

## **THE HIGHLAND COUNCIL CRIMINAL JUSTICE SERVICES**

### **COMMUNITY PAYBACK ORDERS**

#### **ANNUAL REPORT 2011 – 2012**

##### **INTRODUCTION**

Highland covers a large geographical area and including all islands at low water is 26,484 square kilometres. This is 33% of Scotland and 11.4% of Great Britain. It is 10 times larger than Luxembourg, 20% larger than Wales, and nearly the size of Belgium. There are 102,736 households (NRS Household Estimates) with a population of 222,370 a +6.4% change 2001 – 2011 (NRS mid-year estimates). This is projected to increase to 251,953 by 2028. The main centres of population are located in Inverness (62,093), Nairn (11,078), Fort William (9,862), Wick (7,790), Thurso (7,698), Dingwall (5,752) and Alness (5,440). Highland generally has an older population profile than that of Scotland with similar proportions of children but higher proportions in all the age groups above 50 years. 32.9% (73,187) of people are in the 16 – 49 age range (Scotland 46%) and 30.4% (67,684) aged 50 – 64 (Scotland 19.7%).

In 2011 – 2012 The Highland Council Criminal Justice Service (CJS) were allocated £2,340,627 for the delivery of core services by the Northern Community Justice Authority and £1,455,507 for non-core services. During the year the service completed the following work (Aggregate Return 2011 – 12):

- Criminal Justice Social Work Reports 1078
- Community Payback Orders 441 (386 male & 55 female)
- Community Service Orders 83 (61 male & 22 female)
- Probation Orders 94 (including with a requirement of unpaid work)
- Supervised Attendance Orders 35
- Drug Testing & Treatment Orders 12 (11 male & 1 female)
- Diversion from Prosecution 35 (cases commenced) (17 male & 18 female)
- Bail Supervision 49
- Statutory Throughcare Supervision in the Community 17 (16 male & 1 female)
- Voluntary Assistance 163
- Home Circumstance Reports 55 (for parole)

The headline figures from the Northern Constabulary Public Performance Report 2010 – 11 (2011 – 12 not yet available) and to which the work of CJS contributes are:

- Between 2008/09 and 2010/11 crime has fallen by 14.5% a fall of 6180 crimes over the period
- Decrease in crimes of vandalism over 2010/11, a fall of 18.5% since 2009/10

- Decrease in breach of the peace offences during 2010/11 (down 8.1%), decrease in minor assaults (down 5.7%) since 2009/10
- Decrease in anti-social behaviour during 2010/11 (low level crime) of 37%, this is a reduction of 2,786 incidents made known to police since 2009/10
- Number of drink drivers down by 8.8% over the last year
- An overall reduction in the level of youth crime by 27.4% compared to 2009/10
- Hate incidents over a 3-year average are down this year by 16%

For Highland in 2009 – 10 (Statistical Bulletin, Crime & Justice Series – Reconviction Rates in Scotland: 2009 – 10 Offender Cohort, Scottish Government 2012) there were 1,938 offenders with a one-year reconviction rate of 26.9% (in the case of a court disposal, the percentage of offenders with index convictions in the cohort who were reconvicted one or more times within a specified follow up period from the relevant date of the index conviction) and a one-year reconviction frequency rate of 42.9% (the average number of reconvictions within a specified follow up period from the date of the index conviction per 100 offenders) against a Scotland figure of 30.1% and 54% respectively and a NCJA figure of 29.4% and 53.3%.

**What management arrangements have been put in place to implement community payback orders, and what changes have been made to such arrangements over the course of the year?**

CJS has teams supervising offenders subject to community payback orders (CPO) located across Highland. These are:

- Wick (2 FTE Social Workers)
- Golspie (1)
- Alness (unpaid work unit only)
- Dingwall (4)
- Inverness (9, including DTTO 1.5, SDS 0.5, Diversion 0.5)
- Fort William (1.5)
- Portree (1)

In addition, the Prison-Based team comprises 1.5 FTE Social Workers and there is 1 FTE Addictions Social Worker based in the prison.

All staff, including managers, received appropriate training prior to the introduction of CPOs on 1 February 2011 as arranged through the Northern Community Justice Authority (NCJA) Training & Development Officer, including National Outcomes & Standards for Social Work Services in the Criminal Justice System (2010), Criminal Justice Social Work Reports and Community Payback.

The structure and composition of community-based teams supervising offenders subject to a CPO with additional requirements (with the exception of unpaid work) remain unchanged and, broadly, are split into a north and south team. With the exception of Inverness, where Social Workers take

responsibility for particular areas of work, e.g. sex offenders, the small size of teams elsewhere requires a generic model of working, i.e. Social Workers caseloads will typically comprise a mix of CPOs, parole licences, diversion etc.

In order to meet the requirements of the CPO with an unpaid work and other activity requirement, a review and subsequent restructure of the management arrangements was completed during 2011 – 12 and implemented in early 2012 – 2013. Unpaid Work Officers now replace community service officers and project officers, with job and person specifications reflecting the requirements of the new CPO. As a result, for example, CJSWS now has additional capacity in remoter rural area, e.g. Sutherland and Skye & Lochalsh, to ensure offenders are inducted and start unpaid work within the required timeframe.

2011 – 2012 has seen also significant developments within social work. This has involved the transfer of The Highland Council adult social work services staff to NHS Highland, and the transfer of NHS Highland Children's Services workers to the new Health and Social Care Service in The Highland Council with a corresponding devolving of respective budgets. This was implemented on 1 April 2012. CJSWS remains within the council. In addition to a Principal Officer for CJSW (the 'criminal justice manager'), the newly created post of Head of Social Care has responsibility for CJSW and reports to the Director of Health & Social Care. It has been agreed that there will be a sub-committee within the council for CJSW, which will report into the main Adult and Children's Services Committee with the chair and vice-chair representing the council as Member and Substitute Member respectively at the NCJA. This is a welcome development allowing CJSW and wider criminal justice issues to gain a far greater profile than hitherto. Further details will be provided regarding the operation of the new sub-committee in the 2012 – 2013 Annual Report.

### **Description of the kinds of unpaid work activities carried out**

During 2011/12, Highland has continued to carry out a range of routine tasks, including gardening/grass cutting, woodworking/bench and garden furniture making, light building duties and environmental and community tidy ups. Here are some more detailed examples:

- In Portree, offenders on unpaid work prepared a nurture room enabling a children's services worker to work with children on a 1:1 basis. This involved taking down shelving, painting and laying a floor. The children and young people also helped with the less heavy duty work and included this in their portfolios for their Youth Achievement and Dynamic Youth Awards.
- Cutting back vegetation along the banks of the Caledonian Canal in association with British Waterways. This project was visited by the Cabinet Secretary for Justice in February who was quoted in the Press & Journal on 16 February as saying "I was very impressed. The canal

is a fantastic asset and the work being done to preserve it will benefit the communities who use it.”

- In Ladies Garden Wood, Grantown-on-Spey offenders removed conifers and cut the timber into firewood benefitting older and vulnerable people in the area and tackled path maintenance, erecting barriers and collecting litter. Anagach Woods Trust Chairman, Basil Dunlop, was quoted in the local press as saying “ Education is one of the objectives of the initiative...Many of (the offenders) have never been in woodlands and some have become interested in forestry and conservation and go onto visit other woods for recreation.”
- In Caithness, offenders made all the torches that were used in the Viking festival, which attracted hundreds of visitors.
- In Caol, Lochaber, an initiative involving local school pupils, Caol in Bloom and unpaid work involved offenders repairing 10 large flower pots, and bringing them to the primary school where they were painted and decorated by the children. The finished pots were set in the village’s main shopping square.
- In Fort William, offenders were involved in a high-profile project clearing up the area around the Old Fort in association with FOOF – Friends of the Old Fort – enhancing the last vestiges of the Fort, both within and outside its walls and along the shoreline. The clean-up operation saw 10 rusty container tanks removed and tonnes of sea debris and rubbish removed. The ground was groomed and the top layer lifted to reveal the sand below. Margaret Stewart, a local resident, said “We came down to the beach to have a little picnic. The new grass and sand area is lovely.” BBC Scotland filmed a feature focussing on the work of offenders in the project, which was broadcast on the Reporting Scotland television programme in early 2011.

In addition, Highland successfully bid for money from the cashback scheme for both the project initiation and sports fund initiatives. Projects undertaken were:

- Clachnacuddin Football Club – During the course of the project, offenders were involved in a range of jobs, including clearing brush and rubbish including approximately 2 tons of scrap metal from the “West” end terracing; assisting in laying a new drainage system around the pitch terracing area; and assisting in laying concrete around three sides of the pitch, installing purpose built handrails around the terracing and creating access steps to the upper terracing areas. The scrap metal removed was taken to scrap yards and the money received was donated to local charities, i.e. Highland Hospice & the Multiple Sclerosis Centre. This was an innovative project developed between the football club, Action for Children, CJSWS and Morrison Construction, who carried out and supervised the more technical work involved. Two offenders found employment in the construction industry as a direct result of the project.
- At Portmahomack, the project involved erecting a fence down one side of a sports field, provided a locked gate to secure the area, resurfaced

- the car parking area, cleared litter/dumping, landscaped the surrounding area, provided six 5' picnic tables and 10 flower planters.
- Previously, as a result of funding made available through The Highland Council's discretionary fund administered by the Ward Manager, staff in Fort William were trained in graffiti removal and made basic purchases (e.g. paint) as required. Through the cashback initiative funding was provided for the purchase of a combined pressure washer & bowser and additional training to enable the project to be rolled-out to other unpaid work units in Highland. Graffiti removal by offenders is not available elsewhere in Highland.
  - King George V Park is a substantial grassed park located centrally in the Fort William town area. The playing surface was in desperate need of repair and upgrading and work undertaken brought the park up to a playable safe standard and allowed the park to be brought back into full use for the benefit of all. In addition, an organic, naturally based fit trail with associated viewing and rest area was created based on the designs of local school children.
  - Offenders undertook a range of work at the Sadie Duncan Memorial Trust for Animal and Bird Rescue on the Black Isle near Cromarty, repairing fencing, mending chicken coops and building stables. The owner, Winona Wall, had faced the prospect of putting down some of the animals before receiving help from offenders. She said "What they did was nothing short of a miracle".

**Description of the kinds of "other activity" carried out as part of unpaid work or other activity requirements**

- Scottish Natural Heritage run courses for university students related to the environmental and nature conservation work that they do at Creag Megaidh. Offenders worked on landscaping at the local village park and pond but as part of their time they joined the student groups, learning the value of conservation, etc. and this was credited as 'other activity'.
- Employability, e.g. CV preparation and attending Job Clubs
- Attending Literacy and Numeracy classes
- Alcohol Awareness Provided by Action for Children (AfC)
- Offending Awareness provided by AfC – responsibility, positive thinking, goal setting and the consequences of making decisions.
- Anger Management Provided by AfC – anger and aggression and how to prevent it

## Description of the use by courts of CPO requirements other than unpaid work

The table below sets out the use of CPO requirements.

<b>CPO Requirements 2011/2012</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Offender Supervision	209	33	242
Compensation	12	4	16
Unpaid work or other activity	360	42	402
Programme	71	10	81
Residence	18	2	20
Mental health treatment	12	2	14
Drug treatment	5	0	5
Alcohol treatment	47	8	55
Conduct	75	9	84
Restricted movement	0	0	0
<b>Total</b>	<b>809</b>	<b>110</b>	<b>919</b>

Within the NCJA area, the use of the Programme, Mental Health and Alcohol Treatment Requirement in Highland has been significantly higher than in other authorities. It would be speculation as to why this is the case but encouraging that courts are using a broad range of requirements.

In terms of a work load comparison pre- and post- the implementation of CPOs for 2010/11 and 2011/12, there was a 19.6% increase in the number of Orders (unpaid work only, Orders with supervision only and Orders with unpaid work and supervision) and a 19.5% increase in the number of hours. The total number of months of supervision dropped by 1.8%. This pattern is broadly replicated across the NCJA area. The increase in unpaid work hours will have an impact on service delivery and is being monitored.

### **Trends in use by case managers of interventions to support the rehabilitation of offenders during or following community payback orders such as behavioural programmes, educational initiatives, employability support and voluntary throughcare**

The most significant development has been the introduction of a programme for male perpetrators of domestic violence. CJSWS has not benefitted from the funding available for the Caledonian System, which has been implemented in some parts of Scotland. This area of intervention was recognised as a gap by CJSWS and the courts and was a specific commitment in the Violence Against Women Strategy 2008 – 2011. The programme went live in September 2011. This was the culmination of a successful partnership between CJSWS and Women's Aid in Highland as the latter provide the support to women. The 1:1 programme was developed by Respect in association with the National Offender Management Service (NOMS) and the Caledonian Development group. A number of social workers

and women support workers completed a 4- and 2-day training course respectively. The programme lasts for a minimum of 18-weeks.

Offenders continue to be referred to the Constructs: PSSO group work programme delivered by Action for Children in accordance with the eligibility criteria and to the Joint Sex Offender Project (JSOP) for sex offender interventions, which is delivered by Aberdeenshire across the Northern Community Justice Authority mainland authorities. During 2012 – 2013, the following programme requirements were made:

- Other 23 – this includes, for example, anger management, life skills, offender awareness (not Constructs) and Apex Scotland
- Action for Children 3
- Constructs: PSSO 23
- Sex offender (JSOP) 6
- Domestic abuse 5
- Venture Trust 5 (Highland made 32 referrals and in addition to the 5 programme requirement there were 13 other starters on the course)

There were also 45 alcohol treatment requirements, 12 mental health and 5 drug treatment requirements.

**Significant issues addressed or actions carried out by the local authority in the implementation of the community payback order.** (This could include any changes which might be of interest to a wider professional or general audience: for example, changes made with the aim of reducing the time between sentencing and the start of unpaid work placements, or new arrangements to involve the voluntary sector in implementing CPO requirements.)

The main focus in 2011/12 has been on re-designing the delivery of community service to respond to the challenges of CPOs with an unpaid work and other activity requirement. A number of changes have been implemented:

- The management re-structure of unpaid work and the appointment of Unpaid Work Officers as described above.
- Social workers including first appointments in Criminal Justice Social Work Reports.
- There are now 6 unpaid work offices in Highland in Wick, Golspie, Alness, Inverness, Fort William and Portree. The decision to employ part-time Unpaid Work Officers in Portree and Golspie was in direct response to the geographical challenges in Highland and the need to engage meaningfully with the speed and immediacy agenda.
- Best practice has been established in courts where a copy of the CPO is printed out before the offender leaves court. Electronic copies are sent to a generic mailbox and are available the next working day and a process is in place to check this daily.

- There can be no one-size fits all approach in Highland. Each unpaid work office has a process in place to ensure offenders are inducted <5 working days' and are offered a work placements <7 working days'.
- In addition to a full-time Criminal Justice Officer (Courts) covering the sheriff court in Inverness, a full-time equivalent post, also responsible for a bail supervision service, has now been established covering sheriff courts in Dingwall, Tain and Dornoch. This has been crucial to improving the services' physical presence in these courts and plays a crucial role in interviewing offenders immediately post-sentence.
- The new 'other activity' component of unpaid work has been a significant challenge culturally not only for offenders but also staff. There have been issues, for example, of how unpaid work officers assess level 1 offenders where there is no CJSWR, and thinking differently about an order which, traditionally, in Highland has been entirely about unpaid work, including Supervised Attendance Orders. To this end, an assessment tool has been developed and each unit has been developing a bank of 'other activity' placements and links with local service providers akin to individual unpaid work placements. There remains considerable scope to improve the use of 'other activity' placements and it is hoped that 2012 – 2013 will see a growing use of these.
- The performance of starting work <7 working days' is monitored monthly by managers, including the reasons for non-attendance.

There has been some challenges with the introduction of CPOs, including the use of the conduct requirement to replace the requirement 'to be of good behaviour' in a probation order. Although this has been resolved, because a conviction for a further offence is not a breach of a CPO some offenders are ending up being subject to multiple orders. This can be confusing particularly regarding an unpaid work requirement if the court does not stipulate clearly on the order whether it is concurrent or consecutive. This inevitably leads to inconsistent practice across Scotland. CJSW has been working closely with Scottish Court Services to address this issue and, at least within Highland, improve clarity and consistency.

**Whether there are any issues affecting speed of 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?**

From a substance misuse perspective, those referred on to universal treatment services have, previously, experienced delays in accessing treatment post-DTTO due to the high case loads of Community Psychiatric Nurse's (Addictions) in the communities. In recent months the main development has been the decision to have one point of access for all universal substance misuse treatment services, which is Osprey House in Inverness. Waiting times have reduced, evidenced by the NHS HEAT targets. In essence, it has resulted in all those referred on to universal health services being able to access community-based treatment without delay.



**Any assessment the local authority has made of the impact of the CPO on reducing reoffending over the year.**

During 2011 – 2012, considerable attention has been paid to this. Within the Northern Community Justice Authority (NCJA) a local authority Performance and Practice sub-group has been established. This group oversees the submission of a quarterly performance report to the NCJA and has been instrumental during 2011 – 2012 in developing an outcome-based performance framework, which is currently being implemented. As part of this, data will begin to emerge during 2012 – 2013 regarding the reduction of reoffending. This will be based partly on self-reporting and checking the Criminal History System (CHS) at the end of an order.

**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**

A Visibility Strategy was developed in advance of 2011 – 2012 in order to fulfil this legislative requirement. A number of activities were undertaken:

- There are a large number of community councils in Highland and a mail shot was completed to all outlining the nature of unpaid work and how to contact their local office. There has also been more direct contact with ward forums. For example, the Unpaid Work Officer in Inverness went, at the instigation of one of the local Members to meet with the Fort Augustus CC. This led to many projects there from installing washing lines to constructing a footpath to enable older people to access the town saving them a walk of several hundred yards. Another example is Beauly CC where a project to tidy up and landscape around the village pond was completed.
- Unpaid work officers attended Ward Forums in each area to provide information about unpaid work and to engage directly with a range of people, including the public.
- Leaflets about unpaid work, branded using the Scottish government designed CPO logo, were written and produced through The Highland Council graphic design office. These were distributed widely, e.g. libraries, local community notice boards etc.
- Posters were also developed as above and similarly distributed.
- The CJSWS section of The Highland Council web site was extensively revised and re-designed (<http://www.highland.gov.uk/healthandsocialcare/criminaljusticeservices/>)
- Submissions were made to The Highland Council Quality Awards and the National Scottish Government sponsored Unpaid Work Awards. The submission to THC was selected for the final. This involved the graffiti project in Lochaber as referred to above.
- In Portree, the unpaid work officer approached local schools to make them aware of the service by attending school board meetings. This led to a project bringing the schools eco garden back from being an

overgrown mess to a place where children can grow items. The school received an eco-flag which offenders erected.

- The unpaid work officer approached various members of the public with interests in the voluntary and care sector to explain what help is available. A Care at Home team referred a disabled person of limited means who was given assistance to paint a kitchen and bathroom.

Although Highland is a large area geographically, local communities are small and the majority of unpaid work comes by "word of mouth".

### **Description of how the consultation results helped determine which projects were undertaken**

All Unpaid Work Offices operate a flexible approach regarding the undertaking of projects. Once assessed and agreed as suitable (i.e. it meets the criteria set out in NOS and there is the requisite skills and experience to complete it) the project will be completed and the beneficiary given an indication as to when work will start.

### **Activities carried out to communicate the benefits of community payback orders to the wider public**

The primary method for this has been through the media and several examples of this have been described above. Media coverage has been wholly positive and has been an excellent means of describing the benefits of community payback.

An excellent example was the publication in the Inverness Courier on 21 June 2011 of a full-page article entitled "Community payback that benefits everyone". The journalist interviewed a male and female offender as part of the article. The 17-year-old female offender said "When I first came down (the project was at the Applegrove Learning Centre, which works with children outwith mainstream education) I was told it was going to be hard work. After the first day I felt good doing stuff for the kids so I'm quite proud of it. Everyone worked as a team which was good...It's hard work and you can't laze about, but it gets you into a routine...you are helping others and I think it has changed me."

### **Concluding comments**

A considerable amount of progress has been made in meeting the challenges of the new Community Payback Order since its introduction in February 2011. There has also been another significant development relating to the introduction of the Level of Service and Case Management Inventory (LS/CMI), which was implemented in Highland in late-2011. This tool will begin to provide useful and helpful data to assess the work Social Workers carry out with offenders. The service looks forward to reporting on this and the implementation of the performance management framework in the 2012 – 13 annual CPO report.