
Report To:	Health & Social Care Committee	Date:	6 January 2022
Report By:	Allen Stevenson Interim Corporate Director (Chief Officer) Inverclyde Health and Social Care Partnership	Report No:	SW/11/2022/AG
Contact Officer:	Anne Glendinning Acting Head of Children & Criminal Justice Services	Contact No:	715282
Subject:	Criminal Justice Social Work Statistics 2019/20 - People Dying on Community Payback Orders (CPOs)		

1.0 PURPOSE

- 1.1 The purpose of this report is to present to the Health & Social Care Committee information relating to individuals on Community Payback Orders where the reason recorded for the termination of their order is due to death.
- 1.2 The report outlines data provided within the Criminal Justice Social Work Statistics series, a submission to the Scottish Parliament Criminal Justice Committee regarding this issue and an update from the Inverclyde Community Justice Partnership in respect of further action.

2.0 SUMMARY

- 2.1 Local authority criminal justice social work services are required to provide the Scottish Government with annual returns in relation to their work activity. The report includes data on justice social work services and court social work orders, as well as characteristics of the individuals involved. The most recent publication was for the period 2019-20.
- 2.2 Whilst a number of other community orders and licences exist across Scotland this report to the Health & Social Care Committee focuses on the termination of Community Pay Orders (CPOs) where the reason for the termination of the CPO was recorded as being due to death.
- 2.3 CPOs are court orders which are imposed on individuals sentenced in relation to offences committed from 1st February 2011. These orders were created by the Criminal Justice and Licensing (Scotland) Act 2010 (2010 Act). A CPO may consist of one or more of nine requirements as set out in the Criminal Procedure (Scotland) Act 1995 (1995 Act).
- 2.4 The Criminal Justice Social Work Statistics 2019-20 notes that during the reporting year across Scotland 188 CPOs were terminated by reason of death from a total of 15,992 CPOs terminated in Scotland in that period. Within Inverclyde 7 CPOs were terminated by reason of death from a total of 230 terminated in Inverclyde in the same period.
- 2.5 The Inverclyde Community Justice Partnership (ICJP) is a strategic partnership with a shared vision to "Improving Lives, Strengthening Communities" underpinned by seven national outcomes. Presently ICJP is undertaking a Strategic Needs and Strengths Assessment which seeks to provide a comprehensive overview of community justice activity within Inverclyde and identify the needs and strengths specific to Inverclyde.

3.0 RECOMMENDATIONS

3.1 It is recommended that the Health & Social Care Committee:

- a) Notes and comments on the report
- b) Requests a further update following completion of the Strategic Needs and Strengths Assessment.

Allen Stevenson
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Inverclyde HSCP.

4.0 BACKGROUND TO COMMUNITY PAYBACK ORDERS (CPO)

- 4.1 The governance arrangements for justice social work services are set out in legislation, making local authorities responsible for delivering a range of services for those involved in the criminal justice system.
- 4.2 Statutory social work orders include community payback orders (CPO) which can be imposed by courts in Scotland as an alternative to a custodial sentence. A person subject to a CPO can be required to comply with the terms of a supervision requirement and / or undertake an unpaid work requirement. The court can select one or more when deciding on the requirements of the order. They can be tailored specifically to each individual based on the nature of offending and any underlying issues. The requirements are:
- unpaid work or other activity requirement
 - offender supervision requirement
 - compensation requirement
 - programme requirement
 - mental health treatment requirement
 - drug treatment requirement
 - alcohol treatment requirement
 - residence requirement
 - conduct requirement
- 4.3 The annual publication 'Criminal Justice Social Work Statistics in Scotland' presents national-level information on criminal justice social work activity in Scotland. The report includes data on justice social work services and social work orders, as well as characteristics of the individuals involved. The current publication for the period 2019-20 can be found via the following link; [Criminal Justice Social Work Statistics in Scotland: 2019-20](#) .
- 4.4 Through this annual publication is a data set on CPOs terminated by outcome. Whilst locally and nationally a significant majority of CPOs are terminated due to being successfully completed/early discharge, there is a total where the CPO has been terminated due to death. During the period 2019/20 the publication notes that during the reporting year across Scotland 188 CPOs were terminated by reason of death from a total of 15,992 CPOs terminated in Scotland in that period. Within Inverclyde 7 CPOs were terminated by reason of death from a total of 230 terminated in Inverclyde in the same period.

5.0 THE SCOTTISH PARLIAMENT CRIMINAL JUSTICE COMMITTEE

- 5.1 The issue of CPO's being terminated due to death was raised as an issue by Dr Hannah Graham, Senior Lecturer in Criminology, University of Stirling at the Scottish Parliament Criminal Justice Committee on 15 September 2021. This paper was submitted in advance of a session on '*Reducing reoffending, offering community justice solutions and alternatives to custody*'. The full submission to the Committee can be accessed via [The Scottish Parliament](#).
- 5.2 In the submission, Dr Graham noted:
- In the one year period (2019-2020), 188 CPOs were terminated by reason of death, from a total of 16,700 CPOs commenced [and 15,992 terminated] in Scotland in that period.
 - The age-standardised mortality rate in 2019 was 425 deaths per 100,000, whilst the crude mortality rate for CPOs was 1,125 per 100,000. Caution must be considered in applying this comparison to death rates but it does *suggest* the death rate is higher for people subject to CPOs than the general population.
 - Over a seven year period (2013-14 to 2019-20), there have been a total of 1,178 CPOs terminated by reason of death (Scottish Government, 2021), which is a relatively high number in light of the ages of people subject to CPOs (often aged in their 20s, 30s, 40s)

5.3 Additionally certain characteristics and circumstances as noted above are clear in the annual publication based on gender differences, age differences and differences in employment status. These are as follows:

- Gender differences: In the one year period of 2019-2020, the total of 188 CPOs terminated because of death are reported as 42 females (22.3%) and 146 males (77.7%). Across a seven year period (2013-2020), there has been a gradual but steady increase in the total numbers of females dying on CPOs, from 17 in 2013-2014 to 42 in 2019-2020.
- Age differences: The majority of deaths on CPOs are among younger adults: for example, in the one year period of 2019-2020, 61.3% were aged between 16-40 years old.
- Differences in employment status: Across a seven year period (2013-2020), it varies a little by year, but between 6–13% of those who died on CPOs are reported to be employed or self-employed. Those who are in full-time education are 0.0–1.0%. The majority of those who died are reported to be unemployed or not seeking employment (which includes retired, supported by family, caring for home/family, or long-term sick/disabled).

5.4 Local authorities with the highest numbers of CPOs ended because of death over a seven year period (2013-2020) are: Glasgow (n = 142), Fife (n = 95), North Lanarkshire (n = 95), Aberdeen City (n = 78), South Lanarkshire (n = 65), Highland (n = 53), and North Ayrshire (n = 51). Conversely, local authorities with the lowest numbers in the same period are: Orkney Islands (n = 3), East Renfrewshire (n = 4), Shetland Islands (n = 4), Argyll and Bute (n = 7), East Lothian (n = 7), and Midlothian (n = 9). The figure for Inverclyde over the same seven year period is 20.

5.5 Cause of death is not recorded within the annual publication nor is the information available anywhere else for this and for other types of community sentences.

6.0 INVERCLYDE CONTEXT

6.1 In order to provide some context to the issue in Inverclyde figures for the previous seven years for the number of terminations completed and termination due to death. Information has been sourced via [Scottish Government](#).

REPORTING YEAR	TERMINATIONS TOTAL	TERMINATION DUE TO DEATH
2013/14	245	2
2014/15	300	2
2015/16	263	2
2016/17	293	1
2017/18	344	4
2018/19	275	2
2019/20	230	7

6.2 Whilst the Criminal Justice Social Work Statistics for the reporting year 2020/21 are yet to be formally released by the Scottish Government, analysis by the HSCP's Quality and Development Service indicates that for the period 2020/21 there was a total of 143 CPO terminations in Inverclyde of which 11 were due to death. It is also important to note that for both the total number of terminations and for terminations due to death these figures do not always necessary equate to unique individuals, there are occasions when multiple terminations can apply to an individual.

6.3 Additionally as noted at 4.1 social work services are responsible for delivering a range of services for those involved in the criminal justice system and analysis has indicated a number of deaths on other orders and licences within Inverclyde.

- 6.4 Inverclyde Community Justice Partnership is currently undertaking a Strategic Needs and Strengths Assessment (SNSA). A SNSA is one of the first steps in the planning and reporting cycle for Community Justice Partnerships. It is a crucial step that will underpin understanding of both service provision and population needs in Inverclyde and form a baseline for planning decisions and measuring outcomes. The SNSA will facilitate evidence-led planning to effectively address the needs of individuals in a local area. This is a significant piece of work that requires careful consideration from all community justice partners.
- 6.5 In order to better understand the wider issues, the inclusion of deaths on CPO's and other orders/licences will allow the Community Justice Partnership to build a picture on this issue and consider future developments that might improve this situation. Similar to Dr Graham's submission to the Scottish Parliament, the Inverclyde Community Justice Partnership acknowledges that there are common inequalities experienced by people with lived experience of the criminal justice system. These inequalities include, poorer physical and mental health, the impact of trauma, the likelihood of past and/or current drug and/or alcohol misuse and likely experiencing poverty.
- 6.6 Noting that cause of death is not recorded within the annual publication it may not be fully possible to conclude causation between deaths. In addition, for the reporting period 2020/21 consideration will also have to be given to the impact of COVID-19 on the figures.
- 6.7 It is anticipated that the SNSA will be completed in early 2022 ahead of the Community Justice Partnership considering all themes as part of a delivery plan for 2022/23 and the Inverclyde Community Justice Outcomes Improvement Plan due for publication in April 2023. Specifically in relation to people dying on CPOs and other orders and licences the aim is to present an Inverclyde overview of this issue and identify any improvement actions.

7.0 IMPLICATIONS

Finance

7.1 Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

7.2 **Legal**

There are no specific legal implications in respect of this report.

7.3 **Human Resources**

There are no specific human resource implications in respect of this report.

7.4 Equalities

Equalities

(a) Has an Equality Impact Assessment been carried out?

	YES
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

Repopulation

7.5 Deaths of individuals on community payback orders and other criminal justice orders and licences will have an impact on repopulation.

8.0 CONSULTATIONS

8.1 This report has been prepared by the (Interim) Chief Officer Inverclyde Health & Social Care Partnership after consultation with Criminal Justice Social Work.

9.0 BACKGROUND PAPERS

9.1 Scottish Parliament Criminal Justice Committee- Reducing youth offending, offering community justice solutions and alternatives to custody (Written submissions).