

Community Payback Orders – Use of unpaid work or other activity

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Community Payback Orders (CPOs) were set up by the Scottish Government in 2011 under the [Criminal Justice and Licensing \(Scotland\) Act](#). The court can impose one or more of [nine requirements as part of a CPO](#). The most frequently used is the Unpaid Work or Other Activity (UPWOA) ([Scottish Government, 2018](#)). For young people aged under 18, an UPWOA requirement would be imposed in conjunction with a Supervision Requirement and an UPWOA requirement can only be made where the individual is aged 16 or above ([Scottish Government, 2010](#)). The Unpaid Work element of the requirement has two categories:

- Level 1: specifies a period of between 20 and 100 hours of unpaid work
- Level 2: specifies a period of between 101 and 300 hours of unpaid work

While a Level 2 requirement offers a direct alternative to custody, Level 1 (unlike any of the other CPO requirements) can be used for those who might otherwise have been fined or who have defaulted on payment of an existing fine. In 2016-17, completion rates for CPOs were the lowest for 16-17 year olds, with the proportion of successful completions gradually increasing with age ([Scottish Government, 2018](#)). It is therefore critically important that such orders are only utilised where absolutely necessary. Orders should take consideration of the child's age, developmental capacities and likely limited knowledge and experience of measures of this nature, whilst also considering potential fears and a sense of hopelessness about successfully completing orders. Consideration should be given as to how the barriers to successful compliance can be reduced and what support may be required. Full explanations should be given of the requirements of such orders, plus any different requirements (e.g. supervision and UPWOA) and the costs of non-compliance ([Nolan et al., 2017](#); [Scottish Government, 2011](#); [Smith et al., 2014](#); [Cox, 2013](#)).

The Other Activity (which can be up to 30% of the number of specified hours on the requirement, or 30 hours, whichever is lower) allows the 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" ([Scottish Government, 2010, p.81](#)). The exact number of 'other activity' hours can be determined by the case manager or unpaid work case manager, which enables a high level of flexibility in balancing the punitive, reparative and rehabilitative elements of the requirement, and allows for the disposal to be tailored to the need of the individual ([Anderson et al., 2015](#)). [The Community Payback Orders Practice guidance](#) highlights a range of possibilities for the 'other activity' element of UPWOA, with various creative, evidence-based and outcome focused local examples with young people in Scotland, including:

South Lanarkshire Council

- Gaining cooking skills and food hygiene qualifications with support from The Kitchen Hub
- Providing recruitment packages to large corporate organisations and delivering employability modules such as intensive learning support and raising self-esteem and confidence through Love Learn Scotland
- Attending Business Gateway start up workshops
- Completing programmes with SACRO including group work focused on confidence

- building, goal setting, anger management and cognitive behavioural therapy. In addition, SACRO offer additional support to promote engagement with UPWOA requirements and prevent breaches of orders, including through letter contact
- A personal development course with intensive support afterwards offered by Venture Trust
- Volunteering with different organisations
- Engaging with Well Nurses;
- Completing a coaching qualification with the Scottish Football Association via Moving The Goalposts

Edinburgh City Council

- Mentoring, for example through organisations like SHINE
- Supporting and addressing addiction issues
- Engaging with Street Soccer Scotland and Street League
- Supporting young people to identify training/apprenticeships and secure funding to undertake courses, for example in respect of first aid via the British Red Cross, SQA, CSCS etc.;
- Developing employability skills with APEX, Community Learning and Access to Industry

Aberdeenshire Health and Social Care Partnership

- Gaining horticulture experience on an allotment
- Accessing relaxation and acupuncture to assist with substance withdrawal and anxiety issues
- Engaging with the Fire Service on fire safety and fire prevention courses, particularly for young people where concerns of this nature have been prevalent
- Engaging with an Employability Officer

Barnardos Scotland

- Offering support as ‘other activity’ to minimise the impact of previous life experiences, including adverse childhood experiences
- Helping build resilience and healthy coping mechanisms
- Addressing relationship difficulties
- Improving speech, language and communication skills, mental health and well-being
- In addition, hours have been used to engage in structured group work including five to thrive, why people need people, and parenting skills

Impact

UPWOA has supported numerous young people to gain employment or to continue with volunteering opportunities beyond the completion of their CPO. However, young people report a range of other benefits:

“After a chaotic period of my life it is making me feel like I am once again capable of work and living a normal routine, which I feel is going to turn my life around and stay away from what led me to community service”

“Unpaid work has helped me massively at a point in my life where I’ve been really struggling”

“I feel like community pay back is satisfying, as I am given the opportunity to exchange my negative actions into giving something back in a positive way. As I am doing something good for the community and my wellbeing, social skills are expanding my knowledge and understanding of myself and others”.

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