



Regional Guidance for ASEAN Member States on Strengthening the Role of Social Workers and the Wider Social Service Workforce in the Justice Sector



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one community



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and the Wider Social Service Workforce
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Foreword

The Regional Guidance for ASEAN Member States on Strengthening the role of Social Workers, and the wider Social Service Workforce, in the Justice Sector are an important milestone towards increasing the prosperity, connectivity, resilience, and security of children of ASEAN Member States.

The development of this Guidance is to support the operationalisation of the ASEAN Road Map for the Implementation of the Hanoi Declaration on Strengthening Social Work for a Cohesive and Responsive ASEAN Community. The objective of this Guidance is to support policymakers, managers, and members of the social service workforce and allied sectors in ASEAN Member States to design and deliver quality services for those in and working with the Justice Sector.

We trust that the Guidance will benefit ASEAN Member States (AMS) as they work to support social workers and the broader social service workforce to assist children who are in contact with the law. We also encourage that the Guidance will serve as a reference point for developing legislation, policies and tools to deliver quality social work services in this regard.

ASEAN Senior Officials Meeting on Social Welfare and Development (SOMSWD)



Acknowledgements

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The ASEAN Secretariat (ASEC) also deserves our appreciation for coordinating the development process, including coordinating ASEAN Member States (AMS) contributions to the Guidance. We thank the United Nations Children’s Fund (UNICEF) East Asia and Pacific Regional Office for their financial and technical support in developing this Guidance.

ASEAN Senior Officials Meeting on Social Welfare and Development (SOMSWD)



Acronyms

AMS	ASEAN Member States
APSC	ASEAN Political-Security Community
ASCC	ASEAN Socio-Cultural Community
ASEAN	Association of Southeast Asian Nations
ASEC	ASEAN Secretariat
ASLOM	ASEAN Senior Law Officials Meeting
EAPRO	East Asia and Pacific Regional Office
GBV	Gender-based violence
HR	Human resources
MEAL	Monitoring, evaluation, accountability and learning
MHPSS	Mental health and psychosocial support
SOMSWD	ASEAN Senior Officials Meeting on Social Welfare and Development
SOPs	Standard Operating Procedures
SSD	Social Services Department
SSW	Social Service Workforce
TOR	Terms of reference
UNICEF	United Nations Children’s Fund



1. Introduction

1.1 Purpose of this Guidance

Social workers, and the wider social service workforce (SSW), do not only operate in the provision of core social services in the social welfare sector. They can play a critical role across sectors, including the justice system, in helping reach and engage the most vulnerable individuals and communities with support and services.

This ASEAN Guidance is intended to support policy makers, managers and members of the social service workforce in ASEAN Member States (AMS) to consider the ways in which professional social workers, as well as the wider social service workforce, can be most effectively deployed in working with vulnerable individuals, including children and their families, who are involved in the justice system, whether as victims, witnesses or as people accused of crimes. This guidance will then help inform efforts to better plan, develop and support the workforce in these settings.

The Guidance also sets out how cross-sectoral deployment of social service workers can lead to enhanced and more sustained positive outcomes for target populations, by addressing underlying psycho-social factors which can contribute to improvements in justice outcomes.

1.2 Background

A well-planned, skilled and supported workforce is essential to address critical social welfare needs, to support and protect the most marginalised and disadvantaged members of society, and to strengthen and build individual, child, family and community well-being and resilience. Without a strong and resourced social service workforce at the core of the social protection and welfare system, the critically necessary services cannot reach vulnerable children, families and other vulnerable individuals, regardless of the quality of the other system components.

Globally and within the region, it is understood that the social service workforce:

- Is the first point of contact for persons needing protection or social welfare support, especially children, caregivers and others who engage with the child to support their resilience and facilitate their development;
- Uses a person-in-environment approach¹ to holistic assessment and provides or refers to preventive and responsive/rehabilitation services for all persons at risk of or experiencing protection concerns;
- Monitors and provides oversight for persons receiving protection support, and for a comprehensive protection system overall;
- Plays a key role in identifying, addressing and countering negative attitudes, traditions, customs, behaviours and practices surrounding protection; and
- Holds to account the policy makers and legislators who set out the legal and policy framework for fulfilling protection rights.

In considering the role of the SSW in the justice sector, and in the specific ASEAN context, this Guidance paper is being developed against the background of wider cross-sectoral discussion and cooperation on crime prevention and criminal justice, being one of the priority areas for cooperation of the ASEAN Senior Law Officials Meeting (ASLOM). It also should be noted that the legal and ethical basis for the roles and responsibilities

¹ 'The person-in-environment perspective in social work is a practice-guiding principle that highlights the importance of understanding an individual and individual behavior in light of the environmental contexts in which that person lives and acts' (including home life, religion and culture, socio-economic status etc). Encyclopaedia of Social Work (NASW Press and Oxford University Press, <https://doi.org/10.1093/acrefore/9780199975839.013.285>).



that the SSW perform in the justice sector is related to international law which includes State's obligations in accordance with applicable international human rights law and standards such as the Universal Declaration of Human Rights (1948), the UN Convention on Rights of the Child (1989), and the UN Standard Minimum Rules for the Administration of Juvenile Justice (1985) (Beijing Rules).²

In addition, social workers and the wider SSW has a particularly crucial role to play in delivering child rights-based and child-friendly justice for children, including for child victims, witnesses and children accused of offences. They can work to ensure non-discrimination in all justice processes, while working to achieve the six interconnected components of UNICEF's vision to 'Reimagine Justice for Children'.³

1. **Every child knows and can claim their rights:** The SSW is well placed to ensure this is the case, in particular for groups currently overrepresented in the justice system in many countries – children with disabilities, indigenous and ethnic minority children, children discriminated against due to gender, and children on the move.
2. **Every child can access free legal aid, representation and services:** The SSW have a key role to play in ensuring children can access legal aid and paralegal services, and helping coordinate those services in individual cases. They can also help children remain in contact with and supported by their family during justice processes and while children are in detention.
3. **Every child in conflict with the law can be diverted:** The SSW are well placed to provide prevention and early intervention in child offending – including through the child protection system, community engagement and stronger linkages with allied systems. This is in particular needed for children in street situations and experiencing homelessness.

The SSW can also play a key role in development and implementing approaches to restorative justice and integrating mental health and psychosocial support throughout juvenile justice systems.

4. **Every child is protected from detention:** The SSW can help prevent and end the detention of children in conflict with the law through the provision of child protection services, through setting up and implementing community-based non-custodial measures and therapeutic approaches, and alternatives to detention for children whose caregiver is incarcerated. They also play the key role in preparing for reintegration and providing post-release reintegration support and monitoring.
5. **Every child survivor of sexual violence, abuse or exploitation receives justice:** The SSW are key to ensuring child friendly and gender-sensitive justice processes and procedures, and strengthening cooperation between justice, child protection and allied systems in responding to violence, abuse and the exploitation of children.

2 Also relevant, but not applicable in all ASEAN countries as some AMS have not yet signed these protocols, are: the International Covenant on Civil and Political Rights and its two Optional Protocols, and the Optional Protocols of the UN Convention on Rights of the Child.

3 Reimagine Justice for Children. New York: United Nations Children's Fund (UNICEF), 2021. <https://www.unicef.org/documents/reimagine-justice-children>.

6. Every child can access alternative dispute resolution mechanisms and child-friendly courts:

The SSW have an important role to play in supporting specialised children's courts, including virtual and mobile courts, and in facilitating and supporting transitional justice. They can help ensure alternative dispute resolution mechanisms are child-friendly and gender-responsive and that children and their families are supported to navigate these mechanisms.

To help accelerate action on social service workforce strengthening, UNICEF East Asia and the Pacific Regional Office (EAPRO) carried out a mapping and assessment across the region in 2019 with the Global Social Service Workforce Alliance.⁴ This mapping highlighted:

- The wide differences in understanding of what constitutes the social service workforce;
- The very low ratios of social workers to child population/population unit;
- Very few countries had laws and policies in place that had professionalised social work;
- Low quality and low availability of pre and in service training;
- Limited certification and accreditation mechanisms;
- Limited availability of quality supervision, mentoring and coaching; and
- Poor perceptions amongst policy makers and the public about social workers, with a general perception that social workers carry out charity work.

These shortcomings and challenges impact the ability of the social service workforce to deliver quality prevention services and case management for the most vulnerable children and families.

ASEAN Member States adopted the Ha Noi Declaration on Strengthening Social Work Towards Cohesive and Responsive ASEAN Community in 2020. The Declaration recognised the need for strengthening the social service workforce across sectors beyond social welfare. The accompanying Road Map for the Implementation of the Ha Noi Declaration, noted in 2021, highlighted the need for laws, policies and strategies to define and strengthen the roles and competencies of social workers and other social service workforce in key sectors, health, education, justice, early childhood development, labour, community development, and disaster risk reduction. More specifically:

- Priority 1.3 of the Road Map recommends, among others, that AMS identify the role of social workers in different fields, including but not limited to health, education, justice and disaster risk management, and to ensure laws in other sectors define the roles, responsibilities and requirements of social work in that sector;
- Priority 1.4 recommends that AMS develop or strengthen relevant secondary legislation and policy for social work, including regulations, minimum standards and standard operating procedures for social workers and related workforce in different roles and settings; and
- Priority 1.8 recommends the development of regional guidance notes on the role of social work and social service workforce strengthening for each key sector, to support AMS to plan for and strengthen the social service workforce across relevant sectors and multi sectoral delivery of social work, undertake needs assessments and develop national plans of action.

⁴ UNICEF East Asia and the Pacific Regional Office and the Global Social Service Workforce Alliance. The Social Service Workforce in the East Asia and Pacific Region: Multi-Country Review, UNICEF, Bangkok, 2019. <https://www.unicef.org/eap/media/4561/file/workforce.pdf>.

1.3 Definitions

To support AMS the Road Map provides the following definition of the social service workforce.

'The Social Service Workforce includes a wide range of governmental and nongovernmental professionals and para professionals and community level volunteers, who work with children, youth, adult women and men, older persons, families and communities, focusing on those with additional needs who are marginalised, in vulnerable situations or at risk, to protect and ensure their healthy development and well-being and the fulfilment of their rights.

To do so, the social service workforce provides preventative, responsive and promotive services that are informed by the humanities and social sciences, indigenous knowledge, discipline-specific and interdisciplinary knowledge and skills, and ethical principles. Social service workers engage people, structures and organisations to facilitate access to needed services, alleviate poverty, challenge and reduce discrimination and social isolation, promote social justice and human rights, and prevent and respond to violence, abuse, exploitation, neglect and family separation.


The wider workforce includes practitioners, researchers, managers and educators. Social service workers include social workers, case workers, community workers, case managers, among others, including those working with specific groups or on specific issues e.g., child protection and youth care workers, those specialised in addressing violence against women and children, and those working with people with disabilities, people with mental health needs, migrants and the elderly. The exact job titles and functions vary from one country to the other, in line with local laws, policies, culture, traditions and the historical development of these roles and professions in each context.'

This ASEAN definition is adapted from Global Social Service Workforce Alliance definition⁵

Other key sectors – such as health, education and justice are 'allied sectors', from the perspective of the social service workforce, in recognition of the multiple intersections and potential synergies across sectoral boundaries, when workers from across these sectors work together to achieve enhanced and more sustained outcomes for individuals, families and groups facing different forms of risk, adversity and social marginalisation.

The term 'allied sectors' and 'allied professionals' recognises that, while education, health and justice workers are not primarily providers of social services, they do perform supportive roles in their own sectors which can be key to the effective delivery of social services. Examples of this include school staff ensuring a school place and additional support at school for a child who is placed with a foster carer or kinship carer; hospital staff liaising closely with nurses, care workers and social service workers in the community to prepare for the discharge from hospital of a vulnerable older person or person with disabilities; and, for a mother and children who have experienced domestic violence, local authorities arranging suitable and affordable housing and coordinating with police and social services on a safety plan. Equally, in return, the social service workforce can work in a collaborative, cross-sectoral way, to increase the effectiveness of services provided by the allied sector. In the justice system, this could include identifying and addressing the social and environmental factors that are linked to offending behaviour, and can thus be significant in primary prevention, diversion from court or custody through community alternatives, and rehabilitation of offenders following release from custody.

⁵ Please see: <https://www.socialserviceworkforce.org/who-social-service-workforce>.



The social work profession⁶ is the leading and core profession in the social service workforce. It is a practice-based profession and an academic discipline that promotes social change and development, social cohesion and participation, and the empowerment and liberation of people. Principles of social justice, human rights, gender responsiveness, cultural sensitivity, collective responsibility and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address life challenges and enhance wellbeing.

Para professional or para social workers⁷ are trained through non-degree training to perform certain social work functions, while working next to or supporting the work of a professional in the same field. They seek to meet the needs of individuals in vulnerable situations and groups through outreach and support at community level and are critical to delivering social services particularly in low resource settings. Paraprofessionals serve in various roles as paid staff or as volunteers.

Allied sectors: From the perspective of the social service workforce, other key sectors, such as health/mental health, education and justice, are often referred to as ‘allied sectors’, in recognition of the multiple intersections and potential synergies of the SSW working across sectoral boundaries with these other sectors. Such cross-sectoral work can achieve enhanced and more sustained and holistic outcomes for individuals, families and groups facing different forms of risk, adversity and social marginalisation.

The terms ‘allied sectors’ and ‘allied professionals’ recognise that, while education, health and justice workers are not primarily providers of social services, but perform specialist roles in their own sectors, they are key to the effective delivery of social services (e.g. ensuring a school place and additional support at school for a child who is placed with a foster carer or reintegrated to their family from institutional care). Equally, in return, the work of the social service workforce helps increase the effectiveness of services provided by allied sectors. For example, health outcomes can be enhanced through addressing the social and environmental factors that are linked to diseases and chronic health conditions, in prevention, treatment, recovery and rehabilitation.


Court Social Workers are licensed and court-appointed social workers in the judiciary specialising in handling family court- related cases involving children, women and family, such as cases of Custody of Minor Children, Guardianship and Support, Adoption of Minor Child, Child abuse cases including Rape, Violence against women and their children, Declaration of Nullity of Marriage, Annulment of Marriage, Legal Separation and Children- in-Conflict with the law cases. They conduct social work counselling to children, couples and parties involve, and provide in-depth analysis of events and issues in question, and conducts thorough assessment and evaluation on the case and recommends to the court intervention for clients for the proper disposition of the case.

Forensic Social Work is the application of social work principles to questions and issues relating to law and legal systems. It encompasses all social services within the civil and criminal justice systems, whether defendants or victim.⁸ Forensic social work is based on specialised knowledge drawn from established principles and their familiarity with the law, painstaking evaluation, and objective criteria associated with treatment outcomes.

6 ASEAN Road Map for the Implementation of the Hanoi Declaration on Strengthening Social Work for Cohesive and Responsive ASEAN Community (2021). https://asean.org/wp-content/uploads/2021/11/FINAL-ASEAN-Social-Work-Road-Map_AMMSWD-endorsed.pdf.

7 Ibid.


8 Quoted from the presentations of the Juvenile Justice and Welfare Council in the Philippines.



Justice System is a system that is designed to provide equal access to justice for all people, regardless of social status or race. It is a system built on the idea of fairness and equity and a premise that every person has the right to a fair and an impartial adjudication. Social workers in the justice system play an indispensable role in the disposition of justice to litigants, offenders, victims and the poor especially the oppressed and marginalised. It operates on the principles of human dignity, worth, and restorative justice.

This regional Guidance paper is focused on the role of social workers and the wider SSW in the criminal justice system, which encompasses the agencies, including the police, the courts, prosecutors, probation services and ministries of justice, which are involved in the detection and prevention of crime, the prosecution of people accused of committing crimes, the conviction and sentencing of those found guilty, and the imprisonment and rehabilitation of offenders. This regional Guidance therefore does not cover the civil justice system, which includes family law disputes e.g. relating to matrimonial, child care and financial matters.

Professional social workers in the justice sector need to play the key assessment, coordination of referrals and case management role, while others in the social service workforce, including para professionals and community volunteers, can cover key supplementary roles in supporting children, individuals and their families in the community. These roles may either be focussed on community-based prevention of offending behaviour, health, through addressing social determinants and risk factors, or through connecting both offenders and victims with more specialist help or interventions when needed. Exactly how those other, non-professional, social service workforce roles will be defined and allocated to different members of the social service workforce, including para professionals and community volunteers, will, necessarily, vary from country to country. The precise way that such roles are defined and allocated cannot and should not be determined at global or regional level, but rather is best worked out by each government and social service workforce leadership according to its country's unique needs, traditions, resources and capacity.



2. Policy considerations in strengthening the role of social workers and the wider social service workforce in the justice system or with allied sectors

2.1 Planning the workforce

The first key consideration in planning how the SSW can be effectively linked with and integrated into the way services are provided in other sectors, including health, education and justice, is to ensure their roles and responsibilities are defined in legislation. In addition, it is important to develop clear service specifications or terms of reference, and standard operating procedures (SOPs), to ensure that the roles of social workers and others social service workers are well understood, recognised, respected, integrated with other specialists, and well utilised in the context of allied sectors.


The next requirement, building on this normative framework in the form of clarified laws, policies and regulations, should be to develop clear job descriptions and person specifications for these roles (including core competency and qualification requirements). This should also be extended to those with direct supervisory responsibility for frontline staff. The development of job descriptions will help ensure, based on a clear understanding of their role and distinct contribution, that the SSW can complement, and integrate and coordinate with, other disciplines working in that setting, and not be subsumed into other more general work of that setting (such as routine administration) that is not the best use of the time or skills of a social worker or other specialist social service worker.

It is also important to clarify the exact way in which the social service workers are to be linked to, deployed in or integrated with the services in the allied sector. These issues are explored in more detail in section 3.4 below. In doing so, it is important to consider the benefits and potential drawbacks of each type of arrangement, as set out in the table in this section.

2.2 Developing the workforce

Social service workers working in allied sectors will need to receive appropriate training and continuous professional development, and career progression opportunities, just like other colleagues in their profession, but specific and relevant to their particular role and setting. The career progression opportunities would need to involve opportunities to gain certified training in more advanced areas of social work practice in this sector, most likely at postgraduate level but accessible as in-service training while workers remaining in full time employment (e.g. as a specialist mental health social worker as part of a multidisciplinary mental health team). Professional development should also be possible through promotion opportunities, (e.g. becoming a manager or supervisor of other social service workers working in different settings in the same allied sector).

A critical element of the training and continuous professional development opportunities provided to social service workers working in allied sectors should be that it is inter-disciplinary, and thus allows interactive practice-based learning opportunities alongside workers of other disciplines. This helps strengthen mutual trust, recognition, understanding and collaboration, across disciplinary and sectoral boundaries. Such a multidisciplinary approach is also essential in strengthening effective, integrated and holistic practice, as it is often only through combining



insights and approaches from different sectors that all the varied needs of a person or family in need or at risk can be identified and addressed, in a harmonised way.

2.3 Supporting the workforce

All social service workers require regular supportive professional supervision, regardless of the sector in which they are deployed, preferably provided by a qualified social worker, and on a one to one basis, but with the option of group supervision too, if appropriate and helpful. This could either be on an informal peer to peer basis, or supervision could be provided for a multi-disciplinary team⁹ by an expert supervisor to enable discussion and reflection on particularly complex cases, and to work out joint, inter-sectoral approaches to working with such cases. Similarly, it is important to ensure social service workers can regularly attend multi-disciplinary team and case meetings, to enable joint planning and coordination of teamwork across sectors.

Social workers, and other social service workers, working outside of their own sector (i.e. not in a typical social service setting), are at risk of higher levels of stress and burnout if they experience isolation, through lack of contact with colleagues from the same professional background who understand the challenges they face. Excessive stress and burnout may equally result from unmanageable workloads, that may, for example, result from work being allocated to them by an onsite manager not familiar with the optimal number of cases for a social worker in that particular setting. It is therefore essential that such colleagues are provided with a range of forms of social and emotional support to protect their well-being, and enable them to remain effective in their work, including access to workplace counselling if needed, and supportive human resources (HR) policies to ensure adequate leave and work-life balance.

Finally, at a national level, professional associations, including national associations of social workers, play a key role in supporting and promoting the work of the SSW in different sectors, by raising professional and public awareness of the key roles they perform, by developing and promoting ethical principles and quality standards for the workforce and by better supporting of the resources for these particularly demanding roles.

2.4 Different options for linking, deploying or integrating social workers and other social service workers in/with allied sectors

There are two main options for cross-sectoral work by social workers and other social service workers which workforce planners will need to consider: **physically deploying** the SSW in a community setting of an allied sector, such as a family or juvenile court, and fully integrating them into that setting, or just making sure to more **closely link** the SSW to those services in allied sectors, either through dedicated referral mechanisms, or by providing a social worker to act as a focal point for receiving referrals from and coordinating with one or several services in the community. An additional option would be for the focal point worker to be based in that service in the community on a certain day or days, or certain times, every week.

Under the first main option, of **physically deploying, co-locating or integrating, social workers or other social service workers** in the settings where services are provided in those sectors, there are three possible ways to fund and manage this deployment:

⁹ One example of such a multi-disciplinary team would be the staff of One Step Centres, or centres with a similar name and purpose, which are being developed in a number of countries in this region, and are designed to provide coordinated and integrated services for survivors of violence, accessible all in one place, including social work, health services, psychosocial support and counselling, legal and financial advice.

- a. The social service worker(s) is recruited, paid, managed and supervised by the district social welfare/social services department, but in their job description it is stated that their main place of work is the justice service in question.
- b. The social service worker(s) is recruited, paid, managed and supervised by the responsible body in the justice sector, (e.g. courts service).
- c. As above, but while the worker is still recruited, paid and managed by the service in the justice service to which they are deployed, they receive professional supportive supervision from a qualified social worker, who may be located off-site as they are employed by the local social services / social welfare department.

The advantages and disadvantages of each approach are set out in the table below:

Type of inter-sectoral arrangement	Advantages	Disadvantages
1. Linking		
SSW employed and supervised by social services department (SSD) but linked with a specific community service in the justice sector.	This achieves some of the benefits of inter-sectoral and multi-disciplinary working, but at lower cost as one worker can cover a cluster of local services, and less commitment required by the allied sector.	Such linking arrangements may not allow for sufficiently close joint working and coordination to achieve the enhanced outcomes for services users outlined below, in particular if allied sector staff still do not fully trust, recognise or know how to involve the SSW in their service. As a result, some attempts to re-deploy SSW from social welfare to justice settings, but without them being incorporated as part of core justice service staffing, may face initial challenges.
2. Physical deployment or co-location		
2a. SSW employed and supervised by SSD, but deployed to (physically based in) the service in question (e.g. a family or juvenile court).	Achieves the main benefits of joint work that are achieved by colleagues across sectors being co-located, but without requiring significant cost and commitment from the allied sector.	The lower level of ownership by management of the allied sector may result in lower commitment to making the inter-sectoral deployment effective.
2b. SSW fully integrated into the service - recruited, paid and managed & supervised by the service where they are located.	Strong ownership by the sector and service where the SSW is located. Clear management and reporting lines.	The management and colleagues at the service (e.g. school) may not recognise or be able to meet the role, supervision and professional development requirements of the SSW.

Type of inter-sectoral arrangement	Advantages	Disadvantages
2c. As above, but the SSW has regular supervision meetings with a senior social worker with supervisory responsibility in the local social services department, or equivalent. This would be in addition to being supervised in their day to day work by their on-site manager.	Same as b., but added advantage of receiving supervision (including support for learning, professional development and reflective practice) from a qualified, experienced social worker, to strengthen their social work practice in that setting.	SSW could receive conflicting advice from their on-site manager and off-site supervisor.

ASEAN Member States may approach these options as incremental steps, moving after a few years from option 1 to option 2 (a, b or c), recognising that option 2, full integration of the SSW into services in other sectors may at first be too resource intensive for them, in the salary costs, management, training and SOPs required, especially if this involves a high number of additional staff. This would be particularly the case if one worker was proposed to be located in each local service, e.g. one social worker, or other social service worker, per justice setting. Therefore, in some countries it might initially be more feasible for one worker to be linked to a small cluster of centres in neighbouring areas, while still based in and employed and supervised by the social services department. The other reason this interim stage may be required is that it may initially be difficult to secure the commitments of the authorities in the other sector, to take on the full responsibility of recruiting, paying, managing and supervising such SSW, but this commitment might be achieved after having had the experience of linking the SSW to those sectors, in which policy makers, managers and staff in those sectors can see the benefits of closer inter-sectoral coordination and joint work, to achieve enhanced outcomes for service users. They then may consider that they wish to move to option 2, to achieve the additional benefits of directly hiring and locating those workers in their sector's services.

3. Overview of key issues in the ASEAN region in relation to the role of SSW in justice settings

This brief contextual analysis of the current roles and achievements of the social service workforce in the justice sector draws upon a consultation with experts and stakeholders from different ASEAN Member States at the ASEAN Regional Conference on Strengthening Social Work, May 2022, and the in-person meetings of technical working groups in Cambodia, July 2022.

Roles currently played by the SSW in justice settings in the ASEAN region:

- **Diversion:** Serving as a member of diversion committees at different levels/implementing plans for diversion of offenders from custody;
- **Probation officer role:** preparing psycho-social report for court, case monitoring and after care, using strengths-based and person centred approach;
- **Case management, and multidisciplinary working** including coordinating support and input of different agencies, use of information management systems;
- **Support and guidance for victim and witnesses:** including support in court, case monitoring and after care, for both children and gender-based violence (GBV) survivors, liaison with judge and court officers;
- **Family tracing, family assessment and child placement,** including finding out of home placement or kinship care/adoption by a relative if the parent is in prison, contacting families of children arrested by police and charged in court;
- **Psychosocial support for children in conflict with the law,** and preparing psychosocial reports on a child to the court, based on home visit, assessment of family environment;
- **Psychosocial and practical support for mothers of young children while they are in prison,** and for their children;
- **Support in legal processes:** advice on access to justice, legal aid, court processes, interpreting in court;
- **Support and social work assistance for offenders/prisoners:** psychosocial and mental health support for prisoners, liaising with their families and advocating for their rights; noting that 'prisons are a challenging place and social workers have had to fight in order to win a measure of influence in this complicated environment (comment by participant during the consultation workshop)';
- **Community prevention programmes:** to reduce the incidence of violence against children, gender-based violence, and other crimes in a family context, and seek to reduce the involvement of children and young people in criminal offending. Such programmes rely on close joint work with community services, in particular with schools and any specialist services or community organisations already working with children and young people at risk or likely to be involved in offending;

- **Rehabilitation:** helping prepare for release from prison and reduce reoffending by helping prisoners develop emotional and practical life skills, help in the transition from prison to life in the community, through finding housing, training and employment, addressing mental health issues, providing support with drug treatment and generally building resilience;
- **Mediator or family group conference facilitators** (though facilitators must also receive specialised training if they are to deal with cases of GBV). This approach of mediation or holding a family group conference is not recommended for cases of violence in the family;
- **Capacity building** of judges, probation officers, lawyers, prosecutors and other SSW, including on MHPSS (mental health and psychosocial support);
- **Ensuring child-friendly justice processes**, in line with the Convention on the Rights of the Child and other international conventions and protocols; and
- **Sharing best practice with other countries.**

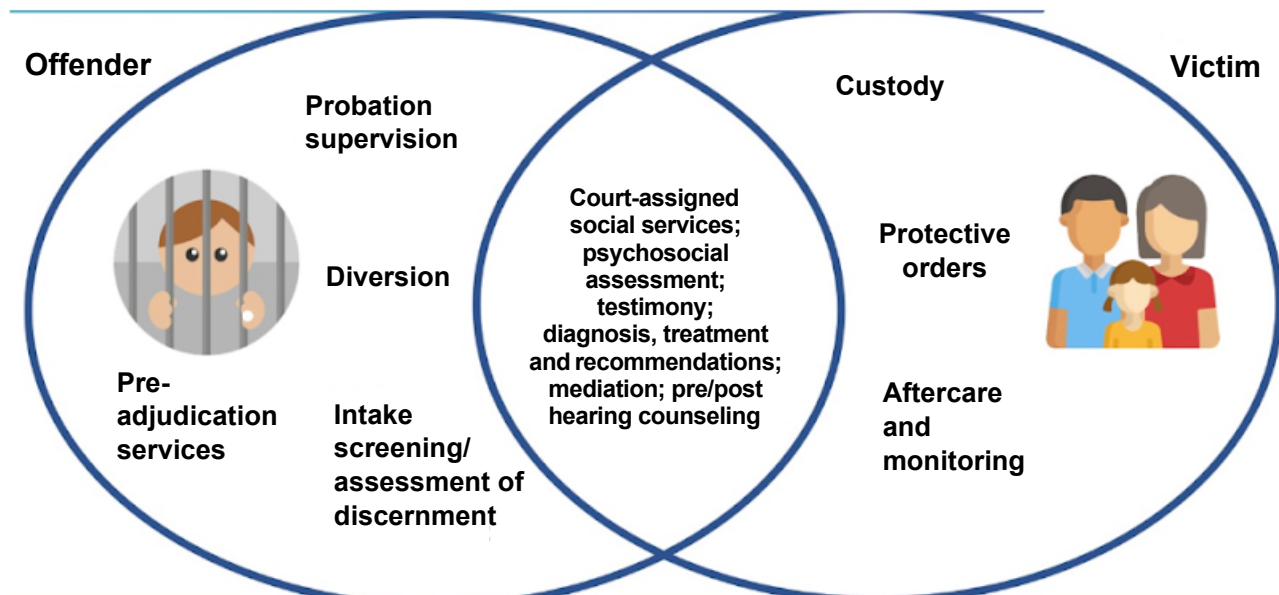
Challenges or weaknesses that need to be overcome, in relation to the role of the SSW in the justice system:


- **Insufficient number of SSW resulting in high caseloads**, which makes it hard for the SSW to do quality work;
- **Lack of suitable office and meeting space, and safe information management systems** – these are needed for the SSW to handle cases sensitively and respect confidentiality;
- **Lack of understanding of the important role of the SSW, and importance of having qualified social workers in the justice system.** This applies to ministries of justice, and the judiciary, court officials, lawyers and police, but also to ministries of social welfare and those who manage and deploy the core social service workforce, who may also not be sufficiently aware of the importance and potential benefits of inter-sectoral linkages between social welfare and justice sectors and deployment of SSW in the justice system; and
- **Lack of financial support and resources** to allow proper follow up of cases (home visits etc).

4. The potential range of roles of social workers and the wider social service workforce in the justice sector

The SSW in the justice sector can play a wide variety of roles, though these vary considerably across countries. In some ASEAN countries these will be performed entirely by professional social workers, probation officers or other qualified specialists such as psychologists and counsellors. In other countries, there will be a greater need for involvement of para professionals in the SSW who are specifically trained, tasked and supervised to provide social services, including in justice settings, but they may not have professional qualifications. The involvement of para professionals is likely to be more prominent in remote and rural communities, where there is an absence of qualified staff, and in countries where the social work profession, and other allied professions, are at an early stage of development, and the numbers of social work graduates and licensed practitioners remains limited.

The roles of social workers and the wider SSW play in the justice sector include formal roles associated with court processes, and more preventive community-based roles that fall outside of formal justice settings. Forensic social worker navigates multiple systems and advocate on behalf of the client's interest demonstrating skills and competencies in conducting biopsychosocial and safety assessments to determine appropriate intervention and treatment plan to meet the client needs. Forensic social workers are important in the legal system because particular consideration is given to social and psychological factors impacting those in the legal system providing important insights into what victims are going through, criminal responsibility and mental competence. Forensic social workers work in corrections, justice and social services systems and work with related settings that carry out the laws and regulations.





Social workers and wider social service workforce's specific roles include victim support and helping victims seek compensation, social and behavioural risk assessment of offenders, implementation and supervision of diversion and non-custodial measures, and support for post release reintegration. The scope of this Guidance is the criminal justice system, and how to strengthen the role and effective practice of different members of what each ASEAN Member State (AMS) defines as its social service workforce, in supporting children and other vulnerable individuals involved in criminal justice processes, whether as the accused, victims or witnesses, or in prevention of criminal offending behaviour.

The SSW roles involved in the justice sector will vary according to the national context, but in most AMS are likely to include professional social workers, probation officers, youth workers (including youth justice / youth offending workers), court welfare officers (supporting children, families or victims of gender based violence), other court-appointed welfare officials, and specialised police officers (for example those trained and tasked to work with children who are either accused of a crime, or as victims or witnesses, or to work with victims of GBV).

In many countries, there is a specific role for probation officers, which is not a role established in all countries in the ASEAN region, but where it is established, it is generally considered a part of the social service workforce, and is a key role in most justice systems, though with different interpretations of the role and manifestations in practice. The role is often performed by staff with generic social work training, though many countries now have professional education and specialist training specifically for probation officers, including those working with specific groups, such as children and young people. The key roles of probation officers usually include interviewing those accused of crimes and assessing their psychological and social background and support networks, in order to inform reports presented at court that will determine whether, if convicted, the offender receives a custodial or community sentence. Probation officers then will be involved in supervising and monitoring community sentences and community rehabilitation orders. They support, monitor, supervise and help keep safe offenders once released from prison to prevent re-offending and facilitate rehabilitation through support for training, employment, housing and psychosocial rehabilitation and reintegration into the community, and to ensure they comply with conditions of parole (supervised and conditional early release) or day release. They also may be involved in supporting the family of the person imprisoned, especially if they have children or other dependents, who would likely be adversely affected by their imprisonment.

Probation officers and other SSW in the justice sector, such as youth justice workers, are also often involved in primary or secondary prevention of offending, though offering individual and group support and mentoring, work in close collaboration with schools and other existing community services. They also play a key role in schemes intended to divert offenders from custody, particularly young offenders, though support for community sentencing, and in innovative approaches such as restorative justice¹⁰, designed to aid rehabilitation, prevent reoffending, and help victims in their path to recovery and healing, by bringing offenders together with victims or their families for the sake of accountability, reconciliation and reintegration, and strengthen the community to prevent further harm from occurring.

¹⁰ Restorative justice must be implemented based on certain key principles including ensuring safety plans are in place, only proceeding if all agree - voluntary participation of all parties, taking a rights-based approach (considering and upholding rights of victim, accused and other parties).

Other roles social workers and the wider SSW may play in the justice sector include:

- Youth justice social worker, or youth worker specialising in working with young offenders/children in conflict with the law, in both primary and secondary prevention, and supporting rehabilitation, reintegration and reconciliation. Such youth workers may specialise in working with young people involved in gangs, or may specialise in drug rehabilitation;
- Support worker/social worker for victims and witnesses, to support them through justice processes, assist or facilitate video-taped interviews and witness testimony, and in the process of recovery and reintegration. Making referrals to counselling services for long-term emotional and psychosocial support, if required. For adults, the social service worker role may involve work in rape crisis centres and shelters for victims of gender-based violence including intimate partner violence, and other types of work with organisations that support women subject to violence;
- Court social worker, including as a victim support or witness support worker, as a children's guardian (court-appointed social worker for children during legal proceedings), and generally to ensure more person-centred and survivor-centred approaches, and child friendly justice, including through running specialist courts for children or survivors of gender-based violence. Social Workers Managing Court Cases refers to registered social workers handling court cases who is employed by the government and/or a private agency that facilitates and manages cases, but not limited to adoption, children in conflict with the law, abuse, guardianship, trafficking among others and have the appropriate training or competence which is crucial for determining appropriate interventions;
- Advocate for young people or other vulnerable people (e.g. those with intellectual disability or mental health conditions), whether as the accused, victims or witnesses, during justice processes;
- Mediator or family group conference facilitator, enabling family and community involvement in developing and implementing plans to enable an offender's rehabilitation and diversion from custody, and to prevent re-offending. Family counseling to address risk factors and the impacts of incarceration on spouses and children;
- Social worker or support worker at a young offenders institution/detention facility for young people under aged 18, who would otherwise be considered a risk to themselves or the public, who have either been convicted of crimes, or are awaiting trial;
- Social worker or support worker in secure wards in psychiatric hospitals or other secure residential treatment units for those with diagnosed mental health conditions who have been convicted or are awaiting trial. In some countries, (e.g. the United Kingdom), this role is referred to as 'forensic social work', which is a specialist area of mental health social work, involving working with offenders with mental health problems in both secure hospitals and the community¹¹; and
- Prevention support for subjects at risk of law violation or recidivism.

It is important to note that all of the roles above involve working with children or adults facing different forms of vulnerability, or socio-economic marginalisation, and a key role of the SSW in the criminal justice system often therefore involves preventing or countering discrimination, injustice against, victimisation and scapegoating of some of the most vulnerable, marginalised, excluded and stigmatised members of society, including, amongst others: the homeless including street-connected children, people with disabilities, people addicted to substances or with mental health needs, ethnic, racial minorities, refugees and internally displaced people, people lacking identity or registration documents and rights of citizenship.

¹¹ Article on Community Care website, UK, 22nd August 2018, <https://www.communitycare.co.uk/2018/08/22/forensic-social-work/> which also cites a definition of forensic mental health as: '...an area of specialisation that, in the criminal sphere, involves the assessment and treatment of those who are both mentally disordered and whose behaviour has led, or could lead, to offending...'. from Mullen, P E (2000) 'Forensic mental health', British Journal of Psychiatry, Volume 176, Issue 4, pp307-11.



5. Advantages and benefits of deploying social workers and the wider SSW in justice settings

The main advantage of involving social workers and the wider SSW in the justice system and services is that it allows for social determinants, in this case of crime and offending behaviour, including poverty, discrimination, social exclusion and family violence, to be identified and addressed. It also can ensure that justice workers carry out and advocate for rights-based, and survivor, child or person-centred approaches, that also apply safety first principles. Social workers and other social service workers can be enablers and advocates for survivor-friendly and child-friendly justice processes, and help ensure children and other vulnerable or marginalised individuals and communities receive access to justice.

As part of the practice framework for social work, principles of restorative justice is incorporated in the social case management. Restorative justice principles emphasise the importance of victims, offenders and the community to be involved in a dialogue or intervention taking into consideration the repairing the harm done to people and relationships rather than only punishing offenders. Restoration and reintegration of both victim and offender and the well-being of the entire community is of utmost consideration offering alternative ways in the case management.

The other key role that social workers and other social service workers can play in the justice system is to support more effective prevention and rehabilitation, and prevention of re-offending. It can also enable a more person-centred, and strengths-based approach to assessment and monitoring of offenders, that identifies family and community resources, so as to better engage with the affected individual's wider family and community network, with civil society organisations, and with the informal or traditional justice processes in their community¹², thereby increasing the chances of diversion from custody or reduced time in custody followed by community-based reconciliation, reintegration and rehabilitation.


The SSW are also well placed to ensure multi-disciplinary and inter-agency coordination in carrying out assessment for pre-sentence reports, in involvement in other court processes, and in supporting rehabilitation, reintegration, diversion from custody and prevention of re-offending. This coordination can extend to informal actors such as community volunteers, civil society and faith groups, and involves identifying and helping to strengthen the community support networks of both offenders and victims, including immediate and extended family, schools and religious leaders and institutions.

¹² It should be noted, however, that informal or traditional justice processes are often not rights-based and can have the priority of keeping the family together at the cost of safety of the child or woman.

6. Recommendations for strengthening the social service workforce in justice settings

6.1 Planning the workforce

- **Define, in legislation** the role and responsibilities of social workers and the wider SSW, for when they are located in (i) community settings such as schools, health care facilities and (ii) courts or other justice institutions, and when their responsibilities are specifically linked to the work of professionals in those sectors;
- **Develop clear service specifications and Standard Operating Procedures (SOPs):** Given the risk of SSW not being understood, recognised, respected, integrated with other specialists or well utilised, when deployed in other sectors, it is important to plan and prepare for any such arrangement through defining a clear service specification or terms of reference (ToR), with SOPs which clearly state the role, responsibility, required qualifications and status of those workers;
- **Develop clear job descriptions for these roles:** It is also important to develop a clear job description for the role, and for the line manager or supervisor of the person in that role, to ensure, based on a clear understanding of its role and distinct contribution, it can complement, and integrate and coordinate with, other disciplines working in that setting, and also not subsumed into other more general work (e.g. a school social worker being pulled into helping with general administration or to organising events, for a school);
- **Clarify the nature of the inter-sectoral relationship:** This would include defining if the SSW are to work inter-sectorally by being physically located in a service setting in that sector (e.g., school or clinic), or they will achieve the same benefits by being linked to that setting (e.g. through acting as a focal point for referrals, making regular visits, or spending a day a week in that setting). In doing so, it is important to consider the benefits and potential drawbacks of each type of arrangement;
- **Consider if the SSW can be deployed alone, or will work more effectively alongside other social workers/social service workers:** Sometimes resources only allow one worker to be deployed full-time to a setting such as a family or juvenile court, but in doing so, it is important to consider the risk of a lone social service worker becoming isolated, unsupported, unrecognised, and either under-utilised, or involved in tasks not well aligned with their professional role and training. In which case, it might be preferable for them to be deployed in pairs or a small team. However, these risks would be mitigated if the solo worker were well integrated, supported, supervised and recognised within the interdisciplinary or multidisciplinary team;
- **Develop mechanisms for ministerial co-leadership and coordination:** Each AMS should consider first mapping and assessing the capacity and reach of its current workforce in justice systems, including the extent to which the ministries responsible for justice and law enforcement already directly deploy the SSW in justice settings, or whether that deployment is led and supported only by ministries of social welfare and/or civil society organisations. Either way, it is recommended to ensure that both ministries of justice and ministries of social welfare recognise the SSW role in justice settings, taking responsibility for their training and professional development, and also ensure the required input from and coordination with the other ministry or departments involved. In the context of ASEAN, this would involve specifically



enabling inter-pillar work across ASEAN sectoral bodies, where social work is under ASEAN Socio-Cultural Community (ASCC), but justice and enforcement are under ASEAN Political-Security Community (APSC), and the ASEAN coordinating instruments of Senior Officials Meeting on Social Welfare and Development (SOMSWD) and ASEAN Senior Law Officials Meeting (ASLOM) will both need to play key roles, given their responsibility for social welfare and justice, respectively. A platform for regional policy and research exchange and coordination, and the development of joint strategies for workforce strengthening within justice systems would be helpful and should be explored further;

- **Plan and budget for the workforce required based on assessments of need to determine the required ratio of workforce numbers to target population:** Governments and their national partners should consider first coming together to assess the key needs of children and vulnerable individuals involved in the justice system, and then running surveys and assessments to map the current extent, composition and distribution of the workforce working in or with the justice sector. These assessments could then be used to determine the gap between the current ratio of workforce to population in need and the optimal ratio, that would be sufficient to meet assessed needs through adequately and sustainable staffing the full range of SSW roles and responsibilities in the justice system. Budget and resourcing should be sufficient to enable adequate salaries and working conditions, meeting space and transport costs or vehicles to enable safe home and community visits, and to ensure long-term budgeting and sustainable resourcing for all costs related to hiring, training, supporting and supervising the SSW in justice settings and the delivery of services such as diversion, non-custodial sentences and reintegration support;
- **Strengthen recruitment and retention of social workers and the wider SSW in justice settings** by using proactive techniques, engaging with professional associations and academic institutions, and seeking high profile endorsements to attract new people into the workforce. At the same time, all new recruits should undergo strict safeguarding checks, including consulting the national database of registered offenders (if available, if not seek to set one up) to see if they have any history of committing offences that might make them a risk to children or vulnerable adults;
- **Plan and develop Information Management Systems:** through access to adequate Information and Communications Technology (computers, software and communications equipment and running costs), the SSW should be supported and monitored by suitable Information Management Systems, preferably online and interoperable with other related systems, for safe and confidential input, storage and sharing of client information in case management, but also to facilitate supervision, performance management and quality assurance. Such systems should make it easier and more reliable for the SSW to make referrals to other colleagues and sectors, to hand over cases from one colleague to another, and to enable issues of concern or key tasks not yet completed to be identified, flagged and followed up by management and other colleagues or sectors as appropriate; and
- **Develop systems for monitoring, evaluation, accountability and learning (MEAL):** based on quality standards and relevant workforce performance indicators, that should be developed for each national context, but could be informed by regional standards and strategies for the SSW and the justice sector. This will help ensure not only quality control, and monitoring of workforce capacity and effectiveness, but also will inform continued innovation, and evidence-based learning and improvement, plus mechanisms of accountability for achieving sufficient standards of practice.

6.2 Developing the workforce

- **Develop a multi-level and multi-disciplinary competency framework for the various roles of the SSW in justice settings:** This should be developed through a consultative process with policy makers, managers, practitioners and educators in the sector, aligned with formal definitions in legislation, policy, job descriptions and SOPs, but further outlining the specific tasks and behaviours required for the roles to be performed by the SSW in justice settings, and the underpinning competencies (knowledge, practice skills and values) required to perform these roles adequately and effectively, in both frontline practice (professional and para professional) roles and in supervisory roles, and across the different settings (e.g. court work, probation, community prevention and rehabilitation) and areas of specialisation (e.g. children in conflict with the law, child victims and witnesses of violence, working with survivors of gender-based violence, probation for adult offenders, mental health and forensic social work). The practice skills will need to range from formal statutory roles and case management practice, to community outreach and empowerment, such as in prevention of offending, supporting restorative justice and rehabilitation of offenders and enabling long-term support, rights, dignity and autonomy of choice for survivors;
- **Enable the SSW in justice settings to be suitably qualified and registered** (if possible in their specific justice role), through development and provision of suitable professional education and pre-service training opportunities;
- **Ensure the SSW in justice settings can receive specialised training opportunities, in line with the competency framework developed:** This should include, but not be restricted to, multi or interdisciplinary training where possible, to ensure integration, mutual respect and recognition of the SSW with colleagues from other disciplines working in the justice system. This will ideally be planned and developed under the leadership of ministries of justice but also with input from, or co-led by, ministries of social welfare. Multidisciplinary training should help professionals across sectoral boundaries to better understand each other's statutory responsibilities effectively, help them carry out these responsibilities more effectively through joint working, and help the SSW to be recognised by and build trusting cooperative relationships with other justice colleagues or other specialists; and
- **Plan and provide continued professional development opportunities** to ensure that SSW practice in justice settings continues to be informed by evidence of new innovative forms of practice, such as restorative justice or family group conferencing for young offenders.

6.3 Supporting the workforce

- **Ensure regular supportive supervision¹³** for the SSW in justice settings, preferably provided by a qualified social worker or probation officer, including where possible on a one to one basis, but with the option of group supervision too, if appropriate and helpful. Group supervision by expert supervisors can also be provided to multi-disciplinary teams, to discuss and reflect on particularly complex cases, and to work out joint, inter-sectoral approaches to working with such cases. Similarly, it is important to enable regular attendance at staff team meetings for such workers, to enable joint planning and coordination of teamwork across the different roles within the justice system;
- **Support staff safety and well-being** for the SSW deployed in justice settings. This is essential to help prevent, reduce and mitigate the particular risks, including the risk of violence, that the SSW may face in working with clients with challenging behaviour, with a history of violence offences or involved in complex or organised crimes such as child labour, child sexual exploitation and human trafficking. The SSW are particularly exposed to these risks while doing outreach and home visits in neighbourhoods whether there might be high levels of violence and risk to personal safety. The forms of help and support they may require include being able to carry out high risk visits in pairs, access to vehicles to enable safe travel, telephone contact with and backup from a line manager and police if required, as well as access to peer support and confidential counselling. Supervision, peer support and counselling, as well as HR policies that ensure a manageable workload, time off where needed to recover from stress or trauma, and a positive work-life balance, will be important to prevent or limit the particular forms of stress that may be associated with working in the justice sector. These could be associated with the high volume of cases and urgent demands for reports (e.g. for court proceedings), and as a result of working with high risk clients in the community. Such stressors can be compounded if there is a lack of recognition or support from officials in the justice system, police and other professional colleagues, as well as the wider public;
- **Recognise, promote and strengthen professional associations** to also play a key role in raising awareness of the role played by the SSW in the justice system, in developing and promoting quality standards for the workforce and advocating for the support and resources they require to work effectively;
- **Raise awareness and build support of wider stakeholders in the justice system**, including ministries of justice, supreme courts, judges, magistrates and other legal officials, on the range of key roles that are or can be played by the SSW in the justice system, in support of the most vulnerable or at risk individuals affected by criminal justice processes; and
- **Raise awareness and build wider public support and recognition**, which also increases both the supply of people interested in entering these professional roles, and demand for these services by the general public, partner agencies and professionals making referrals.

¹³ Defined as 'a supportive relationship, carried out in regular meetings, which focus on accountability, well-being and skill development. Through regular contacts, the supervisor provides coaching and encourages the supervisee to critically reflect on their practice. The ultimate aim of supervision is to improve the service to clients', in the Guidelines to Strengthen the Social Service Workforce for Child Protection (2020), developed by the Global Social Service Workforce Alliance and UNICEF. <https://www.socialserviceworkforce.org/resources/guidelines-strengthen-social-service-workforce-child-protection>



7. Conclusion

This Guidance, having defined the social service workforce in the context of ASEAN, and in particular the ASEAN Road Map for Implementation of the Ha Noi Declaration on Strengthening Social Work for Cohesive and Responsive ASEAN Community (2020), has explored how social work, and the wider social service workforce, can be strengthened when it is deployed or linked with the justice sector. It has then explored in greater depth the current and potential roles social workers, and other social service workers play, in the justice system, and set out guidance on how these roles can be more effectively promoted, and specifically better planned, developed and supported by governments and partners in ASEAN Member States.

The greater efforts of AMS in planning, developing and supporting the roles of social workers and the wider social service workforce in the justice system could help unlock significant potential gains in upholding the rights and promoting the welfare of all those involved in the justice system, from alleged offenders to victims and witnesses, as a result of being supported by a well-trained, tasked and supervised social service workforce, that is well integrated and recognised within the justice system.



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