

AGREEMENT BETWEEN SOCIAL WORK SCOTLAND AND SCOTTISH COURTS AND TRIBUNAL SERVICE – COVID-19

7 April 2020

This agreement has been reached in consultation and collaboration with SCTS. Its purpose is to offer guidance in respect of **JUSTICE SOCIAL WORK COURT-RELATED MATTERS** for the duration of the Covid-19 pandemic and for consistency.

- **Provision of court services**

Court business is reducing and focussing mainly on custody cases and the demand for the provision of a JSW service in court has reduced. Many JSW services have already suspended providing a service within courts.

Where the court require a service and there is no court officer present it has been agreed the sheriff clerk will contact the relevant JSW office by telephone.

- **The reduction of sheriff courts operating**

There may be an increased demand for **assistance for people released from custody** to ensure people travel home quickly. This is particularly affecting local authorities which have a sheriff court now receiving business from several courts.

If a local authority does not have an agreed local protocol to manage this demand, the Scottish Welfare Fund (SWF) operate to assist people in circumstances like this. Falkirk have developed an excellent arrangement with their local court utilising SWF and details can be found below at Annex 1.

- **CJSWRs**

For the duration of the Covid-19 pandemic, it has been agreed that **for community-based reports an 8-week deferment will operate** where circumstances allow. However, it is expected that very few reports will be requested. Sheriff clerks have been asked to obtain a telephone number from the individual to assist in the process.

For reports **where the individual is remanded in custody**, JSW will endeavour to prioritise these reports and meet the set deadline for the report. **A 2-week deferment will be made wherever possible.** JSW will most likely in the first instance seek to complete custody reports by arranging a video- or teleconference with the prison. Where this is not possible, JSW may consider a prison visit if the social worker is able to visit the prison and SPS can facilitate this safely. However, it is accepted this will be difficult. **In the circumstances where a report cannot be completed by the due date the court must be informed at the earliest opportunity and the reasons given for this.**

- **New CPOs/DTTOs**

In the current situation **there will be very few new orders being made and the court may delay the start of the order.** If a telephone number has not been obtained at the report stage, the sheriff clerk will further try to obtain this to assist JSW in commencing the order.

- **CPO/DTTO reviews and breaches**

For the duration of the pandemic, **the court will only deal with reviews and breaches if there is an identified risk of harm or other compelling reason to do so. Any review or breach must stipulate clearly whether it is urgent.** You may wish to speak directly with the court to confirm action is being taken to progress the review/breach following submission.

It is suggested minor breaches can continue to be submitted but courts have limited capacity to consider these. These would be noted and responded to at a later date.

There is no need to submit regular, non-urgent reviews as requested by the court for CPOs and DTTOs.

This guidance will be kept under review with SCTS.

James Maybee
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Appendix 1

Falkirk Council Justice Services & Scottish Welfare Fund

Crisis Grant Arrangements for Payments to Individuals Appearing at Falkirk Sheriff Court

Local Authority Provision

4.7 Local Authorities can provide assistance from their SWF in the form of a Crisis Grant to assist the applicant to return home where a person is stranded in the local authority area or provide assistance where exceptional circumstances justify this (*Scottish Welfare Fund Guidance 2019*).

Process

We have asked Falkirk Sheriff Court to hold bus vouchers on behalf of Scottish Welfare Fund for the purpose of allowing a straight forward, quick process that ensures immediate payment for people who find themselves stranded at court. This eliminates the need for phone applications and reduces delays in individuals being able to make travel arrangements to leave the area.

GEOAmev Secure Prisoner Services have agreed to hold these vouchers and distribute them by collecting the below information. The information will then be forwarded by the Sheriff Clerk to the Falkirk Council Scottish Welfare Fund Team on a weekly basis for logging onto the SWF system.

Name and Date of Birth	NINO	Destination	Amount provided	Date

For further information please contact:

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