Authority, 2019-20: Number of Orders Commenced and Number of Individuals. Sourced from Criminal justice social work statistics 2019 to 2020.

Local authority area	Number of Orders	Orders per 10,000 population ⁽¹⁾	Number of Individuals	Individuals per 10,000 population ⁽¹⁾
Scotland	16,710	43.3	14,122	36.6
Aberdeen City	1,052	62.0	846	49.9
Aberdeenshire	658	36.7	500	27.9
Angus	308	39.2	257	32.7
Argyll & Bute	178	30.6	155	26.6
Clackmannanshire	247	68.7	227	63.2
Dumfries & Galloway	583	58.3	448	44.8
Dundee City	534	49.6	451	41.9
East Ayrshire	504	59.4	438	51.6
East Dunbartonshire	169	23.3	150	20.7
East Lothian	141	19.4	129	17.7
East Renfrewshire	100	15.9	88	14.0
Edinburgh, City of	812	20.6	714	18.1
Falkirk	552	48.8	480	42.5
Fife	1,141	44.2	986	38.2
Glasgow City	2,537	53.2	2,190	45.9
Highland	579	35.7	493	30.4
Inverclyde	269	49.5	219	40.3
Midlothian	186	29.4	159	25.1
Moray	358	54.3	268	40.7
Na h-Eileanan Siar	40	22.4	37	20.7
North Ayrshire	586	63.5	508	55.1
North Lanarkshire	1,394	57.9	1,158	48.1
Orkney Islands	64	42.2	53	34.9
Perth & Kinross	353	34.1	311	30.0
Renfrewshire	561	44.4	489	38.7
Scottish Borders	207	26.7	181	23.4
Shetland Islands	43	27.4	36	23.0
South Ayrshire	466	61.5	393	51.9
South Lanarkshire	1,030	45.9	818	36.5
Stirling	202	30.3	173	26.0
West Dunbartonshire	425	67.9	365	58.3
West Lothian	431	33.7	402	31.4

1. Orders per 10,000 population are based on National Records of Scotland (NRS) mid-year population estimates for 16 to 70 year olds. The mid-year population estimates for 2012, 2013 and 2014 were revised by NRS in July 2016.



Table 2: The total of hours worked as reported by 31 local areas. One area did not report a total number of hours worked.

Local authority area	Number of unpaid work hours <u>completed</u> during the year as reported by local authorities. Definitions of hours completed may vary slightly.
Aberdeen	52,854
Aberdeenshire	26,940
Angus	18,141
Argyll and Bute	18741
Clackmannanshire	10,862
Comhairle Nan Eileanan Siar	2760
Dumfries and Galloway	29073
Dundee	30,934
East Ayrshire	40493
East Dunbartonshire	16,989
East Lothian	10,445
East Renfrewshire	9057
Edinburgh	52,915
Fife	86,664
Glasgow	160,611
Highland	44,997
Inverclyde	15505
Midlothian	5,937.50
Moray	20936
North Ayrshire	49698
North Lanarkshire	100,983
Orkney	5945
Perth and Kinross	33,588
Renfrewshire	41,579
Scottish Borders	11150.5
Shetland	3180
South Ayrshire	16,766
South Lanarkshire	34213
Stirling	9,145
West Dunbartonshire	36845
West Lothian	29,619



Table 3: Number of Community Payback Order requirements issued by Local Authority, 2019-20 (see Notes 1 & 2) Sourced from Criminal justice social work statistics 2019 to 2020.

	Offender supervision	Compensation	Unpaid work or other activity	Programme	Residence	Mental health treatment	Drug treatment	Alcohol treatment	Conduct ⁽³⁾
Aberdeen City	617	26	800	78	2	1	0	1	19
Aberdeen-shire	439	12	503	61	0	1	7	5	25
Angus	183	7	219	38	2	3	14	3	20
Argyll & Bute	112	15	153	0	0	0	0	4	28
Clackmannanshire	171	9	129	12	0	0	1	4	21
Dumfries & Galloway	348	14	405	73	6	3	6	11	31
Dundee City	303	10	367	80	0	3	25	4	26
East Ayrshire	346	15	335	26	0	2	11	17	39
East Dunbartonshire	110	6	120	14	0	0	0	0	32
East Lothian	84	5	104	10	0	0	0	0	5
East Renfrewshire	58	5	80	4	0	0	0	2	9
Edinburgh, City of	438	22	554	74	0	1	1	4	65
Falkirk	313	0	420	31	0	0	1	2	43
Fife	625	48	809	101	0	3	8	14	126
Glasgow City	1,588	80	1,713	211	0	0	1	3	299
Highland	317	26	453	76	1	6	11	21	45
Inverclyde	181	4	189	4	0	1	16	22	13
Midlothian	97	3	155	5	0	0	0	1	8



Moray	236	20	249	8	0	0	1	4	71
Na h-Eileanan Siar	27	4	33	0	1	0	0	0	11
North Ayrshire	404	32	392	37	0	4	4	21	18
North Lanarkshire	865	31	960	8	1	2	4	5	202
Orkney Islands	33	0	55	0	0	0	0	0	3
Perth & Kinross	219	18	271	24	0	4	20	27	20
Renfrewshire	357	22	437	15	0	1	2	1	23
Scottish Borders	94	7	156	15	4	4	12	5	17
Shetland Islands	33	4	28	1	0	0	0	0	0
South Ayrshire	346	12	282	33	0	1	4	1	32
South Lanarkshire	666	26	638	80	0	0	0	0	241
Stirling	134	10	121	11	0	0	2	0	16
West Dunbartonshire	299	16	350	22	0	3	1	1	63
West Lothian	317	12	281	14	2	1	15	16	22

1. The base for these figures differs slightly for 2011-12. Figures for that year include any extra requirements which were issued after the initial imposition of the order but within 2011-12, while figures for 2012-13 onwards do not include such extra requirements. The effect of such an issue is not thought to be substantive.

2. Where an amendment is made to a requirement, in the period after the original imposition of the order, this is not included.

3. The fall in the use of the conduct requirement after 2011-12 is due to a 2012 appeal court judgement that conduct requirements must be specific and include more than general conditions to stay out of trouble or to refrain from committing another criminal offence. This will have an impact on the level of supervision requirements as orders with a conduct requirement should also include supervision.



Appendix Two – 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

October 2020

Dear colleagues,

Community Payback Orders: Annual Report 2019-20

Section 227ZM of the Criminal Procedure (Scotland) Act 1995 (the 1995 Act) imposes a duty on local authorities to submit an annual report on the operation of the Community Payback Order (CPO) in their area to Community Justice Scotland (CJS).

Section 227ZM(1) of the 1995 Act provides that this report must be prepared as soon as practicable after the end of each reporting year. Due to the impact of coronavirus, we acknowledge that compliance with this duty will be difficult for local authorities for the year ending 31 March 2020. While consideration was given by all partners as to whether it may be possible to postpone compliance with the duty in section 227ZM(1) utilising the powers under paragraphs 8 to 10 of Schedule 6 of the Coronavirus (Scotland) Act 2020, the Scottish Ministers consider that these powers may not apply as the report prepared under that provision is not required to be publicised or laid before Parliament (though, as with all legal matters, local authorities may wish to take their own independent legal advice if further information or detail is sought on this). We are aware that it had been indicated to justice social work colleagues that the reports may not be required this year and we would like to apologise for any inconvenience this may now cause.

In addition, the Scottish Ministers have no power to postpone the duty on local authorities in section 227ZM(1) of the 1995 Act and cannot direct local authorities as to their compliance with that duty. The Scottish Ministers' powers in section 227ZM(2) of the 1995 Act are limited to issuing directions to local authorities about the content of their reports.

Accordingly, and following consultation with Community Justice Scotland and Social Work Scotland, we have amended and shortened the template for completion this year and areas are encouraged to complete this with reference to the information that was provided in the previous year where this is still relevant. For a number of questions



(marked in the template) we would encourage areas to provide information only in circumstances where there has been any updates/changes from the previous year. This is intended to reduce the amount of work involved in preparing such reports as much as practicable in the context of COVID-19 and associated guidance and restrictions.

It is also worth noting that the COVID-19 related impact on the services you provide will not be covered in this time period but will instead be captured the following year.

Direction under s227ZM(2) to complete narrative report

Under section 227ZM(2) of the 1995 Act, local authorities are directed to utilise the attached template (and not the template issued in previous years) in completing a report of the implementation and operation of CPOs in the reporting year ending 31 March 2020, as required under section 227ZM(1) of the 1995 Act.

Please note that where you are asked to provide the total number of unpaid work hours on page 2 of the template, it is the total number of hours completed rather than the total number of hours issued that is being requested. Also, given that these reports are subject to potential release under the Freedom of Information (Scotland) Act 2002, no personal or sensitive data, or any information that could lead to the identification of a person (other than the author/counter-signatory) should be included within the report.

Provision of statistical information

In addition to the direction above, we request that local authorities also continue to provide statistics on the operation of CPOs to SG Justice Analytical Services in the usual way.

Submission and timing

The completed narrative report (utilising the attached template) should be sent to Community Justice Scotland by the Chief Social Work Officer of your local authority by 15 December 2020. If this date is problematic please discuss alternative submission arrangements directly with CJS.

The report should be submitted by email to info@communityjustice.scot and copied to the Scottish Government at cpo@gov.scot.

Preparation of report by CJS

Once all CPO annual reports are received, CJS will arrange for a summary of the narrative accounts to be laid in Parliament by 31 March 2021 in accordance with section 227ZM(3) of the 1995 Act. While there is no statutory requirement to do so, local authorities can make separate arrangements to publish their annual reports in full. However, there is a requirement that any report, or 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 CJS summary of narrative accounts being laid in Parliament (on 31 March 2021).

I would be grateful if you could confirm receipt of this email by return. If you believe you've received this email in error, please let me know.

If you have any queries in relation to this, please don't hesitate to get in touch.

Kind Regards,



David Robb

Community Justice Interventions Unit

Extension No. 42696

T: 0131 244 2696

St Andrew's House | Regent Road | Edinburgh | EH1 3DG|



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: **2019/20**

LOCAL AUTHORITY:





**Community
Payback**



Types of unpaid work projects and activities which have been carried out (list of bulletpoints will suffice); the total number of unpaid work hours completed during the year; and one example that helps to demonstrate how communities benefit from unpaid work (max 300 words).



--

Types of "other activity" carried out as part of the unpaid work or other activity requirement (max 300 words).

Please provide details only in circumstances where there have been changes to the information submitted last year. If there are no changes please insert N/A below.

--



Please provide an example of how consultation with prescribed persons and organisations, pursuant to section 227ZL of the 1995 Act, and wider communities on the nature of unpaid work and other activities, helped determine which projects were undertaken (max 300 words).



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 (max 300 words).

Please provide details only in circumstances where there have been changes to the information submitted last year. If there are no changes please insert N/A below.



Any other relevant information, which may include:

- **An example 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.**
- **An example of work carried out in partnership with the third sector**
- **Any areas identified for improvement and planned next steps**

Please provide details only in circumstances where there have been changes to the information submitted last year. If there are no changes please insert N/A below.



COMPLETED BY:
DATE:

CONTACT FOR QUERIES ABOUT THE REPORT
Name:
E-mail:
Telephone:





First published March 2021

Community Justice Scotland, R1 Spur Saughton House, Edinburgh, EH11 3DX

Tel: 0300 244 8420

www.communityjustice.scot

