

MINUTE OF MEETING BETWEEN THE SHERIFF PRINCIPAL AND SHERIFFS OF NORTH STRATHCLYDE SHERIFFDOM AND DIRECTORS OF SOCIAL WORK/COMMUNITY JUSTICE AUTHORITIES HELD ON 8 MAY, 2015

PRESENT

Sheriff Principal Murray; Sheriff McDonald (Kilmarnock); Sheriff Flemming (Greenock); K Rocks and J Hinds (both East Renfrewshire Council); S Henderson (Inverclyde Council); N Firth (Argyll, Bute and Dunbartonshire Criminal Justice Partnership); D Hawthorn, A Scott and E Currie (all Renfrewshire Council); W Kennedy (North Strathclyde Community Justice Authority); K Ritchie (Scottish Children's Reporters Administration) and J Murray (South West Scotland Community Justice Authority).

Sheriff Principal D L Murray presided.

APOLOGIES

J Irvine (West Dunbartonshire Council); I Colvin and J McCrae (both North Ayrshire Council); S McAlees (Inverclyde Council); C Sneddon and L Long (both Argyll & Bute Council); P Macleod (Renfrewshire Council); J Hunter (North Strathclyde Community Justice Authority) and S Taylor (East Ayrshire Council).

ALSO IN ATTENDANCE

A Lawson (Police Scotland); and B Leslie and I Beattie (both Renfrewshire Council).

ORDER OF BUSINESS

The Sheriff Principal intimated that he proposed to alter the order of business to facilitate the conduct of the meeting by considering item 9 of the agenda prior to item 1 of the agenda; and item 8 of the agenda after item 9 of the agenda.

1. DOMESTIC VIOLENCE PRESENTATION

Andy Lawson, Police Scotland gave a presentation in relation to domestic violence which included details on establishing criminality; the standard toolkit for officers; the joint protocol between Police Scotland and the Crown Office; the interim vulnerable persons database; ASIST; the national roll-out of the domestic abuse disclosure scheme; and MARAC (multi-agency risk assessment conference) meetings.

DECIDED: That the presentation be noted.

2. ADULTS WITH INCAPACITY PRESSURES FOR RENFREWSHIRE COUNCIL

There was submitted a report by the Team Manager, Mental Health Officer Service, Renfrewshire Council relative to the demand levels and issues for services arising from this area of work and in particular the issues relating to delayed discharges from the acute hospital provision. The report intimated that at present nearly everyone delayed in their discharge required intervention under adults with incapacity (AWI).

The report detailed the mental health officer service in Renfrewshire; the service demands and the steps taken by Renfrewshire Council to mitigate these. It was Renfrewshire Council's opinion that the current AWI legislation required urgent review by the Scottish Government and the Council would welcome any advice the courts could give to assist the expedition applications for guardianship in the most timely manner possible in order to avoid unnecessary delays.

The report also sought the court's view on the requirement of consulting with or 'serving notice of application' on relatives who were estranged from the adult and who had no dealings or involvement with the adult for many years.

Following discussion it was agreed that the Sheriff Principal would explore the possibility of compiling a checklist for issue to local agents advising what information courts were looking for; that this matter be discussed in courts for any commonality; that in relation to 'service' the procedures used in adoption cases be followed; and that the court be shown that all reasonable steps had been taken.

DECIDED:

- (a) That the report be noted;
- (b) That the Sheriff Principal explore the possibility of compiling a checklist for issue to local agents advising what information courts would look for;
- (c) That discussions take place in courts to establish commonality;
- (d) That in relation to 'service' the procedures used in adoption cases be followed; and
- (e) That the court be shown that all reasonable steps had been taken.

3. MINUTE OF PREVIOUS MEETING

There was submitted the Minute of meeting between the Sheriff Principal, Sheriffs of North Strathclyde Sheriffdom and Directors of Social Work/Community Justice Authorities held on 21 November, 2014.

DECIDED: That the Minute be approved.

4. MATTERS ARISING

Short Notice Reports

There were submitted reports by the Criminal Justice Service Manager, Renfrewshire Council, the Partnership Manager, Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership, and the Service Manager, Inverclyde Criminal Justice Services relative to short notice reports.

The report by the Criminal Justice Service Manager, Renfrewshire Council intimated that Renfrewshire undertook short notice reports in circumstances where this had been seen as helpful to assist the court process. When social enquiry reports were developed into criminal justice social work reports an important element was the capacity to verify information beyond the service user's account, including contact with family members or gaining information from other agencies or assessments to inform potential requirements. This would be limited within short timescales and could impact on accurate assessment of risk. Renfrewshire would continue to undertake reports within short timescales however would suggest that to make this a general approach there would be a reduction in the content and thus quality of reports made available to court.

The report by the Partnership Manager, Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership intimated that Argyll and Bute had been exempted for consideration on the grounds of feasibility. West Dunbartonshire provided reports at short notice from time to time typically updating existing reports. This facility had become increasingly difficult to deliver owing to other operational pressures/priorities and the increasing complexity underlying the preparation and provision of criminal justice social work reports particularly with regard to risk assessment and verification of information. The criminal justice social work service available in Dumbarton Sheriff Court was limited and did not involve the presence of a social worker. It was recognised that were it

possible to make resources available there could, in the medium to longer term, be benefits in terms of efficiency to both courts and social work.

The report by Service Manager, Inverclyde Criminal Justice Services intimated that Inverclyde criminal justice social work service was requested to consider the feasibility of short notice reports. These had been provided in exceptional circumstances and professional reservations were expressed around extending this practice further. These related to the challenges this would present in terms of the teams ability to verify the information provided by the individual, to consult with external agencies and to apply the nationally agreed risk assessment framework. Having sufficient time to complete this work contributed to a more robust and professional report to the court as well as meeting obligations in relation to national standards. Extending the practice of short notice reports would require the service to look at its configuration and could potentially impact on other areas of statutory work.

Sheriff McDonald advised that short notice reports were still being used in Kilmarnock Sheriff Court and that they were found to be extremely useful. A discussion took place as to the effectiveness of these reports as against the provision of reports which contained more detail.

DECIDED: That the reports be noted.

5. COMMUNITY JUSTICE AUTHORITIES

There was submitted a joint report by the Chief Officers, North Strathclyde Community Justice Authority and Southwest Scotland Community Justice Authority providing an update of the work of the Authorities.

The report provided information in relation to women in the justice system; reducing reoffending through mentoring; children affected by parental imprisonment and the redesign of the justice system.

The Community Justice (Scotland) Bill was published on 8 May, 2015 and it was agreed that a report on this Bill be submitted to the next meeting of the group to be held on 4 December, 2015.

DECIDED:

- (a) That the report be noted; and
- (b) That a report relative to the Community Justice (Scotland) Bill be submitted to the next meeting of the group to be held on 4 December, 2015.

6. CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

Under reference to item 5 of the Minute of the meeting of this group held on 21 November, 2014 consideration was resumed of the practice note issued by the Sheriffdom of Glasgow and Strathkelvin in relation to children's referrals under the Children's Hearing (Scotland) Act 2011. Kenneth Ritchie referred to Part 4 of the protocol in relation to complex cases and indicated that he was seeking to canvass opinion on this aspect of the practice note.

Sheriff Principal Murray indicated that Sheriff Principals had differing views on the matter and that no view had been reached as yet.

DECIDED: That this matter be further considered at the next meeting of the group to be held on 4 December, 2015.

7. WOMEN'S UNPAID WORK SQUAD

Under reference to item 8 of the Minute of the meeting of this group held on 21 November, 2014 there was submitted an update report by the Criminal Justice Service Manager, Renfrewshire Council,

relative to the women's unpaid work squad pilot which commenced on Friday, 7th November, 2014 in Renfrewshire.

DECIDED: That the report be noted.

8. RESTRICTION OF LIBERTY ASSESSMENTS

Under reference to item 9(ii) of the Minute of the meeting of this group held on 21 November, 2015 there were submitted reports by the Criminal Justice Service Manager, Renfrewshire Council, the Partnership Manager, Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership, and the Service Manager, Inverclyde Criminal Justice Services relative to restriction of liberty assessments.

The report by the Criminal Justice Service Manager, Renfrewshire Council intimated that the provision of restriction of liberty assessments within criminal justice social work reports commenced in January 2015. In this time 319 reports had been completed, resulting in only two such orders at the point of breach of a community payback order. Sheriffs in Paisley had advised the court social work team that they would not wish such assessments to be undertaken for full reports.

The report by the Partnership Manager, Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership intimated that restriction of liberty assessments were a regular feature within the context of requests for criminal justice social work reports but imposition of restriction of liberty assessments remained exceptional. In the first quarter 259 reports had been completed and the view of the Partnership was that it would be a more effective use of social workers time to undertake assessments at the request of the court or in circumstances where following an assessment of the circumstances there was merit in incorporating an assessment at the social workers initiative. In addition it was recognised that there might also be advantages of considering restriction of liberty assessments in the context of additional measures available where orders had been breached.

The report by the Service Manager, Inverclyde Criminal Justice Services intimated that the service had endeavoured to provide NSCJA courts with restriction of liberty assessments within criminal justice social work reports. The service had previously always considered this sentencing option when completing reports, however, if in the report writer's professional opinion this was not appropriate then he/she would not then go on to include this in their 'Review of Relevant Sentencing Options'. In the period 1 January to 30 April, 2015, 167 reports had been completed with two restriction of liberty assessments being the main outcome. The service would be content to revert to their previous practice of considering restriction of liberty assessments during the course of compiling criminal justice social work reports and specifically referencing this in the report only where appropriate. Alternatively the service could routinely include this in the 'Review of Relevant Sentencing Options' but only go on to complete the formal assessment process, regarding the practical requirements for installing the monitoring equipment, where in the report writer's professional opinion this would be appropriate.

DECIDED: That the reports be noted.

9. ASSIST REPORTS

DECIDED: That it be noted that this matter had been covered in the presentation given earlier in the meeting by Police Scotland.

10. AOCB

EVIDENCE AND PROCEDURE REVIEW WORKSHOPS

The Sheriff Principal advised that a planned programme of workshops would be held in relation to the Evidence and Procedure Review Report published by the Scottish Courts and Tribunals Service on 13 March, 2015.

This review, chaired by Lord Carloway, Lord Justice Clerk, aimed to identify the best methods to discover the truth in criminal trials in the modern era, and focused on the greater use of pre-recorded evidence. The Review's Report covered the scope for pre-recording of the evidence of children and vulnerable witnesses, and of witness statements in general.

The Scottish Court and Tribunals Service was leading a programme of events over the next few months to bring together the Scottish Government, other justice agencies, the legal professions, victims groups, academics and others with an interest in criminal justice to explore the implications of the report's propositions and develop proposals for change for the Government's consideration.

As part of a programme of events, workshops would be held during May in both Glasgow and Edinburgh and members of the group were asked to consider attending one of these workshops.

DECIDED: That details of the workshops be issued to members of the group when available.

CHILD PROTECTION ORDERS

A discussion took place relative to intimation to family members in cases where there was to be a child protection order and the best approach in dealing with this.

Kate Rocks advised that she was currently the Chair of the Scottish Government Child Protection Committee and that she would raise this matter at a future meeting and report back to this group. The Sheriff Principal indicated that he was a member of the Child Protection Implementation Group and would also raise this matter at a future meeting and report back to this group.

DECIDED: That it be noted that Kate Rocks and the Sheriff Principal would raise this matter at future meetings of their groups and report back to this group.

VULNERABLE WITNESSES

Sheriff McDonald raised the very concerning issue of the recent breakdown of the equipment used which allowed vulnerable witnesses to give their evidence by video from a remote site. She referred to a recent case where a child witness was ready to give evidence but the machine was not working and how distressing and upsetting this had been for those concerned.

Sheriff McDonald further advised that this was a procurement issue for the Scottish Courts and Tribunals Service and that the contract had been re-issued as the Electronic Services Delivery Unit no longer carried out this work in-house.

DECIDED: That this matter be noted.

NORTH AYRSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP

There was submitted a report by the Senior Manager Criminal Justice Services, North Ayrshire Health and Social Care Partnership providing information in relation to the court report writing team; services for women offenders at Kilmarnock Sheriff Court; and Drug Treatment and Testing Orders (DTTO) in Ayrshire.

DECIDED: That the report be noted.

11. DATE OF NEXT MEETING

The group considered arrangements for the next meeting of the group to be held in May 2015.

DECIDED:

- (a) That the next meeting of this group be held on Friday, 4 December, 2015 at 2.00 p.m. within Paisley Sheriff Court, St James Street, Paisley; and
- (b) That any further items to be considered be notified to Committee Services, Renfrewshire Council.