AGREEMENT BETWEEN SOCIAL WORK SCOTLAND AND CROWN OFFICE & PROCURATOR FISCAL SERVICE – COVID-19

15 May 2020

This agreement has been reached in consultation and collaboration with COPFS. Its purpose is to offer guidance in respect of **DIVERSION FROM PROSECUTION** for the duration of the Covid-19 pandemic and for consistency.

The current timescale for the assessment report is that it should be received within 20 days of the request being sent by COPFS and the intervention then completed within around 3-months.

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**. This will include cases which have already been reported to COPFS and which are in the Diversion system.

COPFS are currently filtering out as many new cases as is reasonably possible from the Diversion process and ensuring that staff are aware that when marking for Diversion they must be aware that there will be risk of the intervention not being completed in the timescale allocated.

Based on the emergency legislation contained in the **Coronavirus (Scotland) Act 2020** COPFS have reassessed timescales:

- **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.

If there are specific local issues arising please that are non-urgent, please communicate those directly back to COPFS but expect a response to be slower than normally.

Agreed on behalf of Social Work Scotland by:

Revised v1.1 15/5/20

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Social Work Scotland's Justice Standing Committee

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