



**COVID-19- GUIDANCE NOTES FOR CRIMINAL JUSTICE SOCIAL WORKERS IN
RELATION TO DOMESTIC ABUSE PRISONERS BEING RELEASED DURING
LOCKDOWN**

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Background

There is a growing body of evidence from Scotland and around the world that domestic abuse has been increasing dramatically during the Covid-19 crisis. Lockdown arrangements create particular opportunities for perpetrators to exert control over their partners. There may be enforced contact within the home, or enforced distance between partners and ex-partners, but increased stalking and tactics of isolation including the use of virtual or digital methods. Perpetrators may believe physical abuse is less likely to be detected. There may be changes to family dynamics and challenges to gendered role expectations, increased drinking or use of other substances at home, increased stress related to finances and job insecurity or furlough, children being more present and complications over child contact arrangements, stretched police services, reduced access to women's support services and reduced options for women making safety plans.

Evidence gathered by Justice Analytical Services from 3rd sector and statutory agencies involved in advocacy/support for people experiencing or perpetrating domestic abuse (including the Caledonian System) indicate some emerging patterns in terms of the types of behaviours being perpetrated during lockdown and its often magnified impact on women and children. The picture is complex and varied in that it includes some reports of physical violence escalating, possibly because some perpetrators believe the chances of being detected are reduced and victims' and children's opportunities to report are significantly curbed. Other women report that overtly abusive and controlling behaviour is decreasing, possibly because men may feel secure in the knowledge that their partner's movements and choices are controlled by the regulations and he does not need to. This raises the question of whether some types of controlling behaviours for some women will increase as lockdown is eased. This information on emerging trends has influenced this issue of the guidance.

Prisoners being released during lockdown face a very different situation from the one in which they were sentenced. In addition to the new opportunities to exert control over partners created by lockdown conditions, released prisoners also face new restrictions on



their own lifestyles which will be very much at odds with the life they imagined as their release dates approached.

All of this raises significant issues for the risk management and/or supervision of people being released. This guidance relates to released prisoners, whether their index offence was a domestic abuse offence or not and whether they are released on licence and/or with conditions of supervision or not. Clearly this guidance only relates to those who have justice social work involvement either by their own choice or mandated to do so via release conditions. We have no locus with those liberated at earliest liberation date who choose not to engage and are not required to by law. The emergency early release scheme (EER) which has now concluded explicitly excluded prisoners whose index offence related to domestic abuse and also those whose index offence did not relate to domestic abuse but who had a recent history of domestic abuse convictions. However, the recent offences that could be taken into account only included those convicted under the 2018 Domestic Abuse Scotland Act and the 2016 Abusive Behaviour and Sexual Harm Acts. It is therefore likely that some people who have perpetrated domestic abuse will have been considered or released under EER and aspects of this guidance will be relevant in relation to those individuals and their partners and ex-partners.

There is also the issue of Home Detention Curfews for both long term prisoners whose parole has already been approved by the Parole Board and short term prisoners.

- How does the fact that prisoners will be released into lockdown conditions affect the assessment and, in some cases if non-standard conditions are imposed or suggested by the social worker, the supervision of these prisoners?
- How does lockdown affect the risk assessments and scenario planning carried out when parole or HDCs are being considered?
- How might this be conveyed in Home Background Reports and Community Assessment Reports?

This is an addendum to the guidance issued to assist workers and their managers to reach defensible decisions on how to prioritise domestic abuse cases while supervising CPOs and in allocating CJSWRs during the Covid-19 crisis. [Click here to download this advice.](#) The key considerations in that guidance were assessment and management of perpetrator risk and the vulnerabilities of their partners and children. Those considerations must also be key to this group of people.

Some issues around women's safety and social work's role with those being released in domestic abuse cases are wider than, and predate, the pandemic and there is a need for revision and updating of existing guidance.

Please note that this document is written from a gendered analysis of domestic abuse, which acknowledges that the vast majority of domestic abuse cases on our caseloads will be perpetrated by men and experienced by women and girls. However, much of the practical advice contained in this guidance could still help support decisions in cases of domestic abuse which involve male victims or same sex couples.



Home Detention Curfews (HDCs)

All people serving short-term sentences and all people nearing the end of long-term sentences who have been granted parole have the right to be considered for a Home Detention Curfew (with a few exceptions such as S.15 cases). The Deputy Governor of the establishment where the person is serving their sentence will consider the application. They will follow a risk assessment framework co-designed with the Risk Management Authority (RMA). As part of that they will consider sources of evidence where available such as the judge's report and the Criminal Justice Social Work Report including the Spousal Assault Risk Assessment (SARA) if it was completed for the CJSWR. They will also consider any other information gathered during the Integrated Case Management (ICM) process for long-term prisoners and also any other intelligence available. In some cases the Governor may not agree to release someone on HDC on the basis of the initial review of available information so in some cases they will not progress as far as to ask for a Community Assessment Report. In other cases the Governor may ask for a Community Assessment Report and on the basis of that report they will take a decision to release or not.

The Governor is guided in their decision by HDC guidance which was issued for all relevant agencies in December 2019. While there is no exclusion in relation to domestic abuse there are two relevant points to consider in the guidance: "identification of any problematic relationship/victim issues (such as a history of abusive behaviour towards the occupier), or any wider problematic relationship/victim issues" (p26 of HDC guidance). There is an individual assessment of risk made and in all cases of discretionary release the Governor "MUST" undertake a "risk of harm" assessment – Rule 135(4)(b) of the Prisons and Young Offenders Institutions (Scotland) Rules 2011.

In the current situation the fact that a prisoner may be being considered for an HDC during the restrictions caused by Covid-19 should form part of any assessment of risk and vulnerability, and should inform Community Assessment Reports for HDCs. While there is an element of reporting on home circumstances social workers also bring broader information on risk to bear in the assessment. They may also be responsible for supervision of long term prisoners under statutory parole licences or in some cases for non-standard conditions in HDCs. Workers should consider how lockdown conditions and other restrictions on movement may affect the form of supervision that is possible – even as face to face contact with physical distancing becomes more practicable – but also men's response to supervision and the pressures they will face.

An issue which predates Covid-19 but which may be more critical during this time, is how information on the SPS information storage system PR2 may be limited. This system will indicate if the index offence was a domestic abuse offence (for offences since the new statutory offences since 2016). However for domestic abuse offending before that date they will rely on domestic abuse aggravator information being part of the record and this is not consistently recorded. In some cases of multiple offences the domestic abuse offence may



not be selected as the principle index offence. A further issue is that the information community based social workers' receive from PR2 will come through prison based social workers. PBSW will have some access to the system but not as much as other staff - for example ,to levels of intelligence or information relating to prison establishments other than their own. It has also emerged that some prison based social work staff are not able to access PR2 if they are working from home. There also appears to be some variation in how well this sharing of information works in different establishments. Workers should consider other sources of information including social work records to ascertain whether domestic abuse may be an issue.

Workers should review the SARA if one was undertaken for the CJSWR. In the case of long term prisoners it is likely that if this was completed it will have been a SARA v2. If more recent there may be a completed SARAv3 which will include a greater degree of analysis and formulation including some limited scenario planning. Updating this assessment and including scenario planning around Covid-19 provides a very good template for assessing and presenting risk and vulnerability. If it is a domestic abuse offence and no SARA was completed at the sentencing stage the worker should consider completing one. We recognise that for some authorities where community assessment reports may be completed by paraprofessionals who may not have been trained in SARA v3 this would have resource implications. Authorities should consider ensuring that assessments involving domestic abuse cases should always be allocated to qualified social workers. Any SARA should ideally be informed by consultation with the victim (see discussion below on when it may not be appropriate to contact victims). It is acknowledged that in the current circumstances there may be practical difficulties in gathering all of the information needed for a comprehensive SARA assessment or reassessment, such as restrictions on prison visits, the worker themselves may be self-shielding and able only to work from home, victims choosing not to engage etc.

There is a specific section of the HDC guidance for social workers on their role in relation to Community Assessment Reports (pp24-29).

Points to note in terms of the current crisis:

- Advice on Community Assessment Reports for HDCs - providing evidence of “problematic relationship/victim issues (such as a history of abusive behaviour towards the occupier)”- the Community Assessment Report is an opportunity to convey this information.
- Non-standard conditions can be suggested, for example in relation to substance misuse services, which could require supervision from social workers.
- Changes can be made to the curfew after release if new information about risk emerges although if that information comes exclusively from the woman their workers should be aware of the service generated risks associated with making this explicit.



- Within the guidance there is the option of including a condition that a prisoner is required to stay away from a particular address and this condition can be policed by technology in the form of a box installed in the victim's house to detect the presence of the wearer of the electronic tag. You should assess the risks and benefits in relation to "away from" boxes and discuss the possibility with the woman. It is likely that some women will be very wary or embarrassed about having this technology in their home or concerned that risk might increase if the man knows that she has agreed to it, while others will welcome the idea because it removes the onus from them to report non-compliance and places it on the technology and G4S. It is important to explain that if the "away from" box is triggered the transgression is logged instantly and G4S will inform the single point of contact in the police who will have a storm marker already attached to the house. How this works may vary depending on individual protocols but the response should be very quick.
- Safe, appropriate and legal information sharing is essential to effective risk management. This is also central to multi agency risk assessment conferencing (MARACs) and these now exist in 29 out of 32 local authorities. Referral to a MARAC is likely to be the best way to ensure that information is shared enabling a proactive safety planning service to be offered to women by an IDAA (Independent Domestic Abuse Advocacy Worker provided by Women's Aid or another specialist domestic abuse service). Workers should be familiar with and follow their local procedures for referring to MARAC when appropriate. Referrals should be for cases considered to be high risk and this can be assessed either by completing a risk indicator checklist (RIC) or on the basis of a worker's professional judgement. The worker should attend the meeting to speak to the risks and vulnerability and be part of the resulting risk management plan. Referral to MARAC does not require the client's consent but she should be told the referral is being made.
- If an individual is suspected or confirmed as having COVID-19 while in prison and they are acutely unwell, they may be transferred to hospital depending on local NHS hospital capacity. In any case the SPS cannot hold people in hospital beyond their EDL even when their discharge date falls within the 14 day isolation period so this may have to be considered and any person identifies as being at potential risk should be informed.
- Many of the points in this guidance in relation conveying risk assessments and consulting women who have been affected or may be at risk also apply to Home Background Reports. It is appropriate if an HBR has been written to replicate that information in the Community Assessment Report, although it should be noted that it is particularly important to include information from victims or other third parties in a restricted section.



- In terms of the notice given in relation to release dates indications from a number of local authorities suggest that the timescales seem to be working well despite Covid-19. This means that local authorities should continue to receive weekly lists detailing all admissions and liberations over the subsequent 12 weeks assuming that your local authority has signed the SPS Data Sharing Agreement. This enables prioritisation of high risk cases including those cases where domestic abuse is known to be an issue whether or not it has been the index offence.

Advice on safely consulting and informing women partners before release and after release

The safety and vulnerability of women and children must be considered when completing Community Assessment Reports or Home Background Reports if there is any indication (from the index offence, from the original CJSWR, from information shared in previous ICMs or from any other source) that domestic abuse might be an issue. This should include both women living at the proposed address and other partners, ex partners, or potential partners in the man's life. This will involve making decisions about who to directly consult, how and when as it will not always be possible, safe or legal to contact all of them. Here are some pointers to help you make these decisions:

- In Glasgow, which has the longest established court advocacy service in Scotland, there is an agreement that when CJSW are writing a Community Assessment Report for an HDC they contact the advocacy service (ASSIST) and seek information and insights from their contact with the woman during the court process to inform the risk assessment. Obtaining information this way has a number of advantages: it means that the woman does not receive a letter from a social worker with all the anxiety that this might provoke; it allows the report writer to assess and convey the risks to the woman based on more than the circumstances around the index offence; it allows for that intelligence to be included without saying the information came directly from the woman which potentially presents a service generated risk. The consent form that the woman has signed with ASSIST means that there are no data protection issues. If you are in an area with an advocacy service you should consider negotiating a similar arrangement with that service. Several other advocacy services have indicated to us that they would welcome such an approach.
- If there is no domestic abuse advocacy service in the area the onus should be on the social worker writing the Community Assessment Report to consider how best to include insights gained from the woman's assessment of her own risk and vulnerability. This should include writing to her and offering a direct interview with appropriate physical distancing especially if the information is not available from existing advocacy services. Download [Community Justice Scotland guidance](#) on the principles of consulting women and recording information for more detail. In the



current situation this might have to be conducted by phone. If she is the victim of the index offence there are no data protection implications as you are engaged in a public task. See [Information Commissioner's Office guidance](#). Likewise if contacting a woman who was not the victim of the offence but resident at the proposed address there should be no data protection issues depending on the nature of the relationship such that it could be argued that she is potentially at risk from the person (thus satisfying the condition that information sharing is necessary and proportionate).

- If there is, or has been, no contact with the victim of the index offence from any advocacy or support agency since the sentence the worker should consider whether it is appropriate to contact her, especially in the case of people serving long term sentences. Workers should consider the balance of the risk that contact might re-traumatise her with the principle that she has the right to be informed to assist her to develop her safety plans. If a decision is made not to contact her this, and the reasons for that decision, should be recorded.
- In some cases a prisoner may have formed a new relationship either in the period between the offence and the trial or while the sentence is being served. If so their risk to her and her vulnerabilities should be considered and conveyed in the report.
- The worker should inform the woman about what kinds of information can be included in any reports and who has the right to see them. In order to minimise service generated risks it is better to find a form of words that conveys the views without quoting her. If after explaining to the woman that the man will have the right to see his report - and she is clear that she wants information from her to be included and discussed - it is crucial that it is flagged up. It should be stated that there is 3rd party information in the report and this should not be shared and should be put in a clearly marked restricted section. Explain the processes and the guidance including Governor's power to consider risk and veto release. Also explain how decisions will be fed back.
- Be aware of the Victim Notification Scheme. There is no time limit on when a victim can register for this scheme and includes right up to the prisoner's release so the worker might wish to inform/remind her of this scheme. If the HDC is not approved and he reverts to his original release date this would be the surest way of ensuring that she is kept informed so that she can make an informed safety plan. In areas that have an advocacy service women should have been told about the scheme and processes for applying (by phone in sentences under 18 months and by filling out a form for sentences over 18 months – available from VIA).
- If a worker becomes aware of a woman who may be at risk from a man being considered for release who does not fit into the categories of victim of the index offence or resident at intended address, consider using the Disclosure Scheme for Domestic Abuse Scotland (DSDAS). This allows the worker to ask that anyone in a potential relationship with an abuser be told about his background and past. This



may also be appropriate in the case of women who were the victim of the index offence but may not know about a history of abuse against other women.

- The HDC guidance advises that if recommendations about “away from” conditions are being made you should ensure that this is not the only safety measure in place (p19). Ensure that services are in place which can provide an active safety planning service. If an advocacy service is involved they might be best placed to provide this service and may already have done so.
- In all cases you should ensure that women are aware of local services. If you are in an area with a Caledonian women’s service or other integrated women’s support service you should discuss the case with them and seek advice on the best information on other services. Ensure that the woman knows how to contact her local Women’s Aid and other support services. If you are sufficiently concerned about a woman’s safety a referral to MARAC should be made.
- In the JAS evidence on emerging trends in relation to the pandemic a number of organisations highlight challenges in safety planning with victims, due to sporadic communication, the presence of children, or the service-generated risks of contacting clients who reside with/are being monitored by the perpetrator. To anticipate this in the case of released prisoners use assessment interviews to establish safe contact measures, appropriate times, codewords to communicate whether it is safe for her to talk.
- There are particular risks associated with digital communications and during the current situation these are likely to be the main means of communication. A separate set of guidance notes on mitigating the risks of different communications platforms is available from the Caledonian central team (see details below). Ask about women’s access to digital devices and assist her to explore mechanisms for obtaining them. The JAS research found that some women with school-age children had prioritised children’s schooling online over their digital access and this is impacting on their engagement with support services.

Direct work with men under supervision on offending, alcohol and social networks

Research by JAS suggested continued incidents of perpetrators flouting lockdown restrictions, particularly by socialising with others, and then returning home, putting their partner (some of whom are shielding) at increased risk of contracting Covid-19. There were also continuing reports of stalking, including monitoring behaviours within the house using CCTV and online methods, perpetrators using video contact with children as an opportunity to monitor the victim. This feedback about emerging trends should inform the approach and any direct work you undertake with men.



There is a manual of activities that can be undertaken with men to reduce risk and encourage them to engage with your service and remain in contact in ways which do not create further service generated risk. You can download the [Covid-19 manual](#). The preparation of a Community Assessment report whether or not it results in an HDC could be an opportunity to encourage voluntary throughcare either around practical issues such as housing or around relationships and abuse.

During the Scottish Government's 'test and protect' phase it will remain the case for the foreseeable future that even men who have been able to undertake individual appointments may be temporarily stopped from doing so if they are required to self-isolate. You may have to develop local guidelines as to what evidence you would require from a man as to his inability to attend.

Other points to consider:

- The lockdown arrangement resulting from the Covid-19 crisis mean that prisoners will not have had visits since early April 2020. This will increase tensions particularly for those men experiencing extreme jealousy.
- Suicidal thinking -there have been reports from Caledonian teams of men threatening suicide or having suicidal thoughts. We know this issue is always significant when working with domestic abuse. It is significant because using threats of suicide is a common tactic of control but also because genuine suicidal ideation is very significant not only as matter of concern for the man but also because we know that suicidal ideation and homicidal ideation are often related. Once someone is thinking in these "all or nothing" terms it should be recognised as a significant risk factor for his partner (or ex-partner) and children. There is also an increased risk of non-fatal overdose which may change the dynamic between him and his partner (possibly in terms of her sympathy for him).
- Consider the man's housing situation. You can download [guidance from Sustainable Housing On Release for Everyone](#) (SHORE).
- In the JAS emerging trends research conflicts over child contact in domestic abuse cases were identified as a significant issue for many women. There have been some reports of fathers, who are perpetrators of domestic abuse, asking children to show them round the house during video-contact (services perceived this as a means of extending abuse by monitoring the victim and/or establishing where they live); verbal abuse taking place during handovers, particularly in cases where handover was usually facilitated by third parties such as schools; and many reports of women facilitating child contact outwith the conditions of agreements/orders, often exacerbating their risk. There were also continued reports of fathers socialising with friends and family in different households, thus exposing their child/children to other people during contact visits. In some cases, fathers were communicating their activities to their ex-partner, causing high levels of stress and anxiety, and in some cases this prompted mothers to stop contact.



- In direct work with men be aware of both the opportunities provided by lockdown to abuse contact arrangements and the extra anxiety that men may genuinely have about their children. Consider using the session from the [Covid-19 manual](#) on how to be the best dad you can be during the Covid-19 crisis.
- Workers should be informed and have a ready means to convey advice to men on how to access support in relation medical support, benefits, foodbanks etc



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