



The Scottish Parliament  
Pàrlamaid na h-Alba

## Justice Committee

Humza Yousaf MSP  
Cabinet Secretary for Justice  
The Scottish Government

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Dear Cabinet Secretary,

### **Covid-19 and the impact on criminal justice social work and the criminal justice voluntary sector**

During today's Committee meeting, members considered correspondence from Social Work Scotland and the Criminal Justice Voluntary Sector Forum (see Annex). Members agreed to seek your views on the points raised in their letters. I look forward to your response in due course.

Best wishes,

Margaret Mitchell MSP  
Convener, Justice Committee

## ANNEX

### LETTER FROM SOCIAL WORK SCOTLAND

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

## LETTER FROM THE CJVSF

Thank you for this opportunity to provide the Justice Committee with an update from the third sector as part of their ongoing scrutiny of the Scottish Government's response to the COVID-19 outbreak in justice. This briefing has been prepared in response to the Committee's request for more information on risk assessment processes and access to personal protective equipment (PPE) and has been prepared following consultation with our members.

This briefing will include:

- A short summary of the third sector response to COVID-19 to date
- Information on:
  - CJVSF member experiences in relation risk assessment in face to face delivery
  - Access to PPE supplies for third sector organisations
- Other issues raised by CJVSF members

If you require any further information or clarification in relation to any of the points raised below then please do not hesitate to contact us.

### The Third Sector Response to COVID-19

COVID-19 has caused widespread change to how third sector organisations are working. Social distancing requirements and emergency measures have resulted in significant alteration to services and in some cases to the suspension of all service delivery.

In light of the risk to staff and the people they support, many organisations have moved to remote service delivery and are providing support over the phone and internet. In some instances, these organisations working digitally are registering a higher level of engagement than would normally be the case. Others are reporting a higher degree of flexibility in how they are able to support people as funders relax some of the restrictions placed on how their funding can be used in response to the crisis. Many are also engaging with and creating new digital resources to help them support people at this time.

Given the importance of face to face contact in supporting the most vulnerable, a number of CJVSF members have continued to deliver services in person. This has particularly been the case for services working with those with addictions, residential or tenancy support services, intensive support services, and those working to support young people at risk of offending. Where it has been necessary to continue face to face delivery of services, organisations have continued to do so where possible whilst following public health guidance. Many of these services have also adapted their face to face work in light of social distancing restrictions and are working in new ways, such as through delivering food or welfare packages, to ensure that the people they are working with feel supported.

For many voluntary sector organisations, the disruption to normal justice processes means that it is increasingly difficult for them to engage with people who need their support. Changes to the prison regime and the suspension of prison visiting and access for non-agents has meant that in-prison service delivery and many of the normal referral routes to third sector services are not available. This also means that engagement with people before release is limited. Similarly, disruption to court processes and the closure of local hubs or key referral partners (e.g. Jobcentres) has made access to services more difficult in a community setting. Third sector partners are able to engage with local community justice processes where these have established links with the voluntary sector but for many areas this was not in place before the outbreak.

This lack of access to services in prison and the community will have a significant and lasting impact on people in the justice system and on third sector organisations. Likewise any sudden increase in the number of people going through the justice system as normal justice processes resume could have a significant impact on the voluntary sector as it begins to return to face to face delivery.

In the longer term, the funding implications of the outbreak are also likely to have a significant impact on the voluntary sector. While most funders are responding flexibly at present and significant extra resources have been made available, the economic impact of the crisis on government spending and the significant commitment of resources by discretionary and trust funders in the short term could lead to a difficult funding climate for the sector, with increased competition for scant resources.

## **Risk Assessment in Face to Face Delivery**

The Committee has asked CJVSF members to share their experience of risk assessment in delivering services during the COVID-19 outbreak.

CJVSF members report that where they are continuing to deliver face to face services, they have adapted their risk assessment processes to include a consideration of the risks posed by COVID-19. Given the vulnerability of many of the people they support and the potential risks to their staff, CJVSF members are accustomed to carrying out thorough risk assessment procedures in the course of normal service delivery and have found that adapting their processes to COVID-19 has not proved challenging in most cases.

Members have drawn on a range of national and local public health guidance and processes relating to COVID-19 to inform their risk assessment procedures and consider current national guidance sufficient to allow them to do this effectively. In establishing updated procedures, some CJVSF members reported close engagement with local authorities and with Health and Social Care Partnerships but this was not the case for all members, suggesting varying practice across Scotland. As such, CJVSF members would welcome greater clarity on how local partnerships are supporting voluntary sector organisations to work safely in the current outbreak.

In implementing these new risk assessment processes, organisations have adapted their practices to take account of the needs of different groups, such as those who are shielding, and to take actions to mitigate risks to service users and staff, such as using appropriate PPE or social distancing measures. CJVSF members noted, however, that the dynamic situation with COVID-19 and the needs of the people they are supporting, particularly where a person's addiction or mental health necessitates an urgent welfare check, means that conducting risk assessments in individual cases can prove extremely challenging.

Despite the relative ease with which CJVSF members have adapted their risk assessment processes to take account of COVID-19 to date, members did suggest that this might prove more challenging as lockdown begins to end and the Phases of the Scottish Government's Route Map Through and Out of the Crisis progress. As face to face delivery resumes, more organisations will need to put in place appropriate risk assessment procedures. For those organisations without dedicated resources or health and safety staff, this may prove a considerable challenge. CJVSF members who have yet to resume face to face delivery have suggested that additional guidance and clarity around when and how face to face delivery of services could resume would be necessary as the phased approach progresses.

More generally, members called for clarity on what constitutes a "community justice front line worker" and therefore a "keyworker" in a community justice context, as no justice specific guidance had been issued.

## Access to PPE for Third Sector Workers

The Committee has asked CJVSF members to share their experience of accessing PPE supplies during the outbreak.

CJVSF members have not reported any ongoing difficulties in accessing PPE.

For some organisations access to PPE in the initial stages of the COVID-19 outbreak was a serious problem and, as a result of the delay in implementing national PPE supply processes, some members had to dedicate considerable staff time and large amounts money to source adequate supplies (in one instance around £20,000). This represents a considerable expenditure for third sector organisations working in what is already a challenging funding environment. Members have also reported similar difficulties to other sectors in relation to PPE supply chain disruption and in some instances existing supply arrangements were interrupted so that suppliers could prioritise NHS provision.

All CJVSF members who responded, however, report that access to PPE is not a concern at present and that they are able to access supplies either through local hubs, HSCPs, local authorities or through their own supply arrangements, including as part of buying consortiums.

Members did, however, suggest that this could be an issue in future as we progress through the Phases of the Scottish Government's Route Map Through and Out of the Crisis. As more services return to face to face delivery, demand for PPE will increase, which will potentially increase strain on distribution hubs and supply chains. Similarly, in light of the cost concerns raised above, it may prove difficult for some third sector organisations to afford PPE supplies. Third sector organisations working across multiple local authorities may also face challenges engaging with multiple processes to source appropriate equipment, given that their staff and resources will already be stretched by COVID-19.

CJVSF members would therefore welcome clarification wherever possible on:

- The PPE requirements for justice service delivery as the phased approach progresses.
- The national PPE distribution programmes available to voluntary sector organisations working in community justice.
- Any arrangements for funding/reimbursing voluntary sector PPE costs in justice.
- Any arrangements in place to coordinate PPE requirements and distributions for services that operate in multiple local authority areas.

## Additional Issues Raised by CJVSF Members

In the course of gathering information to respond to the Committee's questions, CJVSF members also raised a number of issues relating to the COVID-19 outbreak that they believe the Committee should be made aware of.

**Digital Delivery of Services** – As identified above, many services have responded to the COVID-19 outbreak by shifting towards remote delivery where possible to that ensure public health guidance is followed and that staff and service users are kept safe.

While some CJVSF members are reporting an increased engagement and new opportunities to support people in the justice system as a result of this, other CJVSF members have reported that people can be reluctant to engage support online or over the phone for a variety of reasons, often related to their mental health. Moreover, many people face considerable challenges when engaging with services digitally as they lack smart phones or

internet access. Others may be prevented from accessing the internet as a result of their licence conditions. There is therefore a risk that prioritising online delivery over a prolonged period may exacerbate the “digital divide” and increase digital inequality unless steps are taken to support digital inclusion for people in the justice system and their families. CJVSF members would therefore welcome information from the Scottish Government on what it is doing to support the digital inclusion of people in the justice system.

In light of all of the above, CJVSF members also stressed the importance of continuing face to face delivery of services alongside digital delivery as we move beyond the initial response to the COVID-19 outbreak. Digital support should not be seen as an economical option for replacing normal service delivery but rather as part of the range of options open to organisations to provide person-centred support for people in the justice system.

**Unsuitable Accommodation** – CJVSF members were concerned about people, and young people in particular, being placed in unsuitable accommodation as part of the crisis response to house people sleeping rough during the outbreak. While steps have been taken nationally to ensure that time spent in temporary accommodation is minimised, members reported that young people in particular had been placed in inappropriate accommodation without proper risk assessments having taken place, potentially increasing their risk of harm through drug use, victimisation, and poor mental health. For some young people, this also means that they are at increased risk of being recruited into criminal gangs.

**Unemployment** – Given current disruption to the job market and the difficulties in delivering employability work at this time, CJVSF members expressed concerns around the potential long term impact of unemployment on the justice system. Young people were identified as being particularly affected and one member observed that many young people they are working with are making claims for Universal Credit for the first time, suggesting challenges for the future.

**Family contact for people in prison** – CJVSF members suggested that further information from the Scottish Government and the Scottish Prison Service on the introduction of virtual visits and mobile phones for people across the prison estate, including clear timescales for their introduction, would be welcome.

Once these schemes are in place, CJVSF members suggest that the Help With Prison Visit Scheme could be amended to allow funding to be re-directed at this time. Members expressed concerns that many families would not be in a position to engage with digital visits, due to costs or connectivity issues, so supporting them will be essential in ensuring that they can contact a family member in prison.

**Remand** – CJVSF members are increasingly concerned about people being held for long periods of time on remand following the passing of the Coronavirus (Scotland) (No 2) Act. Figures from the Scottish Prison Service indicate that the proportion of people in custody being held on remand has been increasing since mid-April and that this may be having a disproportionate impact on young people. This and the severe restrictions to the prison regime introduced in response to COVID-19 will have clear human rights implications. CJVSF members also report a growing number of family members expressing concerns about the length of time people are spending on remand.

CJVSF members would therefore welcome further information on what is being done to support the use of alternatives to remand at this time and what support is available to those on remand in light of restrictions to normal prison activity.

Chris McCully  
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Criminal Justice Voluntary Sector Forum (CJVSF)