

REPORT TO: Policy and Performance Review Committee

MEETING DATE: 9 November 2016

BY: Chief Social Work Officer

SUBJECT: Community Payback Orders Annual Report 2015/16

1 PURPOSE

To provide the Committee with information about Community Payback Orders (CPO) in East Lothian. The CPO Annual Report 2015/16 is a statutory requirement that the Scottish Government requests each year.

2 RECOMMENDATIONS

- 2.1 Members are asked to note the 2015/16 Annual Report.

3 BACKGROUND

- 3.1 Within section [227ZM](#) of the *Criminal Procedure (Scotland) Act 1995* (the 1995 Act), it imposes a duty on local authorities to submit an annual report on the operation of the Community Payback Order in their area to Scottish Ministers.

4 POLICY IMPLICATIONS

- 4.1 The attached report highlights the variety of work that is undertaken by offenders when subject to a CPO in East Lothian. This includes all requirements that can be made, although the majority of Orders have either supervision or unpaid work requirements added.
- 4.2 The report highlights the importance of community sentences and the positive impact that they can have on both the offender and the community.

5 INTEGRATED IMPACT ASSESSMENT

The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial – none

6.2 Personnel - none

6.3 Other – none

7 BACKGROUND PAPERS

7.1 The CPO Annual Report 2015/16 is attached as an appendix.

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COMMUNITY PAYBACK ORDER ANNUAL REPORT

FINANCIAL YEAR: **2015/2016**

LOCAL AUTHORITY: **East Lothian Council**



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.

East Lothian's location provides a diversity of communities from rural to semi-urban from coastal to landlocked. The Community Payback team undertake various unpaid work projects and activities, delivered by either supervised work groups or individual placements with charities, social enterprises, local Council departments and other third sector agencies.

A risk assessment process is undertaken by unpaid work staff where the individual will be matched to a placement having taken account of availability, attitudes, risk factors, skills and vacancies within actual placements.

Examples of unpaid work include:

Landscape Development and Management

Due to the geographical area that East Lothian covers, this type of activity provides a significant part of our unpaid work programme. Activities in this area include:

- The maintenance of rights of ways and network paths to allow safe pedestrian or bike access
- Grounds maintenance at Prestongrange Mining Museum, Cockenzie House (Community Trust), Whatton Lodge (Miners Convalescent Home), Dunbar Community Woodland Group and Dirlton Community Orchard (**these are long-term commitments**)
- The continued development of a Criminal Justice allotment site at Muirpark, Tranent and supporting five other third sector organisations to develop and maintain allocated plots. The Unpaid Work team will also reinstate terminated or abandoned plots in the general allotment site to a condition which allows the new occupant a plot that is ready to be developed. (**an on-going commitment**)
- Reinstatement of pathway through a wooded area on behalf of a local Housing Association

Garden Project

The pilot project to upgrade gardens of tenants who were engaging with the Council's Tenancy Support Team has continued. For some, the outcome of Unpaid Work team involvement has meant no sanction has been taken against the tenant for breach of tenancy conditions. The Unpaid Work team have now progressed a further 20 referrals in the latest period. The benefits of this arrangement for all parties are clear – tenants get a new service; neighbour complaints are reduced; Council resources are saved; and Community Payback clients see the outcome and impact of their work on individuals and the immediate community.

Placements

Lewisvale Park and Inveresk Cemetery are long-term placements where offenders work alongside the staff team. Offenders are involved in all aspects of landscape work, including the use of tools and equipment.

Recycling First is a social enterprise involved in the collection, storage and delivery of furniture and household goods. Placements involve working on the van alongside staff, people on work experience placements and volunteers.

Strive, a third sector interface for East Lothian, provides support, learning and development opportunities for both individuals and organisations. Unpaid work teams have been involved in supporting the staff team to clear an untidy site (this is called the community growing and learning project) to enable further work to be planned. Placements with their growing site development have been made available following our involvement. More information will become available as this project progresses.

Charity shops continue to provide personal placements where offenders work alongside other volunteers and any paid staff. Tasks carried out will depend on skills and ability but can range from preparing items to be sold by steam cleaning, pricing etc through to stock rotation and customer service.

The Dunbar Amenity Officer continues to offer Unpaid Work placements on the Amenity Services van and local golf course. Unpaid Work placements here add value, actively supporting and enhancing the service available to the public. Unpaid Work teams have also supported the Countryside Ranger service by providing cover at beach sites for special events or where additional input is required.

Painting and Decorating

This area of work tends to be reserved for inclement weather. No major interior painting jobs have been undertaken in this period.

Bike Project

Once repaired and serviced, bikes are redistributed within the local community. Requests come in from a variety of sources but include:

- Supporting integration by increasing local area knowledge, health, and recreational activities, all newly arrived Syrian refugee families have been offered bikes. The Tenancy Support Officer provides necessary information such as gender, age etc to help with this process
- Demand from Unpaid Work clients, who are able to work on the bike then purchase it. This brings health benefits, and for some, also provides a means of transport to get to their employment.

Miscellaneous

Litter picking throughout East Lothian communities. However, this activity is encouraged when part of a local initiative which involves unpaid work clients working alongside community helpers, rather than working in isolation.

Work undertaken alongside other volunteers include:

- North Berwick Beach Clean Ups
- River Tyne Clean Ups
- Strive

Workshop

- Recycling bicycles through the collection, refurbishment and re-distribution to local community groups or their clients and Criminal Justice clients.
- Restoration of park benches.
- Commencement of a project building pallet furniture which is then donated to voluntary groups.

We are actively looking at how we can develop the workshop to enable us to increase the variety of activities available. This gives us more flexibility when dealing with clients with specific needs as well as a safe and warm environment to work from when the weather is unpleasant.

NHS Lothian Pilot Project

We are currently revisiting joint working opportunities with NHS Lothian following grounds maintenance work we undertook at Edenhall Hospital. Our focus is not just on Unpaid Work teams doing grounds work but exploring options for supporting and enhancing current NHS activities by adding value through work placements.

Unpaid Work Orders Completed

Order Type

Total hours completed during 2015/16 = **19,753**

Total number of hours made during 2015/16 = **18,593**

CPO – with Unpaid Work only 1,310 (under 21s); 10,484 (21+)

CPO – with Supervision & UW 1,452 “ “ ; 5,347 “

(**Note:** The disparity in figures relates to the fact that some orders were made in 2014 and completed in 2015/16. The total hours made in 2015/16, is the number of hours specified in new Orders for that year).

There has been a reduction of **6,345** hours in the total hours completed for 2015/16 when compared with the previous year. Contributing factors would appear to include:

- Community service orders; s229 probation orders; and supervised attendance orders no longer exist
- Haddington Sheriff Court closed and business was transferred to Edinburgh. The local Sheriff did play an active role in these orders with breaches submitted to Court often dealt with by the Orders being extended or/and adding extra hours to the unpaid work requirement (rather than custody). This practice does not appear to be happening to the same degree in Edinburgh
- The EL unpaid work team is relatively small. Due to a long-term sickness, offenders were only offered 1 day per week rather than 2. As such, orders took longer to complete. This has negatively impacted on the yearly figure for hours completed.

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

Client Feedback

Feedback about the experience of Unpaid Work from clients is sought throughout the Order. This takes the form of verbal feedback to the Community Payback Work Team Leader and Supervisors, as well as more formal feedback detailed in exit questionnaires. An entry questionnaire is also planned.

Clients continue to report that a mix of tasks in different work settings and environments for various beneficiaries is more motivating and of benefit in terms of experiences, skills gained and learning to work with and around others.

Work done on placement alongside other non offender individuals or groups, seems to bring the most positive outcomes for clients in terms of self confidence and self esteem, reinforcing prosocial societal norms.

Clients comments and quotes are as follows:

In respect of UW, what would you change or do differently?

- *Longer days would be better*
- *Nothing. I have requested to continue as a volunteer.*
- *More vans available for more work days*

Attitude to offending behaviour?

- *I am now better able to build relationships with my peers*
- *I now think about things more clearly*
- *I'd rather be a good mother and work than get into trouble with authorities*
- *I am much more responsible for my actions and understand the consequences they have on others*
- *Getting CS and hearing other offenders stories made it crystal clear that my drinking had to stop*
- *I have no intention of reoffending and am wanting to move on from that phase*
- *I strongly understand the dangers one small fight can be and now personally think no fight is worth it*

Impact on self?

- *Made me want to work*
- *Learned how to operate machinery*
- *Made me feel more responsible and learned a lot of new skills*
- *Improved my overall attitude, more respectful and tolerant towards others*
- *Gave me time to reflect on what I've done*
- *It hammered home just how much binge drinking has cost me*
- *Encouraged me to get up and find full-time employment*
- *Given me a better perspective of myself and boosted my confidence in my abilities*
- *A valuable life lesson in that walking away from trouble is always better than facing it*

Impact on communities?

- *Help to give back to community*
- *Makes communities cleaner*
- *Lots of positives, we always got good feedback from the public*
- *A better relationship between people on CPOs and local people*
- *Helps people get along with others they have probably never spoken with before*
- *Good for the environment e.g. litter picking*
- *I have more respect for my community now*

Other?

- *I am staying on at placement as a volunteer*
- *Orders help rehabilitate people who would turn out worse if they got jail time*
- *Surprisingly good and a enjoyable experience*

Beneficiaries Feedback

Feedback from beneficiaries is formally collected via an evaluation form on the completion of larger pieces of work. The service continues to face difficulties in meeting beneficiary expectations in terms of completion timeframes in respect of a) the size of the team b) working on a range of projects at one time to provide diversity of experience c) the length of a working day on site.

Quotes from beneficiaries include

- *This has been an excellent addition to the path network, giving a good waking path for commuters to and from Wallyford railway station and beyond to link up with other paths for cyclists, dog walkers, ramblers etc from a path that was just a mud quire to a very clean underfoot path and providing a more outdoor lifestyle for many to enjoy.*

Wallyford Community Council

- *A very helpful service which has benefitted many tenants*
- *Takes the stress off tenants with mental health issues who are simply unable to manage the day to day upkeep of their gardens even if they are just having a tidy up*
- *Great service and staff keep in touch regularly with the referring party to update them on progress*
- *Just wanted to say a huge thank you on behalf of our tenant who has had a visit from your Garden Service Team. They did a fabulous job, were friendly and courteous and our tenant is delighted. She is now able to access and enjoy her garden safely. Thanks again.*

ELC Tenancy Support Officers

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

During this year, Other Activity opportunities have included

- 2 x half day Healthy Living workshops (delivered by NHS Lothian)
- Women have attended the Connect Project (women's group service)
- Clients have attended Venture Trust 'Living Wild' programme
- Individual clients continue to attend personal educational / developmental opportunities e.g. mental health support groups, working towards securing certificates or qualifications

The Community Payback Work Team Leader will endeavour to explore options for providing or utilising third party resources to provide Other Activity opportunities that are relevant and beneficial in respect of reducing reoffending.

It is envisaged that a dedicated Mens Group be created to run focused workshop programmes to raise awareness of and seek to address criminogenic factors.

Feedback from clients continues to indicate that completing their unpaid work hours in a group or placement is more preferable than through 'other activity'. However, we are confident that this will change as we develop the type and range of activity available.

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.

Courts – prior to the closure of Haddington Sheriff Court, regular meetings took place between the Sheriff, Court personal, legal representatives and ELC CJS. However, since business was transferred to Edinburgh, ELC CJS have not been invited to any formal meetings. This is a gap and one that we are currently trying to rectify.

The Unpaid Work Team Leader continues to have regular contact with a variety of community organisations and beneficiaries. Through this network, information regarding what unpaid work can do it passed via word of mouth. Any potential referral/query comes via the UW Team Leader who will talk through suggestions/proposals and then make a decision on suitability.

We are actively using the communications team within ELC to help promote work that we have undertaken. Due to the small size of the team, we have to stress that it is not always possible for us to take on projects that are proposed.

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.

The Courts continue to use CPOs as a suitable alternative to custody. In 2015/16, the number of requirements were:

<u>Other Requirements</u>	<u>Under 21</u>	<u>21+</u>
Unpaid work (only)	11	91
Supervision (only)	6	36
Supervision + UW	11	35
Compensation	3	7
Programme	0	11
Residential	0	0
Mental health	0	0
Drugs	0	0
Alcohol	1	1
Conduct	0	1

The main CPO requirement used by the Court, aside from Unpaid Work, continues to be Supervision. This requirement is used to address offending behaviour related to various criminogenic needs. This includes the following:

- Drug and alcohol problems are addressed within supervision using a variety of techniques (motivational interviewing, CBT structured work and drink diaries). Clients can also be required to attend Health Services (eg Gateway).
- Mental health problems are similarly assessed throughout the length of the Order and social workers liaise closely with mental health colleagues to try to ensure a consistent and complimentary service.
- Social isolation features in many clients' lives and social workers seek out appropriate community resources, including befrienders and other projects to try and increase social inclusion.
- CPO supervision continues to be the main vehicle for preparing clients to participate in the MFMC (sex offenders) and Caledonian Groupwork Programmes (domestic abuse). The pre-group work, including homework for the client, is an essential part of this preparation work. It allows for continual assessment of risk and need thus helping to create a more targeted, holistic service.
- As part of the Caledonian supervision, criminal justice now offers a service to women and children affected by domestic violence. This is a voluntary service which seeks to ensure work done with perpetrators is as safe and relevant as possible.

Conduct requirements are used sparingly by the Courts. Previously, it has been used in a variety of different ways, including reinforcing the message that an offender must address their alcohol issues by attending at the Gateway clinic; or, it was used to help increase the safety of a domestic abuse victim by placing restrictions on the perpetrator. This requirement now feels as if it is being underused as there has been a notable reduction in its use from the previous year (8).

Progress Reports to Court

Following the closure of Haddington Sheriff Court at the end of January 2015, there has been a notable reduction in the use of progress reviews.

In 2014/15, the number of progress reports submitted to Court equated to:

58 (under 21s) and 257 (21+) = **315 in total**

When we look at 2015/16 figures:

42 (under 21s) and 132 (21+) = **174 in total**

The above illustrates that the local Sheriff in Haddington Court, actively played a part in the review of CPOs. This is something that clients frequently commented on with the suggestion being that when the Sheriff reviewed their Order, they saw this as a positive thing and helped them to remain focussed on successfully completing their order. Having less reviews would suggest that this practice (and relationship) is not one that is pursued in the same way in Edinburgh.

Women's Group

The Connect Group is a women only group run from council offices in Prestonpans. This builds on the recommendations made by the commission for women offenders. Connect referrals come from a variety of sources – Criminal Justice, Adult Wellbeing, Children's Services Substance Misuse

Services, MELD, Strive, Venture Trust. All women placed on a CPO are encouraged to attend Connect.

In the morning, Connect works through the Stepping Stones, CBT based group work, looking at topics such as Understanding Our Emotions, The Impact of Offending, Solving Problems, Assertiveness and Communication.

Workers have developed a new lunch 'menu', providing women with different hot meals each week, which would be suitable for them to make themselves at home. Not only does this focus on healthy and economical cooking, it also encourages the women to talk about day-to-day subjects with one another, thus increasing their confidence.

During the past 6 months, workers have focused on developing the afternoon sessions. This has included linking in with a variety of local services, (e.g. CAB, The Rangers Service, Art Therapy, Prestonpans Library, etc).

Due to the expansion of the day, two new members of staff joined the Connect team during this time – one from Criminal Justice and one from Adult Wellbeing. It is hoped in the forthcoming months to work on ensuring the group's sustainability and its reach to women with complex needs who may come into contact with CJ agencies due to their 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.

Housing remains a critical issue in East Lothian. The growing population is placing increasing pressure on housing options with very little provision for meeting the complex needs of our client group. EL CJS is currently meeting with housing colleagues to help inform the housing strategic plan, thus ensuring that client needs are being taken into account.

Anti-social behaviour management is a complex and challenging area. It is often difficult to balance the conflicting demands of care and support for vulnerable people whose behaviour is also problematic, with that of protecting the rights of other tenants. We are active members of the antisocial behaviour group and are working on developing alternative ways of dealing with more challenging clients rather than eviction or restrictive measures.

Access to psychological services, is often problematic and subject to long waiting lists. When need is acute, any delay in accessing treatment can be traumatic. It is hoped that through the Health and Social Care Partnership, links to and with, treatment providers, can be improved.

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.

Through our risk assessment and case management tool - Level of Service Case Management Inventory (LSCMI) – we are able to identify criminogenic needs. A supervision action plan is then identified from which offence focussed work can be addressed by the client and supervising social worker. A crucial part of the social worker's role is to focus on issues of social inclusion and help

clients refer to partner agencies to address issues such as housing, employment, health difficulties and drugs/alcohol issues.

The CJ team have continued to develop their skills/expertise with targeted training around Risk of Serious Harm offenders, Caledonian Project, HCR-20 and Trauma Informed Practice.

Female offenders are actively encouraged to attend Connect, the women's group programme as part of their CPO. We aim to develop a men's groupwork programme which clients will be encouraged to attend as part of their Order but not a specific requirement.

During this period, a number of CPO clients who are also drug users, presented at social work appointments with significant health issues caused by the use of New Psychoactive Substances (NPS). Due to the serious nature of the wounds on clients, workers transported clients to accident and emergency on several occasions to receive appropriate treatment. This was very traumatic for all concerned. Fortunately, it now appears that the clients have ceased using NPS as they are not presenting with these same issues. Suggestions are that the change in the law has helped with this change. Further, we liaised closely with our health colleagues including our substance misuse clinic to ensure that appropriate advice was given to clients and staff.

COMPLETED BY: Fiona Duncan

DATE: 28th October 2016

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