



# Settled in Court?

## An Inspection of Social Work Services at Four Sheriff Courts

SOCIAL WORK SERVICES INSPECTORATE

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# Introduction

## Background

1. The origins of criminal justice social work in Scotland lie in the services first provided in the criminal courts more than 100 years ago. They subsequently became an important part of the work of the early probation service and, since the Social Work (Scotland) Act 1968, have been the responsibility of local authorities. At present, local authorities provide services in all 49 Sheriff Courts as well as covering the High Courts and busier District Courts. In the financial year 1999/2000, the costs of these services were £2,145,000.

2. For this inspection, we chose to focus on the services provided at the Sheriff Court level because this is where most social work resources are concentrated. The court services we inspected were those in Glasgow, Hamilton, Dumbarton and Arbroath. These courts were selected because their differing sizes reflected the range and scale of the work undertaken at courts across the country, making it possible for us to comment both on the individual service and on policy and practice issues which apply more widely.

## Purposes

3. Our primary purpose was to focus on the interviews which court social work staff undertook at court with offenders or accused persons who were sentenced to or remanded in custody. Our aim was to assess the value of this service to prisoners and to prison establishments with particular reference to the contribution it made to the care and management of prisoners at risk of self-harm. We were also interested in the service which social work staff at court gave to offenders sentenced to community disposals involving social work. We wanted to assess how the court social work service responded to a disposal of this kind and facilitated the offender's first contact with the appropriate fieldwork service.

4. In order to set these particular activities in context, we sought to establish and review the overall nature and scope of social work services at court. We were mindful that National Objectives and Standards said very little directly about the objectives and purposes of social work services at court. As currently formulated the Standards assign a number of practical tasks to be carried out within the courts, without identifying, to any great extent, a wider role for the service. We were keen, therefore, to consider and evaluate the validity of current expectations of the social work service within the courts.

## Method

5. To prepare for the inspection, SWSI commissioned a literature review of social work services at court. This is included at ANNEX 1. Fieldwork undertaken by the inspection team involved:

- the completion of an activity survey by court service practitioners;
- interviews at the 4 courts with these practitioners, their first line managers, and the manager with overall responsibility for criminal justice social work services in the authority;
- interviews at the 4 courts with court clerks and police duty officers;
- interviews at the 4 courts with offenders sentenced to community disposals.

6. To build up a better picture of how they spent their time, we asked staff at the 4 courts to complete a survey return for a maximum of 10 days leading up to the inspection fieldwork. They were required to record the amount of time spent each day on different tasks. The tasks were drawn from the National Standards for court services and from some earlier observation of the work of other court staff. The return sought information in 23 fields which were grouped into headings dealing with the following aspects of service provision:

- making reports available;
- being available in court and recording any relevant information;
- finding out who was appearing at court and whether they were known to the service;
- interviewing accused persons held in the police cells before or after they were remanded;
- interviewing offenders at court following a request for a social enquiry report;
- interviewing offenders held in the police cells after they were sentenced to custody;
- interviewing offenders at court after they were sentenced to a community disposal;
- time spent in liaison, training, staff supervision and meetings;
- "being available" in the court precinct.

7. In preparation for the Activity Survey, inspectors tested the relevance and appropriateness of the various fields of activity in draft format, with staff and the manager of a busy social work unit at a sheriff court which was not an inspection site. Amendments were then made to the format. Also, prior to the relevant 10 day period, a briefing meeting was held on the Activity Survey with relevant local authority colleagues. No significant difficulties were envisaged regarding completion of the exercise. The survey provided a snapshot of the relative balance of time spent between the various fields of activity across all sites. Fuller information on the Activity Survey is contained at ANNEX 2.

8. In addition to this, we interviewed a selection of prisoners and staff at 5 prison establishments, Barlinnie, Greenock, Cornton Vale, Perth and Longriggend. The purpose of these interviews was to seek the views of :

- prisoners about any service which they may have received at court;
- staff (including social workers) about how well practices and procedures for sending on information from the court to the establishments were working. It was recognised at the outset that these practices and procedures could be particularly important where there was a concern about the risk of self-harm.

9. To assist the fieldwork, local authorities were asked to supply a range of information in advance of the fieldwork visits. This information included any in-service reports, inspections or reviews of the service, confirmation of staff numbers and management arrangements for court and details of the numbers of post-sentence interviews undertaken between 1 April and 30 September 1999. Types of information received included:

- an Annual Report of the work of the court social work unit;
- a Best Value report on the court service;
- an Annual Plan for the court service;
- descriptions or summaries of service;
- examples of proformas used by the service at court e.g. for post-sentence interviews, evaluation of sentencers' views etc.



## Chapter 1

# Services at Court

### Service Arrangements – Brief Description

10. We describe below the arrangements each local authority made to provide services in the 4 courts included in the inspection, together with a brief indication of the main findings from the activity survey described in the introduction above. Also included for each site, is some statistical information about the potential demand for services and actual service outturns. In part this is taken from the authorities' planning statements, which provide some information on the number of post-sentence interviews undertaken at court following remand, custodial sentence or community disposal involving social work. From court sentencing statistics it is possible to extrapolate a potential level of demand for post-sentence interviews at court. In addition, the authorities (other than Glasgow which was a later addition to the pilot sites) supplied information on the level of post-sentencing interviews carried out over the 6-month period 1 April-30 September 1999. This information gives some provisional indicator of demand, although it is inevitably limited.

### Arbroath Sheriff Court

11. Angus Council is responsible for providing a service to Arbroath Sheriff Court. Currently, one full-time social worker is allocated to court services, which in Angus include also services to the District Courts, the Sheriff Court in Forfar and the High Court when sitting in Forfar. He also supervises a small number of offenders and prepares some social enquiry reports. Further cover is provided by a range of other staff including senior social workers (one of whom has management responsibility for court services). There is one full time (equivalent) administrative officer. In the financial year 1999/2000 the sum of £39,429 was allocated to the authority for these services.

12. Arbroath Sheriff Court is busiest on Mondays and court business is scheduled so that most of the reports requested are due then. On these days, a service is provided throughout the court's working day, normally through the court social worker, with backup from the senior social worker who manages court services and other colleagues where necessary. On other Sheriff Court days, a reduced service is provided. This involves checking the custody and court lists in the morning to establish whether there is likely to be a need for a service. Thereafter staff obtain information from the sheriff clerk, at the end of the day, about the outcome of cases and any requests for reports, thus offering a service where necessary or when requested by the court.

13. In 1998 at Arbroath Sheriff Summary Court, 1,013 people had a charge proven against them. Of these, 163 were sent to custody, 91 received a probation order and 81 were sentenced to a community service order. Making no allowance for double counting of individuals, and having no figure available for the level of custodial remand at the court, the above figures suggest a notional target population of 335 for post-sentence interviews, according to the criteria outlined in National Standards. For 1997/98 and 1998/99 respectively, Angus Council forecast that they would undertake 305 and 433 such interviews across all courts within the authority. In the 6-month period April 1st 1999 to 30 September 1999, the authority undertook 38 post-sentence interviews at Arbroath Sheriff Court on people sentenced to or remanded in custody.

14. The activity survey indicated that the largest component of staff time (46%) was spent being available in court and recording information – this figure was the second highest recorded in the survey. A further 8% was spent in making reports available to the court, with another 12% of the working week occupied in finding out who was appearing in court and whether they were known to the service. This latter figure was the highest of all the sites. A further 20% of staff time was spent in liaison, training, supervision or staff meetings. In respect of post-sentence interviewing, 8% of time went on interviews with those sentenced to community disposals, 5% on those sentenced to custody and 0% was recorded for interviewing persons before or after being held on remand. This latter figure was described in the course of the inspection, by staff and managers alike, as untypical. The remaining 1% of staff time was spent interviewing persons following a request for a social enquiry report. It should be noted that both the period covered by the Activity Survey and the inspection fieldwork itself, co-incided with a period of key staff illness and forthcoming management change.

### Glasgow Courts Unit

15. Glasgow City Council provides services in Glasgow Sheriff Court, the High Court and the District Court (including the Stipendiary Magistrates Court). Services to all these courts are delivered from one court social work unit. Services in the Sheriff Court are provided by 2.5 full-time social workers and a social work assistant, supervised by a part-time senior social worker accountable to the unit manager. In addition there are 3 bail officers who carry out assessment interviews with offenders and accused persons, provide the court with reports on individual suitability for bail and, where necessary, provide bail supervision. The court unit as a whole is supported by 11 administrative/clerical assistants. The Unit Manager is also responsible for the city's supervised attendance order scheme.

16. To provide a service in the Sheriff Court, the 3.5 full-time staff divide their time between:

- offering a full-time service to the main custody court where new summary custody cases and warrants are dealt with;
- attending the daily remand court where most Social Enquiry Reports are presented

- being available in the unit office to deal with enquiries and being “on call” to attend any court where advice and assistance may be required;
- carrying out interviews with prisoners in the police cells either before they appear in court or following a court appearance.

17. These main duties are rotated between staff. Bail officers may occasionally “double” for other court social work staff and vice versa, for example to cover in the event of absence etc.

18. The court social work unit in Glasgow is essentially one service delivered across 4 courts in three locations. Glasgow District Court is unique in Scotland in the level and scope of its business and in its deployment of stipendiary magistrates, whose sentencing powers are the same as those available to sheriffs sitting in the Sheriff Summary Court. In the financial year 1999/2000 the sum of £330,786 was allocated to the authority for these services.

19. In 1998 at Glasgow Sheriff Summary Court, 9,676 people had a charged proven against them. In the Stipendiary Magistrates Court the figure was 7,008. From both courts, some 3,267 people were sent to custody, 1,248 received a probation order and 878 were sentenced to a community service order (CSO total includes 103 in the Stipendiary Court). Making no allowance for double counting of individuals and having no figure available for the level of custodial remand, the above figures suggest a notional target population of 5,290 for post-sentence interviews. In successive Annual Reports on the work of the court social work unit, Glasgow City Council record that the number of post-sentence interviews undertaken by the authority rose from 1,475 in 1996 to 2,000 in 1997 and again from 2,075 in 1998 to 4,460 in 1999.

20. The activity survey showed that staff here spent the highest proportion of time, across all sites, on post-sentence interviewing. The composite figure for this activity was 34%, comprising 13% each for those receiving a community disposal or sentenced to custody, with 8% of time devoted to remand interviews. This composite figure compares with 13% at Arbroath and Dumbarton and 12% at Hamilton. A further 25% of staff time was spent in liaison, training, supervision or staff meetings. This latter figure was said to be unusual and had been increased by staff participation in a major service training initiative over the survey period. Glasgow had the lowest proportion of staff time spent being available in court and recording information (16%). Similarly, the time spent on making reports available to court was the lowest of all sites at 5%. Another 8% of time was spent on finding out who was appearing in court and whether they were known to the service. This was the second highest figure of all sites and is partly explained by the practice of interviewing offenders in court prior to their appearance, which had developed over time, in addition to post-sentencing interviewing.

## Hamilton Sheriff Court

21. Social Work Resources in South Lanarkshire Council are responsible for providing court services at Hamilton and Lanark Sheriff Courts. After Glasgow and Edinburgh, Hamilton, with eight courtrooms, vies with Aberdeen as the third busiest Sheriff Court in Scotland. Court services are delivered by two full-time social workers managed by a team leader who spends approximately 25% of his time on this part of his work. In addition there are two administrative staff. The social workers at court divide their resources between covering the busiest court and being "on duty" to respond to requests for advice/information from the other courts, and dealing with other demands which may include custodial interviews, interviews with offenders sentenced to community disposals and general enquiries. Staff do not carry any cases although they may occasionally prepare social enquiry reports. In the financial year 1999/2000 the sum of £131,508 was allocated to the authority for these services.

22. In 1998 at Hamilton Sheriff Summary Court, 4,167 people had a charge proven against them. Of these, 417 were sent to custody, 375 received a probation order and 250 were sentenced to a community service order. Making no allowance for double counting of individuals and having no figure available for the level of custodial remand, the above figures suggest a notional target population of 1,042 for post-sentence interviews. For 1997/98 and 1998/99 respectively, South Lanarkshire Council forecast that they would undertake 1,200 and 1,001 such interviews. In the six-month period from April to September 1999, the authority undertook 71 post-sentence interviews following remand or a custodial sentence. At that time the authority could offer no figure for post-sentence interviewing following community disposals. We understand that this issue is now being tackled more systematically.

23. The activity survey showed that Hamilton recorded the highest of all sites in the proportion of staff time being available in court and recording relevant information (47%). It also had the second highest proportion of time (18%) spent making reports available to court. This latter figure was explained by staff spending more time than at other sites in chasing-up late reports, responding to queries about reports and in copying and distributing reports to other agencies and personnel e.g. defence agents and procurators fiscal. At 9%, more time was spent on interviewing persons following a request for a social enquiry report than at any other site. Conversely, at 2% the time spent on interviews following custodial sentence was the lowest of all sites, and, at 5% following community disposal, it was the second lowest of all sites. A further 5% of time was spent on remand interviews and 1% of time was spent in liaison, training, supervision or meetings - by far the lowest of all sites.

## Dumbarton Sheriff Court

24. The Department of Social Work and Housing for West Dunbartonshire is responsible for providing services in Dumbarton Sheriff Court. The service at the Sheriff Court is provided by one full-time social worker with some cover available from the social worker and social work assistant responsible for the supervised attendance order/diversion scheme. Both these staff are managed by a senior social worker who, though he estimates that he spends a relatively small proportion of his time on court services, is also available to provide cover. There is one administrative assistant. Between them, the staff aim to undertake all the responsibilities outlined in National Standards. A substantial amount of time is allocated to checking the quality of reports made available from fieldwork colleagues and being available in court. The quality assurance role incorporates both routine accuracy checks prior to presentation to court, and more substantive monitoring of the content of reports. This latter activity is informed by a template to assist consistency and involves summary feedback to report authors and managers. Staff also cover Dumbarton District Court. In the financial year 1999/2000 the sum of £78,287 was allocated to the authority for these services.

25. In 1998 at Dumbarton Sheriff Summary Court, 1,877 people had a charge proven against them. Of these, 320 were sentenced to custody, 150 received a probation order and 94 were sentenced to a community service order. Making no allowance for double counting of individuals and having no figure available for the level of custodial remand, the above figures suggest a notional target population of 564 for post-sentence interviewing. For 1997/98 and 1998/99 respectively, the authority forecast that they would undertake 313 and 378 such interviews. In the six-month period April to September 1999, the authority undertook 112 post-sentence interviews.

26. Local interpretation of Question 23 of the activity survey (Being available within the court precincts) led to a recording of 2% for this activity, the second lowest of all sites after Arbroath. The time spent actually being available in court/recording relevant information was 38%. When combined with time spent making reports available, at 35% almost twice the amount of Hamilton (the next highest site), these activities make up 73% of staff time. This compares with only 21% at the lowest site, Glasgow. Dumbarton recorded the lowest figure of all sites in time spent finding out who was appearing at court and checking if they were known to the service (1%). As at Hamilton, social work staff here did not receive a list of those appearing from custody, and at the time of inspection, staff at Dumbarton were doubly disadvantaged by having no computerised link to the department's wider client index systems. Time spent on post-sentence interviewing was 6% for remand, 4% for community disposal and 3% following custodial sentence, very similar to the total figures at Arbroath and Hamilton. No interviews at court were recorded on persons following a request for a social enquiry report.

## Chapter 2

# Key Themes

27. One of the main purposes of this inspection was to assess the effectiveness of post-sentence interviewing at court, as required by National Standards, including the arrangements for transmission of information to and from the court. These are, therefore, amongst the main themes explored in this report, as are other aspects of services at court derived from National Standards. However, one of the most striking aspects of the activity survey and other information supplied by authorities, was the sheer diversity in how the work was approached and services delivered. This was apparent in analysis of the activity survey, in the course of our interviews with staff and managers and in the type and quality of information available from authorities. This diversity included arrangements made for information transmission to and from social work, the nature and scope of quality assurance work undertaken by social work staff at court and the mix of staff skills and grades involved.

28. The variation in approaches which were evident led us directly to consider the overall purpose and role of social work services at court. That, in turn, informed consideration of the range of tasks which the service should be able to perform and the associated range of skills, qualifications and experience which staff would require to operate effectively. Transmission of information between field social work staff and other court agencies was a constant feature and expectation in each site, but the work was approached and managed in quite different ways. Similarly, an element of quality assurance work was a feature, and had been over time, at each court service. Again, a variety of different approaches were evident.

29. We identified the following key themes from the range of information available to us:

- the effectiveness and efficiency of post-sentence interviewing in the court setting;
- quality assurance work within the court;
- the overall purpose and role of social work services at court;
- the appropriate skill-mix for staff;
- information transmission at court;
- services at District Courts.

These themes are explored further in this section of the Report.

## Post-Sentence Interviews

30. Expectations of social work services at court in respect of post-sentence interviews are set out in National Objectives and Standards. At the time of the fieldwork for the inspection, the standards were being reviewed for the first time since 1991. They have since been issued to all local authorities. The Standards identify the custodial post-sentence interview as an opportunity to:-

- clarify the court's decision, if necessary;
- establish if there are any pressing problems which should be dealt with immediately;
- inform the offender/accused person about the availability of social work services in prison and how they can be used;
- assess whether the offender may constitute a risk to him/herself so that prison authorities can be notified and take appropriate action.

31. The Standards give particular emphasis to interviewing certain categories of offenders/accused persons, including:

- children aged under 16 years;
- persons with a history of self-harm or likely to be at risk to themselves;
- persons in custody for the first time;
- persons with a learning difficulty or mental health problem;
- single parents;
- life sentence prisoners;
- persons convicted or accused of offences against children;
- persons who are HIV positive or who have AIDS.

32. In respect of offenders sentenced to a community disposal involving social work, Standards identify the following purposes for post-sentence interviewing at court:

- checking that the offender understands the decision of the court;
- checking current address and availability;
- confirming, wherever possible, arrangements for a first appointment;
- reinforcing the importance attached to the requirements of the order;
- dealing with any issues requiring immediate attention.

33. A varied picture emerged in relation to frequency of post-sentence interviewing by social work staff at court. This was evident from a number of sources. These included

the staff activity survey, the pre-inspection information offered by authorities, strategic planning documentation and national sentencing information. From the background information supplied to us in advance of our fieldwork visits we found that in 3 areas (Dumbarton, Hamilton and Arbroath) the number of post-remand/sentence interviews undertaken was substantially less than might have been expected.

34. The estimates made in the departments' own planning statements and the number of persons either sentenced to custody or given a community disposal at these courts, as recorded in Government statistics for the year 1998, were both indicative of larger numbers than were recorded by the authority.

**Table 1: Post-Sentence Interviews by Court**

	Arbroath	Dumbarton	Glasgow	Hamilton
Notional target <sup>1</sup> (based on S 306 figures for 1998)	167	282	2,645	521
Actual Outturn (April - Sept 1999)	38 <sup>2</sup>	112 <sup>3</sup>	2,230 <sup>3</sup>	71 <sup>2</sup>

<sup>1</sup> Based on 6 months notional estimates using s306 figures (1998) and comprising interviews following custodial sentence and following community-based social work disposals

<sup>2</sup> Remands and custodial sentences only

<sup>3</sup> All cases

35. It was clear that Glasgow had attached a significant priority to post-sentence work. This was reflected both in the amount of staff time given to the task and in the increased number of interviews achieved in recent years. The reasons given by the service manager for this increase in activity are noteworthy and may have application at courts elsewhere. These included:

- negotiated better direct access for social workers to police cells, for interviews with prisoners;
- additional staff capacity as a result of reduced monitoring of Social Enquiry Reports;
- greater priority to post-sentence interview work, including better recording of activity.

36. This authority also gave significant attention to pre-court interviewing. This is not a requirement of National Standards and did not feature significantly elsewhere. Glasgow felt, however, that the practice contributed to:



- potential diversion from criminal justice proceedings or, particularly, diversion from custody through bail alternatives;
- supporting juveniles and 16/17 year olds, checking child care status and making available non-custodial alternatives
- identifying mental health cases and initiating appropriate service response and
- establishing contact with vulnerable accused persons where the Procurator Fiscal has indicated an intention to liberate, perhaps subject to the availability of community supports.

## Serving Prisoners

37. To gauge the value of post-remand and post-sentence interviews, we interviewed prisoners held in five locations – Barlinnie, Greenock, Longriggend, Perth and Cornton Vale. Participation was voluntary. Where possible, prisons were asked to arrange interviews with named prisoners who it was known had been interviewed at the selected courts in previous weeks. Where this was not possible, for example where the listed prisoners were no longer held in that establishment, prisoners who had been recently received from the relevant courts were selected. Some of these prisoners had been interviewed by a social worker at court, others had not. We wanted to hear about prisoners' own experience of such interviews or, where they had not been interviewed, their views on the usefulness in principle of such a service.

38. We saw a total of 23 prisoners. Of these, 9 were dealt with by Hamilton Sheriff Court, 6 by Arbroath Sheriff Court and 5 by Dumbarton Sheriff Court. At Longriggend, we interviewed 3 young offenders dealt with by other courts (Kilmarnock, Stirling and Greenock Sheriff Courts). There were 20 men and 3 women.

39. Of the 5 prisoners dealt with at Dumbarton Sheriff Court, all were interviewed by social work staff at court, although one had not been interviewed when he was first remanded in custody. Of the 6 prisoners dealt with at Arbroath, 3 were not interviewed and one was interviewed at his own request. Of the 9 prisoners dealt with at Hamilton, 5 were not interviewed.

40. The majority of prisoners who had been interviewed at court considered social work contact at court to have been generally helpful. It had been reassuring to see someone; although conditions were not ideal, they had been able to communicate freely; social work staff had been able to do something helpful both by supporting them emotionally and by carrying out practical tasks which addressed their worries (these related both to the outside world and to sending on information about them to the receiving prison). It was clear from what was said that most social work staff adopted a structured approach to the contact, working through a checklist which dealt with physical and mental health (including the issue of self-harm), use of drugs and practical concerns. The offenders found these questions relevant and understood the reasons for asking them. They also indicated that their responses were usually direct and open, with little dissimulation, and

it appeared that most were prepared to say what was on their minds. One or two commented that the interviews had been hurried or perfunctory and that the full range of questions had not been asked. One young man remanded in custody for the first time was reportedly told not to worry because it was “only a week”. Another, in custody for the first time, had been expecting a fine and felt that his distress was not sufficiently acknowledged. A woman prisoner said the interview was helpful “within limits” – she was interviewed in a cubicle and was very aware of what she termed a “police audience”. There was also a small group who said that at the time of the interview they did not feel like talking “I couldn’t be bothered the day I was sentenced” and “I just didn’t want to talk to anyone”.

## Suggestions

41. A number of prisoners made suggestions about how the service might be improved. These included:

- putting up a notice to say that the service was available (a significant number of offenders said that they had not known that there was a service, particularly at the remand stage);
- being interviewed by a female member of the court social work staff, had one been available (this suggestion came from 2 women);
- considering prisoners with young children to be a priority;
- being interviewed before the court hearing (where this was not done) so that relevant information/advice could be made available at the court hearing.

## Priorities

42. Prisoners were asked about the priorities for interview set out in the National Standards. Whilst they did not disagree with them, it was clear that the majority considered that, in principle, all those remanded in or sentenced to custody should be given the opportunity of having an interview.

43. The interviews at prison confirmed that not all those falling into priority categories for interview at court were being interviewed. Equally, some offenders who were not in the priority categories would have benefited from having been interviewed. Whilst we recognise the need to establish priorities, we think that attention should be given to any indicators that a “non priority category” offender or accused person might benefit from an interview.

44. Nevertheless, National Standards recognise that it will not always be possible to see all prisoners. The inspection confirmed this, and it was clear that the physical conditions of court buildings, the operational processes of the courts and current staffing levels preclude a comprehensive approach. Without significant improvements to the physical accommodation at court, changes in how and when court business is conducted and

increases in social work staffing, post-sentence interviewing at court can only provide a partial service on the basis of established priorities or other indicators of potential vulnerability. That is not to say that increases in social work efficiency cannot be achieved, as was demonstrated at Glasgow. Nevertheless, the police are uniquely placed to see all prisoners at court and alert prison staff to possible vulnerability in prison. The Scottish Prison Service have their own "Act and Care" assessment and suicide risk management processes at reception and beyond.

## Views of Staff in Prisons

45. Prison reception staff said they found the provision of information about possible vulnerability from court social work staff helpful, whether or not it reached them in the way set out in "ACT" procedures. All 5 prison establishments had reception procedures which incorporated SPS's recently introduced suicide risk management strategy – "Act and Care". This strategy required prison reception staff to carry out an initial assessment of risk and to pass on any cases where a concern was identified to a nurse for further assessment. Depending on this assessment, the nurse might, in turn, involve a doctor. At the "front end", the strategy sought any relevant information from court officials, including court social work staff, to be recorded on the "Suicide Risk Identification Court Form" which accompanied the prisoner from the court to the prison establishment. However this practice was only in place where it had been agreed locally with court staff. Prison staff in Barlinnie had instigated bi-monthly meetings with staff at Glasgow Sheriff Court to oversee implementation of the strategy. Membership at the meeting included social work staff from court and prison, and representatives from the police and procurator fiscal services. The arrangement did not, however, include Hamilton or other local Sheriff Courts. In all establishments, where a risk of self-harm was established on reception, prison reception staff were required to convene a case conference within 24 hours to decide what action to take. In addition to any information passed on from social work and other court staff, prison reception staff might receive information from other sources e.g. families or defence agents.

46. Prison staff reported that it was very helpful to have names and telephone numbers of people who knew the prisoner well e.g. a supervising officer or doctor involved in treatment. Reception staff said that where they had been able to introduce the ACT procedures, they had found that the procedures worked better because information in writing accompanied the prisoner. As a backup to these procedures and to ensure rapid communication where a serious concern arose, a dedicated fax line had been established between Glasgow Sheriff Court and the reception unit at Barlinnie prison.

47. Where the ACT procedures were not in place, social work staff at court were sending information either to the prison social work unit or direct to reception. Reception staff said that when information was sent to the prison social work unit it was normally shared immediately although there could be problems with information sent late in the day. These problems occurred when information arrived outwith normal office hours or where social work staff were elsewhere on other duties and the unit was without administrative support.

48. Reception staff reported that some problems were not always picked up by social work staff at court e.g. some drug related and mental health problems. Discussion both with reception staff and social work staff at court pointed up the pervasiveness of drug problems amongst those received into penal establishments. Staff at Greenock, for example, said that tests had shown that 70% of those admitted had been using drugs.

49. Social work staff in prisons are not directly involved in reception procedures. However, they can often be used as a route for information to the prison concerning an individual's vulnerability. The views of such staff on the importance of post-sentence interviews at court were generally similar to those of other staff within prisons. It was felt that such a service offered a valuable opportunity to offer help to the individual and alert the receiving prison as to any concerns over vulnerability in custody. Social workers in one prison expressed the view that the introduction of the SPS ACT procedures had led to too narrow a focus on vulnerability in these interviews, perhaps to the detriment of other information and issues of relevance to the prisoner and social workers in the receiving prison.

50. There was clear evidence overall that post-sentence interviews at court were valued by prisoners themselves and staff, including social workers, within prison establishments.

### **Interviewing offenders at court after they have been sentenced to a community disposal**

51. The inspection identified two methods being employed to carry out the National Standards interview requirement for this group. These were:

- Wait In Court/ Intercept: social work staff sit in court and try to speak to offenders as they leave.
- Clerk Direct: as the court imposes the disposal, the clerk informs the offender of the need to see social work staff before leaving the court building, handing him/her a social work leaflet about the order.

52. The survey showed that staff in all 4 courts undertook this task although again there was considerable variation in the percentage of time thus spent. The range extended from a 4% low at Dumbarton to a high of 13% at Glasgow. The survey sought information both about the time spent interviewing offenders and the time spent in related follow up work e.g. contact with other services and any administrative work. The balance here was fairly even, although staff in Arbroath spent substantially longer on follow-up work.

53. In Dumbarton, the court social worker tried to see all those sentenced to a community order involving social work. He gave them a booklet about community service and told them to report immediately to the community service office. If a social worker writing a report recommended probation, he or she should have appended a provisional appointment time. Alternatively, the court social worker phoned to make an appointment. In Arbroath, the social worker aimed to catch all cases, to verify the

address, phone number and work situation and to reinforce the terms of the order. Offenders were told to expect a letter within 7 days. In Hamilton, offenders were given a slip by the sheriff clerk and told to see the duty social worker before leaving the building. In Glasgow, offenders were also given a slip by the clerk telling them to report to the duty social worker at the court unit. Those sentenced to community service were nearly always given an immediate appointment; those placed on probation were normally required to report to the duty social worker or "social work clinic" in the first instance, pending the allocation of the case.

54. In discussion, offenders said that where they had been seen, social work staff had checked that they fully understood the terms of the order and stressed the importance of establishing contact in keeping to its terms. It was clear that different procedures for making first contact obtained in different authorities. Some offenders reported not having been seen within the timescale set out in National Standards. The offenders we interviewed reported that the level of contact with the social work service at court had been high and that they had received relevant information. However, it was striking that the nature of the discussion post-sentence was largely practical and administrative. This task was undertaken efficiently with the direct assistance of court clerks in both Hamilton and Glasgow, which meant that social work staff could pursue other work rather than spend time waiting in court for suitable cases. Additionally, we do not think that the task necessarily requires a qualified social worker. We think that, given the nature of the task, it might be undertaken by non-social work qualified staff or administrative staff, with access to social workers as necessary.

## Quality Assurance

55. In each of the court sites there was a history of some quality assurance functions in relation to court reports being undertaken by social work staff at court. Equally it was evident that a number of authorities had reviewed, or were in the process of reviewing monitoring and evaluation activity more generally. As a consequence many were reconsidering the appropriate contribution of staff at court. The original National Standards indicated an expectation of social work staff at court in monitoring the quality of social enquiry and other reports to court (paragraphs 123/124); this specific reference has been deleted from the revised National Standards published in July 2000.

56. The range and level of quality assurance activity that we found varied considerably and included:

- proof reading for basic spelling and grammatical errors;
- monitoring late reports and letters in lieu of reports;
- monitoring the quality of SERs, often against a template for adherence to National Standards - this was most commonly done on a sample basis, often in relation to specific client groups;
- monitoring the standard and competence of breach, review and completion reports.

57. In each of the sites there was a history of social work staff at court giving feedback from sampling and other quality assurance activity to service managers and fieldwork colleagues. The regularity and formality with which this was undertaken varied considerably from site to site, and seemed to have done so over time. The reasons for changes in arrangements were not consistent and included, conscious management decisions to upgrade the quality assurance role of first line managers in fieldwork teams, decisions reached by internal review processes, key staff changes and revisions in management responsibilities resulting from budgetary pressures.

58. The variation in approach was clearly demonstrated from the activity survey. Staff at Dumbarton and Hamilton gave most time to these tasks. At Dumbarton this activity was a significant feature in up to 35% of the social worker's time and the process of checking accuracy of reports often revealed basic errors in spelling, grammar and typing. Staff at Hamilton read through all reports submitted to court, accounting for some 18% of time, and checked any concerns over content or recommendation with the report author. Staff at Glasgow and Arbroath had ended SER sampling, following a commitment to give increased attention to this function at fieldwork level. Glasgow had retained a more selective approach, which included monitoring of late reports to court (together with reasons for non-production of reports), all applications for breach or review of probation and community service orders and all completion reports. This monitoring activity was reported regularly to managers, featured in discussions at meetings with senior social workers, was reported to Sheriffs in liaison and was published in the annual report of the court social work unit. The monitoring of late reports had been extremely effective in reducing the incidence of late SERs over successive years to a current figure of 7-8%, compared with a previous high of more than 40%. This strategy had clearly paid dividends and has much to commend it. It might usefully be introduced elsewhere.

59. The practice of monitoring applications for breach or review, and completion reports was a significant undertaking, amounting to more than 1500 reports annually. The importance attached to this work reflected a strong management view locally about the potentially harmful effects of inappropriate or incompetent submissions. It was not clear what proportion of reports were withheld from the court at this stage and returned to colleagues for re-submission. We were surprised by the importance attached to this activity, which might more naturally fall, like monitoring of SERs, to fieldwork staff and their managers.

60. The general view of service managers was that the prime role for quality assurance of court reports appropriately lay with authors and their fieldwork line managers. We agreed with this emerging view, which promotes greater scope for improving quality on a pro-active basis prior to submission, rather than retrospectively on the basis of sampled reports or aggregated information. Nevertheless, there was marked reluctance in some authorities to abandon altogether a measure of external scrutiny of fieldwork reports by social work staff at courts. This view took account of competing priorities for fieldwork first-line managers and the potential value of a distanced perspective.

61. Only Glasgow produced routine analysis of the operation of social work services at court, in the form of an annual report. No similar arrangements existed elsewhere and, in our view, this area of work could be considerably developed. There was, however, some evidence that services were now coming under closer scrutiny as a result of internal Best Value Reviews e.g. Hamilton and Dumbarton, external budgetary constraints and, to some extent, the process of inspection itself.

62. We think social work staff at court could better assure the quality of their own work and contribute to the efficiency and effectiveness of their authority's criminal justice social work service. Ways in which this might be done include:

- setting clear objectives, targets and performance indicators for the service;
- keeping better records about the nature and volume of work undertaken by social work staff at court, including interviews with those sentenced to or remanded in custody; pre-court custodial interviews, support offered to families and victims;
- recording the number of court orders made involving social work resources;
- recording the number of requests for SERs made by the court;
- keeping a record of the number of late reports submitted and the reasons why;
- preparing an annual report about the nature of the work undertaken at each court.

## **Purpose and Role of Social Work Services at Court**

63. Current National Standards give clear expectations in regard to the various procedural responsibilities of the service, particularly so in relation to the administration of court reports and the provision of advice to court. Those aspects of the service most closely associated with assisting the decision making of the court seemed to be generally acknowledged and appreciated, particularly by Sheriff Clerks. However, the activity survey indicated significant variations in how staff time was actually used across sites. "Making reports available" accounted for some 35% of staff time at Dumbarton, compared with only 5% in Glasgow. "Being in court/recording information" took 47% of staff time at Hamilton, compared with 16% at Glasgow and "interviewing offenders in cells/sentenced to custody" ranged from 2% at Hamilton to 13% at Glasgow. Whilst all of these tasks are identifiable as relevant to National Standards, there is little in existing Standards to suggest the relative priority which should be afforded to particular activities.

64. More than one service manager took the view that a renewed consideration of the service was overdue, and one offered the opinion that there remained a lack of consensus nationally as to the overall purpose and expectation of this service. On the basis of this inspection we agree with that view. It seemed to us that the lack of a clear and unequivocal statement as to the purposes of social work services at court contributed to

the diffuse pattern of services which we found. We think that a more comprehensive and definitive statement than that contained in either the original or revised versions of National Standards is required. Such a statement of wider purpose would be particularly helpful in assisting authorities to develop and sustain a more proactive approach to the service, in particular to liaison activity. It would also encourage a more systematic approach to monitoring the quality and effectiveness of the service at court which we think is required. A statement might also usefully include less obvious aspects of the role at court. For example, the wider information and advice services available to victims, offenders and families, could usefully be recognised more explicitly. Similarly, it was evident that a range of tasks are carried out by staff in relation to children and young people or those with a mental disorder appearing in court, and the administration of civil reports to court prepared by social work staff. At present National Standards do not recognise these important activities. Such omissions may have inhibited, to some extent, a more generally active approach. Nevertheless, they have not precluded a focussed and incremental approach to service development e.g. at Glasgow.

65. An appropriate statement, associated with specific legislative duties, might include the following principal objectives:

- to assist informed decision making by the courts about bail and about the imposition, breach or review of community disposals involving social work supervision;
- to promote the uptake of a range of community disposals and services involving social work, where appropriate and consistent with public safety;
- to provide further information and advice services to sentencers, court officials, offenders or accused persons and their families, and to victims and their families.

66. In interview, managers and staff at all sites expressed the view that it was important to have a senior staff presence at court and indicated that they felt sentencers shared this view. Their view was informed by a recognition that the direct service to court was a valuable opportunity to promote the uptake of criminal justice services more generally. Yet, outwith Glasgow, there was little evidence of court service managers being engaged regularly in formal liaison with sentencers and other court agencies, other than on an ad hoc basis. Equally, there was little indication that the liaison process was routinely informed by performance analysis of the service to court or the authority's wider assessment or supervisory services.

67. It was possible to distinguish a number of different models for liaison across the four sites. These were not mutually exclusive nor did they necessarily represent the preferred choice of social work personnel. These models included:

- informal/ad hoc: relying on goodwill and harmonious relations;
- formal/distanced: relying largely on correspondence through clerks;



- formal/limited: relying on infrequent mechanisms e.g. annual meetings with directorate/ senior staff, occasional Court Users Meetings with all court players, Best Value Reviews;
- formal/active: a graded system, based on monthly formal meetings with the social work manager, Sheriff, Clerk, annual meetings with Sheriff Principal/directorate and designated liaison Sheriff for particular initiatives.

68. Across all 4 courts, service managers placed great emphasis on the importance of informal liaison and the development of good working relationships with clerks, procurators fiscal and the police. Liaison actually took place in a number of ways, with the most active being the regular meetings which the social work Unit Manager at Glasgow held with the designated liaison Sheriff and the Sheriff Clerk. These meetings provided an opportunity for either party to raise matters of concern. In addition, an annual meeting was held which involved the Director of Social Work, the Criminal Justice Service Manager, the Sheriff Principal and other Sheriffs. There was evidence that this approach had been effective in fostering positive relations and a degree of commonality of purpose, e.g. participation of individual liaison Sheriffs for particular initiatives (Bail Advisory Group, Drug Treatment and Testing Orders Advisory Group) and reciprocal input to training activity. At Dumbarton, it seemed that the Sheriffs and the Sheriff Clerk took a different and perhaps rather more distant view on consultation. Whilst we recognise the importance of Sheriffs preserving their independence, we think that need not preclude productive liaison and discussion of service trends and developments, to best serve the needs of the court.

69. The fact that much liaison was carried out informally suggested a possible reluctance to formalise arrangements. This reluctance seemed evident on the part of sentencers and clerks at Dumbarton and, to a lesser extent, at Hamilton. At Arbroath the impression was that the current level of liaison suited both social work and the court. Whilst informal contacts undoubtedly contributed to the smooth running of services, the absence of regular meetings and protocols at some courts meant that there was little opportunity to review how well systems were working and to change or develop them where necessary. Court user groups were a possible forum for work of this kind, but in practice they did not appear to be used for this purpose.

70. In Hamilton, a new senior Sheriff had recently been appointed. At the time of the inspection fieldwork, meetings had taken place on an ad hoc basis to address specific issues. However, Sheriffs had agreed to be represented on a Best Value review group which had recently been established. There was no court users group. In Dumbarton, court social work services were represented on the court users group but this has not met for some time. Recently, a request for a meeting with Sheriffs to discuss new arrangements for delivering probation services was turned down, the reply being prepared by the sheriff clerk who intimated that any request to raise anything with the Sheriffs should be addressed to him in the first instance. In Arbroath, the service manager met Sheriffs twice yearly and the court social work service was represented on the court users group.

## Appropriate Skill-Mix for Staff

71. A wide range of staff were used to deliver services at court, including senior social workers, social workers, social work assistants, bail officers and clerical/administrative staff. The most common model was specialist, with only one authority (Angus) deploying community based social workers on a rota basis. Scales of operation differed and staff were deployed in different ways. In each of the sites, there was considerable discussion in relation to the nature of the complementary roles of administrative and other staff, and the perceived need for social work qualified staff to undertake particular assessment and quality assurance tasks at court. The inspection revealed inconsistencies across the 4 sites in deployment of qualified social workers. We identified a range of common tasks requiring different, specific skills. For example, tasks associated with processing requests for reports, receipt of court reports and transmission of reports and disposal information to and from courts clearly require efficient administrative skills. These tasks include:

- maintaining and updating information sources;
- recording receipt and onward transmission of reports, requests for reports and court disposals;
- interrogating databases and client index systems;
- progress-chasing outstanding results and other information;
- word processing and e-mailing;
- dealing with telephone and direct enquiries from social workers, other agencies and the public.

72. Equally, for formal liaison with sentencers and other key court agencies, we think that experienced and well-informed managers are required to represent the wider criminal justice social work service with authority. As noted above, only one authority, Glasgow, had active and formal liaison arrangements which involved service managers on a regular basis. Whilst these arrangements are not determined solely by social work, to be effective in promoting the service in the courts, an experienced manager requires access to dependable liaison mechanisms.

73. There are other tasks within the court setting which may require the skills and experience of an appropriately qualified social worker. These include:

- assessment of an individual's mental health;
- further interpretation of a social enquiry report or other assessment;
- quality assurance tasks associated with the work of fieldwork colleagues.

74. There are also a range of limited assessment tasks where the need for a professional social work qualification is much less clear. These included provision of oral or stand-down reports which seek specific information e.g. in relation to bail, or to clarify the

current status of supervision. Stand-down reports appeared to be a relatively infrequent demand in all sites.

75. In relation to the specific focus of the inspection, post-sentence interviews, a mixed picture emerged. For those carried out following remand or a custodial sentence, it was clear that staff could be dealing with vulnerable people with acute difficulties. In such circumstances the task is clearly a sensitive one, and, depending on individual circumstances, may well require a qualified worker. Often however, the task is a brief and focused piece of work, requiring little specifically by way of extended assessment or analysis. In those circumstances, it is our view that the task could often be carried out, at least in the first instance, by staff without a social work qualification, but specifically recruited, trained and supported for the purpose. We do, however, think that it is essential that staff undertaking the work should have access to qualified staff, including mental health specialists, for a fuller assessment where necessary. For those offenders sentenced to a community social work disposal, the task is often largely administrative in nature. This suggested to us that the interview could be done by staff other than qualified social workers.

76. The issues of appropriate skill-mix of staff and the need for social work qualification were important ones to emerge from the inspection. It is important that the appropriate balance is developed in order to meet Best Value criteria and ensure the most effective means of service delivery. On the basis of this inspection we formed the view that the optimum mix of skills and qualifications for court social work staff may not always have been achieved and that the matter merits further investigation.

77. We formed the view that these issues should be addressed in two ways;

- through the development and promulgation of a national statement of the overall purpose and role for the service at court, as previously discussed; and by
- a review by authorities of local demand for services in line with that statement, and identification of an appropriate and cost-effective skill mix and staffing structure to realise those purposes.

78. Such a process would enable authorities to match the required skills to the various component tasks needed to meet service objectives within a nationally agreed framework.

## **Information Transmission at Court**

79. It was evident from the inspection that social work services at court were held in high regard both by police and sheriff clerks. From the liaison Sheriff seen at Glasgow, it was clear that this view was shared by sentencers. Relationships with social work at each site were characterised as generally helpful and constructive by the other court players. In particular, arrangements for requesting and presenting social work reports for court, often under considerable pressure, were seen as reliable and efficient. Similarly, there was no suggestion of problems in accessing social work services for immediate

assessment purposes e.g. provision of stand-down reports, interpretation of social enquiry reports, or to see a prisoner in the police cells who was giving concern.

80. It was noticeable that the working practices in the four courts differed considerably. The custody courts sat at different times of the day; lists of those appearing from custody were made available in Arbroath, Glasgow and Hamilton, but at the time of inspection not at Dumbarton; there were significant differences also in the practices of Sheriff Clerks in assisting social work. Early provision of custody and court lists to court social work staff was invaluable in enabling staff to check departmental records to establish known individuals. This facility enabled authorities to:

- identify potentially vulnerable individuals and alert relevant court/prison personnel;
- offer improved information and assessments to the court;
- alert relevant supervising, or other, social work staff.

81. At Dumbarton this process was inhibited by the fact that the court social work unit did not have access to the department's full client index systems, although we understand that it is planned to introduce this facility.

82. Other differences in how clerks operated included the extent to which information was offered, both verbally and in writing, to offenders receiving a community based social work disposal, in communicating disposals to social work, or requests for a specific assessment or other service from court. These differences in providing information directly to offenders or back to social work had a clear effect on the deployment of social work staff time. Where reciprocal information arrangements were less developed, social work staff spent considerably more time in court simply noting proceedings and awaiting any possible direct request for assistance from the court. In Arbroath and Hamilton this activity accounted for almost one half of staff time, whereas in Glasgow the corresponding proportion of staff time was much lower, at 16%. Where social work staff were free from this largely passive activity, it enabled time and effort to be targeted on more appropriate work e.g. interviewing offenders or accused persons prior to or after court appearances, liaison with community based colleagues etc. We share the view expressed by one service manager that social work activity at court needs to be purposeful and productive. For that reason we do not think it appropriate for social workers to spend a lot of time waiting in court for possible queries or for community disposals to be made.

83. Sheriff Clerks indicated that they tried hard to keep to agreed working practices with social work, but when the Clerk's department was under pressure, for example from continued staff shortage, then matters could slip. Across the courts, problems could arise in other agencies/services which inhibited the effectiveness of social work services at court, assessments for court, an optimum start (or conclusion) to community disposals with social work supervision or timely assessment by social work services in prisons. These difficulties could include:

- delays in transmitting court results, including those involving social work supervision;
- failure to include the Unique Reference Number (URN) with the request for an SER;
- delays in forwarding the SER to prisons and indicating clearly where a prisoner had been found guilty of a “Schedule 1” offence;
- backlogs in dealing with breaches of community supervision and/or communicating results of outstanding warrants or breach applications.

84. In acknowledging some of the above difficulties and in describing remedial action, which had been taken, Sheriff Clerks were hopeful that developing new technology could improve the timeous sharing of relevant information. Electronic submission of Social Enquiry Reports would be one way of improving efficiency. We understand that this would require an order to be made under the Electronic Communications Act 2000.

## District Courts

85. The inspection revealed an uneven pattern of service in District Courts. In Angus, a service was offered to the District Court sitting in Arbroath and Forfar, but not in Brechin. In West Dunbartonshire, the District Court is covered at Dumbarton but not now at Clydebank, where a limited service was previously provided by the area social work team. In South Lanarkshire, the limited direct service available to the District Court at Hamilton had been withdrawn a number of years ago, as a result of insufficient demand for criminal justice social work services. The original National Standards did not give clear advice to authorities regarding provision of court services within the District Courts, suggesting that the larger District Courts might merit full-time staff and that the less busy courts might be covered by part-time staff on a rota basis. The recently revised Standards suggest that authorities should deploy resources on a cost-effective basis within courts, determined by throughput of cases and the likely demand for criminal justice social work services of all types.

86. On the basis of such criteria it is difficult, outwith Glasgow, to make much of a case for provision of a direct social work service to District Courts compared with Sheriff Courts. Nationally, the custody and probation rates for District Courts are, respectively, no more than 1% of cases. The situation at the Stipendiary Court in Glasgow is unique, however, and reflects a quite different pattern of service need. In 1998, of 7,008 people dealt with by the stipendiary magistrates, 19% or 1,332 were sentenced to custody. A further 4%, or 280 people, were placed on probation. The general scale of operation and range of sentencing outcomes at the Stipendiary Court in Glasgow is commensurate with a very busy Sheriff Court. Indeed, after Glasgow and Edinburgh Sheriff Courts, it is the third busiest criminal court in Scotland. It therefore represents an important and appropriate target for criminal justice social work services. The situation in District Courts elsewhere is less compelling.

87. The Sheriff Courts remain the principal courts for direct custodial sentencing, for remands in custody and community disposals involving social work. That is not to say that there is no place for social work within District Courts. District Courts have access to social work assessment services through SERs and other reports to court, and also to probation and Supervised Attendance Orders as required and appropriate. There is also considerable evidence of the need for access to other social work services from those appearing at District Courts e.g. in relation to addictions, homelessness, mental health etc. On the basis of criminal justice social work workload alone however, it does not seem cost-effective to extend a direct and regular social work presence at District Courts, as they presently function.

## Chapter 3

# Conclusions and Recommendations

88. In this inspection our first purpose was to focus on the usefulness of interviews with those sentenced to, or remanded in, custody. We were also interested in the value of interviews carried out with offenders sentenced to community disposals involving social work. In order to set these tasks in perspective we sought to review the nature and scope of the overall social work services provided at court. Our findings revealed a patchwork. In the 4 courts inspected, responsibilities were being discharged in different ways, with varying levels of understanding and co-operation from other professions working in the court setting. The Activity Survey revealed striking differences in the amount of time staff in the different courts devoted to the wide range of tasks set out in National Standards. These differences, in turn, appeared to reflect different approaches by other court staff at the inspection sites. To an extent, each court appeared to have its own culture and a challenge for each court social work service, in common with the provision of social work services in other secondary settings, was to be able both to adapt to, and to influence, this culture.

89. In common with other directly-funded areas of criminal justice social work service, services at court have been subject to National Standards for nearly a decade. In comparison with other service areas however, the services at courts seem, with the exception of those in Glasgow, to have changed very little during that period. Apart from Glasgow, there was little local evidence of the identification of a strategic role for these services, as part of the overall function of criminal justice social work services. In our view this is hardly surprising, in view of the absence of any clear national statement about the strategic purposes to be met by social work services in the courts. Perhaps as a result of this, most of the services we inspected seemed to have evolved in an ad-hoc way, often in response to local pressures at the courts or elsewhere in criminal justice social work services.

90. The introduction of Best Value regimes was beginning to impact on criminal justice social work services, and had resulted in two of the inspection sites examining its court services. However, strategic review of court services did not seem to have been a general priority, which, coupled with findings from the Activity Survey, led us to conclude that there may be scope for existing resources to be used more efficiently.

91. Overall, we formed the impression of a service which was valued by other professions within the setting, and by offenders themselves, and which contributed significantly to the smooth running of individual courts. However, in most of the inspection sites,

qualified social workers spend significant amounts of time on tasks which could be carried out as effectively by other social work staff, thereby creating more opportunities for social workers to carry out the particular tasks which do require professional skills. In our view this would enhance the contribution of court social work services to criminal justice social work in general, whilst ensuring continuation of the important existing contribution to court efficiency.

**RECOMMENDATION 1: The role and function of court services.**

**The Scottish Executive and other stakeholders should develop a common and agreed national statement of the purpose and role of social work services at court. In addition the Scottish Executive should consider the extension of the 100% funding formula to this work.**

92. This national statement should be developed on a consultative basis with key stakeholders and include the principal objectives of the service at court, as outlined in this report. The statement should further develop a common expectation of social work services at court and include recognition of:

- those tasks which are undertaken in relation to children and families, mental health and civil reports;
- what services (if any) are expected at District Courts;
- optimum liaison arrangements for criminal justice social work services at court, including those with sentencers, clerks and procurators fiscal. These should be developed on the basis of principles to be applied locally, in order to maximise positive local practices.

93. Consultees should include sentencers, local authorities, Scottish Courts Service, Crown Office and Victim Support Scotland. The Scottish Executive should also examine the scope for extending the funding formula to court social work services. Extension of the formula to these services would assist local authorities to give effect to the requirement in the revised National Standards to provide an adequate court-based social work service. This phrase should be revised to read “a court-based social work service which is fit for purpose”. The formula should reflect both needs and established demand and would encourage a more equitable and consistent service at court.

94. Although there are National Standards for court social work services, these do not address the issues of purpose and outcome in any detail, being mainly concerned with elaborating a range of tasks and priorities. These tasks are largely administrative e.g. dealing with requests for reports from the court, forwarding information to community based teams etc; advisory/assessment e.g. responding to a request from the court for advice about the content of a report or the mental state of an accused appearing from custody; or they may involve an element of direct service to an offender/accused person, victim or family member at court. This service may be purely practical or it may require some rapid assessment of an individual’s circumstances, health and psychological state



and knowledge of relevant community based services. Social work services at court are also uniquely placed to promote community disposals and services involving social work, to ensure that these services are used as extensively as is appropriate.

95. Through its administrative and advisory/assessment functions, a court social work service should contribute to the overall quality of court decision-making. By providing direct services, a court social work service should assist offenders, accused persons, victims or family members with their wider needs and provide useful information and advice for other agencies who have to deal with them e.g. the Scottish Prison Service, community mental health services, drug rehabilitation programmes etc. In our view, contributing to the quality of court decision-making, promoting the appropriate uptake of community disposals and services and dealing with the welfare needs of offenders and others attending court are, and should continue to be, the main purposes of social work services at court. For the future, a range of other functions may develop around the court focussing, for example, on the supervision of those released on bail and assistance to victims and witnesses appearing at court (in conjunction with victim support services).

96. We have noted that in 3 of the 4 authorities we visited, at least one District Court was not receiving a service either because it had been withdrawn because of resource constraints or because service managers considered it to be unnecessary. National Standards do not give clear guidance regarding Scottish Executive expectations about service requirements in District Courts. We consider that this is necessary. In our view, apart from the Stipendiary Court in Glasgow, these courts do not currently justify a routine and direct service from criminal justice social work. However, we are conscious also of the forthcoming Scottish Executive review of District Courts and consider that a determination on future arrangements for provision of direct social work services should be informed by the outcome of that review.

**RECOMMENDATION 2: The appropriate skill mix.**

**Local authorities should undertake a review of all their services at court, taking account of the findings of this inspection, to ensure that service and staffing arrangements are efficient and cost-effective, and that the mix of staff grades and skills is best suited to delivering a service fit for purpose.**

97. To work well, a social work service at court requires competent administration and staff who can work confidently in the court setting to fulfil the tasks outlined above. Some of these tasks may require an element of assessment e.g. is the individual a risk to himself or others; could he or she benefit from referral to a drug rehabilitation agency; is bail supervision feasible? Other tasks are more routine in nature and require effective transmission of information to other court agencies, offenders, victims and their families and fieldwork social workers.

98. Social work staff at court must also be knowledgeable about social work, and other services in the community. They must be good communicators and able to work with staff from court based, and other agencies. The service must be managed in a purposive

way. A management profile is required which can offer an authoritative voice of the service at court. This means being clear about the main roles and functions of the service, and about how, and by which staff, these are best undertaken. It also involves asserting the most effective deployment of social work resources in liaison with other court agencies, setting systems in place to monitor service provision and providing overall strategic direction.

99. With the exception of those tasks which involve a significant element of assessment and the exercise of management responsibilities, we do not consider that the knowledge and skills needed to provide an effective court social work service can only be found amongst staff who are professionally qualified in social work. We do consider, however, that those staff who are not qualified in social work must have access to a staff member who is, either for advice, or, if the situation requires it, to assume direct responsibility for the piece of work in hand. In addition, staff who are not professionally qualified need appropriate experience, orientation, training and oversight to equip them to undertake the tasks allocated to them. The central requirement is that staff should be appropriately matched, trained and skilled to fulfil the tasks which are expected of them.

**RECOMMENDATION 3: Collaboration with other agencies at court.**

**The Scottish Executive should develop national protocols with local authority interests, Scottish Courts Service, Crown Office, ACPOS and SPS, to maximise effective and timely sharing of information among agencies. The effectiveness of these arrangements should be monitored and evaluated by the respective agencies. These protocols should seek to promote and facilitate the work of social work at court, thereby further assisting the operation of the courts. The national protocols should identify also the principles to inform optimum liaison arrangements, that can then be applied locally. This may be most usefully achieved in the form of a Service Level Agreement between the various agencies.**

100. Being clear about the role and function of court services and getting the skill mix right are critical building blocks in providing a quality service which is confident and assertive, and which delivers on an efficient and cost-effective basis. Being able to deliver such a service also requires the active collaboration of others, in particular, sentencers, sheriff clerks and the police. In this inspection, we found examples of good practice involving the achievement of clear agreements, for example with sentencers and sheriff clerks, which enabled the court service to make best use of its time. This was not always the case, however, and we think the situation would be assisted by the development of protocols covering complementary procedures and practices with other court-based agencies. Given the current variation in local practice, we think that it would be helpful if the Scottish Executive, Scottish Court Service, the Crown Office, Sheriff's Association and ACPOS could jointly issue national guidance which offers a framework within which local protocols can be negotiated.

## Sheriff Clerks

101. Any protocol covering co-operation between the social work service and sheriff clerks should cover the following:

- the availability of court lists;
- the provision of information to offenders about how to contact the social work service before leaving court where a social enquiry report has been requested or a community-based sentence involving social work passed;
- procedures for dealing with applications for breach and the progress-chasing outstanding results;
- procedures for requesting and submitting SERs, including the use of URNs;
- procedures for accessing social work advice during a court hearing;
- procedures for forwarding SERs and other reports to prison establishments;
- arrangements for regular formal liaison.

## The Police

102. Collaboration between the police and social work services at court was generally good. However, we consider that it would be useful to put these arrangements on a more formal footing by developing local protocols to cover:

- access by social work staff to the police cells for the purposes of interviewing;
- the transmission of information about prisoners held in custody, particularly where there is a concern about risk;
- arrangements for taking information about a prisoner to the receiving prison where there is a concern about risk.

## Electronic Submission of Social Enquiry Reports

103. Electronic submission of Social Enquiry (and other) Reports to court has a number of potential advantages in improving information sharing among agencies. These include direct submission of reports to court clerks by the report author, with simultaneous copy to the social work service at court. The information technology systems required could also be used for reciprocal communications to field social work units e.g. requests for reports, URNs, court disposals, outcomes of breaches and reviews of community disposals etc.

104. The Executive should take appropriate steps to facilitate this, including making the required order under the Electronic Communications Act 2000.

#### RECOMMENDATION 4: The scope of interviewing in the court setting

**Each local authority should seek to maximise the number of post-sentence interviews carried out at court following remand or a custodial sentence by:**

- adopting the most effective mix of staff
- maximising assistance from Sheriff Clerks and the police within the constraints of present court accommodation
- affording greater priority to these interviews over other post-sentence interviews, notably those community disposals involving social work
- in respect of this latter group of offenders utilising non-qualified social work staff for the task.

105. This inspection showed, for those remanded in, or sentenced to, custody, that interviews at court were valued both by the individuals concerned and by staff in receiving prison establishments. These interviews are an important part of a social work service at court. Interviews in court with offenders or accused persons before they are dealt with might also contribute to the provision of a comprehensive court service. This aspect of the service could be further explored, particularly in high custody courts. While it may be valuable for authorities with such courts to consider this, perhaps based on a further evaluation of the Glasgow experience, these efforts should not be to the detriment of post-sentence/remand interviews. Both these tasks require staff with interviewing skills, capable of making rapid assessments and we consider that they should be carried out by members of staff who have been specifically trained to undertake the task working under the supervision of a qualified social worker. We recognise that it may be necessary to set priorities for these interviews. Nevertheless, court social work staff should pay attention to any indicators that suggest that an offender or accused person might benefit from an interview even if they do not fall into the priority categories set out in the National Standards.

106. Contact at court with offenders on whom an SER has been requested or who have been sentenced to a community disposal involving social work is desirable, but we see this task as being primarily to provide specific factual information to offenders and/or seek confirmatory information from them. This function does not justify the time of professionally qualified staff and can generally be met in other ways.

107. In 3 of the 4 courts, court social work staff were using the new procedures for the transmission of information from the court to the receiving prison establishment, introduced as part of SPS's Suicide Prevention Strategy "Act and Care". In our judgement, these procedures constitute an administrative improvement on previous procedures. We consider, however, that their introduction should be accompanied by local implementation strategies which allow for discussion between court social work staff and staff working in prison reception units (as was the case in Glasgow and Dumbarton).

With the current high prevalence of drug misuse amongst those received into prison, court social work staff must be able and prepared to screen for drug usage and to pass on any relevant information to the receiving prison.

**RECOMMENDATION 5: Quality Assurance**

**Each local authority providing social work services at court should publish an Annual Report on these services.**

108. Such a report should include clear statements about the objectives, targets and performance indicators for the service at court. The annual report would also usefully encompass descriptions and quantifications of work, together with analysis of trends over time. This would include monitoring information on requests for court reports, reports presented to court, late reports, post-sentence interviews, numbers of applications for breach or review of community disposals etc. Reports might also contain analysis of business of concern to other court agencies e.g. sheriff clerks and procurators fiscal in relation to the processing and tracking of breach applications, and the consistency of availability of URNs with requests for court reports.

109. Over the years, and in line with statements contained in National Standards, social work staff at court have taken on some responsibility for monitoring the quality of court reports submitted by their colleagues in area teams. These arrangements have played a part in increasing workers' understanding of quality issues, but their value is undermined because the examination of quality by social workers at court can only occur after the report has been submitted. It is clearly more efficient, (for example, by avoiding delays in submitting reports) and possibly more effective, for quality assurance checks to be carried out at the earliest stage in their production. We consider, therefore, that primary responsibility for assuring the quality of social enquiry reports must rest with practitioners and service managers in the field, and not with staff at court.

110. On the other hand, there are a number of ways in which we think social work staff at court could better assure the quality of *their own work* and contribute to the efficiency and effectiveness of their authority's criminal justice social work service. In particular we were impressed by the information provided from Glasgow City Council in its annual report on the court unit, and by the clear focus the production of this report gave to the identification of targets and performance indicators for the service. The report provided a valuable feedback loop for sentencers and other court professionals, including Scottish Courts Service, as well as for the social work staff and their managers. The format is a useful basis for further development. Future and more detailed considerations might include general services and advice offered to vulnerable court users including; offenders or accused persons with learning difficulties, addictions or mental health problems, victims and the families of victims and offenders.

## Other matters

111. In the course of this inspection, we identified a number of issues which had a bearing on the provision of criminal justice social work services but which local authorities themselves cannot remedy.

112. From our visits to 5 prison establishments we learned that Sheriff Clerks were not always sending on copies of SERs on Schedule 1 offenders to receiving prisons within the timescales agreed and recorded in circular SWSG 11/94. We are also aware of continuing problems, in some parts of the country, with the marking of warrants in these cases, which can result in some cases not being identified at the point of reception into prison. These issues have significant implications for the management of Schedule 1 offenders within prisons, and for the development of release arrangements designed to manage the risks presented by these offenders. We think that the Scottish Court Service should remind Sheriff Clerks of their responsibilities in this matter.

113. At all four Sheriff Courts, we learned that it was not always possible for Sheriff Clerks, in forwarding information relevant to the court's request for a SER, to pass on the offenders Unique Reference Number, without which it was not possible for the authors of SERs to access from SCRO the full criminal record of the offender. According to the Sheriff Clerks, the reason for this was that the numbers were not being passed on from Procurators Fiscal. Being unable to access an offender's full criminal record can significantly influence the extent to which the SER authors in their reports can address the subject of offending and the assessment of risk of re-offending. We are aware that the Scottish Executive has explored this issue with Scottish Courts Service and Crown Office on previous occasions, but it is clear that a major problem persists in many parts of Scotland. We therefore suggest that the Scottish Executive pursue this matter once again with all the relevant parties, in order to bring about an improvement in the current position.

## Annex 1

# The Literature Review

The review sought information about services at courts in Scotland, other parts of the United Kingdom and internationally. The review concluded that very little evaluative work had been undertaken into this area of service.

In Scotland, the provision of services is covered by National Standards which set out a range of tasks associated with providing information and advice to the courts and a throughcare service for offenders and their families. These tasks include:

- dealing with a request for reports, making them available to the court and presenting them in court where necessary;
- providing oral and stand-down reports for the court;
- interviewing offenders immediately after the court has asked for a report;
- interviewing offenders/accused persons immediately after the court has passed a custodial sentence or remand;
- interviewing offenders immediately after the court has made disposal involving social work;
- forwarding relevant information to the receiving prison establishment in the event of a custodial sentence;
- representing the social work authority in the court setting including, where appropriate, court user groups and liaising with other professional groups;
- helping to divert persons suffering from mental disorder who may be at risk to themselves from a custodial remand, either to a hospital (in conjunction with local medical and psychiatric services) or to appropriate bail accommodation, where available, for assessment;
- social work assistance at court e.g. providing information/advice to families of victims/witnesses.

Research carried out into the implementation of National Standards in 4 Scottish authorities suggested that one consequence of the introduction of 100% funding and National Standards in 1991 was to increase the number of dedicated court social workers. The study also found that formal liaison arrangements between social work managers, sheriffs and other court professionals needed to be improved.

With regard to the current functioning of social work services at court, few authorities appear to produce a report about what they do. An exception is City of Glasgow which publishes an annual report containing statistical information about work undertaken, including the monitoring of social enquiry reports, pre and post court interviews and the provision of general assistance to accused persons, their families and victims/witnesses.

In England and Wales, Her Majesty's Inspectorate of Probation carried out their first inspection of the work undertaken by the probation service at court in 1997 and some of the ground covered in their inspection is similar to the ground covered here. The inspection findings have led to the promulgation of a probation circular spelling out the main tasks of probation staff in the adult criminal courts.

Very little was found about practice outside the UK and different legal systems make direct comparisons difficult. Almost all jurisdictions appear to use some form of social enquiry report and pre-bail assessments are also undertaken in a number of jurisdictions. In Holland and Finland, probation workers appear much more likely to accompany offenders to court to support them or to provide information and respond to questions about the content of a report.

In summary, any material available about social work services at court largely describes what should happen rather than analysing what is happening. Compared with the effort which has gone into examining the efficiency and effectiveness of other criminal justice social work services, the area of social work services at court has been substantially neglected.



## Annex 2

# The Activity Survey

To build up a better picture of how they spent their time, we asked staff at the 4 courts to complete a survey return for a maximum of 10 days leading up to the inspection fieldwork. They were required to record the amount of time spent each day on different tasks. The tasks were drawn from the National Standards for court services and from some earlier observation of the work of other court staff. The return sought information in 23 fields which were grouped into headings dealing with the following aspects of service provision:

- making reports available
- being available in court and recording any relevant information
- finding out who was appearing at court and whether they were known to the service
- interviewing accused persons held in the police cells before or after they were remanded
- interviewing offenders at court following a request for a social enquiry report
- interviewing offenders held in the police cells after they were sentenced to custody
- interviewing offenders at court after they were sentenced to a community disposal
- time spent in liaison, training, staff supervision and meetings
- being available in the court precinct.

The following table shows by court, the percentages of time recorded by social workers and social work assistants under each of these headings. The findings must be interpreted with some caution because:

- the survey was conducted over a relatively short period of time;
- 3 fields (7, 22 and 23) overlapped creating some uncertainty about where to enter the relevant information;
- not all staff completed the maximum of 10 survey returns because of absence due to illness and to training events

- in the case of one site, Glasgow, the survey period co-incided with the run up to Christmas with consequential impact on the operation of the court and staff leave arrangements.

In preparation for the Activity Survey, inspectors tested the relevance and appropriateness of the various fields of activity in draft format, with staff and the manager of a busy social work unit at a sheriff court which was not an inspection site. Amendments were then made to the format. Also, prior to the relevant 10 day period, a briefing meeting was held on the Activity Survey with relevant local authority colleagues. No significant difficulties were envisaged regarding completion of the exercise.

With the above qualifications, the findings offer some insight into the weightings of time given at each court to specific aspects of service provision. They were discussed with staff and our comments draw on these discussions as well as the findings of the survey itself.

	Arbroath	Hamilton	Glasgow	Dumbarton
Making reports available (1-6) (including quality assurance tasks)	8%	18%	5%	35%
Being available in court and recording any relevant information (7 & 22)	46%	47%	16%	38%
Finding out who was appearing at court and whether they were known to the services (8 & 9)	12%	3%	8%	1%
Interviewing accused persons held in the police cells before or after they were remanded (10)	0%	5%	8%	6%
Interviewing offenders at court following a request for a social enquiry report (11)	1%	9%	4%	0%
Interviewing offenders held in the police cells after they were sentenced to custody (12 & 13)	5%	2%	13%	3%
Interviewing offenders at court after they were sentenced to a community disposal (14 & 15)	8%	5%	13%	4%
Time spent in liaison, training, staff supervision and meetings (16 -21)	20%	1%	25%	11%
Being available in the court precincts (23)	0%	10%	8%	2%
	100%	100%	100%	100%

The percentage variations in the table show that staff were using their time differently in different courts. We discuss below how these differences were accounted for.

## **Making reports available**

The big difference between Glasgow and Dumbarton in the time spent on this task was explained by the effort the court social worker in Dumbarton put into reading through reports and checking their quality (nearly one third of his working week). He was very concerned about the number of basic errors which he thought that reports contained and would check back with authors or even make on the spot corrections. He also monitored routinely, using a framework based on the national standards, samples of reports falling into certain categories e.g. all those over a given period where the sentence was custody. He fed these findings back to area teams through the senior social worker.

In contrast, staff at Glasgow and Arbroath concentrated mainly on reading through reports submitted, prioritising them where necessary, to be able to respond to queries from the Bench. Formal monitoring of quality had ceased in Arbroath and was reducing in Glasgow, the aim in both authorities being to locate this task with managers and staff in the field. In Hamilton, staff read through all reports submitted and checked back with authors when they had queries about the content of a report or its recommendations. They also formally monitored samples of reports, and fed the findings back to area teams.

Some other differences were also apparent. Court staff at Hamilton spent more time responding to queries about reports than staff in other courts. They also assumed the responsibility for chasing up late reports themselves and photocopied and distributed reports for others at court e.g. defence agents and procurators fiscal. Staff at Arbroath delivered by hand to Forfar Sheriff Court copies of reports due for the following day. This involved a round trip from Arbroath although, where possible, it was combined with other duties.

Very little time at any of the 4 courts was recorded as having been spent on providing "on the spot" oral or written advice for the court.

## **Finding out who was appearing at court and whether they were known to the service**

Again there were considerable differences in the amounts of time spent on these tasks. Neither Dumbarton nor Hamilton social work service received a list of those appearing from custody, although they received lists of cases cited to appear. In Dumbarton, staff were doubly disadvantaged because the court social work service was not linked to the department's computerised information system which meant that they could not cross check any information they had on someone appearing at court with their own departmental records. Information about those appearing in court could come in other ways. Supervising social workers usually notified court social work staff if they knew an offender under their supervision was appearing at court; police duty officers and, less

frequently, procurator fiscal, notified social work staff of cases where they thought there was a cause for concern e.g. a child under 16 or someone appearing to be suffering from a mental health problem.

## **Interviewing accused persons in police cells before or after they were remanded**

The survey again offers a varied picture. We were told that the nil return recorded in Arbroath was not typical. Staff aimed to carry out interviews with those remanded in custody, particularly if they were in a priority category. Cases could however “slip through the net” when the duty social worker was busy on other court duties. Cases could also be missed because the service did not have information about the court appearance or because the case was dealt with on a day when the department offered a reduced service.

The relatively high percentage figure recorded in Glasgow was probably accounted for by time spent interviewing prisoners in the cells before they appeared at court (so called pre-court interviews) as well as undertaking post-remand interviews. The custody court list in Glasgow was available from 7.30am and the court team went through it to identify any prisoners who might be vulnerable – typically those under 16, those with mental health problems and women. They also checked departmental records and, on occasion, contacted colleagues in area teams for information/advice. The custody court in Glasgow did not sit until 2pm, allowing staff more time to see prisoners before they appeared in court.

Staff at Hamilton and Dumbarton did not receive a custody list but said that the police notified them if they were holding any prisoners who gave them cause for concern. They tried to see these prisoners before the court hearing and also aimed to carry out post-remand interviews with those in priority categories.

In all 4 courts, court social work staff experienced no problems in gaining access to the police cells to carry out interviews.

## **Undertaking interview in the police cells with those sentenced to custody**

The survey shows that post-sentence interviews with those sentenced to custody were undertaken at all 4 courts with Glasgow recording a significantly higher percentage of time spent on this task than the other 3 courts. The purposes of post-sentence interviews are essentially the same as those of post-remand interviews including the purpose of being alert to the possible risk of self-harm and informing the receiving prison establishment of any cause for concern. At the time of this inspection, previously agreed national procedures for doing this were in the process of being changed in consultation with the Scottish Prison Service and local prison establishments. Glasgow, Hamilton and Dumbarton Sheriff Courts were using the new procedures. In these courts, social work

staff noted their concerns on a form generated by SPS, including any details about contacting any other person who had expressed a concern and who had closer knowledge of the prisoner. This form was then attached to the court warrant and delivered by the police escort service to the receiving establishment. This procedure was intended to ensure that the information was always with the prisoner and that it could be sent on, should the prisoner be transferred within a very short period (as sometimes happened). In Arbroath, the system in use required social work staff at court to liaise in the first instance with the prison-based social work service either by telephone, fax or both. After 4.30pm when social work staff were unavailable, a fax was sent directly to the prison reception unit. Court social work staff also completed a pro-forma in respect of each interview undertaken. This recorded personal details, identified any issues of concern requiring action and recorded relevant information. Copies were sent to the prison social work unit and to the author of the social enquiry report

## **Interviewing offenders at court following a request for a social enquiry report**

Again the figures revealed some variation in time spent. In Arbroath and Dumbarton Sheriff Court, where there was normally only one worker, it was less possible to ensure that offenders were seen after a request was made. In both these courts, the worker had to be in court to know whether a request had been made and then followed the offender out. In the other courts, the sheriff clerk gave the offender a slip telling him or her to report to the social work office before leaving the building. Here he or she might have to wait to see someone but would normally be seen. In Glasgow, administrative staff working in the social work unit would see the offender if necessary, and confirm the details. The arrangements which obtained in Glasgow and Hamilton depended on the co-operation of sheriff clerks. Sheriffs too might tell the offender to make sure he or she saw a member of the court social work service before leaving the building

## **General**

We asked staff providing services to record the amount of time spent on a range of activities related to their responsibilities. These included formal liaison with other professionals e.g. sheriffs, sheriff clerks, police, procurators fiscal, psychiatrists; formal liaison with area-based colleagues; training inputs for others; training for self; staff supervision and staff meetings.

In Arbroath, most time went into liaison with other court professionals, staff meetings and staff supervision. In Glasgow most time was given to staff supervision, followed very closely by liaison with other professionals and liaison with colleagues. A higher than usual amount of time had also been spent on training. In Hamilton, most time was given to liaison with other professionals and liaison with area colleagues with nothing recorded for the other categories. In Dumbarton, most time was given to training activity and staff meetings with no time recorded for formal liaison.

## Being available and related administrative work

We asked staff to record time spent on court related administrative work and on being available for the court either “in situ” or “on call”. In the table, we have combined the fields of being available in court and court related administrative work (e.g. taking down information in court, obtaining the results of court hearings etc). Looking at these figures in the round (by combining time spent being available in court and related administrative work with time spent being on call) it was nevertheless possible to see a substantial percentage variation between, at the one extreme Glasgow (24%) and at the other Hamilton (57%). As noted earlier (in paragraph 26) local interpretation of Question 23 (Being available in the court precincts) at Dumbarton influenced the figure of 40% there. Essentially, that authority took the view that workers were “always available when not in actually court but engaged on other activities”. Nevertheless, we think that the significant variations across all sites may reflect different assumptions about the nature of the service and different working practices.

## Other activities

As part of the activity survey we asked staff to give some indication of the extent to which their work at court required them to deal with children (under 16) and those suffering from mental health problems. All the courts reported providing a service to these client groups. With regard to mental health, all 4 courts deployed a member of staff who had qualified as a designated mental health officer although they were not all working for their wider departments in this capacity. They reported using their knowledge and expertise to assist with cases where mental health problems were evident. This assistance could include undertaking a pre-court interview and giving verbal information/advice to the court about what to do; it could also include liaison with health services to investigate the possibility of pre or post-court diversion to psychiatric services. With regard to children, court social work staff were clearly alert to the need to identify children who might be appearing in court and to make contact with colleagues in children and families services who had lead responsibility for their care. Practice differed between departments about the extent to which children and families service workers were called on to attend court. In Glasgow, the service manager was very clear that it was the job of criminal justice social work staff to deal with these cases in the first instance and considered this to be a cost-effective use of resources. In all four courts, staff also provided an administrative service which ensured that civil courts received reports prepared by social work department staff e.g. in matrimonial proceedings.

Two further activities, not specifically listed in the activity survey were drawn to our attention. These were the routine monitoring by court social work staff in Glasgow of late court reports and of breach reports submitted to the court by staff supervising offenders in the community. This was done to monitor performance in respect of meeting national standards for the provision of court reports and for ensuring that breach reports were technically competent and not “knocked back” with resulting delays. The service

manager said that this monitoring had had a beneficial impact on performance, resulting in fewer late social enquiry reports and fewer incompetent breach reports. Additionally staff at all courts reported carrying out some 'welfare' work related to on the spot help/advice to families and to support of victims/witnesses attending court.

## **Service managers' perspectives**

Our discussions with service managers focused on key issues arising from the information we obtained including background information supplied before the fieldwork visits, the findings of the activity survey and discussions with staff providing the service.

## **The volume of work – post-remand/sentence interviews**

Looking at the background information supplied to us in advance of our fieldwork visits we found that in 3 instances (Dumbarton, Hamilton and Arbroath) the number of post-remand/sentence interviews undertaken was substantially less than might have been expected given the estimates made in the departments' own planning statements and the number of persons either sentenced to or remanded in custody at these courts as recorded in Government statistics for the year 1998. The exception was Glasgow Sheriff Court where there was a significant increase in the number of interviews in successive years.

## **District Courts**

Although the primary focus of the inspection was on work undertaken in Sheriff Courts, we asked service managers about the extent of any services provided by their authority in the District Courts. We established that no services were provided in Hamilton District Court, at one of the 2 District Courts in West Dunbartonshire and at one of the 3 District Courts in Angus. We were told that in Angus and West Dunbartonshire, area teams had been providing services but these had been withdrawn because they were not considered a priority. At Hamilton, service managers considered that there was insufficient demand to justify providing a service and that any cases which might require a social work service were normally prosecuted in the Sheriff Court.







