



## COMMUNITY PAYBACK ORDERS: ANNUAL REPORT 2011/12

### 1. Introduction

The Criminal Justice and Licensing (Scotland) Act 2010 (new section 227ZM of the Criminal (Procedure) Scotland Act 1995) imposed a duty on Local Authorities to submit an annual report on the operation of the Community Payback Order (CPO). Guidance was thereafter issued to all Local Authorities (circular JD/5/2011) in November 2011 on how to fulfil this duty. Guidance on community consultation on the unpaid work and other activity requirement was also issued to Local Authorities in February 2011.

**This is the CPO Annual Report for the Partnership covering the year 2011/12 and fulfils the requirements of Argyll and Bute Council, East Dunbartonshire Council and West Dunbartonshire Council under the above Act.** It is the view of the members of the Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership that the full picture with regard to the consequences of the implementation of CPO cannot be gauged from the first year of operation. We take the view that having successfully implemented CPO and achieved some success in raising the public profile of Community Payback through the medium of unpaid work, there is further work to be done in establishing the principles of payback both in the public consciousness, with partner organisations and Sentencers.

### 2. Management

From an operational perspective the participation of all front line managers in the preparation of an implementation plan supported a high degree of readiness and largely problem free implementation within the Partnership. Among the measures taken was a re-organisation of unpaid work teams/arrangements in order to improve efficiency and support the development of placement opportunities.

In Argyll and Bute the Supervisor posts were redesigned which resulted in the creation of two new posts of Unpaid Work Officer, one in West Argyll and one in East Argyll, with Sessional supervisor posts in Oban, Lochgilphead/Campbeltown, Dunoon and Bute. Current Assistant posts were also redesigned into Community Payback Officer posts to assist Social Workers in case management and delivery of CPO requirements.

In West Dunbartonshire the working day for Supervisors was reduced from 7 to 6 hours with amended Supervisor contracts. This allows individuals to undertake two days (12 hours) per week. A second Assistant post was also created to help manage the increase in number of work squads. Turning Point staff have also been working alongside Criminal Justice Social Work (CJSW) to assist in the delivery of CPO requirements.

East Dunbartonshire is about to undertake a similar review which should be completed during 2012/13.

Internal processes were also amended to comply with new national standards and guidance on CPO

### 3. Unpaid Work and Other Activity

Unpaid work enjoys a higher public profile than was previously the case with Community Service. In part this is due to the general appeal of the concept of payback which appears to strike a chord with individuals and community organisations. Throughout the Partnership unpaid work staff have taken advantage of a more receptive public climate to promote and consult regarding unpaid work projects. Success in generating positive media coverage in the local press/radio has generated further interest in and referrals to the unpaid work teams within the Partnership. The Partnership has reviewed and implemented the criteria upon which projects are accepted and undertaken (see below re consultation).

Unpaid work projects in 2011/12 have included; in East Dunbartonshire providing assistance to the Royal National Institution for the Blind (RNIB) to prepare their local facility for an open day. This included the development of a sensory garden which had been a long standing objective of RNIB at this location. What was a relatively complex job was completed in four weeks. In a letter of thanks RNIB said. ***“...the garden looks great and we are very pleased with the end result. Without help from volunteers like you I don't think we would have been able to include as much as we have – a very big thank you from us all here.”***

In West Dunbartonshire, the unpaid work team worked in collaboration with the Housing Department and Public Reassurance team on behalf of the local community to clear badly maintained tenement gardens and bring a play park back into usable condition, enabling the subsequent installation of new facilities/equipment. Work of a similar nature will be undertaken in East Dunbartonshire this year.

In Argyll and Bute work has been undertaken on path construction and clearance of nature trails and historic walks in Cowal and construction work in support of a café project in Campbeltown with KADAS, the local substance misuse project.

For some time the Partnership have been looking for an opportunity to develop a relationship with the National Park Authority in West Dunbartonshire and Argyll and Bute. Preparatory work undertaken in 2011/12 has resulted in arrangements for the West Dunbartonshire unpaid work team (which also covers Helensburgh/Lomond) to regularly clear and tidy the various lay bys and public picnic areas on the west side of Loch Lomond and the head of Loch Long at Arrochar.

Whilst the above are examples of work undertaken in fairly public settings CPO (unpaid work) continues to benefit individuals in need; for instance mono-blocking around a house to improve access and mobility for an elderly disabled person in East Dunbartonshire or providing a placement suited to the particular cultural needs of an individual offender.

A full list of projects can be found at Appendix 1.

## 4. Use of Requirements

The most used requirement other than unpaid work/supervision was the conduct requirement, most regularly in terms of not committing further offences/being of good behaviour. At the time of writing the Partnership is monitoring whether or not the appeal court decision effectively prohibiting further use of the conduct requirement for this purpose is having an impact on the use of CPO and supervision requirements in particular. Other than conduct requirements courts have not made use of the suite of requirements in significant volume. The facility to require alcohol treatment is the most frequently used other requirement. Notwithstanding the low volume of use it remains the case that Criminal Justice Social Work Services regularly refer to and collaborate with third sector partners on a regular/frequent basis particularly in the area of addiction. The appropriate use of requirements is an area of practice which will be addressed in the coming year.

In the lead up to the implementation of CPO there was some concern at the potential for confusion between the use of drug treatment requirements and Drug Treatment and Testing Orders (DTTO); the legislative criteria for their respective use being in many respects at least superficially similar. These concerns were to some extent borne out in a very small number of cases where the sentencer had clearly made assumptions with regard to a drug treatment requirement which would more appropriately have been accommodated by DTTO.

The period 2011/12 is the first in which the initial impact of the introduction of Community Payback Orders can be judged. It should be noted that Community Service and Supervised Attendance Orders continued to be received, albeit on a diminishing basis, over the course of the year and for the Partnership as a whole represented the majority of orders involving unpaid work. This was particularly the case in West Dunbartonshire where 71% of new orders (unpaid work) were Community Service or Supervised Attendance in contrast to Argyll and Bute and East Dunbartonshire where these disposals accounted for 41% and 46% of new orders respectively. The situation with regard to orders involving supervision presents a more consistent picture with CPO (supervision requirement) representing 72% of new orders with supervision in Argyll and Bute and 66% in both West and East Dunbartonshire. East Dunbartonshire appears to have felt that impact in terms of an overall increase in new orders whilst West Dunbartonshire and Argyll and Bute have a similar volume of new work to that of 2010-11. It is interesting to note that this has been achieved within the context of a decline in demand for Criminal Justice Social Work Reports in Argyll and Bute and West Dunbartonshire and modest increase in East Dunbartonshire within the context of a relatively static demand for Criminal Justice Social Work Reports.

The principal features and trends worthy of note include an increase in new orders in East Dunbartonshire and a high percentage of CPO with both supervision and unpaid work requirements (74%).

## 5. Interventions

There is clear evidence of improvement in the quality of risk assessments, returning the considerable investment at national and local level in training, and linkage with risk/case management plans. Following from this, there is evidence from recent case audits that in almost all CPO (supervision) cases, Criminal Justice Social Work is working in partnership

with other statutory or third sector agencies in order to address a range of needs identified in risk assessments, and in support of rehabilitation and re-integration.

This is achieved in sometimes challenging circumstances, for instance in Argyll and Bute where the distribution of work over a large area between relatively small communities renders the benefits of scale non-existent. Nonetheless, case managers use local knowledge to positive effect in accessing training, employment and developmental opportunities for individuals and deploying the resources of statutory and third sector partners to good effect in the fields of addiction and mental health.

East Dunbartonshire similarly enjoys well established links with statutory and third sector agencies in support of their work, including those offering employment/training opportunities. Over the past year, the Criminal Justice Team have strengthened their response to the role of alcohol use/dependency through participation in the local Alcohol Screening and Brief Intervention (ABI) strategy.

The West Dunbartonshire based CJSW team, which for operational purposes includes the Helensburgh/Lomond area of Argyll and Bute, is able to benefit from a higher volume of work/demand within a relatively small area with excellent public transport. The relatively high number of women offenders has permitted the establishment of a women's group-work programme, access to the Constructs PSSO programme and the support of a women's safety and support service with regard to the victims of domestic violence and women offenders affected by gender based violence. The Turnaround Service (Turning Point Scotland) are co-located and support CPO case management plans in the fields of employment, addictions and aspects of offence focussed work such as victim awareness. They also deliver other activities in respect of unpaid work. In recent months the service has been extended to Argyll and Bute (Dunoon/Cowal) and it is hoped to offer similar benefits to East Dunbartonshire.

## **6. Issues and Action**

As a consequence of service reorganisation in anticipation of the implementation of the Criminal Justice and Licensing (Scotland) Act 2010, there has been significant progress with regard to satisfying the service's obligations regarding immediacy and speed; getting offenders inducted and on placement quickly and Orders completed timeously.

The changes which have involved more robust initial reporting and induction arrangements and changes to placement working hours have been associated with improved levels of initial and overall compliance.

At the outset of the implementation of CPO the Partnership met with statutory and third sector partners in the addictions field. From the basis that the CJSW service was the most significant referring agency in many areas there was some concern that in the event of high levels of demand for drug and alcohol treatment requirements or assessments in connection with these requirements the relative ease and speed of response might be threatened. There was also some concern that there might be additional burdensome administrative demands on partner agencies. On the whole these concerns have not materialised in operational terms. However, these are issues which will require to be revisited within the context of a review of the appropriate use of requirements.

The question of provision of psychiatric reports and access to appropriate mental health services was raised in the report of the Commission on Women Offenders. The concerns arising within that context are shared within the wider Criminal Justice field both in relation to Psychiatric and Psychological services.

## **7. Impact on Reducing Reoffending**

As noted above, it is the Partnership's view that it is not yet possible to judge the full effect of implementation. It is important to note that across the Partnership there have been regular fluctuations in demand and activity levels over the years, in which case it would be premature, at this stage, to correlate any rise/reduction in new orders directly to the implementation of CPO, particularly as there may be other factors such as changes to patterns and levels of crime, local sentencing practice and the effect of declining and ageing populations.

The Partnership has, therefore, not made any assessment of the impact of the CPO on reducing reoffending during the year. CPO has also not yet fully replaced Probation, Community Service Orders and Supervised Attendance Orders which are still being given to offenders. Once CPO has replaced these disposals some assessment may be relevant.

## **8. Consultation**

The relationship between increased public confidence and visibility is an important element of CPO (unpaid work) as is greater engagement with communities regarding tasks/projects. Until recently a feature of unpaid work undertaken by offenders through CSO and SAO was very high levels of "customer" satisfaction from those individuals and organisations receiving the service, but little or no appreciation among the wider public of its value, either to the community or in terms of positive outcomes regarding re-offending.

The Partnership authorities have achieved higher levels of public engagement and positive publicity over the course of 2011-12. This includes a survey with prescribed persons and organisations, each Council having a public feedback section on its website, coverage of projects in local newspapers, the forming of links with community organisations, sometimes in collaboration with other local authorities or public bodies and on one occasion a commendation from a local MSP in the chamber of the Scottish Parliament. Full details of consultation undertaken can be found in Appendix 2.

Discussions held with groups/organisations have resulted in agreement on degrees of importance for projects, value to the community/individuals/groups and whether or not they are within the capabilities of the scheme. This helped to determine which projects were prioritised and have also resulted in some agency placements.

Activities which have been carried out throughout the year to communicate the benefits of community payback orders to the wider community are -

- Publicity in local press on projects being undertaken/completed
- Details on Council Websites
- Feedback via councillors
- Use of Council intranet
- CJA newsletter
- Organised press release informing the community about the new muck-trucks

## 9. Conclusions


The inclusion of front line managers in the implementation phase allowed the Partnership to successfully implement CPO. Changes in management of orders and staffing achieved early on have also allowed us to improve our efficiency.

Consultation and agreements made with local communities and organisations has started to pay off with good publicity, projects and placements being realised.

A good number of high profile projects have been undertaken throughout the year which has been of benefit to the local communities and the offenders. Some offenders have also gone on to secure either volunteer or paid employment following undertaking unpaid work in the community.

We have a good relationship with our partner agencies that provide us with individual placements for offenders. These have been very positive for the offender and the agency and will continue to be used in the future.

Future developments will include increasing use of other activity and placements in Argyll and Bute; the creation of extra squads by recruiting more supervisors to cope with increase in orders in East Dunbartonshire and upgrading of workshop facilities in West Dunbartonshire to improve the variety of tasks undertaken and accommodate those only able to carry out light duties etc. East Dunbartonshire will also conclude the review of delivery of unpaid work.

A handwritten signature in black ink on a light yellow background. The signature appears to be 'J. Kenie' written in a cursive style.

Head of Children's Health, Care and Criminal Justice Services  
Chief Social Work Officer  
West Dunbartonshire Council.

On behalf of the Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership.

The following are lists of the types of work undertaken within the Partnership on unpaid work and other activity throughout the year.

**Unpaid Work Activities**

Argyll and Bute	East Dunbartonshire	West Dunbartonshire
<b>General squad work:</b>		
<ul style="list-style-type: none"> <li>• Painting benches</li> <li>• Litter picking lay bys, car parks and villages</li> <li>• Grass cutting</li> <li>• Beach cleaning</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental and Bio Diversity work for groups and individuals</li> <li>• Gardening for groups, the elderly and infirm</li> <li>• Decorating for groups</li> <li>• Landscaping for groups and individuals</li> <li>• Graffiti removal</li> <li>• Car cleaning for the elderly and disabled</li> <li>• Leaflet dropping for groups Furniture moving for O/T and Hospital S/W</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental Work/vegetation clearance</li> <li>• Painting &amp; Decorating – both residential and public buildings</li> <li>• Allotments in Levensgrove Park and Dalmuir</li> <li>• Leaflet drops</li> <li>• Upgrading of community football stadium which involved fencing and roughcasting, painting</li> <li>• Litter picking /fly tipping</li> </ul>
<b>Project work:</b>		
<ul style="list-style-type: none"> <li>• Winter gritting</li> <li>• Relocating garden nursery for adult with learning difficulties group in Oban</li> <li>• Connel loch side scrub clearance</li> <li>• Collecting and bundling reeds for Auchindrain museum (thatching)</li> <li>• Path construction at Lochgilphead Joint Campus</li> <li>• Maintenance work at Campbeltown Organic Garden</li> <li>• Building work to set up KADAS cafe project</li> <li>• Garden project for Rothesay primary school</li> </ul>	<ul style="list-style-type: none"> <li>• Mugdock Country Park tree planting, sign erection, walkway clearance, dry stone walling, pond clearing, general environmental and bio diversity maintenance</li> <li>• Milngavie in Bloom urban centre planting, weed clearing and river bank tidy</li> <li>• Carnie Angling Club ground maintenance, bird and bat box fitting, fish stocking</li> <li>• British Waterways Board tow path clearing, lock painting, etc</li> <li>• Schoenstatt Sisters of Mercy ground</li> </ul>	<ul style="list-style-type: none"> <li>• Millburn Football Stadium</li> <li>• Redecoration of Clydebank Methodist Church</li> <li>• Redecoration of Dalmuir Tenants Association Halls</li> <li>• Redecoration work in several WDC Elderly Residential Units</li> <li>• Repaving of entrance and monoblocking driveway of St. Peter's Church</li> <li>• Storm clearance and improvement of River Leven foot/cycle path</li> <li>• Westcliff Public Reassurance Project</li> <li>• Snow clearing and winter gritting</li> <li>• Storm clearance,</li> </ul>

<ul style="list-style-type: none"> <li>• Bute is Beautiful Campaign clearing up fly tipping, scrub clearance, grass cutting</li> <li>• National Spring Clean in Bute and Cowal</li> <li>• Path construction and clearance of nature trails and historic walks in Cowal</li> <li>• Outdoor projects with Helensburgh and District Access Trust and Duchess Wood Association</li> </ul>	<p>clearing, tree cutting, cultivation, memorial bench restoration</p> <ul style="list-style-type: none"> <li>• Winter snow and ice clearing for individuals and groups most at risk in the community</li> <li>• RNIB open day and sensory garden</li> </ul>	<p>vegetation clearance and upgrade of path surrounding Helensburgh Skating Pond and Upland Way</p>
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### Other Activities

Argyll and Bute	East Dunbartonshire	West Dunbartonshire
<ul style="list-style-type: none"> <li>• Community Education courses – IT, parenting, cooking, budgeting, literacy, life skills</li> <li>• HELP project – environmental conservation</li> </ul>	<ul style="list-style-type: none"> <li>• Employability and Literacy</li> </ul>	<ul style="list-style-type: none"> <li>• Most of the other activity provision is carried out by Turnaround who are co-located within WDC CJ Team</li> <li>• Women’s Group that is run internally</li> <li>• Parenting Group run by Children and Families</li> <li>• Referrals continue to be made to literacy project, Venture Trust, Employability services etc.</li> </ul>



## Appendix 2

The list below shows the consultation undertaken by the Partnership during the last year with local communities.

Argyll and Bute	East Dunbartonshire	West Dunbartonshire
<ul style="list-style-type: none"> <li>• Discussions and site visits with Connel Community Council regarding project work for squads</li> <li>• Discussions with Council Roads dept regarding lay by and car park maintenance in Lorn</li> <li>• Attending meetings of Community councils</li> <li>• Discussions with Tiree Community Council regarding placements on Tiree</li> <li>• Discussions with KADAS, Campbeltown Community Organic Garden and Employability Team about possible placements</li> <li>• Discussions with Lochgilphead Phoenix Group regarding project work for squads</li> <li>• Discussions ongoing with Cowal Community Forestry regarding project work in national park and local forests</li> <li>• Discussions with Kirn Parish Church Committee regarding project work for squads</li> <li>• Discussion with Helensburgh and District Access Trust and the Duchess Wood Association regarding project work for squads</li> </ul>	<ul style="list-style-type: none"> <li>• Regular consultation with Community Councils, Councillors and local residents and groups regarding project work for squads and placements</li> </ul>	<ul style="list-style-type: none"> <li>• Presentations provided to local community councils and JP Training events.</li> <li>• Partnerships formed with National Park, British Waterways and inter departmental groups such as Public Reassurance Team responsible for tackling anti-social behaviour within communities and Greenspace</li> <li>• Discussions with Allander Rotary</li> <li>• Discussions with Dalmuir Plot Association (allotments)</li> </ul>