Integrated Impact Assessment Form

Promoting Equality, Human Rights and Sustainability

Title of Policy/ Proposal	Delivery Community Payback Order
Completion Date	12th October 2023
Completed by	Julie Jessup
Lead officer	Julie Jessup

Type of Initiative:

Policy/Strategy		
Programme/Plan		Ongoing
Project		Updated
Service	✓	Review or **existing**
Function		Other
Statement of Intent		

1. Briefly describe the policy/proposal you are assessing.

Set out a clear understanding of the purpose of the policy being developed or reviewed (e.g. objectives, aims) including the context within which it will operate.

The Midlothian Justice Service (MJS) provide a service to the Courts whereby we undertake assessments and provide a review of the sentencing options available to the Court; this for men and women who are ordinarily resident in Midlothian who have been convicted of a criminal offence. The information is provided to the Court within a Criminal Justice Social Work Report (CJSWR). The range of sentences include: Custody, Community Payback Order, Drug Treatment and Testing Order, financial penalty, Admonition, Deferred Sentence and a range of disposals under Part VI of the Criminal Procedure (Scotland) Act 1995 (CPSA). The Justice Service is only involved in the supervision or management of some of the sentencing options available to the court, specifically Community Payback Orders (CPO) and custodial sentences where post release supervision is mandated.

The Community Payback Order (CPO) replaced community service orders, supervised attendance orders and probation orders on 1 February 2011, and is available to courts for offences committed on or after that date. Sections 227A to 227ZO, and Schedule 13 of the Criminal Procedure (Scotland) Act 1995 ("the 1995 Act") provide the legislative framework for CPOs. The consent of the individual is needed before the court can impose a CPO unless the order is imposed under section 227M(2) of the 1995 Act for fine default.

A CPO can be made with one or more requirements:
*Supervision, *Unpaid work, Programme, Compensation, Residence, Mental health, Drug Treatment, Alcohol Treatment, Conduct and Restricted movement.
* *These are the only 2 requirements that can be standalone. The other requirements must have supervision included also*.

- There is no minimum age for a CPO (other than the age of criminal responsibility) except where an unpaid work or other activity requirement is made in which case the individual must be aged 16 or above.
- Where an individual is under 18 years of age, the court can remit back to the children's hearing system for disposal. The CPO is not however available to the children's hearing system as a disposal.
- CPOs can be made for a period of between 6 months and 3 years other than an order consisting solely of an unpaid work or other activity requirement. The latter requirement must be completed within 6 months (3 months for a level 1 requirement) unless the court determines otherwise at the point of sentence.
- No requirement, other than an unpaid work or other activity requirement, will be in operation longer than that of any offender supervision requirement.
- Where existing provisions require to be extended to allow for completion of the requirement; this can be sought through application to the court.
- An offender supervision requirement is mandatory when a CPO is imposed on an individual under 18 years old.

- An offender supervision requirement is mandatory when the following requirements are imposed by the court: a programme requirement; a residence requirement; a mental health treatment requirement; a drug treatment requirement; an alcohol treatment requirement; a conduct requirement; a compensation requirement: and a restricted movement requirement.

What will change as a result of this policy?

There is no change as a result of this policy. An IIA would have been completed when CPOs were introduced in 2011 but I am unable to find a copy.

2. Do I need to undertake a Combined Impact Assessment?

High Relevance	**Yes/no**
The policy/ proposal has consequences for or affects people	Y
The policy/proposal has potential to make a significant impact on equality	Y
The policy/ proposal has the potential to make a significant impact on the economy and the delivery of economic outcomes	N
The policy/proposal is likely to have a significant environmental impact	N
Low Relevance	
The policy/proposal has little relevance to equality	N
The policy/proposal has negligible impact on the economy	Y
The policy/proposal has no/ minimal impact on the environment	Y

If you have identified low relevance please give a brief description of your reasoning here and send it to your Head of Service to record.
There is no identified environmental impact from this service.
If you have answered yes to high relevance above, please proceed to complete the Integrated Impact Assessment.

3. What information/data/ consultation have you used to inform the policy to date?

Evidence	**Comments: what does the evidence tell you?**

Data on populations in need	Public Protection & Community Justice - Data - Midlothian Health and Social Care Partnership: A three-year profile analysis of offenders in Midlothian identified characteristics which include: • The highest proportion of people involved in offending were resident in Dalkeith/Woodburn. • Over two thirds left school at the minimum leaving age without further formal education. • 38% had financial problems. • A quarter had accommodation problems. • 57% had a history of alcohol misuse. 48% had a history of drug problems. Scottish data shows a strong association between mental health issues and offending. Two in three women prisoners suffer from depression, and just under half of female prisoners have attempted suicide. Particular concerns are raised around the proportion of prisoners struggling to form positive attachments; 46% of prisoners reported they rarely/never 'felt interested in other people', 48% reported they rarely/never 'felt loved' and 49% reported they rarely/never 'felt close to other people'. It is estimated that the prevalence of learning disabilities among offender populations is much higher than the general population with around 20% to 30% of offenders within the criminal justice system affected by a learning disability. There is a high correlation between being in prison and income inequality, social mobility, teenage births, and high levels of obesity and smoking. Domestic violence is also associated with offending behaviour, nationally 43% of young offenders report witnessing violence between their parents or guardians as a child. Scottish data also shows a strong relationship between gender and Community Justice. Males accounted for 82% of all people convicted in 2018/19 but represented a higher proportion of all custodial sentences (91%) totalling 11,092 men. By contrast

	women accounted for 18% of people convicted compared to a lower proportion for custodial sentences (9% of custodial sentences). Males also have higher reconviction rates and a higher average number of reconvictions per offender than females
Data on service uptake/access	In 22/23 there were 261 full Criminal Justice Social Work Reports (CJSWR) reports completed for courts – (this represented 251 individuals: 219 males and 42 females). Within these reports a CPO was the preferred outcome recommended for 113 individuals: 94 males and 19 females). A total of 137 CPOs were subsequently imposed by the court: 109 males and 28 females.
Data on quality/outcomes	Although a presentation of problematic behaviour is not an indicator that someone will become involved in offending, if you have been involved in the Justice system you are more likely to be negatively impacted by mental health issues. Scottish prison population survey (17th Prison Survey 2017 and 2019): • 50% of prisoners struggled to feel interested in other people. 53% identified issues feeling close to other people. 41% identified drug use as a problem for them in the community and 45% stated that they had been under the influence of substances when they committed their offence. • Research on females in custody Public Health England found that 65% of women in prison suffer from depression compared to 37% of men. Just under half (46%) of female prisoners have attempted suicide at some point. Research from the Female Offender Strategy (Ministry of Justice Female Offender Strategy June 2018): • 60% of female offenders have experienced domestic abuse and the complexity of female criminality is often embedded in family disputes, trauma and mental health; exacerbating their

	ability to desist from further offending or to achieve positive mental health and wellbeing. Evaluation of Community Payback Orders, Criminal Justice Social Work Reports and the Presumption Against Short Sentences - gov.scot (www.gov.scot) Evaluation completed in 2013-14 by Scotcen Social Research: *"Research has consistently shown that community penalties are more effective than short prison sentences in reducing offending, and that they can play an important role in addressing some of the individual and social harms associated with crime" (ref* Reducing Reoffending: Review of Selected Countries. SCCJR Research Report No: 04/2012. Armstrong, S. and McNeill, F. (2012). Within the 'Vision for Justice in Scotland 2022' Scottish Government noted that *"Community interventions are more effective than short prison sentences at addressing offending behaviour and breaking the cycle of reoffending. Prison can by its very nature disrupt factors that can help prevent offending, including family relationships, housing, employment and access to healthcare and support".* One of the measures of effectiveness of sentences is the reconviction data published by Scottish Government. In 2020 it was noted that the reconviction rate in Scotland had fallen to a 21 year low. The most recent available data (17 – 18 cohort showed that: • Officials statistics for the 2017-18 offender cohort show the percentage of offenders who are reconvicted in a year was 26.3% – which is a one percentage point decrease from 27.3% in 2016-17. • The average number of reconvictions – a measure of how often offenders are reconvicted – also fell over the same period from 0.48 to 0.46, a reduction of 4%. • Offenders who committed a crime of dishonesty had the highest reconviction rate, compared to offenders that committed another type of crime.

	Offenders who committed a sexual crime had the lowest reconviction rate. • The statistics also show that offenders given a short custodial sentence of one year or less are reconvicted nearly twice as often as those given a Community Payback Order (CPO): The reconviction rate for CPOs, the most commonly used community sentence, was 29.1% in 2017-18, which was a decrease of 2.2 percentage points from 31.3% 2016-17. The average number of reconvictions per offender for CPOs was 0.51 in 2017-18 which a 9% decrease from the figure of 0.56 in 2016-17. The available research tells us that those who successfully complete a CPO are more likely to desist from further offending behaviour. The successful completion rate is worked out by adding the number of successfully completed orders (not revoked after breach action) and the number of Early Discharges (on good progress) and taking away the number of people who transferred out of area and not knowns and dividing this figure by the total number of orders imposed. There are a number of factors that can impact on whether or not an order is successfully completed. Within Midlothian the number of successful completion of a CPO has been consistent with, or higher than that national average: 2016/17: 82% (69%) 2017/18: 73% (69%) 2018/19: 75% (68%) 2019/20: 71% (69%) 2021/22: 74% (74%)
Research/literature evidence	Community interventions are more effective than short prison sentences at addressing offending behaviour and breaking the cycle of reoffending. Prison can by its very nature disrupt factors that can help prevent offending, including family relationships, housing, employment and access to healthcare and support. • Reconviction Statistics 2017-18 Scottish Government • 'Vision for Justice in Scotland 2022' Scottish Government • Armstrong, S. and McNeill, F (2012).R*educing Reoffending: Review of Selected*

	Countries. SCCJR Research Report No: 04/2012. Armstrong, S. and McNeill, F. (2012). • *Scottish Government (2019) Community Payback Order: Practice Guidance* • *Scottish Government (2010) National Outcome and Standards for Justice Social Work Services*
Service user experience information	Feedback from service users, and beneficiaries. Feedback is sought at the start and the end of the CPO and during the course of an order. This feedback was gathered for the CPO Annual Reports 2021-22 and 2022-23: *"They responded extremely promptly to my request to help a service user. The team communicated well and competed the house move very quickly."* (Learning Disability Team – Social Worker) *"They were very helpful and friendly"* (direct beneficiary) *"The team supported a care experienced young person by collecting and delivering 2 sofas to her new tenancy. Good service provided and this has helped the young person to continue to settle into her new home."* (Children's Services 12plus Team) *My client is a looked after young person by the CF department. Without the support of the unpaid work team he would not have been able to secure this move to his own home. Great work by all. I appreciate the time and support given to move my young person."* (Children's Services 12plus Team) *"The Community Payback Team has worked with us for a few years now and continues to provide help and support to our organisation and our community. They provide a team of able bodied people who can work with our staff and volunteers to move food donations, build and maintain structures within the garden and improve the facilities we provide. Some of the payback participants have come to volunteer and even work with us after their orders have completed and so this has further strengthened our organisation and the services we provide to our community. This is a valuable and fruitful partnership for both parties, which greatly contributes to our community wellbeing. We*

	aim to continue and develop this partnership." (Community Trust Manager) *Looking at my accountability, I felt different after being at Court and hearing what the victims said. Hearing the victim's account has made me see things from a different perspective and I need to keep doing this"* *"I don't want to be seen as an angry person. I want to be better and not have to put my children in a situation that would arise if I lost my temper, I would end up in custody".* *"stealing had become a bit of a habit and wanted to change this, coming in and talking to Rachel about my finances and getting into trouble is helping me".* *"I was really nervous coming to Stride the first time, well actually I didn't even go! I thought then I would have a mark against my name but the team were great. They meet me on my own and made me feel comfortable to come along to group. I'm really glad I done it cause it was great meeting new people and sharing some stuff that could help us all get a better life. I wouldn't have got that if I hadn't went to Stride"* *"gives me structure and routine and I meet new people"* *"helps me understand emotions "* *"I have learned skills to keep calm and walk away"* A service user identified positive changes he had made during his order, listing the following as having a direct impact on his use of time, mental health and stability: "*Completing stride; referred to Cyrenians Activities Group*. At the end of his completion questionnaire he noted *"really pleased to be finishing order – proud"*
Consultation **and involvement** findings	See above
Good practice guidelines *Scottish Government (2010) National Outcome and Standards for Justice Social Work Services*	*Scottish Government (2019) Community Payback Order: Practice Guidance* *Scottish Government (2010) National Outcome and Standards for Justice Social Work Services*

Other (please specify)	
Is any further information required? How will you gather this?	No.

4. How does the policy meet the different needs of and impact on groups in the community?

Equality Groups	**Comments – positive/ negative impact**
Older people, people in the middle years,	No differential impact
Young people and children	Positive impact – will be able to access services, where appropriate by risk assessment. This will enable more positive outcomes to be achieved.
Women, men and transgender people (includes issues relating to pregnancy and maternity)	Positive impact. As noted above there will be an increased opportunity for support to access services.
Disabled people (included physical disability; learning disability; sensory Impairment; long term medical conditions; mental health problem)	No differential impact. We seek to ensure that all clients have access to appropriate services/resources to avoid exclusion.
Minority ethnic people (includes Gypsy/Travellers migrant workers non-English	Overall no differential impact. There may be a more positive impact for individuals from the travelling community as they are more likely to engage in a pre-sentence intervention as would be regarded as voluntary and are therefore less likely to be further up-tariffed by imposition of a community payback order.
Refugees and asylum seekers	No differential impact. We seek to ensure that all clients for whom English is not their first language that translation services are

	available to avoid exclusion.
People with different religions or beliefs (included people with no religion or belief.	No differential impact
Lesbian; gay bisexual and heterosexual people	No differential impact
People who are unmarried; married or in a civil partnership	No differential impact
Those vulnerable to falling into poverty	Positive impact. Support and assistance would be provided to enable improved problem solving skills. Support and assistance with accessing benefits and referrals to relevant support services.
Unemployed	Positive impact due to referral to appropriate support agency and assistance with developing employment and training, qualifications and upskilling through unpaid work
People on Benefits	Positive impact due to potential for support and assistance with accessing benefits and referrals to relevant support services.
Single Parents and vulnerable families	Positive impact as noted above.
Pensioners	Positive impact due to potential for early intervention and support. This could include assistance with independent living and benefits.
Looked after Children	Positive impact – potential for early intervention and signposting to relevant support services and advocacy as a young person with experience of being looked after. This would include support to achieve a positive destination.
Those leaving care settings ((including children and young	Positive impact – as noted above.

people and those with illness)	
Homeless People	Positive impact. Intervention and referral to support agencies including assistance with applications.
Carers (including young carers)	No differential impact
Those involved in the criminal justice system	This service is only for those going through the sentencing process at Court.
Those living in the most deprived communities (bottom 20% SIMD areas)	Positive impact – as noted for the groups listed above.
People misusing services	Positive impact – intervention and signposting to appropriate services. Work can be undertaken to develop coping strategies and therefore reduce misuse of services.
People with low literacy/numeracy	Positive impact - intervention and referral to appropriate support agency and assistance with developing employment and training
Others e.g. veterans, students	Positive impact due to potential for early intervention and referral to appropriate support agency and assistance with developing employment and training
Geographical Communities	
Rural/ semi rural Communities	No differential impact
Urban Communities	No differential impact
Costal Communities	Not applicable

5. Are there any other factors which will affect the way this policy impacts on the community or staff groups?

No.

6. **Is any part of this policy/ service to be carried out wholly or partly by contractors?**

   If yes, how have you included equality and human rights considerations into the contract?

Partially. Support will be provided by third sector partner agencies in respect of some of the requirements and/or based on assessment of need. These could include: Change Grow Live, Health in Mind, Cyrenians and Venture Trust Scotland. Service Level Agreements are already in place for them to work with clients in the Criminal Justice System.

7. **Have you considered how you will communicate information about this policy or policy change to those affected e.g. to those with hearing loss, speech impairment or English as a second language?**

Yes. We already work with Alpha Translation Services and Royal National Institute of Blind People when necessary. Any other communication request can be made by emailing equalities@midlothian.gov.uk or by telephoning 0131 271 3658.

8. **Please consider how your policy will impact on each of the following?**

Objectives **Equality and Human Rights**	**Comments**
Promotes / advances equality of opportunity e.g. improves access to and quality of services, status	Positive impact for the target group due to statutory intervention and referral to appropriate support agency and assistance with developing employment and training and access to housing
Promotes good relations within and between people with protected characteristics and tackles harassment	No differential impact
Promotes participation, inclusion, dignity and self- control over decisions	Positive impact. The role of Justice Services is to promote inclusion.
Builds family support networks, resilience and community capacity	Positive impact. The role of Justice Services is to promote inclusion and resilience.

Reduces crime and fear of crime	This is a more difficult one to quantify as fear of crime can be a personal experience. There should however be a positive impact, on reduction of crime, through the provision of support to effectively impact on reconviction rates.
Promotes healthier lifestyles including Diet and nutrition Sexual Heath Substance Misuse Exercise and physical activity Life Skills	Positive impact. We work closely with the Health Inequalities Team to ensure that clients have access to health services. The Justice Service is co-located with Substance Misuse Service, Joint Mental Health Team and Community Mental Health services to increase greater integration of services and ensure ease of access for clients/patients.
Environmental	
Reduce greenhouse gas (GHG) emissions in Midlothian (including carbon management)	Not applicable
Plan for future climate change	Not applicable
Pollution: air/ water/ soil/ noise	Not applicable
Protect coastal and inland waters	Not applicable
Enhance biodiversity	Not applicable
Public Safety: Minimise waste generation/ infection control/ accidental injury /fire risk	Not applicable
Reduce need to travel / promote sustainable forms or transport	Not applicable
Improves the physical environment e.g. housing quality, public and green space	Not applicable
Economic	
Maximises income and /or reduces income inequality	Positive impact. By supporting clients to access services, including employability and training providers

Helps young people into positive destinations	Positive impact. Young people are a priority target
Supports local business	Not applicable
Helps people to access jobs (both paid and unpaid)	Positive impact. The role of justice social work is to have a positive impact on a person's risk of re-offending. One aspect of achieving this is through social inclusion and supporting a person to a positive destination. This then makes the person more able to be a fully functioning member of society including being able to take part in the labour market as appropriate.
Improving literacy and numeracy	Positive impact. There are lower levels of literacy among those who have a pattern of offending behaviour and those who have had disruptions to formal education. Individuals will be supported to achieve their potential and to access to support from lifelong learning and development.
Improves working conditions, including equal pay	Not applicable
Improves local employment opportunities	Not applicable

9. Is the policy a qualifying Policy, Programme or Strategy as defined by The Environmental Impact Assessment (Scotland) Act 2005?

No

10. Action Plan

Identified negative impact	Mitigating circumstances	Mitigating actions	Timeline	Responsible person
None				

11. Sign off by Chief Officer

Signature

Name Morag Barrow
Date 25/10/23