
Report To:	Inverclyde Community Health & Care Partnership Sub-Committee	Date: 13 January 2011
Report By:	Corporate Director Inverclyde Community Health & Care Partnership	Report No: CHCP/01/2011/SMcA/AM
Contact Officer:	Head of Children & Criminal Justice Service	Contact: 01475 714500
Subject:	Community Payback Orders	

1.0 PURPOSE

- 1.1 To inform the Committee of the commencement of Community Payback Orders on 1 February 2011.
- 1.2 To advise the Committee of actions taken to date in respect of the new Order and of future plans.

2.0 SUMMARY

- 2.1 North Strathclyde Community Justice Authority was informed by a Justice Circular on 10 November 2010, that the commencement date for Community Payback Orders would be 1 February 2011.
- 2.2 Members will be aware that the Community Payback Order is a new community sentence to replace Probation, Community Service and Supervised Attendance Orders. It will apply to all those convicted of offences from 1st February 2011 onwards, thus existing Orders will continue, with the two systems running concurrently for a minimum of three years.
- 2.3 There is an additional statutory requirement upon Local Authorities to carry out annual community consultation on the types of activities to be carried out locally by those subject to an unpaid work and other activity requirement. Inverclyde Criminal Justice Social Work Community Service currently holds an annual stakeholder consultation event and we would be looking to how we could build on this.

3.0 RECOMMENDATION

- 3.1 The Committee is asked to note the commencement of Community Payback Orders on 1 February 2011.
- 3.2 The Committee is asked to note the action taken and the ongoing planning in respect of implementing the Orders by Inverclyde Criminal Justice Social Work Services, in partnership with the North Strathclyde Community Justice Authority.

Robert Murphy
Corporate Director Inverclyde Community Health & Care Partnership

4.0 BACKGROUND

- 4.1 Community Payback Orders are being introduced under Section 14 of the Criminal Justice and Licensing (Scotland) Act 2010. Community Justice Authorities have supported the introduction of the new Order as a simpler form of community sentencing.
- 4.2 On 1 February 2011, as well as the commencement of Community Payback Orders, the presumption against short periods of imprisonment will also come into force. This seeks to discourage the use of short custodial sentences, defined as those of three months or less, in cases where other appropriate sentencing options, including Community Payback Orders, are available.
- 4.3 A Community Payback Order will consist of a number of requirements of which there are nine. From these, the Court may select one or more in deciding on the make up of the Order and these can be tailored specifically to each offender based on the nature of their crime and any underlying issues which are fuelling it. There is no limit on the number of requirements which the Court can impose and this will usually be decided upon with reference to a Criminal Justice Social Work Report.
- 4.4 Community Payback Orders have the potential to increase demands on other CHCP services such as psychiatric and psychological services, in relation to mental health requirements, and addiction services, in relation to alcohol and drug requirements, at a time when they may require to consider service efficiencies. Thus dialogue has been initiated with these services to consider how this might be managed.
- 4.5 Unpaid work and other activity requirements can be imposed for between 20 and 300 hours. A requirement of between 20-100 hours is referred to as a 'level 1 requirement' and a requirement of 101-300 hours as a 'level 2 requirement'.
- 4.6 Justice of the Peace Courts are able to select from: offender supervision requirement, Level 1 unpaid work and other activity requirement; residence requirement; conduct requirement and compensation requirement.
- 4.7 Community Payback Orders can be made for a period of between six months and three years, unless they consist solely of an unpaid work and other activity requirement. An unpaid work and other activity requirement must be completed within three months (level 1) and six months (level 2) – unless the Court states otherwise at the point of sentence. This will present challenges for Criminal Justice Social Work Services given it is unclear if there will be any additional resources in 2011 onwards. There is also uncertainty around how Courts will respond to the new Order, with the Scottish Government suggesting there could be anywhere between 0 to 20% increase in workloads. Consequently, work is already underway to consider how unpaid work and other activity requirements could be delivered more effectively and efficiently across North Strathclyde Community Justice Authority. Specifically, we are looking at shared services and renegotiating agreements with voluntary organisations.
- 4.8 The effect of the commencement of both Community Payback Orders and the presumption against short term sentences should be to increase the number of community orders for Local Authorities to supervise. Since July 2008, the Scottish Government has made an additional £6 million available to Community Justice Authorities to assist the preparation for commencement of Community Payback Orders.
- 4.9 The additional funding made available to Inverclyde Criminal Justice Social Work Services in 2009/10 is £17,851. However, due to movement in other core funding budget lines, there was in effect no uplift to our Core Grant.
- 4.10 In preparation for implementation of Community Payback Orders Inverclyde

Community Service are liaising with voluntary, statutory and community groups to extend the availability of offender placements. Inverclyde Criminal Justice Social Work staff also have a robust presence within Greenock Sheriff Court, which now includes Community Service staff, enabling us to meet targets regarding immediacy, which relate to how quickly offenders commence their Orders.

- 4.11 To assist Criminal Justice Social Work deliver the 'other activity' component of the unpaid work requirement a mapping exercise of local agencies who may be able to deliver modules on literacy and numeracy, interpersonal skills, health and wellbeing, alcohol and drug education and victim awareness has been completed and is now being analysed.
- 4.12 It should be noted that the introduction of the Community Payback Orders are being implemented at the same time as a number of other changes within Criminal Justice Services including introduction of new National Outcomes and Standard for Social Work Services in the Criminal Justice System, the new template for Criminal Justice Social Work Reports to Courts and the new risk assessment framework for assessing risk of reoffending and harm. This has resulted in Criminal Justice Social Work staff being involved in an extensive training agenda as well as a review of all our internal processes.

5.0 PROPOSALS

- 5.1 Given that the commencement date for Community Payback Orders has now been announced it is proposed that Inverclyde together with colleagues in Renfrewshire and East Renfrewshire will participate in the development of an implementation plan that will include such arrangements as necessary for the successful delivery of any Orders made by the Courts.

6.0 IMPLICATIONS

- 6.1 Legal:

None.

- 6.2 Finance:

Changes in service delivery will be managed with existing resources.

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments

- 6.3 Personnel: None

- 6.4 Equalities: None

7.0 CONSULTATION

- 7.1 The content of this report should be noted particularly by Legal Services.

8.0 LIST OF BACKGROUND PAPERS

- NSCJA Annual Report 2009/10
- NSCJA Area Plan 2008/11.