

Director of Justice - Neil Rennick
Chief Social Work Adviser - Iona Colvin

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Chief Social Work Officers – by email

20 March 2020

Dear colleague,

COVID-19 – BUSINESS CONTINUITY AND SERVICE PRIORITISATION FOR JUSTICE SOCIAL WORK SERVICES

The impact of the COVID-19 pandemic is substantial across sectors and we appreciate the challenges and uncertainty this causes for you and your colleagues. Further to Iona Colvin's letter of 18 March to CSWOs on business continuity and reprioritisation, we are writing now to provide assurance and some guidance in relation to justice social work.

Firstly, we want to express our thanks. The dedication and professionalism of you and your colleagues is highly valued and we know you will be actively engaged in contingency planning, taking account of specific issues and circumstances in relation to justice social work services.

We have confidence in local decision making and encourage all areas to take a pragmatic, risk-based approach, prioritising cases which present a high risk to individuals or the community, and considering how arrangements for contact can be appropriately reduced or modified.

As we are now in the 'delay' phase, it is anticipated that a significant proportion of justice social workers, unpaid work staff, and other team members may need to be either off work or working from home. It is anticipated that a significant proportion of individuals subject to supervision or unpaid work will not be able to attend as is normally expected. Guidance on social distancing and particular guidance for vulnerable groups can also have implications for social work practice, which can involve regular face-to-face appointments and group work.

We are also aware that CSWOs will be required to consider how best to deploy available staff across all areas, including those unrelated to criminal justice, which will create additional pressures.

While this all puts pressure on capacity, some reduction in court business is anticipated during the period of the pandemic. The Scottish Courts and Tribunals Service has confirmed a range of actions to decrease criminal court business¹, and discussions between the Scottish Government and all justice partners are ongoing to identify how best to address likely capacity issues. We expect that further updates will be provided as the situation evolves.

We are aware that you and colleagues will be actively addressing a number of issues pertaining to business continuity, not least around prioritisation of caseloads, and will be facing difficult decisions around the continuation of elements of services and adherence to timescales. Notwithstanding our confidence in your professional judgement, we thought it would be useful to provide assurance, guidance, and updated information on some of the issues identified.

Prioritisation of caseloads

During the foreseeable future, we understand that it will not be possible for social workers/supervisors/clients to keep every scheduled appointment. We would encourage areas to prioritise high risk cases where possible and move to phone contact, if and when appropriate. During this time, management of those assessed as being at lower risk may be deprioritised to allow a focus on higher risk individuals. In some instances, less frequent appointments will be appropriate. Either way, decisions should be informed by proportionate assessment of risk.

You will wish to liaise with your local MAPPA co-ordinator with regards to the MAPPA cases that you are involved in, or are lead agency for, to discuss and agree management plans for these individuals, including timescales for review.

Unpaid Work

We appreciate that carrying out unpaid work will present particular challenges and that approaches to dealing with non-attendance may need to be treated with more discretion than might ordinarily be the case.

We also understand that difficult decisions are being taken across the country with regard to the scaling back or temporary suspension of programmes. Professionals in local areas are best placed to take such decisions, and we have confidence that this will be approached in a proportionate, risk-based manner.

¹ <https://www.scotcourts.gov.uk/coming-to-court/attending-a-court/coronavirus/coronavirus---coming-to-a-court-or-tribunal/coronavirus-criminal-business>

Drug Treatment and Testing Orders

For Drug Treatment and Testing Orders, testing is expected to take place at levels of frequency based on how far the order has progressed and some tests are usually laboratory tests. Decisions on frequency of tests, including laboratory tests, should be made by social work in collaboration with health colleagues. The primary consideration should be the safety of individuals and staff.

Electronic Monitoring

The electronic monitoring service is continuing at present in the same form. However, as with all our work, that position may change over time and will be kept under review. If there is a significant impact on the staff available to run the service, a similar risk-based approach will be taken, which will likely prioritise HDC and licence (including MAPPA) and ISMS cases – and the monitoring and reporting of those. At present, however, the service is running as it usually does, and if there are further changes to monitoring or reporting we will make sure you are made aware of those in advance.

Home Detention Curfew

The current HDC Guidance for Agencies states that, *“Where it appears an individual may qualify for release on HDC, the proposed curfew address must be assessed for suitability. This assessment will be carried out by CJSW Services. All intended home addresses must be visited, except in exceptional circumstances.”* We consider that the current circumstances are exceptional. We are therefore content that, until further notice, if assessments of suitability for HDC can be appropriately carried out in another manner (i.e. via a telephone call and with reference to information held by social work) then this would be acceptable (although we would ask that the revised mode of assessment is reflected on the relevant HDC form).

Parole

The Parole Board for Scotland have indicated that at present, whilst keeping the position under review, they will continue to hold casework meetings, Tribunals and Oral Hearings. The Board recognises that social workers play a critical role in the process, including the provision of reports, appearing as witnesses before the Board and the supervision of those on licence. The Board has issued guidance to Board members asking them to be mindful of the pressures on the profession at this time and to consider carefully, before requesting them, whether reports and witness attendance are critical in individual cases. The guidance also asks members to be receptive to requests from witnesses to provide evidence by video link, telephone or in writing where attendance at prison establishments is an issue. The Board is keen to have more detailed discussions with the profession as things develop over the coming period.

Timescales

As you are aware, there are a number of timescales set out in national guidance which under normal circumstances must be adhered to. For the duration of the pandemic, we do not expect that these timescales will be met in all cases and again, areas are encouraged to make risk-based decisions on prioritisation.

It is recognised that, as a result, completion rates of orders may be at risk of declining. We will engage with analysts on the implications for national statistics and we wish to assure you that local areas will in no way be penalised or subject to additional scrutiny from the Scottish Government as a result of this, provided you have taken a clear and pragmatic, risk-based approach.

Other issues

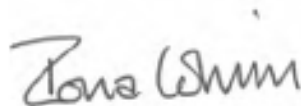
We recognise that there is a potential for an increase in domestic abuse risk due to stress/self & household-isolation (for those subject to Caledonian orders, but also people not on Caledonian), therefore we would ask that you ensure that records are kept up to date as to all children residing in clients' households and that communication/joint working with child protection services is robustly maintained. A separate note has been issued from the National Coordinator of the Caledonian Programme and a copy of this is attached to the covering email for ease of reference.

Finally, we would ask that you liaise with colleagues with operational responsibility across justice social work services in your area, including through the Community Justice Partnerships, to assure yourself that appropriate contingency arrangements are in place or decisions made to pause or delay interventions where appropriate. This should align with the approach of local resilience partnerships which are focused on ensuring that statutory functions, and those discharging them, are safely maintained and resourced during this challenging period.

Further guidance is likely to be provided as and when the situation changes. We are also actively discussing with other justice organisations a range of system-wide questions and issues which have been raised in relation to justice social work, including around how best to ensure that accurate, up to date information can be provided to local areas as required, and how issues around capacity can be mitigated.

Any feedback on this guidance can be directed to cpo@gov.scot, though please note that we are not able to provide advice on individual cases and may not be able to respond immediately to all correspondence.

With thanks and best wishes to you and your colleagues.



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