

## **Bail and Release from Custody (Scotland) Bill**

### **Supplementary written submission from Social Work Scotland**

**Public safety Test-** there has been extensive discussion across SWS members about the “test” required for bail supervision and is reflected in the Scottish Governments Bail guidance for Justice Social Work. This is a bail suitability assessment rather than a risk assessment, which covers issues such as:-

- Checking SW information systems- is the person known and are there any known public protection or staff safety issues?
- Available information on charges, previous convictions and any previous reports
- Interview with the individual to gain insight into relevant housing, personal circumstances, health, substance use, relationship issues etc
- Assess the likelihood of compliance
- And many more issues

The level of information available to a writer can vary greatly, especially in cases where a person appears from Police custody and is not known to services. This assessment is often completed by Bail officers in the court who are more likely to be para professionals rather than qualified social workers. There are significant workforce issues at the present time with regard to recruitment and retention of social work staff. I have attached a recent report which outlines some of the issues.

**Resource Issues** - the financial memorandum outlines some financial modelling in relation to potential numbers of assessments required- approximately 57,750, with a unit cost of £1600, requiring 1.5 hours per report for completion. Depending on complexity of the case, the time required may exceed the hours outlined. SWS response to the consultation, acknowledged the enhanced role for JSW and that funding had become available for bail related services and electronic monitoring assessments for bail, based on an hourly rate of £29 which needs further scrutiny and review due to the current cost of living challenges and pay increases. The Funding Review Group is considering a range of issues for JSW, including the appropriate formula for funding allocation and distribution.

**Practical Implications** – Most local authorities have bail services or are in the process of establishing services. Not every court has a court-based social worker .and some courts run multiple hearings concurrently which can be difficult to cover for the purpose of a bail assessment. The attached report discusses the challenges for the Social work workforce, not only in being able to recruit and retain staff but to meet the demands of increased workloads from new and emerging services.