1.0 Purpose

1.1. To note publication, following Scottish Parliamentary approval on the 7 February 2014, of the Annual Report which outlines the progress and activity undertaken by Clackmannanshire Council's Criminal Justice Services in relation to Community Payback Order (CPO) activity for the period 1st April 2012 to 31st March 2013.

1.2. The local authority has a statutory duty under Sect 227ZM, Criminal (Procedure) Scotland Act 1995, to submit annual reports on the operation of the Community Payback Order to the Scottish Ministers. The report highlights the volume, activity and detail of work undertaken by the community Criminal Justice Team within the Clackmannanshire area and the benefits that the activity has for service users and the wider local community.

1.3. The Criminal Justice Service has placed the approved report on the Clacks web.

2.0 Recommendations

2.1. It is recommended that the Committee notes the content of the Clackmannanshire Council Community Payback Order Annual Report 2012-13.

3.0 Considerations

3.1. Community Payback Orders (CPOs) came into force in Scotland on 1 February 2011, as part of the implementation of the Criminal Justice and Licensing (Scotland) Act 2010. Community Payback Orders replaced a complex range of community sentences, i.e. Probation, Community Service and Supervised Attendance Orders, as the primary community based disposal available to Scottish Courts. The objective was to create a robust and consistently delivered community sentence which not only enjoyed public confidence, but improved the credibility of community sentencing options as a viable alternative to custody in appropriate cases.

3.2. Community Payback Orders are an integral part of the Scottish Government's Reducing Reoffending Strategy. They are designed to ensure that offenders are required to address issues which have impacted upon their offending behaviour, such as drug and alcohol misuse. The Orders, however, are also designed to ensure that offenders, through a range of activities such as community based unpaid work, are seen to be making reparation for their offending to their local communities.
3.3. Community Payback Orders are intended to be unique and customised to the needs and risks associated with individual offenders. They also reflect the view of the Court as to the seriousness of the offending behaviour. Community Payback Orders can be imposed for periods between six months and three years. The Unpaid Work Requirement provides a punitive element, requiring those convicted of the more serious offences to complete up to 300 hours Unpaid Work usually within a six month period.

3.4. A Community Payback Order consists of nine Requirements from which the Court may select one or more when imposing a CPO as an alternative to custody. There is no limit on the number of requirements which can be imposed however their inclusion on a CPO is determined by an assessment of the offender's needs, risk of reoffending and harm posed. The options available to sentencers are: Unpaid Work or Other Activity Requirement; Supervision Requirement; Alcohol Treatment Requirement; Drug Treatment Requirement; Mental Health Treatment Requirement; (attendance at) Programme Requirement; Compensation Requirement; Conduct Requirement; and Residence Requirement.

3.5. In most cases, the submission of a Criminal Justice Social Work Report (CJSWR) to Court is required before a Community Payback Order is imposed. In compiling these reports, Clackmannanshire Criminal Justice Social Workers undertake an assessment to inform the Court as to appropriate requirements which could be included, having regard to the individual's circumstances and assessment of the likelihood and impact of offending. The only Community Payback Orders which do not require the Court to have had a CJSWR completed are Orders containing Unpaid Work Requirements for between 10 and 100 Hours imposed on offenders following the non-payment of a monetary penalty.

3.6. In 2012-13, Clackmannanshire Criminal Justice Service submitted to Court 577 Criminal Justice Social Work Reports on offenders resident within the Clackmannanshire Council area. A total of 287 Community Payback Orders, incorporating 420 Requirements, were imposed on 198 individuals during the reporting period.

3.7. During 2012-13, 18,262 hours of Unpaid Work was completed by offenders within Clackmannanshire. This activity was undertaken in a wide range of community settings and for a variety of beneficiaries throughout the Council area. The Community Payback Order Annual Report 2012-2013 (Appendix 1), provides comprehensive detail as to the nature of Unpaid Work tasks undertaken, the benefits to local communities and the positive regard for the outcomes of Community Payback Orders by both beneficiary and offender.

4.0 Sustainability Implications

4.1. None

5.0 Resource Implications

5.1. Financial Details

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes ✓
5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes √

5.4. Staffing

5.5. None

6.0 Exempt Reports

6.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below)
   No ☑

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) Our Priorities (Please double click on the check box ☑)

- The area has a positive image and attracts people and businesses ☐
- Our communities are more cohesive and inclusive ☑
- People are better skilled, trained and ready for learning and employment ☑
- Our communities are safer ☑
- Vulnerable people and families are supported ☑
- Substance misuse and its effects are reduced ☐
- Health is improving and health inequalities are reducing ☐
- The environment is protected and enhanced for all ☐
- The Council is effective, efficient and recognised for excellence ☑

(2) Council Policies (Please detail)

Not applicable

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes ☐
   No ☑

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☑

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 - Clackmannanshire Council Community Payback Orders Annual Report 2012-13
11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)
Yes ☐ (please list the documents below)  No ☑

Author(s)

<table>
<thead>
<tr>
<th>NAME</th>
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Approved by

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<th>NAME</th>
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<tr>
<td>Val de Souza</td>
<td>Head of Service</td>
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<tr>
<td>Elaine McPherson</td>
<td>Chief Executive</td>
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COMMUNITY PAYBACK ORDER

ANNUAL REPORT

FINANCIAL YEAR: 2012 / 13

LOCAL AUTHORITY: CLACKMANNANSHOUSE
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.

**Number of Unpaid Work Hours**

A total of **18,262 hours** of unpaid work was completed within Clackmannanshire in 2012 / 13. This comprised 1,562 hours of work undertaken as 'singleton' placements within the community and 16,702 hours completed by our unpaid work task squads. Monthly breakdown is as per table below.

<table>
<thead>
<tr>
<th></th>
<th>U/W Squads</th>
<th>Placement</th>
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<tr>
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<td>1120</td>
<td>120</td>
<td>1930</td>
</tr>
<tr>
<td>May '12</td>
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<td>785</td>
</tr>
<tr>
<td>Aug '12</td>
<td>1597</td>
<td>125</td>
<td>1970</td>
</tr>
<tr>
<td>Sep '12</td>
<td>1594</td>
<td>132</td>
<td>2120</td>
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<tr>
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<td>1860</td>
</tr>
<tr>
<td>Mar '13</td>
<td>1385</td>
<td>127</td>
<td>1895</td>
</tr>
<tr>
<td>Total</td>
<td>16702</td>
<td>1562</td>
<td>20069</td>
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In addition, 'other activities' as part of CPOs, constituted a further 875 hours. The remaining balance of unpaid work hours imposed by the Courts is variously accounted for by CPOs continuing beyond March 13, CPOs returned to Court under Breach etc.

During 2012/13 Clackmannanshire Unpaid Work Team received over 400 requests for assistance from a variety of sources, including Facebook posts from members of the public, voluntary organisations, community groups and established agency partnerships.

**Unpaid Work Community Activity**

Our Unpaid Work Squads have undertaken a wide range of work, from small scale tasks for individual beneficiaries and community groups including:

- Garden tidy up/grass cutting/home decoration for elderly and disabled persons
- Litter picking in local 'beauty' spots and community areas,
- Removal of fly tipping sites across the authority area
- Janitorial duties in community / village halls for retired persons' groups,
nursery groups throughout authority area

- Uplifting goods and rotating stock amongst charity outlets for Salvation Army, Sense Scotland and other charitable organisations
- Removing waste from community allotments
- Distribution of food items for local food banks through Women in Health & Sport (WISH) project
- Transportation and setting up of sports equipment for local sports development groups

to larger, longer term projects including:

- Building and maintaining raised beds for planting at Elderly Care homes
- Building courtyard garden/power washing building exterior for respite care residents
- Clearance of overgrown countryside trail and walkways, installing gates and fencing in association with Forestry Commission and Local Authority.

- Renovation and upgrading of sports facilities throughout Clackmannanshire under the Cashback for Communities scheme in association with Marshall Construction. This involved 7 offenders working over 1000 unpaid work hours under the direction and supervision of a mainstream employer, gaining skills and experience (plastering, painting and tiling) in a real life working environment.

- Variety of work tasks for the Hawkhill Community Centre project. The hard work and commitment of Clackmannanshire Unpaid Work Supervisors and offenders was warmly welcomed and gratefully received by all within the community group. In association with the Violence Reduction Unit (VRU) who also have a presence within the Community Centre, Unpaid Work squads facilitated the aims and objectives of both the VRU as well as the Hawkhill community group. The community group proposed the creation of a community garden and allotments but were unsure of how or where to start. Our unpaid work supervisor offered advice and guidance regarding this and CJS subsequently donated several pieces of much needed equipment, thereafter the hard work began digging and preparing the ground for planting. From the outset of our involvement with this project it was clear that the community group did not want tasks completed for them. The community group wanted to work alongside and learn from CJS supervisors, as well as offenders subject to unpaid work, in order to take ownership of the garden in the future. Essentially, Clackmannanshire Criminal Justice Service provided labour, expertise and equipment to the Hawkhill Community Centre which has facilitated the creation of a community garden and allotments with fencing erected and paving laid by unpaid work squads. Moreover, as a result of our local CJS knowledge, the VRU initiated contact with the Governor of HMP Glenochil who, in turn, indicated his support for the project and kindly donated a shed and a bench to the project. Several local businesses donated equipment and finances in order to advance the aims of the community group. The momentum gained by this local project, reflected in local media, aroused the interest of Sheriff David Mackie, who recently visited the project for himself as did Cabinet Secretary Mr Kenny McAskill. Unpaid work squads continue to assist with the maintenance of the project.
- ClacksFirst/BIDS - partnership working with local enterprise, helping improve and maintain areas of development through landscaping, painting over graffiti etc to help attract businesses and encourage economic growth within authority area

**Workshop Activity**

In addition, several tasks have been undertaken in the Unpaid Work Service workshop. This has included the building of 'dirt boxes' for local burial grounds as well as the renovation and installation of benches in cemeteries and park areas. A particular workshop task, the restoration and maintenance of the original boundary gates to Devonvale Community Hall in Tillicoultry, attracted positive public comment. Furniture renovation and recycling within the workshop has benefitted local Family Centres/Action for Children as well as individuals in need. Unpaid work squads also constructed a stage for use in a local primary school and stripped down wooden pallets for use in the construction of a fence at Hawkhill Community Centre.

**Individual Placements**

Several offenders have been matched to individual community placements to undertake their unpaid work hours. These have included work in the local offices of the Citizens Advice Bureau undertaking administrative duties, also work as retail/stock assistants in local Charity shops eg Salvation Army. In addition, placements have been undertaken providing assistance in the cafe of a local church undertaking cleaning, serving and food preparation tasks.

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

**Offenders**

"Brilliant"  "Constructive"

"Done my part in paying back to the community"

"The supervisors couldn't be nicer"

**Beneficiaries**

"Just to say how grateful we are for all the work you did around the club in clearing tons of rubbish that had accumulated over the years. I can say the workers worked really hard in all weathers and the place is now lovely and tidy. So once again many thanks to all involved." May B. Dollar Bowling
"The lads are doing a good job......well done. When they go to get jobs this kind of work should stand them in good stead"  AF via Facebook re land clearance.

"So nice to see community spirit in action."  JMcC  re community hall gate restoration

"What a fantastic job! Really making a difference in a good way - lets hope that the lads can take the valuable experience they are getting from the Payback scheme and use it in the future - and well done to the team leaders/tutors who are training the squad - it's really showing that the scheme works.  CM  via Facebook

"The work of your team of lads done at Kennet Village over the last few days was much appreciated! They worked very hard and were polite and considerate to us all. I hope that the experience they had here may make them value that their place in society can be to the benefit of others who are less able!....  Mrs D, Kennet Village Senior Citizen

<table>
<thead>
<tr>
<th>Types of &quot;other activity&quot; carried out as part of the unpaid work or other activity requirement.</th>
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Offenders subject to Unpaid Work undertook a variety of ‘other activities’ as part of their Community Payback Orders.

- Over 300 hours was spent by offenders engaging with Apex Scotland focussing on improving their job search and employability skills.
- Similarly 85 hours was undertaken with 'Clacks Works', the Council's in house service offering advice and guidance in the area of training and employment opportunities.
- Approximately 180 hours was spent learning life skills through challenging outdoor team activity with Venture Trust
- Women offenders subject to CPO were also referred to local social enterprise 'Women in Health & Sport'(WISH) for support in creating positive lifestyle changes accounting for approx 120hours,
- Clackmannanshire CJS' Women's 'Drop In' group provided a further 125 hours of other activity, encouraging female offenders in Clacks to improve motivation and self esteem and engage more fully with their statutory orders.
- Some of our younger offenders subject to CPO also benefitted from additional support services provided by Barnardos Freagarrach project (60 hours)
Work is ongoing to further develop the 'other activity' element of CPOs in Clackmannanshire through possible introduction of groupwork modules addressing a range of topics in association with Apex Scotland. It is anticipated this will be similar to the previous social education modular programmes operated by Clacks CJS as part of previous Supervised Attendance Orders (SAO).

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.

Throughout 2012/13, activities to consult with communities and organisations have been ongoing. A formal Fife and Forth Valley Consultation Event organised by FFV Community Justice Authority took place on 2nd May 2012. Invitees included a range of partner organisations and community groups, both statutory and voluntary, from across the CJA area. Attendees from Scottish Prison Service, Police, Apex, Victim Support, Sacro, Addiction Support & Counselling (ASC), BIDS, as well as staff from other council services contributed significantly to the process.

In addition, Clackmannanshire CJS has continued to develop the use of Facebook to demonstrate and promote unpaid work activity being undertaken across the County. Weekly bulletins stating number of hours of unpaid work completed and the specific community tasks undertaken are posted. This has been very well received with universally positive comments received from members of the public who have seen the results of the unpaid work squads' endeavours first hand. Moreover, this use of social media has proved an invaluable vehicle for the public to identify areas of need / potential work tasks within their local communities. We have found that when 'before' and 'after' photographs are posted on Facebook, positive comments received go on to generate wider interest and further legitimate requests for the assistance of our unpaid work squads. When the work is completed not only to a high standard but within a fast turn around, this is publicly appreciated.

As a service, Criminal Justice continually attempts to engage with partner organisations and other service providers to extend the scope of tasks which can be considered by the unpaid work scheme. The variety and challenges this often brings can greatly enhance the motivation and experience of the offenders subject to CPO, not to mention that of the work supervisors!
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.

In 2012-13 a total of 287 CPOs were imposed on 198 individuals within Clackmannanshire. These Orders incorporated 420 CPO Requirements.

While 189 Requirements related to Unpaid Work (level1 -120 / level 2 - 69), 155 Supervision Requirements were also imposed. Approx two thirds of these 102, were in conjunction with other additional Requirement(s) as follows:

**SUBSTANCE MISUSE**

12 CPOs imposed included a Drug Treatment Requirement while a further 19 CPOs incorporated an Alcohol Treatment Requirement.

Within the period 2012 /13, NHS Forth Valley and FFV CJA undertook a review and subsequent redesign of existing FastTrack/DTTO services, now known as FV Substance Treatment Service (FVSTS). With the aim of creating a more unified and inter-agency substance treatment model across Forth Valley, existing agencies (CADS, ARS and CJ Substance Treatment Service) work in closer partnership across the Forth Valley Substance Misuse Services. This model enables and simplifies the transfer process of service users moving between services as appropriate dependent on individual need on their personal road to recovery from both alcohol and drug related offending. Offenders are assessed as appropriate or otherwise for drug or alcohol treatment via a DTTO or a CPO with Drug or Alcohol Treatment Requirement after initial screening/assessment has been undertaken by CJSW Teams. Thereafter activity focuses upon the delivery of evidence based drug and or alcohol treatment programmes, reducing alcohol and drug related harm relating to physical and mental health and reducing re-offending behaviour in the community.

**ACCREDITED PROGRAMMES**

24 Programme Requirements were imposed in 2012/13. These related to the

- Caledonian Domestic Abuse System,
- Community Sexual Offending Groupwork Programme (CSO-GP) and
- Constructs:PSSO(Positive Steps to Stop Offending).

These groupwork programmes, including some 1-1 and 2-1 interventions, are
delivered by Forth Valley Accredited Programmes Team (FVAPT) which, while hosted by Falkirk CJS, operates across the FV CJA partnership.

Close collaborative working between Clackmannanshire Criminal Justice Service, FVAPT and multi agency partners, remains an essential component to the assessment and management of risk in relation to offenders subject to CPO and these associated programmes.

In 2012/13 5 individuals in Clackmannanshire subject to CPO (usually of 3 year duration) required to attend CSO-GP. Following several months undertaking 1-1 pre programme sessions with CJS case manager, the programme thereafter comprises three phases, 'Induction'(50 hrs) / 'Core' (150hrs) / 'Relapse Prevention'(50hrs), the level of intervention determined by assessment of risk/need in each individual case.

The Caledonian System across Forth Valley in 2012/13 had accepted 54 offenders convicted of domestic abuse on to the programme, of whom 12 were managed by Clackmannanshire. Intensive 1-1 work by CJS case managers as part of the pre group stage of Caledonian enables offenders to progress to the groupwork modules before undertaking the 'maintenance' element prior to completing the 2 year CPO.

**Constructs: PSSO**

This 26 week general offending groupwork programme for male offenders aged 18 years and over has struggled with poor offender engagement and high attrition rates. FVAPT as a result opted to offer 1-1 interventions as well as an amended modular groupwork programme. Clackmannanshire CJS supported several offenders to undertake this intervention in 2012/13.

**CONDUCT REQUIREMENT**

15 Conduct Requirements were imposed in 2012/13. These consisted of either a 'restrictive' element e.g. to keep away from a specified place, or an 'instruction' component e.g. to attend alcohol counselling. In this way, as part of an overall CPO case management plan, conduct requirements can reinforce the work and aims of CPO supervision in reducing reoffending.

**MENTAL HEALTH TREATMENT REQUIREMENT**

In 2012/13, 4 offenders in Clackmannanshire were made subject to a CPO with a requirement to engage with psychiatric intervention. CJS case managers work closely with colleagues in the forensic and integrated mental health services to support these individuals to maintain required levels of engagement with health professionals and address other offending related needs.
COMPENSATION REQUIREMENT

Only 2 Compensation requirements were imposed in Clackmannanshire in the reporting period.

RESIDENCE REQUIREMENT

No Residence Requirements were imposed in Clackmannanshire in 2012/13.

SUPERVISION REQUIREMENT

A total of 53 new CPOs with a Supervision 'only' Requirement were recorded in 2012/13.

In these cases as with in all CPOs with Supervision, following risk/needs analysis through LSCMI, case management plans were drawn up addressing criminogenic and non criminogenic needs and utilising appropriate interventions and resources to effect positive behavioural change and manage risk. 1-1 interventions by case managers to look at eg problem solving, consequential thinking, offence impact, victim awareness, anger management, anti social attitudes / behaviour, unemployment/lack of structured activity, substance misuse etc are routinely undertaken. Interventions often involve services/support/monitoring in conjunction with other providers, e.g. addiction counselling with Signpost, and specific cases, e.g. sexual/violent offenders, are managed under multi agency protocols.

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.

Housing provision remains a significant issue, specifically for homeless offenders who may have previously experienced eviction or previously abandoned a tenancy. Temporary homeless accommodation can be in Bed & Breakfast establishments sometimes outwith the local area with placements continuing over an extended period due to a dearth of one bedroom or other suitable properties. Lack of settled, stable accommodation can significantly impact upon achieving better outcomes for offenders.
Any other relevant information. This might include details of work which is carried out with offenders on CPOs to address their offending behaviour but which does not fall into the category of a specific requirement.

In 2012/13 Clackmannanshire Criminal Justice Service continued to fund certain key services from voluntary agencies to supplement in house provision.

- Apex - employability advice/support for Clackmannanshire’s offenders including job search, preparedness for training/work, Disclosure/Rehabilitation of Offenders Act information, training placements etc.
- SACRO support worker to assist with e.g. accommodation/financial/health issues specifically with high risk of harm offenders
- Barnardos Freagarrach Project to provide additional support and offence focussed intervention to young offenders (16 - 18 years) subject to CPO
- WISH (Women in Sport & Health) supports women of all ages and backgrounds to create positive lifestyle changes through physical, social and cultural activities enhancing confidence, motivation and self esteem.

Clackmannanshire CJS also funds offenders subject to CPO to attend Venture Trust programmes, to build confidence and self esteem and develop interpersonal and other skills in a challenging outdoor environment.

In addition, in 2012 in an attempt to improve outcomes for female offenders, Criminal Justice Services in Clackmannanshire/Stirling Councils jointly funded the appointment of a shared Womens Development Worker. The postholder is responsible for enhancing educational, welfare and criminal justice services to women subject to CPO supervision and to mentor women being released into the community from custody. Receiving this additional support on a 1-1 basis as well as through the provision of a weekly CJS Women’s ‘Drop In’ group in Alloa has enabled our women offenders to engage more fully with statutory Orders.

A further shared service ‘tenancy support worker post’ was also created to improve the resettlement of offenders in Clackmannanshire and Stirling, through helping source and sustain appropriate housing, benefit entitlement and other relevant services.