



# **Community Payback Order**

**Community Justice Scotland Summary of  
Local Authority Annual Reports  
2017-18**

March 2019

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

March 2019

SG/2019/26



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## 1. FOREWORD



I am delighted to introduce the second Summary of Local Authority Annual Reports on Community Payback Orders covering the period 2017-18 produced by Community Justice Scotland. This report meets requirements provided under Section 227ZM of the Community Justice (Scotland) Act 2016.

This report provides an overview of activity completed by people in local areas subject to a Community Payback Order (CPO). A focus is placed on unpaid work, other activity and additional issues affecting service provision in order to inform on the range and breadth of such activity, and the benefits this can have across whole communities in Scotland. Those who engage with a CPO stand to improve their lives, and the lives of their families by receiving often bespoke support to address the causes of their offending.

1.26 million hours of unpaid work was completed across every community in Scotland over the year, an increase against 2016-17. These hours have been used to complete group projects that develop elderly care facilities, schools and community resource centres; and individual placements within charity shops and volunteer organisations that, while benefiting the community, also allow the individual to work towards the skills and experience necessary for future employment and opportunities.

The 'other activity' component continues to provide access for individuals engaged in a CPO to the additional services necessary in addressing the causal factors for their offending. Access to mental health services is acknowledged as challenging for local areas, but it is encouraging to see creative ways of achieving health and wellbeing outcomes recognised as part of 'other activity' including mental health therapies, drop-in clinics and fitness classes.

This report demonstrates the continued commitment made by Criminal Justice Social Work and their partners to delivering effective and valuable services aimed at sustainable desistance from offending through addressing the causes of crime. I would like to thank everyone involved in the preparation of this report, and look forward to its future development.

Glenys Watt  
Acting chair of the CJS Board



## 2. BACKGROUND

1. The Community Payback Order (CPO) was introduced in 2011 and replaced a number of community disposals including Probation Orders, Community Reparation Orders, Supervised Attendance Orders and Community Service Orders. The legislation governing these disposals, the Criminal Procedure (Scotland) Act 1995 (referred to as “the 1995 Act”) was amended by the Criminal Justice and Licensing (Scotland) Act 2010 and the CPO came into effect on 1 February 2011. Courts are therefore able to use the CPO as a disposal for offences committed on or after that date.
2. A CPO may consist of one or more of the nine requirements set out in the 1995 Act, which are:
  - a) unpaid work or other activity requirement;
  - b) offender supervision;
  - c) compensation requirement;
  - d) programme requirement;
  - e) residence requirement;
  - f) mental health treatment requirement;
  - g) drug treatment requirement;
  - h) alcohol treatment requirement; and
  - 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 send a copy of the report to Community Justice Scotland. The Scottish Ministers may issue directions to the local authorities in relation to the content of the report<sup>1</sup>.
4. Community Justice Scotland will arrange for a summary of the narrative reports to be laid before the Scottish Parliament and publish, together with or part of, the

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



annual report on performance in relation to community justice outcomes under section 27 of the Community Justice (Scotland) Act 2016.

5. This report is the seventh such summary and the second to be published under the new reporting arrangements, covering the reporting year 1 April 2017 to 31 March 2018. Previous summaries up to the 2015/16 period can be found on the Scottish Government website at: <http://www.gov.scot/Publications>. The report for the 2016/17 period, and all future iterations, can be found on the Community Justice Scotland website at: <https://communityjustice.scot/latest/>.
6. As with previous years, local authorities were provided with a standard template with which to provide information on the delivery of CPOs in their area. This template requests information on a specific range of issues including:
  - a description of the types of unpaid work projects and activities which have been carried out;
  - the total number of unpaid work hours completed during the year;
  - information that helps to demonstrate how communities benefit from unpaid work;
  - quotes from beneficiaries and those subject to CPOs on the impact of unpaid work on them and the community;
  - a description of the 'other activity' carried out as part of unpaid work (see section 3.5 for further information on other activity);
  - a description of the work carried out to consult prescribed persons and organisations on the nature of unpaid work and how this helped determine which projects were undertaken;
  - a description of the use by the courts of the CPO requirements other than unpaid work, e.g. what requirements are being used for those whose offending is driven by drug, alcohol and mental health issues;
  - details of any issues affecting access to services provided by other partners and what work is underway to resolve them; and
  - any other relevant information.
7. A copy of the guidance and template issued to local authorities are provided at Annexes A and B. It should be noted that, while there is no statutory requirement to do so, local authorities can make separate arrangements to publish their annual reports in full. However, this is at their own discretion.



8. This summary comprises four sections which are based on the information that local authorities were asked to provide. These are:

- the use of unpaid work or other activity requirement;
- the use of requirements other than unpaid work;
- issues affecting services provided by other partners and work underway to resolve them; and
- other relevant information.

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

### **3. UNPAID WORK AND OTHER ACTIVITY REQUIREMENT**

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

11. 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**

12. Areas report that they are working in partnership with communities to identify what the priorities are in terms of local work projects. Most areas describe offering a wide range of projects and services that have had tangible benefits to residents alongside utilising and developing the skills of people made subject to unpaid work.

13. Several local areas report offering sessions to complete unpaid work out of office hours for those participants in employment or with particular care responsibilities.

14. A robust risk assessment is carried out before an individual is cleared to do unpaid work in the community, which can include consultation with any organisations or groups that are involved in the work being undertaken. Individuals are supervised during all unpaid work activity.



### 3.2 Types of unpaid work

15. Activities undertaken by unpaid work parties are varied and include gardening and landscaping, painting, construction, recycling and refurbishing furniture.
16. Some activities specifically focus on improving buildings used within the local community. For example, several areas report maintenance and development tasks with elderly care units, primary schools, churches and community resource centres.
17. Some activities are seasonal, such as the clearing of snow and gritting of paths, and winter warmth and log store projects, or the clearing of garden spaces for vulnerable families and elderly community members or park spaces in summer.
18. Environmental projects focus on specific benefits to the local community, for example, restoring and maintaining trails, paths and cycle tracks in support of the wider objective of providing the community with access to the countryside for health, recreation and learning.
19. Many requests for unpaid work activities come from members of the public and each local area has their own procedural arrangements for dealing with requests.
20. As well as benefitting the community, working on these projects also has a number of benefits to the individual undertaking the unpaid work such as learning new skills, an increase in self-esteem, improved employment prospects and learning to work as part of a team.
21. People undertaking unpaid work present with a wide range of needs relating to physical health, mental health and substance misuse. Areas report becoming more responsive to complex needs in order to ensure people are given equal access to unpaid work and are given every opportunity to comply with their order.
22. Across Scotland, a total of 1.26 million hours of unpaid work were carried out in local authority areas during the reporting period.





### **3.3 Examples of projects**

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

#### **3.3.1 Groupwork placements**

24. Work has been undertaken in parks and on community land across Scotland. Paths have been cleaned and widened, hedges cut and fencing replaced. This has enhanced community access to parks and open spaces and contributed to the wider health and wellbeing improvement agenda.

25. A number of local areas have participated in painting and decorating services for vulnerable people and in community buildings and grounds. The development of sensory gardens in schools and on elderly care grounds was completed in several local authority areas.

26. Groups of individuals have been involved in supporting a range of charity organisations and churches. Clearing abandoned homes and buildings, including recycling or upcycling of furniture, has also been completed.

27. A number of local areas have workshop facilities to produce wooden products such as picnic benches, planters, sheds, sand pits and playground equipment.

#### **3.3.2 Individual placements**

28. Individual placements provide an opportunity to complete unpaid work in an environment that encourages mutual trust and helps the individual to develop new skills while also supporting the local community.

29. Individual placements vary greatly in size and task, and are most commonly carried out within local charity shops and resource centres. There is a strong focus within personal placements on individuals developing the skills required to sustain future employment, which is an important protective factor in reducing reoffending.

30. Some local authorities reported that individuals continue to volunteer for the organisations they are involved with during their personal placement once their unpaid work period comes to an end.



31. The following are examples of individual placements carried out during 2017-18. This is not intended to be an exhaustive list, and more details can be obtained direct from local authorities (links are provided at section seven):

- local charity shops;
- community centres;
- community trust building and grounds maintenance;
- churches;
- animal and wildlife sanctuaries;
- social enterprises;
- collection, restoration and recycling workshops;
- foodbanks;
- clothing banks;
- sports organisations;
- recovery cafés.

### **3.4 Impact of unpaid work projects**

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

33. The following is an unabridged sample of the comments received from beneficiaries of unpaid work upon completion of the project:

*“I am writing to thank you for providing us with a team to support us to clear a house of an elderly person who had passed away and who had been a hoarder, since the 1970s. You can imagine the boxes, bags and cases that needed to be cleared. Our remit was to salvage any furniture and household items that may be of benefit or fit for sale by the charity ... Without the team, we have no doubt it would have taken us over a week to do this work. We would like to say a thank you for the team’s reliability, integrity, respect and honesty. Not one person queried what they were doing or why. If ever there was a time that Community Service (sic) showed that they were in no doubt putting something back into the community then that day was a highly positive example.”*



*“Just a quick email to say thanks so much for the mud kitchen that was delivered last week. The children are absolutely delighted with it and are well in the process of making it live up to its name.”*

*“Further to our conversation this morning I would just like to reiterate that we are delighted with the work that has been done in the café. We feel that the work done has been done very professionally and would be grateful if you would pass our thanks to the crew involved.”*

*“I recently had some much needed gardening work done by the unpaid work team. It’s such a wonderful help for people like myself who once loved and tended to the garden but now are not able due to age and infirmity. Long may the good work continue.”*

*“Our church hall is used by a variety of groups including the Scouts, Youth Group and Playgroup. It was badly in need of decoration and we had limited funds to cover the maintenance and repair of the hall and grounds ... The work was done to a high standard and the communication and co-operation with us were excellent, even when our community inadvertently caused problems and interruptions. The more recent assistance in painting the railings was greatly appreciated too, especially as the effort was made to come back after we were unable to have the work done earlier in the year. We now have a bright hall and more welcoming entrances to the grounds and the hall that are greatly appreciated by the community groups that use our facilities and the wider parish.”*

*“A good quality product with considerable saving to our Charity. The picnic tables have improved the facilities of the park and encouraged parents to use the park with their children.”*

34. As well as asking for feedback from beneficiaries, Criminal Justice Social Work staff also ask individuals carrying out unpaid work for their views on the impact this has had on them. These views are sought from individuals as they complete their unpaid work in the form of a questionnaire.

35. A high percentage of individuals report a positive impact as a result of their involvement with unpaid work activity. Some individuals report that the structure of unpaid work activity gives them the opportunity to gain some order and purpose to their lives and helps them to realise the benefits of establishing a routine.



36. Many individuals were highly complementary about the skills of, and support they received from, the supervisory staff in their unpaid work teams. Local areas were recognised as being flexible in taking account of individuals' needs while at the same time setting and enforcing fair compliance criteria.

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

*“Doing the unpaid work gave me the drive to get up and got me back into the swing of having a job and made me go out and start volunteering at a local charity shop.”*

*“Unpaid work helped me see that there are consequences to doing crime and I feel good that I helped the community and also I got a lot out of it like routine and new skills.”*

*“It has helped me get my confidence back.”*

*“Has put me off reoffending... I did not want to be here again.”*

*“When you look at a site after you have helped clear it up, you feel proud that you have done something worthwhile.”*

*“Personal achievement – being motivated to get out of bed and do something.”*

*“It allowed me to serve my punishment in an environment of improvement and having no effect on my employment status.”*

*“I enjoy being involved it feels good particularly being able to help people. They don't usually have the opportunity to get out like this and I enjoy talking to them and sharing their stories.”*

*“I will not be back.”*

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

38. 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, which 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 the jurisdiction the local authority area lies;
- organisations representing 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 the area; and
- one or more Community Safety Partnership within the area.

### **3.5.1 Additional consultation activity**

39. Local areas report that they are utilising the new Community Justice Partnership arrangements to facilitate consultation. This includes engaging with statutory partners to identify areas most affected by crime in order to target resources that ensure those communities benefit the most from unpaid work activities.

40. Several areas report using their local Communications Strategy to identify opportunities to promote unpaid work projects and invite requests or further opportunities within their local area.

41. Social media continues to be an effective, rapid and efficient way to engage with individuals and community groups and to receive ideas and requests. Local areas report that this is a productive way to engage local communities to identify opportunities in their own areas.

42. Several areas have a dedicated webpage that promotes unpaid work and opportunities available, allowing members of the public to access information about ongoing projects.

43. Local media has been used by several local areas to highlight unpaid work to local communities. Articles published in local magazines, newspapers and newsletters have promoted unpaid work projects.



44. When unpaid work has been carried out in an area, many local authorities report that a plaque is displayed at completed project sites, making the public aware of the work completed in communities.

### **3.6 Other activity**

45. While the unpaid work or other activity requirement is mainly used to deliver unpaid work, the 1995 Act also allows for a proportion of the requirement to be used to undertake 'other activity'. This gives the individual an opportunity to develop skills to help them reduce or stop further offending in the future. Other activity often focuses on improving someone's educational, job-related or social skills. The person's allocated Criminal Justice Worker will determine the individual's needs and suitability for other activity and the type of activity to be undertaken.

46. The other activity component of the CPO must not exceed 30 hours, or 30% of the total specified number of hours of unpaid work imposed – whichever is lower. Where it is determined that other activity is not required, the requirement will only consist of unpaid work.

#### **3.6.1 Types of other activity**

47. Many local authority areas offer employability skills training as part of other activity hours. Several areas have offered specific training towards the Construction Skills Certificate Scheme (CSCS card). This card allows access to employment on construction sites. People have also been able to work towards forklift truck driving licences.

48. Several local authority areas offer adult education services with a common focus on improving literacy and numeracy. One local authority area partners with the Open University to support people to gain online qualifications.

49. The majority of local areas report providing support groups, some of which are gender specific, to support people and to improve their skills. This includes benefits and budgeting advice, community safety, social inclusion, health and wellbeing and anger management courses.

50. Health and wellbeing are addressed through other activity in several local authority areas. This includes medical drop-in sessions, mental health therapies and fitness



activities to promote a healthy lifestyle. One local authority area takes advantage of a beach-side location to hold a walking group to encourage active lifestyles.

51. During 2016-17 individuals have had the opportunity, through other activity, to undertake specific work with partner organisations to address substance use issues that are not at a treatment requirement level, but are significant enough to impact negatively on their lives.

52. Many other activity interventions are delivered through local third sector organisations which support people in areas such as employment and training, life skills, mentoring, substance misuse, housing and financial wellbeing.

53. Local authority areas report that they also work closely with public sector partners to deliver opportunities through other activity. For example, in one area the Fire and Rescue Service deliver CPR training. In another example, Police Scotland have run group sessions in one local authority area aimed at breaking down barriers between people completing CPOs and the Police.

#### **4. REQUIREMENTS OTHER THAN UNPAID WORK**

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

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

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

56. A publication presenting national level information on [criminal justice social work activity in Scotland](#) during the reporting period was published in February 2019 and this report has drawn on some of the statistical analysis contained within that publication.



57. There were 17,800 community payback orders commenced in 2017-18, a fall of 7% from 19,200 in 2016/17. Numbers had previously stabilised at around 19,000 in each of the last five years. Most CPOs included a requirement for unpaid work or other activity (75%).

58. The proportion of CPOs with both unpaid work or other activity and offender supervision was higher than in any of the previous four years (31%).

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

59. The supervision requirement aims to change the way a person behaves by making them attend regular appointments with a criminal justice social worker. Local authority areas report that a thorough assessment of risk and need is undertaken with individuals as standard practice when a supervision requirement is imposed, and an appropriate and proportionate case management plan is developed and monitored throughout the duration of the order.

60. Generally, around half of orders have an offender supervision requirement, with 57% doing so in 2017-18. The average length of supervision requirements during the year was around 15½ months.

#### **4.1.2 Compensation requirement**

61. A compensation requirement is used to order a person to pay money to their victims for injuries or distress caused, or to pay for damage to property. When a compensation requirement is imposed as part of a CPO, an offender supervision requirement must also be imposed.

62. The prevalence of compensation requirements has stayed around the same over the last few years (3.6% of CPOs issued in 2017-18 featured a compensation requirement).

#### **4.1.3 Programme requirement**

63. 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”.





64. Local authority areas report that accredited programmes are used effectively in response to convictions for sexual offending 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.
65. Moving Forward: Making Changes (MFMC) is the national accredited programme for males who have been convicted of a sexual offence, or a non-sexual offence that contains a sexual element. MFMC is designed to be delivered in a group format, although it can also be delivered 1:1 or 2:1 in response to individual needs. MFMC is delivered in both custodial settings and in the community as part of a CPO.
66. In terms of domestic abuse, the imposition of a programme requirement to attend the Caledonian System ensures that there is support and safety planning available for the victims and children of domestic abuse perpetrators.
67. To maximise the cost efficiency of these accredited programmes, several areas have pooled their resources and are delivering interventions as a collective.
68. Other examples of programme requirements were reported by local authority areas and included bespoke interventions for young people, persistent male offenders and women with complex needs.

#### **4.1.4 Residence requirement**

69. Residence requirements were the least commonly issued requirements across Scotland during the reporting period, with the majority of local authority areas reporting the rarity of their use.
70. One local authority reported that a third sector partner offers a six to eight week residential programme. However, this is typically accessed through a supervision requirement rather than a residence requirement.



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

71. If a person has been diagnosed with a mental health condition that played a role in their offending, they can be compelled to receive support and treatment with a mental health treatment requirement.

72. Local authority areas recognise that the low number of mental health requirements issued does not reflect the prevalence of mental health issues for people within the criminal justice system. A mental health requirement can only be imposed where there is considered to be a diagnosed disorder or condition. The lack of availability of up to date information in this regard reduces the likelihood of these requirements being imposed. Areas report the need to routinely address mental health issues through case management within offender supervision requirements.

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

73. If a 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.

74. Many local authority areas reported that the low use of drug treatment requirements may be because issues relating to drug use are often dealt with through an offender supervision requirement, a conduct requirement or a Drug Treatment and Testing Order (DTTO).

75. One local authority area reported that the integration of Health and Social Care and development of an integrated Drug and Alcohol service has established closer links with criminal justice, which has promoted seamless referrals and joined-up working. These arrangements mitigate the need for drug treatment requirements in many cases.

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

76. If a person has an alcohol problem which is connected to their offending behaviour, they can be ordered to receive counselling or attend a clinic to deal with the problem.



77. A few local authority areas reported that a conduct requirement is typically imposed in place of an alcohol treatment requirement, with the individual then accessing alcohol counselling through a local partner – commonly a third sector partner.

#### **4.1.8 Conduct requirement**

78. Excluding unpaid work, other activity and offender supervision requirements, conduct requirements were the most commonly issued requirements across Scotland during the reporting period, although only 7.5% of all CPOs issued in 2017-18 included such a requirement. Larger numbers of conduct requirements were issued during the early years of CPOs. However, this was before the 2012 appeal court judgement<sup>2</sup> that such requirements must be specific and include more than general conditions to stay out of trouble or to refrain from committing another criminal offence. Following this judgement, the prevalence of conduct requirements fell. The number of conduct requirements did, however, rise sharply by 25% between 2015-16 and 2016-17, and then remained stable into 2017-18. This may have been a contributing factor in the increase in the number of offender supervision requirements issued over this reporting period.

79. Local authority areas report that a common use of conduct requirements is to compel people to allow Police Scotland and Council Officers access to their internet devices. This is in order to ensure that appropriate checks can be undertaken on this equipment to ensure that there is no further offending or breach of their specified conditions.

80. Local areas also report that conduct requirements can be used to exclude a person from a specific location or area that is associated with their offending behaviour, or to give instruction not to approach a victim.

81. The national CPO guidance issued in 2010 does not recommend general alcohol counselling as part of a conduct requirement. However, as previously stated, some areas report that addressing substance misuse issues continues to be specified within a conduct requirement rather than an alcohol or drug treatment requirement.

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<sup>2</sup> Scottish Court Service (2012), High court of judiciary appeal court opinion 96.



## **5. ISSUES AFFECTING SERVICES PROVIDED BY OTHER PARTNERS AND WORK UNDERWAY TO RESOLVE THEM**

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

82. Several areas reported difficulties in accessing mental health services to assess clients. If people have to wait for services it is suspected that some individuals try to alleviate their symptoms using drugs and/or alcohol. This means they are prohibited from accessing mental health services until they are substance free. Several local authority areas have responded by establishing a Recovery Hub where substance misuse, mental health and criminal justice services share a building and work in partnership to ensure people receive the service that best meets their needs.

### **5.2 Access to addiction services**

83. Several local areas report difficulties in accessing assessments and treatments for drug and/or alcohol, with many reporting long waiting lists being a barrier. Local areas are working with local Drug and Alcohol Partnerships to ensure access to services, with assistance from local third sector organisations.

### **5.3 Welfare reform**

84. People experience significant difficulty in accessing and maintaining financial income, often through provision of statutory benefits, which has a significant impact on their ability to engage with offence-focused interventions. This is particularly apparent for those people who access Universal Credit and often have a wait of six weeks or more before any statutory benefit payments are received. One local authority area provides support from justice workers, voluntary agencies and local foodbanks to mitigate this issue.

### **5.4 Access to services in rural locations**

85. A small number of local authorities highlight geographical challenges facing their areas which can impinge on the accessibility of services that are often specialist in nature and intermittent in demand. Poor public transport networks and limited opportunity due to the rural geography of some authorities raise ongoing challenges for the criminal justice service to deliver its statutory requirements. In



terms of delivering unpaid work opportunities for people on CPO, one local authority area has mitigated these issues by introducing a number of working groups that start later in the morning to accommodate people who face issues such as childcare, health difficulties and limited transport options.

## **5.5 Housing**

86. Several local areas report issues with the provision of housing, including emergency accommodation and tenancies, due to high demand and limited housing stock. One local authority area reports that liaison with local housing managers has been informative and ensures that the housing needs of people with convictions are given appropriate consideration.

## **6. ANY OTHER RELEVANT INFORMATION**

### **6.1 Local partnership arrangements**

87. Local authority areas recognise that to work effectively with people subject to a CPO it is important to work holistically and see people in the context of the challenges they face on a day to day basis. To do this, criminal justice services need to work with a wide range of partners that are involved with that person or who may be able to positively impact on their presenting risks and needs.

88. Several local authority areas also recognise the importance of links between their Community Justice Partnership and the voluntary sector, particularly in relation to service provision and support for individuals to achieve positive outcomes. Many areas report activity to strengthen links with the voluntary sector to ensure sustained activity going forward.

### **6.2 Funding and resources**

89. Some local authority areas report the increased use of other community interventions such as Structured Deferred Sentences and Restorative Justice to further prepare a person for their CPO. Although these areas wholly embrace the value of these interventions, the resources attached through the current funding calculations are thought to be inadequate.



### 6.3 Supporting vulnerable groups

90. Several local authority areas have established a bespoke service which is designed to meet the specific needs of women. Often this service is delivered in partnership with other local organisations and includes interventions for a broad range of needs such as physical, mental and sexual health, trauma, abuse, offending, literacy, life skills, confidence and self-esteem.
91. Often, young people are offered more intensive support both before and during their CPO, with interventions tailored to ensure they are age appropriate. The transition from children's services to adult services can often be difficult and several local authority areas report the extension of youth justice services over the age of 16. This often means that the young person can be supported using a whole systems approach and includes, for example, supporting the young person through the court process.
92. Several local authority areas report delivering bespoke services for specific groups of people including veterans, people with a learning difficulty or disability, and people with gambling-related offending behaviour.

### 6.4 Trauma Informed Practice

93. Training for staff in relation to trauma informed practice has been delivered in several local authority areas. In one local authority area, a three month pilot aims to develop the CJSW service to be more trauma responsive and to increase likelihood of successful, positive outcomes for individuals.

## 7. FURTHER INFORMATION

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



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

## 7.1 External links

96. Information about local arrangements for the CPO can be found on local authority websites:

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



## ANNEX A

### **A Summary of the Guidance to Local Authorities on CPO Annual Reports**

Section 227ZM of the Criminal (Procedure) Scotland Act 1995 (the 1995 Act) imposes a duty on local authorities to submit annual narrative reports on the operation of the CPO (see **Annex A**).

The Community Justice (Scotland) Act 2016 (the 2016 Act) established Community Justice Scotland as a new national body to oversee community justice in Scotland, coming into operation on 1 April 2017.

In addition, Schedule 2 of the 2016 Act amended the provisions of the 1995 Act by giving Community Justice Scotland responsibility for the completion of the summary of local authority narrative reports on the CPO. Annex A sets out the relevant section of the 1995 Act as amended.

### **Fulfilling the requirement**

Circulars LJ/02/2013 and JD/5/2011 explained that local authorities would be expected to fulfil the requirement at Section 227ZM of the 1995 Act in two ways:

- (i) by continuing to submit statistics for each financial year to the Scottish Government on the operation of community sentences in their areas; and
- (ii) in addition to these statistics, by providing a narrative account of the implementation and operation of the CPO in the financial year to which the statistics refer.

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

### **Narrative accounts**

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

- a description of the types of unpaid work projects and activities which have been carried out;
- the total number of unpaid work hours **completed** (not imposed) during the year;





- information that helps to demonstrate how communities benefit from unpaid work, for example that could include:
  - examples of the total number of hours spent on specific projects/activities (e.g. X hours of unpaid work upgrading community sports and leisure facilities);
  - numbers of facilities which have benefited during the year e.g. the number of church halls; care homes; schools; parks and beaches etc.
  - examples of work which has been done in partnership with local or national organisations and agencies e.g. Historic Scotland, Rotary Club, Sportscotland etc;
  - examples of work with a direct immediate personal benefit, such as winter weather-related work.
- if available, quotes from people on CPOs and beneficiaries about the impact of the unpaid work on them and the community;
- a description of the kinds of "other activity" carried out as part of unpaid work or other activity requirements;
- a description of what activities were carried out to consult prescribed persons and organisations, pursuant to Section 227ZL of the Criminal Procedure (Scotland) Act 1995 Act, and wider communities on the nature of unpaid work and other activities and how the consultation results helped determine which projects were undertaken;
- a description of the use by the courts of CPO requirements other than unpaid work, for example what, and in what way, different requirements are being used for those whose offending is driven by drug, alcohol and mental health issues; or how requirements such as programme or conduct are being used to address offending behaviour;
- details of any issues affecting access to services which are provided by other partners (e.g. drug and alcohol services) and, where such issues have been identified, what work is underway to resolve them; and
- any other relevant information e.g. a description of other work being carried out with people on CPOs which does not fall into the category of a requirement but nevertheless contributes to addressing offending behaviour.

The template to be completed is attached at Annex B.



# COMMUNITY PAYBACK ORDER ANNUAL REPORT

FINANCIAL YEAR: 2016/17

LOCAL AUTHORITY:



**Types of unpaid work projects and activities which have been carried out; the total number of unpaid work hours completed during the year; and information and examples that help to demonstrate how communities benefit from unpaid work.**



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



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



**Activities carried out to consult prescribed persons and organisations, pursuant to section 227ZL of the 1995 Act, and wider communities on the nature of unpaid work and other activities and how the consultation results helped determine which projects were undertaken.**



**Use by the courts of CPO requirements other than unpaid work, for example what, and in what way, different requirements are being used for those whose offending is driven by drug, alcohol and mental health issues; or how requirements such as programme or conduct are being used to address offending behaviour.**



**Any issues affecting access to services which are provided by other partners (e.g. drug and alcohol services) and, where such issues have been identified, what work is underway to resolve them.**





**Any other relevant information. 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.**



COMPLETED BY:

DATE:

CONTACT FOR QUERIES ABOUT THE REPORT

Name:

E-mail:

Telephone:

