

Community Payback Order Annual Report 2016/17**Report by Allister Short Joint Director Health and Social Care****1 Purpose of Report**

The purpose of this report is to provide a context for the Community Payback Order (CPO) Annual Report 2016/17 which is attached below.

2 Background

Section 227ZM of the Criminal (Procedure) Scotland Act 1995 imposes a duty on local authorities to submit an annual report on the operation of the Community Payback Orders (CPOs) to Scottish Ministers. Circular LJ/02/2013, which was issued to local authorities on 23 September 2013, explained that local authorities would be expected to fulfil this requirement in two ways:

- By continuing to submit statistics for each financial year to the Scottish Government on the operation of community sentences in their areas; and
- 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.

This is the fifth CPO Annual Report provided for Scottish Ministers since CPOs were introduced in February 2011. The Scottish Government provided a template for the report prior to the compilation of the 2012/13 report and confirmed that the same template was to be used for subsequent reports. The template focuses on Unpaid Work to a greater extent than other aspects of CPOs.

3 Report Implications

The report includes extensive feedback from service users (individuals subject to CPOs) and from the beneficiaries of Unpaid Work projects. The Criminal Justice team, now in conjunction with Community Justice staff members, are very keen to consult with communities as fully as possible about Unpaid Work and other aspects of Community Justice. In 2014/15 Midlothian Criminal Justice Team set up an interactive facility on the Council website where members of the public can suggest ideas for Unpaid Work projects, comment on completed or ongoing projects and ask any questions about how service users are supervised on CPOs. Suggestions have been forthcoming for Unpaid Work projects that the team take on where possible and appropriate. Briefing sessions to other community groups and elected members have also generated referrals.

In addition the Citizen's Panel questionnaire has included a question about Unpaid Work for the last few years. In the 2016/17 survey the largest group, 75% of respondents, wanted to see the Unpaid Work team improve community facilities. 74% wanted to see the team landscaping parks and playgrounds and 64% wanted to see the team improve the lives of communities and individuals affected by crime. The Unpaid Work team has been involved in all of these types of projects during 2016/17.

As can be seen from the report, feedback from service users and beneficiaries is generally positive. The Unpaid Work team offered a number of individual placements over the past year as well as small group projects. Obviously risk assessments are undertaken before individual placements are agreed. Team members have also focused on increasing the number of projects and placements where service users have face to face contact with the beneficiaries of the work they have carried out. The work done by individuals on Unpaid Work on large projects, such as in the country parks, is very much appreciated by the forest rangers. However staff members are keen to maximise the number of projects and placements where the person on the order can directly appreciate the positive impact of the work they carry out. This is more meaningful for clients and beneficiaries and therefore more likely to change attitudes.

The Criminal Justice team continues to look at ways to communicate to the public the challenging work that clients undertake when on a CPO with a supervision requirement. This would previously have been known as a Probation Order. There is often an impression that if an individual does not receive a custodial sentence they do not have to face up to the consequences of their behaviour. In fact Criminal Justice social workers spend much of their working lives assessing and managing risk and delivering offence-focused interventions to their clients. The impact of offending behaviour on victims and encouraging individuals to confront the issues that have led to them becoming involved in offending in the first place are key components of supervision. Individuals subject to CPOs who have committed sexual or domestic abuse offences are usually required to undertake lengthy and challenging programmes that combine group and individual components.

The new structure for Community Justice in Scotland is now in place, with CJAs being disestablished in March 2017. The Community Justice (Scotland) Act 2016 includes a statutory duty to consult with local communities as well as partner agencies. The first community consultation on Community Justice in Midlothian took place in the autumn of 2016 and a second consultation has recently closed and the results are being analysed.

In relation to the autumn 2016 survey, there were 122 responses. 72% of respondents had not previously been aware of Community Justice. Respondents were asked to rate in order of importance the needs and issues known to relate to offending and reoffending and the results were as follows:

	No. Answered	% High	% Med	% Low
Education	112	68.6	29.5	5.4
Alcohol	116	68.1	30.3	4.3
Drugs	114	80.7	15.8	7
Attitudes	116	74.1	26.7	2.6
Youth ASB	114	84.2	16.7	2.6
Housing	109	47.8	45.9	10.1
Employment	114	72.8	27.2	3.5
Parenting/Family Life	111	76.6	22.5	4.5
Finances	110	50	46.4	7.3
Victims of abuse	110	88.2	12.7	2.7
Mental health	113	88.5	12.4	2.7

Midlothian Community Safety and Justice Partnership took the results into account when creating the three-year Community Justice Outcomes Improvement Plan which was submitted to the new national body, Community Justice Scotland, at the end of March 2017.

In August 2017 representatives of Community Justice Scotland attended the Community Justice Working Group and then met with key staff to provide feedback about the Community Justice Outcomes Improvement Plan. This was generally very positive and the recommendations for improvement, which mainly involved making some of the indicators more specific, will be included in the plan when it is refreshed prior to the end of March 2018.

The Community Safety and Justice partnership hopes that the new structure, and the requirements for community consultation inherent in it, will reinvigorate conversations about offending behaviour and the responses to it in Midlothian. In the past year a number of briefings about Community Justice have taken place with community councils, tenants' associations and other community groups, with a presentation also made to the Integration Joint Board. The chair of Community Justice Scotland, Karyn McCluskey, attended the Community Safety and Justice Board meeting in March 2017.

Resource

There are no resource implications from this report. Criminal Justice Social Work continues to be paid for by ring-fenced Section 27 funding that comes from the Scottish Government. A new funding formula was introduced when the new structure was established in April 2017. This resulted in an uplift in Section 27 funding for Midlothian.

Over the past three years every local authority has received an extra £50,000 per annum to help with the transition to the new structure. This is due to end on 30th March 2018 although there are indications that it may continue in some form. The Section 27 uplift can be used to support Community Justice planning if required.

Risk

There is no risk implication deriving from this report.

Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ✓ ☐ Community safety
- ✓ ☐ Adult health, care and housing
- ✓ ☐ Getting it right for every Midlothian child
- ✓ ☐ Improving opportunities in Midlothian

Key Priorities within the Single Midlothian Plan

This report is relevant to the following priorities:

- Reduce anti-social behaviour
- Reduce re-offending
- Reduce violent crime
- Violence Against Women
- Crimes of Dishonesty
- Protecting Midlothian's Children
- Protecting Adults at Risk
- Community Involvement in Setting and Delivering Community Safety Outcomes

Impact on Performance and Outcomes

The Criminal Justice team in Midlothian performs well in relation to National Outcomes and Standards for Criminal Justice Social Work and significantly contributes to safer communities in Midlothian. The team works closely with partners such as police, particularly in managing individuals assessed as at risk of causing significant harm and Midlothian Criminal Justice social workers are perceived by other agencies as being strongly committed to partnership working.

Adopting a Preventative Approach

The Criminal Justice team works to prevent re-offending but only becomes involved once an individual has offended. One exception to this is the "Spring" service for women with multiple and complex needs, where women at risk of offending are eligible as well as women already involved in the Criminal Justice system.

The Community Justice partnership provides opportunities for prevention and early intervention through the inclusion of agencies such as education and children's services.

Involving Communities and Other Stakeholders

The CPO Annual Report is to a large extent based on feedback from communities and other stakeholders, particularly in relation to Unpaid Work. However the wide-ranging consultation exercises now forming part of the Community Justice agenda will enhance our ability to take the community's views into account when planning and delivering services.

Ensuring Equalities

The Criminal Justice team set up the Spring service in 2014 as a result of recommendations in the Commission for Women Offenders report (April 2012) that women in the Criminal Justice system cannot be expected to engage successfully with services set up originally for male offenders including community disposals such as CPOs.

The Spring service has gone from strength to strength and we now have a full-time Spring social workers as well as a part-time Team Leader.

Supporting Sustainable Development

No implications.

IT Issues

No implications.

5 Recommendations

It is recommended that Council notes the contents of the Community Payback Order Annual Report 2016/17.

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Report Contact: Margaret Brewer Statutory Service Manager 271 3833

