



Director of Justice - Neil Rennick  
Chief Social Work Adviser - Iona Colvin

E: [Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot) / [Iona.Colvin@gov.scot](mailto:Iona.Colvin@gov.scot)

Chief Social Work Officers – by email

cc  
Justice Social Work Service Managers  
Local authority Chief Executives  
COSLA  
SWS  
CJS  
Criminal Justice Voluntary Sector Forum  
SCTS  
SPS  
Care Inspectorate  
Judicial Institute  
CJP Co-ordinators and CJP Chairs

4 November 2020

Dear colleague,

## **CORONAVIRUS IN SCOTLAND - UPDATE FOR JUSTICE SOCIAL WORK SERVICES**

As the impact of COVID-19 continues, we want to express our thanks for the commitment, professionalism, resilience, and forbearance that you and your colleagues continue to show as you adapt and deliver person-centred justice services which are key to keeping individuals and communities safe.

These are challenging and uncertain times and, while in the summer restrictions eased, a number of steps have had to be taken over recent weeks to suppress the virus. You will be aware that on 23 October 2020, the Scottish Government published a new Strategic Framework<sup>1</sup>, setting out levels of intervention to be adopted in the future – either locally, or across Scotland – depending on continued monitoring of COVID-19 data. This came into effect on 02 November 2020.

<sup>1</sup> <https://www.gov.scot/publications/covid-19-scotlands-strategic-framework/>



This letter is intended to provide an update on the implications for justice social work services, and to outline some areas of work being progressed by the Scottish Government and partners to support justice social work.

## **Delivery of unpaid work and other activity requirements**

We are aware that all areas have gradually restarted unpaid work in a safe and limited manner following our letter in June. Progress continues to be made, with many areas now having transitioned from a 1:1 supervision to client ratio to 1:3 (or even 1:5 in some cases), and we are grateful to justice social work and unpaid work staff for the work that has been done to date to safely achieve this.

We are also thankful to Social Work Scotland and local authority justice social work services for continuing to provide data returns and information on issues impacting on delivery of unpaid work and other aspects of justice social work services. This is vital to support continued consideration of how best to address the issues arising, and more generally in relation to planning and action to ensure the justice system can operate effectively and sustainably over time. We know there is ongoing communication between Social Work Scotland and key justice sector agencies to ensure difficulties are highlighted and discussed. This includes a recent update provided to the Judicial Institute on the impact of COVID-19 on justice social work business, as it is critically important that the pressure and challenges facing social work are articulated and understood by the judiciary.

As has been the case throughout the pandemic, local circumstances will impact on what is viable in particular areas. Decisions should continue to be made taking account of relevant, current guidance, and putting in place appropriate measures to safeguard staff and individuals on orders.

We do not underestimate the challenges involved in this, particularly in light of the ongoing restrictions, the resumption of court business, and the inevitable constraints on outdoor working arrangements as we move into the winter months. In light of this, some further information is provided below with regard to the Coronavirus (Scotland) Act 2020, the new Statutory Framework, and consideration of new or adapted approaches to service delivery.

### *Coronavirus (Scotland) Act 2020*

The Coronavirus (Scotland) Act 2020 has now been extended to 31 March 2021. This means that any new unpaid work or other activity requirements will continue to have a 12-month timescale at a minimum. An update on this has been issued to both the Scottish Courts and Tribunals Service and the Judicial Institute.

With regard to the powers available in the Act to postpone or vary community orders, which were noted in previous letters, we recognise the magnitude of the issues raised by Social Work Scotland and are giving serious consideration to whether action needs to be taken to reduce the volume of outstanding unpaid work hours. A decision on this will be taken as soon as possible. We continue to liaise with Social Work Scotland, COSLA, and Community Justice Scotland on a regular basis and will ensure colleagues are notified in early course once a final decision is made.

## Strategic Framework

We would encourage all areas to familiarise themselves with the new Strategic Framework if you have not already done so, which is based on 5 levels or tiers<sup>2</sup>. Much of the content of this is not dissimilar to previous guidance, particularly in broadly allowing the continued delivery of essential services.

The Framework is clear that in relation to public services, these are expected to be 'open' for Levels 0-1, 'open but reduced face-to-face services' for Level 2, and 'essential face-to-face services only (online where possible)' for Levels 3-4. For clarity, justice social work services and its functions are considered essential services, in line with other social work sectors. The Framework indicates that, within Levels 2-3, there is a graduated series of protective measures to tackle COVID-19, focusing on key areas of risk – broadly, indoor settings where household mixing takes place with less, or less well-observed, physical distancing and mitigations. As such, with the mitigations put in place at local levels to restart and continue the delivery of justice social work and unpaid work, we would expect delivery of these essential services to continue - with the appropriate mitigations in place - throughout all restriction levels.

It may also be helpful to clarify the position in relation to travel and shared transport, which can be necessary in the delivery of justice social work services including in relation to unpaid work.

The new Framework advises against any unnecessary travel from Level 3 and 4 areas to other areas, and to minimise travel from other areas to Level 3 and 4 areas. However, there are key exceptions to this, relevant to justice social work services staff and service users<sup>3</sup>:

- Travel for work, or to provide voluntary or charitable services, but only where that cannot be done from your home
- Travel to meet a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings
- Travel to provide care or assistance to a vulnerable person
- Travel to transit through Level 3 and 4 areas by road or public transport if your journey begins and ends outside such an area

As stated, all social work activity is considered essential therefore these exceptions to the travel restrictions will apply to the movement of justice social work staff and service users to meet obligations to the court, and to access and deliver services. This would also apply in relation to using public transport to travel to and from work or to attend justice social work services.

While sharing transport with other households is discouraged, the existing Transport Scotland guidance<sup>4</sup> ('travelling in a vehicle with others') would apply in situations such as individuals attending unpaid work. This guidance includes practical points and steps to be taken where it is necessary to share a vehicle with others.

<sup>2</sup> <https://www.gov.scot/publications/coronavirus-covid-19-protection-levels/>

<sup>3</sup> <https://www.gov.scot/publications/coronavirus-covid-19-guidance-on-travel-and-transport/>

<sup>4</sup> <https://www.transport.gov.scot/coronavirus-covid-19/transport-transition-plan/advice-on-how-to-travel-safely/#section-63888>

There will be updates to existing social work and social care guidance, such as the Scottish Government's 'Safe and Ethical Social Work Practice' guidance, which will be published in due course.

The impact of current restrictions, the potential for further local, regional or national restrictions, and the uncertainty this can bring is fully acknowledged. With the publication of the Scottish Government's new tiered approach, services are therefore encouraged to continue to plan on the basis of some form of restrictions being present for a considerable time.

### *Adapting service delivery*

Given the likely long term nature of the pandemic and the associated restrictions, we would again encourage and emphasise the creative, innovative, and flexible approaches you have taken or may take in future in delivering unpaid work and other activity – for example, continuing to increase the use of other activity via remote or online methods, and potentially working with third sector partners who have developed bespoke programmes for other activity. If capacity to deliver unpaid work in particular is reduced in the medium to long term, it is clearly vital to explore how such orders can be delivered effectively and efficiently while keeping staff and individuals on orders safe.

We welcome engagement from members of the Criminal Justice Voluntary Sector Forum (CJVSF)<sup>5</sup> around such opportunities and we would encourage close collaboration with third sector partners. There may be opportunities through online options and more traditional interventions for placements, including the supervision of individuals in unpaid work squads, through liaison with third sector partners, and we would encourage the continuation of proactive discussions with local Community Justice Partnerships to explore the potential of partner agencies to provide support.

Service managers in local areas (in collaboration with their colleagues) remain best placed to assess what activity can safely and equitably be taken forward, while taking account of best practice and guidance available nationally, and we have confidence that this will be approached in a proportionate, risk-based manner.

We note the positive sharing of experiences, innovation, and good practice by Social Work Scotland sub-groups such as the Unpaid Work group and the associated unpaid work/other activity information-sharing platform (padlet) hosted by Community Justice Scotland, and the Recovery Strategy group. Both of these groups continue to meet regularly and are a key source of support and information-sharing for justice social work services.

### **Groupwork programmes**

We are aware that the delivery of groupwork programmes such as the Caledonian Programme and Moving Forward: Making Changes (MF:MC) continues to be on a limited basis due to social distancing requirements.

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<sup>5</sup> The CJVSF have collated a list of relevant third sector services across Scotland who may be able to support the delivery of unpaid work or other activity: <http://www.ccpscotland.org/cjvsf/wp-content/uploads/sites/4/2020/08/Examples-of-Third-Sector-UPW-and-Other-Activity.pdf>

The Caledonian Programme was accredited as a 1:1 programme on 22 September 2020, and it is recognised that this provides a welcome additional method of delivery. Some areas have resumed groupwork with smaller groups in socially distanced settings where available, and we would encourage others to consider this wherever possible.

The MF:MC Community Operational Practice Note issued by the Scottish Government in September 2020 outlines an interim position on remote delivery of the programme via e-mail or post with follow-up telephone calls on a 1:1 basis if assessed as appropriate based on individual risk and needs. Virtual delivery on a groupwork basis is not deemed appropriate at this stage. Again, some areas have safely resumed face-to-face groupwork delivery and this is encouraged wherever feasible.

It is acknowledged that operational decisions on the delivery of groupwork programmes will be made by each local authority in line with their own recovery planning, risk assessments, and policies to ensure the needs of service users and staff are fully reflected in implementation.

## Training

The Learning, Development and Innovation (LDI) and Caledonian teams at Community Justice Scotland are working to ensure that there is a digital option for core training products. Whilst face-to-face training will always be the preferred learning environment, and for some courses such as the Caledonian case manager and women's worker training the only option, there is a need where possible to meet the requirements of those stakeholders for whom this is not an option. The LDI/Caledonian teams will therefore utilise Google Classroom to deliver learning outcomes remotely and will be in a position to adapt the training courses in response to the changing profile of learning requirements in the context of COVID-19. The LDI team recognise that risk assessment tools are a key national training priority and are working to deliver courses safely at the earliest opportunity, with online LS/CMI training to be provisionally resumed in late January 2021. From October 2020, SA07 training will be delivered on a monthly basis via Microsoft Teams, with RM2000 now being an e-learning module.

## National timescales

We expect that meeting the timescales set out in national guidance will continue to be challenging, and ask that you continue to make risk-based decisions on prioritisation – those with the highest or more complex risk and needs should be prioritised for face-to-face meetings where this can be safely facilitated. We do recognise that justice social work has continued to provide a service to all individuals, often using innovative, remote forms of communication. As we set out in our letters in March and June 2020, we wish to reassure you that this will not result in any penalisation or additional scrutiny but ask that you continue to evidence approaches based on risk and the health and safety of staff and service users.

## Increase in court business

In line with the Scottish Government's COVID-19 route map, since June, sheriff courts across Scotland have re-opened with summary criminal business returning to local courts, with priority being given to custody cases. In September 2020, the number of summary trials that progressed in Sheriff Courts with evidence led were at 76% of pre-COVID levels.

Nevertheless there are some 25,000 summary trials outstanding. From October, the Scottish Courts and Tribunals Service is publishing monthly management information about levels of criminal court activity on its website.<sup>6</sup>

Limited numbers of High Court jury trials restarted in July, with the Scottish Government providing support for remote jury centres. On 2 October 2020 the Scottish Government announced further funding to enable remote jury centres to be extended across Scotland to support Sheriff Court jury trials delayed as a result of COVID-19. This is expected to allow Sheriff and Jury cases to restart from December.

We are aware that the increase in court business has – and will continue to have – a direct impact on justice social work, and we will continue to monitor this closely, with increasing work now taking place under the Criminal Justice Board (and involving all relevant partner organisations) to model how business is likely to increase and what effect that will have on capacity across the justice system. We would encourage continued engagement between Justice Social Work and local judiciary, for example in relation to Criminal Justice Social Work Report timescales.

## **Recover, Renew, and Transform (RRT) programme**

In order to progress work to enable the justice system to recover from the pandemic, as well as considering the potential for reform, the RRT programme has been initiated, led by the recently established Criminal Justice Board. The programme has six work streams:

- (i) High Court Trials
- (ii) Sheriff and Jury Trials
- (iii) Virtual Summary Trials
- (iv) Virtual Custody Courts
- (v) Summary Criminal Process
- (vi) Community Justice and Preventing Offending

Each of these workstreams is focused on enabling the justice system to operate again at pre-COVID-19 levels and preparing for future transformation.

The Community Justice and Preventing Offending subgroup of RRT is jointly chaired by Community Justice Scotland and the Scottish Prison Service, and its membership also includes Scottish Government (justice and housing), COSLA, Social Work Scotland, Police Scotland, Parole Board Scotland, the Criminal Justice Voluntary Sector Forum.

The group will support and encourage all local delivery partners in their local agreed recovery plans to ensure the most efficient and appropriate restart of all services in relation to the delivery of community interventions in accordance with all public health guidance. The group will ensure that the impact of the scaling up of court business on community justice and prisons is understood and taken into account.

The group will also work across the justice system to ensure there is a whole system approach so that the impact of increasing court business on all agencies is understood, recognised, and planned for.

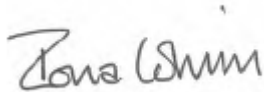
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<sup>6</sup> <https://scotcourts.gov.uk/official-statistics>

Looking beyond system recovery, the group are moving on to consider “renew” and “transform” plans. Wider engagement on proposals will be planned and it is important that there is clear buy-in from national and local partners about any changes which may be required.

We hope this is a helpful update and, if you have any queries, these can be directed to [cpo@gov.scot](mailto:cpo@gov.scot), though please note that we are not able to provide advice on individual cases and may not be able to respond immediately to all correspondence.

With thanks and best wishes to you and your colleagues.



**Iona Colvin, Chief Social Work Adviser**



**Neil Rennick, Director, Justice Directorate**