Community payback orders :
What the unit level data tells us so far

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Scottish Government

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Background

The community payback order (CPO) was introduced by the [Criminal Justice and Licensing (Scotland) Act 2010](#) and replaced provisions for community service, probation and supervised attendance orders for offences committed from 1 February 2011 onwards. It is available to all courts, with some restrictions applying to justice of the peace courts in relation to treatment and programme requirements. More information on the community payback order can be found in the [community payback order practice guidance](#).

Data is collected annually at unit level by the Scottish Government, from local authorities, on the number of CPOs they deal with. [Published statistical bulletins](#) contain a large number of analyses from the first six years of this collection. These focus mainly on trends in the number of orders imposed and numbers terminated over this period.

The purpose of this report is to dive deeper into the data. In particular, because the data has been collected at unit level since 2012-13[1], it is possible to do a large number of analyses by different characteristics. Also, particularly for orders which were imposed in the earlier years, "beginning to end" records can be obtained for orders, enabling us to look at how outcomes varied for different types of order.

Section 1 of the report looks at the orders imposed in more detail, while sections 2 and 3 present a large number of new analyses. Some of these analyses have involved merging the CPO data from local authorities with data from both the [Criminal Proceedings in Scotland](#) and [Reconviction Rates in Scotland](#) collections. These data merging exercises have produced results such as:
1. The different types of CPOs issued for different crime types.
2. Successful completion rates by crime type.
3. Reconviction rates and average number of reconvictions for different types of orders.

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[1] Unit level data for 2012-13 is based on data from 29 of the 32 local authorities as 3 councils were unable in that year to supply the data in this format. Data from 2013-14 onwards has been supplied by all 32 councils.

Key findings

The following are the main findings from this report:

The composition of orders

- Almost half (46 per cent) of CPOs imposed consisted solely of an unpaid work or other activity requirement, with 22 per cent having unpaid work and offender supervision requirements (but no others). Only a sixth of orders had one or more of the remaining seven CPO requirements.

- The majority (70 per cent) of orders imposed finished in a year or less, whilst around a quarter took over one and up to two years to complete. Less than 1 per cent of orders were still in existence more than three years after imposition.

- The composition of orders varied by the characteristics of the individuals who were given them. Among people who were given unpaid work or other activity of 50 hours or less, crimes of breach of the peace, crimes against public justice and shoplifting accounted for 52 per cent of the total. Among those who received over 250 hours, these three crimes only accounted for 10 per cent of the total with the majority relating to violent or drug-related crimes or common assault.

- Over 80 per cent of compensation requirements were issued alongside an unpaid work or other activity requirement.

- Around 40 per cent of people given offender supervision of up to two years had committed a main offence of either common assault or breach of the peace. For orders with over two years supervision, the composition was very different, with 56 per cent of people having committed a sexual crime, and common assault and breach of the peace collectively accounting for only 18 per cent of that group.

- It was orders issued with programme and residence requirements which had the longest average periods of offender supervision, each over 21 months.

- Around 60 per cent of programme requirements attached to CPOs contained an unaccredited programme while a further fifth to a quarter contained a Caledonian programme. The use of Constructs, the programme for persistent offenders, fell from 10 per cent in 2012-13 to less than two per cent in 2017-18.

Completion rates

- Overall, 71 per cent of orders which finished across 2012-13 to 2014-15 were completed successfully.

- The majority of CPO requirements had a completion rate of over 70 per cent with mental health requirements showing the highest rate (75 per cent). Residence and drug treatment requirements were least likely to be completed (57 and 58 per cent, respectively).

- More than 75 per cent of people convicted of crimes of a sexual, violent or drug-related nature or of common assault successfully completed their CPOs. The lowest completion rates were for those convicted of shoplifting, housebreaking or other theft (53, 62 and 64 per cent, respectively).

- Orders which had both unpaid work and supervision were less likely to be successfully completed (69 per cent) than those with supervision but no unpaid work (74 per cent) and unpaid work but no supervision (72 per cent).

- Longer level 2 unpaid work requirements were slightly more likely to be successfully completed than level 1 requirements. This difference may be explained by large differences in crime types (and therefore type of individual) across different lengths of requirement given. For example, crimes against public justice and shoplifting, which have low completion rates, together accounted for 30 per cent of crimes for those who got up to 50 hours unpaid work but only accounted for 5 per cent of crimes for those getting over 250 hours.

- For CPOs with supervision, completion rates tended to fall as lengths increased, although this was not the case for those with the longest length of supervision, of over two years. This rate was higher due to the large proportion of people in this cohort having committed sexual offences and the high completion rate for this crime type.

- While 70 per cent of orders imposed with a programme requirement were successfully completed, this varied by programme type. Perhaps unsurprisingly, the lowest completion rate (58 per cent) was for Constructs, a programme designed for people who persistently offend, while the highest was for Moving Forward Making Changes (MFMC), for people who commit offences with a sexual element (83 per cent).

Further penalties and reconviction rates

- Fifty-eight per cent of people who got a CPO in 2013-14 had not received another CPO by end March 2018. Among these, around 40 per cent received no court penalties over the same period while one in six received a custodial sentence.

- People who got a drug treatment requirement were more likely (61 per cent) to be reconvicted than those with other types of requirements. As previous history is highly predictive of the likelihood of reoffending, this could be partly explained by the fact that this group also had by far the highest number of previous convictions.

- Orders with supervision and no unpaid work were marginally the most likely to be successfully completed (74 per cent). However, this cohort had by far the highest reconviction rate (41 per cent), compared with 33 per cent for those with both unpaid work and supervision and 27 per cent for unpaid work only.

- Orders with the smallest number of unpaid work hours (up to 50) had the highest reconviction rate (36 per cent) while those with the greatest number of hours (over 250) were the least likely to be reconvicted (16 per cent).

- Among people with an offender supervision requirement, it was typically those with requirements of 15 or 18 months who had the highest reconviction rates and the highest number of previous convictions.

- Unemployed or economically inactive people were almost twice as likely to be reconvicted as those in employment. They also had almost twice as many previous convictions.

Section 1 : Information of interest on CPOs

The published criminal justice social work bulletins contain a large amount of Scotland level information on CPOs and their requirements. Table 1 below provides a summary of the type of orders which have been imposed between 2012-13 and 2017-18.

The total number of orders commenced rose as the previous legacy orders were being phased out. Numbers reached nearly 19,500 in the year 2015-16 before falling in each of the last two years, to 17,800 in 2017-18.

There are currently nine different requirements which can be issued as part of a CPO, namely unpaid work or other activity, offender supervision, conduct, programme, compensation, alcohol treatment, drug treatment, mental health treatment and residence. An order should consist of either or both of an unpaid work or other activity and an offender supervision requirement. The remaining seven requirements (hereinafter referred to as the "other 7") should only be given out alongside an offender supervision requirement.

Table 1 shows that the proportion of orders with unpaid work or other activity has fallen in each of the last four years while the proportion with offender supervision has risen in each of the last three years. Numbers for the average hours unpaid work and average months of supervision have not changed greatly over the last six years. There has also been little change in the number of requirements orders contained.

Table 1 : Characteristics of CPOs imposed : 2012-13 to 2017-18

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Number of orders imposed	16,061	18,688	19,065	19,451	19,196	17,834
Percentage of orders with:						
Unpaid work or other activity	79.6	79.9	78.3	77.8	76.3	74.6
Offender supervision	54.8	50.5	49.8	51.1	53.0	56.8
Average length of:						
Unpaid work or other activity (in hours)	124.2	120.5	120.6	120.7	122.4	124.3
Offender supervision (in months)	15.2	15.5	15.6	15.6	15.5	15.4
Average number of requirements per order	1.59	1.50	1.46	1.45	1.47	1.50

Table 2 in this report provides a detailed breakdown of the most common types of CPOs issued over the last three years. It can be seen that nearly half of all CPOs imposed (46 per cent) consisted solely of an unpaid work or other activity requirement. Twenty-two per cent had unpaid work or other activity and offender supervision requirements (but no others) while a further 15 per cent consisted solely of offender supervision.

The remaining orders imposed over the last three years had at least one of the "other 7" requirements. Most of these remaining orders were accounted for by offender supervision and the following other requirements:

- Conduct (1,901)

- Programme (1,426)
- Unpaid work or other activity and compensation (1,357)
- Unpaid work or other activity and conduct (1,325)
- Unpaid work or other activity and programme (1,046)

Table 2 : CPOs imposed during 2015-16, 2016-17 and 2017-18 by requirements attached

Requirements[1]	No. of orders
Total orders	**56,481**
Unpaid work or other activity	26,217
Unpaid work or other activity and offender supervision	12,400
Offender supervision	8,710
Offender supervision and conduct	1,901
Offender supervision and programme	1,426
Unpaid work or other activity, offender supervision and compensation	1,357
Unpaid work or other activity, offender supervision and conduct	1,325
Unpaid work or other activity, offender supervision and programme	1,046
Offender supervision and drug treatment	298
Offender supervision and compensation	278
Offender supervision and alcohol treatment	270
Unpaid work or other activity, offender supervision and alcohol treatment	244
Offender supervision, conduct and programme	188
Unpaid work or other activity, offender supervision, conduct and programme	172
Other combinations of requirements	649

1. Each of the entries in this table consist of the requirements listed and no other(s). For example the category "unpaid work or other activity, offender supervision and programme" covers orders with only these specific three requirements and no other(s).

While most of the analyses in this section look at the most recent years, some look at orders imposed during the first three years of data collection. This is because almost all of these latter orders had been terminated or completed by the end of March 2018 and therefore comparison can be made with outcome-based findings in sections 2 and 3.

Unpaid work or other activity requirements can be issued for anywhere between 20 and 300 hours. Published bulletins have shown that, for orders imposed with such requirements across the last six years, the average number of hours issued has remained steady at between 120 and 125. The type of crimes committed by people who got unpaid work varied substantially according to the number of hours given, as can be seen in Table 3.

Only a very small proportion (less than one per cent) of those who got 50 hours or less committed a non-sexual crime of violence, compared with 18 per cent of those who got over 250 hours. The same was true, albeit to a slightly lesser extent, for drugs crimes, which accounted for 8 per cent of orders for 50 hours or less but 17 per cent for orders over 250 hours. The opposite was the case for breach of the peace, crimes against public justice and shoplifting which together accounted for 52 per cent of crimes for those who got 50 hours or less but only accounted for 10 per cent for over 250 hours.

**Table 3 : Orders with an unpaid work or other activity requirement :
Breakdown by number of hours imposed and main crime/offence, 2012-13,
2013-14 and 2014-15 cohorts (column percentages)**

Main crime/offence	Up to 50 hours	More than 50 hours and up to 100 hours	More than 100 hours and up to 150 hours	More than 150 hours and up to 200 hours	More than 200 hours and up to 250 hours	More than 250 hours
Non-sexual crimes of violence	0%	1%	2%	6%	12%	18%
Common assault	13%	19%	24%	22%	18%	16%
Sexual crimes	0%	1%	2%	3%	4%	6%
Housebreaking	0%	1%	2%	2%	2%	2%
Other theft	4%	5%	5%	5%	5%	4%
Shoplifting	11%	7%	3%	1%	1%	0%
Other dishonesty (inc. fraud)	2%	3%	3%	4%	5%	5%
Fire-raising, vandalism etc.	4%	4%	4%	4%	4%	3%
Handling weapons	1%	2%	5%	6%	7%	6%
Crimes against public justice	19%	13%	10%	8%	6%	5%
Drugs	8%	7%	8%	10%	12%	17%
Breach of the peace	23%	23%	15%	11%	6%	5%
Other crimes and offences	15%	16%	17%	19%	18%	15%

Chart 1 looks at the average number of hours of unpaid work or other activity given
for each different crime type. Those committing violent or sexual crimes were, on
average, given 199 and 176 hours respectively. People convicted of shoplifting were
given an average of 90 hours, with slightly more given to those who committed
breach of the peace (104) and crimes against public justice (108).

**Chart 1 : Average hours of unpaid work or other requirements given out :
Breakdown by main crime/offence, 2012-13, 2013-14 and 2014-15**

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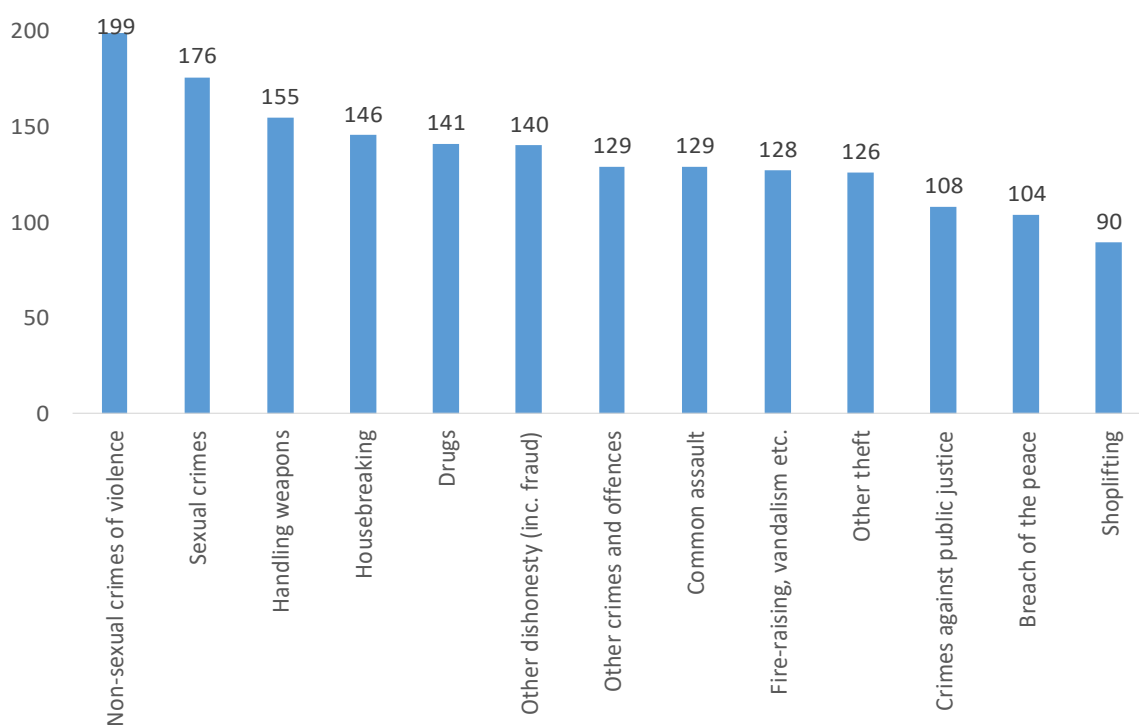
Table 2 showed that, while requirements such as conduct and programme were more likely to be issued without unpaid work than with, the opposite was the case for compensation requirements. This is further illustrated in Table 4. The proportion of the "other 7" requirements which were issued alongside unpaid work or other activity is highest by far for compensation requirements (81 per cent). Orders with mental health treatment (17 per cent) or drug treatment (24 per cent) requirements were the least likely to be given alongside unpaid work.

Table 4 : Proportion of CPO requirements which were issued alongside unpaid work or other activity, 2015-16 to 2017-18

Requirement	Number		Percentage issued alongside unpaid work or other activity
	Issued alongside unpaid work or other activity	Not issued alongside unpaid work or other activity	
Conduct	1,604	2,199	42%
Programme	1,305	1,713	43%
Compensation	1,480	352	81%
Alcohol treatment	334	368	48%
Drug treatment	116	364	24%
Mental health treatment	23	109	17%
Residence	30	44	41%

The average number of hours of unpaid work or other activity given out also varied substantially according to what other requirements were issued alongside. Orders consisting of unpaid work or other activity and no other requirement averaged 102 hours while, for those which included supervision, it was much higher at 154 hours.

In each of the last three years, there have been between 1.1 and 1.2 million hours carried out as part of successfully completed unpaid work or other activity requirements (see table 23 of the 2017-18 bulletin). Table 5 of this report shows how the last three years' totals were broken down into the separate elements of a. unpaid work and b. other activity. In each year, around 30,000 hours of other activity[2] were done, approximately three per cent of the combined unpaid work and other activity hours.

Table 5 : Total hours carried out as part of successfully completed unpaid work or other activity requirements, 2015-16 to 2017-18

Year	Unpaid work	Other activity	Total
2015-16	1,176,595	28,825	1,147,770
2016-17	1,166,687	32,867	1,199,554
2017-18	1,076,696	33,225	1,109,921

Published bulletins have also shown that the average length of supervision imposed has been steady over the last six years, at between 15 and 16 months. Table 6 shows how the length of supervision given varied by the main type of crime

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[2] Other activity is defined as "other rehabilitative activities which promote desistance (e.g. alcohol or drug education, interpersonal skills training, personal development or confidence building, literacy and numeracy tutoring, victim awareness, careers advice and employability training (CVs, interviews))".

committed. For lengths of up to two years, the breakdown by crime type hardly varied with around 40 to 45 per cent having a main offence of either common assault or breach of the peace. However, the position was markedly different for those with supervision of more than two years, where over half (56 per cent) had committed a sexual crime, with common assault and breach of the peace collectively accounting for only 18 per cent of the total.

Some further analysis has shown that, among those who got a CPO with offender supervision, it was crimes of breach of the peace and common assault which were the most likely to have a domestic abuse identifier recorded. By length of requirement, it was orders with supervision of more than 18 months and up to two years which were by far the likeliest to involve domestic abuse.

Table 6 : Orders with an offender supervision requirement : Breakdown by number of months imposed and main crime/offence, 2012-13, 2013-14 and 2014-15 cohorts (column percentages)

Main crime/offence	12 months or less	More than 12 months and up to 24 months	More than 24 months and up to 36 months
Non-sexual crimes of violence	3%	5%	6%
Common assault	22%	23%	9%
Sexual crimes	2%	4%	56%
Housebreaking	2%	2%	0%
Other theft	5%	4%	1%
Shoplifting	6%	5%	1%
Other dishonesty (inc. fraud)	2%	2%	2%
Fire-raising, vandalism etc.	5%	5%	2%
Handling weapons	4%	4%	1%
Crimes against public justice	10%	11%	5%
Drugs	6%	5%	2%
Breach of the peace	18%	19%	9%
Other crimes and offences	13%	12%	6%

The average period of supervision given out also varied substantially according to what other requirements were issued alongside. Orders with supervision and no unpaid work were around 11 days longer (15.7 months) than orders which had both requirements (15.3 months).

Chart 2 of this report shows the average period of supervision for orders imposed according to whether they had any of the "other 7" requirements. It can be seen that, where the order had supervision but none of the "other 7" requirements, the supervision period averaged around 14.3 months. Having a compensation requirement in the order did not result in any longer period of supervision. However, all of the remaining "other 7" tended to be given alongside longer supervision requirements. This period was longest for orders with programme (21.9 months), residence (21.1) and mental health treatment (20.9) requirements and lowest for alcohol and drug treatment requirements (16.6 and 17.4 months respectively).

Chart 2 : Average length of supervision for orders with offender supervision requirements imposed in 2015-16, 2016-17 and 2017-18 : Breakdown by what other requirements the orders had
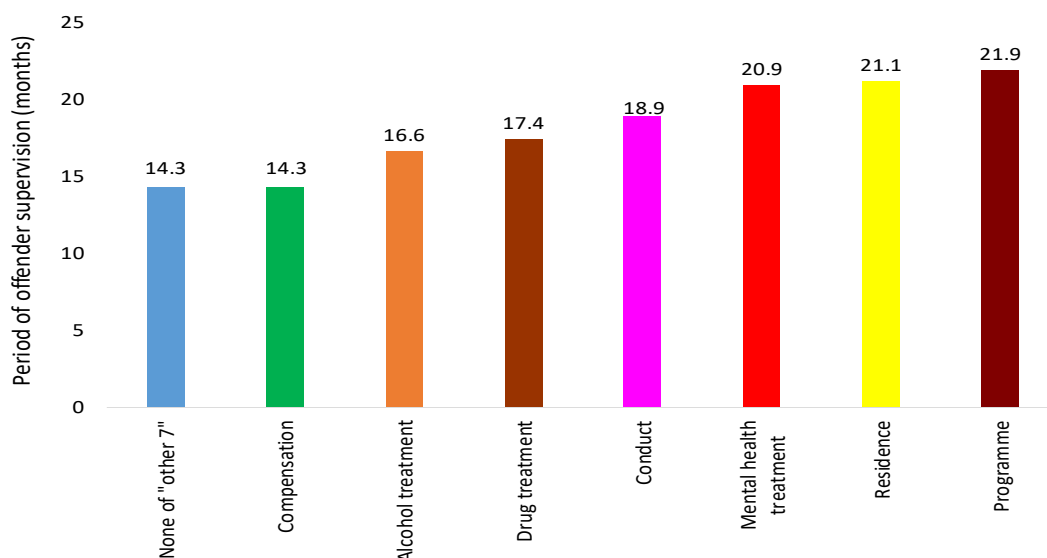
[Table 7](#) shows how the type of crime committed varied according to whether there was unpaid work or supervision or both in the order. The most common crime types for all three categories were breach of the peace, common assault and crimes against public justice. These collectively accounted for around half of orders. People who committed violent or sexual crimes were more prevalent among those who got both unpaid work and supervision while shoplifters accounted for almost one in ten of those who got supervision but no unpaid work.

Table 7 : Orders by whether they had unpaid work or other activity and/or offender supervision requirement(s) : Breakdown by main crime/offence, 2012-13, 2013-14 and 2014-15 cohorts (column percentages)

Main crime/offence	Supervision and no unpaid work	Unpaid work and supervision	Unpaid work and no supervision
Non-sexual crimes of violence	2%	6%	2%
Common assault	20%	23%	17%
Sexual crimes	5%	4%	0%
Housebreaking	1%	2%	1%
Other theft	4%	5%	5%
Shoplifting	9%	3%	6%
Other dishonesty (inc. fraud)	2%	3%	3%
Fire-raising, vandalism etc.	4%	5%	3%
Handling weapons	3%	5%	3%
Crimes against public justice	11%	10%	12%
Drugs	4%	7%	9%
Breach of the peace	24%	15%	19%
Other crimes and offences	10%	14%	19%

The number of compensation requirements issued as part of CPOs has been stable across the last six years, varying between 560 and 650 requirements. The median average amount of compensation given over these years ([Table 8](#)) varied from £300 in 2012-13 to £425.50 in 2015-16. The median is the best measure of average in this case as the arithmetic mean can be influenced by a small number of requirements where the compensation amount was very large.

Table 8 : Compensation requirements issued as part of CPOs imposed in 2012-13 to 2017-18 : Number of requirements and median amount of compensation

	Number of compensation requirements issued	Median amount of compensation
2012-13*	605	£300.00
2013-14	608	£350.00
2014-15	564	£400.00
2015-16	592	£425.50
2016-17	593	£400.00
2017-18	647	£400.00

* Median amount for 2012-13 based on 510 compensation requirements as information was only available for 29 of the 32 councils.

Typically, around 1,000 CPOs are issued each year with a programme requirement. A programme requirement can consist of one (or more) of the following:
1. The Caledonian System, which is an integrated approach to addressing domestic abuse.
2. The Constructs Programme which is for persistent offenders, with specific focus on developing problem solving skills and an ability to implement pro-social solutions in situations that might previously have resulted in offending.
3. Moving Forward Making Changes (MFMC), which is a behavioural programme designed to provide treatment for men who commit sexual offences or offences with a sexual element. This programme replaced the previous Community Sex Offender Groupwork (CSOG) programme.
4. All other programmes, which are referred to as "unaccredited" programmes.

Table 9 shows that typically around 60 per cent of programme requirements contained an unaccredited programme while a further fifth to a quarter contained a Caledonian programme. The prevalence of Constructs programmes has fallen sharply from 10 per cent in 2012-13 to less than two per cent in 2017-18. This is likely to reflect the fact that, when the Constructs programme was reaccredited a couple of years back, this process was pursued by the Scottish Prison Service alone and community justice partners were not involved.

Table 9 : Programme requirements issued as part of CPOs imposed in 2012-13 to 2017-18 : Number of requirements and type of programme(s)

	Total programme requirements issued	Percentage of programme requirements with each programme type			
		Caledonian	Constructs	Community Sex Offender Groupwork / Moving Forward Making Changes	Unaccredited programmes
2012-13	833	23.1	10.3	7.4	59.4
2013-14	1,181	22.3	8.6	7.9	61.5
2014-15	1,118	20.9	8.6	6.7	64.5
2015-16	1,033	21.3	8.0	9.0	62.3
2016-17	1,028	25.2	4.8	11.6	60.3
2017-18	957	24.8	1.7	11.0	65.0

1. Percentages are based on requirements where the type of programme(s) was known.
2. Percentages may add to more than 100 per cent for some years as some programme requirements contained more than one type of programme.
3. The programme type breakdown for 2012-13 is based on fewer requirements as information on this was only available for 29 of the 32 councils.

Section 2 – Completion rates and other longitudinal analyses of CPOs

As described in the overview earlier in this report, almost all of the CPOs imposed during the years 2012-13, 2013-14 and 2014-15 had been completed by the end of March 2018. This section performs longitudinal analyses of these orders to look at outcomes by different characteristics. There were around 53,800 orders imposed in Scotland across these years and longitudinal analyses are possible for all but 2,300[3] of these orders.

Time taken to complete orders

Table 10 shows how long it took for the orders imposed across 2012-13 to 2014-15 to finish. The pattern across all three years is very similar with just under 70 per cent of orders finishing in a year or less and around a quarter taking between one and two years. Less than one per cent of orders were still in existence more than three years after imposition.

Table 10 : CPOs imposed in years 2012-13, 2013-14 and 2014-15 : Breakdown by time taken for orders to finish (column percentages)

	Year order was imposed		
Time taken for order to complete/terminate	2012-13	2013-14	2014-15
Up to a year	68.4	69.9	69.9
Over a year and up to 2 years	26.7	25.3	25.3
Over 2 years and up to 3 years	3.9	3.8	3.7
Over 3 years	0.9	0.8	0.4
Order still in existence at close 31 March 2018	0.1	0.2	0.6

Likelihood of receiving further CPO(s) / other penalties

It is possible to study the number of orders that individuals received over a period of years. Around 16,000 individuals got a CPO in 2013-14[4] and Chart 3 breaks these down by how many further CPOs they got in the period up to 31st March 2018. Almost 60 per cent of individuals who got a CPO in 2013-14 got no further CPOs up to the end of March 2018. Twenty-three per cent got one further CPO over this period, 11 per cent got two more and five per cent got three further orders.

Some further analysis was done of the cohort who got no further CPOs up to the end of March 2018. This analysis showed that, among those who got no further CPOs, approximately 40 per cent were not given a court penalty of any kind in this period, around 30 per cent received a financial penalty in court, one-sixth a custodial sentence and one-fifth another type of penalty given by a court (mainly admonition).

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[3] Orders imposed across Aberdeen City, Fife & Moray who were unable to supply unit level data in 2012-13.

[4] The 2013-14 cohort was chosen due to the fact that this was the first year in which the unit level data was received from all 32 Scottish councils.

Chart 3 : Individuals given a CPO in the year 2013-14 – number of further CPOs[1] given between first order and 31st March 2018[2]
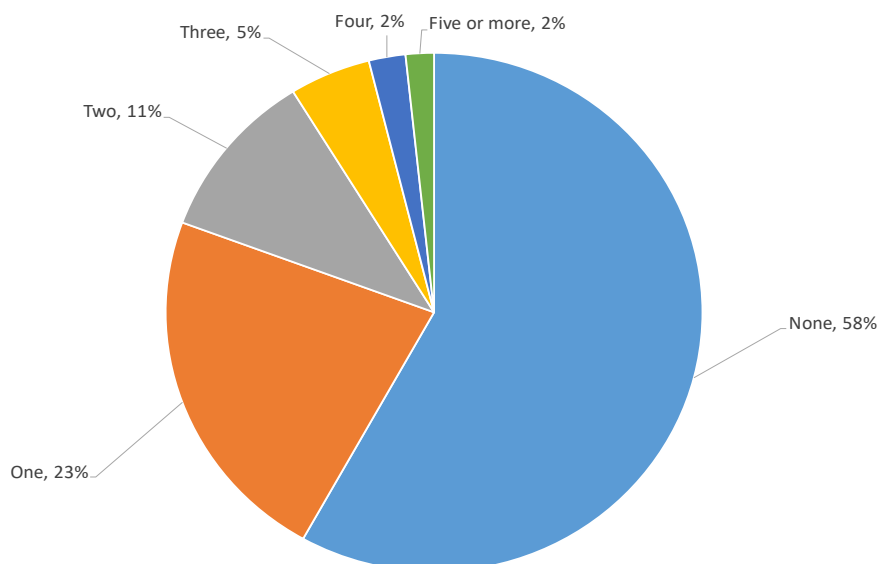
1. Number given after earliest order imposed in 2013-14.
2. Where more than one CPO was issued on the same day, this is counted in the chart as <u>one</u> order.

Successful completion rates

The remaining charts in this section of the report look at successful completion rates[5] for various types of orders for the years 2012-13, 2013-14 and 2014-15. <u>Although these show differing success rates for different cohorts of people, it is important to point out that this does not necessarily reflect the effectiveness of the orders themselves. Different orders are given to different individuals based on their offending history and the type of offences they committed, but these factors are also strongly linked to the likelihood of completing an order. A number of analyses by such factors are included at various points throughout this report.</u>

In total, 71 per cent of orders imposed were successfully completed. Chart 4 shows how this varied by the nine current different requirements that a CPO can have. An order can have either or both of unpaid work or other activity and offender supervision requirement(s). As described earlier in this report, any of the "other 7" requirements can also be issued as long as an offender supervision requirement is given alongside them. There is no limit to how many of the "other 7" requirements can be included in an order.

For most requirements, the completion rate was similar to the rate for orders as a whole. However, orders with mental health treatment requirements had the highest completion rate (75 per cent) while it was those with either residence or drug treatment requirements which had by far the lowest rates (57 and 58 per cent respectively).

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[5] Successful completion rates are calculated by taking the number of orders successfully completed or subject to an early discharge and dividing this by total orders terminated less those which finished because they were transferred out. Orders not successfully completed are those which were revoked due to review/breach, those terminated due to the death of the individual or those which were terminated for other reasons.

**Chart 4 : Successful completion rates by requirement for orders imposed in 2012-13, 2013-14 and 2014-15**
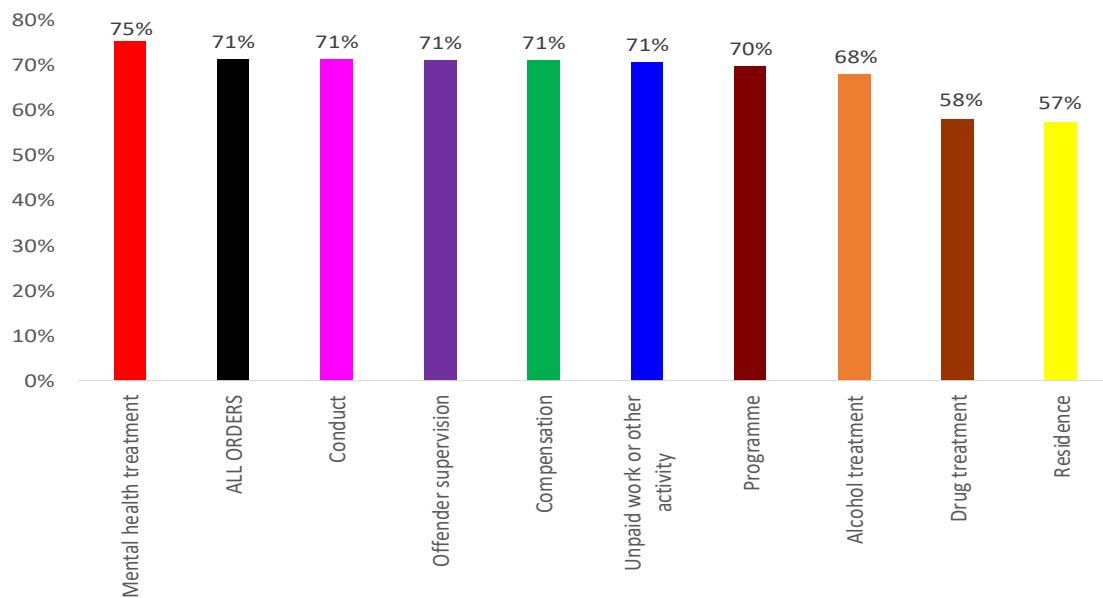
Chart 5 shows how success rates vary by type of crime. It was those who committed crimes that were sexual (86 per cent), violent (80 per cent) or drug related (79 per cent) who were the most likely to successfully complete their orders. The overall rate for drug related crime was mainly influenced by the high success rates for those supplying or in possession with intent to supply and those producing, manufacturing or cultivating (the lowest rate was for those convicted of being in possession). The least likely to complete their orders were those who committed crimes of shoplifting, housebreaking and other theft (53, 62 and 64 per cent respectively).

Chart 5 : Successful completion rates by main crime/offence for orders imposed in 2012-13, 2013-14 and 2014-15
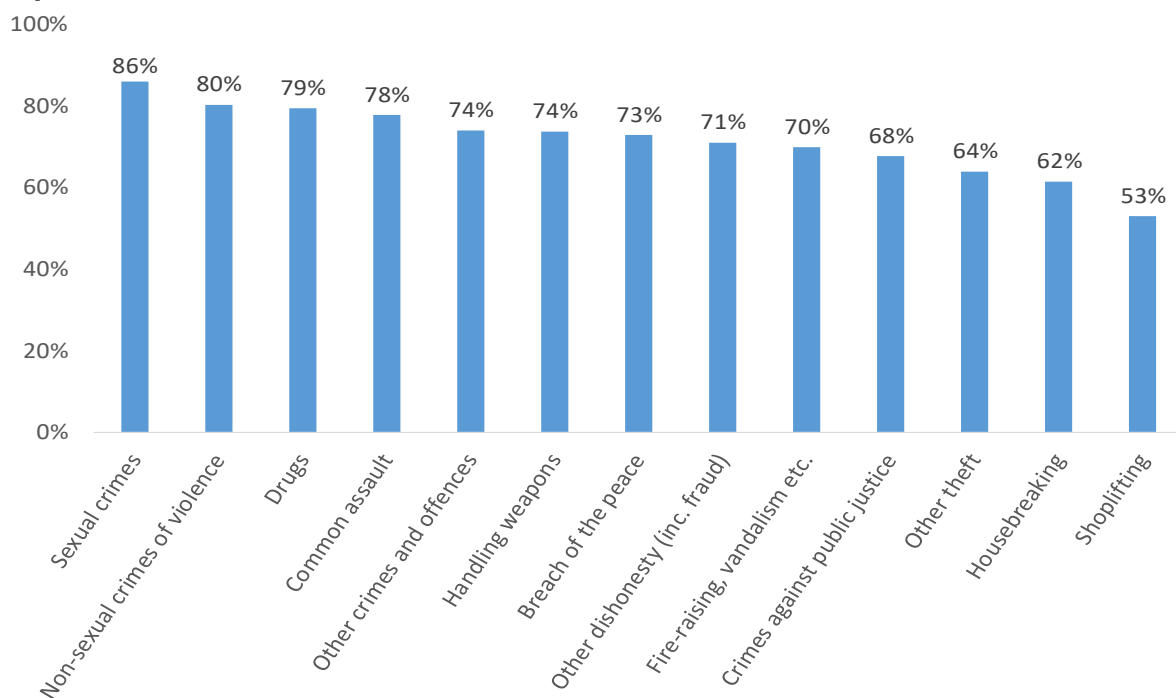
Chart 6 looks in more detail at orders with unpaid work or other activity requirements. Requirements with 100 or less hours are referred to as "level 1" requirements while those with over 100 and up to 300 hours are "level 2". It can be seen in the chart that level 2 requirements were slightly more likely than level 1 to be successfully completed. While this difference is fairly small, it was consistently the case for each of the three separate years.

Chart 6 : Successful completion rates for unpaid work or other activity requirements by hours given : 2012-13, 2013-14 and 2014-15
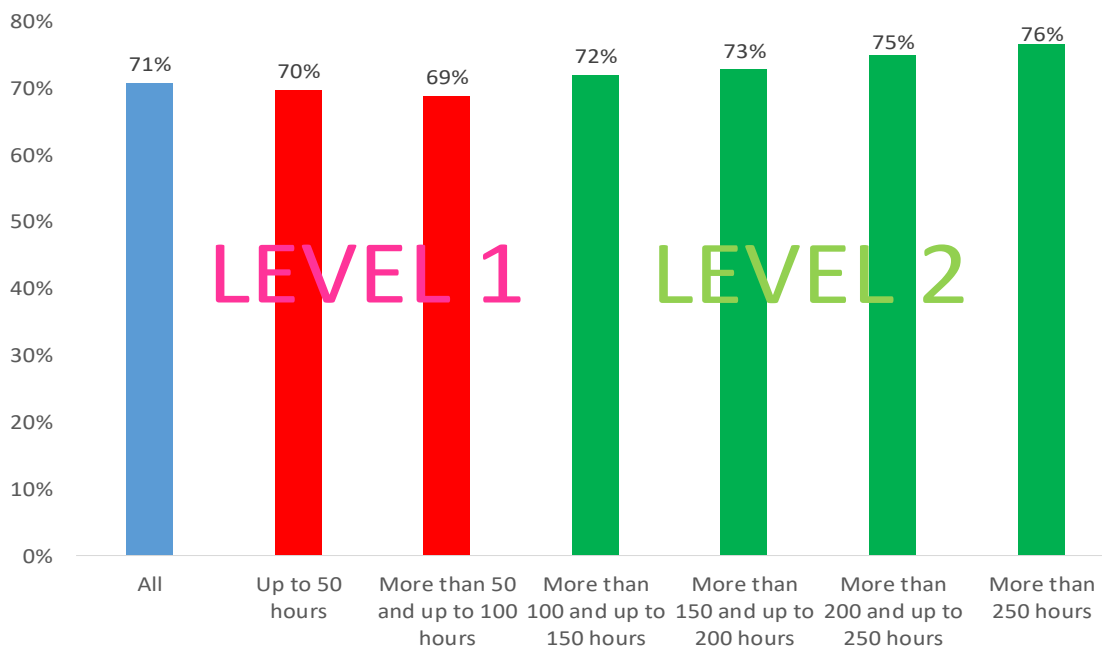
The findings in Chart 6 are consistent with earlier tables which show that crimes such as shoplifting, which tend to attract lower levels of unpaid work, have low success rates while those who commit violent or sexual crimes tend to get more unpaid work hours but are more likely to complete their requirements.

Success rates also vary for orders with offender supervision requirements according to the length of supervision (Chart 7). It was orders with the shortest (up to six months) period of supervision which were the most likely to reach a successful outcome – 78 per cent.

Success rates tended to fall as supervision lengths got longer apart from the higher success rate for those with supervision of over two years (74 per cent). This rate is, however, influenced by the number of people in this group who committed sexual offences (over half as shown in Table 6) and the fact that this was the crime type with the highest successful completion rate (Chart 5). Indeed, if those who committed sexual offences were excluded from the analysis, the successful completion rate for the over two years category would drop from 74 to approximately 66 per cent.
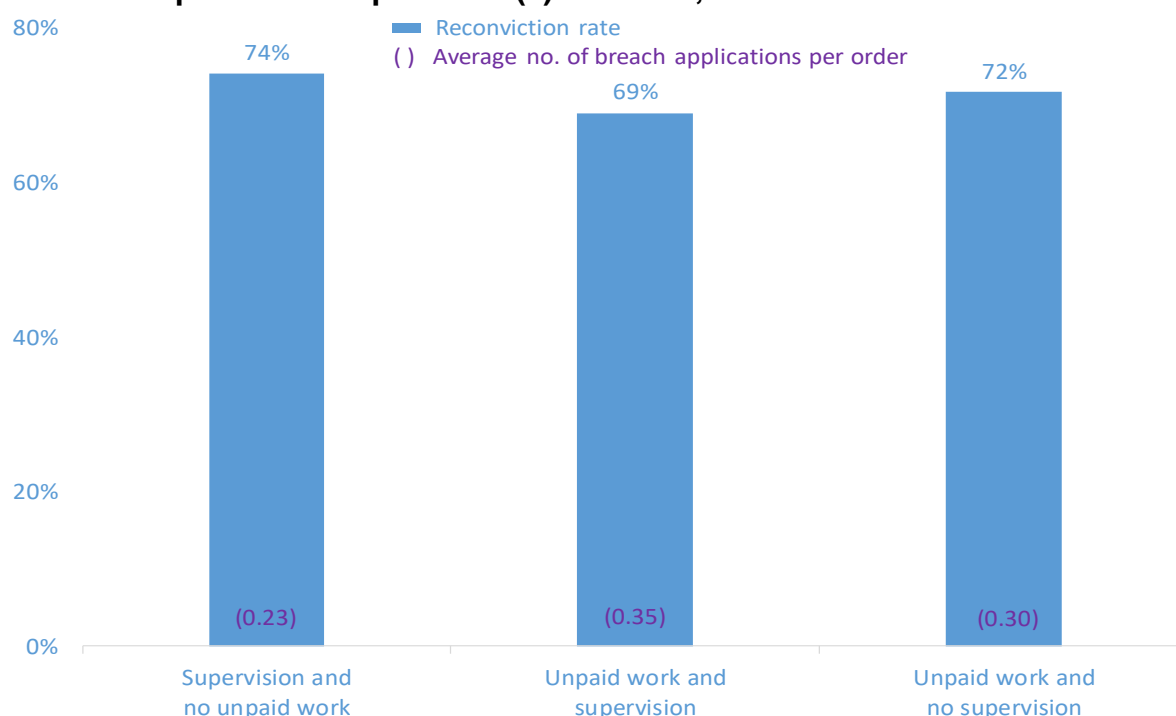
Chart 7 : Successful completion rates for offender supervision requirements by length of supervision given : 2012-13, 2013-14 and 2014-15

Category	Rate
All	71%
Up to 6 months	78%
More than 6 and up to 12 months	73%
More than 12 and up to 18 months	67%
More than 18 and up to 24 months	67%
More than 24 months	74%
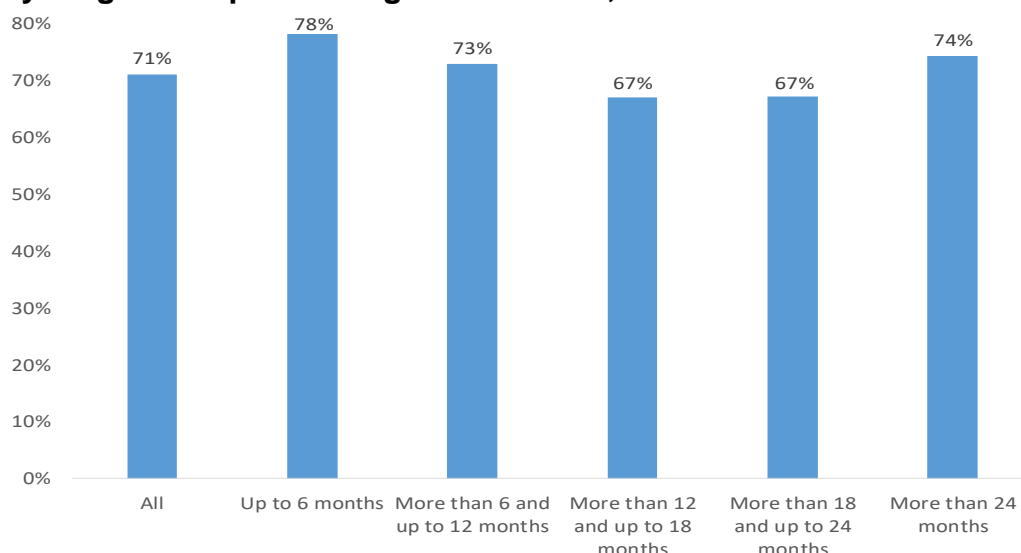
Chart 8 shows how completion rates varied by whichever one (or both) of unpaid work or other activity and offender supervision requirements were in the order. The highest success rate was for orders with supervision and no unpaid work (74 per cent) and the lowest for those with both unpaid work and supervision (69 per cent). The higher success rates for those with supervision and no unpaid work may be partly explained by the fact that they were subject to fewer breach applications (0.23 per order) than the other two order types. In addition, they were on average older and previous analyses have shown that success rates generally increase with age.
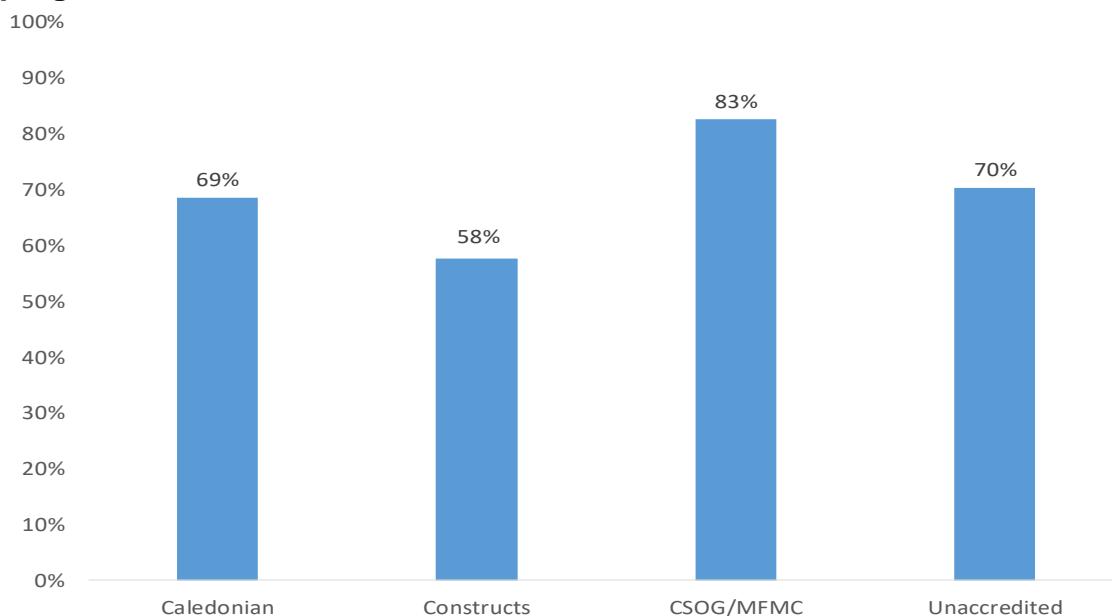
Chart 8 : Successful completion rates and average number of breach applications by whether order had unpaid work or other activity and/or offender supervision requirement(s) : 2012-13, 2013-14 and 2014-15

Legend:
■ Reconviction rate
( ) Average no. of breach applications per order

Category	Reconviction rate	Average no. of breach applications per order
Supervision and no unpaid work	74%	(0.23)
Unpaid work and supervision	69%	(0.35)
Unpaid work and no supervision	72%	(0.30)

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Programme requirements are the fourth most commonly issued requirement behind unpaid work or other activity, offender supervision and conduct. As stated in section 1, a programme requirement can consist of one (or more) of Caledonian, Constructs, Moving Forward Making Changes (MFMC) and "unaccredited" programme(s). Some examples of the latter include Venture Trust's Living Wild, Chance for Change programme, Turning Point Scotland's Turnaround project and drink driving / road traffic programmes.

While Chart 4 shows that 70 per cent of orders imposed with a programme requirement were successfully completed, Chart 9 shows how this varied by programme type. The success rate was similar for unaccredited and Caledonian programmes, lowest for Constructs (58 per cent) and highest for CSOG/MFMC (83 per cent). It is not possible to draw any firm conclusions from these findings as to how effective these programmes are because factors associated with compliance, such as criminal history and employment status, are likely to be very different for individuals referred to Constructs, compared with those on MFMC.

Chart 9 : Successful completion rates for programme requirements by type of programme : 2012-13, 2013-14 and 2014-15

Previous published statistical bulletins have shown successful completion rates by employment status for orders which finished during a particular year. Rates for orders which commenced during a year show a very similar pattern – for orders starting in 2012-13, 2013-14 and 2014-15, the completion rate was 68 per cent for those unemployed or economically inactive and 81 per cent for people in employment.

Some further analysis has shown that success rates were slightly higher for CPOs where a domestic abuse aggravator was recorded on the criminal proceedings data (78 per cent), compared to those where this aggravator was not recorded (72 per cent). This was the case regardless of whether orders contained an unpaid work or other activity requirement or an offender supervision requirement or both.

Section 3 : Reconvictions

The Scottish Government publishes data annually on reconvictions. Reconvictions data is derived from the Scottish Offenders Index (SOI), which is a subset of the Criminal Proceedings in Scotland dataset. It covers people who were either given a non-custodial sentence or released from a custodial sentence, and counts the number who were subsequently reconvicted in court within a year (the reconviction rate) and the number of times they were reconvicted during that year (average number of reconvictions).

Data is available for reconvictions covering the cohorts of people who were convicted (or released from a custodial sentence) during the 2012-13, 2013-14 and 2014-15 years and how frequently they were reconvicted within a year of their index conviction. The index conviction is the reference conviction given by a court which is determined by either:
(a) the estimated release date for a custodial sentence imposed for the conviction, or
(b) the sentence date for non-custodial sentences imposed for the conviction.
Whichever conviction had the earliest of these dates in a given financial year is defined as the index conviction for an individual offender. For CPOs as a whole, the reconviction rate for the 2012-13, 2013-14 and 2014-15 cohorts combined was 32 per cent while the average number of reconvictions was 0.57.

The unit level CPO data provided by local authorities contains a number of pieces of information which are not available on the SOI, such as the requirements that are part of the CPO and whether the CPO was successfully completed. The merging of the two datasets therefore provides the opportunity for more detailed analysis to be done on reconvictions for those with an index penalty of a CPO[6].

The analyses in this section look at those convicted or released during 2012-13, 2013-14 and 2014-15, to enable comparison with the analyses earlier in this report. Numbers are used for the three years combined in order to ensure the findings are as robust as possible. However, higher/lower rates can reflect the characteristics of the individuals given particular orders and not just the effectiveness of the orders. For example, conviction history is a significant factor in sentencing and it is also a strong predictor of how likely someone is to reconvict, as reconviction rates tend to be higher where there are high numbers of previous convictions.

Chart 10 shows how reconviction rates varied across the different requirements. People who got drug treatment requirements had by far the highest reconviction rate (61 per cent) and average number of reconvictions per person (1.46). This was similar to, but slightly lower than for the more intrusive drug treatment and testing orders (64 per cent and 1.69 respectively). The high reconviction rate for drug treatment requirements is consistent with the fact that the successful completion rate is relatively low (Chart 4) and the fact that people with substance misuse issues tend to have high rates of offending. People with compensation requirements had comfortably the lowest propensity to be reconvicted (22 per cent reconvicted with an average of 0.35 reconvictions per person).

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[6] It has been possible to obtain matches between the CPO and the reconvictions unit level datasets for a high proportion of records, with the small proportion of non-matches expected due to issues such as recording errors or differences in the sort of orders captured by the two sets of data.

Chart 10 : Reconviction rates and average number of reconvictions by CPO requirement : 2012-13, 2013-14 and 2014-15 cohorts
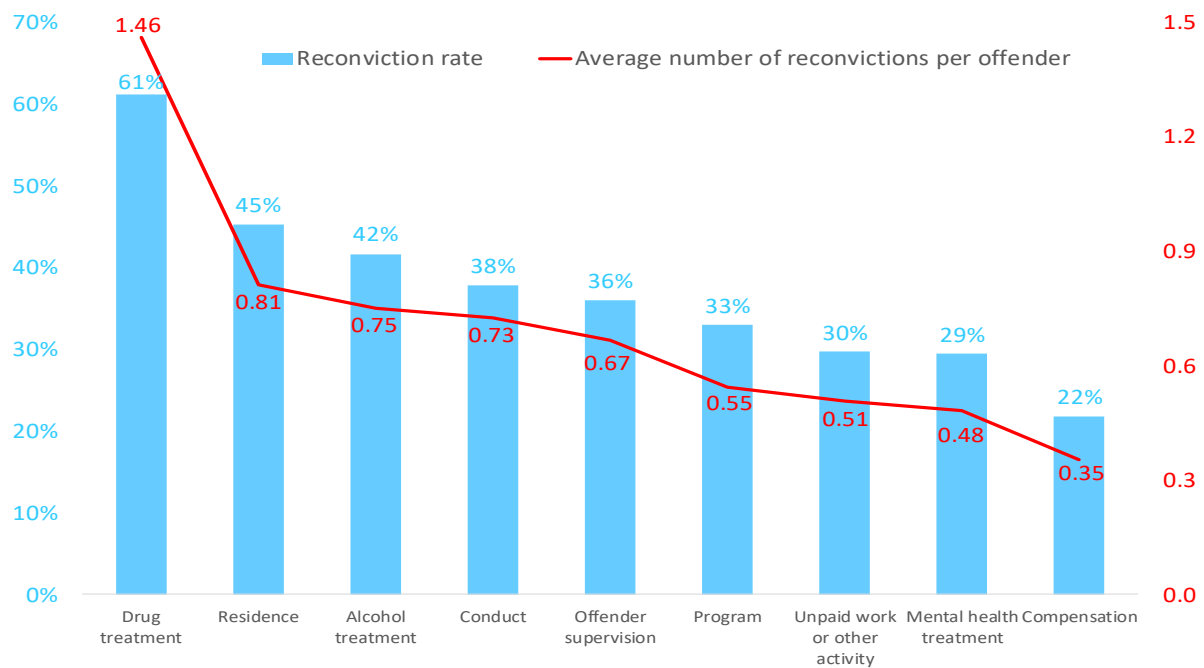
As outlined earlier this section though, the findings in Chart 10 do not mean that drug treatment requirements are ineffective at reducing reoffending. Chart 11 shows that those in receipt of drug treatment requirements did, on average, have the highest number of previous convictions (almost 16). This was more than any other requirement and over four times as many as those who got compensation requirements. This again illustrates that characteristics of individuals can be a large contributing factor to the high reconviction rate for this particular cohort.

Chart 11 : Average number of previous convictions by CPO requirement : 2012-13, 2013-14 and 2014-15 cohorts
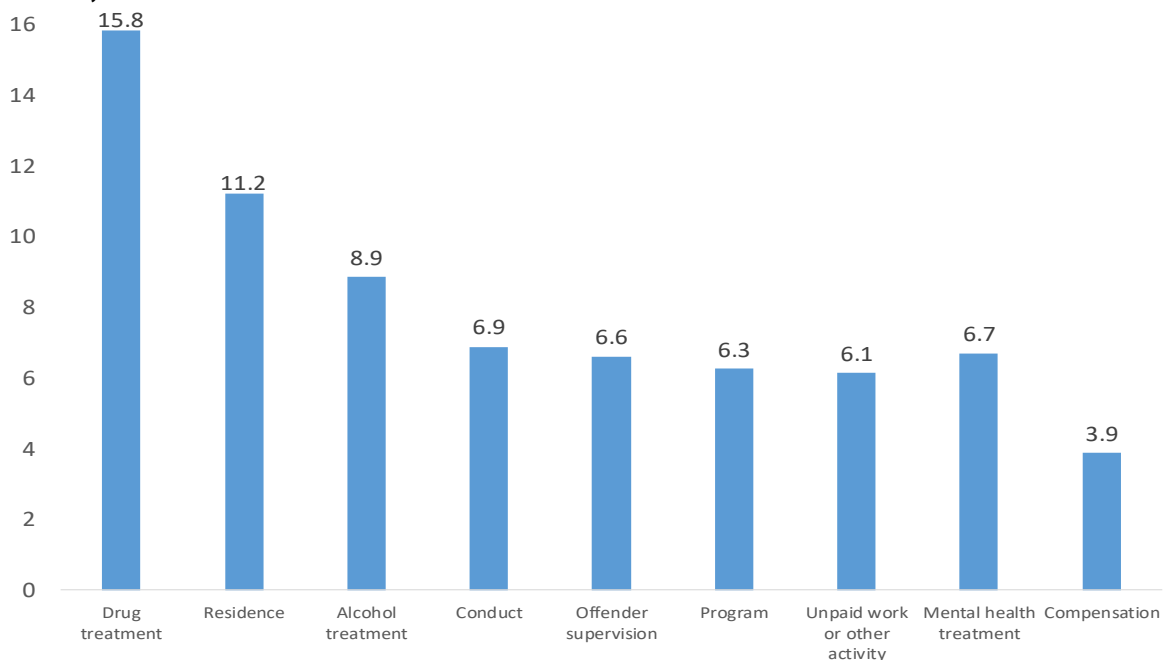
Earlier in this report, Chart 6 showed that, among those who got an unpaid or other activity requirement, it was those who got the highest number of hours that tended to be slightly more likely to successfully complete their order. Table 11 shows that the likelihood of reconviction also varied by hours imposed, although the reconvictions trend was much more marked. People who got level 1 requirements (up to 100 hours) were more than twice as likely to be reconvicted (with almost three times as many reconvictions) as those who got over 250 hours. The number of previous convictions was also a factor in this though, as those with level 1 requirements had more than twice as many previous convictions as those who got over 250 hours.

Table 11 : Reconviction rates, average number of reconvictions and number of previous convictions for orders with an unpaid work or other activity requirement : Breakdown by number of hours imposed, 2012-13, 2013-14 and 2014-15 cohorts

Hours of unpaid work or other activity imposed	Reconviction rate	Average number of reconvictions per person	Average number of previous convictions
Up to 50 hours	36%	0.68	7.4
More than 50 and up to 100 hours	33%	0.59	7.3
More than 100 and up to 150 hours	29%	0.50	5.5
More than 150 and up to 200 hours	25%	0.40	5.2
More than 200 and up to 250 hours	23%	0.35	4.4
More than 250 hours	16%	0.23	3.6

The earlier Chart 7 showed that, for those who got an offender supervision requirement, it was those who got six months or less and over two years that tended to be the most likely to successfully complete their order. Table 12 shows, for the different lengths, the likelihood of reconviction. It is noticeable that those who got more than two years were the least likely to be reconvicted (18 per cent, compared with over 30 per cent for all other categories). In addition, those who got over two years had by far the lowest number of previous convictions (2.9).

Table 12 : Reconviction rates, average number of reconvictions and number of previous convictions for orders with an offender supervision requirement by length : 2012-13, 2013-14 and 2014-15 cohorts

| Length of offender supervision imposed	Reconviction rate	Average number of reconvictions per person	Average number of previous convictions
6 months or less	32%	0.61	5.3
More than 6 months and up to 12 months	36%	0.66	6.6
More than 12 months and up to 18 months	41%	0.79	7.5
More than 18 months and up to 24 months	34%	0.62	6.8
More than 24 months and up to 36 months	18%	0.31	2.9

As detailed in Table 6 earlier in this report, the cohort who got over two years supervision contained a large number of people who committed sexual crimes and it is known that those who commit this type of crime tend to have lower reconviction rates. However, even when these were excluded from the analysis, it was still people who got over two years who had the lowest reconviction rate and average number of reconvictions. Those getting supervision of over a year and up to 18 months (in

practice mainly 15 or 18 months) had the highest reconviction rate (41 per cent), though they also had the highest number of previous convictions (7.5).

The reconviction rates for unpaid work or other activity requirements and offender supervision requirements were, respectively, 30 and 36 per cent (Chart 10) over 2012-13 to 2014-15. Chart 12 looks at how reconvictions rates varied by whether one (or both) of these requirements was in the order. Rates were highest for orders which had supervision and no unpaid work (41 per cent), while it was 33 per cent for orders with both requirements and 27 per cent for those with unpaid work and no supervision.

The high reconviction rate for orders with supervision and no unpaid work is in contrast to Chart 8 earlier, which shows this cohort as having the highest rate for successful completion of their orders. A deeper analysis has shown a key reason for this contrasting pattern, namely that there were over three times as many people who successfully completed but were reconvicted as people who did not successfully complete but had no reconvictions. This compared with only one and a half times as many for orders with unpaid work and no supervision and orders with both requirements.

Chart 12 : Reconviction rates and average number of reconvictions by whether order had an unpaid work or other activity requirement and/or an offender supervision requirement : 2012-13, 2013-14 and 2014-15 cohorts
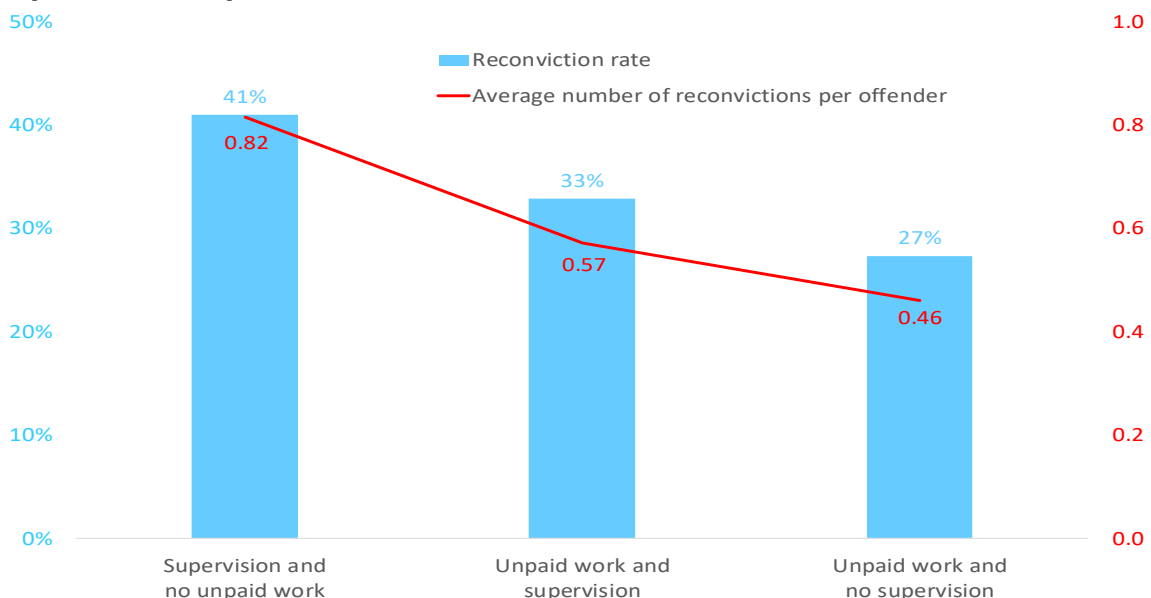

Chart 13 shows that those who got orders with supervision and no unpaid work also had the highest number of previous convictions (8.1). While those with unpaid work and no supervision had the lowest reconviction rates, it was those with both unpaid work and supervision who had the lowest number of previous convictions (5.6).

Chart 13 : Average number of previous convictions by whether order had an unpaid work or other activity requirement and/or an offender supervision requirement: 2012-13, 2013-14 and 2014-15 cohorts combined
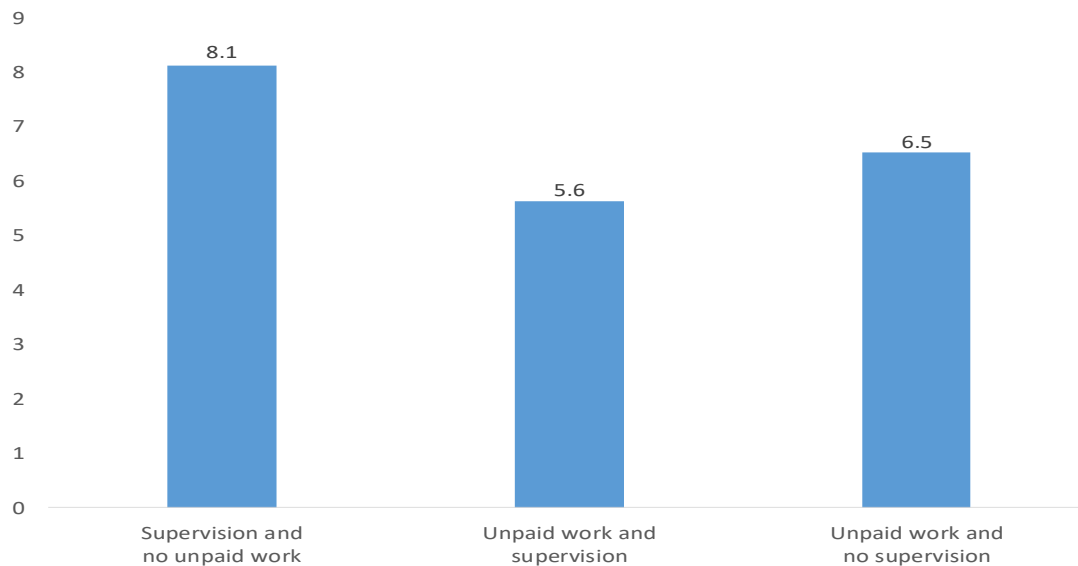

Chart 14 illustrates that reconviction rates for programme requirements varied substantially according to the type of programme. The pattern is very similar to Chart 9 in that those who got a CSOG/MRMC programme were the least likely to be reconvicted (12 per cent) while it was those with a Constructs programme who were the most likely (45 per cent). Previous offending history is also a factor here, with those on Constructs programmes having almost six times as many previous convictions as those on CSOG/MRMC.

Chart 14 : Reconviction rates, average number of reconvictions and average number of previous convictions for programme requirements by type of programme : 2012-13, 2013-14 and 2014-15 cohorts
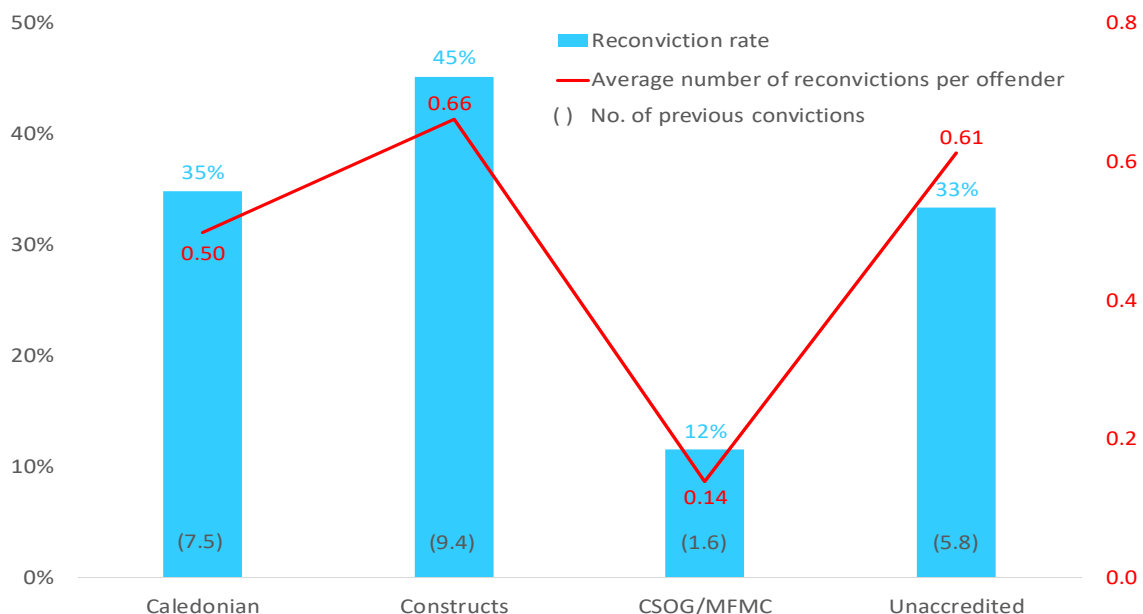
Employment status was also a key factor in how likely a person was to be reconvicted (Chart 15). People who were unemployed or economically inactive were almost twice as likely to be reconvicted as those in employment - in addition, the average number of reconvictions for the unemployed/inactive was almost 2½ times higher. Analysis of previous offending history showed that the unemployed / economically inactive did have nearly twice as many previous convictions (7.7) as employed people (4.0).

Chart 15 : Reconviction rates, average number of reconvictions and average number of previous convictions by the employment status[1] of the individual : 2012-13, 2013-14 and 2014-15 cohorts combined
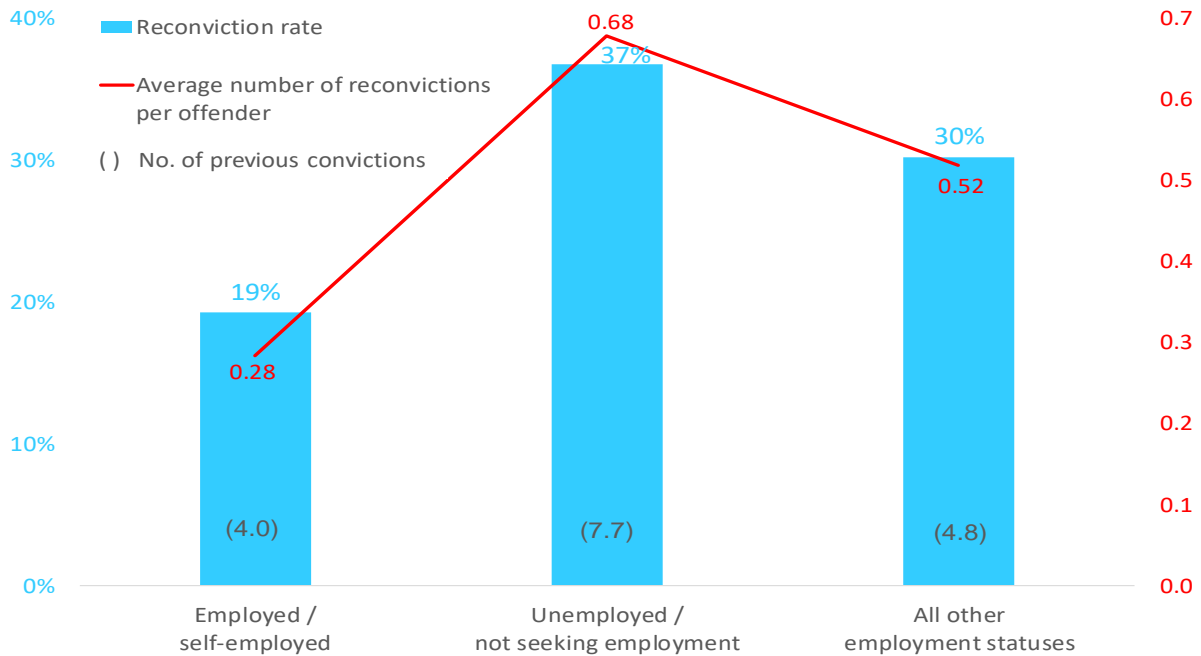
1. Employment status at the time when the order was imposed.

Some additional reconvictions data on domestic abuse was published in June 2019. This showed that people getting a CPO where there was a domestic abuse aggravator were slightly less likely to be reconvicted than those where there was no such aggravator. Some further analysis showed that the gap between those with a domestic abuse aggravator and those without, is greatest for orders with an offender supervision but no unpaid work or other activity requirement.

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How to access background or source data

The data collected for this report:
☐ are available in more detail through Scotland's official statistics website.

☐ are available via an alternative route.

☒ may be made available on request, subject to consideration of legal and ethical factors. Please contact Justice_Analysts@gov.scot for further information.

☐ cannot be made available by Scottish Government for further analysis as Scottish Government is not the data controller.