

## Minute of Meeting Sheriff Principal and Sheriffs of North Strathclyde Sheriffdom and Chief Social Work Officers

Date	Time	Venue
Friday, 04 December 2015	14:00	Paisley Sheriff Court, St James Street, Paisley ,

### PRESENT

Sheriff Principal Murray; Sheriff McDonald (Kilmarnock); Sheriff Pender (Dumbarton); Sheriff Spy (Paisley); M MacAulay (East Ayrshire Council); K Rocks and L Gaff (both East Renfrewshire Council); A Howard (Inverclyde Council); A Scott and D Low (both Renfrewshire Council); W Kennedy (North Strathclyde Community Justice Authority); and J Murray (South West Scotland Community Justice Authority).

Sheriff Principal D L Murray presided.

### APOLOGIES

Sheriff Hamilton (Greenock).

## 1 MINUTE

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 8 May, 2015.

**DECIDED:** That the Minute be approved.

## 2 MATTERS ARISING

### **ADULTS WITH INCAPACITY PRESSURES FOR RENFREWSHIRE COUNCIL**

Sheriff Principal Murray advised that he had discussed the matter of adults with incapacity with Sheriffs within the North Strathclyde Sheriffdom and intimated that it was not his intention to issue a practice note. While the number of applications to the courts for guardianship was increasing it was noted that the quality of the applications had improved.

**DECIDED:** That the position be noted.

### **CHILDREN'S HEARING (SCOTLAND) ACT 2011**

Under reference to item 6 of the Minute of the meeting of this group held on 4 May, 2015 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.

Sheriff Principal Murray advised that he had discussed this matter with Sheriffs within the North Strathclyde Sheriffdom and intimated that it was not his intention to issue a practice note. He suggested that each referral made to court under the Children's Hearing (Scotland) Act 2011 required that an individual tailored approach be taken in each case.

**DECIDED:** That the position be noted.

## 3 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 and the development of a bail supervision scheme for women appearing at Greenock, Paisley and Dumbarton Sheriff Courts; reducing reoffending through mentoring; children affected by parental imprisonment; the progress of the Community Justice Bill through the Scottish Parliament; details of CJA responses to Scottish Government consultations on 'Prevention' and 'Proposals to Strengthen the Presumption against Short Periods of Imprisonment'; and the submission of CJA annual reports for 2014/15 to the Scottish Government.

**DECIDED:** That the report be noted.

#### **4 COMMUNITY JUSTICE (SCOTLAND) BILL - STAGE 1 SCRUTINY**

Under reference to item 5 of the Minute of the meeting of this group held on 8 May, 2015 there was submitted a report relative to the progress of the Community Justice (Scotland) Bill in the Scottish Parliament.

The report intimated that the Bill had completed Stage 1 Scrutiny by the Justice Committee and that the Committee's report had now been published. The Bill would take forward the legislative change required to establish a new model for community justice and would place responsibility for the local planning and delivery of improved outcomes with a defined set of community justice partners; place duties on these community justice partners to engage in local strategic planning and be accountable for this; require the development of a national strategy and a performance framework in relation to community justice, create a national body to provide leadership, promote innovation, learning, development, assurance to Scottish Ministers and promote a focus on collaboration.

**DECIDED:** That the report be noted.

#### **5 BRIEFING: COMMUNITY JUSTICE REDESIGN: TRANSITION PLAN**

There was submitted a briefing note by the Partnership Manager, Argyll, Bute and Dunbartonshires' Criminal Justice Social Work Partnership relative to the transfer of responsibility from the 8 CJAs to Community Planning Partnerships and the submission of transition plans to the Scottish Government.

**DECIDED:** That the note be noted.

#### **6 NATIONAL THEMATIC REVIEW OF MAPPA**

A Scott advised the group that the report of the thematic review had been positive and contained 17 recommendations for the relevant authorities to action in addition to 11 areas for development.

While the report noted that the number of registered sex offenders in Scotland continued to rise, it also highlighted key strengths in the way they were managed by organisations including the police, social work services and the prison service. There was strong evidence that MAPPA was well-established across Scotland and that Police Scotland, Criminal Justice Social Work, Scottish Prison Service and NHS Boards through joint working and information sharing, discharged their duties effectively.

**DECIDED:** That the position be noted.

#### **7 PENAL POLICY IMPROVEMENT PROJECT**

The group noted that progress in relation to the penal policy improvement project had been slow. It was agreed that this item be retained on the agenda for future meetings.

**DECIDED:** That the penal policy improvement project be retained on the agenda for future meetings.

## **8 QUALITY ASSURANCE IN CRIMINAL JUSTICE SOCIAL WORK REPORTS**

Sheriff Principal Murray advised that some concerns had been raised relative to the quality of some criminal justice social work reports being submitted to sheriff courts and cited examples. Following discussion of various workload issues, it was suggested that more detail was required of unpaid work projects; that the relevant Community Payback Order Annual Reports be issued to the Sheriff Principal and that Rehabilitation Length of Stay reports only be produced in Paisley Sheriff Court when requested and that such reports be submitted to all other sheriff courts automatically unless the sheriff requested otherwise. This was agreed.

### **DECIDED:**

- (a) That more detail be submitted in relation to unpaid work projects;
- (b) That the relevant Community Payback Order Annual Reports be issued to the Sheriff Principal; and
- (c) That Rehabilitation Length of Stay (RLOS) reports only be produced in Paisley Sheriff Court when requested and that such reports be submitted to all other sheriff courts automatically unless the sheriff requested otherwise

## **9 ANY OTHER BUSINESS**

### **CHILD PROTECTION ORDERS (CPOS)**

A discussion took place relative to the need to contact interested parties when presenting emergency CPOs at Sheriff Court. While there was a broad view that notification to interested parties was not necessary for emergency orders there was an understanding that where a hearing was required a solicitor would need to be present to represent the social work authority. Similarly, where appropriate, the parents would need to be advised of the need to seek legal representation if they so wished. In all instances, the best outcome for the child was for a social worker to be present who had good knowledge of the child's familial position.

It was suggested that the Sheriff Principal be invited to give a presentation to the next national child protection chairs' meeting and that this matter be retained on future agendas of this group. This was agreed.

### **DECIDED:**

- (a) That the Sheriff Principal be invited to give a presentation to the next national child protection chairs' meeting; and
- (b) That this matter be retained on future agendas of this group.

## **JURISDICTION ISSUES FOR CPOS**

Arising from discussion of the immediately preceding item of business, Sheriff Principal Murray raised the issue of the sheriff court jurisdiction in which a CPO should be raised. He suggested that such orders should be applied for in the jurisdiction within which the child was likely to normally reside rather than the jurisdiction within which the maternity ward was located. Similarly, the Social Work authority that would normally be expected to deal with the family/child in that area should be the proper authority to apply for the order.

**DECIDED:** That this matter be noted.

## **10 DATE OF NEXT MEETING**

The group considered arrangements for the next meeting of the group to be held on 13 May 2016. It was suggested that a report on electronic monitoring be submitted to that meeting. This was agreed.

**DECIDED:**

- (a) That the next meeting of this group be held on Friday, 13 May, 2016 at 2.00 p.m. within Paisley Sheriff Court, St James Street, Paisley;
- (b) That a report on electronic monitoring be submitted to that meeting; and
- (c) That any further items to be considered be notified to Committee Services, Renfrewshire Council.