

Stephen Imrie
Clerk to the Justice Committee
Scottish Parliament

5 June 2020

RE: Justice Social Work and Covid-19

Dear Stephen

Thank you for your email of 27 May regarding the impact of Covid-19 on justice social work (JSW). As the Cabinet Secretary outlined in his letter of 11 May to the Justice Committee, whilst there were some initial problems in accessing PPE, these have been resolved and JSW now has access to appropriate PPE and home visits and direct contact with individuals are risk assessed and planned in advance.

I would like to take this opportunity to provide further information to the committee of the impact of the pandemic on JSW business and outline some of the challenges that will be faced as future planning is undertaken in line with publication of the Scottish government's Coronavirus (COVID-19): framework for decision making - Scotland's route map through and out of the crisis on 21 May.

Following the Coronavirus (Scotland) Act 2020 coming into being on 7 April, the time limit for the completion of all existing unpaid work and other activity requirements in community payback orders were extended by 12 months and a restriction placed on courts for the period during which the legislation is in force. This was to ensure that any new unpaid work or other activity requirements have a time limit of at least 12 months from the point of imposition. These measures allowed JSW to suspend all programmes relating to unpaid work or other activity requirements for the duration of the pandemic without affecting the ability of individuals to complete their hours within court-directed timescales. During April and May, therefore, unpaid work has effectively been on hold.

Whilst each local authority continues to respond to their own local circumstances, the current position is of note:

- JSW identified the management of higher risk of harm and vulnerable individuals subject to community payback orders (CPO), drug testing and treatment orders (DTTO) and prison licences as the key priority at the onset of the pandemic and this

remains the case. However, notwithstanding the restrictions outlined below, JSW has continued to provide as a comprehensive service as possible during this time to help and support individuals and keep communities and victims safe.

- Providing criminal justice social work reports (CJSWR) to courts continues to be a priority.
- All group work, including the Moving Forward: Making Changes sex offender programme and the Caledonian System domestic abuse programme has been suspended. Further detailed guidance for Caledonian workers has been issued and plans to introduce an alternative 1:1 version of the programme are at an advanced stage. Similarly, discussions about how best to proceed with MF:MC are being held.
- The Multi Agency Public Protection Arrangements (MAPPA) continue to operate effectively through phone or virtual meetings.
- Prison-based social work continues to operate, prioritising statutory work, with some teams able to operate within prisons and some remotely. Remote access to SPS information systems is now possible and it is hoped all workers will be able to access in the near future.
- SPS have worked hard to facilitate meetings either physically or remotely wherever possible and identifying clear lines of communication for community-based social work.
- Court services remain largely withdrawn but continue to be available for the provision of bail supervision assessments.
- JSW continue to work mostly from home with some offices remaining open and staffed on a very limited rota basis. Individuals on supervision are being seen in offices and on home visits where this is assessed as necessary and proportionate based on risk. For example, where there is non-compliance and an increase in risk of harm and potential breach proceedings. But this is limited with most contact by telephone with some video platforms being used such as Skype and WhatsApp. Authorities are reporting better IT provision and connectivity.
- In agreement with Scottish Government, the delivery of National Outcomes & Standards for social work services in the criminal justice system and associated practice guidance continue to be relaxed with resources being allocated in accordance with risk and need. Social workers are working creatively and flexibly to deliver interventions at this time using written material/work books or tailoring interventions to suit remote delivery.
- The numbers of CJSWRs and new CPOs has significantly reduced, as court business has been interrupted. During April and May a total of 32 CPOS were made; in 2018-19 approximately 1300 CPOs were issued each month.

Future planning & challenges

Focus now is on future planning in line with the 4 Phases outlined in the Route map. For social work, the Route map sets out in Phase 1 for “Greater direct contact for social work and support services with at risk groups and families with physical distancing and hygiene measures” with a further scaling up of public services and resumption of justice system processes and services in Phase 2 and 3 in advance of “Public services operating fully, in line with public health advice, with modifications and changes to service design, including increasing use of digital services where appropriate” in Phase 4.

In respect of the increasing use of digital services, JSW is committed to innovating and incorporating technology where appropriate (as it has done during lock-down), but it is important to note that opportunities to do so are restricted by the ability of JSW clients to access and use technology themselves. ‘Digital poverty’ is a reality for many, and JSW practitioners are mindful of not further disadvantaging individuals by adopting practices which inadvertently create barriers to engagement.

The impact on the absence rate of JSW social workers across Scotland during the pandemic has been monitored on a regular basis and encouragingly has consistently been between 5 – 7%, significantly less than predicted. This will significantly help as the SWS Justice Standing Committee develops guidance relating to the interpretation of the Route map that will offer support and advice concerning the respective phases post-lockdown which will be issued imminently and as there is a limited increase in direct contact with individuals. It will also help to ensure a degree of consistency across the justice social work landscape.

The restarting of unpaid work and other activity requirements will be particularly complex and challenging – how will individuals travel safely to offices and projects when work vans do not accommodate physical distancing rules? How will workshops operate safely? How will individuals be safely instructed in using tools and equipment? Which projects will be most suitable during the pandemic? In the absence of public toilets, how will individuals be able to take comfort breaks without significantly interrupting the work day? Additional cost may be incurred as a result of hiring minibuses or portaloos as services explore the best and most effective way to reconfigure services.

The biggest impact will be capacity. Ongoing work to model the accumulating number of unpaid work hours shows approximately 700,000 hours outstanding with an estimate of the ratio of supervisor to individual likely dropping from 1:5 to 1:1 or 1:2 initially at best – in normal times a community payback supervisor will manage a group of up to 5 individuals – and capacity is likely to remain reduced for as long as physical distancing is required. As new unpaid work requirements are made as courts get back to work, this will provide an additional challenge. It is understood no decision has been taken by Scottish government regarding the further use of the Coronavirus (Scotland) Act in respect of the potential, for example to enact the regulations for the postponement of CPOs or varying the requirements of community orders but that it remains under consideration.

There will be a similar impact on the supervision of individuals on CPOs and prison licences. The reduction in the capacity of social workers to meet face-to-face with individuals will similarly reduce to around 20 – 30% as office space will not accommodate the same numbers of people. This space will need to be reconfigured and adapted to ensure safe interviewing areas. The impact on delivering interventions will continue to be marked with group work largely continuing to be curtailed, which will have a further impact on resources and how individuals address the issues relating to their offending. Social workers will require to offer clear information in CJSWRs and Home Background Reports to Parole Board Scotland in respect of how risk will be managed in the community and the delivery case management plans, and in CPO reviews. For example, the mix of direct and phone contact that can be realistically offered, how a programme will or has been delivered, which is likely to be a greater mix of written work and fewer physical meetings to ensure the decision making of courts and PBS is fully informed.

The challenge across the justice sector is common to all. Social Work Scotland will continue to work openly and collaboratively with key stakeholders. Regular conference calls are scheduled with Scottish Prison Service, Scottish Courts & Tribunal Service, Crown Office & Procurator Fiscal Service and Community Justice Scotland. We support a joined up and whole system approach to the restarting of the justice system given its inter-connectedness and SWS are also represented on the Justice Board's Covid-19 sub-group.

Social Work Scotland would welcome any further invitation to inform the Justice Committee of any matters relating to the provision of justice social work during the pandemic.

Yours sincerely,

James Maybee
Chair of Social Work Scotland's Justice Standing Committee

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