



**COVID-19- GUIDANCE NOTES FOR
CRIMINAL JUSTICE SOCIAL
WORKERS IN DOMESTIC ABUSE
CASES IN AREAS WITHOUT ACCESS
TO THE CALEDONIAN SYSTEM**

Background

There is a significant body of evidence that domestic abuse increases during large scale emergencies, for example Australian bush fires and Hurricane Katrina. Reasons for this include increased isolation, anxiety, trauma and bereavement, and financial pressures. Added to this are potential issues related to enforced contact between partners in homes during lockdown, women feeling trapped and unable to leave, changing family dynamics and challenges to gendered role expectations, increased drinking at home, children being more present and complications over child contact arrangements, stretched police services and reduced access to women's support services. Information from China indicates dramatic increases in domestic abuse during their recent lockdown arrangements.

There are also likely to be increasing pressures on teams delivering all aspects of Community-based Justice Social Work, particularly as most workers move to working from home or self-isolating or are absent through sickness

This guidance is intended to assist workers and their managers reach decisions on how to prioritise domestic abuse cases and workload with due regard to risk and vulnerability. We know that reviews of business continuity plans and service prioritisation arrangements are ongoing locally as they are nationally, and that you are already making decisions as to how you will move available workforce, skills, capacity and resources in relation to all justice social work services. All authorities will be prioritising high risk and high vulnerability cases. 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 will still help support decisions in cases of domestic abuse which involve male victims or same sex couples'

This situation is constantly evolving and the Central Caledonian Team will be available for support and guidance if required, for all Local Authorities in Scotland in relation to any domestic abuse cases. If you want us to phone you just email us and we will return your calls as soon as possible. We are also available via Skype for video contact. Our details are as follows:

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Managing Impacts on Capacity and Accessibility

In considering how to respond to increasing demand and reduced staffing capacity you may wish to consider the following points in relation to Court assessments relating to domestic abuse cases:

Court Report Requests

1. In the current crisis if your capacity is reduced significantly, prioritise the highest risk cases and pay particular attention to the behaviours used by the perpetrator including but not restricted to:

- Strangulation, threats to kill, smothering, use of weapons, severity of assault, evidence of stalking or of a sexual element to the offence.
- Any convictions under the Domestic Abuse Act 2018 with evidence of a pattern of coercively controlling behaviour should also be prioritised.
- Record your decision.

In practice it is very likely that changes in court and prosecution practices during the current crisis mean that the report requests you receive will have been deemed to be high risk cases by virtue of them being a high court case or one heard from custody or on undertaking and so will already have been prioritised appropriately. All cases where the accused is in custody will be consolidated within Sherifffdoms, into ten Sheriff Courts, as detailed on the court updates pages found here:

<https://www.scotcourts.gov.uk/coming-to-court/attending-a-court/coronavirus/coronavirus---business-update>

2. Even if it is not already the normal practice in your area, consideration should be given to making contact with the victim in all domestic abuse cases. In light of current government advice on home 'lockdown' consideration should be given to the victims ability to speak freely under these circumstances. **Do not** record any information received from the victim in the Court report as this could significantly increase the risk posed to her. Instead use the information to assist the victim with safety planning and signposting to appropriate agencies

- When doing the partner consultation, even if there are special bail conditions remember to ask questions in such a way as to minimise service generated risks to the woman. Don't assume the man is not there or that he has not got a way of listening in to her calls. Be aware of how what you say might be heard by the man. Explain why you are calling and ask if it is a good, safe time to talk. If she says no advise that you will call her again and tell her what time. If she is unable to talk at the second call ask her if she would like you to call again. If she says no provide her with the number of the national domestic abuse helpline or the local women's aid number. If you have significant concerns about her safety, share this concerns with your local police hub as a matter of urgency – her safety is paramount.
- Check with your emergency out of hours social service so that you can advise what a woman could expect if she needs to contact them.

3. If undertaking the report complete risk assessments as fully as possible. Use the Spousal Assault Risk Assessment V3 (SARA V3) if this is available in your area:

- Formulation and risk management are obviously particularly vital in the cases that you have already identified as high priority.

- Complete scenario planning in relation to the current Covid-19 situation and outline risk management measures for the court.
 - Acknowledge in the report that your information gathering may have been restricted by the current situation and undertake to continue to review the SARA v3, or any other risk assessment used, under any CPO that is imposed.
 - Unless told explicitly by the woman that she does not want a Non Harassment Order (NHO) reinforce in your report the protection that can be offered by such an order.
4. If a man who you have prioritised for assessment cannot attend for appointment because of 'lockdown':
- Arrange phone interviews with him and ensure that the partner contact still takes place as described above. If working from an office it would be worth exploring if Skype or some other form of video calling app could be used but **we would not recommend video calling with clients under any circumstances from your own home.**
 - Use the SARA framework as above or any other risk assessment tools available to you.
5. If you are unable to prepare any report follow local decisions about requesting further deferments but remember in domestic abuse cases the protection offered by continued special bail conditions during the further deferment could be very significant. It would be useful to highlight this in any correspondence to the Court.
6. Points to note from other local authorities:
- One area has agreed with their court that domestic abuse reports need an eight week deferment.
 - One Caledonian area has developed a practice of suggesting structured deferred sentences with weekly phone contact with the man with a view to completing a full assessment once lockdown is over. They are offering the women the same level of support as she would have had if he were on the programme.
 - One court has started to say that they do not expect any new CPOs to start till the 1st July at the earliest.

New and existing cases

7. In making decisions as to how to prioritise work it is better to establish and maintain phone contact with all men and their partners from the first week of the new Order in order to constantly reassess and manage risk than it is to undertake any programmed behaviour change work.
8. If possible inform the client of what your departmental position is on acceptable compliance and what your breach policy is in light of the current circumstances.
9. In considering what work to do directly with the man:
- Consider those sessions that relate more to immediate risk reduction and practical tools for men such as self-calming and triggers and self-talk. These exercises and several others which can be undertaken by phone

are described in the document COVID-19 –Direct work with men who abuse their partners. This will be available on the Community Justice Scotland website in the week beginning the 6th April.

- In terms of motivational work it could be very helpful to invite men to step up to their responsibilities as partners and fathers, for example asking - what kind of man do you want to be in this current situation?
- Work on a very specific personal plan item around the current crisis.

10. In listening to men, be aware that some will be very stressed by the isolation, or the financial hardship. They may drink or use other substances more heavily. There is also a heightened risk of suicidal thoughts as well as increased risk to women and children

11. Be aware that some men may use the current situation to avoid challenge, justify non-compliance or to reinforce a tendency to blame or criticise their partners.

12. Be aware that where the man is homeless, he may use coercion to re-establish the relationship or request temporary housing with woman. Discuss with housing colleagues what options are available for alternative accommodation.

13. Ensure that women partners are aware of support services in their area and the national; domestic abuse helpline. You may try to maintain engagement with the woman if you are satisfied that this can be done safely. Agree in your teams what is possible in terms of methods of communication such as phone call, Whatsapp or Skype. As stated above **we would not recommend any form of video contact with victims from workers' own homes.**

14. Continue to share information relating to the risk the perpetrator poses and any vulnerabilities experiences by the women with all appropriate partner agencies.. Remember at all times if you have any concerns about the immediate safety of women, children or men, you should call the police. If doing so, follow normal best practice of informing the woman that you are doing so if it is safe and possible to do so.

15. If a man you are working with is arrested on a new charge it is important to note that with the need to reduce pressure on prisons and reduce the numbers of prisoners on remand, more men may be released on undertaking pending decisions from the PF and this has implications for your safety planning with women. – although the Lord Advocate's Guidance is clear that given the particular risks associated with domestic abuse cases it may still be both reasonable and necessary to hold a person in custody pending the submission of a report to the Procurator Fiscal. You may also not get adequate notification of release from remand, so it would be worth reviewing your contact with the advocacy service if such a service exists in your area or with Victim Information and Advice (VIA) if not.

Rory Macrae and Gill McKinna

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