



Home Office

# Community Payback and Police and Crime Commissioners

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# Background and Context

## Introduction

This guidance has been produced following the Police and Crime Commissioner (PCC) Review's assessment of how the work of policing and probation can be best aligned around their joint mission to reduce reoffending.

The Review found that there was a clear role for PCCs to play in supporting Regional Probation Directors (RPDs) to deliver Community Payback schemes that visibly contribute to enhancing communities as well as supporting the rehabilitation of offenders.

This forms one aspect of a package of recommendations designed to lay the foundations for a greater PCC role in the criminal justice system. This includes taking further steps to lock-in collaborative working between PCCs and RPDs, giving PCCs stronger levers across local partnerships and facilitating the better sharing of criminal justice data.

This document outlines a range of different approaches that PCCs could adopt to support the delivery of Community Payback schemes and provides best practice examples to showcase existing collaborative work. However, there is no one-size-fits-all approach, and it is ultimately for PCCs to consider the objectives and needs of their local areas.

References to PCCs should be read as including Police, Fire and Crime Commissioners and Mayors who exercise PCC functions.

# Community Payback and the Probation Service

## Community Payback Overview

Unpaid Work is one of the key punitive requirements that can be added to a Community or Suspended Sentence Order, with courts able to impose between 40-300 hours of Unpaid Work depending on the seriousness of the offence. It is separate from an Out of Court Disposal (OCD) delivered by the police, which can include delivery of unpaid work hours as part of a Diversionary Caution.

The delivery of an Unpaid Work requirement is known as Community Payback and is managed and delivered by the Probation Service. This is a visible punishment which tangibly improves local areas that have been harmed by crime and allows the public to see justice being done. Community Payback also provides opportunities for individuals to learn new skills and increase the employability of offenders.

Community engagement is strongly encouraged with Community Payback, and anyone can propose a project in their area via the nominations process on the [Gov.uk website](#).

Placements require offenders to undertake rigorous and constructive work which benefits local people and places. Projects encompass a wide array of activities which can include removing graffiti, clearing wasteland, maintaining public spaces, restoring a heritage site or decorating a community centre.

Community Payback projects should not directly replace paid employment but may add value to the work undertaken by public bodies and voluntary, community and social enterprise organisations.

The COVID-19 pandemic had an unavoidable impact on the regular delivery of Community Payback and the Government is investing an additional £93m in Community Payback over three years from 2022 – 2025 to reduce the associated backlog and implement improvements.

This will be achieved by increasing delivery of Community Payback from a pre-COVID baseline of around five million hours to up to eight million hours per year. The recruitment of additional Community Payback staff, boosting resources in every region, and the establishment of partnerships with national charities and organisations to identify and deliver more high-impact placements across England and Wales, will help to facilitate this increase.

In addition, the Government is working to ensure that more Community Payback hours are used to support our objectives and priorities. This includes utilising Community Payback

hours in support of the Beating Crime Plan, Levelling Up and the Build Back Better High Streets Strategy.

## The Probation Service and the Management of Community Payback

Unification of the Probation Service in June 2021 saw the creation of 12 probation regions for England and Wales:

- Kent, Surrey, Sussex
- London
- South Central
- East of England
- South West
- Wales
- West Midlands
- East Midlands
- Greater Manchester
- Yorkshire and the Humber
- North West
- North East



Each region is overseen by an RPD who is ultimately responsible for the delivery of probation services in their region. RPDs set out the requirements and priorities of both in-house and commissioned delivery through their Regional Reducing Reoffending Plans and working in partnership across a range of statutory partners, private and voluntary organisations. A key aspect of an RPD's role is the development and promotion of partnerships for the delivery of unpaid work with local and regional stakeholders, supported by Heads of Interventions and Heads of Unpaid Work. RPDs and their teams have regular engagement with PCCs and sit on LCJBs, CSPs and other local partnership forums.

With the unification, the Probation Service assumed responsibility from Community Rehabilitation Companies for the delivery of Community Payback. RPDs hold the responsibility for the delivery of Community Payback within their regions. The day-to-day management of Community Payback at a regional level is managed by the Head of

Unpaid Work who is responsible for the operational delivery of Community Payback. There are operational teams in each locality who are responsible for sourcing and delivery of projects.

The [Target Operating Model](#), published in February 2021, sets out in detail how the Probation Service works under this new system, including information on the role of RPDs and the Head of Unpaid Work.

The Police, Crime, Sentencing and Courts Act 2022 introduced a new statutory duty requiring the Probation Service to consult with key local stakeholders on the delivery of Community Payback in their area. The duty will encourage greater collaboration with partners who understand local places, priorities and issues, thereby helping to ensure that Community Payback projects are responsive to need. Work is underway on the secondary legislation needed to bring the duty into force, but in the meantime PCCs remain a key partner for RPDs to work collaboratively with to shape Community Payback projects and ensure they target areas of need.

# PCCs and Community Payback

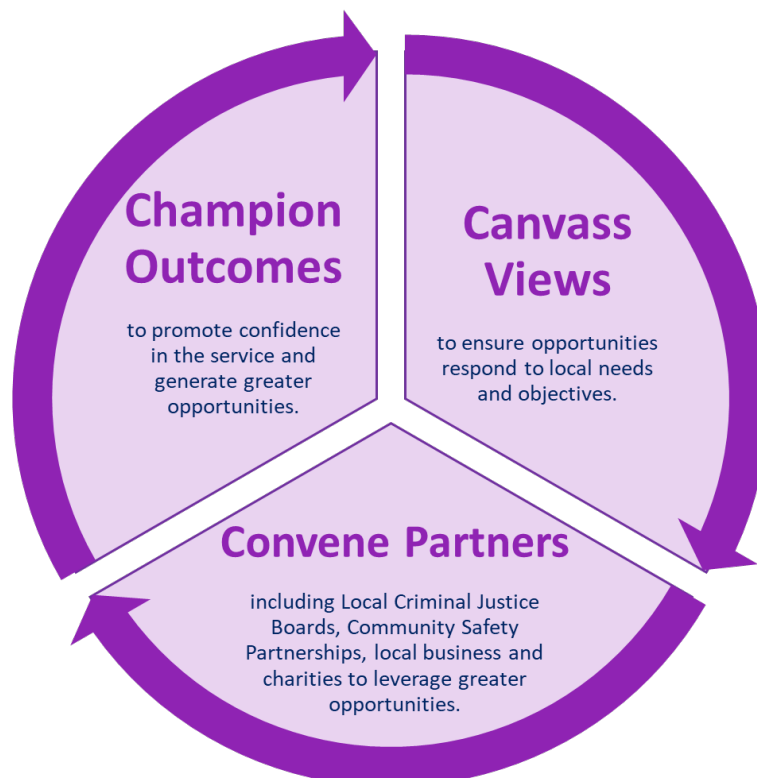
Reducing reoffending is a key shared interest for PCCs and the Probation Service, particularly given that around 80% of detected crime is committed by repeat offenders. This attests to the importance of PCCs and the Probation Service working closely to address shared priorities and bringing crime down.

Engagement through Part Two of the PCC Review found a clear willingness among PCCs and RPDs to increase collaborative working, including a strong consensus that PCCs could and should play a key role in supporting the provision of Community Payback.

This is broadly split into the following two responsibilities, with the operational delivery of Community Payback remaining the responsibility of the Probation Service:

- **Championing** Community Payback and **canvassing** views on Community Payback opportunities.
- **Convening** partners to leverage greater Community Payback opportunities.

In carrying out these functions, PCCs should use their position as local leaders to bring together partners across the criminal justice system to ensure Community Payback placements deliver the best outcomes for their communities and are representative of local priorities. The scale and scope of what actions PCCs take in their local area will depend on their local priorities and what is practical and workable locally.





## Championing Community Payback and Canvassing Views on Opportunities

Given their mandate and unique connection to their local electorate, PCCs have a key role to play in publicising and explaining the benefits of Community Payback to the public, ensuring a greater sense of what the service delivers and how this can respond to the priorities of their communities, instilling confidence in the service. Promotional materials can be provided to partners to support this activity, including signposting to the national nominations website.

This greater public understanding and engagement also presents an opportunity for PCCs to canvass public opinion, informing their representations (on behalf of the public and key partnerships) in relation to where in their communities would benefit from placements.

**A diverse range of views should be sought** to inform these representations to ensure differing perspectives are captured and Community Payback remains focussed on the specific objectives and needs of local areas, visibly contributing to enhancing communities, as well as supporting the rehabilitation of offenders.

As PCCs are elected representatives, they can assist in better linking the Probation Service to the communities they serve, and can also utilise their links with partners to promote Community Payback

### Championing Community Payback in South Yorkshire

As a part of the Spring Clean in March 2022, the South Yorkshire PCC supported a clean-up of litter in Maltby after seeing the condition of the local area during a visit.

The clean-up effort, which was aided by the Community Payback Spring Clean team, made a noticeable difference to the area, and a few dozen bags of litter were collected in the first few hours. The PCC visited the project when it was underway to see the excellent work that had been undertaken and to thank those doing and supervising the work.

The PCC highlighted this example in his weekly blog which features on his website to publicise that it was Community Payback which had helped to clean the area. His blog explained what Community Payback is, included supportive quotes from probation partners, and also included a link for members of the public to nominate further schemes.

PCCs should be mindful of any pre-election period guidance in place before championing or canvassing views on Community Payback schemes. This includes guidance for both local and national elections.

### The General Public

As elected local representatives, PCCs are responsible for securing an efficient and effective police force on behalf of their local community. **This includes ensuring that the**

**public's voice is heard on a range of matters, including in relation to what local priorities should be tackled through Community Payback placements.**

PCCs are well versed in communicating with the public and should continue to utilise what works in their area. This could be through direct communication as well as through community representatives, such as local businesses, charities or third sector organisations.

### **Championing Community Payback to the public in Gloucester**

In Gloucester, the PCC personally visited several placements and promoted Community Payback to their partners through social media, such as twitter, and through press releases on the PCC's website. This included a clean-up effort on a street, nominated by local residents and school pupils, and a project doing landscaping in a local park. Schemes were also promoted to local police, and officers began to directly suggest schemes which could be undertaken through Community Payback.

The championing of schemes has resulted in the nomination of a number of further projects, including ground and footpath clearance for two parish councils.

When canvassing views of the public in relation to local Community Payback opportunities, **PCCs may wish to provide a list of potential opportunities to ensure placements retain a strategic focus and are workable in practice** as well as championing previously successful schemes to demonstrate their positive impact.

## **Local Partnership Forums**

PCCs can drive and coordinate local partnerships to ensure an increasingly holistic and collaborative approach is taken to the reduction of reoffending.

These partnership forums provide not only an opportunity to consider placement opportunities aligned to collective community safety goals, but also a mechanism to connect PCCs and Unpaid Work leads with local areas.

While PCCs should work closely with a range of local partners to canvass views, **we have identified the following key forums as particularly critical** in providing opportunities to work across the criminal justice system to focus Community Payback on local priorities:

### **Local Criminal Justice Boards (LCJBs)**

LCJBs bring together local leaders across the criminal justice system to enable joint working designed to improve services and reduce crime as well as seeking to improve the experience of victims.

PCCs as elected representatives should act as a voice for victims of crime and represent their views in the context of Community Payback, which can be achieved through their LCJBs.

Given the large range of criminal justice partners sitting on LCJBs, a diverse range of views can be gathered on where to target schemes and how these could be delivered.

Sub-boards, such as reducing reoffending boards, should also be utilised where appropriate.

### Community Safety Partnerships (CSPs)

CSPs bring together local organisations, including the police, the local authority, the Probation Service and others to assess local community safety issues. They are an important link to councillors and partners beyond the immediate criminal justice system, as with LCJBs.

Crucially, given their geography, CSPs present an opportunity to connect at the most local of levels, best reflecting the needs and circumstance of communities.

#### Working with Community Safety Partnerships in South Yorkshire

South Yorkshire has a county-wide Community Safety Forum, which brings together the chairs of all the local CSPs. This forum has been used to promote Community Payback, including explaining what it is and how it can be used positively and benefit local communities.

The forum has provided an opportunity for the local Community Payback lead to showcase the range and quality of work completed. As well as presenting an opportunity to discuss local successes and challenges facing Community Payback in the local area, it was also used to promote the sharing of ideas and good practice.

### Convening Partners to Leverage Greater Community Payback Opportunities

A PCC's position as an elected official carries weight and can facilitate the bringing together of partners (including those beyond the criminal justice system) to leverage greater opportunities for Community Payback placements and ensure that a focus is retained on local strategic priorities.

PCCs can leverage these opportunities through their connection with the public and local partnership forums as well as wider community partners such as businesses and charities.

**PCCs may wish to include Community Payback nomination details on their website, or as a part of engagement they do on Community Payback, to encourage a wide breadth of schemes to be nominated.**

### Local Government

**Increased partnership working between PCCs and local government leaders, including Local Enterprise Partnerships, remains crucial given the close links**

**between community safety and economic growth and the levers available to these partners across regions.**

Local Government can be a great source of Community Payback opportunities in a local area. They are well placed to provide local information on what is happening in their districts or boroughs and are responsible for many public places which might attract litter or graffiti, such as public parks.

### Local Businesses and Charities

Businesses, charities and third-sector organisations can similarly offer a greater diversity of placements tailored to the priorities of local areas, as well as the skills of offenders to provide a pathway to employment, further reducing the chance of reoffending.

Many PCCs give grants to local charities with the aim of improving community safety. **These links to local charities can be further utilised to identify a broad range of placements which are tailored to individual offenders.** Unique and bespoke placements can be especially useful for more vulnerable offenders, such as female offenders.

Local Authorities can also assist the PCC in encouraging local charities and not-for-profit organisations to get involved in the current provision of Community Payback opportunities.

The effective targeting of Community Payback can similarly support charity organisations and their priorities.

#### **Working with Charities in Cleveland: From Championing to Convening**

Cleveland's PCC has committed to promoting Community Payback and facilitating visible and worthwhile Community Payback schemes which benefit the local community.

The Cleveland PCC's office engaged with the local probation service to design a communications campaign highlighting the opportunity for local people to suggest community projects to be undertaken by people working with probation. A specific Community Payback nomination page was developed for the OPCC website, together with a leaflet explaining the nomination process for promotion at community events.

A local charity engaged with this process and nominated a scheme which would help to regenerate a local community centre which they managed. This included clearing weeded areas and undertaking repair work and painting within the centre, to make the area more welcoming to those who use it. A further project, focusing on repairs to the outside of the centre, is also planned.

The Community Payback scheme has not only regenerated the centre, but has had a positive impact on the staff and centre users, who feel more valued and has encouraged a feeling of pride in the community, making people more likely to take care of the community facility and its surroundings.

Though Community Payback cannot be used to replace a paid position, **local businesses can still be engaged on opportunities**, and may be able to provide tools, equipment or spaces for projects.

### Engaging local businesses in Durham

The Durham PCC met with the Unpaid Work lead in her area to convene an opportunity for Community Payback called BLOOM: a project to tidy up entrances to villages towns and parks in the local area.

The PCC utilised connections to local businesses to help to provide materials for the project, including flowers which could be planted by those on probation during the project.

# Further Best Practice: The Role of PCCs in Community Payback

## The Community Payback Spring Clean Week

The inaugural Community Payback Spring Clean Week in support of Keep Britain Tidy took place between 25 March to 1 April 2022. Community Payback teams were mobilised across England and Wales to undertake clean-up projects that visibly improved local neighbourhoods, high streets and green spaces.

The campaign was supported by PCCs who were encouraged to nominate projects in their local area and promote the work of Community Payback. PCCs actively took part in the Spring Clean visiting clean-up projects in their local area and sharing positive stories on social media.

Over the course of the week, Community Payback teams delivered around 300 projects, including litter picks, vegetation clearances and beach cleans.

In total over 1,500 offenders undertook around 10,000 hours of Community Payback and 2,200 bags of litter were collected nationally.

## Funding Opportunities for those on Community Payback Schemes

The Surrey PCC funded a joint project between a local mental health charity and the Probation service's local Community Payback team.

The project intended to help people on probation undertaking Community Payback get access to online learning courses, teaching them how to use computers. It also covered important employment aspects, such as CV writing skills. The probation service provided staff for events, with the charity providing the premises and the computers.

The project was specifically aimed at helping rehabilitation of people on probation, as well as improving their job prospects, promoting self-esteem, and building the foundation for their better mental health.

# Glossary

## Community Payback

Community Payback is a form of community sentence given for crimes such as damaging property, theft or assault.

Community Payback can include activities such as removing graffiti, clearing wasteland, or decorating public places and buildings.

Community Payback can also be referred to as **unpaid work**, or **community service**.

## Community Safety Partnerships

Community Safety Partnerships (CSPs) bring together local organisations to assess local community safety issues and to draw up a partnership plan setting out their priorities.

Five 'responsible authorities' must, by law, work together on CSPs. These are: The police, the Fire and rescue authority, the probation provider (including the probation service), the local authority and local health services.

There are existing legal requirements that apply to CSPs. The following is not exhaustive, but the responsible authorities are under a statutory duty to work together to formulate and implement a strategy for:

- the reduction of crime and disorder;
- the reduction of reoffending; and
- combatting the misuse of drugs, alcohol, and other substances.

## Local Criminal Justice Board

Local Criminal Justice Boards (LCJBs) bring together criminal justice partners to identify priorities, address cross-cutting issues and deliver agreed objectives to improve the efficiency and effectiveness of the local criminal justice system, including the experiences of victims and witnesses. They are predominantly aligned to Police Force Areas and operate as voluntary partnerships. In Wales, in addition to four LCJBs, there is the "Criminal Justice Board for Wales".

## PCC Review

The PCC Review was announced in July 2020 and delivers on a 2019 manifesto commitment to strengthen and expand the role of PCCs, and to help PCCs to deliver effective police forces who can cut crime and protect their communities.

Part One focused on sharpening local accountability and improving transparency of PCCs, enhancing the public's ability to hold their PCC to account for their record on reducing crime. This part of the Review returned recommendations in March 2021 which are accessible here: [Police and Crime Commissioner Review: Concluding Part - Hansard - UK Parliament](#)

Part Two focused on ensuring that PCCs have the necessary tools and levers to cut crime in their local areas and examined the role that PCCs could play in the criminal justice system more widely. This part of the Review returned recommendations in March 2022 which are accessible here: [Police and Crime Commissioner Review: Part 2 - Hansard - UK Parliament](#)

### **Pre-Election Period**

A pre-election period is a period of time immediately before elections or referendums. During these periods, there are restrictions on what communication and publicity activity can be undertaken.

### **Probation Service**

The Probation Service is responsible for supervising offenders in the community, including those serving a community sentence and those released from prison on licence. It plays a key role in protecting the public, reducing reoffending and providing specialist support for victims, while delivering the orders and sentences of the court.



