



General Information

- Number of inhabitants: 5.20 million at December 2009.¹
- Prison population rate per 100,000 inhabitants: 148.
- Link to Probation Services:
 - www.sssc.uk.com (Scottish Social Services Council);
 - www.cjsw.ac.uk (Criminal Justice Social Work Development Centre for Scotland).
- Links to websites:
 - www.adsw.org.uk (The Association of Directors of Social Work);
 - www.basw.co.uk/rostrum (British Association of Social Workers);
 - www.scottishparoleboard.gov.uk (Parole Board for Scotland).
- Member of the CEP in: 2001.

Characteristics of the Probation Services

- Since 1968, the Scottish Probation Service has been disbanded as a national body and the service integrated with local authority provision at a local community level. Criminal justice social work services, from 1991 mainly funded directly by the central government, are responsible for probation (criminal justice social work) work.
- Scotland's First Minister, through the Cabinet Secretary (Minister) for Justice, is responsible for setting national objectives, priorities, targets and standards for the delivery of social work services (including criminal justice social services). A National Advisory Body is, amongst others, involved in the long term strategies. Eight Community Justice Authorities provide the strategic planning mechanism for the local authorities (32), which deliver Probation Services to their communities and courts.
- Local authorities have a Director of Social Work or Chief Social Work Officer and a Head of Service (Criminal Justice Social Work). The Head of Service is responsible for criminal justice social work and responsible to the Director of Social Work or Chief Social Work Officer. The latter are accountable, through the authority's Chief Executive, to the locally elected council.
- The criminal justice social work services can deal with adults as well as juveniles. However, probation services are, generally, reserved for people over the age of 16 dealt with by criminal courts.

¹ International Centre for Prison Studies (2009), *Prison Brief for Scotland*. London: King's College. Available online at: www.kcl.ac.uk/depsta/law/research/icps/worldbrief/

- With regard to the supervision of offenders on behalf of the court, volunteers can be used to work in support of the efforts of the criminal justice social services (even though they do not have any formal responsibility for supervision). Furthermore, many voluntary (large central or small local) organizations (NGOs) work in tandem with criminal justice social work teams to provide services to offenders and their families. They for instance often provide accommodation and employment services, specialist services relating to drugs and alcohol and mental health services.

Tasks

Criminal justice social work operates at almost every level of the justice system in Scotland in exercising its legal duty to promote social welfare and community safety. These duties are broadly four fold – providing advice and assessment to criminal courts in their deliberations on sentencing; providing supervision and help towards personal change to offenders subject to diversionary measures or formal compulsory community disposals; providing supervision for prisoners returning to the community subject to licence and conditions; and contributing to risk assessment and risk management planning for high risk offenders on the violent and sex offender register who are subject to monitoring in the community as part of multi agency public protection (MAPPA) arrangements.

During the pre-trial or diversion phase, the criminal justice social services are involved in preparing social work reports for the prosecutors (the background characteristics of offenders, previous convictions, their attitude etc.) and to Children's Hearings (family background, education, health, previous offences etc). The Children's Hearing system is a diversionary measure, which means that diversion from prosecution of a young person is possible by referring him/her to a Children's Hearing. Furthermore, three types of bail services are available to courts provided by criminal justice social work services: Bail Information schemes (to provide information about accused persons held in police custody prior to a court appearance the following day), the Bail Accommodation service (to provide assistance in finding suitable accommodation aimed at decreasing unnecessary custodial remands) and Bail supervision (to supervise persons released on condition bail). Within the trial and enforcement phase the criminal justice social services can be ordered to provide a court with a social enquiry report. Furthermore the services mainly take care of supervision tasks (supervision of community service, probation orders, conditional release/parole, curfew order, drug treatment and testing orders, restriction of liberty orders and other community orders). With regard to prison aftercare, criminal justice social work services have a legal duty to provide assistance (on a voluntary basis) to persons released from prison and their families following a short term sentence (up to four years) on request; most of whom are not subject to statutory supervision and to provide statutory compulsory supervision for long term prisoners (for sentences of more than four years) who are subject to statutory supervision (including parole). However large national voluntary agencies (NGOs), such as Sacro, Action for Children and Apex, provide a range of personal assistance and family support within and beyond statutory requirements.

Number of staff

- Number of staff in 2005: over 1,100 professional, para-professional and administrative staff are employed within the criminal justice social services.
- Daily average number of offenders/clients dealt with: 20-40 cases (average rural caseload per criminal justice social worker at any time). The average urban caseload is likely to be greater.

New developments

- In April 2006, eight specialist Community Justice Authorities were established. The Authorities have powers to require co-operation from Health, Police, Prisons and Voluntary providers to assist the local authorities fulfil their legal responsibilities to deliver probation services to their communities and courts.
- The 21st Century Social Work Review group (Social Executive 2006) in their report 'Changing Live' sets out proposals for increasing the capacity, roles and responsibilities of social workers.² Social Work is now a registered term in statute and can only be used by those with the required qualifications and registered with the Scottish Social Services Council and are subject to their codes of conduct.
- Major developments with regard to the supervision and monitoring of serious violent offenders and sex offenders are established. Multi-agency public protection arrangements (MAPPA) are in place from 2006 and a lifetime supervision order (Order of Lifelong Restriction) is available to the High court. The risk assessment requirements for the OLRs must be carried out by registered assessors trained by Scotland's Risk Management Authority, a national centre for expert advice on offender risk assessment and management established in 2005.

Probation during the different stages of the criminal procedure

	Pre-Trial Phase	Trial and Enforcement Phase	Post Release Phase
Preparing a Social Enquiry report	x	x	
Early help / intervention (during the period of arrest at the police station) Bail information and bail accommodation	x	x	
Supervision / assistance to pre-trial detainees. Bail supervision	x	x	
Supervision / assistance etc. to offenders whose cases were conditionally waived Diversion from prosecution services	x		

² The report is available at: www.scotland.gov.uk/publications/2006/02/02094408/0

Supervision / assistance to offenders whose pre-trial detention has been conditionally suspended. Deferral of sentence		x	
Mediation/victim support			x
Supervising / organizing etc. community service and community reparation			x
Supervising / organizing training or learning projects			x
Supervising etc. drug/alcohol treatment programs			x
Supervising etc. electronic monitoring Restriction of Liberty Orders, Home Detention			x
Supervising etc. other community sanctions, namely:			
a. Restriction of Liberty Orders			x
b. Supervised Attendance Orders			x
c. Fine Supervision			x
Pre - sentence report			
Supervising etc. sanction of probation			x
Supervising etc. semi-detention Home Detention Curfew			x
Supervising etc. the mentally ill or retarded offenders (in-out patient orders) Supervision and Treatment Orders Hospital Order		x	x
Supervising etc. special measures for drugs addicts Drug Treatment and Testing Order			x
Assistance / support to prisoners in prison. Prison Through care and Social Work in Prison			x
Assistance / support to offenders in home detention. Home Detention Curfew			x
Supervising etc. conditional release/ parole Parole, Non Parole licence, Supervised Release, Extended Sentences			x
Advisory report with respect to amnesty / pardon			x
Assistance / support to persons who are granted amnesty / pardon.			x
Other activities, namely:			x
1. Sex Offences Prevention Orders			x
2. Risk of Sexual Harm Order			x
3. Remittal to a Children's Hearing		x	

This summary is based on the country chapter in the book *Probation in Europe*, the most comprehensive survey of probation systems and services in Europe today. If you wish to order it, please click [here](#).

