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Our Reference: 202000117482

Your Reference: Letter FAO Humza Yousaf, MSP, Cabinet Secretary for Justice, from Scottish Association of Social Work

7 December 2020

Dear Alison and Jude,

Thank you for your letter of 19 November regarding the impact of the recovery and restart of the justice system on social work. I am grateful for you taking the time to set out your views, and for your professional recommendation that a reduction in unpaid work hours is the most effective and safest way to ensure that justice social work and the wider justice system continues to function effectively.

I would firstly like to express my gratitude to not only the 1500 or so social workers that you represent, but to all those involved in community justice who are working to keep communities and individuals safe by delivering support and interventions as effectively as possible in such challenging circumstances. I also appreciate the continuing engagement of the Scottish Association of Social Work in collaborative work around issues impacting on the justice system and potential changes that support system renewal.

With regard to the points you have raised, I share your concerns at the issues currently being faced by justice social work and the wider community justice system. The impact of the pandemic will continue to be felt for some considerable time, and I agree that we need to explore how best to ensure that public and judicial confidence in community-based interventions is not undermined.

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As you note, while the Coronavirus (Scotland) Act 2020 extended all unpaid work and other activity requirements by 12 months, enabling the suspension of unpaid work programmes during lockdown, there is now a growing number of outstanding hours of unpaid work. With justice social work capacity still significantly affected, it is clear that we must look at ways to ensure that the system does not become overwhelmed as court business continues to increase.

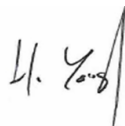
Social Work Scotland's (SWS) position paper in the summer highlighted similar concerns to those raised in your correspondence, and I agree that there is a strong argument that proportionate use of the powers contained in the Coronavirus (Scotland) Act 2020 to vary unpaid work and other activity requirements may be necessary. Indeed, I wrote to the Justice Committee in July, following receipt of the SWS paper, to make them aware that use of these powers may be required to alleviate the pressure on justice social work services across all local authorities and mitigate the risk of the system becoming overwhelmed.

A decision regarding potential regulations to vary unpaid work will be taken as soon as possible but, as you will appreciate, this must take account of the need to strike a careful balance so that victims of crime, the wider public, and the judiciary continue to be confident that community orders are an effective way for individuals to pay back to their communities. In the meantime, I have asked my officials to keep you updated on any developments and will ensure you are notified once a final decision has been made.

Since the pandemic began, my officials and I have been in regular contact with SWS and other key stakeholders to ensure that we are kept up to date with the ongoing situation and the issues that are being faced. I am aware that officials are due to meet with Alison on 9 December and I welcome such engagement on issues impacting on social work and consideration of future joint working.

Thank you once again for setting out your views and advice, and for all the work you and your colleagues have done during this unprecedented time.

Yours sincerely,



HUMZA YOUSAF

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