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Social Work

A Guide to
**PROBATION
ORDERS**

Probation Orders

What is Probation?

A Probation Order is a Community based Court disposal and can be for between 6 Months and 3 Years. The Order is supervised by a Local Authority Social Worker who acts on behalf of the Court. Before a Probation order can be made the Court must ask for your agreement; the possibility of being placed on a Probation Order and what this involves should be discussed with you by the Social Worker completing the Social Enquiry Report. You will be asked to agree an Action Plan that will specify the purpose of being on an Order and how this will be achieved.

The main purpose of a Probation Order is to reduce the risk that you will commit further offences and this is done by giving you the opportunity to identify the reasons you offended/got into trouble in the past and enable you to make positive changes to your behaviour.

What you must do?

The conditions of your Probation Order apply from the day the Order is made in Court. A Social Worker should contact you within one week of the Order being made.

While on Probation you must:-

1. Be of good behaviour
2. Conform to the directions of your supervising officer.
3. Tell your Social Worker at once if you change your address or your job.
4. Co-operate with any additional condition(s) added to the order.

You will receive a copy of your Probation Order from the court.

What your Social Worker will do

1. The Social Worker has to make sure that you comply with the conditions of your Probation Order. If not your Social Worker will have to inform the Court. It is likely that you will then have to appear back before the Court.

2. Your Social Worker will expect to see you at least weekly for the first month of the Order, at least fortnightly during the second and third months and then never less than monthly for the remainder of the Order.

Contact may be more frequent if required by your Social Worker. You may also make contact with your Social Worker at other times.

3. Appointments will usually be held at your local Social Work Centre or other agency. Home visits will normally take place throughout the Order.

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4. Probation supervision involves individual meetings with your social worker. It may also involve one or more of the following:

- Meetings with you and other significant people in your life.
- Attendance at groups, run by Social Work or other agencies which will look at issues relevant to you.
- Finding new opportunities for you, such as education or employment training.

5. Your progress on Probation will be regularly reviewed and at the end of the Probation Order your Social Worker will provide a written report to the court. If you make good progress on your Probation the Order can be discharged / finished early. This would normally be discussed at reviews.

What happens if you don't keep to the conditions?

There are two ways you can breach your Probation Order.

1. By not keeping to any of the conditions shown on your Order. If this happens you can be brought back to Court.

In this event the Court can:-

a) Re-sentence for the original offence (this can include custody).

b) Impose a fine and the Order be allowed to continue.
c) Change the order - that may mean making it longer or including extra requirements.

2. By committing a further offence. The Court can:-

a) re-sentence for the original offence,

or

b) allow the order to continue.

Changing the order

If your circumstances change so that the conditions of your Probation Order need to be altered you or your Social Worker can apply to the Court to consider any variations necessary.

Complaints

If you are not satisfied with the service you receive from Midlothian Council in relation to

your Order you should speak to your supervising Social Worker. You can also contact the Service Manager of the Criminal Justice Team, Mr Ian Neil at the address overleaf.

A leaflet explaining how to go about lodging a formal complaint is available at the same address or your local Social Work Centre.