

Justice Social Work in Scotland



CRIME AND JUSTICE

Key Facts

Staffing

- In 2020, there were 937 main grade or senior justice social workers, up from 898 in 2011.

Diversion from prosecution

- In 2019-20, there were 1,990 cases commenced for diversion from prosecution covering 1,930 individuals.

Criminal justice social work reports

- There were 28,500 criminal justice social work reports submitted in 2019-20. This was eight per cent lower than in 2014-15.

Social work orders

- Total community payback orders imposed fell between 2015-16 and 2018-19, before a small rise of two per cent in 2019-20 to 16,800.
- The numbers of drug treatment and testing orders fell by 14 per cent between 2018-19 and 2019-20, to 520, around the same as in 2015-16.

Throughcare

- There were 1,900 statutory throughcare cases commenced in 2019-20.
- There were 2,000 voluntary throughcare cases commenced during 2019-20. With 1,800 individuals who received assistance during this year.

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Introduction

This report provides an overview of social work services provided in the justice system in Scotland. Information on key national trends in those services is provided. These includes key statistics on justice social work, population profiles of individuals to whom these services are provided, and the workforce.

It forms part of an initial collection of contextual papers, setting out key sources of information about social care and related areas in Scotland, linking to the National Care Service Consultation proposals published in August.

The collection consists of the following 6 papers on social care:

1. [Scotland's Health and Demographic Profile](#)
2. [People who Access Social Care and Unpaid Carers in Scotland](#)
3. [Social Care Support and Service Provision in Scotland](#)
4. [Experiences of Social Care and Caring in Scotland](#)
5. [The Adult Social Care Workforce in Scotland](#)
6. [Social Care in Scotland - Equalities Evidence Overview](#)

And papers on:

7. [Children's Social Services](#)
8. [Justice Social Work](#)
9. [Learning and evidence from national social care systems in Nordic and Scandinavian countries](#)
10. [Integrated Care Studies: The SCFNuka \(Alaska\) and Canterbury \(New Zealand\) Models](#)

Justice social work: background and context

Justice social work (JSW) services are currently part of local authorities, which are responsible for the delivery of community orders and related justice social work interventions, with support from partners including third sector organisations.

The range of services JSW provide includes:

- assessments and reports to assist decisions on sentencing
- court services to assist those attending court
- bail information and supervision services as an alternative to custodial remand
- supervising people on social work orders to tackle offending behaviour and its causes

- supervising people who are required to perform unpaid work for the benefit of the community
- prison-based justice social work services to those serving custodial sentences that involve statutory supervision upon release
- preparing reports for the Parole Board to assist decisions about release from prison
- throughcare services including parole, supervised release and other prison aftercare orders to ensure public safety.

The current model for community justice came into operation on 1 April 2017, underpinned by the Community Justice (Scotland) Act 2016, which places duties on a group of statutory partners to engage in community justice planning and to report against a set of nationally determined outcomes. This relies on effective partnership working at both local and national levels. Community justice partnerships in local authority areas are made up of a number of statutory partners and are supported by Community Justice Scotland, which was established in the above Act.

Justice Social Work Workforce

Currently, most social workers are employed by councils, with the remaining social workers employed in the voluntary and independent sectors. Social work comprises a wide range of services, including children's services, adults and older people's services, justice, and mental health services.

- In 2020, there were 937 main grade or senior justice social workers, up from 898 in 2011
- If social work assistants, managers, admin, and support staff are included, there were a total of 1,950 workers in 2020, down from 2,000 in 2011

To provide a comparison, in the same year (2020) there were 1,978 main grade or senior social workers who work predominately with adults including those with learning disabilities and the elderly. If social work assistants, managers, admin, and support staff are included, there were a total of 5,340 in 2020 which is an increase from 4,860 in 2011.

Background statistics on Scotland

Scotland's population as of 2019 had the following high level statistics

- On 30 June 2019, Scotland's population was estimated to be 5,463,300 with just over a quarter of people (26%) in Scotland aged 31 to 50
- Overall Scotland had a relatively even split between sexes in 2019, with 51% female and 49% male, although this varied amongst age groups
- About 5% of the adult population were minority ethnic

People going through the criminal proceedings in 2019-20 have a different profile to the general population:

- A total of 85,700 people were proceeded against in Court in 2019-20.
- There were 15 convictions per 1,000 of the people in Scotland's population
- There were 75,200 people who were convicted, 83% were male
- About 50% of people who were convicted were aged 31 to 50 years

Statistics from justice social work tend to reflect criminal proceedings in general (there are some exceptions):

- There is a higher percentage of males than females reported
- Just over half of people receiving the main community penalty (community payback order) were aged over 30.
- Where ethnicity is known, around 4% of people define themselves as being of minority ethnicity

Information on range of services

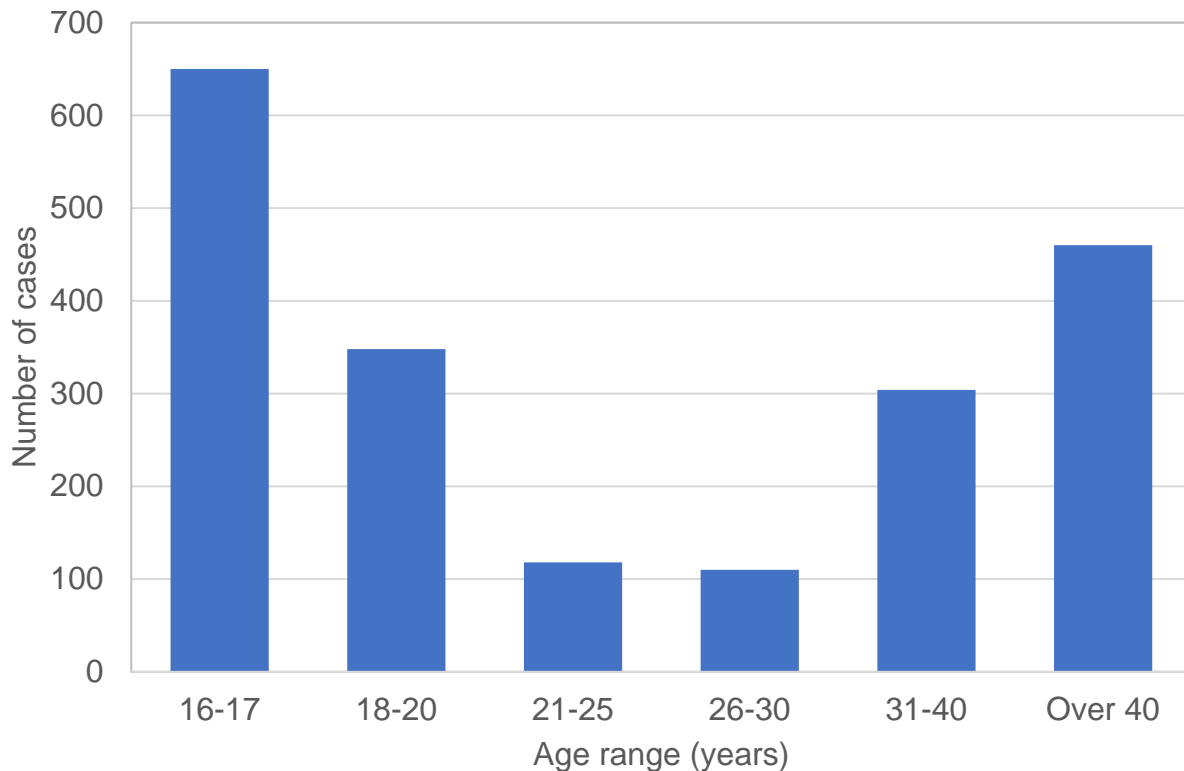
The information on justice social work in 2020-21 has been impacted by the nationwide lockdowns and other measures put in place to limit social contact during the Coronavirus (COVID-19) pandemic. This has had a substantial impact on social work activity. For example, Chart 3 shows the large decrease in volumes being experienced for social work orders. It has been decided to report evidence in this paper mainly on 2019-20 activity, as these statistics were mostly pre-pandemic and better describe the volume of work supported by justice social workers in Scotland. (Any references to the last five years are taken at from 2019-20, unless otherwise stated). The main source of this information is taken from the National Statistics publication series: [Criminal Justice Social Work Statistics in Scotland](#). (Any other sources will be referenced accordingly.)

Diversion from prosecution

Social workers provide support for diversion from prosecution. Diversion from prosecution schemes have been in existence in Scotland since the early 1980s and aim to provide support and advice in relation to the underlying causes of offending, such as substance use.

- During 2019-20, there were around 3,100 referrals, 2,800 assessments and 1,600 cases completed.
- In 2019-20, there were 1,990 cases commenced for diversion from prosecution covering 1,930 individuals. A small number of these cases were referred to drug or alcohol treatment or mental health services.
- Two-thirds of diversion of prosecution cases were for males in 2019-20.
- The age profile shows that younger people's cases are more likely to be diverted. (Chart 1).
- The cases for 16 to 20 years old have represented 43 per cent of the total cases commenced in the last 5 years.
- Where ethnicity was known, four per cent of cases commenced in 2019-20 were for people of minority ethnicity.

Chart 1: Diversion from Prosecution, by age, 2019-20



Court-based services: bail information, pre-sentencing and sentencing reports

There are various tasks associated with providing information and advice to the court:

Bail information

Bail information services assist procurators fiscal and courts through verification of information in cases where bail might otherwise have been opposed or refused. In a proportion of cases, this will result in a period of supervised bail

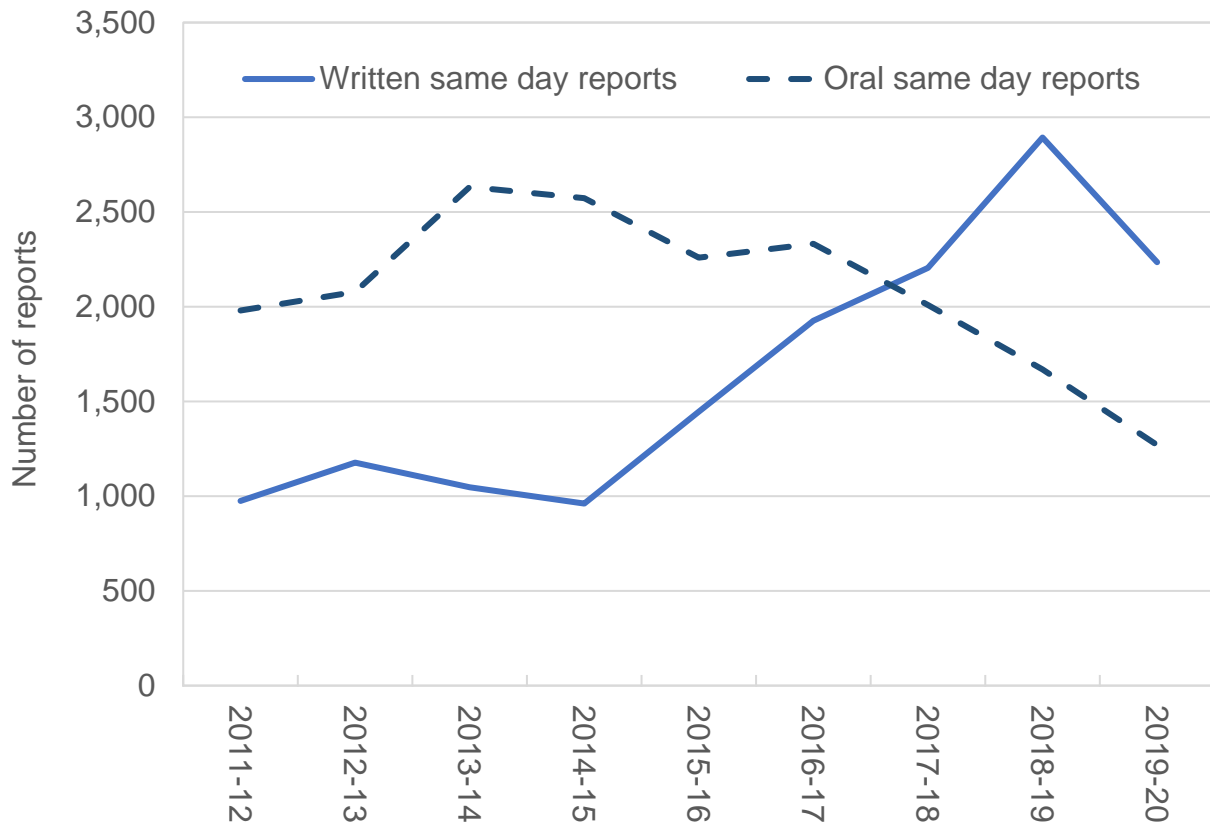
- In 2019-20 there were 5,700 requests from court for bail information.
- During this year there were 460 individuals who required bail supervision. This was the highest level in any of the last seven years.

Same day reports

A court may ask for a same day oral or written report from a court-based social worker during the court proceedings and adjourn a case until later in the day for this to be completed. A same day report will be a brief report and not a full justice social work report. Same day reports tend to deal with issues specific to the case to inform decision-making. The information may be relevant to decisions regarding bail or custodial remand, the need for a full report or the need to defer a case to a future date and final sentence.

- In 2019-20 there were 3,500 same day reports supplied to the courts. About one third of these were oral rather than written (Chart 2).
- The trend for court services has changed over the last ten years, with more requests for written reports since 2017-18.

Chart 2 Same Day Reports, 2011-12 to 2019-20



Post sentence interviews

Following someone being remanded into custody or receiving a custodial sentence for the first time, a court-based social worker will interview them. Some of the purposes of this interview are to:

- Clarify the decision of the Court.
- Establish whether any pressing problems should be dealt with immediately.
- Assess risk of self-harm
- Inform the prisoner about social work services in prison and how to access them.
- Record details of the interview on a standard form.
- Pass on any other information which may help the Scottish Prison Service in providing better care for the offender or in terms of public protection.

In 2019-20 there were 15,300 post-sentence interviews undertaken within court. This was lower than in any of the previous five years.

Home Detention Curfew Assessment Reports

Home Detention Curfew (HDC) allows prisoners, mainly on shorter sentences, to serve up to a quarter of their sentence (for a maximum of six months and a minimum of two weeks) on licence in the community, while wearing an electronic tag. The licence includes a range of standard conditions and a curfew condition that requires prisoners to remain at a particular place for a set period each day. Where it appears that an individual may qualify for release on HDC, the proposed curfew address must be assessed for suitability by local authority justice social work.

- In 2019-20 there were 810 reports. This was lower than in any of the previous five years.

Criminal Justice Social Work Reports

The criminal justice social work report (CJSWR) is intended to assist in the sentencing process and to complement the range of other considerations, such as victim information and narratives from the Procurator Fiscal. The report includes key information, including the social worker's professional assessment and advice on social work interventions and how these may prevent or reduce further offending.

A CJSWR must be requested:

- before imposing a custodial sentence for the first time or where a person is under 21
- when imposing a community payback order with a supervision requirement or level 2 (over 100 hours) unpaid work or other activity requirement
- when imposing a drug treatment and testing order.

There were 28,500 criminal justice social work reports submitted in 2019-20. This was four per cent higher than in 2018-19 but four per cent lower than in 2015-16.

Social work orders

Total social work orders include community payback, drug treatment & testing and fiscal work orders.

- There were 17,600 social work orders commenced in 2019-20, a fall of one per cent on 2018-19, though 15 per cent lower than the peak in 2016-17 (Chart 3).

- The vast majority of social work orders are community payback orders. The last five years this has been over 90 per cent.
- In 2019-20, Glasgow City had the most social work orders commenced (2,600) and Na h-Eileanan Siar had the lowest (40)

Chart 3: Number of social work orders commenced, 2015-16 to 2020-21

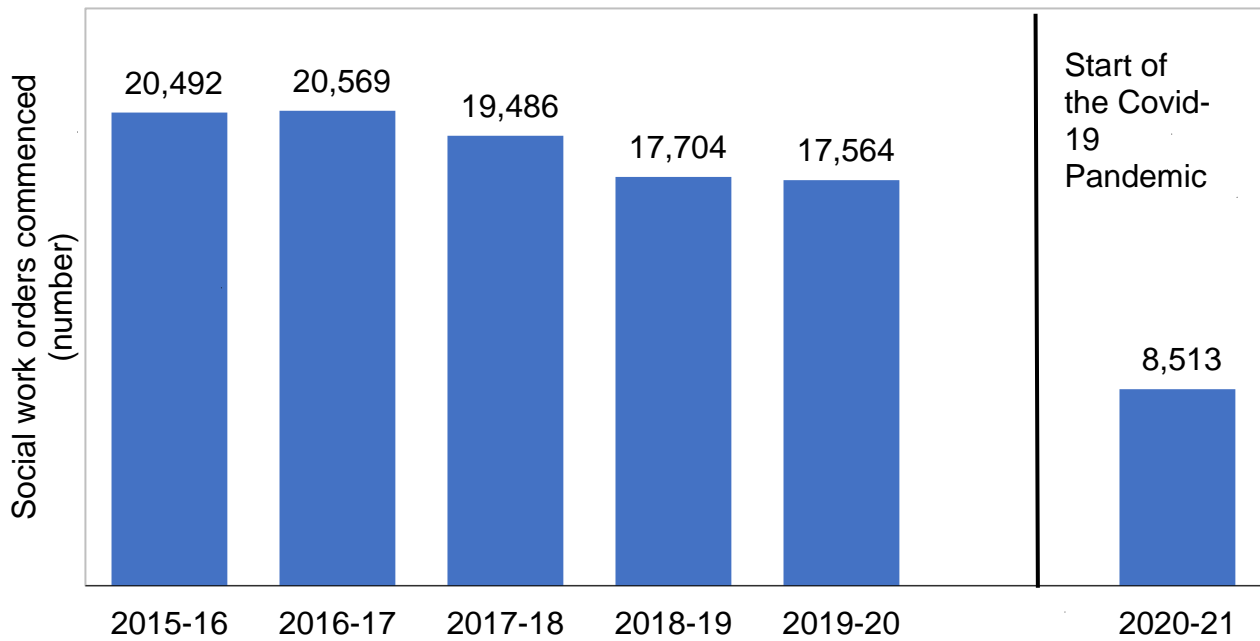
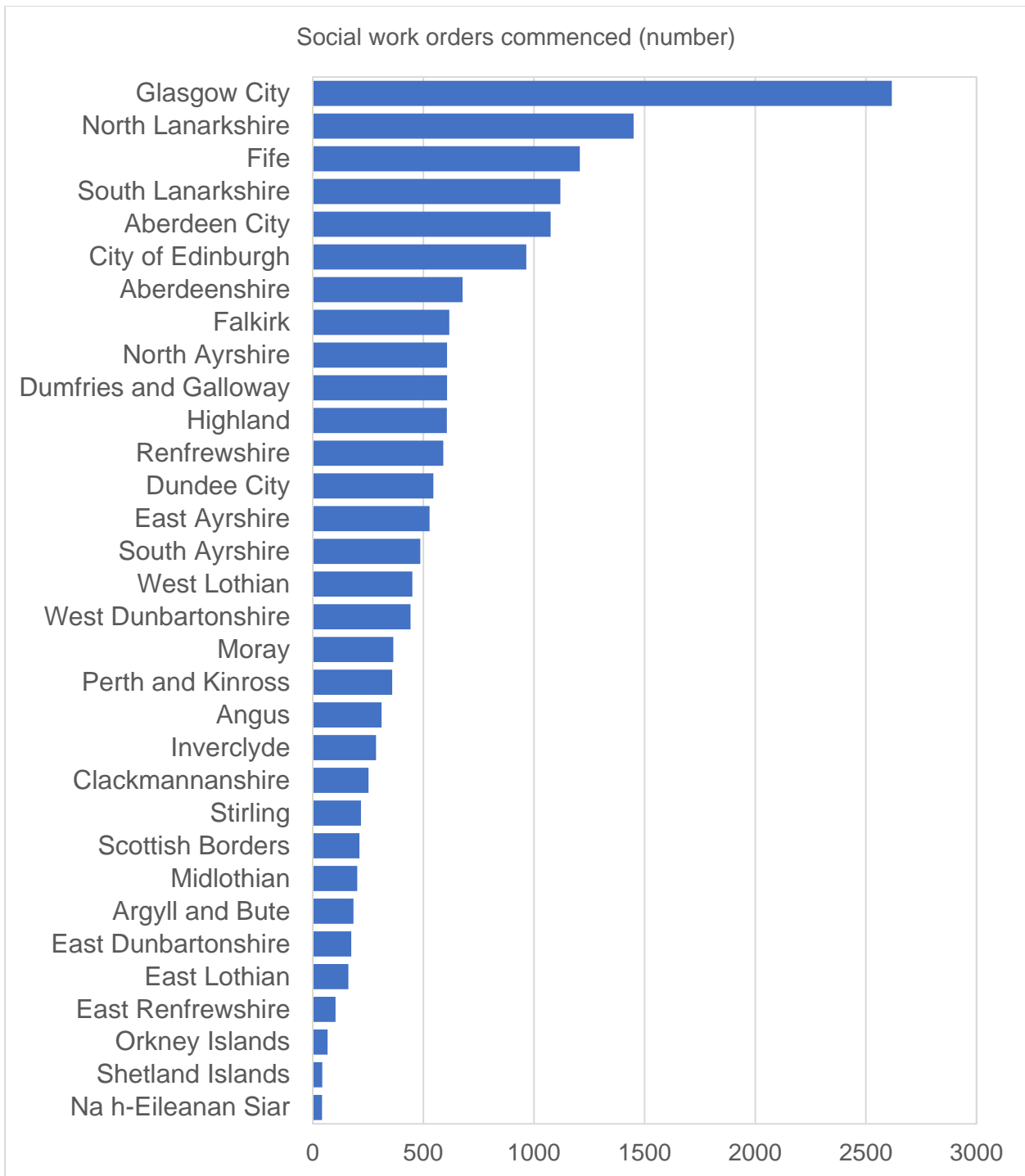


Chart 4: Number of social work orders commenced by Local Authority, 2019-20

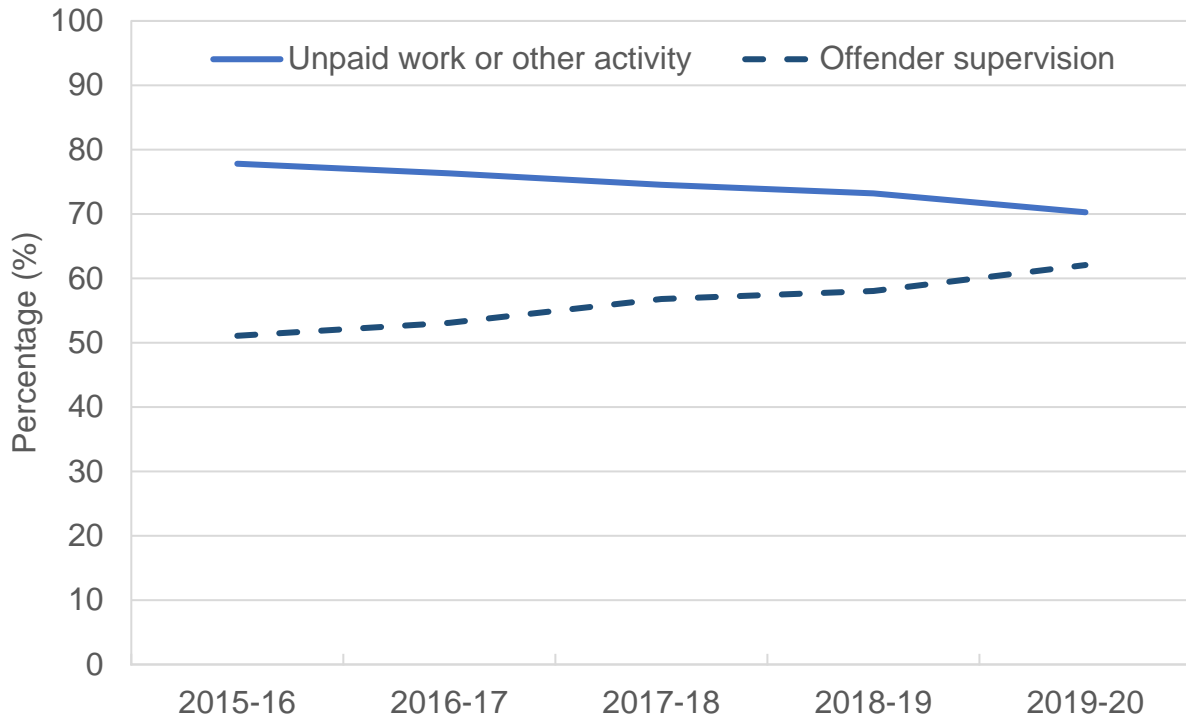


Community payback orders

The community payback order was introduced by the Criminal Justice and Licensing (Scotland) Act 2010 and replaced provisions for community service, probation and supervised attendance orders for offences committed from 1 February 2011 onwards. It is available to all courts, with some restrictions applying to justice of the peace courts in relation to treatment and program requirements. There are several different requirements which can be issued with a CPO, the most common of which are unpaid work or other activity and offender supervision.

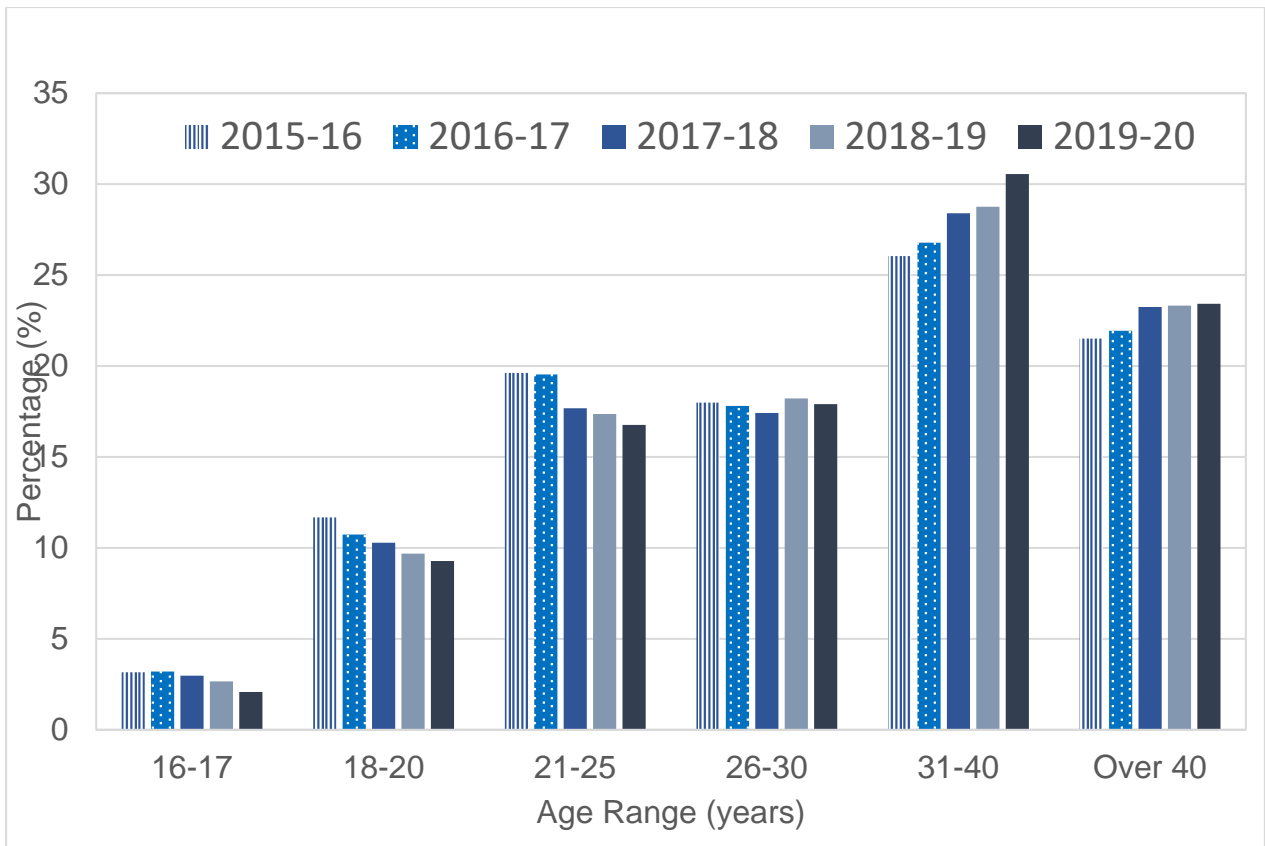
- The number of community payback orders (CPOs) imposed increased in the initial years following their introduction, reaching 19,500 in 2015-16. This rise was expected due to CPOs replacing legacy orders for offences committed on or after 1 February 2011.
- The total CPOs imposed then fell in the next three years to 16,500 in 2018-19. There was a small rise in 2019-20 of two per cent to 16,800.
- Up to 2019-20, unpaid work or other activity has been the requirement most issued as part of a CPO. (Chart 5). Every CPO must have either an unpaid work or other activity requirement or an offender supervision requirement, or both. However, the composition of orders has changed since 2015-16, with greater use being made of offender supervision and less being used of unpaid work or other activity

Chart 5: Percentage of Community Payback Orders commenced, 2015-16 to 2019-20



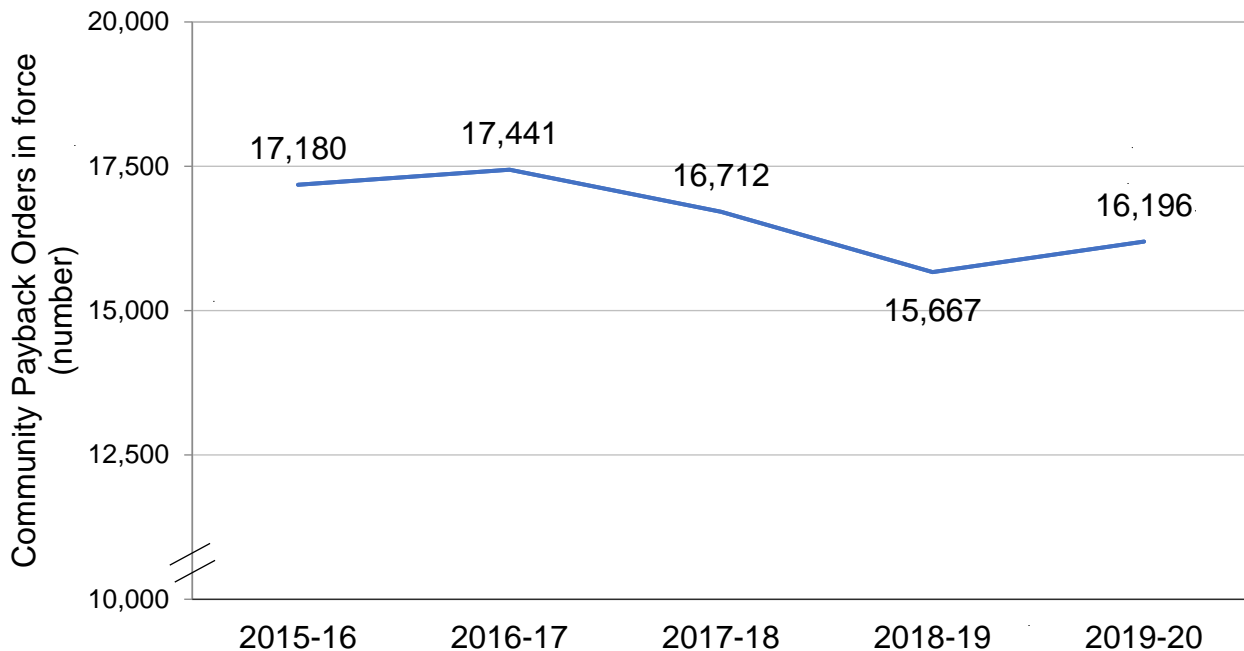
- In each of the years 2015-16 to 2019-20, 85 per cent of CPOs imposed were for males.
- Around 70 per cent of CPO recipients in the last five years have been either unemployed or economically inactive.
- In 2019-20, where ethnicity was known, four per cent of people getting a CPO were of minority ethnicity. This proportion has been around the same over the last five years.
- The average age of people getting CPOs has risen, with 54 per cent aged over 30 in 2019-20, compared to 48 per cent in 2015-16.

Chart 6: Community Payback Orders Imposed – by age group, 2015-16 to 2019-20



- There were typically around 15,500 to 17,500 CPOs in existence at a set point in time, with trends roughly in line with the changes in CPOs imposed over the same period (Chart 7).

Chart 7: Community Payback Orders in force at year end (31 March)



- The successful completion rate for CPOs terminated in 2019-20 was 69 per cent. Apart from the higher level in 2013-14, this rate has generally been around 70 per cent since CPOs were introduced.
- Completion rates in 2019-20 varied by age and employment status:
 - Rates were relatively similar for all age groups up to age 40, ranging from 64 per cent for those aged 18 to 20 to 68 per cent for under 18s (and 66 per cent for those aged 40 or under as a whole). However, for people aged over 40, the rate was much higher at 77 per cent.
 - Eighty-two per cent of those who were employed or self-employed completed successfully, compared to 63 per cent of those who were unemployed or economically inactive.

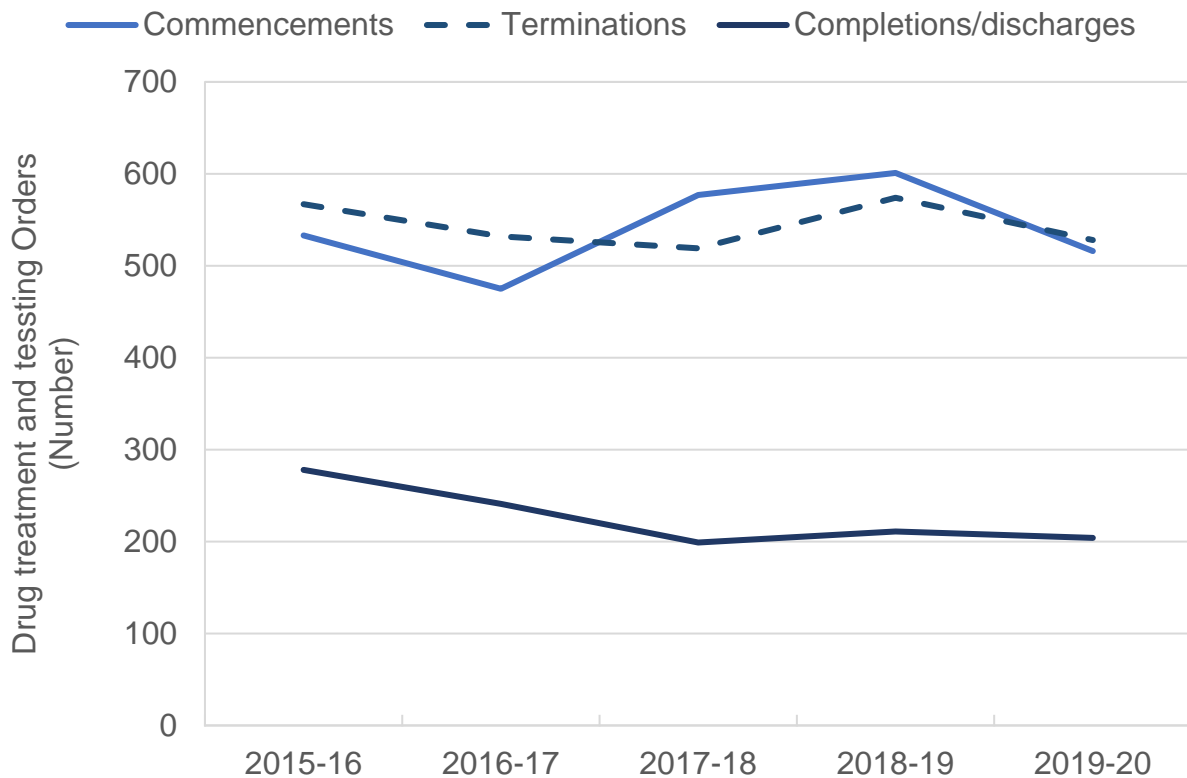
Drug treatment and testing orders

The drug treatment and testing order (DTTO) is available to courts (excluding justice of the peace courts) as a high tariff disposal for people with substance-related offending who might otherwise get a custodial sentence.

- The total number of DTTOs commenced fell in both 2015-16 and 2016-17 to a low of 480, before rising in each of the next two years (Chart 8).
- Numbers fell again in 2019-20, by 14 per cent, to 520, around the same as in 2015-16.

- Around 80 per cent of people who are given a DTTO are male.
- Around 90 per cent are unemployed or economically inactive.
- In 2019-20, over three-quarters of DTTOs were for people aged over 30.
- Just over one per cent of DTTO recipients in 2019-20 were of minority ethnicity.

Chart 8: Drug treatment and testing order commencements, terminations and completions/discharges, 2015-16 to 2019-20



- The successful completion rate for DTTOs was 50 per cent in 2015-16 but fell in each of the next three years, to 37 per cent in 2018-19. It rose only slightly to 39 per cent in 2019-20.

Fiscal work orders

Fiscal work orders (FWOs) were introduced nationally on 1 April 2015 and allow Procurators Fiscal to offer unpaid work orders as an alternative to prosecution. They can be for a minimum of 10 and a maximum of 50 hours and should be completed within six months.

- The number of FWOs commenced in Scotland increased from the base level of 510 in 2015-16 to 1,030 in 2017-18. However, numbers then dropped sharply, to 630 in 2018-19 and 250 in 2019-20.
- Successful completion rates have consistently been high for FWOs, over 78 per cent in the last five years.

Structured deferred sentences

Structured deferred sentences (SDS) offer courts the option to provide a short period of intensive supervision to individuals post-conviction but prior to final sentencing. They are designed to help individuals address their underlying issues, improve their employment prospects and build a sense of routine and self-esteem, allowing them to move away from offending. SDS are not a statutory order and as such are not used by every local authority. Areas with SDS schemes may utilise it as part of an early intervention approach, as an alternative or precursor to a community sentence or as an alternative to a short period of custody depending on the needs of the local area.

- There were 890 structured deferred sentences imposed in 2019-20.
- Three-quarters of structured deferred sentences were given to males.
- Just over half of structured deferred sentences were given to people aged over 30.

Throughcare

Justice social work departments are expected to provide a throughcare service to all those who are subject to statutory supervision on release from prison. This includes people serving sentences of four years or more (or six months or more for sexual offences) as well as those subject to an extended sentence or supervised release order. Throughcare begins at the start of the sentence and is implemented through the Scottish Prison Service's Integrated Case Management process. Voluntary throughcare services are also available to those who are not subject to supervision on release from prison. These services may be requested while in custody or up to 12 months after release.

- There were 1,900 statutory throughcare cases commenced in 2019-20, 97 per cent of which were for males.
- Just over half of all throughcare cases commenced (1,000 individuals) were for people who are subject to statutory supervision on release.
- The number of statutory throughcare cases in force as of 31 March 2020, was 6,100.
- There were 2,000 voluntary throughcare cases commenced during 2019-20, 87 per cent of which were for males. There were also 1,800 individuals who received assistance.

Pre-release report statistics

Part of statutory throughcare involves preparing reports to inform temporary release from prison on home leave and liberation on licence. Social workers did the following number of such reports in 2019-20:

- The number of home leave reports completed was 1,600.
- There were 2,300 parole/non-parole reports.

List of Evidence Sources

Justice Social Work Workforce

[Scottish Social Service Sector: Report on 2020 Workforce Data \(sssc.uk.com\)](https://www.sssc.uk.com) (table 1)

[Interactive social worker data tool 2020 update published | Scottish Social Services Workforce Data \(sssc.uk.com\)](https://www.sssc.uk.com) - Detailed Year View table

Background statistics on Scotland

National records of Scotland: [Mid-2019 Population Estimates Scotland](https://www.nrscotland.gov.uk)

Ethnicity : [Scottish Surveys Core Questions 2019](https://www.nrscotland.gov.uk)

[Criminal Proceedings in Scotland, 2019-20 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

Information on range of services

[Criminal Justice Social Work Statistics in Scotland](https://www.nrscotland.gov.uk)



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