IN MARCH 2016 I spent three weeks observing social work practice in Dumfries and Galloway as guest of Dumfries and Galloway Council, Sacro, NHS Dumfries and Galloway, Brazenall and Orr Solicitors, and the University of the West of Scotland. This gave me an opportunity to discover the Scottish judicial system, notably probation, and to make some comparisons with systems and practice in my own country. In this article I concentrate on three aspects; the role of criminal justice social workers, the judicial system as it relates to children and finally, collaboration between services.

The first thing which differs considerably from France is the practice of home visits. In Scotland these are undertaken frequently for certain types of cases, notably concerning sexual offenders and give criminal justice workers the opportunity to see the person subject to supervision as they live their lives within their own environment and also to gain verification that they are meeting the terms of their supervision. This is very different to France where home visiting is very rare, indeed non-existent, due largely to the high number of cases held by each worker (see article by John Sturgeon). I am persuaded that visiting service users in their home environment is one of the best ways of seeing all perspectives in a situation and to understand the difficulties experienced by the person on probation in his daily life, in addition to the things that he wishes to say during the interviews.

Another thing which was interesting is the presence of social workers within the Scottish court settings whereas in France, the equivalents (conseillers d’insertion et probation) are never to be found there. The fact that social workers are present in Scottish courts seems to me to be a good thing, most notably for the accused who is already on supervision and who may find the social worker presence supportive, demonstrating interest in their situation.

I was also impressed by the number of programmes available to address offending behaviour, notably, the domestic violence programme. At two years in length it did at first appear to be rather long but I was able to recognise that the length of the programme reflects the high rate of recidivism and the consequent need for more profound levels of change. In fact, the Scottish programme struck me as revolutionary and advanced compared to French practice.

Despite the best efforts of the French government, domestic violence remains a plague, the state finding it very difficult to protect families and reduce the risk of recidivism (see for example, the account of the Jaqueline Sauvage case, Guardian 2016). Some systems are in place to confront domestic abuse but these emphasise protective measures towards victims rather than tackling the issue within the behaviour of the perpetrator. This said there are examples of local prosecution services offering some programmes targeted at violent partners, the goals being to help perpetrators to understand their behaviour and to develop some control over it. Unlike the Scottish programme, these initiatives will take place over five half day sessions (Cour d’appel d’Amiens, 2008). There does not exist at this time in France anything as elaborate either in content or in duration as that which I saw in Dumfries. In France priority is given to the victim (protection and psychological support) to the detriment of the perpetrator of the offence.

The third area of practice which is very different is the system of youth justice. In France, whether it is a matter of a child in danger or a child in trouble, the case will be dealt with by specialist legal professionals. As in Scotland the French system for youth justice is strongly founded on education rather than on punishment but it is possible to send a child to custody from the age of 13 years (although the sentence must not exceed half of that for an adult offender committing the same offence). It was surprising to me that people without legal qualification had key decision making roles in the Children’s Hearing system, but it was even more surprising that for the most serious offences children could find themselves in the adult court (see Fiona Dyer, SJM Blog, 29 February 2016) because in France whatever the seriousness of the offence the child or young person will have their case heard in a specialist court for children or for young people (tribunal pour enfants; cour d’assises des mineurs).

Whilst I find the Children’s Hearing system very good for minor offences, I prefer the French system, particularly with its concept of transition: the youth offender being judged by a specialist youth court with the sentence imposed being similar to that of adults, reflecting of course the age and maturity of the young person and the seriousness of the facts. This gradual exposure to adult sentencing measures provides a buffer against the shock and abrupt alteration in responsibility that children leaving the Children’s Hearing system experience.

The final point that was striking was the interactions between services in Scotland and their openness to one another. In France, the concept (often with accompanying legal obligation) of the “secret professionnel” (professional confidentiality) can present real and imagined information sharing barriers between professionals. These obstacles get in the way of good supervision because of the non-transmission of information and can also lead to unfairness with information being shared/not shared depending on inter-professional personal relationships. In Scotland I saw professionals from different services and professional backgrounds willingly share the information that was in their possession with others, the sole aims being the interests of the person under supervision. It is imperative that France reconsiders its notion of le secret professionnel and that this does not continue to be an obstacle to good supervision practice.

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