
Report to: People Committee

Date of Meeting: 16 May 2019

Subject: Community Payback Annual Report 2017 - 2018

Report by: Interim Chief Social Work Officer

1.0 Purpose

- 1.1. To note publication, following Scottish Parliamentary approval in February 2019 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 2017 to 31st March 2018.
- 1.2. The local authority has a statutory duty under Sect 227, Criminal (Procedure) Scotland Act 1995, to submit annual reports on the operation of the Community Payback Order to both Scottish Ministers and Community Justice Scotland. In addition the Council is required to ensure that the public have access to the annual report. 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 will place the approved report on the Clackmannanshire public web site for public information and increasing the awareness of Community Payback activity.

2.0 Recommendations

- 2.1. It is recommended that the Committee notes the content of the Clackmannanshire Council Community Payback Order Annual Report 2017-18.

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 provided 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 Courts 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. Detailed information on each requirement can be found in the background paper - Community Payback Order Requirements: Information Pack (*Community Justice Authorities*).
- 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 or as result of a Fiscal disposal order.
- 3.6. During 2017/18 Clackmannanshire Criminal Justice Social Work Service submitted to Courts 452 Criminal Justice Social Work Reports on individuals resident within the Clackmannanshire Council area. A total of 239 Community Payback Orders(48 imposed on women), incorporating 357 Requirements, were imposed on 205 individuals during the reporting period.
- 3.7. During 2017/18, 10655 hours of Unpaid Work was completed by offenders within Clackmannanshire. This reflects a reduction in the use of this specific requirement from the previous year and is a result of increased custodial disposals for a number of persistent offenders, an increased use by courts of stand alone requirements, including Supervision and conduct requirements as well as the impact of the positive trend that the rate of reoffending within Clackmannanshire is reducing . The unpaid work requirement activity was undertaken in a wide range of community settings and for a variety of diverse

beneficiaries throughout the Council area. The Community Payback Order Annual Report 2017/18 (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.

Not applicable

5.3. Finance have been consulted and have agreed the financial implications as set out in the report.

Not applicable

5.4. *Staffing*

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)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(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 2017/18

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

Community Payback Order Requirements: Information pack (*Community Justice Authorities*), 2017

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Approved by

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COMMUNITY PAYBACK ORDER ANNUAL REPORT

FINANCIAL YEAR: 2017 / 18

LOCAL AUTHORITY: Clackmannanshire



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.

Clackmannanshire Council's Unpaid Work Service continued to carry out a broad range of work tasks identified and requested by individuals, groups and communities across the authority area throughout 2017/18.

10,855 unpaid work hours were completed within Clackmannanshire during the year. This is a 30% reduction when compared to 15,808 hours completed in 2016/17, however, reflects an almost 20% drop in the total number of CPOs imposed on residents of Clackmannanshire by the Courts during 2017/18. The number of Unpaid Work hours reduced from 23440 in 2016/17 to 15973 imposed in 2017/18.

Unsurprisingly, with the volume of referrals received and the demand for unpaid work in communities remaining consistent, the majority of hours completed were undertaken by our task squads, working 7 days and 2 evenings per week throughout the year.

Individual placements however also continued to play an important role in the service's unpaid work provision, with 730 hours of work completed.

During 2017/18, Clackmannanshire CJS Unpaid Work Service maintained positive working relationships with many of our regular referrers, undertaking a good proportion of tasks on a maintenance and repeat business basis. This undoubtedly reflects the consistently high standard of work being undertaken by our squad members and supervisors.

Unpaid Work undertaken included regular janitorial duties, both indoor and outdoor, to various local churches. This involved setting up halls for weekly services and preparations for regular social activities/clubs and events involving the community. Maintenance of the grounds included weeding, grass/hedge cutting and lifting broken, uneven slabs and re laying.

Similar work was also regularly undertaken to assist and support local associations and clubs for senior citizens in the area.

Repeat projects involving various aspects of ground maintenance were also completed for e.g. Scouts Association, local Family Centres, sports grounds and children's play areas.

Annual diaried in activity included working with local Highland Games committees and at various Gala days, assisting with erecting/dismantling seating and helping set up stalls etc.

A regular feature of every November has been participating alongside statutory agencies including Police Scotland and the Fire and Rescue Service to assist in the removal of unauthorised bonfire sites during the period. As always, unpaid work teams also supported the local Round Table bonfire event by erecting and then removing safety fencing.

Seasonal work during the winter of 2017/18 featured snow clearance and restocking grit and salt bins throughout communities in Clackmannanshire. Similarly, litter picking and tidy ups at amenity sites in the region were undertaken each quarter.

In order to reduce flood risk to local communities, as in previous years the service maintained routine inspections of water courses, clearing culverts as required across the area.

Further environmental work included clearing away overgrowth and reinstating countryside paths, carrying out repairs to signage, fencing, steps and styles as well as replacing and rebuilding these if required. Wooden pallets were routinely uplifted and collected for recycling.

Work to clear and prepare sites for wildflower planting was also undertaken for schools and community councils.

Learning new painting skills and techniques, both outdoor and indoor, was gained by decorating new office premises for several voluntary organisations following their relocation.

Throughout 2017/18, the service continued its involvement with local charities, assisting in the collection and distribution of food to local food banks. The squads also transported clothing and other stock between charity outlets, providing a vital service and resource for those in need in local communities. Those same charitable organisations also continued to offer individual work placements in their shops, enabling some of our service users to gain experience in retail work.

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

Unpaid Work Service Users – some comments:

“I’ve enjoyed the experience. Now interested in trying to help more in my community”

“Supervisors have been sound, and all the boys. It’s been good.”

“It’s been keeping me occupied” “I couldn’t have been treated any fairer”

“Being on the CPO helped me and gave me purpose”

“It has helped me get my confidence back”

“I now know it can help me instead of prison”

“It has been helpful being in a routine and meeting other people”

Comments from some beneficiaries of our Unpaid Work Service:

Environmental Services re work clearing paths linking villages, cutting back overgrowth restrictive to walkers and equestrian users -

“These guys are continuing to carry out excellent work which is benefitting the whole community. Their work is very much appreciated.”

Countryside Ranger re groundworks for wildflower planting at local school –

“I just wanted to say thank you to the guys who did the work at the Primary School. It was really well done and greatly appreciated.”

Countryside Projects Officer - *“Thank you to you and the squad! The work you did on the bridge and the steps has made the path much safer.... The works would have entailed a great deal of effort so thanks once again for all your hard work.”*

Tenancy support re elderly resident - *“Thanks for doing the garden at this address. The guys have done a really good job.”*

Local Charity/Food Bank – *“The manager called to thank Unpaid Work for also moving the furniture. The help was much appreciated and they just wanted to pass on thanks.”*

Rugby Club President – *thanks received highlighting assistance with groundworks in preparation for the new season.*

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

‘Other activity’ remains an integral, if more limited, component of an Unpaid Work Requirement. In Clackmannanshire, during this reporting period, women service users continued to have the opportunity to attend the Service’s weekly Women’s Drop In Group. The group offers a pro social, therapeutic environment in which service users can receive holistic support, build confidence, self esteem, improve their health, well being and social inclusion.

Those undertaking ‘other activity’ in 2017/18 have also engaged with our partner agencies, receiving support and advice from Citizens Advice, NHS Keep Well, Women's Aid, APEX, our SHINE women's mentor, Reachout and Venture Trust.

The provision of Survive and Thrive, the 10 week psycho-educational group programme developed for women experiencing psychological and emotional difficulties resulting from experiences of abuse, was temporarily interrupted due to staff changes across the Forth Valley Criminal Justice grouping in 2017. It is anticipated however that the intervention which provides participants with a better understanding of trauma and how it may have affected them and gives the women a ‘tool kit’ of coping strategies, will continue in 2018/19. Consideration is being given to the possibility of also extending this resource to men subject to CPOs.

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.

One of the benefits of being a small authority area is the relative ease with which community partnerships and effective working relationships can be forged and sustained.

Clackmannanshire's unpaid work staff strive to engage with communities through maintaining links with existing beneficiaries and developing contacts with the voluntary and charitable organisations located throughout the county. During 2017/18, they attended Community Council meetings in several locations from which workstreams for our task squads were identified,

Continuing our practice of recent years, the Unpaid Work Service also regularly utilised social media, posting on the Council's Facebook page 'before' and 'after' images of unpaid work projects undertaken. This continued to be an efficient, productive means by which to engage the public in identifying tasks within their own communities. Advertising, through posting photos of work completed, continued to promote the service in a positive way and show the potential benefits to communities and individuals.

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.

While Unpaid Work continued to be well used by the courts in 2017/18, Supervision, either stand alone or with other Requirements, predominated for the first time.

Of the 357 Requirements made in the reporting year, 69 of which were imposed on women, 149 involved community supervision. While Programme Requirements fell slightly, Conduct Requirements again more than doubled compared with the year before.

As previously, the relatively limited use of the other 6 available Requirements, suggests many of the specific areas of need or intervention were incorporated within Supervision or Conduct Requirements.

Supervision Requirements

Interventions with those subject to CPOs with Supervision continued to be based upon an extensive assessment of risk and need undertaken using accredited risk assessment tools i.e. LSCMI, SA07. These assessments, in association with the professional judgement of the case manager, overseen by line manager and formally reviewed, informed case/risk management plans drawn up with the service user in each case. Many of the CPOs imposed were also subject to review by the sentencer

at Court, almost 300 such Progress Reviews taking place during the year.

In one case, a service user was made subject to CPO with 2 years Supervision for the first time. A LSCMI assessment highlighted mental health problems, substance misuse issues, housing and financial problems as well as relationship/family difficulties. A plan of intervention incorporating 1-1 supervision sessions, support from mental health nurse, counselling with a local community addiction service and assistance to secure appropriate housing and benefits, ultimately assisted towards a positive outcome and, specifically, no further offending recorded. At a final review of the CPO the service user expressed gratitude at being given the opportunity of a CPO, acknowledging the benefits in terms of learning and progress achieved.

In another case where a 12 month CPO with Supervision was imposed on a young person, considerable effort was undertaken to engage him with mental health services and support him to access training courses with the possibility of part time employment. Specific interest and skill in art and music was also developed through referral to relevant voluntary organisations to take forward following successful completion of the CPO.

During 2017/18, as in previous years, Clackmannanshire CJS commissioned services from other organisations including Barnardo's Freagarrach Project, APEX Employability Service, Forth Valley Substance Treatment Service and Citizens Advice/CJS Alliance Project, to enhance specialist provision and improve outcomes for service users. Working arrangements also continued with Shine Women's Service, Signpost Recovery, Addiction Support & Counselling (ASC) and with Police Scotland.

In relation to those on CPOs with high risk and needs and managed under multi agency protocols, formal referral to and review by MAPPA, MATAC / MARAC continued for service users in Clackmannanshire throughout the reporting year.

Programme Requirements

Intervention programmes available for service users subject to CPOs in Clackmannanshire continued to be provided in 2017/18 by Forth Valley Accredited Programmes Team (FVAPT) hosted by Falkirk Council on behalf of Forth Valley. This involves the Caledonian System for perpetrators of Domestic Abuse, their victims and their children, also Moving Forward Making Changes (MF:MC) for sexual offenders.

The Caledonian System

FVAPT provides the Caledonian Men's groupwork programme to service users as part of the Caledonian System and to ex-partners (victims) and advocacy for children through the Women Service and Children's Service. There are 4 main phases to the men's programme: assessment as part of the Criminal Justice Social Work Report, pre-group case management, group work and maintenance.

During 2017/18 the number of referrals for Caledonian assessments continued to exceed original projections. As the 'Mens' programme is part of an overall system it requires excellent communication not only within the Criminal Justice Services but also across a wide range of statutory and voluntary partners throughout Forth Valley. FVAPT provided three groups weekly on a rolling basis, one in Alloa and two in

Falkirk, providing places for 24-30 men at any one time.

In conjunction with the work undertaken by CPO supervising officers and groupworkers, the Caledonian system offers voluntary engagement to victims/ex-partners and their children. The Women's service provides support to the victims for the duration of the full CPO. During 2017/18 approximately 74% of women offered the service engaged in the initial Safety planning or full Individual Safety and Support planning.

Comments from some of the women receiving support through the Caledonian women's Service across Forth Valley included:

"We just would like to say thank you very much for all that you have done for us in the past 2 years. Some days I didn't know how I was going to get through it all, but with your support and reassurance I got there".

"I still get days when I feel vulnerable, but not as often as I did".

"The children have really settled down and our relationship is a lot better". Re our safety, "It has improved, but we are still always on our guard".

In 2017/18 the Caledonian System undertook a redesign for the Scottish Government re-accreditation process. FVAPT staff have been integral to this re-accreditation which was successfully achieved in January 2018. As part of the process it was also recognised that the previous evaluatory data did not inform practice or client outcomes as originally anticipated. Therefore, in 2017 FVAPT were approached by Caledonian Strategic Oversight Group to recruit and host the new post of Caledonian National Data Controller. The role of this post was to develop a new performance and evaluatory data structure and IT system. The data structure was developed during 2017/18 and it is anticipated that the IT system to support this will go live during 2018/19.

During 2017/18 Clackmannanshire CJS undertook 20 referrals for the Caledonian System.

Moving Forward Making Changes (MF:MC)

The programme has three main elements, Case Management, Group Work and Maintenance. During 2017/18, restructuring of funding and staffing moved responsibility for undertaking the maintenance phase to Criminal Justice Social Workers also case managing the CPOs. On behalf of Forth Valley, FVAPT provided two groups weekly on a rolling basis providing places for 16-20 men at any one time.

For both the Caledonian and Moving Forward Making Changes groupwork programmes, FVAPT offer day and evening groups in order to respond to clients' availability. The team also provided a number of 2:1 sessions to support the men's learning where they have either missed main group sessions or the material covered required to be outwith group in order to respect the personal information discussed, especially if in relation to victims.

Conduct Requirements

2017/18 saw another substantial rise in the use of Conduct Requirements compared with the previous year. The main conditions imposed again involved attendance at substance misuse counselling or engagement with mental health services, as well as

e.g. attendance at Venture Trust.

Behavioural restrictions applied under several Conduct Requirements related to prohibiting contact with victims or potential victims under any circumstances or only in specific situations. Other Conduct restrictions disallowed certain activity e.g. ownership or use of electronic devices without prior approval, or restricted movement, e.g. through curfews being imposed, in an attempt to interrupt behaviour patterns.

Treatment Requirements

During 2017/18, 8 Drug Treatment and 5 Alcohol Treatment Requirements were imposed to enable access to specific treatment and enhanced interventions in association with supervision. The development of community resources including recovery cafés and mutual aid support groups often complemented statutory CPO provision.

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.

In 2017/18 Clackmannanshire CJS continued to engage the services of a Citizens Advice Bureau (CAB) support worker/adviser 3 days per week as part of the ongoing CAB/CJS Alliance Project commenced in previous years. The effects of poverty / social deprivation on services users within CJS can significantly impact on their engagement with CPOs and related outcomes. Prior to the project, supervising social workers' time was often absorbed by assisting service users navigate and at times challenge the benefit system or pursue appropriate housing, all severely limiting time to address other priorities and behaviours and reduce reoffending.

To assist with this, throughout 2017/18, the Project continued to offer person-centred support on a range of issues, including debt, Benefits and housing problems, to those subject to Community Payback Orders in Clackmannanshire.

Approximately 100 referrals were made to the Project during the year, of which two-thirds related to Benefits, primarily Universal Credit and health or disability related income. Universal Credit problems increased from June 2017 when the fully digital service was introduced in Clackmannanshire. Fuel debts (gas/electricity) were the most common type of debt referral (34%), with rent arrears also a problem area (28%). Ten individuals on CPOs received representation from the Project at benefit appeal hearings, contributing to seven successful appeals and awards of substantial additional benefits. Many others achieved successful outcomes by way of benefit claims, receiving emergency provision, improved debt management and homelessness prevention.

One Criminal Justice Social Worker described how she worked with a service user who was struggling with his benefits and who had accrued considerable debt due to his business folding. She referred him to the CAB/CJS project worker who researched business debt and supported the service user to contact the appropriate agencies to gain the support he required whilst ensuring he was receiving the appropriate benefits. In this case the supervising officer considered the service was second to none and helped to avoid supervision sessions being consumed by the

service user's financial concerns and allow offence focussed work to progress.

In another Benefit related case a service user commented, *"I really can't thank you enough for what you have done for me it means the world. I was not going to fight it but I am so glad I did and that you and the CJS Women's Worker helped me. It means so much."*

Any other relevant information. This might include details of work which is carried out with people on CPOs to address their offending behaviour but which does not fall into the category of a specific requirement.

Throughout 2017/18 Clackmannanshire CJS reaffirmed its links with partner organisations in the voluntary sector, with the aim of extending service provision and promoting positive outcomes for service users and communities.

For our younger service users aged 21 and under and subject to Community Payback supervision, the service continued to fund more intensive, targeted support from Barnardos Freagarrach Project. The Project provides the high level of support so often lacking in the lives of vulnerable young people in the criminal justice system. Working in conjunction with the supervising officer, Freagarrach provided interventions focussing on problem solving, exploring coping strategies, improving emotional regulation and developing strengths and positive activities.

In addition, the CJS service maintained its Apex mentor within the team, working alongside CPO supervising officers to improve employability levels across caseloads and assist service users access training and the job market. As in previous years, competency and confidence building, disclosure and the opportunities for training and certification on offer, enhanced the prospects of many service users.

Clackmannanshire CJS continued to engage the services of a Mental Health Link Nurse, employed through Signpost across the Forth Valley partnership, until the departure of the postholder mid way through the year. By the end of 2017/18, recruitment to fill what had been an effective and valued service, was still underway.

COMPLETED BY: June Buchanan

DATE: 31.10.18

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