

## **Community Payback Order**

The evidence shows that for many offenders, short sentences lead to a 'revolving door' existence of periods in prison followed by further crimes committed soon after release.

The Scottish Government has changed the law on community based sentences in Scotland to make them tougher and more effective. The result of that change is the community payback order, which can be used in courts for offences committed on or after 1 February 2011. The community payback order will replace community service orders, probation orders and supervised attendance orders. It will enable courts to impose one or more of a range of requirements on the offender. These requirements are:

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

## Key Features

- The community payback order can be imposed as an alternative to custody. A court can also impose a community payback order with a restricted range of requirements as an alternative to, or in addition to, a fine.
- Unpaid work or other activity requirements can be imposed for between 20 and 300 hours.
- Where the law would have required courts to impose short jail terms – or more recently supervised attendance orders – on minor fine defaulters, courts can now impose a community payback order including an unpaid work or other activity requirement of up to 100 hours.
- A community payback order which includes an unpaid work or other activity requirement may only be imposed on someone aged 16 or above.
- Justice of the Peace courts can select from: offender supervision requirement, level 1 unpaid work or other activity requirement, residence requirement, conduct requirement and compensation requirement. Where an unpaid work or other activity requirement is imposed by a Justice of the Peace court, it will be limited to 100 hours.
- An unpaid work or other activity requirement must be completed within 3 months (100 hours) or 6 months (up to 300 hours) – unless the court states otherwise at the point of sentence.
- A court must impose an offender supervision requirement whenever it imposes a community payback order on anyone under 18 years. It must also do so whenever it imposes any requirement apart from unpaid work or other activity requirement, on a person of any age.
- A court may schedule periodic review hearings to check on an individual's progress during a community payback order.
- A court may decide to discharge an order early, in circumstances where an offender has made highly positive progress during a community payback order.
- If an offender breaches a community payback order, the court can vary the order and impose new or different requirements. It can decide to impose a restricted movement requirement (electronic monitoring). Ultimately it can decide to revoke the community payback order and impose a custodial sentence, or any other disposal which it could have used at first instance.
- Local authorities will have a requirement to consult local communities as to the nature of the unpaid work undertaken by offenders in their local area.

Further information about the community payback order is available on the Scottish Government website:

<http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/offender/community/examples/payback>