

PSR/JSWR allocation  
Scotland & England/Wales  
Memorandum of understanding

June 2026

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# Part 1: Overview

## Background

- 1.1. A person may be sentenced in England and Wales though reside or be detained in Scotland. Similarly, a person may be sentenced in Scotland though reside or be detained in England and Wales.
- 1.2 This creates complexities in:
  - 1.2.1. arranging the pre-sentence report (proceedings in England and Wales) or Justice Social Work report (proceedings in Scotland) interview taking into account geographical factors.
  - 1.2.2. ensuring that the sentence recommendation is in accordance with the applicable law and that there are suitable local arrangements under which the defendant/accused will be managed if the court makes a community-based sentence.
  - 1.2.3. undertaking domestic abuse and safeguarding checks in the area where the defendant/accused resides.
- 1.3 There is also no current agreed national process or legal guidance in place for dealing with such cases which can lead to:
  - 1.3.1 the imposition of unlawful orders which require to be later brought back before the court, causing delay and risk of reputational damage to the Probation Service team or Justice Social Work team commissioned to prepare the report.
  - 1.3.2 uncertainty, delay and unnecessary resource to confirm which team will be preparing the report for the court.
  - 1.3.3 difficulties in arranging a report interview with the defendant/accused, as the applicable Probation Service/ Justice Social Work team writing the report has limited contact details for the defendant/accused.

## Purpose

- 1.4 This memorandum of understanding seeks to:
  - 1.4.1 provide a clear process as to whether a pre-sentence report/ justice social work report should be produced by the Probation Service in England & Wales or a Justice Social Work team in Scotland.
  - 1.4.2 ensure that the report author has contact details for the defendant/accused to enable a report interview to be arranged effectively.
  - 1.4.3 enable closer working arrangements between the Probation Service and Justice Social Work teams to ensure that reports can be produced efficiently and without delay, information can be shared about the

defendant's/accused's risks and needs, and the sentence recommendation is in accordance with applicable legislation.

1.4.4 clarify the information which is to be given to Justice Social Work teams to produce a court report for proceedings in England and Wales, and to the Probation Service preparing a court report for proceedings in Scotland.

1.4.5 ensure that, where possible, the team for the area in which the defendant/ accused will reside following sentence is allocated the report as that team will have the best knowledge of available supervision arrangements in that area.

## Definitions

1.5 The following definitions apply in this memorandum of understanding:

“Defendant/accused”:

The individual in respect of whom the Probation Service/Justice Social Work team have been requested to produce a pre-sentence report/ justice social work report. “Defendant” applies to proceedings in England and Wales. “Accused” applies to proceedings in Scotland.

“The applicable functional mailbox”:

The functional mailbox for the relevant Probation Service or Justice Social work team areas as referenced in part 5.

“Pre-sentence report (PSR)”:

The report requested before sentence by a court in England and Wales under the Sentencing Code.

“Justice Social Work Report” (JSWR)

The report requested before sentence by a court in Scotland under the Criminal Procedure (Scotland) Act 1995.

“Report author”:

The Probation Service team (England and Wales) or Justice Social Work team (Scotland) preparing the pre-sentence report/justice social work report.

“The applicable Justice Social Work team”:

The Justice Social Work team which would perform a particular function under business-as-usual arrangements.

“The applicable Probation Service team”:

The Probation Service team which would perform a particular function under business-as-usual arrangements.

“Applicable case papers”:

The documentation which is provided to the Probation Service/ Justice Social Work team to produce a pre-sentence report/ justice social work report as clarified by “Information provided to produce a pre-sentence report” below.

“Reciprocal prison video-link arrangements”:

Arrangements in place for Probation Service staff to conduct PSR/JSWR interviews with defendants in Scottish prisons as agreed and communicated by the Working Group.

“Working Group”:

The working group, as referenced in 1.6 which has prepared this memorandum of understanding.

## Working group

1.6 This memorandum of understanding has been created by a joint cross-agency cross-jurisdictional national level working group (“the working group”). The working group was made up of representatives from The Probation Service, Social Work Scotland, HM Courts and Tribunal Service, Scottish Courts and Tribunals Service, Police Scotland, National Police Chiefs’ Council (England & Wales), Crown Office Procurator Fiscal Service, Government Legal Department and Scottish Government.

## Compliance

1.7 All organisations involved in the creation of the MoU are **encouraged** to comply with it, to enable consistent reciprocal arrangements between England /Wales & Scotland and to ensure effective pre-sentence report/ justice social work report delivery in cross jurisdictional cases. The working group will keep this memorandum under review. Any concerns or questions regarding the memorandum should be directed to:

1.7.1 in Scotland - Scottish Government [cpo@gov.scot](mailto:cpo@gov.scot)

1.7.2 In England/Wales - Probation Service HQ Probation Court Strategy and Change Team.

1.8 All organisations involved in the creation of this Memorandum of Understanding are reminded that data which is shared must be managed appropriately and in accordance with any responsibilities under the Data Protection Act 2018 and the UK General Data Protection Regulation. Article 5 of the UK GDPR sets out seven key principles: Lawfulness, fairness and transparency; Purpose limitation; Data minimisation; Accuracy; Storage limitation; Integrity and confidentiality (security) and Accountability.

## Part 2: Preparation of a PSR/JSWR

### Legal requirement for a PSR/JSWR

#### In England and Wales

2.1 Where a defendant is convicted before a court, the court must direct the preparation of a pre-sentence report before deciding whether to impose a community order or custodial sentence, unless it decides it is unnecessary to do so (s.30 Sentencing Code). Where a court is considering imposing a community order and the defendant resides, or when the order takes effect, will reside in Scotland, the court has the same obligation to obtain a report. The court must also be satisfied that arrangements have been, or can be, made for the defendant to comply with the requirements imposed by the order ([Paragraph 1\(2\), Schedule 11 Sentencing Code](#)).

#### In Scotland

2.2 Where an accused is convicted or the court has found that they have committed the offence, the court may adjourn for the purpose of obtaining a report prior to determining the most suitable method of disposal (s.201 Criminal Procedure (Scotland) Act 1995). In particular, a court may not generally impose a community payback order, restriction of liberty order or sentence of imprisonment unless it has obtained, and taken account of, a report about the offender and the offender's circumstances (Criminal Procedure (Scotland) Act 1995)<sup>1</sup>. Where a court is considering imposing a community payback order and the accused resides, or when the order takes effect, will reside in England and Wales, the court has the same obligation to obtain a report and must be satisfied that arrangements have been, or can be made for the accused to comply with the requirements imposed by the order ([paragraph 1, schedule 13 Criminal Procedure \(Scotland\) Act 1995](#)).

### Information provided to produce a pre-sentence report

#### Proceedings in England and Wales

2.3 It is important that the Probation Service & Justice Social Work teams are able to consider the initial details of prosecution case (IDPC) to prepare the pre-sentence report. Where the defendant was in police custody immediately before the hearing, the IDPC must include, as a minimum, a summary of the circumstances of the offence and the defendant's criminal record. Where this does not apply the IDPC must **also** include, in summary, any account given by the defendant in interview, written witness statements where available and

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<sup>1</sup> See sections 203(1), 204(2A), s205ZA(11), 207(4), 209(2), 210A(4), 234B(3)(b) & 245A(6) &(11A).

material, and any victim impact statement ([Rule 8.3 Criminal Procedure Rules 2020](#)).

## Proceedings in Scotland

- 2.4 When a case is deferred by a Scottish court for the production of a JSWR, a request is forwarded to the local Justice Social Work team with the applicable case papers including a copy of the charges and previous convictions.

## Adjournments for pre-sentence reports

- 2.5 A pre-sentence report may be ordered by a court in England/Wales where the defendant resides in, or is detained in, Scotland. Similarly, a justice social work report may be ordered by a court in Scotland where the accused resides in, or is detained in England and Wales. This will usually require an adjournment of four weeks as it will necessitate cross border liaison, including between the Probation Service and Justice Social Work teams, to:
- 2.5.1 enable, as required, domestic abuse and safeguarding checks to be undertaken with a police force/children's services in England/Wales & Scotland;
  - 2.5.2 establish whether the defendant/accused is known to the Probation Service or one or more Justice Social Work teams then receive and consider that information to assess a defendant's/accused's risk and needs; and
  - 2.5.3 consider the pre-sentence report/justice social work report recommendations in accordance with the law in both England/Wales and Scotland.
- 2.6 Whether a court decides to adjourn, and the length of any adjournment, remains a matter of judicial discretion subject to the maximum adjournment period as provided by the applicable legislation<sup>2</sup>.

## Guidance on corresponding requirements

- 2.7 The Imposition of community based order in Scotland, England and Wales guidance supports Probation Service court staff and Justice Social Workers to understand the legislation governing the imposition of community-based orders in England/Wales and Scotland, with particular reference to the corresponding requirements on community orders (under the Sentencing Code) and community payback orders (under the Criminal Procedure (Scotland) Act 1995).

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<sup>2</sup> E.g. s10 Magistrates' courts Act 1980 (England/Wales); s201(3) Criminal Procedure (Scotland) Act 1995

## Part 3: PSR allocation – Proceedings in England & Wales

### Overview

3.1 Whether the Probation Service or a Justice Social Work team are responsible for providing the pre-sentence report will depend on whether the defendant is on bail/ the case has been simply adjourned/ is detained in a custodial establishment and whether the defendant resides in England/Wales, Scotland or has no fixed address. The table below provides a summary, for ready reference, of which team is responsible for pre-sentence report preparation.

Bail/ adjourned/in custody	Defendant's address	Pre-sentence report author	Applicable paragraph
Bail/ Adjourned	England/Wales	Applicable Probation Service team, BAU	<a href="#">3.3</a>
Bail/ Adjourned	Scotland	Justice Social Work team for the area of the defendant's address	<a href="#">3.4</a>
Bail/ Adjourned	No fixed address	Applicable Probation Service team, BAU	<a href="#">3.8</a>
In custody in England/Wales	England/Wales or no fixed address	Applicable Probation Service team, BAU	<a href="#">3.16</a>
In custody in England/Wales	Scotland	Following reciprocal prison video-link arrangements: Justice Social Work team for the area of the defendant's address.	<a href="#">3.20</a>
		Before reciprocal prison video-link arrangements are in place: Probation Service team for the court area.	<a href="#">3.24</a>
In custody in Scotland	Scotland	Justice Social Work team for the area of the defendant's address.	<a href="#">3.28</a>
In custody in Scotland	England/Wales or no fixed address	Following reciprocal prison video-link arrangements: Probation Service team for the area of the defendant's address, or if the defendant has no fixed address the Probation Service team for the court.	<a href="#">3.34</a>

		Before reciprocal prison video-link arrangements are in place: Justice Social Work team for the area where the defendant is detained.	<a href="#">3.37</a>
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## Court confirmation of the defendant's address

- 3.2 Where a defendant appears before a court in England and Wales, the **HM Courts & Tribunal Service** legal adviser/ court associate or court clerk will:
- 3.2.1 ask the defendant to provide the court with their address.
  - 3.2.2 record the address or that the defendant has no fixed address. Rule 5.4(2)(a) CrimPR confirms that the court record must include each party's address.

## On bail/ adjourned

### Address in England & Wales

- 3.3 Where the defendant's address is recorded as being in England/Wales, the **applicable Probation Service team** will prepare the pre-sentence report, business as usual.

### Address in Scotland

- 3.4 Where the defendant's address is recorded as being in Scotland, the **Justice Social Work team** for the area of the defendant's address will prepare the pre-sentence report. The pre-sentence report will need to consider that the court in England and Wales may impose a community order under the Sentencing Code though transfer the order to Scotland.

- 3.5 **The HM Courts & Tribunal Service** will ensure that :

- 3.5.1 the defendant is asked to provide the court with their telephone number.
- 3.5.2 the telephone number is recorded on the court system to ensure that the report interview can be arranged. Rule 5.4(2)(a) CrimPR confirms that the court record must include the defendant's telephone number where available.
- 3.5.3 where the defendant refuses to provide the telephone number or it is unavailable, that fact is recorded.
- 3.5.4 the Justice Social Work team for the area of the defendant's address and the applicable functional mailbox for that team is identified.
- 3.5.5 using the applicable functional mailbox, that Justice Social Work team is contacted:

- 3.5.5.1 requesting that team to produce a pre-sentence report.
- 3.5.5.2 providing the applicable case papers.
- 3.5.5.3 providing the defendant's contact details (address and where available any telephone number), and where available any contact details for the defendant's legal representative if they have one; and
- 3.5.5.4 providing the applicable functional mailbox for the Probation Service team linked to that court.

3.6 The **Justice Social Work** team, on receipt of a request for a pre-sentence report, will:

- 3.6.1 arrange the pre-sentence report interview.
- 3.6.2 contact the Probation Service team for the sentencing court, using the applicable functional mailbox, where there is information that the defendant has previously lived or offended in England and Wales for the Probation Service to confirm if the defendant is known to the Probation Service.
- 3.6.3 if required, conduct domestic abuse and safeguarding checks with the police/children's services in Scotland.
- 3.6.4 if required and where arrangements have been agreed with National Chiefs Police Council (England & Wales), conduct domestic abuse and safeguarding checks in England/Wales in accordance with those arrangements.
- 3.6.5 prepare the pre-sentence report.
- 3.6.6 where a community order is appropriate recommend that the court:
  - 3.6.6.1 **make** a community order under the Sentencing Code;
  - 3.6.6.2 **transfer** the order to Scotland; and
  - 3.6.6.3 the applicable community order and requirements under the Criminal Procedure (Scotland) Act 1995 as the corresponding order in Scotland which the court should **specify**.
- 3.6.7 return the completed report to HM Courts & Tribunal Service at the sentencing court.

3.7 The **Probation Service** team will, upon being contacted by the Justice Social Work team:

- 3.7.1 check Probation Service digital systems to confirm whether the defendant is known to the Probation Service.
- 3.7.2 where the defendant is known, provide information on current or recent orders to the Justice Social Work team to enable that team to assess the defendant's risks and needs.

## No fixed address

- 3.8 Where the defendant is bailed/ the case is simply adjourned, and the court records that a defendant has no fixed address, the pre-sentence report will be prepared, business as usual, by the **applicable Probation Service team**. The pre-sentence report will need to consider that the court in England and Wales may impose a community order under the Sentencing Code; even if the defendant has links to Scotland, the court will have no power to transfer the order to Scotland.

## Address change from England/ Wales to Scotland following PSR allocation

- 3.9 Where the pre-sentence report is allocated to the Probation Service and the defendant then confirms that they will be moving to Scotland before, or shortly after, the sentencing date the **Probation Service** will continue to produce the report. The pre-sentence report will need to consider that the court in England and Wales may impose a community order under the Sentencing Code though may transfer the order to Scotland.

### 3.10 The **Probation Service** will:

- 3.10.1 continue to prepare the report.
- 3.10.2 conduct, as required, domestic abuse and safeguarding checks in England/Wales.
- 3.10.3 liaise, using the applicable functional mailbox, with the Justice Social Work team for the area where the defendant will be living for the Justice Social Work team to:
  - 3.10.3.1 confirm whether the defendant is known to that Justice Social Work team.
  - 3.10.3.2 provide, where requested to do so, any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.
  - 3.10.3.3 clarify the local arrangements to supervise the initially proposed order, the availability of requirements within that area and the corresponding order requirements in Scotland for any Sentencing Code community requirements which are being initially considered by the report author.
- 3.10.4 conduct, as required domestic abuse checks with Police Scotland via [cjsdpolicy@scotland.police.uk](mailto:cjsdpolicy@scotland.police.uk) , where there is information that the accused may be known to Police Scotland.

- 3.10.5 liaise, using the applicable functional mailbox, with any other Justice Social Work team where there is information e.g. from the defendant or previous convictions record, that that Justice Social Work team has current, or has had recent involvement, with that defendant.
- 3.10.6 where satisfied that a community order is appropriate, recommend:
- 3.10.6.1 that the court **makes** a community order with the applicable requirements under the Sentencing Code of England and Wales;
  - 3.10.6.2 that the court **transfers** the order to Scotland under that Code; and
  - 3.10.6.3 the applicable community order and requirements under the Criminal Procedure (Scotland) Act 1995 which the court should **specify** as the corresponding order in Scotland.
- 3.10.7 return the completed report to HM Courts & Tribunal Service at the sentencing court.

3.11 The **Justice Social Work team** for the area where the defendant will be living will, upon being contacted by the report author, reply to the report author using the applicable functional mailbox, to:

- 3.11.1 confirm whether the defendant is known to that Justice Social Work team and, if so, provide any available information on current or recent orders and the defendant's risk and needs.
- 3.11.2 where requested to do so, provide any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.
- 3.11.3 clarify the local arrangements to supervise the proposed order, the availability of requirements within that area and the corresponding order requirements in Scotland for any requirements which the report author is initially considering.

3.12 Another **Justice Social Work team** (see 3.10.5) will upon being contacted by the author provide, using the applicable functional mailbox, any available information on current or recent orders and the defendant's risk and needs.

## Address change from Scotland to England/Wales following PSR allocation

3.13 Where the pre-sentence report is allocated to a Justice Social Work team and the defendant then confirms that they will be moving to England and Wales before, or shortly after the sentencing date, the **Justice Social Work team** will continue to prepare the report. The pre-sentence report will need to consider that

the court in England and Wales may impose a community order under the Sentencing Code.

**3.14 The Justice Social Work team will:**

- 3.14.1 continue to prepare the report.
- 3.14.2 conduct, as required, domestic abuse and safeguarding checks in Scotland.
- 3.14.3 conduct, as required and where arrangements have been agreed with National Police Chiefs Council (England & Wales), domestic abuse and safeguarding checks in England and Wales in accordance with those arrangements.
- 3.14.4 liaise, using the applicable functional mailbox, with the Probation Service team where the defendant will be living for the Probation Service to:
  - 3.14.4.1 confirm whether the defendant is known to the Probation Service.
  - 3.14.4.2 clarify the local arrangements to supervise the initially proposed order and the availability of requirements within that area.
  - 3.14.4.3 sense check whether the requirements, which the report author is initially considering proposing, could be imposed under the Sentencing Code in England and Wales.
- 3.14.5 where satisfied that a community sentence is appropriate, recommend a community order under the Sentencing Code of England and Wales.
- 3.14.6 return the completed report to HM Courts & Tribunal Service at the sentencing court.

**3.15 The Probation Service will upon being contacted by the report author, reply to the report author, using the applicable functional mailbox, to:**

- 3.15.1 confirm whether the defendant is known to the Probation Service and, if so, provide any available information on current or recent orders and the defendant's risk and needs.
- 3.15.2 clarify the local arrangements to supervise the proposed order, and the availability of requirements within that area.
- 3.15.3 sense check whether the requirements, which the pre-sentence report author is initially considering proposing, could be imposed under the Sentencing Code in England and Wales.

## Defendants in custody in England and Wales

### Address in England / Wales or no fixed address

- 3.16 Where a defendant is detained in a custodial establishment in England and Wales the **applicable Probation Service team** will produce the pre-sentence report, business as usual, where either the court records that:
- 3.16.1 the defendant's address is in England and Wales; or
  - 3.16.2 the defendant has no fixed address.
- 3.17 Where the defendant has no fixed address, even if the defendant has links to Scotland, there will be no power to transfer the order to Scotland.

### Address in Scotland

- 3.18 Where a defendant is detained in a custodial establishment in England and Wales and the court records that the defendant lives in Scotland, the pre-sentence report will need to consider that the court may impose a community sentence under the Sentencing Code though transfer the order to Scotland. Pending reciprocal prison video-link arrangements (see definitions), the pre-sentence report will be produced by the Probation Service. Following the introduction of reciprocal prison video-link arrangements the pre-sentence report will be produced by the Justice Social Work team for the area of the defendant's address.

### Where reciprocal video-link arrangements have been introduced

- 3.19 The **HM Courts & Tribunal Service** will ensure that, using the applicable functional mailbox, the **Justice Social Work team for the area of the defendant's address** is contacted:
- 3.19.1 requesting that team to produce a pre-sentence report; and
  - 3.19.2 providing the applicable case papers.
- 3.20 **That Justice Social Work team** will:
- 3.20.1 interview the defendant using video-link.
  - 3.20.2 contact, using the applicable functional mailbox, the Probation Service team for the area of the court, to seek that Probation Service team's support, if needed, to arrange the video-link.
  - 3.20.3 produce the pre-sentence report.
  - 3.20.4 liaise, using the applicable functional mailbox, with the **Probation Service team for the area of the court** for that Probation Service team to confirm whether the defendant is known to the Probation

Service and, if so, provide any available information on current or recent orders and the defendant's risks and needs.

3.21 Where satisfied that a community sentence is appropriate, the report author will recommend:

3.21.1 that the court **makes** a community order with the applicable requirements under the Sentencing Code of England and Wales.

3.21.2 that the court **transfers** the order to Scotland under that Code;

3.21.3 the applicable community order and requirements under the Criminal Procedure (Scotland) Act 1995 which the court should **specify** as the corresponding order in Scotland.

3.22 The report author will return the completed report to **HM Courts and Tribunal Service** for the attention of the sentencing court.

3.23 The **Probation Service team for the area of the court** will, if contacted, support the applicable Justice Social Work team to arrange the video-link.

#### **Before the introduction of reciprocal prison video-link arrangements**

3.24 **The HM Courts & Tribunal Service** legal adviser/ court associate or court clerk will request the **Probation Service team for that court** to produce a pre-sentence report.

3.25 The **Probation Service team for the area of the court** will:

3.25.1 arrange a pre-sentence report interview.

3.25.2 conduct, business as usual, domestic abuse and safeguarding checks in England/Wales.

3.25.3 conduct, as required, domestic abuse enquiries with Police Scotland via [cjsdpolicy@scotland.police.uk](mailto:cjsdpolicy@scotland.police.uk) , where there is information that the accused may be known to Police Scotland.

3.25.4 liaise, using the applicable functional mailbox, with **the Justice Social Work team for the area where the defendant will be living** for that Justice Social Work team to:

3.25.4.1 confirm whether the defendant is known to that Justice Social Work team.

3.25.4.2 where requested to do so, provide any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.

3.25.4.3 clarify the local arrangements to supervise the order, the availability of requirements within that area and the corresponding order requirements in Scotland for any

Sentencing Code community requirements which are being considered by the report author.

- 3.25.5 liaise, using the applicable functional mailbox, with **any other Justice Social Work team** where there is information e.g. from the defendant or previous convictions record, that that Justice Social Work team has current, or has had recent involvement, with that defendant.
- 3.25.6 produce the pre-sentence report and, where satisfied that a community sentence is appropriate, recommend:
- 3.25.6.1 that the court **makes** a community order with the applicable requirements under the Sentencing Code of England and Wales.
  - 3.25.6.2 that the court **transfers** the order to Scotland under that Code;
  - 3.25.6.3 the applicable community order and requirements under the Criminal Procedure (Scotland) Act 1995 which the court should **specify** as the corresponding order in Scotland.
- 3.25.7 return the completed pre-sentence report to HMCTS at the sentencing court.

3.26 The **Justice Social Work team for the area of the defendant's address** will, upon being contacted by the report author, reply to the report author, using the applicable functional mailbox, to:

- 3.26.1 confirm whether the defendant is known to that Justice Social Work team and, if so, provide any available information on current or recent orders and the defendant's risk and needs.
- 3.26.2 where requested to do so, provide any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.
- 3.26.3 clarify the local arrangements to supervise the proposed order, the availability of requirements within that area and the corresponding order requirements in Scotland for any Sentencing Code community requirements which are being considered by the report author.

3.27 Another **Justice Social Work team** (see 3.25.5) will upon being contacted by the report author provide, using the applicable functional mailbox, any available information on current or recent orders and the defendant's risk and needs.

## Defendant in custody in Scotland

### Address in Scotland

3.28 Where a defendant is detained in a custodial establishment in Scotland and the defendant's address is in Scotland, the **Justice Social Work team for the area of the defendant's address** will prepare the pre-sentence report. The pre-sentence report will need to consider that the court in England and Wales may impose a community order under the Sentencing Code though transfer this to Scotland.

3.29 **The HM Courts and Tribunal Service** will ensure that, using the applicable functional mailbox, **the Justice Social Work team for the area of the defendant's address** is contacted:

- 3.29.1 requesting that that team produces a pre-sentence report; and
- 3.29.2 providing the applicable case papers.

3.30 **That Justice Social Work team** will:

- 3.30.1 arrange a pre-sentence report interview.
- 3.30.2 liaise, using the applicable functional mailbox, with **the Probation Service team for the area of the court**, for that Probation Service team to confirm whether the defendant is known to the Probation Service.
- 3.30.3 conduct, as required and where arrangements have been agreed with National Chiefs Police Council (England & Wales), domestic abuse and safeguarding checks in England/Wales in accordance with those arrangements.
- 3.30.4 conduct, business as usual, any required domestic abuse and safeguarding checks in Scotland.
- 3.30.5 produce the report and, where satisfied that a community sentence is appropriate, recommend:
  - 3.30.5.1 that the court **makes** a community order with the applicable requirements under the Sentencing Code of England and Wales.
  - 3.30.5.2 that the court **transfers** the order to Scotland under that Code;
  - 3.30.5.3 the applicable community order and requirements under the Criminal Procedure (Scotland) Act 1995 which the court should **specify**.
- 3.30.6 Return the completed report to HMCTS at the sentencing court

3.31 **The Probation Service** will upon being contacted by the report author, reply to the author, using the applicable functional mailbox, to confirm whether the

defendant is known to the Probation Service and, if so, provide any available information on current or recent orders and the defendant's risk and needs.

### Address in England/Wales /no fixed address

- 3.32 Where a defendant is detained in a custodial establishment in Scotland and the defendant lives in England/Wales, or has no fixed address, the pre-sentence report will need to consider that the court in England and Wales may impose a community order under the Sentencing Code. Where the defendant has no fixed address, even if the defendant has links to Scotland, the court will not be able to transfer the order to Scotland.
- 3.33 Pending reciprocal prison video-link arrangements (see definitions), the pre-sentence report will be produced by the **Justice Social Work team in the area of the prison**. Following the introduction of reciprocal prison video-link arrangements the pre-sentence report will be produced by **the Probation Service team where the defendant lives**, or if the defendant has no fixed address **the Probation Service team for the court**.

### Where reciprocal video link arrangements have been introduced

- 3.34 The **HM Courts and Tribunal Service** will ensure that, using the applicable functional mailbox, the **Probation Service team where the defendant lives**, or if the defendant has no fixed address **the Probation Service team for the court**, is contacted requesting that team to produce a pre-sentence report.
- 3.35 Where contacted, **the Probation Service team** will:
- 3.35.1 take steps to arrange to interview the defendant using video-link.
  - 3.35.2 contact, using the applicable functional mailbox, **the Justice Social Work team where the defendant is detained**, to seek that Justice Social Work team's support, if needed, to arrange the video-link.
  - 3.35.3 where the interview can proceed by video-link produce the pre-sentence report and return the report to HMCTS business as usual.
- 3.36 The **Justice Social Work team where the defendant is detained** will if contacted, support that Probation Service team to arrange the video-link.

### Before the introduction of reciprocal prison video-link arrangements

- 3.37 The **HM Courts and Tribunal Service** will ensure that, using the applicable functional mailbox, the **Justice Social Work team in the area of the prison** is contacted requesting that team to produce a pre-sentence report and providing the applicable case papers.

**3.38 That Justice Social Work team will:**

- 3.38.1 arrange the PSR interview.
- 3.38.2 conduct, as required and where arrangements have been agreed with National Police Chiefs Council (England & Wales), domestic abuse and safeguarding checks in England & Wales in accordance with those arrangements.
- 3.38.3 as required, conduct domestic abuse and safeguarding checks with the police/children's services in Scotland.
- 3.38.4 liaise, using the applicable functional mailbox, with **the Probation Service team where the defendant lives**, or if the defendant has no fixed address **the Probation Service team for the court**, for that Probation Service team to:
  - 3.38.4.1 confirm whether the defendant is known to the Probation Service.
  - 3.38.4.2 clarify the local arrangements to supervise the order and the availability of requirements within that area.
  - 3.38.4.3 sense check whether the requirements, which the report author is initially considering proposing, could be imposed under the Sentencing Code in England and Wales.
- 3.38.5 produce the report and, where satisfied that a community order is appropriate, recommend a community order with requirements under the Sentencing Code of England & Wales.
- 3.38.6 return the completed report to HM Courts and Tribunal Service for the attention of the sentencing court.

**3.39 The Probation Service team will upon being contacted by the Justice Social Work team, reply to the Justice Social Work team, using the applicable functional mailbox, to:**

- 3.39.1 confirm whether the defendant is known to the Probation Service and, if so, provide any available information on current or recent orders and the defendants risk and needs.
- 3.39.2 clarify the local arrangements to supervise the proposed order and the availability of requirements within that area.
- 3.39.3 sense check whether the requirements, which the report author is initially considering proposing, could be imposed under the Sentencing Code in England and Wales.

## Part 4: JSWR Allocation - proceedings in Scotland

### Overview

4.1 Whether the Probation Service or a Justice Social Work team are responsible for providing the JSWR, will depend on whether the accused is on bail/ the case has simply been adjourned/ is detained in a custodial establishment and whether the defendant resides in Scotland, England/Wales or has no fixed address. The table below provides a summary, for ready reference, of which team is responsible for justice social work report preparation.

On bail/adjourned/ in custody	Accused's Address	Justice Social Work report author	Applicable paragraph
Bail/adjourned	Scotland	Applicable Justice Social Work team, BAU	<a href="#">4.3</a>
Bail/adjourned	England/Wales	Probation Service team for area of accused's address.	<a href="#">4.4</a>
Bail/adjourned	No fixed address	Applicable Justice Social Work team, BAU	<a href="#">4.11</a>
In custody in Scotland	Scotland or no fixed address	Applicable Justice Social Work team. BAU	<a href="#">4.19</a>
In custody in Scotland	England/Wales	Following reciprocal prison video-link arrangements: Probation Service team for accused's address.	<a href="#">4.21</a>
		Before reciprocal prison video-link arrangements: Justice Social Work team where accused is detained.	<a href="#">4.27</a>
In custody England/Wales	England/Wales	Probation Service team for accused's address	<a href="#">4.30</a>
In custody in England/Wales	Scotland or no fixed address	Following reciprocal prison video-link arrangements: Applicable Justice Social Work team.	<a href="#">4.38</a>
		Before reciprocal prison video-link arrangements: Probation Service team	<a href="#">4.41</a>

		where defendant is detained.	
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## Court confirmation of the accused's address

4.2 The **Scottish Courts and Tribunals Service** will, where an accused appears before a court in Scotland, take steps to obtain and record, the accused's address, or record that the accused has no fixed address to ensure that the JSWR interview can be arranged.

## On bail/ adjourned

### Address in Scotland

4.3 Where the accused's address is recorded as being in Scotland, the **applicable Justice Social Work team** will prepare the JSWR, business as usual.

### Address in England/Wales

4.4 Where the accused's address is recorded as being in England/Wales, the **Probation Service team for the area of the accused's address** will prepare the JSWR. The JSWR will need to consider that the court in Scotland may impose a community sentence under the Criminal Procedure (Scotland) Act 1995 though may transfer the order to England/Wales.

4.5 The **Scottish Courts & Tribunals Service** will:

4.5.1 take reasonable steps to identify, where available, any additional relevant information about the accused's contact details, provided to the court at the point the case was adjourned.

4.5.2 send the applicable case papers to the **applicable Justice Social Work team** using the applicable functional mailbox.

4.6 **That Justice Social Work team** will:

4.6.1 where practicable undertake a short interview prior to the person leaving court to obtain a current telephone number and/or email address.

4.6.2 obtain the contact details for the accused's legal representative, if they have one. This might be obtained from the Scottish Courts & Tribunals Service portal.

4.6.3 email the **Probation Service team for the area of the accused's address** in England or Wales using the applicable functional mailbox to:

- 4.6.3.1 request that that Probation Service team produces a JSWR.
- 4.6.3.2 provide to the Probation Service team the applicable case papers; the accused's address and, where provided, telephone number and any contact details for the accused's legal representative; and the functional mailbox and a contact number for that Justice Social Work team.
- 4.6.4 confirm whether or not the accused is known to that Justice Social Work team to assist with further enquiries regarding safeguarding as part of the report preparation.

**4.7 That Probation Service team will, on receipt of a request for a JSWR:**

- 4.7.1 arrange the JSWR interview.
- 4.7.2 conduct, as required, domestic abuse and safeguarding enquiries in England and Wales.
- 4.7.3 contact the Justice Social Work team which has made the referral, using the applicable functional mailbox, for **that Justice Social Work team** to:
  - 4.7.3.1 provide available information on current or recent orders to enable the report author to assess the accused's risks and needs, where that Justice Social Work team has confirmed that the accused is known to that team.
  - 4.7.3.2 where requested to do so, provide any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.
- 4.7.4 contact **any other Justice Social Work team** where there is information within the accused's list of previous convictions or other information received e.g. from the accused, which indicates that the accused may be known to that Justice Social Work team.
- 4.7.5 conduct, as required, domestic abuse enquiries with Police Scotland via [cjsdpolicy@scotland.police.uk](mailto:cjsdpolicy@scotland.police.uk), where there is information that the accused may be known to Police Scotland.
- 4.7.6 produce the JSWR, and where a community order is appropriate, recommend.
  - 4.7.6.1 that the court **makes** the applicable corresponding Scottish order in accordance with Scottish legislation.
  - 4.7.6.2 that the court **transfers** the order to England/Wales.
  - 4.7.6.3 the applicable community order and requirements under the Sentencing Code, as the corresponding order in England and Wales, which the court should **specify**.

4.7.7 return the completed report to the **referring Justice Social Work team**.

4.8 **The referring Justice Social Work team** will upon being contacted by the report author:

4.8.1 provide, where the accused is known to that team, any information on current or recent orders to enable the report author to assess the accused's risks and needs.

4.8.2 where requested to do so, provide any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.

4.9 **Any other Justice Social Work team** (see 4.7.4) will, upon being contacted by the report author, provide where the accused is known to that team, any information on current or recent orders to enable the report author to assess the accused's risks and needs.

4.10 The **referring Justice Social Work team** will upon receiving the completed JSWR, provide this to the Scottish Courts & Tribunals Service in accordance with the applicable national standard, for the attention of the sentencing court.

## No fixed address

4.11 Where the accused is bailed/ the case is simply adjourned, and the court records that an accused has no fixed address, the JSWR will be prepared, business as usual, by the **applicable Justice Social Work team**. Where the accused has no fixed address, even if the accused has links to England/Wales, the JSWR should note that without an address there the court will not be able to transfer the order to England/Wales.

## Address change following JSWR allocation from Scotland to England/Wales

4.12 Where the JSWR is allocated to a Justice Social Work team and the accused then confirms that they will be moving to England/Wales before or shortly after the sentencing date, **that Justice Social Work team** will continue to produce the report. The JSWR will need to consider that the court in Scotland may impose a community sentence under the Criminal Procedure (Scotland) Act 1995, though may transfer the order to England/Wales.

4.13 **That Justice Social Work team** will:

4.13.1 continue to prepare the report.

- 4.13.2 conduct, as required and where arrangements have been agreed with the National Police Chiefs Council, domestic abuse and safeguarding checks in England & Wales in accordance with those arrangements.
- 4.13.3 liaise, using the applicable functional mailbox, with **the Probation Service team for the area where the accused will be living** for that Probation Service team to:
  - 4.13.3.1 confirm whether the accused is known to that Probation Service team.
  - 4.13.3.2 clarify the local arrangements to supervise the initially proposed order, the availability of requirements within that area and the corresponding order requirements in England/Wales for any requirements which are being initially considered by the JSWR author.
- 4.13.4 where satisfied that a community sentence is appropriate, recommend:
  - 4.13.4.1 that the court **makes** a community payback order with the applicable requirements under the Criminal Procedure (Scotland) Act 1995;
  - 4.13.4.2 that the court **transfers** the order to England/Wales under that Act; and
  - 4.13.4.3 the corresponding order and requirements under the Sentencing Code in England and Wales which the court should **specify**.
- 4.13.5 return the completed report to the Scottish Courts & Tribunals Service in accordance with the applicable national standard, for the attention of the sentencing court.

4.14 The **Probation Service team for the area where the accused will be living** will, upon being contacted by the report author, reply to the report author using the applicable functional mailbox, to:

- 4.14.1 confirm whether the accused is known to the Probation Service and, if so, provide any available information on current or recent orders and the defendant's risks and needs.
- 4.14.2 clarify the local arrangements to supervise the proposed order, the availability of requirements within that area and the corresponding order requirements in England/Wales for any requirements which the report author is initially considering.

## Address change following JSWR allocation from England/Wales to Scotland

4.15 Where the JSWR is allocated to a Probation Service team and the accused then confirms that they will be moving to Scotland before, or shortly after, the sentencing date, that Probation Service team will continue to prepare the report. The report author will need to consider that that the court in Scotland may impose a community payback order or restriction of liberty order under Criminal Procedure (Scotland) Act 1995.

4.16 **The Probation Service team** will:

- 4.16.1 continue to prepare the report.
- 4.16.2 conduct, as required and where arrangements have been agreed with Police Scotland, domestic abuse checks in Scotland in accordance with those arrangements where there is any information that the accused is known to Police Scotland.
- 4.16.3 liaise, using the applicable functional mailbox, with **the Justice Social Work team where the accused will be living** for that Justice Social Work team to:
  - 4.16.3.1 confirm whether the accused is known to that Justice Social Work team.
  - 4.16.3.2 where requested to do so, provide any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.
  - 4.16.3.3 clarify the local arrangements to supervise the initially proposed order and the availability of requirements within that area.
  - 4.16.3.4 sense check whether the order and requirements, which the report author is initially proposing could be imposed under the Criminal Procedure (Scotland) Act 1995 in Scotland.
- 4.16.4 where satisfied that a community sentence is appropriate, recommend a community payback order or restriction of liberty order under Criminal Procedure (Scotland) Act 1995.
- 4.16.5 Return the JSWR to the referring Justice Social Work team.

4.17 **That Justice Social Work team** will upon being contacted by the report author, reply to the report author, using the applicable functional mailbox, to:

- 4.17.1 confirm whether the accused is known to that Justice Social Work team and, if so, provide any available information on current or recent orders and the accused's risks and needs.

- 4.17.2 where required, provide any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.
- 4.17.3 clarify the local arrangements to supervise the proposed order, and the availability of requirements within that area.
- 4.17.4 sense check whether the requirements, which the report author is initially considering proposing, could be imposed under the Criminal Procedure (Scotland) Act 1995 in Scotland.

4.18 The referring Justice Social Work team will upon receiving the completed JSWR, provide this to the Scottish Courts & Tribunals Service in accordance with the applicable national standard, for the attention of the sentencing court.

## Accused in custody in Scotland

### Address in Scotland or no fixed address

4.19 Where the accused is detained in a custodial establishment in Scotland the **applicable Justice Social Work team** will produce the JSWR, business as usual where either the court records that:

- 4.19.1 the accused's address is in Scotland; or
- 4.19.2 the accused has no fixed address.

4.20 The JSWR will need to consider that the court in Scotland will have no power to transfer the order to England/Wales where the accused has no fixed address, even if the accused has links to England/Wales.

### Address in England/Wales

4.21 Where the accused is detained in a custodial establishment in Scotland and the court records that the accused lives in England/Wales, the JSWR will need to consider that the court may impose a community payback order under the Criminal Procedure (Scotland) Act 1995 though transfer the order to England/Wales. **Pending reciprocal prison video-link arrangements** (see definitions), the JSWR will be produced by the **Justice Social Work team for the area of the prison**. **Following the introduction of reciprocal prison video-link arrangements** the JSWR will be produced by the **Probation Service team for the area of the accused's address**.

### Where there are reciprocal prison video link arrangements in place

4.22 **The Scottish Courts and Tribunals Service** will, using the applicable functional mailbox, contact the Justice Social Work team in the area of the court to highlight the need for a JSWR.

4.23 That **Justice Social Work team** will:

- 4.23.1 notify the **Probation Service team for the area of the accused's address** for that team to produce the JSWR.
- 4.23.2 provide that Probation Service team with the applicable case papers.
- 4.23.3 support that Probation Service team, as required, to arrange the video-link interview.

4.24 The **Probation Service team for the area of the accused's address** will, upon being contacted:

- 4.24.1 arrange to interview the accused using video-link.
- 4.24.2 liaise, using the applicable functional mailbox, **with the Justice Social Work team for the area of the court** for that Justice Social Work team to:
  - 4.24.2.1 confirm whether the accused is known to that Justice Social Work team and, if so, provide any available information on current or recent orders and the accused's risks and needs.
  - 4.24.2.2 where required, provide any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.
- 4.24.3 contact any other Justice Social Work team where there is information within the accused's list of previous convictions or other information received e.g. from the accused, which indicates that the accused may be known to that Justice Social Work team.
- 4.24.4 conduct, as required and where arrangements have been agreed with Police Scotland, domestic abuse checks in Scotland in accordance with those arrangements.
- 4.24.5 conduct as required, domestic abuse and safeguarding checks in England & Wales.
- 4.24.6 produce the report and, where satisfied that a community sentence is appropriate, recommend:
  - 4.24.6.1 that the court **makes** a community order with the applicable requirements under the Criminal Procedure (Scotland) Act 1995.
  - 4.24.6.2 that the court **transfers** the order to England/Wales under that Act;
  - 4.24.6.3 the corresponding order and requirements under the Sentencing Code which the court should **specify**.
- 4.24.7 return the completed report to the referring Justice Social Work team.

4.25 The **referring Justice Social Work team** will forward the completed the JSWR to the Scottish Courts and Tribunal Service for the attention of the sentencing court.

4.26 **Another Justice Social Work team** (see 4.23.3) will upon being contacted by the report author provide, using the applicable functional mailbox, any available information on current or recent orders and the accused's risk and needs.

#### **Before prison video-link arrangements are introduced**

4.27 **The Scottish Courts and Tribunals Service** will, using the applicable functional mailbox, contact **the Justice Social Work team in the area of the court** to highlight the need for a JSWR. That Justice Social Work team will notify the Justice Social Work team where the accused is in prison.

4.28 **The Justice Social Work team for the area where the accused is in prison** will:

4.28.1 arrange a JSWR interview.

4.28.2 conduct, as required and where arrangements have been agreed with National Police Chiefs Council (England & Wales), domestic abuse and safeguarding checks in England /Wales in accordance with those arrangements.

4.28.3 liaise, using the applicable functional mailbox, with **the Probation Service team for the area where the accused will be living** for that Probation Service team to:

4.28.3.1 confirm whether the accused is known to that Probation Service team.

4.28.3.2 clarify the local arrangements to supervise the order, the availability of requirements within that area and the corresponding order requirements in England/Wales for any community payback order requirements which are being considered by the report author.

4.28.4 produce the report and, where satisfied that a community sentence is appropriate, recommend:

4.28.4.1 that the court **makes** a community payback order with the applicable requirements under the Criminal Procedure (Scotland) Act 1995

4.28.4.2 that the court **transfers** the order to England /Wales under that Act;

4.28.4.3 the corresponding order and requirements in England/Wales which the court should **specify**.

4.28.5 return the completed report to the Scottish Courts and Tribunals Service for the attention of the sentencing court.

4.29 The **Probation Service team for the area of the accused's address** will upon being contacted by the report author, reply to the report author, using the applicable functional mailbox, to:

4.29.1 confirm whether the accused is known to the Probation Service and, if so, provide any available information on current or recent orders and the defendant's risks and needs.

4.29.2 clarify the local arrangements to supervise the proposed order, the availability of requirements within that area and the corresponding order requirements in England & Wales which are being considered by the report author.

## Accused in custody in England & Wales

### Address in England/ Wales

4.30 Where the accused is detained in a custodial establishment in England/Wales and the accused's address is in England/Wales, the **Probation Service team for the area of the accused's address** will prepare the JSWR. The JSWR will need to consider that the court in Scotland may impose a community payback order under the Criminal Procedure (Scotland) Act 1995 though transfer this to England/Wales.

4.31 **The Scottish Courts and Tribunals Service** will contact **the applicable Justice Social Work team** highlighting the need for a JSWR.

4.32 **The applicable Justice Social Work team** will **notify the Probation Service team for the area of the accused's address** for that team to produce the JSWR.

4.33 **That Probation Service team** will:

4.33.1 arrange a JSWR interview.

4.33.2 liaise, using the applicable functional mailbox, with the referring Justice Social work team, for **that Justice Social Work Team** to:

4.33.2.1 confirm whether the accused is known to that Justice Social Work team.

4.33.2.2 where required provide any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.

4.33.3 liaise with **any other Justice Social Work team** where there is information within the accused's list of previous convictions or other information received e.g. from the accused, which indicates that the accused may be known to that Justice Social Work team.

4.33.4 conduct, as required and where arrangements have been agreed with Police Scotland, domestic abuse checks in Scotland in

accordance with those arrangements, where there is any information that the accused is known to Police Scotland.

4.33.5 conduct, as required, domestic abuse and safeguarding checks in England & Wales.

4.33.6 produce the report and, where satisfied that a community sentence is appropriate, recommend:

4.33.6.1 that the court **makes** a community payback order with the applicable requirements under the Criminal Procedure (Scotland) Act 1995.

4.33.6.2 that the court **transfers** the order to England /Wales under that Act;

4.33.6.3 the corresponding order and requirements in England and Wales under the Sentencing Code which the court should **specify**.

4.33.7 Return the completed JSWR to the referring Justice Social Work team.

4.34 **The referring Justice Social work team** will upon being contacted by the report author, reply to the report author, using the applicable functional mailbox, to:

4.34.1 confirm whether the accused is known to that Justice Social Work team and, if so, provide any available information on current or recent orders and the accused's risks and needs.

4.34.2 where requested to do so, provide any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.

4.35 **Any other Justice Social Work team (4.33.3)** will upon being contacted by the report author provide, where the accused is known to that team, any information on current or recent orders to enable the report author to assess the accused's risks and needs.

4.36 The **referring Justice Social Work team** will upon receiving the completed JSWR, provide this to the Scottish Courts & Tribunals Service without delay, for the attention of the sentencing court.

### Address in Scotland or has no fixed abode

4.37 Where the accused is detained in a custodial establishment in England/Wales and the accused lives in Scotland or has no fixed abode the JSWR will need to consider that the court in Scotland may impose a community payback order or restriction of liberty order under the Criminal Procedure (Scotland) Act 1995. Where the accused has no fixed address, even if the accused has links to England/Wales, the court will not be able to transfer the order to

England/Wales. **Pending reciprocal prison video-link arrangements** (see definitions), the JSWR will be produced by the **Probation Service in the area of the prison. Following the introduction of reciprocal prison video-link arrangements** the JSWR will be produced by the **Justice Social Work team for the area of the accused's address or, where the accused has no address, for the area of the court.**

#### **Where there are reciprocal prison video link arrangements**

4.38 **The Scottish Courts and Tribunals Service** will contact **the applicable Justice Social Work team** highlighting the need for a JSWR.

4.39 **That Justice Social Work team** will:

4.39.1 interview the accused using video-link.

4.39.2 contact, using the applicable functional mailbox, the Probation Service team where the accused is detained, to seek that team's support, if needed, to arrange the video-link.

4.39.3 where the interview can proceed by video-link produce the JSWR business as usual and return the report to the Scottish Courts and Tribunals Service as usual for the attention of the sentencing court.

4.40 The **Probation Service** team where the accused is detained will if contacted, support that Justice Social Work team to arrange the video-link.

#### **Before reciprocal prison video link arrangements**

4.41 **The Scottish Courts and Tribunals Service** will contact **the applicable Justice Social Work team** highlighting the need for a JSWR.

4.42 **That Justice Social Work team** will request the **Probation Service team where the accused is detained** to:

4.42.1 arrange the JSWR interview.

4.42.2 liaise, using the applicable functional mailbox, with **the Justice Social Work team for the area where the accused lives** or if the accused has no fixed address, **the Justice Social Work team for the area of the court**, for that Justice Social team to:

4.42.2.1 confirm whether the accused is known to that Justice Social Work team.

4.42.2.2 where required, provide any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.

4.42.2.3 clarify the local arrangements to supervise the order and the availability of requirements within that area.

4.42.2.4 sense check whether the requirements, which the report author is initially considering proposing, could be imposed under the Criminal Procedure (Scotland) Act 1995.

4.42.3 liaise with **any other Justice Social Work team** where there is information within the accused's list of previous convictions or other information received e.g. from the accused, which indicates that the accused may be known to that Justice Social Work team.

4.42.4 produce the report and, where satisfied that a community order is appropriate, recommend a community payback order with requirements under the Criminal Procedure (Scotland) Act 1995.

4.42.5 return the completed JSWR to the referring Justice Social Work team.

4.43 **That Justice Social Work team** will upon being contacted by the report author, reply to the report author, using the applicable functional mailbox, to:

4.43.1 confirm whether the accused is known to that Justice Social Work team and, if so, provide any available information on current or recent orders and the accused's risks and needs.

4.43.2 where requested to do so, provide any available information on children's social work systems about child safeguarding concerns and applicable local authority contact details.

4.43.3 clarify the local arrangements to supervise the proposed order and the availability of requirements within that area.

4.43.4 sense check whether the requirements, which the JSWR author is initially considering proposing, could be imposed within a community payback order under the Criminal Procedure (Scotland) Act 1995 in Scotland.

4.44 Any other **Justice Social Work team (See 4.42.3)** will upon being contacted by the report author provide, where the accused is known to that team, any information on current or recent orders to enable the report author to assess the accused's risks and needs.

4.45 The **referring Justice Social Work team** will upon receiving the completed JSWR, provide this **to the Scottish Courts & Tribunals Service** without delay, for the attention of the sentencing court.

# Part 5: Ensuring effective contact arrangements

## Overview

5.1 Functional mailboxes will be maintained by:

- 5.1.1 all Justice Social Work teams.
- 5.1.2 all Probation Service court teams.

5.2 These can be accessed by:

- 5.2.1.1 Justice Social Work teams on [Publications - Social Work Scotland](#)
- 5.2.1.2 Probation Service In England and Wales [The Probation Court Strategy & Change Team - Home](#)

5.3 Further contact details can be found for:

- 5.3.1 Probation Service teams on "[Probation Finder – GOV.UK](#)"
- 5.3.2 Justice Social Work teams on "[Community Justice Scotland](#)" under "interventions".
- 5.3.3 The Crown Prosecution Service within "[The CPS Areas, CPSD, CPS Central Casework Divisions and CPS Proceeds of Crime | The Crown Prosecution Service](#)"
- 5.3.4 The Crown Office Procurator Fiscal Service within "[Find a local COPFS office | COPFS](#)"

## Changes to Justice Social Work functional mailboxes

5.4 Where there are changes to Justice Social Work teams' applicable functional mailboxes:

- 5.4.1 Justice Social Work teams will notify [cpo@gov.scot](mailto:cpo@gov.scot) of any required changes.
- 5.4.2 [cpo@gov.scot](mailto:cpo@gov.scot) will notify the Probation Service HQ Probation Court Strategy and Change Team and HMCTS Legal Operations of any changes.
- 5.4.3 The Probation Court Strategy and Change Team will notify all Probation Service regional leads of the changes for cascading to all Probation Service court teams.

## Changes to Probation Service functional mailboxes

5.5 Where there are changes to Probation Service court team applicable functional mailboxes:

- 5.5.1 Probation Service court regional teams will notify the Probation Service HQ Probation Court Strategy and Change Team.
- 5.5.2 The Probation Service HQ Probation Court Strategy and Change Team will notify [cpo@gov.scot](mailto:cpo@gov.scot) and HMCTS Legal Operations of any changes.

5.5.3 [cpo@gov.scot](mailto:cpo@gov.scot) will notify all Justice Social Work teams of the changes.