National Outcomes and Standards for Social Work Services in the Criminal Justice System

Community Payback Orders
Practice Guidance

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1. Introduction

This practice guidance has been agreed with a range of relevant organisations and agencies and is intended to support practitioners and managers to improve their performance and results towards the achievement of National Outcomes and Standards for the Social Work Services in the Criminal Justice System (NOS).


To support this guidance a number of proformas have been attached as annexes. These have been provided at the request of a number of practitioners. Developed by a practicing criminal justice social work team manager, these are designed to help inform and improve the long term effectiveness of service delivery. It is for individual managers to judge the practical benefits of these proformas and the extent to which they will be used, or might usefully be adapted to suit local circumstances.

This guidance replaces the probation, community service and supervised attendance orders sections of the former National Objectives and Standards and previous guidance for community reparation orders from 1 February 2011.

To contribute to the delivery of a coherent penal policy the Scottish Government has set out in the Criminal Justice and Licensing (Scotland) Act 2010 (“the 2010 Act”) a more streamlined sentencing regime to replace the unnecessarily complex range of sentencing options currently available, which are not readily understood by the public. When first introduced to the Scottish Parliament in March 2009, the Policy Memorandum accompanying the 2010 Act set out the case for Community Payback Orders (CPOs) as follows:

“In bringing together the options for judges, we are highlighting the scope for courts to punish offenders in a way in which also addresses the areas of their lives which need change. Setting out the options in this way also enables us to underline the fact that a community sentence is a punishment and not merely a supportive intervention.’

(http://www.scottish.parliament.uk/s3/bills/24-CrimJustLc/index.htm)

The Policy Memorandum also highlighted that CPOs are intended to serve the following main objectives:

- Replacing an unnecessarily complex range of community sentences, to provide opportunity for increased public understanding and confidence in the use by courts of a non-custodial sentence.
• Creating a robust and consistently delivered community sentence, which enjoys public confidence, to improve the credibility of this as a sentencing option with judges and thereby provide a viable alternative to custody in appropriate cases.

• To achieve a positive impact on individuals to help them address and change the behaviours which contribute to their offending, thereby improving the safety of local communities.

• To require individuals to make payback to the community by means of changing offending behaviours and provide opportunities to reintegrate themselves into society as law abiding and contributing citizens.

• To ensure the level of input matches the level of risk assessed to aid a reduction/cessation in offending as a means of paying back to the community.

This guidance is aimed primarily at those practitioners and managers engaged in the delivery of criminal justice social work services and specifically CPOs, but should also be of assistance to those employed in other agencies and involved in the delivery of CPOs. Effective inter-agency and inter-discipline working will be critical to the success of CPOs in providing courts with a credible and robust community-based sentence for appropriate individuals. The guidance should be read both in conjunction with National Outcomes and Standards and specifically the practice guidance on Criminal Justice Social Work Reports (CJSWR) and Court Based Services designed to assist courts with arriving at the most appropriate sentencing option.
2. Legal Framework


Several pieces of secondary legislation also support the CPO framework. These are;

The Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 6, Transitional and Savings Provisions) Order 2010

This Order sets out the commencement, transitional and savings provisions for the CPO. ([http://www.legislation.gov.uk/ssi/2010/413/made](http://www.legislation.gov.uk/ssi/2010/413/made))

The CPO replaced community service orders, supervised attendance orders and probation orders on 1 February 2011, and is available to courts for all offences committed on or after that date. Offences committed prior to 1 February 2011 will be punishable instead by one of the existing community sentences.

Any community service order, supervised attendance order or probation order made under the 1995 Act for an offence committed before 1 February 2011 will remain in place until it is terminated. It will not be replaced by a CPO. The savings provisions in this Order ensure that, where relevant, these existing orders can continue to function alongside the CPO.

Where an offence is found to have been committed over a period of 2 or more days which straddle 1 February 2011, the date of the first offence will be taken (and so would be punishable by one of the existing community sentences and not by a CPO).

The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential and Supplementary Provisions) Order 2011

This Order makes amendments to both primary legislation and secondary legislation to ensure the legislative framework reflects the creation of CPOs. ([http://www.legislation.gov.uk/ssi/2011/25/contents/made](http://www.legislation.gov.uk/ssi/2011/25/contents/made))

Firstly, the Order makes provision for circumstances where a court is considering imposing a CPO with an unpaid work or other activity requirement on an offender already subject to a community service order, a supervised attendance order or a probation order with an unpaid work requirement. It ensures that the maximum number of hours of unpaid work or other activity that can be imposed as part of the CPO is 300 less the net balance of actual hours outstanding on existing orders.
The Order also amends the 1995 Act to make it clear that where a CPO imposed under section 227M (for fine default) is breached, resulting in the offender being imprisoned, the fine which gave rise to the imposition of a CPO is discharged.

The Order also makes a number of amendments to the Sexual Offences Act 2003. In particular, these ensure that persons convicted of a sexual offence who are sentenced to a CPO imposing an offender supervision requirement are required to comply with the sex offender notification requirements for the specified period of the offender supervision requirement. Other amendments largely replicate current requirements by substituting existing references to probation orders and community service orders with references to CPOs.

Finally this Order sets out a number of consequential amendments to secondary legislation to remove redundant references to probation orders, supervised attendance orders and community service orders and, where necessary, replace these with references to the CPO.

**Further Scottish Statutory Instruments**

Orders have also been made which prescribe the persons and classes of persons which local authorities must consult annually about the nature of unpaid work and other activities to be undertaken by offenders in their area; and to prescribe the courts which may impose a restricted movement requirement for breach of a CPO and the method by which such a requirement will be monitored.


**Order under section 104 of the Scotland Act 1998**

A section 104 Order is under discussion with the UK Government with the aim of “enabling” CPOs to be transferred from courts in Scotland to courts in England, Wales and Northern Ireland. The Order would need to be passed by the UK Parliament. At time of publication of this Guidance (December 2010), the date for completion of this Order is not yet known but further information will be issued in due course.
3. Data Protection

Confidentiality underpins all areas of social work and has daily impact on the work undertaken by all social service workers. Information may require to be shared between social work departments, voluntary agencies and other statutory agencies to offer protection to those deemed vulnerable in society.

All information shared must be undertaken in a sensitive manner and founded on a need to know basis. Additionally, in relation to those agencies providing personal placements for unpaid work or other activities, any information must be shared on the understanding that this may be sensitive information and agreement must be that such information will be stored securely.

The Data Protection Act 1998 will inform practice in all areas with the clear understanding that confidentiality has boundaries and the safety and protection of vulnerable third parties takes priority. (http://www.hmso.gov.uk/acts/acts1998/19980029.htm)

A fuller description of the wider data protection and information sharing issues which must be taken into account by criminal justice social workers is provided in the practice guidance on Criminal Justice Social Work Reports (CJSWRs).
4. Roles and Responsibilities

The delivery of criminal justice social work services (CJSWS) requires a staff team with a relevant mix of appropriate skills and experience. The Scottish Government recognises the significant contribution that highly trained and skilled workers make in a range of complex circumstances.

To assist clarity the following terms are used in this guidance in relation to staff roles:

- The **criminal justice social work manager** will oversee the work of the criminal justice team. He/she will ensure that all work undertaken by criminal justice staff is carried out in accordance with the authority’s policy and procedures in relation to working with individuals subject to the different licences and court orders imposed and where reports are requested. The criminal justice social work manager is also responsible for using the resources available to the local authority to ensure that facilities are available for the implementation of CPOs that are imposed by courts. This responsibility extends to working with organisations which provide treatment, programmes or brief interventions relating to alcohol, drugs or mental health, in order that the availability of such activities for those sentenced to CPOs is maximised.

- The **unpaid work team manager** is the member of staff with overall responsibility within the authority for the unpaid work scheme. He/she will ensure that all work undertaken by criminal justice unpaid work staff is carried out in accordance with the authority’s policy and procedures in relation to working with individuals subject to the unpaid work or other activity requirement.

- Where the court has imposed offender supervision requirement (and possibly other requirements) the member of staff who has overall responsibility will be referred to as the **case manager** - in the 2010 Act referred to as “the responsible officer”. This will normally be a suitably qualified and registered social worker. The term “responsible officer” can also refer to the unpaid work case manager in cases where only an unpaid work or other activity requirement has been imposed.

- Where the term **social worker** is used this means those who possess an entitling professional qualification in social work within section 77 of the Regulation of Care (Scotland) Act 2001. ([http://www.opsi.gov.uk/legislation/scotland/acts2001/asp_20010008_en_6#pt3-pb4-l1g52](http://www.opsi.gov.uk/legislation/scotland/acts2001/asp_20010008_en_6#pt3-pb4-l1g52))

In September 2005 it became mandatory for social workers to be registered with the Scottish Social Services Council (SSSC). The Codes of Practice for social service employers and social service workers lay down the standards of
conduct and practice people can expect from social service workers and employers. (http://www.continuouslearningframework.com/sssc/all-about-registration-for-social-workers/codes-of-practice.html)

In March 2010 the Scottish Government published guidance on the role of the registered social worker in statutory interventions. This guidance acknowledges the importance of the public being confident that the accountability for statutory interventions rests with a registered social worker who retains accountability for:

- provision of all reports to courts which could have an impact on an individual's liberty.
- provision of all reports to the Victims, Witnesses, Parole and Life Sentence division of the Scottish Government as they could impact on public safety and/or on an individual's liberty.
- investigation, assessment, review and implementation of risk management plans and the supervision of those who will be subject to statutory supervision on release from prison.
- directly undertaking case management work in respect of those who are subject to statutory orders or licences and who are considered to pose a high risk of serious harm. (http://www.scotland.gov.uk/Publications/2010/03/05091627/0)

Where non social work qualified workers compile reports which could have an impact on a person’s liberty, these require to be counter signed by a member of staff with an entitling qualification in social work.

- Where the court has imposed a level 1 or 2 unpaid work or other activity requirement but no other requirement as part of the CPO, the role of the unpaid work case manager (referred to as the “responsible officer” in the 2010 Act) is exercised by a member of staff within the unpaid work scheme who does not require to be social work qualified. They will be responsible for:
  - the effective planning, management and monitoring of the unpaid work or other activity requirement;
  - monitoring of the individual’s performance and compliance; and
  - issues of performance and compliance.

Unpaid work case managers will prepare the individual for the work placement or the other activity where it has been assessed that the individual will undertake “other activity” as part of their unpaid work requirement; encourage compliance throughout the duration of the order; make decisions about the acceptability of absences; and support the individual to achieve a successful and speedy completion.

Where a CPO is imposed with an offender supervision requirement plus an unpaid work or other activity requirement, the unpaid work case manager will be responsible for following up absences from unpaid work or other activity;
investigating reasons for absence; and making a decision as to the acceptability or otherwise of the reasons provided.

Where the decision by the unpaid work case manager is that the absence is acceptable, the individual will require to continue to attend unpaid work or other activity as instructed. Where the absence is unacceptable, warnings will be issued and recorded by the unpaid work case manager. The unpaid work case manager is required to notify the case manager and record the absence and the decision.

Where an individual, who has accrued 2 unacceptable absences and is subject to a Final Warning, incurs a further unacceptable absence, the unpaid work case manager may use their professional judgement to suspend the unpaid work requirement and notify the case manager. The suspension will be justified by the individual's failure to comply with the requirements of the sentence of the court.

Where the individual is deemed to have failed to comply with their unpaid work requirement, the unpaid work case manager must ensure that all relevant information and correspondence is available to the case manager for the preparation of the breach report to be submitted to the court. The case manager will then be required to notify the court which is responsible for the order that the individual is deemed to be in breach of their CPO by virtue of failing to undertake and comply with the unpaid work or other activity requirement.

- The unpaid work supervisor is the member of staff responsible for undertaking health and safety assessments, showing safe systems of work to the individuals and supervising up to a maximum of 5 individuals on work teams. Their role will also include challenging inappropriate behaviour/language on work teams and showing a pro-social model of behaviours to the work team.
5. Key Features of the Community Payback Order

Key features of the order include:

- A CPO is a sentence of the court;

- A CPO can be imposed in addition to another sentence e.g. a CPO can be imposed alongside a fine or alongside a restriction of liberty order (RLO) at first instance as penalties for the same offence;

- Monetary penalties (e.g. fines, compensation orders) and deferred sentences remain disposals available to the court as disposals separate from CPOs;

- 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; or a compensation requirement;
- 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;

- There is no limit on the number of requirements which can be imposed by the court. In writing a CJSWR for the information of the court, however, report writers must consider the risks of reoffending and the harm caused by previous behaviours, the needs of the individual and the intensity of supervision required, to inform the court as to appropriate requirements which could be included. The requirements recommended by the CJSWR should be proportional, relevant and outcome focussed;

- The requirements that can be imposed by a Justice of the Peace (JP) court as part of a CPO are limited to an offender supervision requirement; level 1 unpaid work or other activity requirement; a residence requirement; a compensation requirement; and a conduct requirement;

- A restricted movement requirement can only be imposed when the court is considering the appropriate sanction to be applied in dealing with a proven breach of a CPO. As noted above, however there is provision to impose a concurrent restriction of liberty order along with a CPO at first instance if the court considers that electronic monitoring would assist in the management of the individual;

- A further offence committed during a CPO is not a direct breach of the order; however, if an offence is committed which contravenes a requirement, and guilt is established, this may result in the CPO being breached through failure to comply with that requirement;

- Application can be made to the court for early discharge of a CPO. This might be appropriate in circumstances where an individual has exerted significant effort, made highly positive progress, and the assessed risk / needs are reduced to the extent that there is little benefit in continuing to intervene in the individual’s life. The power for a court to discharge a CPO applies irrespective of the requirements contained in the CPO;

- An application to the court to vary a CPO can be made by the responsible officer (who will be a member of CJSW staff) or the individual if the individual's circumstances have changed since the imposition of the order;

- There is facility for the court to conduct discretionary progress review hearings at any time within the duration of the CPO. Where the court decides to conduct a review hearing this will be included in the CPO at the point of sentence. The case manager is required to submit a progress report in advance of the review hearing;

- There will be a statutory requirement upon local authorities to consult annually with communities, representatives of community organisations and other relevant organisations about the type of unpaid work or other
activities to be undertaken by individuals on whom such a requirement is imposed;

• Although not a statutory requirement, for individuals subject to a CPO who have caring responsibilities, every attempt must be made to accommodate such responsibilities in the case management plan so that they do not impede, and are not impeded by, the individual's ability to comply with the CPO.

• Consideration must also be given to section 227E of the 1995 Act which sets out a number of conditions which must be met with regard to an offender's religious beliefs, and employment, voluntary work and education.
6. Assessment of suitability for a Community Payback Order

In proposing to the court that a CPO may be an appropriate sentence to be imposed, account should be taken of the following factors:

- Where a court intends to impose a CPO (other than one imposed under section 227M(2) of the 1995 Act for fine default) on an individual, the latter first requires to indicate his/her consent. A pre-sentence assessment of the extent of the individual’s ability and willingness to successfully complete a CPO should, except in the circumstances outlined above, be a key consideration.

- A pre-sentence assessment should consider the likelihood and impact of offending to help inform decisions about whether a community disposal is feasible and whether supervision/intervention is required to address offending or there are indicators of harm to others which warrant fuller and further assessment. A full risk of serious harm assessment at the pre-sentence stage is unlikely to be feasible/possible unless the court allows sufficient time.

- A CPO consists of nine requirements from which the court may select one or more when imposing a CPO as an alternative to custody. A CPO may also be imposed instead of a fine in which case only three of the nine requirements can be applied (an offender supervision requirement, a level 1 unpaid work or other activity requirement and a conduct requirement). It is good practice for those preparing the CJSWR to address particular requirements having regard to the individual's circumstances and assessment of the likelihood and impact of offending.

- It may be assessed by the CJSWR author that to address risks and needs in relation to offending behaviours, particular requirements would be appropriate. If the individual expresses his/her disagreement to those requirements, it is the CJSWR author’s responsibility to notify the court of the requirements assessed as appropriate and indicate to which of these the individual withholds their consent. In such cases the court will decide whether to impose a CPO incorporating only the requirements which the individual consents to, or whether to impose an alternative sentence.
7. Risk Assessment

The National Outcomes and Standards (NOS) provide guidance on frequency and levels of contact and the following reflects the NOS guidelines. Levels of supervision will reflect the intensity of input required to manage and address the issues associated with an individual’s offending.

Contact in NOS refers to an individual being seen at least weekly in the first four weeks. Further types of contact not explicit in NOS can be by various means including office contacts, home visits, contact with other agencies, telephone contact, letters, use of texts etc but will essentially be determined by the level of risk intensity assessed. Where home visits are required as part of the management of the CPO, all staff should adhere to their local authority’s safe working practices.

In most cases where an offender supervision requirement has been imposed as part of the CPO, an initial analysis of the individual’s offending - which considers the pattern, nature, seriousness, and likelihood of offending - will have been carried out at the CJSWR stage.

A fuller risk/needs assessment and analysis of the individual’s offending will be required in every case where an offender supervision requirement has been imposed, whether the requirement was informed by a CJSWR or not. This fuller assessment, informed by an agreed method or tool such as LS/CMI (Level of Service Case Management Inventory) should be completed within 4 weeks of the requirement being imposed. This assessment should be used to determine the main elements of the case management plan, including the level of supervision necessary to support rehabilitation. Supervision levels should be considered as:-

- Very high intensity
- High intensity
- Medium intensity
- Low intensity

**Very high intensity** – Contact with the case manager should be at least once a week and there should be up to 7 contacts per week with other staff or partners. Contact should include arranged and unannounced home visits with due care to the safety of staff to be informed by the assessment and review process. The levels of contact, along with the overall case management plan, should be reviewed at least every 3 months. The frequency of reviews should remain at least at 3 monthly intervals for as long as very high intensity levels of contact are in place.
High intensity – Contact with the case manager should be at least once a week and up to 3 contacts per week with other staff or partners. Contact should include planned and unannounced visits with due care to the safety of staff to be determined by the assessment and review process. The frequency of reviews, where the level of contact is reviewed, should remain at 3 monthly intervals for as long as high intensity levels of contact are in place.

Medium intensity – Contact with the case manager should be once a week and be reviewed internally after the first 3 months. Contact may then be reduced to once a fortnight where an individual’s circumstances and level of risk is assessed as stable. This would then be reviewed after a further 6 month period. Contact should include at least one planned or unannounced home visit between reviews.

Therefore where an individual requires a medium level of intensity, departmental reviews should be held 3 months after the imposition of the CPO, and if circumstances remain stable, at 9 months after the imposition of the CPO and 6 monthly thereafter.

Low intensity – Where a court imposes a CPO in such circumstances, there should be one contact per week with the case manager for the first month, reducing to monthly contact thereafter. The overall case management plan, along with levels of contact, should be reviewed every 6 months. Should the review process determine that outcomes sought in relation to public safety, rehabilitation and reintegration have been sustained and evidenced consideration should be given to application for early discharge.

Where particular circumstances indicate that the level of contact differs from that outlined above this should be discussed with the case manager’s line manager and appropriate action taken as required.

Home Visits

Contact with the individual at home can assist the process of gathering and verifying information - either for an initial assessment at the CJSWR stage or for ongoing assessment and evaluation of progress during the period of supervision. Where the individual lives with others, home visits to assess the nature of the individual’s relationship with family members and / or others can help to establish:

- whether their attitudes and beliefs or own involvement in offending behaviour are contributing to the individual’s involvement in offending;

- whether any significant family relationships have broken down, or are at risk of breaking down, as a consequence of the individual’s involvement in offending behaviour; and

- the potential (ability and willingness) of these others to engage with and be involved in helping the individual change during the period of supervision.
8. Particular Considerations

8.1 Victims

An understanding of the impact offending behaviour has on victims should be taken into account in managing a CPO. Work should be undertaken with the individual to identify and explore attitudes towards the victim(s) of their offending, both immediate and in the wider perspective. It should involve targeted work with the individual subject to a CPO to identify and explore attitudes and understanding of the impact of their actions on the victim(s) and to explore ways of making changes to avoid future offending. This activity can be undertaken as part of an offender supervision requirement or can also be addressed through the “other activity” component of an unpaid work or other activity requirement. Payback to victims and society should always be a prominent focus within a CPO regardless of the nature of the requirements imposed.

Case managers would not normally contact victims direct (except for domestic abuse offences and considerable care must be taken with information gained during such contact) but the spirit of the guidance is to help individuals develop an understanding of their behaviour on victims in the widest sense. Contact with the victims of domestic abuse may serve to monitor any changes in the behaviour of the individual and to help assess ongoing risks. However, information gained through such contact must be treated sensitively and not used with the individual as this may place the provider of such information at further risk. This is particularly pertinent where there are children or other vulnerable people present in the household.

8.2 Child Protection

It is the responsibility of individual Child Protection Committees to develop local procedures which take account of CJSW as a potential source of information in cases where there are child protection concerns. In such cases criminal justice workers will share information with children and family social work teams. All staff who are working in CJSW should be aware of their role in child protection, what kinds of circumstances constitute grounds for concern about the safety of a child, and the local protocols for referring to child protection colleagues. CJSW managers should ensure that practitioners possess both sufficient awareness of child protection issues and access to appropriate training to enable them to correctly interpret what is potentially important information. Case managers and unpaid work case managers have a duty to provide information, either in person, and/or by report, to any departmental meetings to address the needs of, and risks to, the child.

Where a drug and/or alcohol treatment requirement is imposed, an offender supervision requirement will also be in place, and hence a qualified social worker will always have ultimate accountability for ensuring protocols that
refer to child protection issues are followed, and responsibilities for children affected by parental substance misuse (CAPSM) in the context of Getting it Right for Every Child (GIRFEC) are taken into account, even if elements of the CPO are carried out by non social work qualified staff.

(GIRFEC - [http://www.scotland.gov.uk/Publications/2008/09/22091734/0](http://www.scotland.gov.uk/Publications/2008/09/22091734/0))

8.3 Adults at Risk of Harm

The Scottish Government's community care policy aims to improve the quality of life for adults who are in receipt of social and healthcare services. Policy is developed so that individual choice and control becomes a reality to enable more people to continue to live safely in their communities. Legislation, including the Adult Support and Protection (Scotland) Act 2007, is the main legislation providing duties and powers to identify adults at risk of harm, provide the means to protect them from harm and enable the provision of support, when it is needed. Crucially, it places a duty on local authorities to make inquiries about a person’s well being, property or financial affairs if the local authority knows or believes that the person is an adult at risk and that it might need to intervene in order to protect the person’s well being, property or financial affairs.


Local authorities should establish guidance to help case managers and unpaid work case managers identify whether the individual is, or may be, an adult at risk of harm, and/or whether there are such adults identified as part of the individual’s family/household. CJSW managers must ensure that all CJSW staff are familiar with relevant adult protection legislation and guidance including the duties placed on local authorities by the Adult Support and Protection (Scotland) Act 2007 in particular and how this may apply to those subject to CPOs or members of their family. It may be useful for CJSW staff to liaise with colleagues in their local authority’s adult protection team, as well as with the local authority’s Adult Protection Committee to ensure a properly joined up approach.

It is the responsibility of CJSW staff to bring to the attention of relevant community care colleagues, concerns about a person who may be an adult at risk of harm and to liaise with them to help identify and assess what intervention may be required to protect a person. It is of particular importance that CJSW staff are aware of the criteria which form the grounds of concern in relation to a person who may be an adult at risk of harm and ensure that they are aware of their duties and responsibilities to eliminate risk.

The responsibilities of managers and CJSW staff are the same as those responsibilities in child protection previously mentioned. CJSW managers should ensure that relevant community care colleagues are aware that referrals may come from CJSW staff and that these should receive the same level of response as those from any other source.
8.4 16 and 17 year olds

A court can impose a CPO on an individual of any age. Provision will continue to be available to the court for the young person to be referred to the children’s hearing system for advice. However, a community payback order cannot be imposed by the children’s hearing.

Where a CPO containing an unpaid work or other activity requirement is imposed on a young person aged 16/17 at the date of sentence, the court must also make an offender supervision requirement. This recognises that for those young people under 18, where there may be immaturity and developmental issues, further support may be needed to complete CPOs, and in their lives in general. Additionally, with added support, early intervention could provide the basis on which a young person could be diverted from further offending. Such supervision may present particular challenges for case managers, due to further time and support needing to be invested in those young people and a wide range of interventions being considered to meet their specific needs effectively.

Where an offender supervision requirement is imposed with a level 1 unpaid work or other activity requirement, the supervision requirement is likely to be of short duration with the aim largely consisting of supporting the young person to complete their period of unpaid work. Other identified needs may also be addressed e.g. employment issues or victim awareness as part of the CPO. In managing such a requirement, whilst the case manager would retain overall responsibility, the unpaid work case manager may undertake some of this work.

Interventions and links with other agencies should commence during the CPO so that if the young person requires further support upon completion of their CPO, as part of reintegration, these links can form the basis of ongoing work. Additionally, any referrals/signposting to relevant organisations identified should be made by the case manager supervising the CPO prior to its completion so that the young person can have additional support from his or her CJS worker to facilitate this process.

In supervising a CPO an outcome focussed case management plan that meets the needs of the young person should be devised, and on the occasions that a CJSWR is requested, consideration should be given to this being undertaken by a member of staff with the appropriate skills and experience in working with this specific age group. Risk assessment tools used should also be appropriate to the age and stage of development of the young person being assessed.

Young people appearing before the court may also be subject to a supervision requirement made through the children’s hearing system, or they could be assessed as needing further support on care and protection grounds. Such individuals should be appropriately referred to address both the risk and the needs they present. Professionals should work in partnership on these occasions with the most appropriate worker taking the lead. CJS staff
should be familiar with the principles of GIRFEC, and where appropriate, reflect this in their practice.  
(http://www.scotland.gov.uk/Publications/2008/09/22091734/0)

Where the young person has a support worker from another department/agency, frequent liaison and joint working should take place to address areas of need such as employment, anger management, family work, accommodation and any substance misuse. The support worker should also be included in any departmental reviews.
9. Post Sentence

Arrangements for post sentence interview are the same for all the requirements of a CPO. It is recognised that local procedures may vary and the focus of the guidance is to give a framework within which local practice can operate.

Court staff will arrange for a copy of the order to be printed off and available within a short time of imposition of the sentence. As a separate exercise, sheriff clerk staff will provide an electronic version of all orders made that day to a central receiving point, usually a secure email box, within the local authority where the court is located, by close of business that same working day.

Where an order is received by a local authority for an individual not resident within its area, arrangements should be made by the receiving local authority for its immediate electronic transfer to the relevant authority. All authorities require to carry out a daily check of the secure email box for receipt of CPOs and where necessary, to electronically forward an order to the appropriate relevant authority. This will ensure that local authorities have the earliest possible notification of all cases where a CPO has been imposed.

Written instructions with details (time and location) of the individual's post sentence interview with a member of CJSW staff must be given to the individual following sentence. How this is achieved can be agreed locally e.g. the instructions may be incorporated in the CJSWR or attached as an annex to the CJSWR.

An example of good practice may be for the individual to sign an agreement at the CJSWR stage to attend for post sentence interview at an agreed time and place. Consideration can then be given as to the appropriate action in respect of disciplinary matters if the individual fails to attend.

Where in exceptional circumstances it is not possible for the post sentence interview to take place on the day of sentence, the written instructions given to the individual should be for him/her to report for an initial appointment no later than the next working day.

The serving of the CPO should be undertaken at the post sentence interview by a member of the CJSW team within the court or at a previously agreed location. The member of staff must explain to the individual in detail the nature of the order and check that the individual understands his/her obligations, rights and responsibilities and the possible consequences of non-compliance. The serving of the CPO does not necessarily require to be carried out by a social work qualified member of the CJSW staff. In line with good practice, the individual must sign and date two copies of the order to
signify that he/she understands and accepts the order. A copy must be retained in the department’s records.

During the post sentence interview, information can be gathered which will help give an overview of the individual’s circumstances, deficits, and living arrangements and will also inform staff safety assessments pertaining to home visits and overall supervision of the CPO. (Annex 1 - also section 10 – Case Management).

In addition, the opportunity of the post sentence interview should be used to obtain a medical mandate so that contact can be made at a future point, if necessary, with the individual’s General Practitioner (GP). Consent to this should be sought and a mandate fully explained and signed by the individual. The mandate should then be retained on file. (Annex 2)

Reference should also be made to section 22.5.2 of this guidance, which contains further information about the purpose of a post sentence interview when the CPO includes an unpaid work or other activity requirement.
10. Case Management Plan

Chapter 5 of the NOS for Social Work Services in the Criminal Justice System sets out the principles of best practice with respect to case management, and any case management plan. This section of the CPO Practice Guidance should be read in conjunction with the appropriate sections of NOS.

Formulation and implementation of a case management plan is a professional task that involves engaging an individual in the process of change, through supervision and monitoring progress, delivering and/or brokering the necessary interventions to support that change, and promoting engagement and compliance. The application of those aspects of case management will vary in frequency and intensity depending on the case.

Once LS/CMI is in use an associated case management plan pro-forma will be included with LS/CMI documents. In the meantime, a sample case management plan is attached at Annex 3 for information.

A full risk/needs assessment and analysis of the individual’s offending will be required in every case where an offender supervision requirement has been imposed - whether the requirement was informed by a CJSWR or not (for example where a CPO with a level 1 unpaid work or other activity requirement is imposed).

The initial case management plan should be identified at the CJSWR stage and contained within that report. Where a CPO containing an offender supervision requirement is imposed, the appointed case manager should arrange to meet the individual within 5 working days of the date of imposition of the order. The case management plan should be considered and expanded upon during the initial stages of the offender supervision requirement. This fuller assessment, informed by an agreed method or tool such as the LS/CMI, should be undertaken within 20 working days of the requirement being imposed, taking into account the assessments of the likelihood of further offending along with a consideration of the pattern, nature and seriousness of the offending to date. This will determine the main elements of the case management plan, including the level of supervision intensity necessary to support rehabilitation.

The development of any case management plan should not delay the commencement of an unpaid work or other activity requirement which should commence within 7 working days of the order having been made and sooner wherever possible.

Regular appointments immediately after sentence will contribute to the ongoing formulation of the case management plan, which should be shared and agreed with the individual before finalisation and be based on SMART principles i.e. Specific, Manageable, Achievable, Realistic, and Time Bound.
It should be recorded in case files and stored accordingly. Case management plans should be reviewed, and where necessary, revised at regular intervals. Reviews should be scheduled in accordance with the agreed supervision intensity levels or convened where there is a significant change in circumstances or in the behaviour of the individual being supervised.

The case management plan provides the opportunity to include tasks and actions to assist the individual’s reintegration into the community and reduce their reoffending. As well as tackling criminogenic need and providing payback to the community, the plan should incorporate elements to address any specific needs of the individual e.g. in relation to health or well-being, sustainable accommodation, finances or benefits, learning and employment skills. Addressing these needs will help improve their chances of moving away from an offending lifestyle. Reintegration outcomes are covered in NOS which recognises social inclusion is vital to support desistance from crime.

Reintegration is unlikely to be achieved by the actions of one agency alone and depends on the active participation of mainstream agencies, such as Jobcentre Plus, the health service and local authority housing departments. Voluntary and private sector organisations will also play important roles. Early in the life of a CPO, opportunities should be identified to motivate and engage the individual in accessing support services which, where necessary, can extend beyond the term of the CPO.

In addition to the case management plan, a “Behaviour Contract” (Annex 4) agreed with the individual can in appropriate cases provide a clear way for him or her to be a full partner in the process. While the case management plan is shared and agreed with the individual, the Behaviour Contract provides an opportunity for more specific aims or targets to be agreed between the individual and the case manager or unpaid work case manager. It should offer real gains for the individual, but also require them to take responsibility for reducing their risk of reoffending. The contract should ensure that the package is tightly managed, and that supports are tailored to the individual while the individual’s responsibilities are clearly set out. The contract should be both realistic and achievable and should be signed off by both parties. The contract should be shared, as appropriate, with the other relevant agencies involved in providing services or support to the individual.

Any Behaviour Contract should be drawn up in consultation with the individual following a full assessment of their needs. It could cover a wide range of issues, including:

- education and training;
- help with family issues & parenting
- advocacy – benefits and housing
- participation in offending behaviour programmes;
- participation in drug and alcohol programmes; and
- constructive use of leisure time
10.1 Individual learning

Every individual on a CPO should, where appropriate, be assessed for literacy and numeracy needs. When an individual has literacy or numeracy needs, every opportunity should be taken throughout the period of the CPO to address those needs and any proposed individual learning action should form part of the case management plan.

At the first post sentence meeting, the case manager or unpaid work case manager interviewing the individual should open a general discussion with them about their previous education/learning experiences. If it becomes clear during further discussions that literacy/numeracy needs exist, help should be offered and, where the individual agrees, referrals made to local literacy and numeracy service providers who will be able to identify the individual’s particular needs using an alert tool designed for that purpose.

Such a tool will enable the individual to demonstrate what they can do and identify skill deficits. They should be reassured that participating should not be seen as a “test” or a pass/fail scenario and nor will it be any indication of Core Skill Levels. The alert tool should ensure that further assessments are made where necessary in order to identify the most appropriate learning provision for the individual. This might be accessed through Community Learning and Development in the local authority, the voluntary sector or through a local college. The individual must be fully involved in identifying and agreeing this plan and agree goals and incremental milestones within the terms of the order.

For younger individuals, it should be noted that Curriculum for Excellence aims to achieve a transformation in education in Scotland by providing a coherent, more flexible and enriched curriculum from the age of 3 to 18 and therefore extends to young people subject to a CPO. These entitlements in the Curriculum for Excellence apply to children and young people through their education, wherever they are being educated. The purpose of Curriculum for Excellence is encapsulated in the four capacities - to enable each child or young person to be a successful learner, a confident individual, a responsible citizen and an effective contributor. Multi-agency working with local learning providers should ensure that young people on CPOs access the same learning opportunities as their peers. It is important that links are made, and every encouragement is given, to allow for continuation of individual learning on completion of the order.

Further information on Curriculum for Excellence can be found on the Learning and Teaching Scotland website (www.LTScotland.org.uk) and regard should also be given to the recommendations of the Offender Learning Report “Options for Improvement” and the Scottish Government’s response to this. (http://www.scotland.gov.uk/Publications/2009/12/18103655/0).

Where employment is identified as a need, local employability and employment service providers such as JobCentre Plus should be approached to provide support to the individual in accessing routes into employment.
Engagement in learning will always be of a voluntary nature and will require the individual to be fully motivated if it is to be successful. The focus of individual learning is not to be viewed as a punitive action but as means to community reintegration. Any decision by an individual not to take up an educational opportunity should not therefore be regarded as an appropriate issue for disciplinary action. Where an individual has agreed to participate in learning as part of their CPO, however, failure to follow instructions in relation to that activity – for example by observing proper behaviour in a class situation - should be considered in context to judge whether it is appropriate to invoke disciplinary action.
11. Requirements

There are 9 requirements that may be imposed as part of a CPO:-

- Compensation requirement
- Offender supervision requirement
- Unpaid Work or other activity requirement
- Programme requirement
- Residence requirement
- Mental Health treatment requirement
- Drug treatment requirement
- Alcohol treatment requirement
- Conduct requirement

11.1 Compensation Requirement

An offender supervision requirement will be imposed in addition to a compensation requirement. A compensation order continues to be a disposal available to the court independent of a CPO.

A compensation requirement, as a requirement of a CPO, requires the individual to pay compensation for any personal injury, loss, damage or other matter incurred as a result of the individual’s offending behaviour.

Compensation can be paid either by means of a lump sum or by instalments, and should be paid directly to the court.

Where a compensation requirement is imposed:

- the compensation must be paid within 18 months, starting from the date the requirement was imposed; or

- if the offender supervision requirement is for a shorter period than 18 months, the total sum must be paid two months before the end of any supervision requirement. For example, where a CPO with requirements of offender supervision and compensation are imposed, and the offender supervision requirement is to last 12 months, the compensation requirement must be paid in full by the end of the 10 month period;

- the supervising case manager will monitor compensation payments through liaison with the court and by requiring the individual to produce receipts;
• if an individual fails to pay the compensation requirement within the required timescale, the case manager will notify the court by means of a breach report.

11.2 Offender Supervision Requirement

Where the order contains an offender supervision requirement (plus possibly other requirements) the case manager will usually be a suitably qualified and registered social worker. Whilst accountability in such situations rests with the case manager, non social work qualified staff may, where appropriate, undertake work with the individual as part of the order.

Section 227G of the 1995 Act defines offender supervision as:

‘.. during the specified period, the offender must attend appointments with the responsible officer or another person determined by the responsible officer, at such time and place as may be determined by the responsible officer for the purpose of promoting the offender’s rehabilitation.’

The court must impose an offender supervision requirement in the following situations:

- Where the individual is aged under 18
- Where the court imposes any requirement other than an unpaid work or other activity requirement
- Where the court imposes two or more requirements

The case manager has two key roles:

• to work with the individual and relevant others to achieve change in the individual’s behaviour to encourage desistance from offending behaviour; and

• to work with the individual to achieve compliance.

The case manager is responsible to the court for the effective planning, management and monitoring of the case management plan, which supports the offender supervision requirement and through that the order. This responsibility involves motivating and supporting the individual to desist from further offending, preparing and implementing the case management plan, keeping it to schedule, organising levels and types of contact and resources to support the interventions, and supporting the individual to achieve the intended outcome of each intervention. The case manager also reviews progress, reports to court as required and helps the individual to deal with any obstacles to the successful completion of the CPO.

The case manager will be responsible for ensuring the level of supervision intensity is adhered to. This will be determined by regular assessment of the
pattern, nature, seriousness and likelihood of offending. Formal departmental reviews will maintain or vary the case management plan following a review of progress and outstanding outcomes. It should be stressed that in addition to deciding the level of contact, the case manager must give consideration to the purpose and nature of that contact. This will be determined by the assessed likelihood of offending and will be geared towards meeting the stated outcomes of the case management plan. The case manager must clarify the separate but related issues of risk of offending and risk of harm to others.

11.3 Unpaid Work or Other Activity Requirement

Where an unpaid work or other activity requirement is imposed by the court, it will be for the case manager to decide, following discussion post sentence with the individual and the unpaid work case manager, whether is it appropriate for him/her to undertake “other activity” and what the nature of that activity might be. Because of the complexities of the legislation, and the differing arrangements which operate when this requirement is used as a first or second instance disposal, a separate section can be found in section 22 covering the specific procedures to be applied where a court imposes an unpaid work or other activity requirement.

11.4 Programme Requirement

An offender supervision requirement will always be imposed where a programme requirement is made by the court. The duration of the programme must not exceed the period of the offender supervision requirement.

Section 227P(2) of the 1995 Act defines a programme as:

‘a course or other planned set of activities, taking place over a period of time, and provided to individuals or groups of individuals for the purpose of addressing offending behavioural needs’.

This includes accredited and non accredited programmes.

Before a programme requirement can be imposed, the court must be informed (through the CJSWR) of the individual’s eligibility and suitability for the programme, the programme availability and confirmation that the programme manager/provider has agreed to the individual’s participation. This can be ascertained through consultation between the CJSWR author and the programme manager and should then be clearly identified in the CJSWR.

In some cases where a court has not imposed a programme requirement at first instance, it may become apparent during work with the individual that his or her participation in a programme could be beneficial. In such cases the case manager can apply to the court to have the CPO varied by the addition of an appropriate programme requirement. Consideration may also be given to whether or not the same outcomes could be delivered by structured 1-2-1 work with the individual, which could be delivered as part of the offender supervision requirement.
In keeping with section 227ZA(7)(b) of the 1995 Act, this can in practice only be done with the agreement of the individual. Where the individual is in agreement with seeking such a requirement, this can be undertaken by means of a letter outlining the request and the reasons for it, with the individual countersigning the request. Such an approach may, depending on the practice of the court, make it possible to avoid the individual having to appear in court.

Chapter 7 of NOS (Rehabilitation) deals with principles of programme design and delivery in more depth. With regard to best practice the high level standards state that case managers should work closely with, communicate effectively with, and participate in reviews with programme providers to ensure that:

- individuals are well prepared and motivated for participation in programmes;
- individuals are well supported to participate in the programme and to learn from it;
- any non-compliance or other practical hindrances to participation are addressed immediately, rigorously and effectively; and
- individuals are well supported to follow up on goals they have set as a result of participation in the programme.

11.5 Residence Requirement

An offender supervison requirement will always be imposed by the court when a residence requirement is made.

Where a residence requirement is imposed by a court, the individual will require to reside within the designated accommodation. Where the accommodation is a hostel or institution, this requires to be recommended to the court as a suitable place for the offender to reside, and for the court to specify it in the residence requirement. Where the accommodation will require to be funded, the funding should be identified and agreed in advance in accordance with the procedure of the local authority. Where the address is that of a family member, the CJSWR author may wish to ascertain that the imposition of such a requirement will not have a detrimental impact on other residents at that address.

Most individuals who are made the subject of a CPO will live in ordinary housing, which is rented from the social or private sectors or privately owned, with no direct intervention with regard to accommodation needed by the case manager. Other individuals may lack settled accommodation and require practical assistance in securing suitable accommodation in order to stabilise their lives and improve their prospects of engaging with a period of intervention aimed at reducing the risk of re-offending. Such assistance should be regarded as part of the normal duties undertaken by a case
manager. Problems of homelessness alone should not suggest imposition of a residence requirement.

A small proportion of individuals, who pose a risk of serious harm in the community, require a greater level of supervision with regard to their accommodation in order to live successfully in the community. In these cases, the CJSWR writer may recommend to the court that a residence requirement be imposed as part of a CPO, but should only do so after prior consultation about the feasibility of arranging a package consisting of designated accommodation, supervision and support within the community setting. From the court perspective a residence requirement is likely to reinforce the elements of supervision and control and to provide some reassurance that the individual will be living in a more stable environment with access to appropriate guidance and assistance to address problems and issues relating to his/her offending behaviour.

In some cases, the designated accommodation may also involve the provision of varying degrees of support/education, control and stability with the provision of learning support for life skills and independent living. In a small number of cases where a residential placement is thought appropriate to deal with an addiction issue, a residence requirement may be applied in conjunction with a drug or alcohol treatment requirement.

11.6 Mental Health Requirement

Legal framework

In imposing a CPO with a mental health requirement, an offender supervision requirement will always be imposed. Any period of a mental health treatment requirement imposed must not exceed the period of time specified in the offender supervision requirement.

The provisions relating to a CPO with a mental health treatment requirement will replace existing provisions for probation with a psychiatric treatment condition under section 230 of the 1995 Act.

A CPO with a mental health treatment requirement is not to be confused with a community based mental health order granted by the Mental Health Tribunal for Scotland under section 64 of the 2003 Act or imposed by the court under section 57A of the 1995 Act. Such legislation compels an individual to have treatment for the mental disorder.

In contrast, an individual in respect of whom a CPO with mental health treatment requirement is imposed must agree to comply with the mental health treatment requirement otherwise the requirement cannot be made. Therefore a mental health treatment requirement cannot be imposed where the individual meets the criteria for either a compulsory treatment order (under the 2003 Act) or a compulsion order (under the 1995 Act). Whilst an individual must have a mental health condition to warrant a mental health treatment requirement under a CPO, the circumstances must fall short of
meeting the criteria for the individual's being made subject to compulsory measures under the 2003 Act by the Tribunal or the 1995 Act by the court. In cases where the individual's mental health is assessed as being such as to require the imposition of more restrictive measures, and where the individual meets the criteria as laid out in section 57A (3) of the 1995 Act, the court should in such cases impose a compulsion order.

**Purpose of a mental health treatment requirement**

The purpose of imposing a mental health treatment requirement is to ensure that an individual who has been diagnosed with a mental health condition and/or learning disability which contributes to the individual’s offending receives support, care and treatment to enable them to improve their mental health in terms of their mental health needs. Section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the 2003 Act”) provides that “mental disorder” means “any mental illness, personality disorder, or learning disability however caused or manifested”. These definitions are adopted for the purposes of the guidance and the term “mental health” is used generically and includes individuals considered “learning disabled”. In the latter, it is acknowledged that learning disability itself is not treatable, but that the behaviours that give rise to offending may be.

A mental health treatment requirement is imposed to enable the individual to access assessment and treatment by or under the direction of a registered medical practitioner or registered psychologist with a view to the improvement of the individual's mental health. This treatment will be determined by the opinion of a registered medical practitioner or registered psychologist and should be recorded and updated in the case management plan. A registered medical practitioner is a medical doctor who is registered with the relevant body, and as such is licensed by the General Medical Council to practice medicine.

**Court consideration**

For a mental health treatment requirement to be imposed under a CPO, the court has to be satisfied, following evidence from a registered medical practitioner, that:

- the individual suffers from a mental condition;

- the condition requires and may be susceptible to treatment; and

- that the condition is not such as to require compulsory treatment under section 64 of the 2003 Act or a compulsion order under section 57A of the 1995 Act.

The court also has to be satisfied (on evidence from the registered medical practitioner or registered psychologist who will be giving the treatment) that the proposed treatment by the doctor or psychologist for the individual is appropriate, and that arrangements have been made for the treatment to be
given to the individual. The CJSWR writer must therefore liaise with the relevant medical personnel in advance to determine these facts.

Where consideration is being given after conviction to the imposition of a mental health treatment requirement, to assist in decision making the court may wish to request a psychiatric report which may include a multi-disciplinary assessment. In this instance a multi-disciplinary assessment may include the views of a registered medical practitioner, CJSWR author, community psychiatric nurse and a mental health officer if the individual has had contact with a mental health officer in the preceding 6 months. This assessment will address the need for a mental health treatment requirement and also the nature of treatment deemed appropriate within such a requirement.

Nature of treatment

Treatment can be provided to the individual either as:

- an inpatient in a hospital, (other than in the State Hospital);
- a non resident patient at a hospital or other place as may be specified; or
- may be specified to be under the direction of such registered medical practitioner or registered psychologist as appropriate to the individual in terms of his/her mental health and social circumstances.

Otherwise the nature of the treatment is not to be specified in the CPO.

Therefore the individual may receive treatment as an out patient, day patient or in patient. If treated as an in patient, it would be inappropriate to treat the individual in a secure setting. If such a level of security is necessary, formal care and treatment under relevant provisions of the 1995 Act or the 2003 Act must be considered and applied.

Section 329 of the 2003 Act defines "medical treatment" as "treatment for mental disorder" and for this purpose "treatment" includes:

- nursing;
- care;
- psychological intervention; and
- rehabilitation (including education, and training in work, social and independent living skills).

Implementation of a mental health treatment requirement

The case manager will hold overall responsibility for the CPO and will monitor and enforce compliance in relation to the individual's engagement with the mental health treatment requirement. This will require regular liaison with mental health specialists involved with the mental health treatment requirement.
Where treatment is being considered on a multi-disciplinary basis, and where this necessitates involvement from agencies other than CJSW, a commitment from the agencies involved will require to be obtained in devising a case management plan. Treatment will be determined by the opinion of the registered medical practitioner.

Where appropriate, and to ensure safeguards, the Mental Welfare Commission (http://www.mwscot.org.uk/) may be informed by letter, where a CPO with a mental health treatment requirement is imposed. This is the responsibility of the case manager. Circumstances under which the Mental Welfare Commission should be informed include:

- where an individual has previously had several previous periods of detention under the 2003 Act
- where an individual has significant learning difficulties or other mental disorder which could impair their capacity to consent/agree.

Review or alteration to the mental health treatment requirement

The case manager is responsible for convening departmental reviews, where an offender supervision requirement has been imposed as part of the CPO, at the periods specified earlier in the guidance. All effort should be made for the CPO review and any necessary mental health review to be combined.

It is the case manager’s responsibility to record any changes to the mental health treatment requirement, in accordance with departmental policies.

It is possible to change the treatment originally authorised by the court to be given under the mental health treatment requirement. This could be appropriate when the registered medical practitioner or registered psychologist considers that it would be appropriate for the individual to receive a different kind of treatment from what was originally authorised. This might be a change in where the treatment is given, or a change to the treatment itself. In either case, the registered medical practitioner or psychologist may make the necessary arrangements for the individual’s treatment to be varied. Such a change can, however, only be made if the individual and the case manager agree to the change. When a change in treatment or location of treatment is made, the case manager must notify the court of the arrangements. The legislation then provides for the new treatment package to be substituted automatically for that which was originally authorised. (Section 227T (7)(b) of the 1995 Act).

Any change to the provider of the treatment or to the location where the treatment is provided should follow full consultation with all those involved in the care of the individual. A review of the individual’s circumstances and any changes since the mental health treatment requirement was imposed should be convened and undertaken, at which the individual should be present, where possible, to discuss and agree any such changes and amendments.
If an individual subject to a mental health treatment requirement withdraws consent to treatment, for example, failing to attend appointments with the psychiatrist, a registered medical practitioner should assess the individual. If their mental health has deteriorated to the point that he or she meets the requirements for detention under the 2003 Act, such detention should be considered. Withdrawal of consent should not, in itself, be seen as such an indication on its own however, and consideration should be given to the reasons behind the person’s withdrawal of consent and whether these can be addressed, rather than moving directly to the option of compulsion or disciplinary procedures. In such circumstances, consideration should be given to returning the CPO to court for variation.

Where it is assessed that the individual does not meet the criteria for detention under the 2003 Act, but continues to refuse to comply with the mental health treatment requirement imposed by the court, despite efforts made by those involved in providing the care and treatment under the requirement, consideration should be given to the issuing of warnings, in accordance with disciplinary procedures invoked as specified in this practice guidance.

Where an individual’s mental health deteriorates during the course of the CPO so that the individual, following assessment by a registered medical practitioner and a mental health officer, meets the requirements to be made subject to compulsory measures of care and treatment under the 2003 Act, the mental health treatment requirement will be suspended by CJSW staff and the court notified of any such changes.

Where an individual is assessed as requiring longer term detention under the 2003 Act in terms of detention under a compulsory treatment order, and once such an order is granted, a request should be submitted to the court for consideration of revoking the mental health treatment requirement and any other requirement which is deemed no longer appropriate. There may be occasions when the CPO is allowed to continue to ensure supervision and support beyond a compulsory treatment order. This may be in such situations where the patient’s mental health improves and it is envisaged that the compulsory treatment order may be revoked after a short period. However, in the majority of cases, the CPO would be revoked to avoid a situation where an individual is moving between a CPO and a compulsory treatment order and back again for a period of years.

Additionally, a referral to the appropriate community care social work service should be considered where it is assessed there may be ongoing support needs, once a compulsory treatment order and CPO are no longer in force. It would be good practice for the community care social work service to undertake an assessment to determine needs and services which can be offered to help provide support.
11.7 Drug Treatment Requirement

A drug treatment requirement might be imposed when there are drug issues identified, but where an individual has not established a chronic history of drug misuse. Such a requirement will only be imposed in addition to an offender supervision requirement.

The nature of work with individuals made the subject of a drug treatment requirement means that staff will inevitably come into contact with individuals who are parents or caring for other vulnerable people. The safety and well being of children and other vulnerable people is of paramount importance at all times. CJSW staff practice should reflect local authorities’ procedures and protocols where substance misuse is a factor in relation to protecting others.

A CPO with a drug treatment requirement provides courts with an alternative sentencing option to a custodial sentence or a Drug Treatment and Testing Order (DTTO). In particular, offenders with drug problems who would not be eligible for a DTTO, because their offending history is not sufficiently high tariff, should be considered by the CJSWR author for such a disposal. This may include, for example, female offenders who generally have a lower tariff offending history or some first time offenders.

Drug treatment, in the context of CPOs, should focus on the needs of the individual. It should also, where possible, recognise that drug treatment programmes may have a higher rate of success where these include some family involvement.

The aim of all treatment should be recovery from drug use. Treatment does not require to be delivered by a drug specialist resource, but can be delivered by a case manager who has received appropriate training. However, different people have different routes to recovery and hence treatment could involve all, or some, of the following, as appropriate to the individual’s needs:

- psychological care such as counselling or cognitive behavioural therapy;
- support on family, social and financial issues as well as preparing individuals for education, training and employment;
- medical treatment to directly address the drug addiction such as prescription of substitute drugs or detoxification;
- relapse prevention; and
- peer support including mutual aid.

Where a drug treatment requirement is imposed, a case management plan will be compiled by the case manager setting out what treatment and interventions are planned to address an individual’s drug misuse. This process will commence at the CJSWR stage and will be added to once the CPO commences. Depending on the stage of the process at which such an
assessment is to be carried out, it may involve the CJSWR author, the case manager, addictions workers or others. As in all services of treatment and care, the individual concerned should be consulted on all aspects of his or her needs and on the proposed approach to helping the individual achieve recovery.

Where treatment as a resident is required as part of a drug treatment requirement, such resources would require funding and advance agreement in accordance with the local authorities’ procedures. In the cases of individuals who have responsibilities for the care of dependent children, particular attention should be paid to the impact for the children of their parent going into residential treatment.

11.8 Alcohol Treatment Requirement

The 1995 Act states that an alcohol treatment requirement will only be imposed in addition to an offender supervision requirement.

The nature of working with individuals affected by the problematic use of alcohol means that CJSW staff will inevitably come into contact with individuals who are parents or caring for other vulnerable people. The safety and well being of children and other vulnerable people is of paramount importance at all times. CJSW staff practice should reflect local authorities’ procedures and protocols where substance misuse is a factor in relation to protecting others.

An alcohol treatment requirement can be considered where the individual’s dependence on alcohol contributes to the offending behaviour. Addressing an individual's alcohol dependence can therefore help address offending behaviour as well as wider personal and social needs.

The success of an alcohol treatment requirement may be enhanced where its implementation includes some family involvement.

Treatment can be targeted at individuals who:

- require treatment as a resident in an institution or other place;
- but can also be treated as a non-resident at a place and at intervals as specified as part of the treatment requirement;
- any such treatment is to be under the direction of such a person as specified.

Definition of alcohol dependency

The Act states that an alcohol treatment requirement aims to reduce or eliminate an offender’s dependency on alcohol. Alcohol dependence is a medical term with a meaning distinct from the problems that can occur,
sometimes as one-offs, through an uncharacteristic binge. The World Health Organisation (WHO) defines dependency as\(^1\):

- a strong desire or sense of compulsion to consume alcohol;
- impaired capacity to control drinking in terms of its onset, termination, or levels of use, as evidenced by:
  - alcohol being often taken in larger amounts or over a longer period than intended; or
  - by a persistent desire to or unsuccessful efforts to reduce or control alcohol use;
- a physiological withdrawal state when alcohol use is reduced or ceased, as evidenced by the characteristic withdrawal syndrome for alcohol, or by use of the same (or closely related) substance with the intention of relieving or avoiding withdrawal symptoms;
- evidence of tolerance to the effects of alcohol, such that there is a need for significantly increased amounts of alcohol to achieve intoxication or the desired effect, or
- a markedly diminished effect with continued use of the same amount of alcohol;
- preoccupation with alcohol;
- interests being given up or reduced because of drinking;
- a great deal of time being spent in activities necessary to obtain, take, or recover from the effects of alcohol; or
- persistent alcohol use despite clear evidence of harmful consequences, as evidenced by continued use when the individual is actually aware, or may be expected to be aware, of the nature and extent of harm.

In the WHO definition, three or more of the previous manifestations should have occurred together for at least 1 month or, if persisting for periods of less than 1 month, should have occurred together repeatedly within a 12-month period.

\(^1\) This definition is provided as an illustration and may not be the definition used in any clinical assessment of alcohol dependency.
Court consideration

In relation to alcohol treatment being imposed as a requirement of a CPO, before a court issues an alcohol treatment requirement, the legislation states that the court must be satisfied that:

- the offender is dependent on alcohol;
- the dependency requires, and may be susceptible to, treatment;
- arrangements have, or can be made, for the proposed treatment to take place including where treatment is to be residential, and details of such arrangements.

The court is likely also to want to be satisfied that:

- the requirement is appropriate for the individual
- the individual is motivated to comply with the requirement and engage in treatment
- that the work undertaken is focussed on reducing or eliminating alcohol dependency
- that alcohol is a significant factor in the individual's life, causing problems personally, within their family and contributing to their offending behaviour

These factors should be taken into account in the CJSWR.

Treatment

Alcohol treatment, in the context of CPOs, should put the needs of the individual at the centre of their care and treatment. The aim of the alcohol treatment requirement should be recovery from alcohol dependency. Different people have different routes to recovery and hence treatment should be individualised as appropriate to the individual's needs and may include the following:

- structured preparatory and motivational intervention;
- structured psychosocial intervention (such as cognitive behaviour therapy and relapse prevention);
- support for family, social and financial issues as well as preparing individuals for education, training and employment;
- detoxification;
- structured day care programmes; or
- more intensive residential inpatient care
Where treatment as a resident is required as part of an alcohol treatment requirement such resources would require funding and advance agreement in accordance with the local authorities' procedures.

Depending on the stage of the process, the potential need for this requirement would be identified by CJSW staff in consultation with relevant others involved in the treatment of the individual. Local policies and procedures would require to be followed to access funding in providing such resources.

Where a CPO including an alcohol treatment requirement is imposed, a case management plan will require to be compiled by the case manager which should indicate what treatment and interventions the individual will receive to address their alcohol dependency. It should also ensure that individuals are well supported to participate in treatment and follow up on goals they have set as a result of it.

**Interventions relating to non-dependent alcohol problems**

Problematic alcohol use can result in physical, psychological and social harm both for an individual and others and can be closely linked to their offending behaviour. Where the degree of problematic alcohol use is hazardous or harmful but does not constitute dependency this could be addressed through the offender supervision requirement of a CPO by the case manager, through a programme requirement, or possibly through the "other activity" element of an unpaid work or other activity requirement. In such cases interventions could generally be considered to include:

- counselling;
- the giving of information;
- self help materials with alcohol specific information, advice and support;
- engagement with local projects and community based initiatives to raise awareness; or
- self help groups.

The intention to address alcohol problems in any of the ways should be recorded in the case management plan which is, as noted in section 10, provided to the court as part of the CJSWR.

**11.9 Conduct Requirement**

A conduct requirement will only be imposed in addition to an offender supervision requirement.

The intention of the "conduct requirement" in section 227W of the 1995 Act is to provide the courts with additional flexibility to impose requirements on an
offender to do or refrain from doing specified things not covered elsewhere in the legislation. In doing so the court must be satisfied that this is necessary to secure or promote good behaviour by the offender, or preventing further offending by the offender, and the conduct requirement is defined in the 1995 Act as such.

For example, the court may require the individual not to enter a certain street or not to enter a play park. In many circumstances, non-compliance with this requirement may not be known to a case manager until guilt is established – similar to practice in relation to a probation order, where an individual has committed a further offence but the supervising social worker is not aware of this until the matter is dealt with in court.

A conduct requirement will not be imposed where another requirement would meet the objective. For example, where it is deemed necessary for an individual to undertake alcohol treatment it would not be necessary or permissible, under the legislation, for the court to impose a conduct requirement to ensure that the individual complies with alcohol treatment.
12. Restriction of Liberty Orders

Restriction of liberty orders (RLOs) will continue to be available to courts as an alternative to custody and can be imposed concurrently with a CPO as a separate order. There is no provision for a restricted movement requirement (electronic monitoring) to be imposed as a requirement of a CPO at the point of sentence: it is only available to the court as a sanction for breaching a CPO. If a need for electronic monitoring of the individual is identified by the court at the point of imposition of the CPO, a concurrent RLO will be made. All failures to comply with the requirements of the RLO will be reported to the sentencing court.

In cases where a concurrent CPO is imposed alongside a RLO, a copy of the RLO will be sent by the court to the local CJSW manager for information. Similarly, the court will provide the electronic monitoring company with a copy of any concurrent CPO.

If the individual fails to comply with the requirements of the CPO and a breach report is to be submitted to the court, a report of the individual’s compliance with the RLO should be requested from the electronic monitoring provider at the same time. This should be submitted as part of the breach report to the court. The electronic monitoring provider will provide the RLO compliance report within 48 hours of request.

In cases where the individual has breached the RLO, the electronic monitoring provider will send the breach report to the court and will send a copy to the relevant CJSW manager for information. In these circumstances, it is likely that the court will request a report on compliance with the terms of the CPO from CJSW. However, due to the short contractual timescales for submitting breach reports, the electronic monitoring provider cannot request and include a CPO compliance report in the RLO breach report.
13. Drug Treatment and Testing Orders

These will continue to be available to courts as a sentencing option. Both Drug Treatment and Testing Orders (DTTOs) and RLOs can be used as a concurrent sentence with a CPO but it is anticipated that RLOs will rarely be used concurrently with DTTOs.

A DTTO is a high tariff disposal for individuals with drug problems who might otherwise receive a custodial sentence. It is not available to JP courts.

The purpose of a DTTO is to target individuals whose offending is a direct result of their drug misuse, for example, those who steal to fund their habit and who are at direct risk of a custodial sentence. This is different from a drug treatment requirement, which is targeted at those individuals whose offending is not as prolific and who might have been the subject previously of an enhanced probation order.
14. Compliance

Purpose of Managing Compliance

Managing compliance effectively is an important responsibility critical to achievement of the purposes of the order. The purposes of promoting compliance include:

- to ensure that an individual subject to an order pays back to society in accordance with requirements imposed by the court;
- to protect potential victims and the general public;
- to enable individuals to live law abiding lives; and
- to enable individuals to successfully complete their plan to change.

In the interests of justice and to maintain the credibility of the order, disciplinary procedures must reflect the legislation and be reasonable, clear and enforceable. They should be capable of being upheld in a court of law and also capable of swift implementation.

Case managers/unpaid work case managers have a responsibility to take reasonable steps;

- to support the individual to enable him/her to complete his/her order; and
- to enforce the requirements of the order, should the individual fail to comply without reasonable cause.

The case manager/unpaid work case manager must therefore be fair, reasonable, transparent and consistent in their approach where issues of non-compliance occur.

The enforcement processes require the CJSW staff involved in the delivery of the order to be diligent in their case recording of all aspects of management of the individual from the very first serving of the order.

Means of Managing Compliance

All means of available technology should be used to ensure that compliance is encouraged and directed. The case manager/unpaid work case manager may make use of a variety of means of doing so e.g.:

- regularly confirming house and/or mobile phone numbers and recording these on case files so that contact can be maintained by phone;
- use of texts to remind individuals of appointments, reviews and to instruct contact where there has been an absence;

- use of emails to individuals (where they have the technology to support this form of communication). This will require the individual's permission. Emails must be kept concise and not disclose personal information about the individual; and

- unless handed direct to the individual, recorded delivery letters must be used to issue formal written warnings. Texts and emails must not be used to issue warnings.

Home visits, in response to any failures to comply, can improve the chances of the individual continuing to engage in the supervisory / rehabilitative process since such a visit:

- reinforces to the individual the importance of compliance (reinforces the care and control elements of supervision);

- allows speedy decisions about whether failure to comply was for acceptable or unacceptible reasons;

- provides opportunity for early identification of any problems or barriers which are impacting upon the individual (e.g. relapse in to alcohol or drug use); and

- provides confirmation that the individual is still resident at that address (or, conversely, that the individual no longer stays at that address thus allowing prompt and appropriate action - such as notification to the court).

Home visits do not necessarily have to be made by the case manager. For example, where there is a need to simply verify home circumstances - or check whether the individual is still resident at a particular address - this could be carried out by another member of staff who feeds back to the case manager.

Management of apparent failures to comply with a CPO

(The management of apparent failures to comply with unpaid work or other activity is separately addressed in section 22.)

In all cases where the individual is alleged to have failed to comply with an aspect of the order, other than unpaid work, the case manager should investigate including through full discussion with the individual, whether the explanation provided by the individual for the alleged failure is acceptable or not. If necessary, visits to the individual’s home should be carried out as part of these investigations - which should be the norm and carried out with immediate effect where high or very high intensity contact levels are required.
Such home visits should be undertaken in accordance with departmental policies and with regard to staff safety.

In this context the following reasons for failure to comply will generally be acceptable:

**Ill health.** The individual must provide a certificate either in the form of self certification or a fitness to work certificate dependent on their circumstances.
- individuals should complete a self certification form for a period up to 7 consecutive days if unfit to work;
- if the individual is unfit to attend a CPO appointment at any other time during the six weeks following the end of their self certified absence, a fitness to work certificate will be required. On a fitness to work form, doctors will be able to advise one of two options:
  o **Not fit for work** - this means that the doctor's assessment of the individual is that they have a health condition that prevents them from attending for the stated period of time.
  o **May be fit for work taking account of the following advice** - this means the doctor's assessment of the individual is that their condition does not necessarily stop them from participating e.g. they may be restricted in some of the activities required of them. In the statement, the doctor will state the period of time for which their advice is valid i.e. for how long alternative arrangements may be required to allow the individual to comply with the requirements of the CPO. In such circumstances, and dependent on facilities available, the CPO may require to be suspended. Where an order may require to be suspended for 3 months or more, consideration may be given to returning the order to court for variation.

The case manager should not accept more than two self certificates within 6 months and should not accept any self certificate after a final warning for non-attendance has been issued. In circumstances where contact is required with an individual’s GP, a medical mandate will be required. (Consent to this should be sought and a mandate fully explained and signed at the post sentence interview, and retained on file.) Any information sought from the GP should only be pertinent to the absence and must not request any information other than that which contributed to the absence.

When the individual has failed to comply with a requirement, case managers should exercise their judgement as to the appropriate action to be taken. Once invoked, however, such actions must be followed through unless there are exceptional circumstances which warrant use of discretion e.g. a significant period since the previous formal disciplinary action was taken.

Where discretion is used, this should be linked to the level of risk the individual is assessed as presenting. In general, the higher the assessed risk, the less discretion should be used. Where it is proposed that discretion is used, this should be discussed and agreed between the case manager and
his/her line manager. The outcome of the discussion and the reasons for the use of discretion should be clearly recorded. Where discretion is exercised it should be recorded in the case file.

**Use of applications to vary a CPO in managing compliance**

Circumstances may arise where a second unacceptable failure to comply has not occurred and a final warning has not been issued but it is nevertheless apparent to the case manager that the individual may fail to comply with the requirements of the order. In these circumstances the case manager should consider whether any variation to the order might help to promote compliance without diminishing the aims of the order in terms of ensuring payback and promoting behavioural change.

Such a variation might be helpful for example if the individual has shown themselves unable to comply with a conduct requirement imposed by the court but the case manager considers that they would be more likely to comply if subject to a simultaneous residence requirement. An early application to vary may help to avoid the necessity later of instituting breach proceedings. A court may also be able to deal with an application to vary more quickly than with breach proceedings.

An application to vary should not be used however simply to attempt to reduce the burden of a CPO on an individual where the individual has shown him or herself unwilling to comply with the requirements of the order.

If the case manager considers that variation might be helpful, they should discuss with their line manager whether an application to vary the order should be made to the court for variation as set out in section 16.1 below. Such an application will only be granted by the court if the individual consents; this requirement is contained in section 227ZA (7)(b) of the 1995 Act.

**Formal disciplinary action**

Where disciplinary actions are invoked during the course of a CPO in relation to one or more requirements, this should be done where possible in a manner which allows the individual to continue to focus on progress towards successful completion of other requirements, rather than regarding the disciplinary action as inevitably leading to breach. For example, where an individual has failed to comply with an unpaid work requirement, but is attending supervision and drug treatment requirements, the individual should continue to be offered opportunities to continue to engage with the supervision and drug treatment requirements.

Where there has been a significant occurrence e.g. where the case manager doubts whether the objectives of the CPO remain appropriate or can be achieved or for example, where the safety of another person is compromised, it may be appropriate to return the CPO to court regardless of the stage the individual is at in the warning process.
In general, formal disciplinary action should always be taken where the failure to meet the requirement is serious or where there are repeated minor failures.

Where, in relation to an order containing both offender supervision and unpaid work, the unpaid work case manager has concluded that an individual is in breach of the latter requirement, the case manager must initiate breach proceedings, whilst continuing to engage with the individual in relation to the other requirements. The case manager, in submitting the breach report to the court, should provide the court with full information on the individual’s performance in respect of other aspects of the order. A sample of a breach report is available at annex 6.

When the case manager decides that an explanation offered by the individual for failure to comply is unacceptable, the following action should normally be taken:

**First unacceptable failure to comply** – a formal warning in writing, recorded in the case file and issued by the case manager.

**Second unacceptable failure** – a final warning in writing and again recorded in the case file and issued by the case manager.

**Third unacceptable failure to comply** – letter to the individual indicating that breach proceedings are being instituted.

For the purposes of compliance, warnings issued on separate requirements count as a total when monitoring overall compliance e.g. where an individual receives a warning in relation to an offender supervision requirement and later also receives a warning in relation to an unpaid work or other activity requirement, this results in the person being subject to a final warning.

Cautions can be used to address minor infringements but a caution should not be used in dealing with an unacceptable absence, which should always result in formal disciplinary action. A caution can be given verbally and confirmed in writing. Where a caution is used in response to a failure to comply it is not a formal warning and therefore is not part of the formal warning process. A caution for example may be used when an individual is complying overall, but has failed to comply with one of the conditions e.g. fails to notify a change of employment, but continues to engage with the CPO.

All warnings should be issued through the use of recorded delivery letters to the last known address. Where the individual has failed to maintain contact and has recently notified a change of address, the case manager may wish to also send a copy of the letter, also recorded delivery, to the last two known addresses.

A decision to initiate breach proceedings should be discussed and endorsed by the case manager’s line manager. If agreed, breach proceedings should be initiated within no more than 5 working days of the decision to breach.
As outlined in Chapter 5 of NOS for Social Work Services in the Criminal Justice System, unless there is a good reason (incapacity, threat to staff or public) the individual should not automatically be suspended from participation in planned interventions once a decision has been taken to initiate breach proceedings. The case manager should exercise their professional judgement to determine whether the individual would be able to sustain the required level of engagement to continue with these interventions, pending the outcome of the court decision. This assessment should also consider the maintenance of credibility of the order/scheme with other offenders.

It is the responsibility of the case manager to decide on the appropriate action to be taken where non-compliance is alleged except in the case where the alleged non-compliance relates to an unpaid work requirement. In many instances the decision will be in response to information passed by a third party such as a programme manager/provider, etc.

Agreed internal procedures should be in place for the reporting (and recording) of instances of non-compliance in such circumstances. The aim should be for the case manager to decide on the appropriate action within 2 working days of the report from the third party and for the decision to be communicated immediately it has been made to other parties involved in the supervision and to the individual.
15. Restricted Movement

A restricted movement requirement can only be imposed by the court as a sanction for breaching the terms of the original CPO and cannot be imposed at first instance. The restricted movement condition is similar to an RLO in that it requires the individual to remain at a specific address for up to 12 hours a day and/or to stay away from a specific address for up to 24 hours a day. Compliance with the requirement is monitored electronically by the same company responsible for monitoring compliance with RLOs.

If the individual fails to comply with a restricted movement requirement, the electronic monitoring company will send a report to the case manager, not to the court, within 2 working days of the failure occurring. The case manager is then required to submit a breach report to the court, providing information on the individual’s compliance with the CPO, including the report on non-compliance with the restricted movement requirement provided by the electronic monitoring company.

Given that a restricted movement requirement can only be imposed following breach, failure to comply with the terms of a restricted movement requirement should be considered as a serious breach.

A failure to comply is:

- absence from the restriction address during the time of restriction;
- presence at an address the individual is restricted away from;
- withdrawing consent to electronic monitoring;
- tampering with or damaging the electronic monitoring equipment.

Some absences do not constitute a failure to comply, provided they have been independently confirmed. These include medical or dental appointments, job interviews, attendance at court and police custody.

There are 3 levels of breach which are defined in the RLO/Electronic Monitoring guidance handbook and also in the contract between the Scottish Government and the Electronic Monitoring Service Provider for the provision of the electronic monitoring services in Scotland. These levels of breach, which are listed below, will also apply to restricted movement requirements and failure to comply will lead to a report being forwarded to the case manager:

**Level 1**
- absence for a significant part of a restriction period;
• tampering with or damaging the electronic monitoring equipment to the extent that replacement is required;

• withdrawal of consent to electronic monitoring;

• physical assault on any of the service provider’s staff.

Level 2
• short absences which have accumulated to a level which requires a report.

Level 3
• presence at an address restricted away from.

The report provided by the electronic monitoring provider will contain details of the failure to comply and any reasons for the failure provided by the individual. The report will be accompanied by a computer generated report which will be certificated as evidence and which will provide the exact date and time of the failure as identified by the electronic monitoring system.

The report and accompanying evidence provided by the electronic monitoring company should be submitted to the court within 5 working days of being received by the case manager.

As with breaches of any requirement the case manager should continue to engage with the individual in relation to any other requirements imposed. The electronic monitoring company will also continue, wherever possible, to monitor compliance with the restricted movement requirement. When submitting the breach report, the case manager should provide the court with full information on the individual's performance in respect of the other aspects of the CPO.
16. Periodic (Progress) Reviews

Review hearings by members of the judiciary in Scotland were first introduced as a mandatory feature of DTTOs. The evaluation of the DTTO pilots suggested that review hearings had proved to be one of the most successful features of that order and had been viewed positively by judiciary and individuals alike. In the Management of Offenders (Scotland) Act 2005 statutory provision was made for discretionary review hearings to take place as part of the management of probation orders. Review hearings have proved to be a useful tool in sentence management and have potential for a positive impact on levels of compliance and possible reduction in the numbers of individuals reported for breach.

The legislation for CPOs contains provision for courts to carry out discretionary periodic review hearings at any stage during the CPO, to be known as “progress reviews”. This means that an individual may require to appear before the sentencer at a hearing to review progress in fulfilling the requirement(s) imposed. Whilst this may not be practical for those subject only to a level 1 unpaid work or other activity requirement, it could have real benefit for those subject to CPOs of longer duration. The sentencer has an important role in reinforcing the motivation of the individual, recognising good progress when it is made and issuing a warning where lapses in compliance and failures to progress occur.

In circumstances where the CJSWR writer is proposing to the court a CPO as a viable sentencing option, the report should consider whether regular progress reviews would assist the successful compliance/completion of order or achievement of desired outcomes. This should have regard to any low levels of motivation, the complexity of the case or past failures by the individual to comply or co-operate. Progress reviews held by the court could also help inform, or be informed by, internal departmental reviews i.e. 3 months, 6 months and 6 months thereafter.

If the court intends to carry out a progress review, the date of the first such hearing must be contained in the CPO. The case manager, or unpaid work case manager if the individual is solely subject to unpaid work or other activity, should submit a report by noon on the day preceding the date of the review to assist the court in carrying out the hearing (see annex 7). The report should be concise and restricted to a summary of the individual’s progress (or lack of progress) since submission of any previous report/review. Where there has been a significant lack of progress in relation to an unpaid work or other activity requirement, as a result of employment, illness etc., a view as to whether the order should be continued, varied, revoked or discharged - and if appropriate a new disposal imposed - should be given. Progress reviews also provide opportunity where there has been very satisfactory progress on the part of the individual for consideration by the court of early discharge of the CPO.
16.1 Application to Court for Variation or Discharge

Case Managers and/or individuals subject to a CPO can request one or more changes to the CPO’s existing requirements (outwith any existing progress review hearings scheduled). In the event of a case manager initiating such a review with the agreement of the individual, it would be sufficient to prepare a short report to the court commenting on progress and the reason for the proposed variation. This must be signed by the individual indicating his/her agreement. Depending on the court’s view, submission of such a document may exempt the case manager and individual from appearing in court. This process can apply to a request for an early discharge of a CPO, irrespective of whether the CPO includes an unpaid work or other activity requirement.

Where an individual requests a review independently of the case manager, this will require a court appearance from the individual and possibly the case manager if the court requires further information.

16.2 Departmental Reviews

Departmental reviews should be arranged, with their frequency being in accordance with the supervision intensity levels as defined previously in section 10. Departmental reviews should also be convened where there have been any significant changes (or new information comes to light) which could necessitate a change in the overall case management plan. All reviews should be informed by an up to date administration of a risk assessment tool. Written information should be compiled in advance of a review outlining the individual’s progress or otherwise and should be signed by the case manager, the senior member of social work staff, the individual and any other agencies present, on completion of the review or as soon as possible thereafter. A review template, for optional use, is attached in Annex 5.

The individual is expected to be present and take part in the departmental review but, if through unavoidable circumstances this is not possible, a paper exercise can be completed between the case manager and the senior social work staff member and shared with the individual at the next appointment. All records compiled for departmental reviews must be kept on file and referred to as appropriate.

External agencies and other social work departments who are involved with the individual and/or his/her family, should be invited to such reviews and if not able to attend, give feedback to CJSW staff to be considered as part of the review. If there are child protection issues or issues in relation to vulnerable adults, the case manager should endeavour to gain up to date relevant information for the purpose of the review. This must be recorded on the review form, unless it puts third parties at risk.

Further information on the role of case manager and principles of best practice in relation to supervision are contained in NOS for Social Work Services in the Criminal Justice System.
17. Transfers

17.1 Within Scotland

The legislation provides for an individual on a CPO to change his/her residence, subject to the case manager being informed at once of the changed address. However, where a residence requirement or restricted movement requirement are imposed as part of the order, different arrangements apply. Such changes require the agreement of the sentencing court prior to the address change.

The following general procedures apply where an order does not contain a residence and/or restricted movement requirement:

- Where the new address is in the same local authority area, the individual must inform the case manager of the change of address. The new address must be recorded and placed on the case file.

- Where the new address is in a different local authority area, the procedures to be followed are subject to section 227ZB of the 1995 Act and would normally include an application to transfer the order by varying it so that it specifies the new local authority area in which the individual resides or will reside. See further details in section 17.2 below.

- Where circumstances permit, case managers should plan transfers in advance in order to obtain a smooth transfer and maintain good standards of supervision.

- Case managers should not normally supervise an order from another local authority area, other than in exceptional circumstances such as the individual securing short term employment opportunities, and for no longer than 3 months without formal transfer of that order.

- Case managers should ensure there is evidence to show that any change of residence is sufficiently permanent before making an application to court for transfer.

- All relevant information should be transferred to the receiving local authority immediately and certainly no longer than 6 weeks of the transfer of the order.

- When an order is transferred to another sheriff or JP court, all of the powers of the court holding the order are transferred to the receiving court.

Where provision of a specified requirement, in the way that it was imposed, is not available in the area in which the individual intends to reside, this must be brought to the attention of the court.
17.2 Change of address to new court and local authority area

The following procedure should be applied where the proposed (or actual) new address lies outwith the existing court jurisdiction and local authority area.

The receiving CJSW office should respond in writing to requests within 5 working days. Where responsibility for the CPO is agreed, the name of the appointed case manager should be identified and provided in writing. All requested paperwork e.g. risk assessments, CJSWR etc. should be forwarded to the new local authority at the earliest possible opportunity. On confirmation of details of the new case manager, application in writing to the court for transfer should be made by the existing case manager within 5 working days. The application should contain the reason(s) for the transfer, details of the new CJSW office and case manager and confirmation of willingness to accept the transferred order. The application should always be accompanied by a brief progress report.

Where the receiving local authority is not able to deliver in full the requirements set out in the order e.g. a specific programme requirement, the court should be advised of the position to allow it to consider what action, including variation of the order, should be taken.

It is the responsibility of the court social work staff to inform the existing and new case manager without delay of the outcome of the transfer application. Where case records have not been forwarded, the existing case manager should arrange for all relevant case records to be transferred at the earliest opportunity, to the proposed CJSW office or new case manager. Arrangements then require to be made to ensure that the transferred order be served on the individual at the earliest opportunity. In addition all the powers of the court responsible for the CPO to date transfer to the receiving court.

17.3 To other parts of the United Kingdom

Separate guidance will be available on arrangements for transfer of individuals who propose to move to an address outwith Scotland.

17.4 Change of address by an individual subject to a residence requirement or, following breach of CPO, to a restricted movement requirement.

Individuals who are the subject of a residence and/or restricted movement requirement, should seek the prior agreement of the court before changing address, if that change may affect their compliance with that requirement. The court in considering any such application may decide to:

- vary the requirement to reflect the proposed change of residence;
- discharge the requirement; or
- refuse the application.
To assist the court in arriving at a decision, a report from the case manager should set out the reason(s) for the proposed change of address, details of the proposed new address and the extent to which a new residence requirement would be appropriate and the individual’s progress and ongoing risk during the order. Where the individual is subject to a restricted movement requirement, the case manager should request a compliance report from the company responsible for providing the electronic monitoring service in Scotland and submit it to the court along with the variation report.

Breach proceedings should be initiated in respect of any individual subject to a residence requirement or a restricted movement requirement who has moved address without the prior approval of the court.
18. Completion

Where an individual has completed a CPO satisfactorily, a completion/exit questionnaire should be completed by the individual with the assistance of a member of CJSW staff who has not had supervisory responsibility for the individual’s CPO (Annex 8).

It would be considered good practice for a completion report (Annex 9) to be submitted to the court by the case manager or unpaid work case manager to advise the court of the satisfactory completion of the order, the work undertaken, the progress made, the skills learned, the employment status at commencement and completion of the CPO and the individual’s overall attitude to the CPO.

Where a CPO has been breached it would also be appropriate, where possible, to offer the individual the opportunity to make comments identifying the difficulties the individual had in successfully completing the order and whether other supports could have been put in place.
19. Travel Expenses

Scottish Ministers will issue separate guidance on the payment of travelling and other expenses to offenders in connection with their compliance with the requirements imposed on them by a CPO.
20. Monitoring / Data Collection

Separate notification will be provided to local authorities and CJAs by the Scottish Government of the national data which must be collected in respect of CPOs to provide evidence of the order’s effectiveness and to identify opportunities for improved practice. Notification will also be provided on the form and content of the annual reports which local authorities are required to provide under section 227ZM of the 1995 Act.

Separately local authorities will wish to identify their own data needs for local management information purposes.
21. Consultation of communities

As mentioned in section 2 of this Guidance, there is a requirement in section 227ZL of the 1995 Act for local authorities to consult prescribed persons annually on the nature of unpaid work and other activities to be undertaken by offenders residing in the local authority’s area.

A Scottish Statutory Instrument has made by Scottish Ministers prescribing the persons or classes of person (individuals or organisations) who must be consulted. Supporting guidance on this issue and the wider challenge of raising public awareness and understanding of CPO has also been issued prior to commencement of the CPO on 1 February 2011.
22. Unpaid Work or Other Activity Requirement

22.1 Introduction

This section of the guidance, which focuses on the unpaid work or other activity requirement of a CPO, requires to be read in conjunction with the rest of this practice guidance and the high level NOS for the Social Work Services in the Criminal Justice System. This supporting guidance is intended to translate section 8 – ‘Reparation’ – of the NOS into an operational framework for the delivery of the unpaid work or other activity requirement of a CPO. This guidance replaces the revised community service guidance issued on 27 February 2009 – JD Circular JD/05/2009.

The 1995 Act refers to “unpaid work or other activity”. At the point of sentence the court may impose an unpaid work or other activity requirement as part of a CPO. It will be the responsibility of CJSW staff following sentence to identify and arrange, after consultation with the individual, the nature of the other activity to be undertaken, if appropriate. In some cases it may be that no “other activity” is deemed suitable and in this case the unpaid work case manager may decide that the CPO will consist solely of unpaid work.

For the purposes of the guidance, the unpaid work or other activity will be referred to as “unpaid work”.

22.2 Integration with other Social Work services- Roles and responsibilities

Every unpaid work or other activity scheme requires a staff team with a relevant mix of appropriate skills and experience.

Unpaid work schemes should be planned and organised as an integral part of local authority social work services in the criminal justice system. In reaching a view about how such integration is to be achieved, account should be taken of the activities appropriate to unpaid work. When a CJSWR is being compiled it is the case worker’s responsibility to consult with the unpaid work staff as to the individual’s suitability to undertake unpaid work.

The roles and responsibilities of the staff groups are outlined in section 4.

22.3 Objectives

Section 8 of the high level standards describes ‘Reparation’ as:

“Reparation enables offenders to ‘pay back’ for the harm that they have caused and to demonstrate that they are capable of change. Reparation makes sense to communities and the general public and can enhance the
credibility of criminal justice social work services. Through reparation individuals can develop personal responsibility for their actions, enhance their employability and improve their relationship with local communities. The opportunity to make reparation should be available to all individuals”.

The main objectives of an unpaid work requirement as part of a CPO are:

- To provide courts with a credible community based penalty, which has the potential to achieve a positive outcome in respect of the individual’s future likelihood of re-offending;
- To ensure that courts have access at all times to a community disposal which offers a credible alternative to a sentence of imprisonment or detention, by requiring the individual to undertake unpaid work for a specified number of hours for the community;
- To achieve a high degree of credibility with the public and judges as a high quality intervention, which balances the requirement that individuals pay back for their crimes to communities with opportunities to address their offending behaviour and improve their opportunities to avoid such behaviour in future; and
- In particular, to improve chances of desistance from offending by providing individuals with an opportunity to develop interpersonal and vocational skills to enhance their employability prospects.

22.4 Key Features of Unpaid Work

Key aspects of the requirement include:

- Designed to offer courts a disposal for use as a first instance and for use with those who have defaulted on payment of a fine;
- Individuals must be aged 16 or above before this requirement can be made;
- Where a court imposes an unpaid work or other activity requirement on an individual aged 16 or 17 the order must also contain an offender supervision requirement in addition to any other requirements;
- There are two categories of an unpaid work requirement:
  - a level 1 requirement specifies a period of between 20 and 100 hours of unpaid work
  - a level 2 requirement of between 101 and 300 hours of unpaid work
- The legislation provides for the case manager and/or unpaid work case manager to exercise within certain limits a degree of flexibility between
unpaid work or other activities designed to improve the individual’s interpersonal and employability prospects;

- The total number of specified hours on multiple orders cannot exceed 300 (including any outstanding hours on an existing Community Service Order, Probation order with an unpaid work condition, and Supervised Attendance Order);

- Local authorities have a statutory responsibility requiring them to consult each year, representative community individuals and organisations about the nature of unpaid work to be undertaken by individuals living in the local authority area.

**Level 1 Unpaid Work or Other Activity Requirement** (common elements)

- need not be a direct alternative to custody (in contrast to level 2 and most other CPO requirements);

- Must not exceed 100 hours;

- Up to 30% of a level 1 unpaid work requirement can consist of activity other than unpaid work. The unpaid work case manager is responsible for deciding on the nature and extent (if any) of the ‘other activity’ element;

- The specified number of hours requires to be completed within 3 months unless otherwise specified by the court when imposing sentence;

- A level 1 unpaid work requirement can be imposed by a JP court;

- A report is not required if the CPO will contain only a level 1 unpaid work or other activity requirement.

**Level 1: when used with a fine defaulter**

- The consent of the individual is not required;

- Where a court (sheriff or JP) is dealing with those defaulting on fines (or instalments of fines) not exceeding level 2 on the standard scale of fines (see section 225 of the 1995 Act (£500 as at December 2010)) it must instead of imprisonment impose a CPO making a level 1 unpaid work requirement

- A fine defaulter has the opportunity to pay back all of the outstanding balance at any point - in which event the court will discharge the requirement and notify the relevant criminal justice team;
• Local arrangements will require to be agreed between the courts and CJSW staff and adhered to, so that where an outstanding amount is paid off, the unpaid work team are notified without delay;

• Where the original fine or outstanding amount exceeds level 2 on the standard scale of fines (see section 225 of the 1995 Act (£500 as at December 2010)), a CPO imposing a level 1 unpaid work or other activity requirement can be imposed instead of custody;

• No report will be required prior to a court imposing a level 1 unpaid work requirement on a fine defaulter;

• Where the individual is aged 16 or 17 years old a period of supervision not exceeding 3 months, usually, will be imposed. It is recognised this supervision will be for the purposes of supporting the young person to complete his/her order, but can also be used to offer any other advice and guidance as sought;

• Where an individual with a CPO for fine default breaches that CPO and the court revokes the CPO under section 227ZC(8) of the 1995 Act, imposing a prison sentence instead, the original fine for which the CPO was imposed is discharged.

**Level 2 Unpaid Work or other Activity Requirement**

• Must not exceed 300 hours;

• Is a direct alternative to custody;

• Requires the consent of the individual;

• Specified number of hours require to be completed within 6 months unless otherwise specified by the court at the point of sentence;

• A level 2 unpaid work requirement cannot be imposed by a JP court;

• The maximum period of ‘other activity’ must not exceed 30 hours.

**Key Guiding Principles**

Achievement of the objectives set out in section 22.3 above and against the legislative framework requires regard to be paid to the following key guiding principles:

• Purpose
• Immediacy
• Safety
• Speed
• Visibility
• Equal Opportunities
• Compliance

Purpose

CPOs with an unpaid work requirement should provide punishment and challenge to the individual and ensure that he or she pays back to the community through their work. The work undertaken, as well as being reparative, should be of clear tangible benefit to the local community. Payback should usually also extend to requiring the individual to take responsibility for their own behaviour by spending time, through the “other activity” component of the requirement, on developing their interpersonal, educational, and vocational skills to support continued desistance from further offending after the end of the order.

CPO unpaid work placements should not be used in situations which are likely to deprive others of opportunities for paid employment.

Immediacy

For CPOs to have credibility with the wider public and, in particular, the victims of the offence and their supporters, who may be in court to hear sentence being passed, it is important that justice be seen to be carried out swiftly. Wherever possible, therefore the individual should not leave the court premises without first being given a copy of the order by a member of the court social work team. Where in exceptional circumstances it is not possible for this to take place on the same day of sentence within the court or the office of the court social work team, the individual should be required to attend an initial appointment the next working day. This instruction should be attached to the CJSWR. In addition to the individual signing the order, this initial appointment will provide an opportunity for the requirements of the order and the reporting arrangements for induction to be reinforced. Further information should be recorded indicating health issues, availability for unpaid work and other activity etc as detailed in post sentence interview (Annex 1).

To ensure that an individual has the optimum chance of completing their unpaid work order safely, an induction programme should be undertaken within 5 working days. This will highlight and reinforce the individual's and the local authorities’ responsibilities for Health and Safety procedures (Annex 10).

The work placement should commence as soon as possible after the CPO has been imposed, ideally on the same working day or within 24 hours. The placement should in any event begin within 7 working days of the imposition of the CPO to ensure that the individual's motivation is maintained and a strong link established between the offending behaviour, the decision of the court, and the start of unpaid work.

Where the CPO consists solely of an unpaid work requirement the allocated unpaid work case manager should arrange to meet with the individual within 10 working days of the order being imposed by the court, if this does not
occur at the post sentence interview stage. The allocation of the appointed unpaid work case manager and the arranging of the meeting should not delay the commencement of the order. The purpose of the interview with the unpaid work case manager is to review the suitability of the placement, to discuss and agree the ‘other activity’ component of the requirement and to discuss any issues which have arisen during the first 10 days.

Safety

Any work teams or individual placements must meet the requirements of health and safety regulations and take regard of the additional social, personal and health needs of individuals. The principal considerations in determining the suitability of an individual to undertake a specific placement must however be the physical safety of any person residing at or working in the location of the placement, including the unpaid work supervisor in group placements. The CJSWR will always include an assessment of risk of re-offending and harm but further assessment requires to be carried out once an order has been made taking into account the personal abilities and disabilities of the individual. This process must commence at the post sentence interview and should be ongoing throughout the order. If an individual is assessed as presenting a risk of serious harm, appropriate departmental protocols and policies must be adhered to e.g. the unpaid work case manager must provide information and be part of multi-agency public protection arrangements (MAPPA) where the individual meets the criteria for such arrangements. Special consideration with regard to appropriate placements is required for those who present a risk to others and for those who potentially might attract high profile media attention. Work is in hand to define the scope for consistent risk practice across organisations and improved case management in dealing with offenders who present a risk of serious harm through the commission of offences of violence. This work is being taken forward by the Scottish Government working with partners as part of the follow-up to the Thematic Inspection on High Risk Offenders. CJSW staff should not assume that activities requiring health and safety training – such as use of graffiti cleaning equipment - are unsuitable for unpaid work placements. Such training can provide an opportunity rather than an obstacle. It can enhance the benefit of a placement both to the community and to the individual; and possibly to members of the unpaid work supervision team.

Speed

It is important that an unpaid work requirement is completed within the shortest possible timescale without prejudicing an individual’s employment or entitlement to benefits. A focused period of activity for the individual will ensure that the link between the conviction and the punishment is maintained.
Completion should normally be achieved within:

- **3 months** (unless the court otherwise determines) for **level 1** requirements;

- **6 months** for **level 2** requirements, again unless the court otherwise determines.

This may present particular challenges for requirements with a high number of specified hours, particularly if the individual is in employment or has other important commitments e.g. carer responsibilities. It is important in such circumstances that CJSWR authors make the court aware of the position in their report to allow the sentencer to decide whether a longer period for completion should be set. CJSWR authors may therefore require to address in the CJSWR how many hours per week can be carried out if an individual has particular commitments.

**Visibility**

Please refer to section 21 of this Guidance.

## 22.5 Operational Arrangements

### 22.5.1 Pre-sentence

Where a CJSWR has been requested there must be consultation between the CJSWR author and colleagues in the unpaid work section to assess suitability and to ensure appropriate targeting.

Where an individual is entitled to Employment and Support Allowance which reflects that his/her health is such that they cannot undertake any paid employment, the individual would normally be deemed unsuitable for unpaid work and this would require to be reflected in the CJSWR.

Where a CPO with a requirement of unpaid work is imposed despite the individual being subject to Employment and Support Allowance, e.g. where a CJSWR was not requested prior to imposition of a Level 1 requirement, it will be the responsibility of the unpaid work case manager to evaluate whether there is any unpaid work the individual can carry out which would fulfil the purposes set out in section 22.4 above. If the unpaid work case manager concludes that there is not, he or she should apply to the court for variation, revocation or discharge of the order, as appropriate, on the basis that the order as it stands is unworkable.

During interview, CJSWR authors will require to be mindful of circumstances where individuals are claiming to be unfit for work, but who are not in receipt of Employment and Support Allowance. In such circumstances, where agreed with the individual and where practical, contact should be made (prior to the court appearance) with the individual’s GP to ascertain the individual’s suitability for unpaid work or other activity. This will require a medical
mandate (Annex 2) to be explained to, and signed by, the individual. In such circumstances, the medical mandate must be explained fully to the individual and only seek information pertinent to the individual being able to undertake unpaid work. The individual’s suitability should also be discussed with an unpaid work case manager to ensure that appropriate “light work” can be provided if necessary. It is entirely reasonable to request a deferment to ensure that such information is available at the point of sentence.

The CJSWR author has responsibility for consulting with unpaid work colleagues as to the suitability of an individual to undertake unpaid work. The CJSWR author, will, where such a report has been requested, be responsible for explaining to the individual what an unpaid work requirement will entail, so that the individual can give the informed consent to the making of an unpaid work requirement should this be the decision of the court. To assist this process, unpaid work schemes should provide CJSWR authors on an ongoing basis with information, which explains the nature of the requirement and what is expected of individuals.

Where an individual is in employment (or has other commitments which the court may consider it to be important to support) a view should also be provided by the CJSWR author in the CJSWR for consideration by the court as to the length of time anticipated being needed for completion of an order. Individuals must provide proof of their employment e.g. current payslip, letter from employer or agree to contact by the CJSWR author with their employer for confirmation of work. Where an individual is self employed then a self employed self assessment tax number should be provided.

Where, as part of a CJSWR, a CPO is considered a possible sentencing option, details of reporting instructions should be attached and/or form part of the report to support immediacy. This will assist with fulfilling the need for the individual to be seen within one working day of imposition of the Order. An example of good practice may be for the individual to sign an agreement at CJSWR stage to attend for interview at an agreed time within the set timescales. Consideration can then be given if the individual fails to attend, as to the appropriate action in respect of disciplinary matters.

22.5.2 Post sentence interview

Reference should also be made to section 9 of this guidance.

An initial post sentence interview should take place on the same day as sentence or, if this is not possible, the next working day. At this meeting CJSW staff must explain to the individual in detail, the nature of the requirement and check that the individual understands his/her obligations, rights and responsibilities. In line with good practice, the individual must sign and date two copies of the order to signify that he/she understands and accepts the order. A copy must be retained in the department’s records.
During this interview:

- The individual should be made aware of the powers of the court in the event of it having been proved that the individual has failed to comply with any of the requirements of the CPO without reasonable cause;

- The individual should be advised that should he/she commit an offence against a placement attended during the course of their order or against a member of CJSW staff, a court will take into account that it was committed by the individual as part of a CPO when sentencing the individual for that offence;

- A literacy assessment to assess the individual’s learning needs should be carried out as a first step towards community reintegration. However, should the individual not pursue any advice given to follow up any deficits, this should not be deemed an occurrence which would attract disciplinary procedures as lack of literacy skills is not directly related to offending as opposed to e.g. drug use. Nevertheless, it may form the background to any subsequent breach action.

In addition, the post sentence interview, and the form completed at post sentence interview (Annex 1) provides opportunity for an assessment to be carried out of work placement suitability and the risk the individual poses in such a placement against the backdrop of the risk assessment completed at CJSWR stage. The other activities referred to may include literacy assessment, developing employment skills, parenting skills, attending college, addressing health needs or other issues relevant to the individual which would decrease further offending incidents.

Where there is any doubt about the court’s intention in relation to whether the hours specified in an unpaid work or other activity requirement are deemed by the court to run consecutively or concurrently with any existing unpaid work or other activity requirements, clarification as to the sentence imposed should be sought from the Sheriff Clerk’s office.

As noted above, the work placement should commence as soon as possible after the CPO has been imposed – ideally on the same working day or within 24 hours. The placement should in any event begin within 7 working days of the imposition of the Order.

To achieve this, when a CPO has been imposed containing an unpaid work requirement, arrangements should be made for the individual to begin the induction process, which will include a Health and Safety induction (Annex 10), as soon as possible and in any event within 5 working days of the order being made. Health and Safety must be covered by the minimum standards of the authority’s Health and Safety policy. A model of good practice in Health and Safety is set out in Annex 10. When the Health and Safety Induction has been completed, this should be signed by the individual and recorded as per the local authority’s policy. Health and Safety Induction may be part of the
post sentence meeting but even if it is not, both must be completed within 5 working days.

The work placement should commence later on the induction day or within 2 working days of induction having taken place i.e. within seven working days of imposition of the order. To achieve these timescales it may be necessary for an individual to be placed temporarily within a group placement until a more suitable placement can be identified which may utilise and/or increase the skills identified at post sentence interview.

22.6 Health and Safety Induction

All placements require to operate within the local authority’s Health and Safety policy. This will require the maintenance of close operational links between schemes and local Health and Safety officers. Both employees and individuals need to be covered by this policy. A hard copy and/or DVD should be available covering all risk and Control of Substances Hazardous to Health (COSHH) assessments and should be considered when work tasks are being assessed. This must be updated annually and signed and dated by the unpaid work team manager.

It is the local authorities’ responsibility to ensure that all unpaid work supervisors have their training needs in relation to all aspects of Health and Safety identified and met.

22.7 Organising Work Placements

Unpaid work placements fall into two main categories: those offered and supervised internally within unpaid work schemes and those offered and supervised by external organisations and agencies. In general, group placements fall into the first category and individual placements the second. Irrespective of the type of placement, delivery agencies require to ensure that minimum agreed standards are achieved or exceeded.

Unpaid work schemes should make available placements across a wide range of work settings and types of activity, work which is available throughout the week including evenings and weekends and work which so far as is possible is available throughout the geographical area covered by the scheme. Where possible, placements should be made within those communities which have suffered from the individual’s offending behaviour. The choice of placement should also however have regard to the need to minimise the prospect of direct contact between the individual and any victim(s) of his or her offences.

Consideration must therefore be given to ensuring that individuals do not come into contact with their victims. For example, if it is known that a victim of an individual on a work team frequents a particular day centre and unpaid work is carried out there, that particular individual should be reassigned to another work team. Unpaid work supervisors have a responsibility to remove
a work team from the vicinity if it becomes known that a victim is in the immediate area.

22.7.1 Issuing Work Instructions

The individual must be issued with written work instructions to cover all required work or other activity sessions. A copy must be retained on file. (NB this does not mean that separate work instructions require to be issued for each session.) The following features should be observed:

- Instructions must detail the date, place and time at which attendance is required;
- All changes in date, place and time must be notified in writing to the individual in amended or new instructions;
- The instructions must also include what is not permitted at placement e.g. not to attend in possession of or under the influence of alcohol and/or drugs;
- The individual must sign and date the original instructions and each set of new or amended instructions. The top copy of these instructions and receipts must be retained where possible, duly signed and dated;
- The signing and dating of instructions by the individual must normally be witnessed by a member of the unpaid work team, who should countersign and date the individual’s receipt; and
- Instructions should provide for completion of the required number of hours within the time set out by the court – normally 6 months (3 months if a level 1 requirement) of the date of the order.

22.7.2 Placing the Individual in Work

Responsibility for the allocation of individuals to placements rests with the unpaid work case manager and if the order includes an offender supervision requirement should reflect also the views of the case manager. In determining the most suitable placement, CJSW staff should have regard to the circumstances of the individual, his or her assessed needs and skills, the assessed nature and level of risk and the type and location of available work placements. Consideration should also be given to any adverse publicity due to the nature of the offence. Careful consideration must also be given to any increased risk to a placement by the number of individuals present at one time or by the total number of individuals involved in completing the task. Every reasonable step must be taken to ensure that that the level of supervision provided is sufficient to minimise risk to anyone at the placement.
The individual must be involved at an early stage in discussion about the most appropriate placement. The case manager or unpaid work case manager should inform the individual of decisions on placements following assessment.

22.7.3 Alcohol/Drugs

Drugs (unless medically prescribed and confirmed) and/or alcohol must not be carried or consumed during unpaid work or other activity including break periods. Any individual reporting for work who is deemed to be unfit for work, or who is subsequently deemed to become unfit for work during the placement by the unpaid work supervisor must be dismissed from work that day as unable to perform unpaid work duties satisfactorily. Where the individual is in a personal placement the agency may wish to contact the unpaid work case manager to have the individual dismissed from site.

It will be for the unpaid work case manager to investigate the circumstances of an individual being dismissed from work and to assess the culpability of the individual and decide on what disciplinary action, if any, to take. Where the unpaid work or other activity is imposed as a requirement alongside a supervision requirement of a CPO the unpaid work case manager must notify the case manager within one working day of the absence and a decision as to the acceptability or otherwise must be made within 2 days and recorded accordingly.

22.8 Equality and Diversity Issues

A sufficient range of placements must be made available to individuals to ensure due regard is paid to their gender, sexual orientation, ethnicity, disability, age and/or religion. Unpaid work schemes also require to ensure that placements can accommodate individuals with inescapable commitments relating to paid employment, education and domestic circumstances. Care arrangements for single carers therefore will require to be considered and measures put in place so that they are not disadvantaged or discriminated against in undertaking an unpaid work or other activity requirement. Refer to guidance on expenses payable to offenders to be issued by the Scottish Ministers.

22.8.1 16/17 Year olds

Young people aged 16 and 17 year old will require to be carefully assessed as to the most appropriate placement. It is envisaged that the majority of this age group will be placed in work teams, supervised by local authority supervisors as young people in this age group may encounter difficulties with individual work placements. Additionally, individual placements may not be able to cope with the extra support and needs such an age group often requires.

Unpaid work schemes may wish to give consideration to flexibility in recognition of the needs of young people in this age group and the difficulties which can be experienced by them. Particular attention must be given to the
mix of such groups where individuals with a sustained history of offending, or where those of an older age group are present and any local territorial issues must be considered to avoid confrontations.

It is especially important that young people in this age group are encouraged in conjunction with their case manager/unpaid work case manager to identify their “other activity”, if any, at the 10 day stage, at the latest, and to commence this as soon as possible to ensure that they begin to benefit from the input the “other activity” can offer.

If a young person is at risk of breaching their unpaid work requirement, unpaid work case managers should review the situation as soon as possible to discuss any issues preventing the young person completing their order. This review should involve the young person and further support should be offered, or a change of placement suggested, if required, to support completion of the order. As outlined above, where necessary the case manager can consider making an application to the court to vary the order if it seems such a variation might assist in ensuring compliance.

22.8.2 Women

Gender issues must be considered when arranging unpaid work or other activity so that women in particular are enabled to complete their CPO without harassment based on their gender or circumstances e.g. consideration should be given for the provision of female only work teams. Placements which do not offer the opportunity of women only groups may expose women to intimidation and bullying. This is an important consideration and particularly so, for example, where a woman may have been the victim of domestic abuse and/or other forms of abuse.

Placements, as for those provided to men, should focus on allowing women to develop and gain skills which may increase opportunities for personal learning and employment.

Many women may also be carers and schemes are responsible for ensuring that women are supported in accessing support which will enable them to complete their CPO. This may include help in securing nursery placements or the provision of registered child care lists. Additionally, this may also include the opportunity for flexible contracts which allow women who are carers for children, to drop children off to school and to collect them at the end of the school day, or to meet other caring responsibilities. Consideration should also be given to allowing appropriate networks to be established which can provide support once the CPO is completed to facilitate women building on skills learned/achieved during their period on unpaid work or other activity.

22.9 Minimum and Maximum Hours

The period of any work session must be sufficient to ensure the completion of worthwhile work and should not normally be less than 2 hours. There is no limit to the maximum number of hours an individual can undertake in a week if
there is capacity. If the individual is not in employment, the case manager/unpaid work case manager must ensure that unpaid work does not endanger the individual's entitlement to benefit and that the individual must remain available for work, is able to actively seek employment during this period and is able to take up an offer of employment or attend an interview on being given 24 hours' notice.

The individual must inform his/her case manager/unpaid work case manager or another member of the unpaid work team as soon as he/she has such an appointment if it conflicts with his/her work instruction. Work instructions must not be given for the day on which the individual "signs on".

Where an individual is a benefit claimant and is required to attend courses as instructed by the Department of Work and Pensions (DWP) to ensure they retain their benefit, CJSW staff should take this into account when arranging unpaid work or other activity placements. Where a work or training placement is arranged through DWP some consideration may be given to a small percentage of the individual’s attendance contributing towards their hours if the work/training is beneficial to the community and does not attract additional payment other than to cover expenses.

Notwithstanding these measures, benefit claimants taking part in unpaid work may not have as much time available as others to look for work and this should be taken into account by JobCentre Plus staff when examining an individual's job search according to the conditions stated above. CJSW staff may, with the individual’s agreement, wish to liaise with JobCentre Plus staff to confirm that the individual is subject to a CPO with unpaid work or other activity requirement.

Nevertheless, an unpaid work requirement must not be seen by the individual as an exemption from seeking employment. It must be made clear by the case manager/unpaid work case manager that entitlement to benefit is still dependent on fulfilment of the conditions irrespective of the extent to which the claimant participates in unpaid work.

For those individuals in employment the working pattern for the unpaid work requirement will require to accommodate the hours of work or shift pattern of the individual. This will often result in a requirement for provision of evening and/or weekend placements to accommodate those in employment. For individuals who work a shift pattern, consideration should be given to providing a “flexible contract” stipulating that a minimum number of hours must be completed each week thereby not jeopardising employment.

22.9.1 Recording Hours Worked

Section 227O of the 1995 Act permits Scottish Ministers to make rules about how the time spent undertaking unpaid work or other activity should be managed and reckoned. No such rules have been made at the date of publication of this guidance. Individuals must however be credited for work
undertaken as part of the unpaid work requirement, subject to the following qualifications:

- placement agencies must only ask individuals to undertake work, as part of their unpaid work requirement, which has previously been agreed with the unpaid work case manager, other than in exceptional circumstances;

- time to assemble equipment such as scaffolding, and to clean and put away tools, will be included in the record of hours worked;

- meal or coffee/tea breaks will be included in the record of hours worked but must not exceed one hour in total for each full working day. Individuals must not be allowed to leave site during such breaks and must be supervised at all times. This also applies to personal placements;

- the expected standards of behaviour during meal breaks will be the same as those expected during the hours of work and must be supervised;

- when travel to and from a placement or reporting point exceeds one hour per day in total the additional required travelling time, over one hour, must be credited in full;

- when the individual reports for work as instructed and the work/task cannot commence or a suitable alternative cannot be found, the individual may, subject to the discretion of the unpaid work case manager, be credited 2 hours of work.

If the individual reports as instructed, the work commences but cannot continue, and alternative work cannot be found, the individual should be credited with the number of hours worked or, subject to the discretion of the unpaid work case manager, 2 hours, whichever is greater. Where a work task finishes early due to inclement weather or where it is impractical to commence a new task before the work team is to be dismissed, the actual finishing time must be clearly recorded. Hours should only be credited when the individual is physically present at placement, with the exception of the aforementioned circumstances.

Where an individual is subject to an offender supervision requirement and a requirement of unpaid work or other activity the case manager should avoid making supervision appointments with the individual during the times that the individual is at placement.

Unpaid work case managers must ensure that a record of the hours worked by each individual is maintained in his or her case file. The case file must contain a record of:

- the hours worked for each work session;

- a record of all acceptable and non-acceptable absences;
• the accumulated total of hours worked by each individual;

• comments on attendance, punctuality, behaviour and work performance on each attendance.

This case file constitutes the official organisational record about the individual and must be made available to the individual on request as per local authority procedures. It will record information contained in the proposed attendance sheet to be completed by placement agencies (see Annex 11 Form 6).

22.10 Group Placements

A group placement is one to which two or more individuals may be assigned and which is supervised by a member of the unpaid work team and/or an approved agency provider. Group placements should not normally contain more than 5 individuals at any one time.

In order to allow individuals to start their CPO as quickly as possible, schemes should arrange for one or more group placements to be available to allow new individuals to be slotted in, if necessary on a temporary basis, until a permanent placement becomes available.

Case managers, where an offender supervision requirement is also imposed, and unpaid work case managers should take into account the range of differing needs of individuals. For example, consideration should be given, where numbers allow, to providing women only work parties, “light work” parties for individuals whose health or other circumstances make that necessary, or providing individual work placements.

Unpaid work supervisors should ensure that there is no harassment or intimidation of vulnerable people by other individuals in the work party. Unpaid work supervisors also have a responsibility to promote pro-social modelling, where the quality of the relationship between the supervisor and the individual can impact on changes in the offender’s behaviour in addition to challenging unacceptable behaviour. Unpaid work supervisors should use their authority to deal with such incidents at the time, and notify the case manager and/or unpaid work case manager, where practical, by the end of the working day.

22.11 Individual placements

In large part, individual placements will be provided by external organisations and agencies. Unpaid work case managers have the following responsibilities to organisations providing placements:

• to maintain weekly contact as to the progress of the placement and to ensure that weekly time sheets are submitted promptly;
- to carry out a risk assessment of the agency and the placement and to ensure that all health and safety requirements will be explained during induction to the placement which must take place on, or before, the first day at the placement;

- to explain to staff within the agency the nature of unpaid work and the obligations it places on individuals;

- to consider the views of organisations about those individuals who are best suited to work in the organisation, and, after full discussion, to respect any restrictions or special requirements (other than those which would be in breach of equal opportunities);

- subject to data protection legislation, to offer relevant information to nominated staff within the organisation about the individual’s background and history of offending, including the nature of the offence for which the CPO has been imposed, and to satisfy themselves that this information will be used appropriately and stored securely by the organisation;

- to ensure that arrangements are in place to record and conform to agreed standards regarding regular attendance, prompt timekeeping and satisfactory work performance;

- to outline the nature and extent of the assistance which the organisation may expect from unpaid work staff;

- to provide rapid follow-up when problems emerge during the work placement, both at the request of the agency or where concern is expressed by another party;

- to be responsible for all disciplinary measures, including initiation of court proceedings;

- to avoid where possible the involvement in court proceedings of outside organisations offering placements, especially where breach procedures are initiated; and

- to ensure that only those organisations which meet the obligations outlined below are used for unpaid work placements (see model of good practice for Individual Service Agreement in Annex 11 Form 4).

All organisations offering unpaid work placements should fulfil the following basic duties:

- inform the unpaid work scheme how the organisation proposes to deal with relevant and confidential information about the individual’s background, offending history and current offence, provided by the
unpaid work case manager. Such information should only be shared with previously nominated staff or volunteers when it is considered necessary in the interests of managing the placement safely;

- assess any potential risk to the organisation or others within it, which may result from the placement of an individual;
- assist the process of "matching" the individual with a particular work placement;
- comply with the local authority’s practice and procedures regarding the sharing of personal information;
- apply the same standards to their working relationships with individuals subject to an unpaid work or other activity requirement as they apply to their relationships with other members of staff or volunteers;
- ensure the availability of sufficient work to occupy the individual during agreed working hours;
- ensure adoption of the following procedures:
  - all absences and instances of significant misconduct should be reported to the unpaid work case manager without delay and normally within one working day;
  - complete and return an attendance sheet detailing hours of work undertaken for each session on a weekly basis to the unpaid work section of the CJSW office. This sheet must include details of times of arrival and departure, the hours credited, details of tasks undertaken and a comment on work performance. All absences and instances of significant misconduct must be noted and reported immediately to the unpaid work case manager, or a member of the unpaid work team and at the latest within one working day. Each attendance sheet must be signed by the individual and countersigned by the agency supervisor on the site;
  - comply with all health and safety regulations;
  - refuse any requests for loans from the individual;
  - it is the unpaid work case manager’s responsibility to ensure that agencies offering personal placements are made aware of these procedures.

A model of good health and safety practice is attached in Annex 11.
22.12 Other Activity

An unpaid work requirement provides the opportunity within certain prescribed limits for an individual to undertake other activities which are designed to address identified deficits in the individual’s lifestyle which may improve a variety of areas in their life. Other activity must not exceed 30% of the specified number of hours in the requirement, or 30 hours, whichever is the lower. The legislation does not stipulate a minimum period of other activity and it is feasible for the requirement to consist solely of unpaid work. This is a decision for the case manager or unpaid work case manager.

Where a supervision requirement is made in addition to an unpaid work or other activity requirement, case managers have overall responsibility for decisions on the extent and nature of the other activity component of the requirement in respect of an individual. This should follow consultation and agreement with the individual and the unpaid work case manager and form part of the case management plan which requires to be finalised within 20 working days of imposition of the order.

Unpaid work team managers have responsibility for identifying and developing appropriate local resources, both internal and external, in conjunction with other agencies, which will assist delivery of other activities.

Unpaid work team managers may wish to give consideration to the following possibilities for “other activity”, although they are not designed to represent an exhaustive list:

- Specific training which addresses issues of literacy, numeracy and/or problem solving. This may require liaison with local colleges or other similar resource to develop and facilitate appropriate courses. The aim should be to provide opportunities for individuals to address any educational deficits, which might be identified at the pre/post sentence review through sensitive questioning and elaboration of given answers. However, should the individual not pursue any advice given to follow up any deficits, this should not be deemed an occurrence which would attract disciplinary procedures as lack of literacy skills is not directly related to offending as opposed to e.g. drug use. Nevertheless, it may form the background to any subsequent breach action. (See also section 10.1.);

- There may be a need to address anger management issues, which even where they are not directly related to the offence, could be an area which causes the individual and/or others difficulties;

- Addressing alcohol problems through the “other activity” component, where neither an offender supervision requirement nor an alcohol treatment requirement is imposed, but where the individual’s use of alcohol is such that he or she could benefit from such input;
• Development of certain modules (traditionally delivered as part of Supervised Attendance Orders) to address issues such as improvement of interview techniques, dress code for and appropriate behaviours at interviews, and improved understanding of the implications of the Rehabilitation of the Offenders Act 1974 for job applications and interviews;

• Exploration of the potential of the work carried out counting towards a Scottish Vocational Qualification (SVQ). Unpaid work supervisors may have a role in the setting of specific goals whilst suitably qualified assessors can assess the skills developed/learned. A full record should be kept to ensure that the competencies which are met can be attributed to a SVQ;

• Where a placement involves construction activity this may contribute to the individual securing a Construction Skills Certificate, which is a mandatory requirement for working on construction sites. The Construction Skills Certification scheme is principally education based but may be augmented by experience gained as part of unpaid work. Whilst there may be existing local providers, these or other agencies may be able to offer a partnership approach geared to the specific circumstances of individuals.

It should be made clear to the individual that “other activity” is an intrinsic part of the unpaid work or other activity requirement and must be complied with in similar manner to the unpaid work component with similar consequences for non-compliance. Once the “other activity” component has been agreed as part of the case management plan, the case manager, (where a supervision requirement is imposed) or unpaid work case manager must ensure that arrangements for rigorous monitoring are in place and that appropriate sanctions are applied in the event of non-compliance. Hours spent at “other activity” must be recorded in case files in similar manner to unpaid work.

22.14 Compliance

(Please read this in conjunction with section 14 of this guidance)

When the unpaid work case manager concludes that an explanation offered by the individual for failure to comply with the requirements of the Order is unacceptable, the actions as detailed in section 14 of the CPO Practice Guidance should be invoked. Nevertheless, all efforts should be made to ensure that support and guidance is provided to prevent further unacceptable absences. Where disciplinary actions are invoked during the course of a CPO, this should be done where possible in a manner which allows the individual to continue to focus on progress towards successful completion of the order rather than regarding the disciplinary action as inevitably leading to breach.

However, in the interests of justice and to maintain the credibility of the unpaid work requirement, disciplinary procedures must reflect the requirements of the legislation and be reasonable, clear, consistent and enforceable. They should
be capable of being upheld in a court of law and also capable of swift implementation.

Where an offender supervision requirement is imposed in addition to an unpaid work requirement, or where an unpaid work requirement is solely imposed, the responsibility for issuing warnings in relation to the unpaid work or other activity requirement, is that of the unpaid work case manager.

Where there has been a significant occurrence e.g. where the case manager/unpaid work case manager doubts whether the objectives of the CPO remain appropriate or can be achieved e.g. the safety of another person is compromised, it may be appropriate to return the CPO to court regardless of the stage the individual is at in the warning process.

However, unpaid work case managers should take reasonable steps:

- to support and enable the individual to complete his/her order; and
- to enforce the requirements of the order timeously, should the individual fail to comply with that order without reasonable cause.

The unpaid work case manager must therefore be fair, reasonable and consistent in the application of the unpaid work requirement.

When the individual fails to comply with any aspect of the unpaid work or other activity requirement, the unpaid work case manager must take the action outlined earlier.

It is clear that a single unacceptable failure to attend as instructed constitutes an absence and each absence requires a decision as to acceptability or otherwise to be made within 1 week and certainly before the next instructed attendance and recorded as per the local authority's policy and procedures.

The unpaid work case manager must decide, after full consideration, which should include full discussion with the individual, whether the explanation for failure to comply which is offered is acceptable or not as indicated in the preceding guidance relating to other requirements (section 14). In this context the following reasons for failure to comply will generally be acceptable. Where discretion is being considered, this should be discussed with the unpaid work case manager’s line manager and decisions regarding acceptability or otherwise must be clearly recorded and detailed in the case file:

- ill health:
- where the individual is in custody;
- where unforeseen requirements are placed on the individual by his/her employer and these are confirmed in writing; and
• where the individual is faced with a serious and unforeseen crisis arising from other responsibilities. Confirmation of such circumstances should be sought.

In general, formal disciplinary action should always be taken where the failure to meet the requirement is serious, or where there are repeated minor failures. Where an unacceptable failure to meet a requirement occurs which does not interfere with the performance by the individual on unpaid work, the case manager may decide to issue a caution. Where a caution is given, the failure and the caution should be recorded in the case file and the individual notified.

When the individual has failed to comply with other requirements of a CPO, unpaid work case managers should exercise their judgement as to the appropriate action to be taken in relation to the unpaid work requirement.

Where an individual has accrued 2 unacceptable absences, and is subject to a Final Warning, and incurs a further unacceptable absence, the unpaid work case manager should notify the case manager if a supervision requirement is also imposed. Where unpaid work is the sole requirement, the unpaid work case manager will then be required to notify the responsible court that the individual is deemed to be in breach of their CPO by virtue of failing to undertake and comply with the unpaid work requirement. Once a decision has been taken to return a CPO to court, the appropriate report must be lodged at court within five working days of the decision to breach.

Where the unpaid work or other activity has been imposed in addition to an offender supervision requirement, the unpaid work case manager should copy all relevant correspondence to the case manager to allow the case manager to prepare the breach report to be submitted to the court.

Where an unpaid work or other requirement is returned to court under breach proceedings, the unpaid work or other activity may, after full consideration of the individual’s overall response to the CPO, be suspended pending the outcome of the court decision although the supervision of any other requirement should continue pending the outcome of the court’s decision. This assessment should also consider the maintenance of credibility of the order/scheme with other offenders.

Where there are further failures to comply pending the outcome of a breach application, these may addressed in the subsequent report requested by the court when dealing with the breach. This would give clearer information to the court as to the individual’s likely ability to comply further with the CPO.

22.15 Breach Proceedings

Where the individual continues to fail to comply with the required standards even though reasonable steps have been taken by the case manager (where a supervision requirement is imposed) and/or unpaid work case manager to enable him/her to complete the unpaid work requirement, and when formal
disciplinary procedures have failed to have the desired effect, unpaid work case managers have responsibility for informing the case manager, where unpaid work or other activity has been imposed in addition to an offender supervision requirement, so that breach proceedings can be initiated.

Where solely an unpaid work or other activity requirement has been imposed, the unpaid work case manager will submit the breach using a standardised form, within 5 working days (Annex 12). This standardised form will effectively be the complaint or indictment and refer to the relevant legislation and the specific date of the conduct complained of, that purports to constitute the breach of the order.

22.15.1 Reports to accompany Breach of Unpaid Work or Other Activity

Any breach which is presented to the court may be challenged and must therefore be supported by sufficient evidence. The evidence of one witness can provide sufficient evidence to establish a breach (section 227ZD(1) of the 1995 Act). In all cases it is essential that it can be established that the CPO was issued to, and signed by, the individual and that a clear work instruction was given.

Once the CPO has been received and signed there are 2 further elements which require to be proved for every case of breach for failure to attend, both of which must be recorded in the case file:

- that the individual was given and received relevant work instructions, detailing the date, place and time of work (see section 22.7.1); and
- that the individual failed to attend work as instructed with no reasonable excuse.

Every application to the court must be accompanied by a report which provides information and expresses a view about:

- the setting and nature of the work and the time when it had to be done;
- the tasks undertaken and the individual's response to the demands made;
- the extent of the individual's overall compliance with the order;
- any external (e.g. domestic) factors affecting the individual's compliance with the requirement;
- a reasoned opinion as to whether the order might usefully continue, be varied, or be revoked in the event of the breach being accepted or proved.
Where a failure to comply with the unpaid work or other activity requirement is the grounds for the breach but an offender supervision requirement has also been imposed, all relevant information must be collated in a suitable form and passed by the unpaid work manager to the case manager for the submission of a breach of the order. In such instances it will be the responsibility of the case manager to submit the breach within the aforementioned timescales.

A suggested template for this task is provided in the Annex 6.

The standardised front sheet should be accompanied by a breach report placing the current alleged breach in the context of the individual’s attitude to, and previous efforts to comply with, court orders. The circumstances of each breach will obviously be varied and the breach report should reflect this. The breach report should contain contextual information in relation to the breach and must include, in addition to that noted at section 14 of this Guidance:

- information on the individual’s progress throughout the unpaid work requirement and the circumstances which led to the breach;
- the report should also contain relevant information on changes in individual’s circumstances where these are known to the report author; and
- in addition, the report should contain a reasoned opinion as to whether the requirement might usefully continue, be varied or be revoked in the event of the breach being accepted or proved.

Where the order consists solely of an unpaid work requirement, however, the unpaid work case manager should restrict advice to variation of the requirement e.g. an increase in the number of hours.

22.15.2 Failure to Attend

The standards of evidence in relation to failure to attend unpaid work or other activity are the same as those identified at section 14 of this Guidance.

22.15.3 Unsatisfactory Performance at Work

Where procedures for breach are being considered on the above grounds, it is necessary to ensure that the conduct complained of is witnessed and recorded by the unpaid work supervisor or placement agency. Depending on local policies and procedures, an incident reporting form may require to be completed.

22.15.4 Failure to Comply

The standards of evidence required to prove lack of punctuality are the same as those for failure to attend.
22.15.5 Failure to Notify Change of Address

The standards of evidence are the same as those referred to in section 14 of this Guidance.

22.15.6 Failure to Notify Change in Employment

Although technically possible, it is most unlikely that the case manager/unpaid work case manager will need to use these grounds alone for instituting breach proceedings as, if the individual continues to comply with all other aspects of their CPO, failure to notify a change in employment, in itself, would not be viewed as grounds to return an order to court under breach proceedings.

22.15.7 Timescales for Breach

Rigorous and robust breach procedures are essential if the unpaid work or other activity requirement of CPOs is to be regarded as a credible community penalty. Case managers and unpaid work case managers have a critical role to play in supporting and encouraging individuals to remain compliant throughout the period of the order. As a general principle, the appointed case manager/unpaid work case manager, in situations where an individual has failed to comply with the requirement through a third unacceptable absence, should submit a breach report to the court within five working days of the decision to breach.

Where the court has imposed an offender supervision requirement in addition to the unpaid work or other activity requirement and where an individual is absent:

- the unpaid work case manager must notify the case manager **within one working day** and the absence noted on the individual’s record of attendance;

- following consultation with the member of staff reporting the absence and the individual to establish the acceptability or otherwise of the absence, the unpaid work case manager should decide on the action to be taken **within two working days** of the reported absence an no later than the next instructed day to attend unpaid work. All parties should be informed of the decision taken;

- if the decision is to breach the order, a report (Annex 12) by the case manager/unpaid work case manager requires to be submitted to the court within **five working days**.

An unpaid work flow chart is attached in Annex 14

22.15.8 Breach Established

If the court holds that an unpaid work or other activity has been breached it may:
• impose a fine on the individual not exceeding level 3 on the standard scale;

• revoke the order and deal with the individual in respect of the offence in relation to which the CPO was imposed as it could have dealt with the individual had the order not been imposed;

• impose a custodial sentence of up to 3 months (60 days in a JP court);

• vary the CPO so as to impose a new requirement, vary any requirement imposed by the CPO (e.g. increase the number of hours) or discharge any requirement;

• both impose a fine and vary the order.

Should the court decide to impose a new requirement this can include a restricted monitoring requirement (not available as part of a CPO when the original CPO is made).

In dealing with an accepted/proven breach of a CPO originally imposed instead of a fine, or imposed following fine default under section 227M of the 1995 Act, and where the court decides to revoke the CPO and instead impose a custodial sentence, the maximum term when dealt with by a JP court is 60 days and 3 months by a higher court. If imprisoned, the original fine will be discharged.

22.15.9 Concurrent/Consecutive Orders

For breach purposes, concurrent CPOs should be treated as one order and consecutive orders should be treated as individual orders. In the case of consecutive orders, whilst the focus should be on the specific order which gave rise to the breach, the court should also be asked to consider the position in respect of any subsequent CPOs in the light of the breach.

22.16 Other Provisions

22.16.1 Variation/revocation/discharge

There are no specified circumstances contained in the 1995 Act which constitute grounds for revocation, variation or discharge. However, an application may be made by the individual or by the case manager/unpaid work case manager to request a revocation, variation or an early discharge. As a broad principle, such applications are appropriate where circumstances have arisen since the CPO was imposed, which suggest that it would be in the interests of justice for the court to consider amendment or revocation. However, the following illustrate the most common grounds for such an application:
• medically certified illness over a lengthy period of time which prevents the individual from performing the CPO in a satisfactory manner including where an individual is subject to a Compulsory Treatment Order under the Mental Health (Care & Treatment) (Scotland) Act 2003;

• insufficient progress towards completion of the CPO even where absences have been for acceptable reasons;

• the individual's conviction for further offences resulting in a significant period of custody;

• the individual's employment circumstances over a significant period of time are such that there are no available and reliable times to fulfil the requirement.

In addition there is an ability within the legislation for an application to be made to the court for early discharge of the CPO regardless of the nature of the requirements. This would be on the basis of the individual’s highly positive progress. Where such an application is to be made, it would normally be the case manager, where an offender supervision requirement is imposed, or unpaid work case manager in the circumstances where an unpaid work or other activity requirement solely is imposed, who would make the application.

22.16.2 Progress Reviews

The court may decide as part of an unpaid work or other activity requirement that the individual should attend for a review hearing to assess his/her progress in fulfilling the requirement. It would not normally be expected that review hearings would be held for those individuals subject to a level 1 requirement because of the short time period for completion but there is nothing to preclude the court requesting a review hearing in such circumstances.

Reference should be made to section 16 of this Guidance for further information on progress reviews.

22.16.3 Transfers

There are no issues specific to the transfer of those orders which contain unpaid work and other requirements beyond those set out in section 17 of the broader guidance for CPOs to which reference should be made when an individual moves residence.

22.16.4 Completion

On completion of an unpaid work requirement, an exit questionnaire (Annex 8) should be completed by each individual, with assistance from a member of the CJSW Staff assessing the quality of the individual's experience and allowing the individual the opportunity to express their views.
independently and offer suggestions for improvements thereby giving the individual an opportunity to be involved in contributing to the service. A formal review should be held addressing the quality of the service provided in managing the order, changes in the individual's motivation to offend, learning, changes in behaviour, offending during the period of supervision, future prospects etc. This review should be recorded and collated so as to contribute to an overall evaluation of effectiveness.

It would be considered good practice for the unpaid work case manager to submit a completion report (Annex 9) to the court and include a copy on the case file. Its content should include an outline of the setting and nature of the work undertaken, the standard of work achieved, the content of other activity and the impact, if any, the requirement had on the behaviour/attitudes of the individual and any change in employment status. Comments made by the individual in terms of his experience of being subject to a CPO should be included in the completion report.

The opportunity should also be taken to remind the individual of the effects of the Rehabilitation of Offenders Act 1974 as it relates to the order.

**22.16.5 Liaison**

Local authority managers, including the unpaid work team manager, must ensure that there is an appropriate emphasis on unpaid work or other activity in the course of regular liaison with the judiciary. In addition, courts should be provided with annual reports about the operation of the local unpaid work scheme, with regular updates and feedback. This is the responsibility of the local authority.

**22.16.6 Training**

A wide variety of skills across a range of staff groups are required to ensure that unpaid work or other activity is delivered effectively. It is essential that sufficient specialist training is consistently available to all staff involved in schemes to ensure that the highest standards are maintained.

Distinctive staff groups, with specific and differing training needs, are employed in unpaid work schemes. For this reason the training strategy for unpaid work should form a separate, but integral, part of a training strategy developed for all CJSW staff and should be reviewed annually.

Local training strategies should include:

- induction programmes for all staff covering the philosophy of unpaid work and its place in the CJSW system;

- familiarisation with National Outcomes and Standards, quality of service and assessment.
Additional components in relation to health and safety, and an introduction to issues of offending behaviour and pro-social modelling and anti-discriminatory practice should be included for supervisory staff and staff involved in placement finding e.g.:

- diversity training for all staff;
- ongoing health and safety training for unpaid work supervisors and other staff as relevant;
- first aid training for unpaid work supervisors and subsequent updating as required;
- ongoing technical training and refresher courses for task supervisors as required;
- training opportunities which may lead to relevant vocational qualifications (SVQs) should also be made available.

All social work qualified staff must be enabled to fulfil their SSSC responsibilities to complete 15 days' training within 3 years.

22.16.7 Health, Safety and Other Statutory Regulations

Each scheme must comply with its internal local authority accident reporting procedures. A copy of this must be available to any party requiring access. Where an injury occurs which requires reporting under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) guidelines, this will be the responsibility of the unpaid work team manager.

Any individual who refuses to comply with health and safety instructions given by the unpaid work case manager or unpaid work supervisor will be judged to be failing to perform the work satisfactorily and dismissed from work that day. Disciplinary action may be considered in the event of such behaviour.

Individuals must be offered protective clothing and footwear to enable them to carry out the tasks safely. Where an individual refuses to wear such items, they may be subject to disciplinary action.

22.16.8 Working Time Directive

The Working Time Regulations 1998/1833 (which transpose the Working Time Directive) do not apply to offenders subject to CPOs. This is because the working time regulations apply only to paid work.

It is important to recall however that the court has a degree of discretion when making a CPO requiring unpaid work to specify the number of hours and the period of time within which those hours are to be carried out. In doing so the court may have regard to any criminal justice social work report which sets out the offender's circumstances. The offender will have the opportunity to bring
existing work commitments to the court’s attention. This may influence the number of hours and length of time over which the unpaid work or other activity that any order imposes is to be completed.

There is also provision under the 1995 Act for the responsible officer or the offender to apply to the court to vary, revoke or discharge an order. Here the court could consider any new paid employment obligations on the offender since the order was made.

22.16.9 Insurance

The following minimum standards of insurance provision must be agreed between the local authority and their insurers:

- all unpaid work schemes should be covered by the local authority for Public and Employers Liability Insurance exposures. This may be accomplished by the extension of existing local authority Public and Employers Liability Insurance policies to cover CPO schemes;

- these policies cover the local authority’s legal liability arising out of any injury, loss, illness or damage occasioned by negligence;

- the level of insurance cover provided for individuals undertaking unpaid work or other activity requirement should be no less than the cover provided to the local authorities’ own employees.
Annex 1 - Post Sentence Interview

.................................Council

CRIMINAL JUSTICE SOCIAL WORK

COMMUNITY PAYBACK ORDER

POST SENTENCE ASSESSMENT INTERVIEW

Nature of Requirement(s)  Court:

Date:

Unpaid Work or Other Activity  Indictment:

Y/N:

Summary:

Hours:

Personal Details  Other Occupants at address and any risks posed for home visits:

Surname:

Forename:

Gender:

Ethnic Category:  (To be identified by service user)

Address:

Date of Birth:

Phone Number:

NOK Details:

Name and Contact Details of any other agencies involved:

Type of Accommodation

Parents / Friend / Partner / Private Let / Council Tenancy / Other

Suitable for home contact:  YES/NO
Employment/Education

Employed / Unemployed / Training / College

Benefit Details: Day and time for signing on:

Employment Support Allowance / Job Seeker / Sickness / Incapacity / Disability / Other

Is Employer/College aware of the requirement of Community Payback Order? YES/NO

Name of Employer/College:

Type of Work/Course:

Availability/Shifts etc:

Qualifications/Skills

Does the service user have:

Literacy Problems that require further input, YES/NO assessment or education

Numeracy problems that require further input, YES/NO assessment or education

Existing Skills / Qualifications / Special Interests / Aspirations / Ambitions

Health

Does the service user suffer from any health problems:

Allergies / Asthma / Blackouts / Diabetes / Epilepsy / Angina / Back Problems

Hearing Problems / Eye Problems / Phobias / Skin Conditions

Any other health issues:

Has the service user self harmed/attempted suicide?
If so, please detail nature of self harm and last date:

History or treatment for depression/anxiety YES/NO

Any activities that should be avoided for specific health reasons? YES/NO

Is the service user pregnant YES/NO

Is the service user on prescribed medication YES/NO

Is the service user prescribed methadone YES/NO

Dosage: Collection Time:

Details of GP:
Disability (DDA categories)

Is the service user registered in any of the following categories:

- Hearing Impairment
- Visually Impaired
- Reduced Mobility
- Reduced Physical Capacity
- Learning Difficulties
- Dyslexia
- Speech Impairment
- Severe Disfigurement
- Mental Illness
- Any Progressive Condition
- Do not wish to disclose

Will this effect the service user in complying with the Community Payback Order? YES/NO

Name of any support worker helping the service user with issues arising from above?

Alcohol &/or Drugs

Does the service user use:

- Alcohol to excess where it may impede their ability to comply with the Community Payback Order YES/NO
- Illegal/Non-prescribed Drugs YES/NO
- Is the service user in/seeking treatment? YES/NO

Offence Details

Current Offence(s):

Is the service user appealing against conviction/sentence? YES/NO

Outstanding Offence(s):

Relevant Previous Convictions:

Sexual / Violence / Fire-raising / Theft / RTA / Breach of the Peace / Against Children

SCRO: Available Y/N If not, date requested:

Social Work Contact

Previous Court Orders / Social Work Contact / Previous Orders

Current Court Orders / Social Work Contact

Detail:

Other Social Work service involvement e.g. Children and Families; Community Care etc
Placement Considerations

Risk to children/vulnerable adults  YES/NO  Specify:
Racial implications  YES/NO  Specify:
Cultural/religious needs  YES/NO  Specify:
Risk to staff/service users/known problems  YES/NO  Specify:
Needs close supervision or restrictions  YES/NO  Specify:
Cannot be placed with male/female staff  YES/NO  Specify:

Other

Risk Issues

Indicate risk assessment and give details below:

LSCMI Screening / LSCMI full
Other (please stipulate)

Date risk assessment undertaken:

Victim Location (if applicable)

Any ASBO/Injunctions/Restrictions:

Risk of Harm: LOW MED HIGH VERY HIGH
Risk of offending: LOW MED HIGH VERY HIGH

Is the individual subject to MAPP Process  Y/N  Level: 1  2  3

VISOR input after contact required: Y/N
Any RLO Issues to be considered

Staff Safety Considerations:

Staff Safety Form Completed  Y/N  Any risks to staff identified: Y/N
If so, please specify nature of risk and control measures to be used?

Is service user alerted as per agencies policies and procedures as a risk to staff? Y/N
Travel

Cost of travel to placement / Access to transport / Evidence of driving licence

Detail:

Availability for appointments:

Availability for appointments/Unpaid work or other activity

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Identification of risk should inform the location of unpaid work placements:
Group Placement: Y/N –
Agency Placement: Y/N – If not personal placement, please indicate why?
Signing on Day:
Care Issues:
Other Restrictions:

If service user is subject to unpaid work or other activity, please give date the service user was instructed to attend Health & Safety Induction:

Declaration

I believe that the information on this form is correct;
I agree to attend the requirements as instructed;
Where applicable, the unpaid work or other activity contract remains in force unless a new contract is issued;
Where applicable, I have been offered an unpaid work or other activity information booklet and have had this explained to me;
I have been informed of local arrangements and the requirements and instructions which relate to me carrying out my Community Payback Order;
I have been asked to sign a mandate giving permission for contact with my GP solely in relation to information which may be relevant to my carrying out my Community Payback Order

Service User Signature: _____________________________ Date: _____________

Social Worker/Unpaid Work Case
Manager Signature: _____________________________ Date: _____________
**EQUALITY INFORMATION**

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<td>25-35</td>
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<tr>
<td></td>
<td>35-45</td>
</tr>
<tr>
<td></td>
<td>45-55</td>
</tr>
<tr>
<td></td>
<td>55-65</td>
</tr>
<tr>
<td></td>
<td>Over 65</td>
</tr>
<tr>
<td>Not Disclosed</td>
<td>□</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ethnic Origin:</th>
<th>Black African</th>
<th>Black Caribbean</th>
</tr>
</thead>
<tbody>
<tr>
<td>White UK</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Black Other</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Asian Bangladeshi</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Asian Indian</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Asian Chinese</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Asian Pakistani</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>White Other</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Other Traveller</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Occupational Traveller</td>
<td>□</td>
<td>□</td>
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<tr>
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<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Other</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Religious Background:</th>
<th>Hindu</th>
<th>Jewish</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Not Disclosed</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Other</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>None</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>National Identity:</th>
<th>English</th>
<th>Northern Irish</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scottish</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Welsh</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Not Disclosed</td>
<td>□</td>
<td>□</td>
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</tbody>
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<table>
<thead>
<tr>
<th></th>
<th>British</th>
<th>Irish</th>
<th>Not Known</th>
</tr>
</thead>
<tbody>
<tr>
<td>Welsh</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Not Disclosed</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>
Annex 2 - Medical Mandate

CI\R\NIAL JUSTICE SOCIAL WORK SERVICES

COMMUNITY PAYBACK ORDER

Medical Mandate

Service User’s name:

Insert date:

Dr

MANDATE TO RELEASE MEDICAL INFORMATION

NAME ........................................................................................................

DATE OF BIRTH .....................

ADDRESS .................................................................................................

................................................................................................................

................................................................................................................

The above person is subject to a Community Payback Order imposed by the Court and supervised by the Criminal Justice Service. Please note covering letter as to reason for this request.

Thank you for your assistance in this matter.

Social Worker/Unpaid work case manager
CRIMINAL JUSTICE SERVICE

SUBJECT OF REPORT:

I agree to my Doctor/Psychiatrist giving medical information relevant to my progress on the above Statutory Order.

SIGNED ...................................................... DATE .................
Annex 3 - Case Management Plan

……………………………..Council

CRIMINAL JUSTICE SOCIAL WORK

COMMUNITY PAYBACK ORDER

CASE MANAGEMENT PLAN

Individual’s Name:

Date of Birth:

Address:

Telephone:

Case manager:

CPO imposed on with the following requirement(s):

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Y</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation requirement</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Offender supervision requirement</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Unpaid Work or other activity requirement</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Programme requirement</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Residence requirement</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Mental Health treatment requirement</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Drug treatment requirement</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Alcohol treatment requirement</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Conduct treatment requirement</td>
<td>Y</td>
<td>N</td>
</tr>
</tbody>
</table>

Date Risk/Needs Level assessed:

Intensity reporting level:
<table>
<thead>
<tr>
<th>Goals achieved</th>
<th>Date achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In completing the following to address outstanding criminogenic needs, please list in order of importance to address risk and needs:

<table>
<thead>
<tr>
<th>Criminogenic Need</th>
<th>How this affects lifestyle</th>
<th>Goal</th>
<th>What work will be done to achieve goal?</th>
<th>Who will do the work to achieve goal?</th>
<th>Timescale</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1.

2.

3.

4.

5.
The following table relates to the outstanding non criminogenic needs identified, which require addressing:

<table>
<thead>
<tr>
<th>Criminogenic Need</th>
<th>How this affects lifestyle</th>
<th>Goal</th>
<th>What work will be done to achieve goal?</th>
<th>Who will do the work to achieve goal?</th>
<th>Timescale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please complete the following in relation to identified strengths:

<table>
<thead>
<tr>
<th>Strength:</th>
<th>What can be done to reinforce this strength?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
</tr>
</tbody>
</table>
I agree with the above plan:

Individual’s signature: ----------------------------------

Case manager’s signature: ----------------------------------

Date: -----------------------------------

Case management plan to be reviewed on: ---------------------
Annex 4 - Behaviour Contract

Council
Criminal Justice Social Work

COMMUNITY PAYBACK ORDER

BEHAVIOUR CONTRACT

1. This contract is between: ____________________ (service user subject to CPO) and
   _________________________ (Social Worker /Unpaid Work Case Manager)

2. It starts on __/__/__ and ends on __/__/__

3. Everybody signing the contract agrees to keep to it as much as possible, and changes to it can only happen after full discussion between all parties.

4. The aims in the grid below are identified as topics to be addressed during this contract. Each target must be very specific (avoid things like ‘stop offending’ and ‘get a job’), and should be clear both about who will do it and how it will be done.

<table>
<thead>
<tr>
<th>Target (aim)</th>
<th>Who is responsible?</th>
<th>How will it be done?</th>
<th>When by?</th>
<th>Outcome and further action</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXAMPLE: Improve my reading and writing</td>
<td>Me, Literacy Course Tutor</td>
<td>Attend twice a week for the course at X college</td>
<td>End May</td>
<td>Achieved level 1 working on level 2</td>
</tr>
</tbody>
</table>
Annex 5 - Internal Departmental Review

Criminal Justice Social Work Service

Community Payback Order

Internal Departmental Review

Internal Departmental Review

<table>
<thead>
<tr>
<th>NAME</th>
<th>REVIEW DATE</th>
<th>00/00/00</th>
<th>CJS NO</th>
<th>000000</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS &amp; TELEPHONE No:</td>
<td>DOB:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OFFENCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CPO/LICENCE</td>
<td>LENGTH</td>
<td>00/00/00</td>
<td>START</td>
<td>00/00/00</td>
</tr>
<tr>
<td>REQUIREMENT(S)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RA DATE</td>
<td>00/00/00</td>
<td>OVERALL</td>
<td>L M H VH</td>
<td>Risk of Harm</td>
</tr>
<tr>
<td>RA TOOL: Date Previously applied</td>
<td>Overall</td>
<td>Comments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RA TOOL: Date Previously applied</td>
<td>Overall</td>
<td>Comments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ARE ANY OF THE FOLLOWING A PROBLEM?</td>
<td></td>
<td>WORKER</td>
<td>SERVICE USER</td>
<td></td>
</tr>
<tr>
<td>Financial Problems</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited Education/Work/Experience</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relationships Family/Partner</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Negative Peer Influence</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Misuse</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug Misuse</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mental Health</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accommodation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

105
CASE MANAGEMENT PLAN AT LAST REVIEW/COMMENCEMENT OF CPO/LICENCE

PROGRESS TO DATE

CHANGE IN FACTORS RELATED TO RISK

CONTACT WITH OTHER AGENCIES (List and comments)

ATTENDANCE AT APPOINTMENTS

NUMBER OF FORMAL WARNINGS ISSUED

BREACH - FURTHER OFFENCE/NON COMPLIANCE

<table>
<thead>
<tr>
<th>CRIME PICS (current)</th>
<th>Offered</th>
<th>Home</th>
<th>Attended</th>
</tr>
</thead>
<tbody>
<tr>
<td>G Attitude to Offending</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A Anticipation of Re-offending</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>V Victim Issues</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E Crime is Worthwhile</td>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P Life Problems</td>
<td>5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

AREAS IDENTIFIED FOR FURTHER WORK

Previous Crime Pics
G A V E P

1. 
2. 
3. 
4. 

AREAS WHERE THERE HAS BEEN IMPROVEMENT:

AREAS FOR FURTHER WORK:
Service User’s Views

Have you been involved in behaviour that could have led to criminal charges.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

If so, please specify:

For internal purposes only, this information will not be divulged to any other party. We would like this information to help us to improve our Service to you. (Unless you inform us of a serious offence or an offence against a child/vulnerable person).

Any further charges since supervision began

FUTURE CASE MANAGEMENT PLAN/TASKS FOR NEXT ? MONTHS – Based on risks posed.

<table>
<thead>
<tr>
<th>SPECIFIC</th>
<th>MEASURABLE</th>
<th>ACHIEVABLE</th>
<th>REALISTIC</th>
<th>TIME LIMITED</th>
</tr>
</thead>
</table>

Consideration to be given to application for early discharge? Y/N

Reason (s):

NEXT REVIEW DATE

FREQUENCY OF CONTACT AND BY WHOM

SIGNATURES DATE

Service User

Case Manager

Unpaid work case manager (where appropriate)

Team Manager/ Senior Worker
# Annex 6 - CPO Breach Report

COUNCIL

CRIMINAL JUSTICE SOCIAL WORK SERVICE

COMMUNITY PAYBACK ORDER

BREACH REPORT

<table>
<thead>
<tr>
<th>CRIMINAL JUSTICE SERVICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tel:</td>
</tr>
<tr>
<td>Fax:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ORIGINAL COMPLAINT NO:</th>
<th>COURT:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME:</th>
<th>DOB:</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>RESIDING AT:</th>
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</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>EMPLOYMENT STATUS AS LAST KNOWN:</th>
</tr>
</thead>
<tbody>
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<table>
<thead>
<tr>
<th>ORIGINAL OFFENCE(S)</th>
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</thead>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of Order</th>
<th>Number of appointments missed:</th>
<th>U/A</th>
<th>Acc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date of Post Sentence Interview:
Health issues identified which have contributed to the service user failing to comply with the Community Payback Order:

Confirmed by GP: Y/N
GP Name:
GP Practice Address;
GP Phone No.:
Date CPO Suspended:

Date Decision Taken to Breach CPO:

Date CPO Submitted to Court under Breach Proceedings:

Grounds of Breach:
Service User’s Overall Attitude to Community Payback Order and requirements imposed:

Case Manager’s assessment on the service user’s ability to complete a further period of unpaid work or other activity:

Conclusion:

Should a finding of guilt be established and the court wishes further information, the Court may wish to consider a stand down report when considering disposal, to expedite proceedings and allow for matters to be concluded at an early opportunity.

Case Manager: (ref) (insert date)
CRIMINAL JUSTICE SERVICE
Annex 6a - Witness Schedule

CRIMINAL JUSTICE SOCIAL WORK SERVICES

WITNESS SCHEDULE

Community Payback Order with unpaid work or other activity

<table>
<thead>
<tr>
<th>COMPLAINT NO:</th>
<th>COURT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME:</td>
<td>DATE OF BIRTH:</td>
</tr>
<tr>
<td>RESIDING AT:</td>
<td></td>
</tr>
</tbody>
</table>

Released on Unpaid work or other activity requirement imposed By Court On:

WITNESS 1

<table>
<thead>
<tr>
<th>NAME:</th>
<th>POSITION HELD:</th>
</tr>
</thead>
<tbody>
<tr>
<td>C/O SOCIAL WORK OFFICE:</td>
<td></td>
</tr>
</tbody>
</table>

Can Testify To:
SIGNATURE ………………………………………………………………………………………………

DATE: …………………………………………

WITNESS 2

<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION HELD:</th>
</tr>
</thead>
<tbody>
<tr>
<td>C/O SOCIAL WORK OFFICE:</td>
<td></td>
</tr>
</tbody>
</table>

Can Testify To:

SIGNATURE ………………………………………………………………………………………………

DATE: …………………………………………
Annex 7 - Court Progress Review

Council

CRIMINAL JUSTICE SOCIAL WORK

COMMUNITY PAYBACK ORDER

PROGRESS REVIEW REPORT FOR COURT

<table>
<thead>
<tr>
<th>Tel:</th>
<th>Court:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fax:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ORIGINAL COMPLAINT NO:</th>
<th>COURT:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME:</th>
<th>DATE OF BIRTH:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RESIDING AT:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Released on a Community Payback Order imposed By Court On with requirements of:

- Compensation; Y/N
- Supervision; Y/N
- Unpaid Work or other activity; Y/N
- Programme; Y/N
- Residence; Y/N
- Mental Health treatment; Y/N
- Drug treatment; Y/N
- Alcohol treatment; Y/N
- Conduct; Y/N

For Offences of:

| 113 |
PROGRESS TO DATE:

SOCIAL WORKER
UNPAID WORK CASE MANAGER
CRIMINAL JUSTICE SERVICE

TEAM MANAGER
CRIMINAL JUSTICE SERVICE

(insert date)
(insert date)
(insert date)
Annex 8 - CPO Exit Questionnaire

CRIMINAL JUSTICE SOCIAL WORK SERVICES

COMMUNITY PAYBACK ORDER

COMPLETION QUESTIONNAIRE

This information is for internal use and may be included in any completion report to the court where appropriate. Otherwise, no information, unless it puts another person at risk, will be passed on to other agencies.

<table>
<thead>
<tr>
<th>SOCIAL WORKER:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>UNPAID WORK CASE MANAGER:</td>
<td></td>
</tr>
<tr>
<td>INDIVIDUAL’S NAME</td>
<td></td>
</tr>
<tr>
<td>DATE OF COMMENCEMENT OF CPO</td>
<td></td>
</tr>
<tr>
<td>DATE OF COMPLETION</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REQUIREMENTS IMPOSED</th>
<th>Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation;</td>
<td></td>
</tr>
<tr>
<td>Supervision;</td>
<td></td>
</tr>
<tr>
<td>Unpaid work or other activity;</td>
<td>Y/N</td>
</tr>
<tr>
<td>Programme;</td>
<td></td>
</tr>
<tr>
<td>Residence;</td>
<td>Y/N</td>
</tr>
<tr>
<td>Mental Health;</td>
<td>Y/N</td>
</tr>
<tr>
<td>Drug treatment;</td>
<td>Y/N</td>
</tr>
<tr>
<td>Alcohol treatment;</td>
<td>Y/N</td>
</tr>
<tr>
<td>Conduct.</td>
<td>Y/N</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>QUALITY CHARACTERISTICS</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>In your contact with criminal justice service, do you feel that you have been treated with respect and courtesy?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comments:

Do you think all your circumstances were taken into account?

Comments:

If you attended on time were you seen on time?

<p>| | |</p>
<table>
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<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Comments:</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Have you received enough information about your order and did you understand the information?</td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
</tr>
<tr>
<td>Do you think being on a CPO has helped you? If so, how?</td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
</tr>
<tr>
<td>During your CPO have you looked at why you offended?</td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
</tr>
<tr>
<td>During your CPO, have you considered the impact your offending has had on your victims?</td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
</tr>
<tr>
<td>Have you had any contact with other agencies during your CPO?</td>
<td>Was it a requirement of your CPO?</td>
</tr>
<tr>
<td>Did you find this contact helpful?</td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
</tr>
<tr>
<td>Has your attitude to offending changed during the course of your CPO?</td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
</tr>
<tr>
<td>Have there been any changes in your personal/social circumstances as a result of being subject to a CPO e.g. housing/ drugs/ children?</td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>Comments</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>During your CPO, have you been charged?</td>
<td></td>
</tr>
<tr>
<td>Do you think that this CPO has helped you to stop or reduce offending?</td>
<td></td>
</tr>
<tr>
<td>If being subject to a CPO helped reduce your offending in amount or</td>
<td></td>
</tr>
<tr>
<td>severity, what has been helpful and what has been less helpful?</td>
<td></td>
</tr>
<tr>
<td>Are there any issues which you feel have not been addressed?</td>
<td></td>
</tr>
<tr>
<td>Did you undertake a learning/skills assessment?</td>
<td></td>
</tr>
<tr>
<td>Did you carry out any unpaid work or other activity?</td>
<td></td>
</tr>
<tr>
<td>If so, did you learn any skills?</td>
<td></td>
</tr>
</tbody>
</table>

Service User’s signature ........................................... Date ........................................
Annex 9 - Completion Report

.................................Council

CRIMINAL JUSTICE SOCIAL WORK

COMMUNITY PAYBACK ORDER

COMPLETION REPORT

Tel: 
Fax: 

ORIGINAL COMPLAINT NO: COURT: 

NAME: DATE OF BIRTH: 

RESIDING AT: 

Released On A Community Payback Order Imposed By Court
On For A Period Of Months:

With Requirements Of:

- Supervision Y/N
- Compensation Y/N
- Unpaid Work or other activity requirement Y/N
- Programme Requirement Y/N
- Residence Requirement Y/N
- Mental Health Requirement Y/N
- Drug Treatment Requirement Y/N
- Alcohol Treatment Requirement Y/N
- Conduct Y/N

For Offences Of:

RISK:

At Commencement of Order: At Completion of Order:
Risk of offending: Risk of offending:
Risk of Harm: Risk of Harm:

Overall Risk Identified at Overall Risk Identified at
Commencement of Order Completion of Order
Date of Post Sentence of Interview:

Details of Case management plan contained within the Criminal Justice Social Work Report and issues arising as identified at that interview:

How were these to be addressed and by whom:

Literacy/Numeracy Issues identified: Y/N

If present, how were they addressed:

Name of agency involved:

<table>
<thead>
<tr>
<th>No. of Failures to Comply</th>
<th>No. Acceptable</th>
<th>No. U/A</th>
<th>No. of Warnings</th>
<th>Date Order Completed</th>
</tr>
</thead>
</table>

Was Order Breached? Y/N Date Breach Heard: Outcome:

Grounds of Breach
What Requirements were imposed and response to these:

Comment on the level of compliance with these and the progress made?

Service User’s overall attitude to Community Payback Order:

Skill identified as having been gained/learned during course of Community Payback Order:

Any Other Relevant Information:

SOCIAL WORKER/UNPAID WORK CASE
MANAGER:
CRIMINAL JUSTICE SERVICE
WHAT IS HEALTH AND SAFETY?

Health and Safety, as it is commonly referred to, is actually The Health and Safety at Work Act. This is an ‘umbrella act’ enabling many other areas of legislation to be brought under a common title. It is in effect, sets of legislation that governs everyone at work. There are two main objectives.

1. To raise the standards of health and safety for all people at work.
2. To protect the public whose health and safety are put at risk by the activities of people at work.
HOW DOES IT AFFECT ME?

The following information is for your benefit and should be read carefully so that you understand your obligations with regards to your general behaviour which affects every one's health and safety whilst employed in any work area.

The current health and safety legislation places the responsibility on you to:

1. Take reasonable care of your own health and safety and that of others who may be affected by your behaviour;
2. Co-operate with instructions and comply with under the act.
3. It is an offence for anyone to intentionally interfere with or misuse anything provided in the interests of health and safety.
WORK PLACEMENT

There are many areas of health and safety, which affect people at work. It would be impossible for the placement supervisor to attempt to cover every single requirement of the health and safety legislation. During your induction, the areas of health and safety that you require to be familiar with, will be explained. This may be by means of written instruction and/or practical exercises or other ways, all of which will be recorded. If you have any difficulty understanding anything in this booklet or anything your placement supervisor is telling you, please do not be afraid or too embarrassed to ask questions. Your safety and the Safety of others may depend upon it!

FIRST AID

Within your placement building / area there may be an identified First Aid station. This is intended as an initial resource to be used until qualified medical assistance is available to provide further treatment. Eye wash stations may be sited where required.

If you have an accident, or you witness an accident or come across a person who requires assistance you should seek help immediately unless you are a trained first aider. In any case, if you are on your own you should always seek help first.

All accidents and injuries must be reported to a Placement Supervisor who will record it on the appropriate accident report form. You should also report the accident / incident to your Community Service Officer as soon as possible.

FIRE REGULATIONS

Within your placement there are Fire Action notices posted on the wall, your placement supervisor will point them out. Ensure that you read them and familiarise yourself with the information, paying particular attention for action on discovering a fire.

In each area there may also be a number of Fire Points where a choice of different fire extinguishers may be available for your use in tackling a small fire, read the notice alongside them or ask for it to be explained; this will tell you the correct extinguisher for the type of fire.

You must inform your placement supervisor if you are required to leave or be at a different location. This will ensure your whereabouts are known in the event of a fire/headcount.
SAFE SYSTEMS OF WORK

Do not attempt to carry out any work of a dangerous nature, nor operate machines unless you have been shown safe system of work and allowed to do so. Also, do not carry out any tasks or duties that you may see other people doing unless you have been trained and authorised to do so.

All of the tasks and duties that will be expected of you during the time within the placement will be shown to you by your placement supervisor. Watch and listen carefully to the training and instructions given to you. If you are unsure of anything ask questions until you fully understand what is required of you.

During the course of training and/or daily work there may be tasks that require you to wear Personal Protective Equipment, for example: safety glasses, gloves, overalls, etc. It is your responsibility to use this equipment. You will be shown how to use this equipment as required and if you fail to, you may be dismissed from placement and this may be considered a failure to follow instructions, which could have may result in you not being allowed to continue with your Community Payback Order.

Prior to using any work appliance you must carry out Safety Checks; you will be shown the correct procedures by your placement supervisor. Always carry out these checks as they are designed to protect you and other users.

CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH (C.O.S.H.H)

All chemicals used in the workplace are strictly controlled by the above regulation. All of the chemicals that are used have their own Safety Data Sheet which contains information about its make up, the dangers and risks that may be involved when using it and action to be taken if first aid is required.

Each container is labelled; always follow the manufacturers’ instructions on use. If in any doubt on how to use a particular chemical always consult your placement supervisor. Most of the chemicals used will be diluted with water and you must ensure that you use the correct amount as stated on the container.

Always add the chemical to water when diluting as this will avoid a ‘neat’ splash which may cause you harm. Never put a chemical or a diluted mix into any unidentifiable container and likewise never use anything that is not clearly labelled. When you have finished with the chemical you are using always return it to the store where it is kept. This area must be kept clean and tidy at all times.
REMEMBER! NEVER MIX CHEMICALS TOGETHER, IT MAY CAUSE A ‘REACTION’ THAT COULD SERIOUSLY DAMAGE YOUR HEALTH OR THOSE WORKING AROUND YOU.

UNACCEPTABLE BEHAVIOURS

Everything you have read so far in this booklet is about protecting the Health and Safety of yourself and those who work around you. Taking part in, or encouraging any form of unacceptable behaviours can have serious consequences for your, and other’s, health. Should you be found to be behaving in such a manner you may be held responsible for the consequences of any accidents or damage that may occur.

PERSONAL ADMINISTRATION

The facilities at your placement are for your benefit. They may include a kitchen/dining area, a waiting area and toilet facilities. You will be shown the safe use of any appliances that you may use. Please keep these areas clean and tidy and place any rubbish in the bins provided. **Smoking is not permitted in any of the buildings you work in.** You are reminded that all cigarette ends should be disposed of in the bins provided. Smoking breaks will be agreed between you and your placement supervisor.

FINALLY

Your period of time completing your hours within your placement is designed to be challenging, productive and of benefit to the local community. Your unpaid work case manager and placement supervisor are there to give instruction, guidance, support, advice and also to help you deal with any problems that may arise, whether they are work related or personal. If you are in any doubt please bring this to the attention of unpaid work staff or your social worker who will endeavour to help. There is also an official complaints procedure which staff will make available to you.
Council

CRIMINAL JUSTICE SOCIAL WORK

COMMUNITY PAYBACK ORDER

Unpaid Work or Other Activity

Personal Placement

Contents:

1. Placement Details
2. Placement Checklist
3. Health & Safety Checklist
4. Placement Attendance Record
5. Placement Completion Report
6. Placement Information Booklet
CRIMINAL JUSTICE SOCIAL WORK

COMMUNITY PAYBACK ORDER
Unpaid Work or Other Activity

Please ensure that all placement/contact details, placement checklist and Health & Safety checklist are completed

Placement / Project Name

Full Postal Address

Postcode                                      Telephone Number
Contact Name                               Position

Main opportunities for individuals
(Please give a brief description on types of duties and work that will be undertaken and any opportunities to learn new skills)
Annex 11 (Form 3) - Placement Checklist

CRIMINAL JUSTICE SOCIAL WORK

COMMUNITY PAYBACK ORDER
Unpaid Work or Other Activity

PLACEMENT CHECKLIST

<table>
<thead>
<tr>
<th>Please complete the following:</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you require disclosure for service users?</td>
<td>Yes</td>
</tr>
<tr>
<td>If so what type :- Standard / Enhanced / SCRO</td>
<td>No</td>
</tr>
<tr>
<td>Will you ensure the service user’s hours are recorded?</td>
<td>Yes</td>
</tr>
<tr>
<td>What periods of attendance can you provide?</td>
<td></td>
</tr>
<tr>
<td>Days</td>
<td></td>
</tr>
<tr>
<td>Weekends</td>
<td></td>
</tr>
<tr>
<td>Evenings</td>
<td></td>
</tr>
<tr>
<td>What is your preferred age group?</td>
<td>16-24</td>
</tr>
<tr>
<td>Please tick.</td>
<td>25-35</td>
</tr>
<tr>
<td>35-45</td>
<td>45-50</td>
</tr>
<tr>
<td>50+</td>
<td>All ages</td>
</tr>
<tr>
<td>What is your preferred sex?</td>
<td>Male</td>
</tr>
<tr>
<td>Do you have any exclusions in relation to particular offences?</td>
<td>Yes</td>
</tr>
<tr>
<td>If Yes please state which?</td>
<td>No</td>
</tr>
<tr>
<td>Do you have any certificated training?</td>
<td>Yes</td>
</tr>
<tr>
<td>Will the service user be able to undertake this in the course of the placement?</td>
<td>No</td>
</tr>
<tr>
<td>Can you provide future employment opportunities?</td>
<td>Yes</td>
</tr>
<tr>
<td>How many individuals can you provide</td>
<td>1-2</td>
</tr>
</tbody>
</table>

128
<table>
<thead>
<tr>
<th>work for?</th>
<th>3-4</th>
<th>□</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4-5</td>
<td>□</td>
</tr>
<tr>
<td></td>
<td>5+</td>
<td>□</td>
</tr>
</tbody>
</table>
CRIMINAL JUSTICE SOCIAL WORK

COMMUNITY PAYBACK ORDER
Unpaid Work or Other Activity

Health & Safety Pre-Placement Checklist
(For Unpaid Work Case Manager to complete with Placement Provider)

Name of Agency: .................................................................

Address: ..............................................................................
...........................................................................................
...........................................................................................

Telephone: ...........................................
Fax: ..................................................

Email: ..................................................

Who is your nominated contact for compliance with health & safety legislation?

Name & position: .....................................................................

Telephone: ...........................................
Email: ..................................................

<table>
<thead>
<tr>
<th>Health &amp; Safety Issues</th>
<th>Y</th>
<th>N</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Do you have a written Health &amp; Safety Policy? If so please attach a copy to this form</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Is your organisation registered (if necessary) with a local or national health &amp; safety regulatory body?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Does your company hold Employer &amp; Public Liability Insurance? If so will you provide a copy? Will your insurance cover any liability incurred by a service user as a result of the duties to be undertaken?</td>
<td></td>
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<td></td>
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<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>4</strong></td>
<td>Will you provide Health &amp; Safety induction training for the placement individuals? For example: Will it cover issues such as:</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Emergency procedures</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>First aid arrangements</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fire procedures</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Accident and incident reporting</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Display screen equipment</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manual handling</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Personal Protective Equipment</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Welfare facilities (washrooms, toilets etc.)</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Disability awareness</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Will you provide any specialised Health &amp; Safety training for the service user?</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td><strong>5</strong></td>
<td>Have you carried out risk assessments of your work practices to identify possible risks, whether to your own employees or to others, including those subject to a CPO?</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>How regularly are risk assessments reviewed?</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Are risk assessment recommendations implemented and documented?</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Will you:</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>i) Explain risk assessment findings to those subject to a CPO?</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii) Provide them with a copy of the risk assessments?</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td><strong>6</strong></td>
<td>Is there a formal procedure in place for reporting and recording accidents and incidents (e.g. RIDDOR)?</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do you agree to report to ____________ Council all recorded accidents and incidents involving those subject to a CPO?</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do you agree to report to ____________ Council any sickness/absences involving those subject to a CPO, which may or may not be attributed to the work?</td>
<td>☐ ☐</td>
<td></td>
</tr>
<tr>
<td><strong>7</strong></td>
<td>Is the person subject to a CPO likely to be working in any areas, which may restrict or limit their physical access?</td>
<td>☐ ☐</td>
<td></td>
</tr>
</tbody>
</table>
| 8 | Is the person subject to a CPO likely to use any specialised equipment or machinery?  
    If so, will they receive adequate training and supervision? What type of training will they receive? | ☐ ☐ | 
| 9 | Are there any other health & safety issues, which may have a bearing on those subject to a CPO?  
    If so, please give a full details...... | ☐ ☐ |

Signed:......................................................................................

Name in Block Capitals:..................................................................

Position:......................................................................................  Date:......................

Thank you for completing the questionnaire. Please could you return it as soon as possible to:

Unpaid Work Or Other Activity Scheme  
Criminal Justice Social Work Service

Unpaid Work Case Manager’s Comments:
SUMMARY OF CORPORATE HEALTH AND SAFETY POLICY STATEMENT

Council will take all reasonable steps to ensure the health, safety and welfare of all employees at work. The Council will also take all reasonable steps to ensure the health and safety of all persons, other than employees, on Council premises i.e. service users, pupils or members of the public who are either directly or indirectly affected by the Council’s activities.

Council will endeavour to comply with all Health and Safety Legislation at all times and deliver a high standard of Health and Safety performance.

WHAT IS HEALTH AND SAFETY?

Health and Safety, as it is commonly referred to, is actually The Health and Safety at Work Act. This is an ‘umbrella act’ enabling many other areas of legislation to be brought under a common title. It is in effect, sets of legislation and acts that govern everyone at work. There are two main objectives.
1. To raise the standards of health and safety for all people at work.
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HOW DOES IT AFFECT ME?

The following information is for your benefit and should be read carefully so that you understand your obligations with regards to your general behaviour which affects everyone's health and safety whilst employed in any work area. If you wish, a member of the unpaid work staff will explain this to you verbally.

It is important that you understand this as the current health and safety legislation places upon you, as an individual, an obligation to undertake that you will:

- Take reasonable care of your own health and safety and that of others who may be affected by your acts or omissions.
- Co-operate with your employer to enable your employer to comply with their duties under the act.

It is an offence for anyone to intentionally interfere with or misuse anything provided in the interests of health and safety.
WORK PLACEMENT

There are many areas of health and safety, which affect people at work. It would be impractical for the unpaid work supervisor to attempt to cover every single requirement of the health and safety legislation. During your induction, the areas of health and safety that you require to be familiar with, will be explained. This may be by means of written instruction and/or practical exercises or other methods, all of which will be recorded. If you have any difficulty understanding anything in this booklet or anything your unpaid work supervisor is telling you, please do not be afraid or too embarrassed to ask questions. Your safety and the Safety of others may depend upon it!

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Within your placement building / area there may be an identified First Aid station. This is intended as an initial resource to be used until qualified medical assistance is available to provide further treatment. Eye wash stations may be sited where required.

If you have an accident, or you witness an accident or come across a casualty or person who requires assistance you should seek help immediately unless you are a trained first aider. In any case, if you are on your own you should always seek help first.

All accidents and injuries must be reported to an unpaid work supervisor and recorded by the unpaid work supervisor on the appropriate accident report form. This will be kept on file. You should also report the accident / incident to your unpaid work case manager as soon as possible.

FIRE REGULATIONS

Within your placement there are Fire Action notices posted on the wall, and your unpaid work supervisor will point them out. Ensure that you read them and familiarise yourself with the information; pay particular attention for action on discovering a fire.

In each area there may also be a number of Fire Points where a choice of different fire extinguishers may be available for your use in tackling a small fire, read the notice alongside them as this will indicate the correct extinguisher for the type of fire.

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During the course of training and / or daily work there may be processes or tasks that require you to wear Personal Protective Equipment, for example: safety glasses, gloves, overalls, etc. It is Your responsibility to utilise this equipment. You will be shown how to use this equipment as required and failure to use it when instructed to do so, or to use it inappropriately will impact on your ability to carry out unpaid work or your other activity. This may result in your Community Payback Order being returned to court.

Prior to using any work appliance you must carry out Safety Checks, you will be shown the correct procedures by your unpaid work supervisor. Always carry out these checks as they are designed to protect you and other users.

CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH (COSHH)

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The facilities at your placement are for your benefit. They may include a kitchen/dining area, a waiting area and toilet facilities. You will be shown the safe use of any appliances that you may use. Please keep these areas clean and tidy and place any rubbish in the bins provided. Smoking is not permitted in any of the buildings you work in. Clients are reminded that all cigarette ends should be disposed of in the bins provided. Smoking breaks will be agreed with your unpaid work supervisor and will be taken at a time which does not impact on the work and in a location which does not affect others.

FINALLY

Your period of time completing your hours within your placement is designed to be challenging, productive and of benefit to the local community. Your unpaid work case manager and unpaid work supervisor are available to give instruction, guidance, support, advice and also to help you deal with any problems that may arise, whether they are work related or personal. If you are in any doubt please bring this to the attention of unpaid work staff or your social worker who will endeavour to help. There is also an official complaints procedure which staff will make available to you.
Annex 11 (Form 6) - Placement Attendance Record

Council

CRIMINAL JUSTICE SOCIAL WORK

COMMUNITY PAYBACK ORDER
Unpaid Work or Other Activity

PLACEMENT ATTENDANCE RECORD

Service User’s Name:______________________________________________

Placement:_____________________________________________________

Unpaid Work Case Manager:_______________________________________

Contracted Day(s) of Attendance:___________
Total Hours:___________

<table>
<thead>
<tr>
<th>Date of Attendance</th>
<th>Arrival Time</th>
<th>Service User and Staff Sign on Arrival</th>
<th>Departure Time</th>
<th>Service User and Staff Sign on Departure</th>
<th>Hours Worked</th>
<th>Failed to Attend (tick)</th>
</tr>
</thead>
</table>

Signed:_________________________ (Placement)
Print Name:_____________________

Signed:_________________________ (Unpaid Work Case Manager)
Print Name:_____________________
Annex 11 (Form 7) - Placement Completion Report

................................. Council

CRIMINAL JUSTICE SOCIAL WORK

COMMUNITY PAYBACK ORDER
Unpaid Work or Other Activity

PLACEMENT COMPLETION REPORT

Placement Start Date:

Placement Completion Date:

Please provide a brief report on the service user’s time at placement commenting on attendance, behaviour, attitude and work effort.

Would you be willing to take further people subject to CPO, if NO please provide your reasons (this will help us with future assessment/allocation)

Do you have any further comments that would benefit our placement scheme?
Any other relevant comments.

Signed: _______________ (Agency)
Print Name: _______________

Signed: _______________ (Unpaid work manager)
Print Name: _______________
Annex 12 - Unpaid Work/Other Activity Requirement Breach Report

---------------------------------------- Council

CRIMINAL JUSTICE SOCIAL WORK

COMMUNITY PAYBACK ORDER
Unpaid Work or Other Activity

BREACH OF COMMUNITY PAYBACK ORDER
WITH UNPAID WORK OR OTHER ACTIVITY

Tel: 
Fax: 

<table>
<thead>
<tr>
<th>ORIGINAL COMPLAINT NO:</th>
<th>COURT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME:</td>
<td>DOB:</td>
</tr>
<tr>
<td>RESIDING AT:</td>
<td></td>
</tr>
<tr>
<td>EMPLOYMENT STATUS AS LAST KNOWN:</td>
<td></td>
</tr>
<tr>
<td>ORIGINAL OFFENCE(S)</td>
<td></td>
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</table>

Date of Order | Hours Imposed | Total |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours Remaining</td>
<td>Number of appointments missed</td>
<td>Acc</td>
</tr>
<tr>
<td></td>
<td></td>
<td>U/A</td>
</tr>
<tr>
<td>Length of Other Activity</td>
<td>Nature of Other Activity</td>
<td></td>
</tr>
<tr>
<td>Date of Post Sentence Interview:</td>
<td>Date of H&amp;S Induction:</td>
<td>Date Work Started:</td>
</tr>
<tr>
<td>Literacy/Numeracy Assessment Completed</td>
<td>Y/N</td>
<td>Outcome and provider</td>
</tr>
</tbody>
</table>
Health issues identified which have contributed to the service user failing to comply with the Community Payback Order:

Confirmed by GP:
Date CPO Suspended:

Date Decision Taken to Breach CPO:
Date CPO Submitted to Court under Breach Proceedings:

Grounds of Breach:

Service User’s Overall Attitude to Unpaid Work or Other Activity:

Unpaid Work Case Manager’s View on the individual’s ability to complete a further period of unpaid work or other activity:

Conclusion:

Should a finding of guilt be established and the Court wishes further information to aid sentencing, the Court may wish to consider a stand down report, when considering disposal, to expedite proceedings
and allow for matters to be concluded at an early opportunity.

(ref)

UNPAID WORK CASE MANAGER  (insert date)

TEAM MANAGER
## WITNESS SCHEDULE

<table>
<thead>
<tr>
<th>COMPLAINT NO:</th>
<th>COURT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME:</td>
<td>DATE OF BIRTH:</td>
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<td>RESIDING AT:</td>
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Released On Unpaid Work Or Other Activity Requirement

Imposed By Court On:

**WITNESS 1**

<table>
<thead>
<tr>
<th>NAME:</th>
<th>POSITION HELD:</th>
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<tbody>
<tr>
<td>C/O SOCIAL WORK OFFICE:</td>
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Can Testify To:

(SIGNATURE)........................................................................................................

DATE:
WITNESS 2

<table>
<thead>
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<th>NAME:</th>
<th>POSITION HELD:</th>
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<tbody>
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</table>

C/O SOCIAL WORK OFFICE: 

Can Testify To:

SIGNATURE ........................................................................... DATE: .........................
Annex 13 - Unpaid Work/Other Activity Requirement Completion Report

.......................... Council

CRIMINAL JUSTICE SOCIAL WORK

COMMUNITY PAYBACK ORDER
Unpaid Work or Other Activity

COMPLETION REPORT

Tel:  
Fax:  

<table>
<thead>
<tr>
<th>ORIGINAL COMPLAINT NO:</th>
<th>COURT:</th>
</tr>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>NAME:</th>
<th>DATE OF BIRTH:</th>
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</table>

<table>
<thead>
<tr>
<th>RESIDING AT:</th>
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<tbody>
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<table>
<thead>
<tr>
<th>EMPLOYMENT STATUS:</th>
<th>AT START:</th>
<th>AT COMPLETION:</th>
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<tbody>
<tr>
<td></td>
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<td></td>
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</tbody>
</table>

Released On A Community Payback Order with Unpaid Work or Other Requirement

Imposed By

Court On For Hours:

For Offences Of:

Date of Post Sentence Interview | Date H&S Induction | Date Work Started | Date Other Activity Started
--------------------------------|--------------------|-------------------|-------------------------------

Unpaid Work Case Manager
Literacy/Numeracy Assessment Completed

<table>
<thead>
<tr>
<th>No. of Absences</th>
<th>No. Acceptable</th>
<th>No. U/A</th>
<th>No. of Warnings</th>
<th>Date Order Completed</th>
</tr>
</thead>
</table>

Was Order Breached? Y/N Date Breach Heard? Outcome

Type of Work Undertaken

Beneficiaries of Work Undertaken:

Setting of Work Undertaken e.g. personal placement; workteam; workshop: and summary of skills learned:

Type of Work Activity:
Type and Setting of Other Activity:
(If no “other activity” identified state reason)

No of Hours/Percentage of Requirement spent on other activity and the benefits gained:

Individual’s attitude to Community Payback Order with Unpaid Work or Other Activity:

Any Other Relevant Information:

UNPAID WORK CASE MANAGER
CRIMINAL JUSTICE SERVICE
Annex 14 - Breach Process Flow Chart

CRIMINAL JUSTICE SOCIAL WORK

Community Payback Order

Flow Chart

First Absence

Unpaid Work Case Manager investigates within 2 working days
Unpaid Case Worker makes a decision; Social Worker informed if offender supervision requirement also imposed

Acceptable

1st Unacceptable Absence

1st Warning Issued Recorded Delivery and Recorded in Case File

Continue to Attend Unpaid Work

Second Absence

Unpaid Work Case Manager investigates
Unpaid Case Worker makes a decision; Social Worker informed if offender supervision requirement imposed

Acceptable

2nd Unacceptable Absence

2nd Warning Issued Recorded Delivery and Recorded in Case File

Continue to Attend Unpaid Work
Unpaid Work Case Manager Investigates

Unpaid Work Case Manager makes a decision; Social Worker informed if offender supervision requirement imposed

Acceptable

3rd Unacceptable Absence

Determine if Suspend or Not

Continue to Attend Unpaid Work

Successfully Complete Order

Exit Questionnaire

Completion Report Submitted To Court

Letter to Client Suspending Order and Decision Recorded in Case File

Unpaid Work or Other Activity Breach Order Written by Unpaid Work Manager and Records Passed to Social Worker

Breach Report Written and Submitted To Court by Social Worker

Await Court Outcome