

FISCAL WORK ORDERS – COVID-19

GUIDANCE FROM SOCIAL WORK SCOTLAND AND CROWN OFFICE & PROCURATOR FISCAL SERVICE

6 April 2020

This information is provided following consultation and collaboration with COPFS. Its purpose is to offer guidance in respect of **FISCAL WORK ORDERS** in the context of Covid-19.

Fiscal Work Orders (FWO) are different to Diversion from Prosecution. In essence, no change is required.

The Criminal Procedure (Scotland) Act 1995 S301ZA (3) sets out that **a work offer must state the date by which the work requires to be completed and subsection (7) states that the FWO must also state the date by which the work requires to be completed.**

COPFS advise that letters regarding work offers and orders automatically include a 6-month time period, and this will remain. If there is regional variation 6 months will now be the norm during Covid-19.

There is nothing in the legislation which restricts the crown office to any particular period of time. However, it is considered that this is sufficient and therefore there is no requirement to extend the time period in which the work must be completed to 6 months for all FWOs.

For FWOs that are already ongoing COPFS don't have the capacity to amend the date and the individual may not be able to complete the remaining hours due to reasons out with their control. In relation to those cases, **if they are not going to be finished within the time period please report that back to COPFS indicating the reason the FWO is incomplete.** The case would then be marked accordingly – which would be to take no further proceedings given that the accused has not had the opportunity to comply.

The above will be subject to ongoing review with COPFS.

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