



Colleagues,

This note should be read in conjunction with both the new Diversion Guidance (Version 4.0 April 2020) and the agreement between Social Work Scotland (SWS) and the Crown Office and Procurator Fiscal Service (COPFS), both of which are available at the Community Justice Scotland (CJS) website.

The guidance sets out the process for Diversion, as agreed by partners agencies, and this includes timescales. Clearly in the current circumstances around the COVID-19 pandemic there are adjustments being made to accommodate and facilitate a range of matters. It is a mark of professionalism and clear demonstration of commitment that agencies (both statutory and 3rd sector) have endeavoured to keep justice-related services – including Diversion – running in whatever way they can to try and help people move towards better and more positive outcomes.

In respect of Diversion, the following are the key points of change that have been brought into effect to try and assist with the efficacy of Diversion in relation to the COVID-19 situation:

- The statutory time bar contained in the Criminal Procedure (Scotland) 1995 Act places a 6-month time limit on the commencement of summary proceedings for certain statutory offences. This has been extended to 12 months.
- The assessment period will continue to be extended to 3 months but wherever possible assessments should aim to be completed in no more than 6 – 8 weeks of the request being sent by COPFS.
- Interventions should be completed within 6 months of the return of the assessment to COPFS.
- If the assessment has already been undertaken and the Diversion is ongoing then an additional 6 months should be added to the target completion date of the intervention.

The changes to the timescales as noted above (and in more detail in the COPFS/SWS agreement paper) are not altered in the guidance document as the changes are temporary and will be subject to ongoing review in line with the Coronavirus (Scotland) Act.

What this means is that partners should be aware of and apply the temporary timescales but adhere to the process outlined in the guidance. If local partners are able to adhere to the timescales in the guidance (as some have indicated) this should be encouraged, but if this is not possible the extended timescales will remain in place until otherwise advised as outlined in the COPFS/SWS agreement.

All agencies involved in the Diversion process will be working in an environment that is unprecedented and this has the potential to create unforeseen issues of complexity. It is at these times that we all must fall back on not only our strong working relationships as partners, but also the assumption of positive intent that all parties will be trying to achieve the shared goal of trying to help people who have a range of needs stay out of the justice system and get the appropriate help they need.

As always, if any clarification is required in respect of the guidance and these arrangements, please do not hesitate to get in touch with me.

Many thanks



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