



Guidance for Social Work Services on Determining the Designated Local Authority for Prisoners

March 2026

This guidance has been developed with reference to the [Justice Social Work Services: national throughcare guidance \(March 2026\)](#) and the statutory duties set out within the Prisoners and Criminal Proceedings (Scotland) Act 1993 and associated guidance. It is intended to support Social Work staff in determining the appropriate designated local authority for individuals in custody.

- The supervising authority will be designated according to ordinary residence principles. The ordinary residence of the person in custody has to be assessed according to the circumstances of the individual but is generally the place to which s/he has ties, either through family or because s/he has made his/her home there and lived in that area for some time or has clearly identified social and economic ties.
- If there are occasions where ordinary residence is unclear or in dispute, the relevant authority will be designated on reception, as that which carried out the Justice Social Work Background Report to which the sentence relates (where such a report was prepared).
- It may be appropriate to change the supervising authority during the period of the sentence. Where there is clear agreement that the person in custody will reside in another authority post-release, for example in emergency accommodation, it may prove more effective to voluntarily transfer responsibility for much of the detailed activity to that other authority. Where, in the course, of pre-release planning it becomes clear that the person in custody will not be released to the designated supervising authority, that authority must negotiate any transfer with the receiving local authority.
- Where agreement to this effect is reached, this must be communicated in writing to the person in custody and prison governor, together with the reasons why.

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- Where the person in custody has no clear and known local connection in Scotland and a decision cannot be determined by 'Ordinary Residence' principles or an area that undertook the Justice SW report; the designated local authority should be determined by the area where the person in custody was last known in Scotland. This would include for example, where the offence took place, any residence connections that the individual has had previously including homeless/emergency accommodation or if s/he has identified suitable accommodation in Scotland.
- Where any of the above cannot be identified then it would fall to the local authority area where the prison is based to take responsibility for the Supervision of the person in custody and negotiate any onward transfer. This should be informed by Public Protection/Risk Management principles and informed by the RMT/victim considerations and person in custody's preference.
- If there are particular issues related to victim safety planning, the responsible authority as identified by the criteria above should hold responsibility for any transfer arrangements.
- If agreement cannot be reached on the person in custody's designated area, this should be resolved by Social Work management, using escalation processes in place up to Chief Social Work Officer in the relevant local authorities. Once agreed, the proposed designated local authority should be communicated in writing to the Prison Governor.