



Justice Social Work Statistics in Scotland: 2022-23

1 Introduction

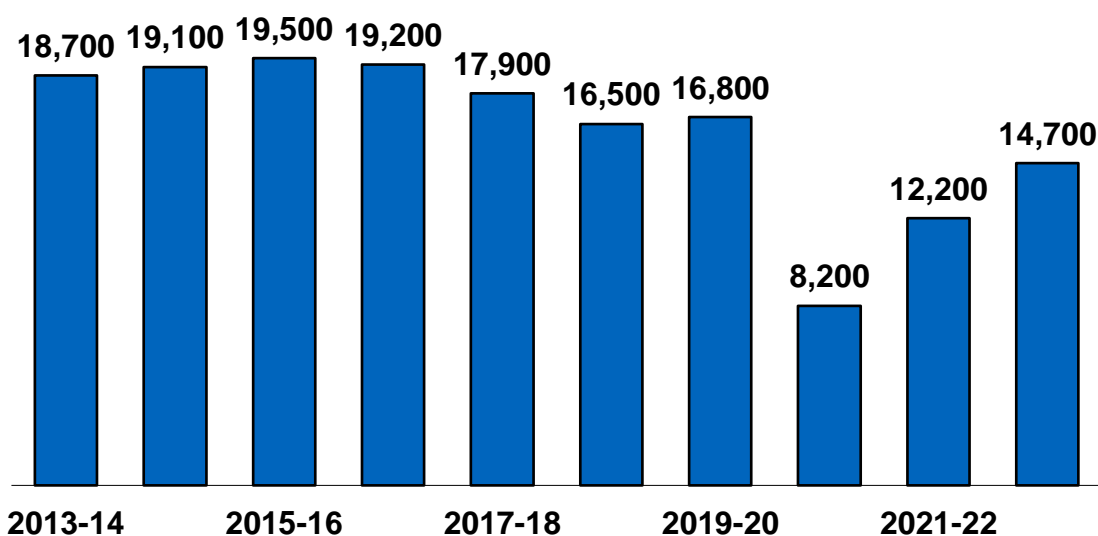
This publication presents national-level information on justice social work activity in Scotland. It includes data on justice social work services and social work orders, as well as characteristics of the individuals involved.

The nationwide lockdowns and other public health measures put in place during the coronavirus (COVID-19) pandemic have had an impact on social work activity since March 2020. Caution is advised in comparing activity in years 2020-21 to 2022-23 with previous years.

The number of community payback orders issued in 2022-23 was 14,700, up 20 per cent on 2021-22 but still much lower than any of the pre-pandemic years ([Chart 1](#)).

Chart 1: The number of community payback orders issued has risen in the last two years but remains below pre-pandemic levels.

Annual community payback orders issued by courts in Scotland: 2013-14 to 2022-23



Note: Figures in this chart are rounded to the nearest 100.

16 January 2024

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Key Points

The coronavirus (COVID-19) pandemic has had a substantial impact on justice social work since March 2020, mainly as a result of the national lockdowns and other measures to keep people safe. This has resulted in lower volumes of cases going through courts, particularly in the years 2020-21 and 2021-22 (referred to in this publication as “the pandemic years” or “the two pandemic years”). The last restrictions affecting the delivery of justice social work were removed during year 2022-23. Some caution is advised in interpreting the figures in this publication from 2020-21 onwards, particularly how they compare with earlier years.

- The number of diversion from prosecution cases commenced fell by two per cent between 2021-22 and 2022-23 to 2,600. This was the second highest level in the last ten years.
- There were 1,100 bail supervision cases commenced in 2022-23, the highest in the last ten years.
- The number of criminal justice social work reports submitted (including supplementary reports) rose by 15 per cent between 2021-22 and 2022-23 to 26,400. This was still lower than in the most recent three years prior to the pandemic, which averaged 28,200.
- There were 14,700 community payback orders (CPOs) commenced in 2022-23. This was 20 per cent up on 2021-22 but was the third lowest in the last decade. From 2013-14 to 2019-20, annual numbers ranged from 16,500 to 19,500.
- In 2022-23, for the first time since 2019-20, slightly more CPOs were issued with unpaid work (68 per cent) than supervision requirements (67 per cent). This reflects the reduced Covid-related restrictions in place during 2022-23, meaning it was easier for unpaid work to be delivered.
- The average hours given as part of CPO unpaid work requirements increased from 127 hours in 2018-19 to 131 hours in 2022-23.
- The number of CPOs in existence increased by 17 per cent during 2022-23, from 14,600 at 31 March 2022 to 17,100 at 31 March 2023. This was the third highest figure in ten years.
- The successful completion rate for CPOs terminated in 2022-23 was 73 per cent.
- Since the introduction of CPOs, over 10.6 million hours of unpaid work or other activity have been carried out as part of successful unpaid work requirements.
- There were 1,300 structured deferred sentences imposed in Scotland in 2022-23. This was 42 per cent higher than in 2021-22 and the highest in the last five years.
- There were 1,800 statutory custody and community based throughcare cases commenced in 2022-23. This was higher than both pandemic years but still the third lowest in the last ten years.
- The number of home detention curfew assessment reports completed fell to 730 in 2022-23, the lowest level in the last ten years.

2 Background

The name of this publication was changed in 2021-22, from the previous 'Criminal Justice Social Work Statistics' to 'Justice Social Work Statistics'. This was only a change of name and has not affected comparability with the data published under the previous name.

Significant public health measures relating to the impact of the coronavirus pandemic, including two national lockdowns, were in place during the 2020-21 and 2021-22 recording years. For example, many courts were temporarily closed early in 2020-21. There was also reduced capacity when courts reopened. This means that statistics for most areas of justice social work are lower than in previous years. Caution is advised in comparing 2020-21 to 2022-23 data with that from earlier years.

The data quoted in the text of this publication is rounded. The tables published alongside contain unrounded data. More information on how numbers are presented is available in [section 13](#).

Local authority justice social work teams provide a range of services, including:

- assessments and reports to assist decisions on sentencing
- court services to assist those attending court
- bail information and supervision services as an alternative to custodial remand
- supervising people on social work orders (e.g. community payback orders) to tackle offending behaviour
- supervising people who need to perform unpaid, useful work for the benefit of the community
- prison-based social work services to those serving custodial sentences
- preparing reports for the Parole Board to assist decisions about release from prison
- throughcare services including parole, supervised release and other prison aftercare orders to ensure public safety
- delivering group work interventions on programmes such as Caledonian and Moving Forward Making Changes

The data presented in this publication comes from justice social work management information systems for each of Scotland's local authorities. Further information on the collection and processing of the data is in [Annex A](#) and definitions are in [Annex B](#).

[A Review of Justice Social Work Statistics in Scotland – Survey of Users 2023](#) was conducted, asking users how we could improve the publications and data tables that we publish. The main recommendations were:

- To improve the timeliness of published data.
- For the commentary to be changed to reflect some of the requests e.g., key points at the beginning of topics and more graphs/infographics to break up text.
- For the tables to be streamlined to allow filtering and make it easier to select different years and geographical breakdowns.

- For there to be more data linkage. This would first require a review and likely changes to existing information governance arrangements, to ensure any future work in this area is compliant with data protection regulations.
- To consider possible changes to the data collection method, possibly extending the use of the ProcXed.NET data platform to make data transfer between local authorities and Scottish Government more efficient.
- To investigate and review the requests for additional data that relate to justice social work statistics.

For the 2023-24 data, we propose to split the data collected into two separate publications to improve the availability of data. Information relating to the following topics of justice social work is now planned to be published in early autumn 2024:

- Diversion from prosecution
- Bail information
- Court services
- Home detention curfew assessments
- Structured deferred sentences
- Throughcare
- Pre-release reports

The remaining information on criminal justice social work reports, community payback orders and drug treatment and testing orders is planned for publication in early 2025.

Updates on progress with the recommendations from the user survey will be fed back in the justice social work statistics publication as we make progress.

In 2022-23, there was an increase in the amount of data collected for diversion from prosecution and particularly for bail. Local authorities were made aware of this during the 2022-23 collection year and some of the extra information requested was not at that point recorded in local authorities' management information systems. As a result, the bail statistics for 2022-23 are considered 'official statistics in development'. A number of authorities were not able to supply the full data due to the short notice of this change made by the Scottish Government and some estimates have therefore been used. Some helpful feedback has been provided from local authority data suppliers on the guidance in the statistical return for bail assessments and bail supervision cases during the collection of the 2022-23 data. This will help us improve the quality of this data in 2023-24.

Most of the time series tables which accompany this publication covers the past ten years. This is long enough to illustrate current trends. However, we also publish some [additional datasets](#) which provide national and local authority data from 2004-05. The numbers in these additional tables as well as the Scotland level tables produced alongside this publication are given unrounded but are rounded for presentational purposes in this text.

3 Diversion from prosecution

(Tables 1, 3 & 4)

Diversion from prosecution is a process by which prosecutors are able to refer a case to a local authority or other identified agency as a means of addressing the underlying causes of offending.

The relevant prosecution policy of the Lord Advocate for adults is that diversion should be considered for all individuals where there is an identifiable need that has contributed to their alleged offending behaviour, and which is best met through support, treatment or other action. Where the individual is under 18 years of age, and not open to being referred to the Children's Reporter, there is a presumption that an alternative to prosecution will be in the public interest. Diversion is actively considered where there is an identifiable need. In diversion cases, a Procurator Fiscal may decide to waive prosecution at the outset or to defer a decision on prosecution pending the successful completion of the diversion.

The number of diversion from prosecution cases commenced fell by two per cent between 2021-22 and 2022-23 to around 2,600. This was, however, the second highest level in the last ten years.

During 2022-23, there were 4,800 referrals made to local authorities and 4,400 assessments. Sixty-one per cent of the assessments (2,700) progressed to cases commenced.

A total of 2,000 cases were successfully completed in 2022-23, the second highest level in the last ten years. In addition, there were 140 cases commenced which were subject to extended periods of diversion in 2022-23.

Between 2021-22 and 2022-23, the number of cases commenced rose for those aged between 18 and 20 and those aged over 40. Numbers fell for all other age groups with the highest fall, of 21 per cent, for those aged between 21 and 30. Between 2020-21 and 2021-22, it was those aged 21 to 30 who had shown the largest rise, of 39 per cent.

By far the most likely people to get diversion from prosecution, as a proportion of the [overall Scotland population](#), were those aged 16 to 17. They accounted for 25 per cent of people getting diversion from prosecution in 2022-23 but only three per cent of the Scottish population aged 16 to 70. Similarly, 18-20 years olds accounted for 15 per cent of diversion cases in 2022-23 but only five per cent of the population aged 16 to 70.

In the last four years, just over two-thirds of cases commenced were for men. In 2022-23, 62 per cent were for people who were either unemployed or economically inactive.

4 Fiscal work orders

(Tables 2 and 24 to 25)

Fiscal work orders (FWOs) were introduced nationally on 1 April 2015. They allow Procurators Fiscal to offer unpaid work orders as an alternative to prosecution. They

can be for a minimum of ten and a maximum of 50 hours and should be completed within six months.

The number of FWOs commenced in Scotland increased after they were introduced nationally, reaching a high of 1,000 in 2017-18. Numbers then dropped in each of the next four years, though they did rise from 76 in 2021-22 to 140 in 2022-23.

In 2022-23, there were 290 fiscal work order assessments undertaken by local authorities. In 150 of these assessments, the orders were accepted with the remaining 140 deemed unsuitable by local authorities. The number of orders which finished was 110, of which 76 per cent were successfully completed.

People given FWOs have been getting older in the last three years. In the years 2015-16 to 2019-20, 57 per cent of orders commenced were for people aged 25 and under, while 31 per cent were aged 26 to 40. This contrasted with the position in 2022-23, when 39 per cent were aged 25 and under and 38 per cent were aged 26 to 40.

There has also been a further change in the last three years in the employment status of people getting fiscal work orders. Where employment status was known, 66 per cent of orders commenced in 2022-23 were for people unemployed and economically inactive, compared with 31 per cent across the years 2015-16 to 2019-20.

People have generally been getting longer FWOs in recent years compared with prior to then. Sixty-seven per cent of FWOs imposed in 2022-23 were for 40 hours or more, compared to 29 per cent in 2015-16.

5 Court-based services and social work reports

(Table 1)

There are various tasks associated with providing information and advice to the court. These include:

- oral/written reports and information at the court's request on specific matters. These inform the sentencing process or the decision to remand to custody rather than grant bail
- supporting people with mental health difficulties to get the help they need. In particular, justice social work can request that a court asks for a mental health assessment and can work collaboratively with the Crown Office and Procurator Fiscal Service (COPFS) to look at alternative disposals
- interviewing individuals immediately after the court has passed a disposal involving justice social work. Such interviews further explain the decision of the court and what this means for individuals. They also establish if there are any pressing issues which need dealt with immediately, and they inform individuals about the availability of relevant social work or other services
- offering advice and practical assistance to family or friends of those appearing on the day of court, when appropriate
- forwarding relevant information to prisons in the event of a custodial sentence. This would include details on people who may pose a risk of harm to themselves and/or others

- representing the local authority justice social work service in the court setting (including, where appropriate, court users' groups) and liaising with other professional groups

Same day reports are either pre-sentence reports or specific sentence reports requested by the court. There were 1,700 such reports provided to the courts in 2022-23. This was higher than the pandemic years but still much lower than earlier years' levels.

In 2022-23, there were 11,000 post sentence interviews with people remanded into custody or receiving custodial sentences for the first time. This was higher than the Covid-affected totals for both 2020-21 and 2021-22 but still 28 per cent lower than in 2019-20.

6 Bail supervision

(Classified in 2022-23 as statistics in development - Tables 1 & 5)

Detailed information on bail supervision services can be found in the [National guidance on bail supervision](#). In response to data users' requests, the Scottish Government increased the volume of information it requested from local authorities in 2022-23. As a result, more detailed information is collected on bail supervision cases commenced and data is also now collected on assessment reports for bail suitability submitted to courts.

In addition, extra bail information has been collected in relation to electronic monitoring. Orders for electronic monitoring were introduced under the [Management of Offenders \(Scotland\) Act 2019](#). They can be imposed alongside a number of different court orders and also to support the monitoring of a curfew condition included as a condition of a bail order. Therefore, in bail supervision cases, the order for electronic monitoring can run in parallel with the supervision element. Figures are no longer collected for bail information requests.

Local authorities were only advised during year 2022-23 of the change to the collection for that year. It would therefore be expected, as any collection of new information needs time to standardise, that the quality of the new statistics will not be as good as data which has been collected over a longer period of time. As a result, the statistics for bail supervision are classified as "official statistics in development" whereas the rest of the information in this publication and accompanying tables is classified as "accredited official statistics". Apart from bail supervision cases, there is no trend data available for the years 2021-22 and before.

A total of 1,100 bail supervision cases commenced in 2022-23, almost double the number in 2021-22 and the highest in the last ten years. Apart from in 2020-21, when a number of courts were closed for long periods due to the COVID-19 pandemic, numbers have risen every year since 2018-19. In 2022-23, around 130 bail supervision cases (11 per cent) involved an electronic monitoring order.

There were 4,200 assessment reports for bail suitability submitted to the courts in 2022-23. While most local authorities were able to supply breakdowns by recommendation, some were not. As a result, this breakdown was only available for just under 60 per cent of these reports. Of the 2,400 reports where the

recommendation could be provided, 54 per cent recommended supervision. This consisted of 33 per cent recommending supervision only and 22 per cent supervision and an electronic monitoring order. A further 17 per cent recommended bail with an electronic monitoring order only, with the remaining 29 per cent considered not suitable for bail.

7 Criminal justice social work reports (Tables 1 & 6)

The criminal justice social work report (CJSWR) in its current format was introduced across Scotland from February 2011. The CJSWR ensures a consistent provision of information is provided, including the social worker's professional assessment. This report helps to assist in the sentencing process and to complement the range of other considerations, such as victim information and narratives from the Procurator Fiscal. In particular, the CJSWR provides information on social work interventions and how these may prevent or reduce further offending. A court must request a CJSWR:

- before imposing a custodial sentence for the first time or where a person is under 21
- when imposing a community payback order (CPO) with a supervision requirement or a level 2 (over 100 hours) unpaid work or other activity requirement
- when imposing a drug treatment and testing order
- when the person is already subject to statutory supervision.

The number of CJSWRs submitted (including supplementary reports but excluding letters sent instead of reports) averaged 28,200 over 2017-18 to 2019-20. With the lower volume of cases going through courts during the pandemic, numbers inevitably fell in the following two years to 16,900 and 23,000 respectively. For 2022-23, numbers increased by 15 per cent to 26,400, though this was still slightly lower than the pre-pandemic levels.

The number of full CJSWRs (i.e. excluding supplementary reports) also fell sharply between 2019-20 and 2020-21. Numbers then rose in both 2021-22 and 2022-23, reaching 24,600 in 2022-23. Seven per cent of all reports were supplementary in 2022-23, the lowest in the last ten years.

The vast majority of local authority areas showed an increase in CJSWRs submitted between 2021-22 and 2022-23. Further information is in the [additional datasets](#) which are published alongside this publication

In the last five years, just over 30 per cent of CJSWRs were for people aged 31-40 years old. Around one in six CJSWRs were for females.

Preferred sentencing options for criminal justice social work reports (Tables 7 & 8)

The criminal justice social work report writer provides a professional assessment on the suitability of available sentencing options. This assessment should highlight the individual's attitude to offending and motivation to change, as well as any risks and identified needs. It should also attempt to maximise the opportunity for the individual to change their behaviour and desist from offending. While the decision on

sentencing is for the court to take, the expectation is that the professional analysis will cover substantive issues such as the need for specialist assessment where there are significant difficulties around substance use or mental health. There is also the expectation that the report will include an assessment of the suitability or otherwise of a CPO. This should include the individual's motivation to successfully complete the order.

Forty-four per cent of CJSWRs in 2022-23 recommended the use of a CPO. Twenty per cent recommended a CPO with supervision but no unpaid work, while 12 per cent recommended unpaid work but no supervision. The proportion for unpaid work but no supervision was back to around the same as the pre-pandemic years. This reflects the fact that there have been less restrictions in 2022-23, making the use of unpaid work requirements less problematic.

In addition, 12 per cent of reports recommended either a structured deferred sentence or a deferred sentence of three months or more. A further six per cent suggested a monetary penalty. Custody was the preferred option in five per cent of reports. Eighteen per cent suggested some other form of sentence (including a restriction of liberty order or deferment for a drug treatment and testing order assessment). Fourteen per cent of CJSWRs gave no preferred sentencing option.

The main outcome for 41 per cent of CJSWRs in 2022-23 was a CPO. Ten per cent of reports resulted in a CPO with unpaid work but no supervision, and 14 per cent resulted in an order with supervision but no unpaid work. In 18 per cent of cases, the main outcome was a CPO with both supervision and unpaid work.

Custody was the main outcome for 12 per cent of reports in 2022-23. The largest other main outcome categories in 2022-23 were a deferred sentence, a restriction of liberty order and a monetary penalty (11, six and six per cent of the total respectively).

8 Community payback orders

(Tables 2 & 9 to 18 and Charts 2-7)

There was a rise in the number of community payback orders (CPOs) in the initial years following their introduction on 1st February 2011. Numbers reached a peak of 19,500 in 2015-16. The total CPOs imposed then fell in the next three years to 16,500 in 2018-19, before a small rise to 16,800 in 2019-20. The COVID-19 pandemic and the resulting decrease in court business meant numbers fell sharply in 2020-21, to 8,200. Numbers recovered in each of the next two years, reaching 14,700 in 2022-23, still below the level prior to the pandemic.

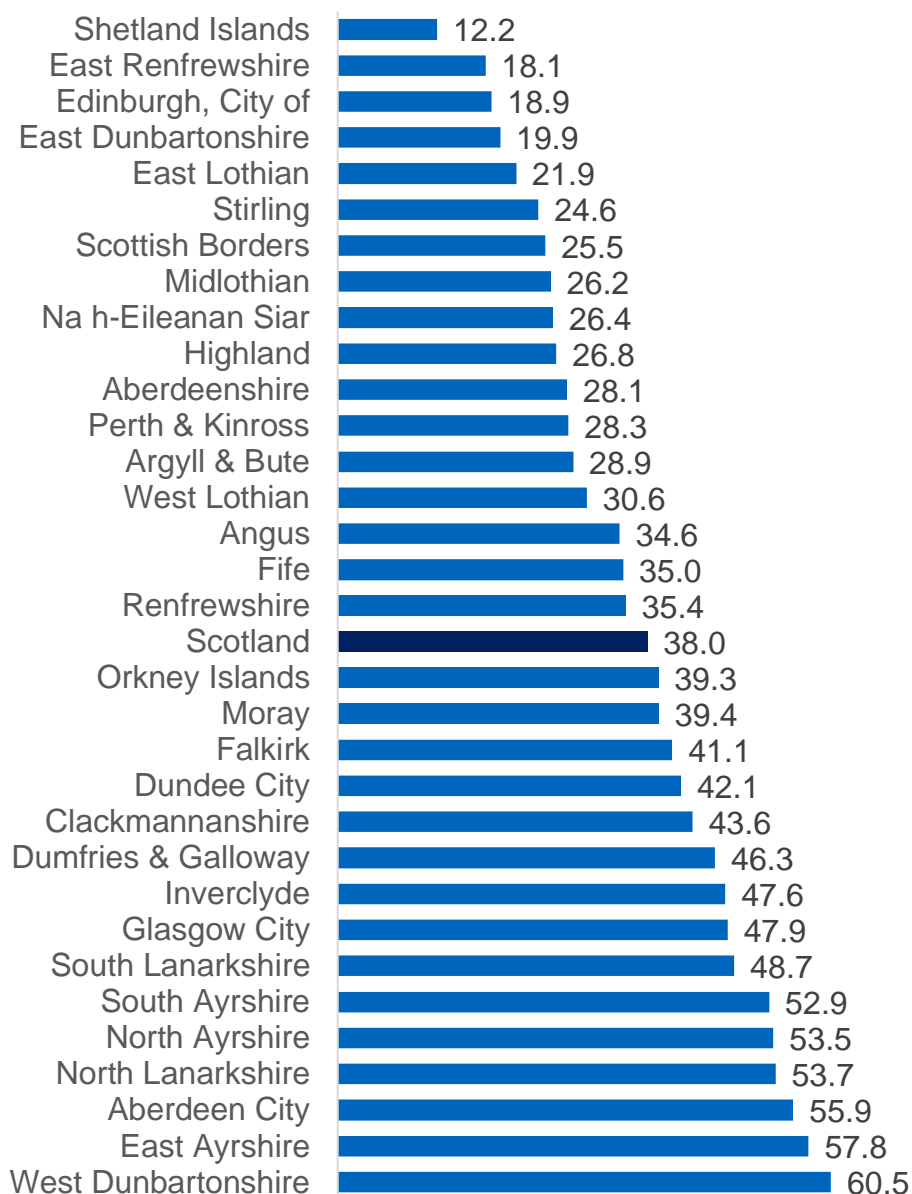
As expected with the rise in CPOs issued nationally, the number imposed per 10,000 population rose from 32 in 2021-22 to 38 in 2022-23 (Chart 2). Twenty-eight of the 32 Scottish local authorities saw a rise over this period.

In 2022-23, the highest number of CPOs imposed per 10,000 population were for those living in West Dunbartonshire (61), East Ayrshire (58) and Aberdeen City (56). The lowest population rates were for those living in Shetland Islands (12), East Renfrewshire (18) and City of Edinburgh (19). While the rate for City of Edinburgh was much lower than for Scotland as a whole, the city council areas of Aberdeen

(56), Glasgow (48) and Dundee (42) were each higher than the national average. More detailed information by local authority area is in the [additional datasets](#) which accompany this publication.

Chart 2: The number of CPOs imposed per 10,000 population ranged from 12.2 to 60.5.

CPOs imposed per 10,000 population for Scotland and local authority areas, 2022-23.



Note: Mid-year population estimates for 2021 aged 16 to 70 (mid-year 2022 estimates not available at the time of publication of this data).

Requirements (Tables 10 to 12 and Chart 3-5)

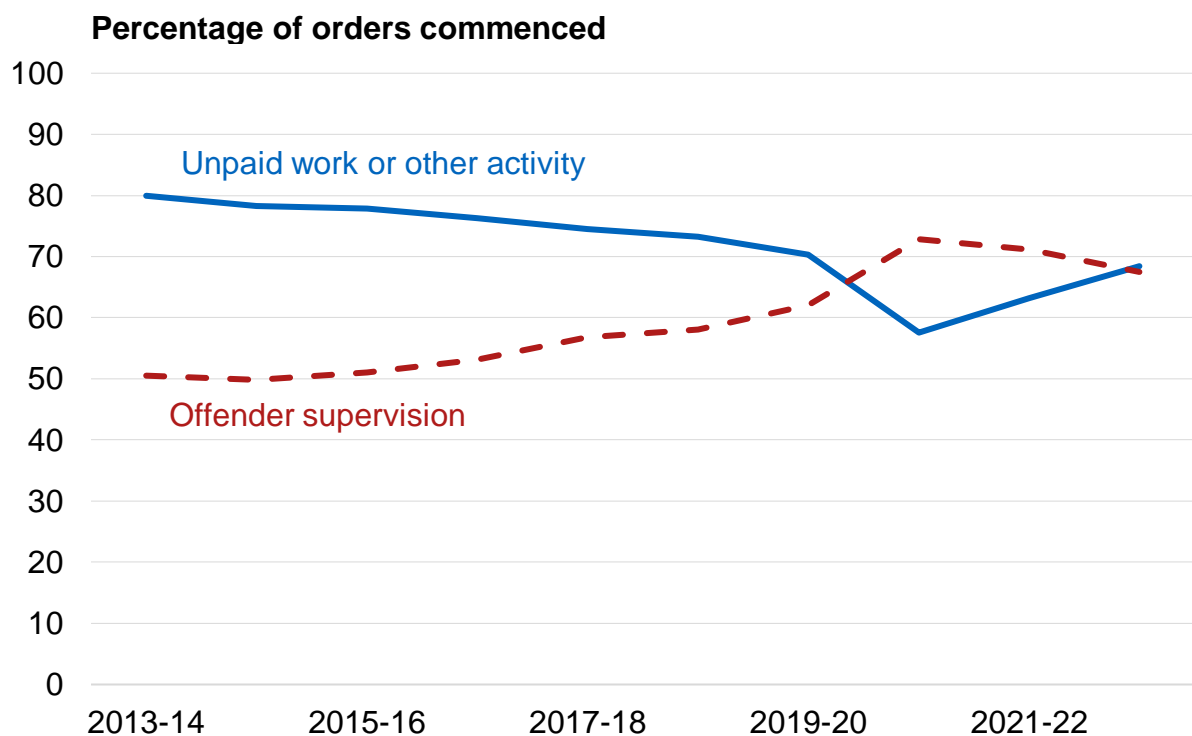
There are now ten potential requirements as part of a CPO at first imposition.

- Unpaid work or other activity
- Offender supervision
- Conduct
- Programme
- Alcohol treatment
- Compensation
- Drug treatment
- Mental health treatment
- Residence
- Restricted movement

Restricted movement requirements became available to issue at first imposition from 17th May 2022 and have therefore been collected for the first time in year 2022-23. Every order should have either or both an 'unpaid work or other activity requirement' or an 'offender supervision requirement'. In the remainder of this publication, these are generally referred to as unpaid work requirements and supervision requirements respectively.

Chart 3: Change in the prevalence of the two main CPO requirements with a general increase in offender supervision over the ten years.

Percentage of unpaid work or other activity and offender supervision among CPOs imposed in Scotland, 2013-14 to 2022-23



For every year up to 2019-20, unpaid work was the requirement most issued as part of a CPO (Chart 3). The proportion of orders with unpaid work was high in the early years, reaching its highest level of 80 per cent in 2013-14. This then fell slightly in each of the next six years, reaching 70 per cent in 2019-20. It fell sharply to 58 per cent in 2020-21 before increasing to 68 per cent in 2022-23. In 2022-23, it again became the most issued requirement.

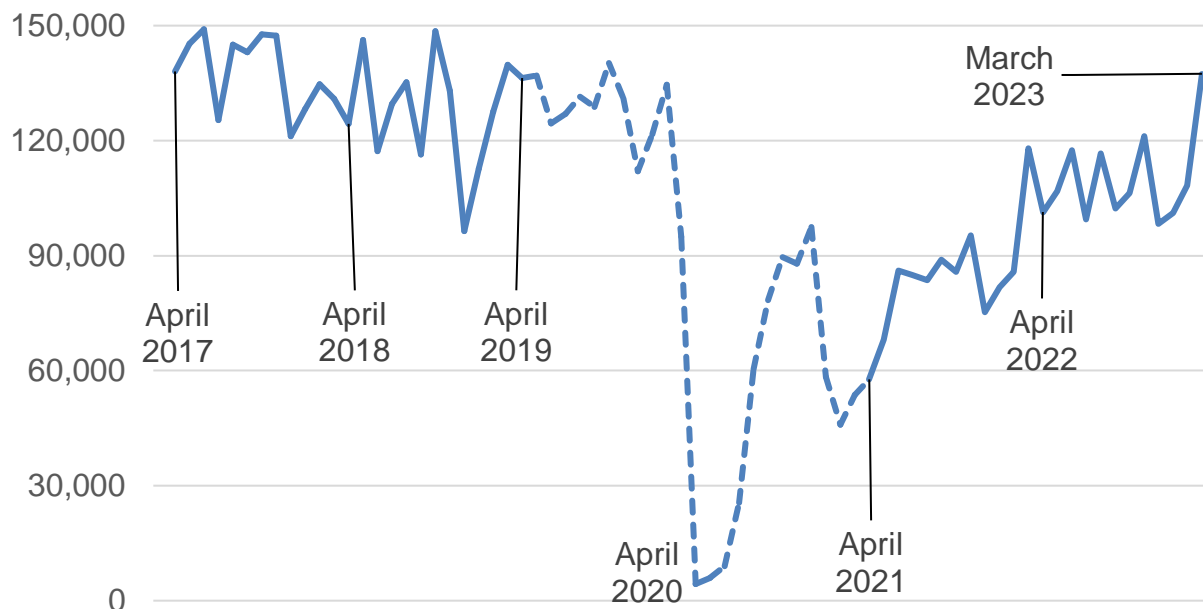
The proportion of orders with a supervision requirement rose each year between 2014-15 and 2019-20 reaching 62 per cent (Chart 3). The proportion then rose sharply in 2020-21 to 73 per cent and has since fallen to 71 and 67 per cent in 2021-22 and 2022-23 respectively.

In the years 2013-14 to 2019-20, around 56 to 58 per cent of supervision requirements were for 12 months or less. This fell to 51 per cent in 2020-21 and 49 per cent in 2021-22 but rose to 53 per cent in 2022-23. The average length of supervision requirements across 2013-14 to 2019-20 was around 15.5 months. It was, however, much higher in 2020-21 (16.6 months) and in 2021-22 (16.9 months), before falling slightly to 16.4 in 2022-23.

Even though the proportion of CPOs imposed with an unpaid work requirement in 2022-23 was the third lowest in ten years, changes in the length of hours have been occurring. The average number of hours given as part of unpaid work requirements rose from 127 hours in 2018-19 to 131 hours in 2022-23. A major driver behind this increase is the fact that the prevalence of level 2 requirements (i.e. those with more than 100 hours) has increased from 52 per cent of all unpaid work requirements in 2018-19 to 57 per cent in 2022-23.

Chart 4: The number of hours of unpaid work or other activity imposed fell sharply at the start of the pandemic and have since recovered to levels slightly lower than pre-pandemic.

Number of hours of unpaid work or other activity requirements issued as part of CPOs imposed, April 2017 to March 2023



[Chart 4](#) shows how the number of hours of unpaid work or other activity imposed by courts varied across the last six years. With the odd exceptions, between 120,000 and 150,000 hours were given out by courts each month between April 2017 and February 2020. After the first COVID-19 lockdown in March 2020, numbers dropped sharply and, although they increased in the rest of 2020, they remained at much lower levels. In early 2021, following the second national lockdown, numbers dropped sharply again, though not as dramatically as with the first lockdown (dotted line on [chart 4](#)) Since February 2021, hours imposed has been on a generally upward trend, averaging around 110,000 per month across year 2022-23.

The type of orders issued in both 2020-21 and 2021-22 was influenced by the impact of the COVID-19 pandemic. Face-to-face delivery of unpaid work had to be suspended for some periods and courts would have been aware of the challenges of delivering unpaid work. Factors relating to the nature of cases which had court hearings during the pandemic, and the circumstances of the individuals involved, may also have been a relevant factor.

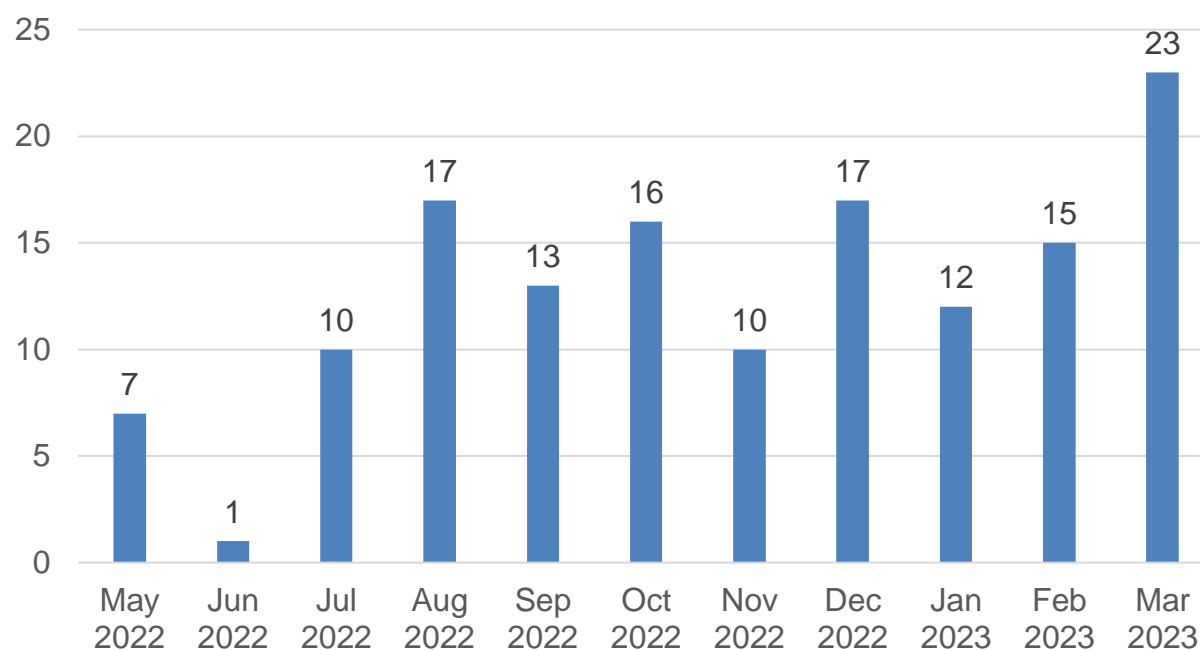
After unpaid work and supervision, conduct and programme have been the most issued of the remaining requirements. The proportion of orders with conduct requirements rose each year between 2015-16 and 2021-22, from 6 per cent to 13 per cent but fell slightly to 12 per cent in 2022-23. The proportion of orders with a programme requirement rose from five per cent in 2015-16 to eight per cent in 2021-22, before falling to seven per cent in 2022-23. The falls in the most recent year for these requirements are likely to reflect the drop in the proportion of orders issued with supervision requirements.

Around one per cent of orders in 2022-23 (140) were issued with a restricted movement requirement at first disposal. [Chart 5](#) shows how this was spread relatively evenly across the months after the introduction of this requirement. The high number in March 2023 may reflect the fact that more CPOs as a whole were imposed in that month than in any other month of 2022-23.

The prevalence for the rest of the requirements was slightly lower in 2022-23 than in 2021-22. After rising in each of the previous six years, to 1.61 in 2021-22, the average number of requirements per order in 2022-23 remained around the same (1.60) despite the introduction of the restricted movement requirement.

Chart 5: Relatively steady number of the new restricted movement requirements.

Number of restricted movement requirements issued at first disposal as part of CPOs for Scotland –May 2022 to March 2023



Note: The number for May 2022 included three requirements which were imposed in April 2022.

Characteristics (Table 9)

In 2022-23, people aged 26 to 40 were the most likely, as a proportion of the overall population, to get a CPO. Those aged 26 to 40 accounted for 50 per cent of people getting a CPO but only 29 per cent of the Scottish population aged 16 to 70. On the other hand, those aged over 40 in 2022-23 accounted for 27 per cent of people getting a CPO but 55 per cent of the Scottish population aged 16 to 70.

The average age of people getting a CPO rose every year up to 2021-22, rising from 31.1 years in 2013-14 to 34.6 years in 2021-22. In 2022-23, for the first time, this remained around the same at 34.5 years. In 2022-23, 23 per cent of CPOs were for people aged 25 and under. Those aged over 30 accounted for 60 per cent.

The proportion of CPOs issued to males has remained at 85 or 86 per cent over the last ten years. Where ethnicity was recorded, over the last ten years, 95 to 97 per cent classified themselves as white. In 2022-23, the ethnicity was either not supplied or not known for nine per cent of orders.

When employment status was known, 68 per cent of those receiving orders were either unemployed or economically inactive in 2022-23. A further 30 per cent were in employment or self-employed.

**Orders in existence at year end
(Table 2 and Chart 6)**

The number of CPOs in existence increased by 17 per cent during 2022-23, from 14,600 on 31 March 2022 to 17,100 on 31 March 2023. This was the highest figure since 2016-17 and the third highest over the last ten years. The rise in orders in existence is despite CPOs imposed being lower over recent years due to Covid. The driver behind the rise is the fact that the number of completions/terminations across the year were even lower than the number imposed. This is likely to reflect orders affected by Covid taking longer to finish.

Chart 6 shows how the numbers in existence changed throughout the last five years. Numbers fell during 2018 then rose slightly between the middle of 2019 and the start of the pandemic. They then went down sharply in the period between March and August 2020, reflecting the closure over this period of many courts. Numbers picked up during the rest of 2020 as more cases were processed by the courts.

Chart 6 : The number of CPOs in existence fell to lower levels during the Covid years in 2020 and 2021 but have increased, reaching over 17,000 in March 2023.

Number of CPOs in existence in Scotland, at the end of each month from March 2018 to March 2023



Note: In order to better illustrate changes over the period covered by this graph, the vertical axis does not begin at number zero.

The drop shown in Chart 6 in March 2021 was greatly influenced by [The Community Orders \(Coronavirus\) \(Scotland\) Regulations 2021](#) coming into force. Under these regulations, the specified hours for existing orders with unpaid work or other activity requirements were reduced by 35 per cent (except for requirements imposed for

offences involving domestic abuse, sexual offences or stalking). Since May 2021, the number of CPOs in existence has consistently risen, reaching the highest level in the last five years in March 2023. The larger numbers in existence may also be influenced by the Coronavirus (Scotland) Act 2020, which extended the time limits for the completion of existing unpaid work requirements in CPOs by 12 months, and required that any new requirements imposed during the period in which the legislation was in force had a time limit of at least 12 months. This continued to apply to CPOs with unpaid work requirements issued up to the end of September 2022.

Time taken for orders/unpaid work requirements to complete/terminate (Table 18 & Figure 1)

During 2022-23, a total of 6,000 unpaid work requirements were successfully completed. While this was low compared to an average of around 9,000 requirements in the years 2013-14 to 2019-20, it was higher than in the two pandemic years. This reflects the fact that there were many fewer unpaid work requirements imposed during the pandemic and also the effect which public health measures had on the ability to deliver unpaid work and complete requirements in a timely way. Since the introduction of CPOs, over 10.6 million hours of unpaid work or other activity have been carried out as part of successful unpaid work requirements.

On average, there were 126 hours carried out for each requirement in 2022-23. This was back to around the levels seen in the years 2017-18 to 2020-21. [The Community Orders \(Coronavirus\) \(Scotland\) Regulations 2021](#), and the resulting reduction in hours was the reason why fewer hours on average were done during 2021-22.

It took just under ten months (296 days) on average to complete an unpaid work requirement in 2022-23. This was shorter than in 2020-21 (403 days) and 2021-22 (365 days) but considerably longer than in the three most recent pre-pandemic years, when the average was around 220 days. The longer periods of recent years was expected given that the [Coronavirus \(Scotland\) Act 2020](#) extended time limits for completion of existing unpaid work requirements in CPOs by 12 months, and required any new requirements made to be given at least 12 months to complete. This came into effect on 7 April 2020 and applied to orders imposed before the end of 30 September 2022. This is shown in [Figure 1](#).

Figure 1: Percentage of CPOs completed/terminated from year imposed, Scotland, 2016-17 to 2022-23

Year of imposition	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	Still being processed
2016-17	30%	54%	14%	2%	0%	0%	0%	0%
2017-18	z	28%	55%	15%	2%	0%	0%	0%
2018-19	z	z	28%	55%	13%	3%	0%	0%
2019-20	z	z	z	26%	42%	25%	5%	2%
2020-21	z	z	z	z	9%	57%	26%	8%
2021-22	z	z	z	z	z	14%	55%	31%
2022-23	z	z	z	z	z	z	17%	83%

Notes: z = data for a category that does not apply

Calculated as row percentages. The row headings refer to the year imposed while the column headings refer to the year completed/terminated.

Figure 1 illustrates how CPOs are continually being processed by the justice social work system over a period spanning different years. For example, during 2022-23, there were CPOs being processed through the system which were imposed in each of the years 2019-20 to 2022-23. Figure 1 also shows the effect which the Covid pandemic had on how long orders took to finish.

There was a consistent pattern for CPOs imposed in each of the years 2016-17, 2017-18 and 2018-19 in that generally:

- Just under 30 per cent of CPOs were finished in the same financial year in which they were imposed.
- Around 55 per cent finished in the following year.
- Around 13 to 15 per cent finished in the second year after the imposed year.

The effect of the pandemic and changes in legislation can be seen in the percentage of orders being imposed and finished in the same year. For the last three years this ranged between 9 and 17 per cent, while it was between 26 and 30 per cent for the years 2016-17 to 2019-20.

The percentage of CPOs finishing the next year was around 55 per cent for the years 2016-17 to 2021-22, apart from those imposed in 2019-20 and finishing in 2020-21 which reduced to 42 per cent, during the height of the pandemic. Even though these percentages were quite stable on the whole, the effect of fewer orders finishing in the year of imposition from 2020-21 onwards, has increased the proportion which finished in the second year after imposition. This was around 25 per cent for orders imposed in 2019-20 and 2020-21, compared to 13 to 15 per cent for those imposed across 2016-17 to 2018-19.

For 2022-23, 17 per cent were completed within the year of imposition and 83 per cent were still being processed in 2023-24.

Timescales for implementation (Tables 13 to 14)

The [Scottish Government community payback order practice guidance](#) supports practitioners and managers in the delivery of CPOs. Further details on the guidance are in [Annex B](#).

Across all CPOs where this information was known, first direct contact took place within one working day of imposition for 68 per cent of orders imposed in 2022-23. This was slightly higher than the levels in the pandemic years, but still lower than in the years before then, when it generally fluctuated between 75 to 77 per cent. In addition, in 2022-23, 17 per cent took more than five working days.

In 2022-23, where this information was known, 76 per cent of first induction/case management meetings took place within five working days. This was up on both pandemic years and only slightly lower than the levels pre-pandemic. Equal proportions took six to ten working days and more than ten working days (both 12 per cent) in 2022-23.

Where the timescale was known, 64 per cent of unpaid work placements started within seven working days in 2022-23. This was also up on the levels in the two pandemic years but still lower than the levels between 2013-14 and 2019-20 when it averaged around 70 per cent.

The lower proportions in 2020-21 and 2021-22 for these timescales were likely to have been influenced by the COVID-19 pandemic and related public health measures to keep people safe.

Terminations (Tables 2 & 15 to 18)

The successful completion rate for CPOs terminated in 2022-23 was 73 per cent, similar to the rates in each of the previous two years. These were higher than the rates in the previous seven years when it averaged around 70 per cent. [The Community Orders \(Coronavirus\) \(Scotland\) Regulations 2021](#) coming into force is likely to have been a factor in this. The completion rate is calculated by adding together the number of successful completions and early discharges, then dividing this by the total orders terminated less orders which were transferred out of a local authority to a different area.

In 2022-23, among orders terminated which were not transferred out, 14 per cent were revoked following a breach application to the courts. A further eight per cent were revoked following a review.

Seventy-eight per cent of orders which finished during 2022-23 did not involve any breach applications during the duration of the order. For the remainder, there were a total of 3,300 breach applications made. The vast majority of breach applications (79 per cent) were lodged with the court within five working days of the decision to make an application.

For CPOs revoked due to breach, the most likely outcome from courts was a new CPO at 31 per cent. For a further 23 per cent, it was a custodial sentence. A new statistical collection category was created for the 2022-23 collection called “no further action for social work”. This new statistical category was introduced after discussion with local authorities as the previous “other outcome” category covered a high proportion of cases. After consultation with local authorities, it was found that, in many cases, the court decision did not have any need for further action for the local authority. As this data is collected from justice social work, it was agreed to collect this as an new statistical category instead of the previous “other outcome” category. The category “no further action for social work” covered instances where any further action did not have social work involvement and the local authority were not advised of any further penalty e.g. an admonition or where the case was discharged. These accounted for 20 per cent of orders revoked due to breach.

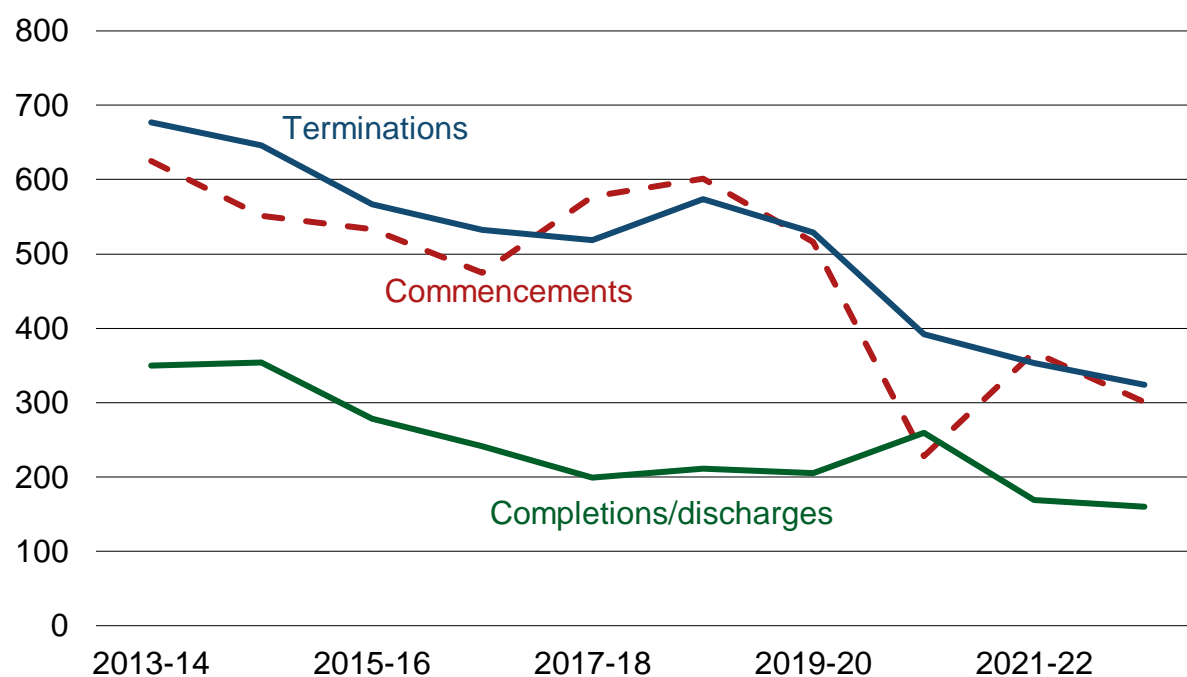
For orders revoked due to review, 14 per cent resulted in a custodial sentence. Another 21 per cent got a new CPO or a monetary penalty. The largest proportion, 39 per cent, resulted in no further action for social work.

9 Drug treatment and testing orders (Tables 2 & 19 to 23 and Chart 7)

The drug treatment and testing order (DTTO) is available to courts (excluding justice of the peace courts). It is an intensive disposal for people with substance-related offending who might otherwise get a custodial sentence. The less intensive DTTO II is available to courts in City of Edinburgh, East Lothian, Midlothian and Highland. DTTO IIs accounted for 27 per cent of the DTTOs in these areas in 2022-23.

Chart 7 : Drug treatment and testing orders have generally fallen over the last ten years.

Drug treatment and testing order commencements, terminations and completions/discharges, Scotland, 2013-14 to 2022-23



During the time of the COVID-19 pandemic, a large number of court cases could not be conducted. As a result, the number of DTTOs commenced was lower in both 2020-21 and 2021-22 than in the pre-pandemic years. Between 2021-22 and 2022-23, the number commenced fell by 18 per cent to 300, the second lowest level in the last decade ([Chart 7](#)).

The main driver behind the fall in 2022-23 was that, for several months during 2022 and 2023, the DTTO service in Edinburgh was suspended to new assessments/orders. This was due to significant clinical staffing issues and, as a result, the service did not have the capacity to provide treatment for additional people coming into the service. This reduced numbers by 68 per cent compared to last year for City of Edinburgh and the neighbouring Midlothian and East Lothian council areas. The latter two councils had a partnership agreement in place to make use of Edinburgh DTTO services. At the point the service was suspended to new assessments/orders, the service to people already subject to DTTOs was unchanged, for both clinical treatment and social work support. During this suspension, courts were able to impose community payback orders, which can allow people to engage with mainstream substance use services and address other factors related to their drug use and offending. In the rest of Scotland, the number of DTTOs commenced rose slightly, by three per cent.

In every one of the last ten years, people aged 31 to 40 have been the most likely to receive a DTTO. In relation to Scotland's population, 1.7 people per 10,000 for this age range got a DTTO in 2022-23. Compared to the other age ranges, those aged 25 and under and over 40 were the least likely in 2022-23 to receive a DTTO (0.4 and 0.5 people per 10,000 population respectively).

The proportion of orders issued to males has been around 80 per cent over the last ten years. A very high proportion, generally around 90 per cent, of those receiving a DTTO are unemployed or economically inactive.

The average length of a DTTO was generally around 17 or 18 months in the last ten years.

There were 400 DTTOs in existence on 31 March 2023. This was five per cent lower than in 2021-22 and the lowest in any of the last ten years. The reduction in the numbers being imposed in Edinburgh and the surrounding area (see [earlier in this section](#)) was undoubtedly a factor in this.

Timescales for implementation (Table 20)

In 2022-23, for DTTOs where first direct contact was known, 72 per cent had contact within one working day of the order being imposed. In ten per cent of cases, it took longer than five working days for this to take place.

Where known, the first case management meeting took place within five working days in 2021-22 for 86 per cent of orders. In eight per cent of these cases, it took longer than ten working days for the first meeting to take place.

These proportions can fluctuate from year to year due to the small number of orders involved. The figures for 2020-21 to 2022-23 are broadly similar to previous years. Therefore, while implementation may have been affected by the COVID-19 pandemic, these particular trends have remained stable.

Terminations (Tables 2 & 21 to 23)

The percentage of orders successfully completed tends to be lower for DTTOs than for other social work orders. This is due, in part, to the complex needs of those involved and the intensity of the supervision involved in a DTTO.

The completion rate for DTTOs reached a high of 55 per cent in 2014-15, before falling to 39 per cent in 2019-20. This completion rate is calculated in the same way as for CPOs. It is done by adding together the number of successful completions and early discharges, then dividing this by the total orders terminated less orders which were transferred out of a local authority to a different area.

The very high rate of 66 per cent in 2020-21 was likely to have been influenced by the impact of the coronavirus pandemic. Particular factors may have been the type of cases where it had been possible for the orders to finish and the fact that, over some periods, it was not possible to conduct testing. The completion rate was 49 per cent in 2021-22 and rose only slightly to 50 per cent in 2022-23. Caution is advised in drawing any conclusions on completion rates over time.

Among orders terminated which were not transferred out, the proportion revoked due to review and due to breach in 2022-23 were 26 and 14 per cent respectively. A custodial sentence was imposed in 45 per cent of revoked cases in 2022-23.

Seventy-two per cent of all DTTOs terminated had no breach applications in 2022-23. Ninety per cent of breach applications were lodged with the court within five working days of the decision being made to make an application (see the [additional datasets](#) which accompany this publication).

10 Structured deferred sentences (Tables 1 and 26 to 27)

Structured deferred sentences (SDS) offer courts the option to provide a short period of intensive supervision to individuals post-conviction but before final sentencing. Justice social work departments will identify those cases which may be suitable for consideration in a CJSWR. SDS offers the opportunity to engage individuals in initial supportive interventions without the need for statutory supervision. The court can then be better informed of the need for further interventions when the person returns to court for sentencing.

After falling sharply in 2020-21 to 450, the number of SDS imposed in Scotland rose in each of the next two years, reaching its highest level of 1,300 in 2022-23. In each of the last five years, between 70 and 75 per cent of SDS were for males. In the last four years, over a third of SDS were for people aged 25 or under. The next biggest age group was 31-40 years which accounted for around 25 to 30 per cent of the

total. Where employment status was known, 79 per cent of people given SDS in 2022-23 were either unemployed or economically inactive.

Structured deferred sentences (SDS) offer courts the option to provide a short period of intensive supervision to individuals post-conviction but before final sentencing. Justice social work departments will identify those cases which may be suitable for consideration in a CJSWR. SDS offers the opportunity to engage individuals in initial supportive interventions without the need for statutory supervision. The court can then be better informed of the need for further interventions when the person returns to court for sentencing.

Twenty-seven per cent of SDS had a length of less than three months in 2022-23. A further 42 per cent were between three months and less than six months. The remaining 31 per cent were for six months or more.

There were 1,100 SDS which finished during 2022-23. In 48 per cent of these, the person was admonished. A further 12 per cent were issued with a CPO. Figures on outcomes by local authority area are in the [additional datasets](#) which accompany this publication. As well as judicial decision making, different outcomes may reflect the fact that SDS are not all used in the same way by different local authorities. In addition, SDS is currently not available in some local authority areas.

11 Statutory/voluntary throughcare (Tables 1 and 28 to 29)

Justice social work departments are expected to provide a throughcare service to all those who are subject to statutory supervision on release from prison. This includes people serving sentences of four years or more (or six months or more for sexual offences) as well as those subject to an extended sentence or supervised release order. Throughcare begins at the start of the sentence and is implemented through the Scottish Prison Service's Integrated Case Management process. Voluntary throughcare services are also available to those who are not subject to supervision on release from prison. These services may be requested while in custody or up to a year after release, and last for 12 months after they have been requested.

Commencements for statutory throughcare in custody generally fluctuated around 1,000 in the years 2013-14 to 2019-20. Numbers fell in 2020-21 to 630 cases but have risen in each of the following two years, reaching 910 in 2022-23. Thirty-nine per cent of cases in 2022-23 involved determinate sentences of four years or more. Supervised release orders accounted for a further 26 per cent.

Similarly, the number of commencements for statutory throughcare cases in the community was generally around 1,000 up to 2018-19. In each of the last four years, numbers have been slightly lower and there were 890 cases in 2022-23. Twenty-seven per cent of all cases commenced in 2022-23 related to supervised release orders. Short-term sex offenders and non-parole accounted for a further 19 and 17 per cent respectively.

The statutory custody-based and community-based throughcare caseload totalled 5,400 individuals on 31 March 2023. This was around the same as in March 2022 but the second lowest in the last ten years. The low levels of the last two years were

due to a lower community-based caseload, with the custody-based caseload remaining around the same as in previous years. On 31 March 2023, two thirds of the caseload was custody-based compared to one third that was community-based.

The number of completions of statutory throughcare cases in the community has ranged from 830 to 1,120 over the last ten years. The lowest of 830 was in 2022-23, after falling in each of the last three years.

The number of voluntary throughcare cases in 2022-23 was 1,900. This brought numbers back up to around the most recent pre-pandemic level of 2019-20.

12 Pre-release reports

(Table 1)

Part of statutory throughcare involves preparing reports to inform temporary release from prison on home leave and liberation on licence.

In 2022-23, 1,200 home leave reports were produced. This was 31 per cent higher than in 2021-22 and was the first annual rise since 2019-20. The total for 2022-23 was similar to the most recent pre-pandemic years. A total of 2,400 reports for release from prison on parole/non-parole licence were recorded in 2022-23. This was around the same as in 2021-22, after rising each year since 2013-14.

Overall, pre-release reports from 2013-14 to 2016-17 were nearly 50:50 between home leave and parole/non-parole reports. This ratio has, however, changed in the last six years. The percentage of reports which were parole/non-parole was 67 per cent in 2022-23, with the remaining 33 per cent home leave reports.

From 2006, those serving a custodial sentence may also be released early under a home detention curfew scheme. From 2013-14 to 2017-18, there were at least 2,500 reports a year. This declined in 2018-19 to 1,900 and has fallen further since then, averaging 800 in the last four years. The total of 730 in 2022-23 was the lowest in the last decade.

13 Tables

The detail on the findings in this publication are drawn from the tables which are published alongside the publication.

The following symbols are used throughout these tables:

- low - a percentage which is not actually 0% but is less than 0.05%.
- x - data which was not collected in the year(s) in question.
- z - data for a category which did not exist in the year(s) in question.

Percentage figures given in tables and charts may not always sum to the exact totals due to rounding.

The data in the tables is drawn from administrative IT systems. Although care is taken when processing and analysing the data, it is subject to the inaccuracies inherent in any large-scale recording system. The figures have been checked as far as practicable. However, they should be regarded as approximate and not

necessarily accurate to the last whole number in the tables. They are also updated, and quality assured on an on-going basis. The information in this publication supersedes that in any previous publications. We advise that you always take the information from the most recent publication and associated tables, as the figures shown may differ slightly from those published previously. Where substantive revisions have been made to improve the quality of the data, the footnotes to the tables provide details of this.

Numbers in the tables are exact but, in the text, they are rounded for presentational purposes. The numbers in the text are generally rounded as follows:

- 1,000 to less than 100,000 – rounded to the nearest 100
- 100 to less than 1,000 – rounded to the nearest 10
- Less than 100 – unrounded
- Also in the text, percentages are calculated based on the unrounded numbers and are then rounded to the nearest whole number

Additional justice social work datasets can be found on [the Scottish Government's open data platform](#), under the “Crime and Justice” theme. It is hoped to expand the amount of justice social work data on this platform during 2024.

Annex A Sources of information and data quality

The annual aggregate justice social work return for local authority justice social work services was introduced for 1999-00. It covered criminal justice social work reports (as they are now known), community service orders and probation orders. The content and format of the return has changed over time. This is to reflect new developments and an increasing demand for information, as well as to clarify points of definition in relation to particular data items. Additional items include:

- supervised attendance orders (2000-01, removed, alongside community service orders and probation orders, from 2016-17 onward)
- throughcare (statutory post release supervision) (2001-02)
- diversion from prosecution (2001-02)
- drug treatment and testing orders (2003-04, removed from 2012-13 onward, see following paragraph)
- bail information and supervision (2003-04, new information added 2022-23)
- voluntary throughcare (2004-05)
- court services (2004-05)
- throughcare addiction service (2005-06, removed from 2015-16 onward)
- community payback orders (2011-12, removed from 2012-13 onwards, see following paragraph)
- fiscal work orders (2015-16)
- structured deferred sentences (2018-19).

Data for community payback and drug treatment & testing orders has been collected at unit level for each order since 2012-13. The aim of this change was to enable analysis of the process and outcomes for individual orders, which is not feasible through a collection of aggregate tables. This has allowed scope for looking at how each order progresses and provides more detailed information on outcomes. All 32 Scottish local authorities have been able to provide the CPO unit level data in each of the years 2013-14 to 2022-23.

After the introduction of the CPO, information on the legacy orders (community service, probation and supervised attendance orders) was phased out of the aggregate return.

Figures in this publication are extracted from live justice social work information management systems. The statistics presented for the most recent year reflect information on activity in the financial year 1 April 2022 to 31 March 2023. Figures for earlier years may differ slightly from those published previously – see later in this Annex for examples of revisions.

Revisions are flagged up in the publication at the time but not in future publications. The live tables on the [Scottish Government crime and justice statistics website](#), including earlier data at sub-Scotland level, may be revised at any point if required. Revisions are highlighted in the relevant table.

As a result of information provided by local authorities with their 2022-23 unit returns, some revisions were made to the 2021-22 data and, to a lesser extent, earlier years' data. The main reasons for these revisions were:

- The inclusion in the 2022-23 data of orders which were in existence before the 2022-23 year, but which had been excluded from earlier years' data returns in error, and
- Some orders which were previously advised in the 2021-22 returns as being in existence at the end of that year, but which had actually been completed/terminated before then. Some authorities advised of substantial numbers of CPOs falling into this category. This was due mainly to orders not being closed off on their IT systems.

As a result of these changes, the total for CPO terminations in 2021-22 has been revised upwards by around 300 (3 per cent). CPOs in existence on 31 March 2022 was revised downwards by around 400 (3 per cent).

In this publication, successful completion rates for community payback orders and drug treatment & testing orders are calculated as follows. The number of successful completions and early discharges are divided by the total orders terminated less orders which were transferred out of a local authority. Similarly, the proportion revoked due to breach or review are calculated by dividing by the number of orders terminated which were not transferred out.

Figures in this publication on the number of new orders commenced are not collected on the same basis as those published in the [criminal proceedings publications](#). This is partly due to differences in the unit of analysis (cases versus orders). In addition, criminal proceedings data refer to the court rather than the local authority implementing the order.

The data obtained from local authorities comes from recording systems which are used for case management and for internal monitoring. Information on personal characteristics such as gender and ethnicity are taken directly from these systems. While recording practices may vary across local authorities, it is likely that the recording of gender and ethnicity will include a mixture of self-identified values and values as perceived by the justice professional recording the information, for example a case worker.

Administrative data will always be subject to some degree of error that arises in any large scale recording system. The data in this publication has, however, been quality assured as far as practicable. This is done through a series of validation processes before publication. As a result, the data is considered of good quality.

The aggregate return includes electronic checks to notify local authorities of inconsistencies within the data. Where there have been big changes since the previous year, the local authority is asked to confirm the figures are correct. Once data returns from all authorities are in, some further analysis is carried out. This helps to detect any major changes to figures over recent time periods.

The unit level collections for CPOs and DTTOs include automatic checks built into the data loading system. This identifies errors in the information at an early stage for correction by local authority staff. The data is then checked for accuracy by the Scottish Government statistical team. Checks are also made to ensure there is consistency between 2022-23 and earlier years' data.

In some parts of this publication, ratios are calculated per 10,000 people in the Scottish population. The population numbers used in these calculations are mid-year estimates for the appropriate year, published on the [National Records of Scotland website](#). For example, a ratio for the 2020-21 data would be calculated using the mid-year population estimates at 30 June 2020. Population estimates at 30 June 2021 are used for data for both 2021-22 and 2022-23, as estimates at 30 June 2022 were not available at the time of publishing this data. While numbers have been published from the 2022 Census, these were only available by specific age groups and the groups in question did not enable the extraction of data for ages 16 to 70 used commonly throughout this publication.

There are additional datasets at local authority level on [the Scottish Government website](#) and also on [the Scottish Government's open data platform](#).

England, Wales and Northern Ireland have different judicial systems. This makes comparing information on justice social work statistics unfeasible.

Statistical information on their judicial systems can be found at:

- England and Wales: [Statistics at Ministry of Justice](#)
- Northern Ireland: [Department of Justice](#)

There are a range of other statistics on the Scottish judicial system:

- [Scottish Government Crime and Justice Statistics](#)
- [Scottish Courts and Tribunals Service – Official Statistics](#)
- [Crown Office and Procurator Fiscal Service - Publications](#)
- [Scottish Prison Service - Information](#)

Annex B Definitions

The following section provides a brief description of the main types of justice social work orders and services. More information on social work orders and the operation of the justice system is in the [Criminal Proceedings in Scotland publications](#). Details on court services is in commensurate justice social work practice guidance. In addition to social work orders issued by the courts, the procurator fiscal can offer work orders as an alternative to summary court proceedings when appropriate.

Diversion from prosecution is one of several alternatives to prosecution available to the Crown Office and Procurator Fiscal Service (COPFS) upon receipt from the police of a report of alleged offending. Diversion is the process by which COPFS refers an accused person to local authority justice social work (or a partner agency) for support, treatment or other action as a means of addressing the underlying causes of the alleged offending and preventing further offending. Diversion from prosecution will be considered in any case where the person reported to COPFS has an identifiable need that has contributed to the offending and where it is assessed there is a sufficiency of evidence and that diversion is the most appropriate outcome in the public interest.

Bail information services assist courts through the verification of information in cases where bail might otherwise have been opposed or refused. In a proportion of cases, this will result in a period of supervised bail. Bail supervision is a social work or third sector service that supports people to comply with the conditions of their bail. Updated [national bail supervision guidance](#) was published in May 2022.

An electronic monitoring order can be issued by courts as part of a bail order. It can therefore be imposed alongside, and run in parallel with, a bail supervision case. The electronic monitoring order is an option where a specific condition may need to be in place (e.g. a curfew period or a condition to stay away from a specific location such as a witness' address).

Local authority justice social work assess people for suitability for bail supervision and electronic monitoring. This is based on case marking information provided by COPFS (e.g. where cases are marked as 'bail opposed') or as a result of a specific instruction from the court.

A court may ask for a same day oral or written report from a court-based worker during the court proceedings and adjourn a case until later in the day for this to be completed. A same day report will be a brief report and not a full criminal justice social work report. Same day reports tend to deal with issues specific to the case to inform decision-making. The information may be relevant to decisions about bail or custodial remand, the need for a full report or the need to defer a case to a future date and final sentence.

The community payback order (CPO) was introduced by the [Criminal Justice and Licensing \(Scotland\) Act 2010](#). The CPO replaced provisions for community service, probation and supervised attendance orders for offences committed from 1 February 2011 onwards. It is available to all courts, with some restrictions applying to justice of the peace courts in relation to treatment and programme requirements. For the period covered by this publication, there were up to ten different requirements which

could be issued at the initial imposition of a CPO. This included the restricted movement requirement which could be issued at initial imposition of an order from 16th May 2022. The most common requirements issued as part of a CPO are unpaid work and supervision. Courts may not impose unpaid work on someone under 16 years old. Supervision must be imposed for someone aged under 18. More information on the CPO is in the most recent [community payback order practice guidance](#).

The [community payback order practice guidance](#) contains many principles of best practice, including:

- the first direct contact should take place on the same day as the order is imposed, or the next working day
- where a supervision requirement has been imposed, the appointed case manager should arrange to meet the individual within five working days of the date of imposition of the order
- where an unpaid work requirement has been imposed, arrangements should be made for the individual to begin the induction process within five working days of the date of imposition of the order
- where an unpaid work requirement is imposed, the work placement should begin within seven working days of the order being imposed.

The drug treatment and testing order (DTTO) is a high tariff disposal for people with more serious substance use related to their offending, who might otherwise receive a custodial sentence. This order includes the need for regular reviews by the court and for the person to consent to frequent random drug tests throughout the lifetime of the order. On the basis of these regular reviews, the judiciary may, among other courses of action, vary the conditions of the order. This may include varying the frequency of testing, varying the type of treatment or the frequency of attendance at treatment, revoking the order on the basis that satisfactory progress has been made or, in the event of non-compliance, revoking the order and re-sentencing the person for the original offence.

DTTOs were rolled out across Scotland in phases between 1999 and 2002. They are available to all courts apart from justice of the peace courts. In addition, the less intensive DTTO II was introduced in the Lothian areas (apart from West Lothian) in June 2008 for people committing lower tariff offences at a relatively early stage in their lives. The DTTO II is also available from justice of the peace courts and can additionally be issued in the Highland area.

For several months during 2022 and 2023, the DTTO service in Edinburgh was suspended to new assessments/ orders. This led to an overall decrease in the numbers imposed during the year 2022-23. More details are provided in [in section 9](#).

Fiscal work orders allow fiscals to offer unpaid work orders as an alternative to prosecution, where:

- There is enough evidence to prosecute a summary offence,
- A financial penalty or other direct measure is not deemed appropriate.

These orders were introduced nationally on 1 April 2015. They can be for a minimum of ten and a maximum of 50 hours and should be completed within six months.

Restriction of liberty orders have been available to courts (excluding justice of the peace courts) since May 2002. This order can be imposed for periods of up to one year. It involves restricting an individual to a specified place for up to 12 hours per day and/or from a specified place for up to 24 hours. The number of people receiving a restriction of liberty order is reported in the [Criminal Proceedings in Scotland publications](#). G4S provide the electronic monitoring service in Scotland, under Scottish Government contract. This includes the monitoring of restriction of liberty orders. Some additional management data will be available from G4S.

Structured deferred sentences (SDS) offer courts the option to provide a short period of intensive supervision to individuals post-conviction but before final sentencing. They are designed to help individuals address their underlying issues, improve their employment prospects and build a sense of routine and self-esteem, allowing them to move away from offending. SDS are not a statutory order and as such are not used by every local authority. Areas with SDS schemes may utilise it as part of an early intervention approach, as an alternative or precursor to a community sentence or as an alternative to a short period of custody, depending on the needs of the local area. The Scottish Government published [National guidance on structured deferred sentences in Scotland](#) in February 2021.

Throughcare is the provision of a range of social work and associated services to people serving a prison sentence and their families. These services are available from the point of sentence or remand, during the period of imprisonment and following release into the community. People serving more than four years are released under statutory supervision. Those serving less than four years who are short-term sex offenders under [Section 15 of the Management of Offenders Etc. \(Scotland\) Act 2005](#), or who are subject to an extended sentence or supervised release order, are also supervised on release. The aim of throughcare services is public protection, as well as assisting individuals to prepare for release and supporting community reintegration and rehabilitation.

Voluntary throughcare is available to those who are not subject to statutory throughcare, but who request support from local authorities while in custody or within 12 months of release.

Annex C Consultation and accreditation

A working group involving data providers and other internal/external stakeholders was formed in early 2010 as part of a Scottish Government review of justice social work statistics. The group met during 2010 and 2011 and agreed to collect unit level data for community payback and drug treatment and testing orders from 2012-13 onwards. The data collected has helped to provide better information on the process and outcome of these orders.

The statistics collected on justice social work have a wide range of uses. They contribute to policy development, as well as the monitoring and evaluation of policy implementation. Keeping in regular contact with local authorities is also advantageous as this enables the Scottish Government to ensure it is kept up to date on matters which affect implementation and delivery. Meetings of the Local Authority Social Work Statistics: Justice (LASWS:J) group are generally held on an annual basis to discuss relevant data collection and other matters.

Some examples of how these data are being used include:

- determining annual funding allocations for local authorities,
- supporting local authority workload planning exercises, performance management and the allocation of staff resources,
- assessing the uptake of specific preferred options in justice social work reports,
- benchmarking demand on local authority service to compare how different authorities operate.

The United Kingdom Statistics Authority (UKSA) designated the statistics in this publication as National Statistics. Under the provisions of the Statistics and Registration Service Act 2007, UKSA had a statutory responsibility to conduct periodic assessments. This was to ensure compliance with the Code of Practice for Official Statistics. UKSA confirmed the National Statistics designation of justice social work statistics in [assessment report 128](#) on the UK Statistics Authority website. The UKSA evolved into the Office for Statistical Regulation (OSR) in November 2016. The term 'National Statistics' has recently been retitled 'Accredited Official Statistics'.

A data user review of justice social work statistics was conducted in 2023. This was done with the aim of engaging with a wide range of users and potential users of the data. A summary of the information obtained from this review has been published on [the Scottish Government website](#) and includes six main recommendations (listed in earlier [section 2](#)) which will enable us to adapt our outputs to suit user needs.

An Accredited Official Statistics publication For Scotland

The United Kingdom Statistics Authority has designated these statistics as Accredited Official Statistics, in accordance with the Statistics and Registration Service Act 2007 and signifying compliance with the Code of Practice for Official Statistics.

Designation can be interpreted to mean that the statistics: meet identified user needs; are produced, managed and disseminated to high standards; and are explained well.

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How to access background or source data

The data collected for this statistical publication:

- are available in more detail through [Scotland's official statistics website](#).
- are available via an alternative route, namely the [justice social work datasets on the Scottish Government website](#).
- may be made available on request, subject to consideration of legal and ethical factors. Please contact Justice_Analysts@gov.scot for further information.
- cannot be made available by the Scottish Government for further analysis as the Scottish Government is not the data controller.

Complaints and suggestions

If you are not satisfied with our service or have any comments or suggestions, please write to the Chief Statistician, GR, St Andrews House, Edinburgh, EH1 3DG, Telephone: (0131) 244 0302, email statistics.enquiries@gov.scot.

If you would like to be consulted about statistical collections or receive notification of publications, please register your interest at [the Scotstat guidance page](#).

Details of forthcoming publications can be found on [the Scottish Government website](#).

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