

# **Guide to the National Standards for Bail Supervision and Support Schemes**

**Nacro cymru/Youth Justice Board**

## **BACKGROUND**

The Bail Support Policy and Dissemination Unit - Nacro Cymru are contracted by the Youth Justice Board to act as national supporters and evaluators to those schemes that are funded under the development fund grants for bail supervision and support, between April 1999 and March 2002.

The Bail Unit on behalf of the Youth Justice Board has written these good practice guidelines.

The practice guidelines are to accompany the National Standards for bail supervision and support, published in May 2001. The purpose of the document is to assist Yots and their partner agencies with the strategic planning and implementation process, by identifying where schemes currently meet bail supervision and support national standards and where action will be required for the future. (*See section 1*)

The standards expand on the references to bail supervision and support set out in the National Standards for Youth Justice (*April 2000*). Each standard is highlighted in bold and is expanded with practice commentary. The full version is attached as *Appendix One*. In addition there is a checklist that summarises the key issues and provides a framework for the planning and implementation process. (*Appendix Two*)

| <b>Contents</b>  | <b>Page Number</b>                                  |
|--|---|
| 1. Introduction  | 3   |
| 2. Statutory Obligations   | 4   |
| 1.1 Remand Management Strategy   | 4   |
| 1.2 Integration within the Yot   | 6   |
| 2.1 Monitoring Requirements  | 6   |
| 3.1 Availability of provision for 10 to 17 year olds                   | 7   |
| 3.2 Training for staff   | 8   |
| 4.1 Aims of bail supervision and support                               | 8   |
| 5.1 Arrangements with the courts and police                            | 10  |
| 5.2 Effective liaison with the courts and police                       | 12  |
| 5.3 Covering to courts   | 12  |
| 5.4 Assessment Interviews  | 13  |
| 6.1 Arrangements for liaison with the Crown Prosecution Service        | 15  |
| 6.2 Reports to court   | 16  |
| 6.3 Representing the scheme in court                                   | 17  |
| 6.4 Statutory status of bail supervision and support                   | 18  |
| 6.5 Explanation of breach procedures to court                          | 18  |
| 6.6 Substantial changes to programmes                                  | 18  |
| 6.7 Final reports  | 18  |
| 6.8 Following up and reviewing young people remanded to custody        | 19  |
| 7.1 Pre and post court interviews                                      | 21  |
| 7.2 Home visits – parent/carer not present in court                    | 22  |
| 7.3 Purpose of the home visit  | 22  |
| 7.4 Initial programme planning meeting within 2 working days           | 23  |
| 8.1 Minimum number of contacts   | 23  |
| 8.2 Exceptions to frequency of contact                                 | 25  |
| 8.3 Voice verification   | 25  |
| 9.1 Programme content  | 25  |
| 9.2 Availability of local services                                     | 28  |
| 9.3 Use of mentors, volunteers and sessional workers                   | 28  |
| 9.4 Undertaking regular home visits and contact with residential homes | 29  |
| 9.5 Links to Intensive Supervision and Surveillance Programmes         | 29  |
| 10.1 Ensuring attendance at court                                      | 30  |
| 11.1 Breach procedure – First failure to comply                        | 31  |
| 11.2 Breach procedure – written warning                                | 31  |
| 11.3 Initiating breach procedure                                       | 32  |
| 11.4 Protocols with the police for non compliance                      | 33  |
| 12.1 Case records  | 33  |
| 12.2 Liaison with PSR writers  | 34  |
| 13.1 Promoting the scheme  | 34  |
| Appendix One   | Checklist for Service Delivery                      |
| Appendix Two   | National Standards for bail supervision and support |
| Appendix Three   | Bibliography  |

## INTRODUCTION

- 1. In April 2000 the Youth Justice Board for England and Wales published National Standards for youth justice. Paragraphs 6.3 and 6.4 of those standards refer to bail supervision and support and to bail information and assessment. This document provides detailed standards for bail supervision and support to which all agencies will be expected to comply.**

### **Purpose of Bail Support and Supervision Standards**

The National Standards for Youth Justice were published in April 2000, and although they outline what is required, do not provide detail about how bail supervision and support services should be delivered. The relevant paragraphs relating to bail supervision and support state that:

6.3.1 Each Yot must ensure that there is local bail support and supervision provision and that all young offenders detained in police custody for production in court are referred to it

6.4.2 Yot Managers must ensure the provision of a bail information service at each youth court in its area. It must provide factual verified information including from the Bail Asset to the Crown Prosecution Service. This is to enable the CPS to assess whether there is information that would enable them to ask the court to remand a young offender on bail rather than to secure facilities, and to provide access to any bail support and supervision scheme.

The standards that are contained in this document are specific to bail supervision and support. They provide a framework for service delivery that meets the Youth Justice Board's objectives (see *standard 4.1*) and provide clarity on a range of issues including programme content, enforcement and breach.

Although bail information, the use of Bail ASSET and other remand management issues are referred to within the bail supervision and support standards, the purpose of this document is not to provide detailed guidance on these particular aspects.

### **Agency Involvement**

Within the pre court process different organisations have particular functions to fulfil. The standards aim to identify where overall policy and detailed practice matters need to be considered jointly. These standards are relevant to the following agencies:

- Police
- Yots (*and any agencies or individuals working on their behalf in delivering bail supervision and support services*)
- National Probation Service (*court duty officers and those working with 17 year olds in a pre trial capacity*)
- Crown Court Liaison Officer
- Court escort staff
- Crown Prosecution Service
- Magistrates and Judges
- Justices' Clerks
- Defence Solicitors

## Timescales for Implementation

It is intended that these standards will be implemented by April 2004. Yots will be required to deliver year on year improvements from the current position to achieve 100% compliance by then. Funding will be made available to Yots who have a strategy in place by 4 September 2001 for the full achievement of National Standards by 2003/2004.

## STATUTORY OBLIGATIONS

### 2. The Crime and Disorder Act 1998 includes in the list of youth justice services that local areas must provide:

**“... the provision of support for children and young persons remanded or committed on bail while awaiting trial or sentence..” Section 38(4)(c)**

Section 38 of the Crime and Disorder Act places a statutory duty on local authorities to ensure the availability of appropriate youth justice services in their area. One of the services that must be provided is bail support.

The definition of bail supervision and support is:

Community based activities in programmes designed to help ensure that defendants awaiting trial or sentence successfully complete their period of bail by returning to court on the due date, without committing offences or interfering with the course of justice and to assist the bailee to observe any conditions of their bail. Such programmes may be run by the bail supervision and support scheme itself or through referral to specialist organisations

It should be noted that bail support was re-defined bail supervision and support by the Youth Justice Board in November 2000, in order to emphasise to courts in particular the supervisory nature of programmes. (*Letter from Lord Warner to Chairs of Yot steering groups, 13 November 2000*).

## NATIONAL STANDARDS

### REMAND MANAGEMENT STRATEGY

#### 1.1 Youth Offending Team (Yot) managers are responsible for the development of an integrated remand management strategy for the Yot. A comprehensive remand management strategy must encompass the following: provision of appropriate adults, facilities to accommodate young people under s38(6) of the Police and Criminal Evidence Act 1984, bail information, bail supervision and support, liaison with the local authority regarding accommodation of which remand fostering will be a part, and mechanisms for reviewing young people remanded in custody or securely remanded.

Bail supervision and support is a matter to be considered as part of an overall strategy aimed at dealing with youth crime. Yots need to monitor the number of young people who are remanded to custody or secure accommodation and take a pro-active role in pre-empting remands.

Resources should be targeted to minimise the need for remands to custody and to local authority including secure accommodation. Credible alternatives must be developed for managing young people in the community on bail, whilst minimising the risk to the public by providing the court with appropriate information and responses that are commensurate to the risks involved. Decisions made at this stage of the process will impact on subsequent outcomes for young people

The aims and objectives of a remand management strategy are to:

- To minimise the amount of time young people spend in police custody
- To ensure that young people are transferred to local authority accommodation where ever appropriate
- To divert from court young people who can be dealt with by final warnings
- To ensure that young people attend court as required
- To assess all young people at risk custody, non attendance and offending on bail using Bail ASSET
- To provide accurate and verified information to the court to assist in the decision making process
- To provide informal assistance to young people to prevent breaches of bail conditions
- To provide individual bail supervision and support programmes for those at risk of having bail denied or where the court has concerns about non attendance and offending on bail
- To ensure that vulnerability is assessed and appropriate action taken
- To ensure that there is a range of accommodation provision available to young people by linking with statutory and voluntary providers
- To ensure that referrals to remand accommodation facilities are targeted at young people who meet the resource criteria
- To minimise inappropriate remands to custody, secure accommodation and local authority accommodation
- To ensure that remands to custody and secure accommodation only occur when all other options have been explored
- To review all remands to ensure that they are appropriate to, the seriousness of the offence, the protection of the public and needs of the young person
- To protect vulnerable young people from the harmful effects of custodial remands and the looked after system
- To ensure that any custodial remand is for as short a period as possible
- To review the effectiveness of existing remand services and make adjustments where appropriate
- To develop new services in response to identified needs or shortfalls in existing services

### **Components of a Remand Management Strategy**

A comprehensive remand management strategy should address the following and provide continuity of provision:

- Appropriate Adults
- Section 38(6) PACE transfers
- Assist young people on bail
- Bail Information
- Bail Supervision and Support
- Arrangements to ensure attendance at court
- Accessing accommodation provision (For example residential, foster care, supported lodgings, probation bail hostels, independent accommodation)
- Remand to Local Authority Accommodation
- Continually reviewing the outcome in court to identify if a different bail or remand condition can be proposed at a later hearing
- Remand to Secure Accommodation
- Remand to Custody
- Mechanisms for reviewing custodial remands
- Ensure that functions integrate between the remand strategy and other elements of the Yot
- Comprehensive monitoring and evaluation (to include anti discriminatory practice and ethnic monitoring requirements)

An effective remand management strategy ensures that decisions that need to be taken speedily will occur within a framework of good practice. The establishment of formal policies and procedures will mean that actions are not taken on an ad hoc basis or that inappropriate decision making processes are used.

**1.2 All aspects of the remand management strategy must be integrated within the work of the Yot. Where aspects of the work such as bail supervision and support are provided by a voluntary organisation there must be a regular reporting mechanism to the Yot manager.**

Bail supervision and support is a key component of the Youth Justice Board's strategy for managing the secure estate, is an essential element of a remand management strategy and is a duty of the local authority and as such must be treated with the same priority and importance as other areas of statutory work.

The way in which court work and remand management is organised varies considerably depending on the geographical area covered, the volume of young people appearing in court and the resources available both within the community and through the Yot. Services can be delivered from within the Yot (*generic or specialist workers*) or by voluntary organisations in partnership with the Yot.

In order to ensure that remand management is an integrated activity, Yots should address the following, with the appropriate agencies to ensure there is clarity of purpose, boundaries are firmly established and there is clear accountability. This will ensure that all parties understand their roles and responsibilities and that good communication channels are in place. The remand management strategy must be compatible with other strategic plans of the Yot and its partners.

- The sharing of information through client information systems (*see Youth Justice Board Guidance Note 2, Guidance for Youth Offending Teams on Information Sharing, March 2001*)
- Guidelines for completing all necessary paperwork at the appropriate stages to include, Bail ASSET and where appropriate vulnerability assessments, post court report form etc
- Service level agreements to cover partnership arrangements that specify what services will be delivered, who they will be provided by, targets that need to be met and the practical working relationships with the Yot.
- Service level agreements with the local authority that define arrangements in respect of accommodation and placement
- Protocols with the courts and police (*standard 5.2*)
- Review mechanisms, which may include the establishment of steering groups or other fora (*see standard 5.2*) that include all relevant parties
- Arrangements for monitoring and evaluation

## **MONITORING THE USAGE AND EFFECTIVENESS OF BAIL SUPERVISION AND SUPPORT (BSS)**

**2.1 All Yot managers must ensure that annual data is compiled showing the use of bail supervision compared to other bail options and to custodial and secure remands in their area. They must monitor the effectiveness of the service in meeting the aims laid down in paragraph 4.1 below.**

The purpose of monitoring is to build up a picture of how the remand system is functioning and what impact the provision of bail information and bail supervision and support are having on the remand population. Full and accurate records must be kept and mechanisms in place to review progress evaluate practice and develop services.

The primary method of data collection for Yots will be through the quarterly returns to the Youth Justice Board. Table 10 requests information on all bail and remand decisions by age and gender. Table 11 requests the same information by ethnicity. Table 24 requests information on attendance at court, re-offending on bail and breach for non-compliance for young people on bail supervision and support programmes.

Yots need to ensure that their own information systems can collect this information and provide it to the Board on a quarterly basis.

## **BAIL SUPERVISION AND SUPPORT (BSS)**

### **3.1 Each Yot manager must ensure that there is local bail supervision and support provision, available to young people aged 10-17 in their area.**

Every young person who offends or who is involved in offending should have access to equal treatment in the criminal justice system irrespective of race, gender, culture, disability, religion or sexual orientation.

A significant body of research shows that black young people and travellers are disproportionately over-represented at all stages of the system. Young women offenders can also be treated differently from male counterparts. In addition there is evidence that suggests that services fail to take into account young people with special needs for example young asylum seekers and looked after children.

Equality issues should be addressed in all aspects of service provision and anti discriminatory practice should be promoted as a key element throughout these standards, even though not explicitly addressed in each section.

Schemes need to ensure that literature is available in translation for the most commonly used languages in the local area and that there is access to translators where required. Most local authorities will have arrangements in place. Leaflets for young people should be clear, concise and age appropriate. Sensitivity must be used for those with limited reading skills. It is essential to fully explain the contents of leaflets and to check the young persons understanding of what has been said.

Each Yot must ensure that there is bail supervision and support provision within their area for:

- Any young person requiring these services irrespective of the court where they appear
- Community based support across the whole of the geographical area covered
- Appropriate provision reflecting the age, maturity and different needs of young people. The younger age group and 17 year olds require particular consideration
- Young people who are homeless or have little support in the community
- Children and young people who are accommodated by the local authority
- Young people with particular needs for example those with mental health problems, physical disabilities, or substance misusers
- Young people accused of serious offences
- Young people accused or previously convicted of sexual offences
- Children experiencing difficulties within the mainstream education system
- Those with learning difficulties
- Children and young people of varying ethnic and cultural backgrounds
- The particular needs of young women

### **3.2 Bail Supervision and Support is a specialism. Each Yot must ensure that it has workers specifically trained to deliver bail supervision and support.**

Yots will need to identify how services will be delivered and who will be involved in order to determine the precise training requirements.



Bail supervision and support workers may be Yot members, specialist staff such as court duty officers, voluntary service providers, volunteers, mentors or sessional workers. In addition consideration should be given to emergency duty team workers who may be providing an input out of hours as well as other Yot staff who may be involved in delivering specific pieces of work within a bail supervision programme.

The type of training required depends on how services are being developed. For example there are Yots that have workers based in court, undertaking assessments and working with young people, whereas other bail workers are not court based and their involvement commences once a young person is placed on a programme. As a result there will be variation between what is desirable and necessary.

Key areas for training are likely to include:

- Bail and associated legislation
- Remand management (*principles and practice*)
- Court and police procedures
- Report writing, negotiation and presentation skills
- The use of Bail ASSET and other assessment methods
- Risk assessment and risk management
- Developing bail supervision and support programmes
- National Standards
- Working with young people and their families
- Familiarity with local protocols and working agreements e.g. accessing placements
- Working within the secure estate
- Developing resources and links within the community

Yots should ensure there is training available in general aspects of Yot practice, for example child protection, looked after children procedures, health and safety issues, data protection and issues of confidentiality.

## **AIMS**

### **4.1 The aims of bail supervision and support are to:**

- a) Prevent offending on bail**
- b) Ensure the appearance of the young person at court to reduce delays in the court process**
- c) Ensure remands to custody and secure remands are kept to the essential minimum**

The three aims identified by the Youth Justice Board set the policy framework for the provision of services and should assist Yots to appropriately target young people.

#### **a) Prevent Offending on Bail**

Section 37(1) of the Crime and Disorder Act 1998, states it is the "*principal aim of the youth justice system to prevent offending by children and young persons*".

Young people on bail supervision and support programmes should be adequately supported and supervised so that as far as possible they do not breach their bail conditions. It should also be borne in mind that any planned work should reflect the fact that the young person is at this stage unconvicted. Programmes must be appropriate to the individual and their circumstances:

- General supervision by regular contact and reporting arrangements (see *standard 8.1*)
- Focused work with the young person based on issues identified in the Bail ASSET. (see *standard 8.1*)

- Depending on the identified needs, programmes may undertake specific work with young people to address the consequences of offending on bail (*cognitive behaviour*) and identify alternative options. Any work undertaken should be offending related, not offence specific. (see *standard 9.1 offence awareness*)
- Use of surveillance techniques, for example voice verification, electronic tagging and curfew monitoring (see *standard 8.3*)
- ISSP where appropriate (see *standard 9.5*)

**b) Ensure the appearance of the young person at court to reduce delays in the court process**

It is important to ensure that the young person attends court so that delays in the process do not occur as a result of the young person's failure to appear. Similarly non-attendance will increase the length of time between charge and sentence and increase the risk of offending whilst on bail.

The Youth Justice Board has requested that persistent young offenders and those young people where there is concern about their attendance at court should be made subject to bail supervision and support. (see *standard 6.2*) Yots need to ensure that these young people are targeted are encouraged to attend court. There is a minimum expectation that 90% of these young people attend all their court cases. (*Letter to Yot Managers from Lord Warner; 16 January 2001*).

Whilst young people should be supported and encouraged to take responsibility for their own lives and actions, it is the task of bail supervision and support schemes to make sure that wherever possible they attend court. Appropriate mechanisms need to be put place involving liaison with police, courts, and defence solicitors to ensure that young people receive the correct information about when they should be in court. (see *standard 10.1*)

**c) Ensure remands to custody and secure remands are kept to the essential minimum**

Bail supervision and support programmes should primarily target those young people at risk of having bail denied as defined by the Bail Act 1976 (*as amended*). In order to achieve this Yots need to ensure that there is a presence at all appropriate courts (see *standard 5.3*).

Programmes should be offered at the first court appearance to pre-empt any possible custodial remand. If unsuccessful, review mechanisms should be set in place to consider offering a programme at a second or subsequent appearance. (see *standard 6.8*)

Workers need to be fully conversant with bail and associated legislation in order to understand the grounds for denial of bail, to explore how bail supervision and support programmes may address these and to be clear about when and where bail applications can be made in the pre trial process.

Yots need to address the objections to bail of both the court and Crown Prosecution Service by offering programmes that are credible and acceptable alternatives to a remand. This involves ensuring that all magistrates know about bail supervision and support, have confidence in what is proposed and trust it will be carried out. In order to maintain credibility there must be a consistent approach to issues such as non-compliance and breach.

Programmes should be developed from a risk assessment using the Bail ASSET, be tailored to meet individual needs and allow resources to be deployed effectively. The level of supervision and support should be appropriate to the seriousness of the offence(s), frequency of offending and individual needs. Consideration needs to be given to what mechanisms can be put in place to ensure public protection, to manage young people who may be considered at high risk either due to the nature of the offence they have been charged with, their previous offending history or their lifestyle.

Pre trial services should be reviewed to assess whether the service is meeting its objectives. The review should use monitoring information to provide indicators of performance and to critically assess methods and practice. Within this context Yots should monitor remands to local authority accommodation, secure accommodation and custody to ensure that appropriate alternatives are offered.

## **PRE COURT WORK**

This section outlines the process that workers will need to undertake to ensure they are aware of and able to deal with each young person appearing before every court. This entails having mechanisms in place to work co-operatively with the police and the courts.

### **5.1 Each BSS scheme must have arrangements in place for effective liaison with the police and courts to ensure that all young offenders detained in police custody for production in court are referred to it.**

#### **Effective Liaison**

The key issue for bail supervision and support workers is to be pro-active on a daily basis in identifying as early as possible whether any young person has been detained overnight by the police to be produced in court the next day or whether any young person has been released under PACE 38(6). These young people will be the primary target group for bail supervision and support as they may be at immediate risk of a custodial remand.

Bail supervision and support workers need to have arrangements in place with the police and the courts to ensure that they are aware of this group. There are a number of ways in which this can be approached:

- To request that custody sergeants fax details of the young person at the time of detention
- That bail workers telephone the custody suites in their area at an agreed time in the morning (usually between 8.00 am and 9.00 am) to obtain information
- To have a system of receiving information from Appropriate Adults to a designated person, e.g. volunteer co-ordinator, emergency duty team
- To establish systems with the Yot or the Local Authority to access details of those held under PACE 38(6) in local authority accommodation
- To establish liaison with the secure escort company (*Premier, Reliance etc*) to obtain information about who is being brought to court and who is detained at the court cells
- To liaise with court duty officers and court personnel to be informed of any young person who is brought to the court during the day. In cases of young people being brought before the Magistrates court (*those aged 17 years appearing before special courts, or with adult co defendants*) systems should be established that include the Probation Service.

Local circumstances will dictate which of these methods are the most appropriate. It is essential that the systems are monitored continually to ensure that no young person is missed. Systems must be consistent in operation, clear and easy to follow by all concerned. It is essential that written protocols are established to ensure that the purpose is understood and the process adhered to.

In some areas Yot workers and bail workers have found it beneficial to become involved in the training of police officers, notably custody sergeants. This has assisted in ensuring continuity of service over time.

Consideration also needs to be given to how the Yot is notified about young people who may be appropriate for bail supervision and support through other sources. These include young people bailed by the police to appear in court, those arrested during the day that are appearing in court later the same day and those appearing in Crown Court where the bail

conditions may be varied or challenged. Key agencies to liaise with are the court duty officer, the police, court cell personnel and the probation crown court liaison officers.

### **Advance Preparation**

The purpose of ensuring that there is effective liaison with the police and courts is to obtain information about the young person, to conduct preliminary enquiries, to identify and allocate appropriate resources and to prepare for the interview with the young person.

The aim is to gather as much information about the young person as possible to ascertain whether they might be suitable for a bail supervision and support programme. This will include the following:

- Personal details (name, address, date of birth, ethnicity, gender)
- Facts about the alleged offence (*nature, circumstances and gravity*)
- Details of victim(s)
- Details of the arrest (*including where detained*)
- Details of arresting officer
- Appropriate adult representation (*for those under 17 years of age*)
- Legal representation
- Why bail has been denied
- Any previous or current breaches of bail and outstanding warrants including failures to attend court
- Family information and initial response to arrest and detention
- Intentions of the police regarding representations to the Crown Prosecution Service
- Which court the young person is to attend

On receipt of this information, the worker should access their own records to establish if there have been any previous referrals or involvement. Particular note should be taken of the young person's bail history including offending on bail, attendance at court and previous responses to any bail supervision and support programmes.

Yot records should identify if the young person is known, their offending history and any pending matters including previous criminal charges, convictions and sentences. Any relevant workers should also be contacted for an up to date history, these could include Yot workers, social workers or other agencies with known involvement.

If a young person who is in custody is identified as being the responsibility of a different geographical Yot area, it is vital that liaison with that area commences as early as possible and this continues throughout the court process.

Initial investigation of the current accommodation situation should commence at this stage, including exploring any alternative addresses. Suitability can be verified by visits or phone calls

The process outlined here will give the worker a clear understanding of all the issues. It will not be possible in all circumstances to undertake such a thorough investigation, as information may be incomplete or unavailable, nevertheless as much as possible should be undertaken.

Once this initial investigation is complete, the worker will have a clear idea of the issues that will need to be dealt with in court and a preliminary view of likely involvement.

## **5.2 The police and courts must be asked to co-operate in effective liaison with the BSS scheme.**

It is the responsibility of the Yot to instigate and establish written protocols and procedures with all key agencies including the the police, courts and other key agencies, e.g. Crown Prosecution Service (CPS) to ensure the effective operation of bail supervision and support within the remand management process. This will ensure clarity of purpose and objective and where any difficulties arise that there is an agreed method of resolving them.

Amongst the issues to be included in protocols and procedures are:

- **Police** – Notification procedures and information required on young people denied bail (*see standard 5.1*) and breach procedures (*see standard 11.4*)
- **Courts** – Facilities for interview, access to cells, time to prepare reports, in court procedures which include progress reports, final reports (*see standard 6.7*), substantial changes to programmes (*see standard 6.6*) and presentation of breaches (*see standard 11.3*)

It may be helpful to establish a steering group to oversee the linkages within the process, to provide an opportunity for feedback and discussion and a forum for resolving difficulties. This could be a group that specialises in bail supervision and support or an existing forum such as a court user group. With either option all key players need to be involved and should meet on a regular basis. Alternatively, liaison can be undertaken by individual negotiation with the key agencies. A successful strategy will include elements of individual negotiation and group discussion.

## **5.3 The BSS scheme must establish mechanisms to ensure they are aware of and are able to deal with all young people appearing at youth courts, adult magistrates' courts and before a judge in chambers. The service must be available at weekends and bank holidays as well as during the weekdays.**

### **Covering every court**

Although the majority of referrals to bail supervision and support will be young people appearing in court during normal working hours, this standard is aimed at ensuring that there is a similar provision and equitable resources available to all young people irrespective of the court and day of the week. This is to ensure that young people are not unnecessarily refused bail.

Yots need to be able to provide a service to each court that is sitting. As well as youth courts, young people can be appearing in Magistrates courts, in addition there may be Judge in Chambers applications or non-appearance warrants executed in the Crown Court.

It is always desirable for the bail supervision and support workers to be present in court, however it is impractical to have staff available to meet every contingency and Yots need to be flexible. This may mean prioritising cases, liaising with other court officers notably the Probation Service for Adult and Crown Court cover, establishing back-up arrangements from within the Yot and having protocols with courts to put cases back where necessary.

Yots need to consider how best to allocate their resources. For instance those youth offending teams that cover areas where there are likely to be a low number of referrals may be able to manage this on a geographical basis with a designated worker. Other areas where there are daily courts and high volume may allocate workers to different functions within the process, for example referral, assessment and court proceedings.

## **Weekend and Bank Holiday Cover**

Services must be available at weekends and bank holidays, however they do not necessarily have to be delivered in exactly the same way as those provided during normal working hours. Youth offending teams have to determine on a local basis how best to organise and provide this service to meet the need in their area, as there are resource and staffing implications.

Out of hours cover will be the responsibility of the Yot. The bail supervision and support workers, Emergency Duty Teams (EDT) employed by the Local Authority or by managers and workers from within the Yot, can provide it. If a service is being provided on behalf of the scheme, it is essential that those individuals are fully aware preferably through training, of the processes and procedures that must be followed.

To meet this standard Yots should as a minimum address who will undertake the following:

- Obtain information about those in custody
- Conduct preliminary investigations about the young person's situation and circumstances, including accessing files and information systems
- Attend court and liaise with Crown Prosecution Service
- Assess the young person and complete Bail ASSET
- Propose a bail supervision and support package where appropriate
- Organise and arrange initial contact arrangements with the young person

Yots will need to review their relationship with EDT to determine what level of service they are consistently able to provide to allow the Yots to meet this standard. For example Yots may consider asking EDT to use a standard written package that is offered to the court at a first hearing that occurs out of hours. This package could then be reviewed later at the initial programme-planning meeting when the formal agreement is signed with the young person. (*see standard 7.4*)

Yots will need to determine the boundaries of responsibility for any workers involved in providing out of hours cover, by explicitly stating what services can be offered and in what circumstances. These boundaries must be written, preferably in a procedures manual that should be regularly reviewed.

Yots will need to address the provision and availability of management support to those working out of hours in order to address particular difficulties that may arise.

### **5.4 BSS staff must conduct interviews with the young person in police or court custody, and their parent or carer if available, and ensure that they have information, that wherever possible will be verified and factual, about the young person in order to assess their suitability for a BSS scheme. Bail ASSET should be used to assist in the assessment of the particular needs of the young person. Accommodation needs must be assessed.**

#### **Purpose of the Interview**

Wherever possible all young people detained overnight should be interviewed at court. The primary purpose is to assess and identify whether any intervention by the bail supervision and support scheme or court worker is necessary and to provide information about the scheme. Although most young people seen in the court cells will be interviewed not all are candidates for bail supervision and support. Those who are likely to be denied bail, as well as those likely to re-offend on bail or fail to attend should be assessed. (*see standard 6.2*). In some other cases the provision of factual verified information will secure bail. In the majority of cases young people are likely to receive either conditional or unconditional bail without statutory intervention.

Discussions should take place at the earliest possible stage with the Crown Prosecution Service to clarify the submissions that they will be making. (*See standards 6.1 and 6.2*)

At all stages of the process workers need to ensure that there is adequate time and appropriate facilities to carry out all their enquiries, undertake interviews and assessments and write reports. If it does not appear that there is sufficient time to complete this process, mechanisms must be in place to allow the worker to consult with the CPS and Clerk to the Justices for the matter to be put back.

Where possible, when the worker has completed their enquiries (*see subsections below*), it is good practice to see the young person a second time to discuss the outcomes and what will happen in court.

### **Assessment Process**

Full assessments using Bail ASSET must be undertaken to establish the young person's personal and family circumstances and the extent and degree of any presenting risks and how they can be managed. This process should examine the following:

- Clarify the seriousness of the offence
- Grounds for denial of bail
- Review antecedents and pending matters
- Risk to the public (*circumstances of current and relevant previous offences*)
- Current bail arrangements (*if any*)
- Responses to any previous episodes on bail supervision and support
- Previous failure(s) to respond to *bail (history of breach and nature of conditions breached)* and likely future response
- Previous response to any supervision
- Availability and suitability of bail addresses and any accommodation issues
- Motivation and capacity to respond positively including agreement to participate
- Family support and involvement
- Support networks available to the young person
- Education and employment status
- Peer relationships, notably the influence of friends and co-defendants
- Health and psychiatric issues
- Presence of drug, alcohol or substance related issues
- Any other issues relevant to the individual

The interview and assessment will be used as a filtering process. The likelihood of unconditional bail or conditional bail without support should be thoroughly explored to ensure that bail supervision and support is not offered unnecessarily. Similarly the provision of bail information may address any concerns and prevent the need for any further intervention. Bail supervision and support should only be offered when a young person satisfies the criteria for the scheme. (*See standard 6.2*).

### **Parent/Carer**

The standard requires that parents and carers are included in the assessment process for two main reasons, to verify and expand on information given by the young person and to assess the level of support available. Parents and carers should be encouraged to attend court and must be kept informed at all stages of the process.

Where the young person is estranged from their family, it may not be appropriate to interview them at this stage. It is however important to note that where there have been family difficulties, offering extra support may mean that parents/carers are willing to accept the young person home.

Where confidential information is given, by either the young person or carer that gives cause for concern for example child protections issues, workers should refer the matter to their managers to determine the most appropriate course of action in line with Yot policies.

## **Verifying Information**

The assessment process provides the basis of information that will be presented to court if a bail supervision and support programme is to be proposed.

Information that is factual and can be verified will give the courts greater confidence in the bail worker's opinion and the likelihood of the young person complying as there is less reliance on opinion and supposition.

Information can be verified by checking out any sources by interview, telephone or visits. Sources are likely to include supervising officers, education and training providers, employers, parents/carers and family members and other relevant community sources. In all cases information should be attributed and a record maintained of contacts made and relevant information given.

## **Accommodation Issues**

It is important that all young people being assessed for bail supervision and support have a viable and acceptable address. Factors to consider are the amount of support available to the young person and the quality and stability of the accommodation. In determining the suitability of any accommodation the proximity to victims, the nature of the offence and other residents with criminal records all need to be considered. If there are likely to be difficulties with the intended bail address, it is important to explore appropriate alternatives. Schemes need to examine whether accommodation, which in other circumstances would be considered unsuitable, may be appropriate with additional levels of support.

The Yot needs to assess the requirements of young people on bail and remand within its wider accommodation strategy to ensure that there is sufficient suitable provision within both the accommodated and independent sector. An analysis of the accommodation needs presented on Bail ASSETs can help to identify the scale and the nature of the problem locally. Yots need to develop relationships with statutory and voluntary providers and clarify their relationship with Local Authorities in terms of accessing appropriate provision through service level agreements. To achieve this there also needs to be liaison between the scheme and the accommodation officer within the Yot.

## **COURT WORK**

### **6.1 Each BSS scheme must have arrangements in place for effective liaison with the CPS in order to ascertain, discuss and inform the CPS' views on the bail/remand decision.**

It is essential that trust is established between the bail supervision and support scheme and the CPS so that they are confident that what is being proposed in court will later be delivered as part of the programme.

Regular liaison with the CPS should occur on a strategic level. The CPS are essential to the bail supervision and support process and should be included in the membership of steering groups or other appropriate court users forums. Protocols need to be agreed that include arrangements for daily consultation, a timetable for reviews and a mechanism for dealing with problems.

Yots should establish daily consultation mechanisms that determine how, when and where the days cases are discussed. Liaison should ascertain what representations the CPS intend to make to the court. If bail is to be contested, on what grounds and what would or would not satisfy the CPS in a bail application. This consultation needs to specifically identify any areas of concern and what could be suggested which might manage the particular objections to bail in any bail supervision and support programme.



Wherever possible it is good practice to consult with the CPS (*preferably in person*) before interviewing young people in the court cells, as this will form a basis for that interview and ensure that bail workers prioritise those young people where they know that there are clear objections to bail. Although consulting with the CPS before the sitting may not always be possible in busy courts, it would be desirable for all parties to strive to work towards this. If liaison has not been possible prior to interviewing the young person, then it must take place before the hearing either directly or indirectly through the defence solicitor, who is likely to be able to assist in the process.

After the young person has been interviewed and assessed to determine whether a programme can be offered, liaison with the CPS will continue prior to the hearing to determine whether a proposal can be agreed which will satisfy the objections to bail. If agreement can be reached which is going to entail bail supervision and support programme, it must still be submitted to the court, as it remains the court's decision whether the programme is appropriate.

On some occasions it will not be possible to reach an agreement with the CPS prior to the court hearing. If the young person satisfies the entry criteria to the scheme, a report should be presented to the court. The court will make the final decision whether bail should be granted and about the appropriateness of the programme.

Following a remand either to local authority accommodation or to custody, liaison with the CPS will continue. This is to monitor the progress of the case and to check whether there is any new information or a change of circumstances that may influence the bail status of the young person.

Although this section has outlined how bail supervision schemes should work in consultation with the CPS, it is equally important that there is continuous liaison with defence solicitors throughout the process.

**6.2 Where the CPS opposes bail, or there are concerns about the young person failing to appear in court or committing further offences, a short report, in writing where possible, must be prepared for the court on the young person's suitability for bail supervision and support with an outline of the programme to be undertaken.**

Where the CPS opposes bail under the Bail Act 1976, there will be substantial reasons which could include future failure to appear and offending on bail, the scheme will seek to address these concerns in a bail supervision assessment.

However, where the CPS does not oppose bail, but where concerns are raised by the Magistrates about non-attendance or the possibility of a young person offending on bail it would be appropriate for the worker to assess the young person for a bail supervision and support programme. In these instances, programmes should focus primarily on addressing the concerns raised by the court. In some circumstances this will be the sole focus of the work undertaken with the young person. (*see standard 10.1*).

**Reports to Court**

Bail ASSET and any other assessment tools will inform the contents of the report and the programme that is proposed, but will generally not be submitted. The information contained in these assessments is greater than the court needs to have and in some instances could prejudice proceedings.

Specialist reports for example psychiatric reports will on rare occasions have been prepared, but these should only be submitted in agreement with the defence solicitor.

All reports to court should follow an agreed format, should systematically address the objections to bail and outline the key areas that will be addressed in the programme. When proposing a programme, regard should be given to Article 5 of the Human Rights Act 1998. The components of the programme should be tailored to meet the objections to bail.

As a minimum they will contain:

- Suitability for conditional bail supervision and support
- Agreement of the young person to participate
- Details of the bail address
- Details of the support and supervision to be provided and by whom
- Detailed information about the level, timing and nature of contact
- Any other bail conditions which may be necessary
- Enforcement and breach procedures (*see standard 11*)
- Details of any assistance being offered on a voluntary basis

The report should always contain the condition the court is being asked to impose. This will normally be “*to comply with the requirements of the ... bail supervision and support scheme*”. This will allow the scheme to amend and develop the programme, whilst remaining within the parameters of the report the court has seen. This is important as a court may deal with reports from a number of different Yot areas and the circumstances of the young person may change over time.

The report will be submitted in conjunction with a bail application made by the defence solicitor. The young person and where present the parent/carer should have seen the report prior to its submission. A copy should be given to the CPS, defence solicitor, justices clerk and magistrates. Courts will generally retain copies of reports on file, which may be used in breach proceedings. The project should also retain a copy.

### **Presentation**

It is always preferable to provide a court with a written report to ensure that all parties are clear about what is being proposed and have a document to refer back to in the event of breach or a substantial change of circumstances. However it does not mean that they cannot be presented verbally. Where this is done, workers should make documents available to the court that outline the general parameters of the scheme, in the form of a document or leaflet.

There are a number of different ways in which written reports may be presented. They will be in a standard format, tailored to that individual, or a combination of both. Most areas will propose programmes containing a number of standard elements for example breach procedure.

Workers need to ensure that written reports can be produced speedily and efficiently either in the court setting or by liaison with the office base. Methods include using lap-tops, fax or e-mail to court or liaising with the Probation Service to use their facilities.

### **6.3 BSS staff, or their representatives in court, must be available, to answer questions from the magistrate or judge on the contents of the report.**

Yots should ensure that wherever possible the bail supervision and support scheme has a presence in court when remand matters are being discussed. This can be a designated worker or the court duty officer. This will ensure that the profile of the scheme is being promoted and that work in pre-empting remands is proactive.

When a report is to be presented to the court, the representative in court must be fully briefed and able to deal with any queries that might arise. It will always be preferable for the report writer to be present as the depth of their knowledge is likely to be greater and they will be able to expand on any parts of the report that may be unclear, more easily.

Any worker likely to be presenting a report to court should be fully conversant with court processes and procedures.

**6.4 BSS staff, or their representatives in court, must highlight to the court the importance of compliance with a bail supervision and support scheme being made an enforceable condition of bail.**

Yots must ensure that bail supervision and support will be a compulsory element of conditional bail and that non-compliance will result in breach action being taken.

This does not preclude Yots from offering assistance on a voluntary basis to other young people on bail where there is an assessed need for intervention and preventative work.

However, Yots must ensure that there is a clear distinction between the conditional and voluntary approaches to ensure that magistrates and other court users are clear about the difference between the two and the different expectations on the young person.

**6.5 If the young person is placed on bail supervision and support BSS staff, or their representatives in court, must fully explain breach procedures to the court.**

A document should be produced fully outlining all aspects of the breach procedure, which can be presented to the court. This can be in a standard format that describes the process and is attached to or contained in all reports. Alternatively this information can be contained in a general leaflet about the project that is designed for court use. For information about breach that will be discussed with the young person see *standard 7.1*.

**6.6 Courts must be informed of any substantial change to the programme at subsequent appearances.**

It is important that a policy is agreed with courts at steering groups or user groups, to define what is to be regarded as a substantial change. This will ensure only changes that fundamentally alter the basis of the programme are returned to court. An example could be where a young person enters full time employment and activities that they were undertaking are now no longer possible.

If appropriately negotiated, the need to return to court will occur infrequently. It is not intended that this is a mechanism for reporting changes that would occur in most programmes, but to provide a means of informing magistrates when a fundamental change is necessary. This should not be used as a forum to discuss difficult issues in court. In any cases of doubt consultation with the clerk to the justices is appropriate before any action is taken, particularly if this requires a case to be separately listed and there is no imminent hearing.

**6.7 In the event of a finding or plea of guilt, the court must be provided with a final report outlining the progress of the young person whilst on the scheme. This can be incorporated in a pre-sentence report.**

The purpose of providing a final report to the court is to give additional information that can be taken into account in determining a young person's suitability for a community *sentence*. It should include an account of the work done whilst on the bail supervision and support programme as this can form the basis of continuing work within a supervisory sentence and helps to ensure a continuity of approach with that young person.

Reports should be factual and avoid value judgements. If a young person was not breached on an order, it would not be appropriate to discuss any failures to comply. If however the young person had been arrested for any further offences, or for a breach of bail including bail supervision and support or had failed to attend court without reasonable excuse these details may be relevant. Where breach has occurred, it will be relevant to discuss the issue, however it must be set within the context of the reasons for the breach and the young person's progress since.

If Yots are operating a breach procedure in a fair and consistent manner, any less than satisfactory response should have been dealt with at the time. The final report is not the mechanism for discussing any elements of concern that should have been addressed during the programme.

Each Yot needs to agree a policy that determines how final reports are submitted, either as part of a PSR or presented to the court as an independent report at the time of sentence. Whichever the method used, the PSR writer must be fully informed of the bail worker's views in advance of the preparation of their report.

Good practice suggests that it is more appropriate to submit a single report to court. It is the PSR writer's task to incorporate all relevant information and opinions in a single document. The view of the bail worker is one of the relevant sources that must be consulted when formulating this report. Therefore to submit a separate report is duplication and a distraction, as the purpose at this stage is to determine the appropriate sentence, not to review the bail supervision and support programme.

It is important that court users, particularly magistrates receive relevant information concerning the progress of young people on the local bail supervision and support scheme. This should be done regularly through the court user group or steering group. At these meetings information about attendance, programme activities and outcomes should be provided. (*see standard 13.1*)

**6.8 The BSS scheme must follow up those young people who were remanded in custody or securely remanded on their first appearance, liaising with the secure facility, with a view to presenting a further bail support and supervision package at their next appearance, or judge in chambers hearing, where appropriate**

**Judge in Chambers**

It is important to check with defence solicitors immediately after a custodial remand whether they intend to make an application to a Judge in Chambers. In all instances schemes should liaise with defence solicitors to ensure that this option is fully examined. If an application is to be made, it will be an appeal against the Magistrates decision. Relevant additional information may be included in this application.

Where there is going to be an application or where one is under consideration, it is important that the bail worker remains in contact with the defence solicitor to be aware of when the hearing is likely to take place. This will enable a written report to be prepared and representation of the scheme to be organised.

**Secure Remands**

Yots are required to visit all young people remanded to secure facilities within 5 working days of the original remand (*National Standards for Youth Justice, April 2000, section 6.7.1*).

The aims of this initial visit include reviewing the young person's situation, their reaction to the remand and to determine whether a further bail application could be made, (*National Standards for Youth Justice, April 2000, section 6.7.3*). A Yot member will generally undertake this visit. If the bail worker is not present, workers need to ensure that appropriate liaison takes place.

It is important that the meeting addresses:

- Was a bail supervision and support package presented?
- If so, why did it fail?
- If a report was not presented, why not?
- Was the programme content appropriate?
- Are there any new or changed circumstances?

- Is there any additional support available from other sources?
- Are there any other options that should be pursued (e.g. remand to local authority accommodation)?
- Are there further investigations or assessments that need to be undertaken?
- What is the young person's view and their reaction to the remand?
- What are the views of parents and carers?

On the basis of these discussions a course of action will be agreed which may include an application for bail that could involve bail supervision and support. The young person must be kept fully informed of any developments.

If the next court appearance is either before the review takes place or before the bail worker is able to visit the young person, liaison must take place with the secure facility to ensure that the above issues are addressed to allow a course of action to be developed. Where possible this information should be conveyed in writing.

### **Prison Remands**

When the young person is remanded to custody, the same issues should be investigated. However where there is no formal process for review or prison protocols that outline specific procedures, this will be undertaken on an individual basis. Liaison must take place with prison staff or any other agencies that can comment on the young person's progress within the institution.

Throughout the custodial remand, the Yot needs to monitor continually the young person's response. If there are concerns about health and vulnerability, workers need to ensure that they are addressed within the institution and a bail supervision and support programme is considered. It is therefore vital that there is ongoing liaison with staff inside the custodial establishment so that the Yot are able to act immediately where there are the slightest concerns raised about the young person's behaviour and demeanour.

Consideration must always be given to issues of vulnerability for 15 and 16 year old boys, following a remand to custody. Section 98 of the Crime and Disorder Act 1998 states that boys aged 15 and 16 may be remanded to local authority secure accommodation if they are judged by the court to meet the definition of vulnerability. The court must be of the opinion that by reason of his physical or emotional immaturity, or a propensity of his to harm himself, it would be undesirable for him to be remanded to a remand centre or prison. It is the responsibility of the Yot to provide the court with information about the young person's likely vulnerability

### **Outcome**

Although the standard relates to young people being followed up after an initial custodial remand, this must be an ongoing process throughout the remand period. Yots should look at mechanisms for keeping remand cases continually under review, for example remand panels chaired by an appropriate manager. The aim of these panels is ensure consistency and to reconsider and re-assess the resources that could be made available to address the objections to bail.

If it is decided that an application for bail supervision and support is appropriate, consultation must take place with the defence solicitor at the earliest opportunity.

## ENTRY TO THE BAIL SUPERVISION AND SUPPORT PROGRAMME

- 7.1 After the court has placed a young person on a BSS scheme an interview with the young person and the parent or carer, where available, must take place at the court or scheme office immediately. BSS staff or their representatives must explain how the scheme will operate, give a broad outline of the programme to be undertaken and explain the obligations of the young person, including breach procedures, the consequences of non-compliance and the date, time and location of the first appointment. There must be a signed agreement to this initial programme outline.**

### Post Court Interview

Negotiations may have to take place with court staff and in some instances the probation service to try and ensure that there are suitable interview facilities. Adequate time must be allowed and the interview should be conducted in private and not subject to interruptions.

This interview must take place before the young person leaves the court. Normally where there is a possibility of a programme being made, arrangements should be put in place before the hearing to organise this meeting at an appropriate time and location. Court duty officers may not have the time to fully undertake this task, as a result Yots need to consider how best to undertake this function.

It is essential that the young person and where possible the parent/carer is seen immediately after the court hearing and accompanied to the place of interview. The purpose of the interview is to reinforce and reiterate the conditions of bail that have been imposed and to go through the requirements of the bail supervision and support programme that has been agreed.

Some of these issues will have been addressed before court however it is essential to revisit them with the young person to be clear about the courts requirements (*what was discussed previously may not be the final decision of the court*) and to ensure that the young person and the parent/carer fully understand what is expected of them.

### Content of the Post Court Interview

The post court interview should address the following:

- The conditions of bail and the implications for that individual to include conditions other than bail supervision and support
- Provide written information about the bail supervision and support scheme. This will normally be in the form of a leaflet that includes information about how to contact the scheme.
- An outline of what the programme will contain based on what was described to the court. The specific details will be finalised at the next meeting (*see standard 7.4*)
- The obligations on the young person, to include reporting requirements, notifying a change of address, receiving home visits, not offending and attending court.
- The process in the event of non compliance and the consequent breach procedure
- The date, time and location of the first appointment. This should be agreed with all parties and must be provided in writing on a standard letter, leaflet, appointment card or contract. One copy must be given to the young person and parent or carer where present and another retained by the worker and placed on file

At this stage the young person, their parent/carer and the worker will sign an agreement that may be lodged with the court if required. This will include the young person's acceptance of the terms and conditions of bail and the supervision and support programme, their agreement to participate and the details of the next appointment.

There need to be clear procedures about the process to be followed by all workers particularly where these are not specialist workers or where EDT or other Yot workers may be involved. (See standard 5.3).

**7.2 If the parent or carer is not present there must be a home visit the next working day, unless the young person is living independently.**

Where a parent/carer is unable to be present in court, provisional arrangements will have been made for a home visit. Where there has been no contact before court every effort should be made to arrange this visit during the post court interview with the young person. This visit will take place the next working day.

It is not desirable to turn up unannounced; efforts should be made to advise the parent/carer of the intended visit. These include taking the young person home, giving them a letter to give to the parent/carer or hand delivering an appointment letter. The use of volunteers or sessional staff should be considered where appropriate. Schemes must endeavour to be as flexible as possible as this contact with the family can often be vital to the success of the programme.

In all instances issues of health and safety when undertaking a home visit should not be ignored. If there are concerns raised either in the assessment process or by other agencies, consideration must be given to how best to undertake this home visit. For example it may be appropriate to do an initial office based assessment prior to visiting the home. Where it is not possible to undertake a home visit this must be discussed with a manager and recorded on file.

If the young person is aged 16 years or under and is not living with those who have parental responsibility or where they are accommodated, each situation will need to be investigated to decide the most appropriate course of action. Where there appears to be uncertainty about the home circumstances it may be appropriate to liaise with the parent/carer along with any other adult(s) involved. This will not necessarily entail a home visit.

**7.3 If the young person is under 16 years of age, contact must be made and information made available to the parent/carers about the obligations and requirements of the bail supervision scheme.**

The purpose of the home visit (*see standard 7.2*) is to give information to the parent/carer about the outcome of the court case and the expectations and obligations agreed by the young person. In many instances there is an impact on the parent/carer, these conditions may include curfew, electronic monitoring of the curfew requirements, non-association with specified person(s), attendance at other appointments agreed in the initial bail supervision and support programme. Parents/carers must also be made aware of the consequences of the young person not complying with either the bail conditions or the conditions of the programme.

The visit should also discuss the level of support available to the young person and how it might impact on the programme. Workers should encourage the parent/carer to attend the initial programme-planning meeting and make arrangements to facilitate this by providing transport. (*see standard 7.4*)

Where a home visit is not appropriate, the amount of information that is provided to parents/carers will be dependent on the individual's situation and circumstances. As a minimum the obligations and requirements of the bail supervision and support scheme outlined in a leaflet will be sent with details of the bail conditions pertaining to the young person. However there may be circumstances where this is not appropriate, if there is any doubt about the most appropriate course of action, workers should consult their line manager.

**7.4 There must be a formal signed agreement with the young person, containing the details of the BSS programme including breach procedures, within 2 working days of the court appearance.**

## Initial Programme Planning Meeting

The agreement that was signed at the post court interview provided an acceptance of the terms and conditions of bail and the supervision and support programme, conditions of participation and details of the next appointment (*see standard 7.2*).

The initial programme-planning meeting should build on the assessment and the post court interview, expanding on and providing specific details about the individual programme components within the boundaries set at court. The objectives of the programme, procedures for lateness, sickness and non-compliance should be explained to ensure that all parties understand what is agreed. The signing of a further agreement that is provided to and retained by all parties reinforces this

The meeting should take an overview of the progression of the bail supervision and support programme and examine the possible progress of the case, for example committal to Crown Court or intended not guilty plea. It will identify whether the programme is likely to run through to sentence, plan the likely length of involvement and establish what could be feasibly achieved within this timescale. Inevitably workers will be making assumptions which may or may not be realised and plans must remain flexible.

Any special factors such as school, work or sporting commitments should have been taken into account at the assessment stage. Other considerations including overriding domestic commitments (*such as childcare*) and health issues (*such as disability*) will also influence the content of the final programme.

Review periods should be built in dependent on the likely length of programme. Formal reviews should be timed to be sufficiently ahead of court appearances to allow any proposed changes to be incorporated into any court hearings. These reviews should monitor progress against objectives; review and revise programme content and consider the ongoing involvement in bail supervision and support.

## CONTACT WITH THE YOUNG PERSON

**8.1 Whilst a young person is subject to bail supervision and support, there must be a minimum of 3 contacts a week with the young person unless there are exceptional circumstances. A contact can be with a bail support worker, volunteer, mentor, sessional worker or other agency to which the young person has been referred. There must be at least 1 specifically focussed session to meet the needs that have been identified in the bail ASSET assessment.**

### Minimum Number of Contacts

The standard specifies that there must be a minimum of 3 contacts per week with the young person throughout the entirety of any bail supervision and support programme, irrespective of the programmes length. It is a basic requirement that schemes ensure that there is adequate supervision at suitable and appropriate times in order to meet the aims of bail supervision and support (*see standard 4.1*)

Not every contact with a young person during the programme may be breachable. Schemes need to be clear from the outset of any activity about which parts of the programme would attract breach action. Some family based work will be a voluntary activity, similarly attendance at organisations such as drugs agencies may have to be voluntary because of the entry criteria of that agency. The young person needs to be aware in advance of what is and is not breachable and the status of any activity should be recorded in the file.

Any voluntary contact is in addition to the minimum standard of three contacts per week.



## **What Constitutes a Contact?**

The standard specifies that of the 3 contacts, one must be to address issues identified in the Bail ASSET. The nature of the other contacts is not defined within the standard. The initial programme planning meeting should specify the nature type and frequency of the contacts as well as the person to whom the young person should be reporting. (*see standard 7.4*)

A contact requires a young person to be at a specified place at a specified time for reporting purposes. This could mean being required to report to the Yot duty officer, undertake a specified activity at a nominated place, attend a specialist agency, meet with the bail worker, be available to meet with a volunteer or mentor or be at a specific location to receive a telephone call. All contacts must be monitored and recorded on file.

The number and intensity of contacts should be proportionate to the seriousness of the alleged offence, the degree of perceived risk to the public and the level of support and supervision required. During the progress of the programme the perceived degree of risk must be kept continually under review and schemes may need to vary the level of contact accordingly. There is no upper limit to the amount of contact, however the minimum must always remain at three.

In terms of defining the level of reporting and contact, consideration should be given to:

- The nature, purpose and frequency of the contact
- The level of risk and seriousness of the offence(s)
- The young person's previous response to complying with bail
- Any other risk factors which need to be monitored
- When and where the young person will be seen
- Whether contacts will include evenings and weekends
- The location of the contact, office, home or other suitable venues

Schemes should also aim to be consistent in delivering programmes. A young person may have greater needs identified via the Bail ASSET, and as a result require additional levels of support through increased contact. This needs to be balanced between the voluntary and conditional elements of the programme to ensure that the young person is not penalised by being at greater risk of breach, because of a higher level of contact due to increased need.

It is important that in the latter stages of longer orders, where the young person has demonstrated their capacity to comply, projects ensure that the nature and frequency of contact is appropriate to the young person. The process of continual review of each programme is important to ensure that it is relevant to the circumstances.

## **Who is the Contact with?**

The standard specifies that there are a number of categories of individual with whom the young person may have a designated contact; this is not an exhaustive list. Schemes will identify suitable and appropriate individuals with whom the young person will engage to fulfil the conditions of the bail supervision and support programme. (*See standard 9.3*)

It is important that if there is a range of people involved that all contacts are monitored and recorded on the case file.

## **Bail ASSET Focused Session**

This part of the standard ensures that at least one session per week, focuses on the needs of the young person identified at the Bail ASSET stage. It is intended that these sessions are structured and targeted. Inevitably issues will change over time and this work should remain under review. (*See standard 9.1*).

**8.2 Exceptions to this frequency of contact include the young person who is already subject to a community supervision order and is being seen on a regular basis. However, exceptions must be kept to a minimum.**

Where a young person becomes the subject of a community supervision order either before or during a bail supervision and support programme, it is essential there is close liaison and co-operation between workers. This is to ensure that there is continuity of work with the young person, and an integrated programme that avoids duplicating content.

Consultation with the supervising officer will have been part of the investigation and assessment process. It is important that this continues through to the point where the programme content is firmly established, at this stage a decision will be made about the supervisory and contact arrangements. The standards allow for work being undertaken as part of the community supervision order to form part of the bail supervision and support programme.

There may be other exceptional instances where it is not possible to achieve the minimum of three contacts a week, on these occasions the reasons must be recorded on file. Where this occurs schemes must be sure that the level of supervision is adequate and appropriate.

**8.3 Voice verification, and once it has become available, electronic tagging must be proposed to the court, when extra surveillance is felt to be necessary to prevent offending.**

It is intended that where voice verification and electronic tagging are available as community surveillance methods they can be incorporated into bail supervision and support programmes. The need for any such additional measures will be identified through the Bail ASSET assessment process.

Voice verification can be used to monitor compliance with the conditions of bail under current legislation. (*Bail Act 1976 Schedule 1.*) However, the only Yots that are at present able to use voice verification for bail purposes are those running ISSP schemes. The Criminal Justice and Police Act 2001 will allow tagging of 12-16 year olds for bail purposes, when it comes into effect.

Voice verification checks whether a young person is at a specified place within a specified period. Monitoring is intermittent rather than continuous and relies on telephone contact rather than a tag. The contractor telephones the young person at random times during a specified period or they call from a specified location at a set time, or a combination of both. The young person, having previously registered a voice sample, calls, or is called by, the monitoring centre and is asked to repeat some numbers or a phrase. The response is then verified against their voice sample.

These options are only likely to be considered where there is a history of offending on bail and where there are strong indications that this would continue to be a significant risk on a bail supervision and support programme. Yots need to establish procedures to ensure that additional surveillance is only proposed where necessary as an additional resource to supervise and manage this risk.

## **PROGRAMME CONTENT**

**9.1 Specifically focussed sessions will depend on the assessed needs of the young person using bail ASSET. Schemes must have access to programmes addressing and integrating the young person into mainstream education, training and employment. They must also have access to social skills programmes and health and substance misuse interventions, and opportunities for the constructive use of leisure time.**

The content of programmes must be focused at preventing offending on bail, securing attendance at court and ensuring that young people do not breach bail conditions. Any work that is undertaken must ensure these remain overriding concerns.

The core components of bail supervision and support programmes will be based on issues identified during the assessment process, the primary focus of which is Bail ASSET. The legitimacy for any work must be to address the factors that have resulted in the young person appearing before the court and at being at risk of a custodial remand, offending on bail or ensuring attendance at court.

Programmes need to establish the link between the need, the behaviour and the most effective way of managing the risk that a young person may pose. For example a young person with a substance misuse problem may have a chaotic lifestyle in that they lack a stable address and have insufficient legitimate income to sustain their need for illegal substances. Their lifestyle may preclude them from the regular routine of employment or education. These and other factors may put the young person at risk of offending. Any programme seeking to address these needs must ensure that the three aims of bail supervision and support are fulfilled.

It is important to note that in many instances, work with young people on programmes may be very short term or will be beginning a longer-term process that will continue as part of a community *sentence*. Schemes must link in with other Yot workers and community resources. (See *standard 8.2*)

### **Key Elements of Programmes**

The core components of any programme will include some or all of the following:

- Focused work to ensure that responsibilities are met (*attending court and complying with conditions of bail*)
- Case Management and individual supervision
- Group work or activity based sessions
- Compulsory reporting at a specified place to a designated person
- Monitoring of bail conditions
- Regular home visits and contact with the parent/carer and significant others

The following lists of components and methods is not exhaustive, but represent some of the activities that may comprise a programme:

- Accommodation Issues
  - Help and support in seeking stable accommodation
  - Referral to specialist accommodation providers
  - Benefits advice
  - Support in independent accommodation
  - Placing with carers, in lodgings or other bail accommodation
  - Liaison with residential establishments
  - Liaison with Local Authorities in respect of looked after children and children in need
  - Support in placement
  - Resolving conflict to enable the young person to remain or return home
- Work with Young Person, Families and Carers
  - Family mediation
  - Support through bail period
  - Parenting skills and behaviour management

- Education, Training, Employment
  - Key skills training (*literacy and numeracy*)
  - Liaison with schools and education providers to address attendance or behaviour problems or negotiate alternative provision
  - Help to engage in training (*careers advice, training courses etc*)
  - Job search, employment advice and liaison with employers
- Health Issues
  - Addressing alcohol and substance use and misuse
  - Health counselling and referral
  - Sexual health (*contraception, aids etc*)
  - Mental health
- Life Skills Advice and Counselling
  - Anger Management
  - Cognitive behaviour
  - Building self esteem
  - Dealing with peer pressure
  - Money advice and budget management
  - Anti discriminatory behaviour
  - Gender issues and stereotyping
  - Positive role modelling

- Leisure Activities

These activities should be focused on assisting the young person to become involved in the community to encourage interests that can be sustained long term and promote a positive lifestyle. They should not be seen as a reward for participation in a compulsory programme as a result of alleged criminal activity.

- Participation in constructive activities
- Outdoor pursuits
- Access to a range of suitable, affordable, accessible activities
- Access to local youth provision
- Volunteering

- Curfew Monitoring

The purpose is to ensure that young people are indoors during the curfew period. This will be undertaken to assist the young person to comply with other bail conditions imposed by the court and will be notified to the court at the time the bail supervision assessment was presented to the court (*see standard 6.2*). Methods used include:

- By telephone
- Spot checks
- Voice verification (*see standard 8.3*)
- Electronic tagging (*see standard 8.3*)

- Offence Awareness

It is important to remember that until either a guilty plea or a finding of guilt, young people cannot be assumed to have committed any offence. It is therefore inappropriate to undertake any offence specific work at this stage, even if the young person has indicated an intention to admit to the offence(s) or has admitted to the offence.

Where appropriate, general offending related work can be undertaken, which may include the following:

- Developing strategies to avoid offending
- The consequences of crime to the individual and society
- Victim awareness (not in relation to current alleged offence)
- Peer Influence and pressures to offend (not in relation to current alleged offence)
- Custody and its impact
- Values and beliefs around crime
- Citizenship and Crime (Howard League)
- Prison Me No Way

## **Delivering Service Provision**

Schemes need to ensure that they are able to provide a range of services to young people. Specialist workers from within the Yot can provide input into a range of orders and access services from their host agencies. Amongst these are leaving care and education services from the local authority, drug treatment and psychiatric assessment from the health service and victim awareness from the police. Other services will come from the wider community including voluntary, statutory and specialist agencies.

It is essential that referral within the Yot, to specialist agencies or other service providers needs to be negotiated and agreed on an agency basis. This is to ensure immediate priority access as delays caused within referral processes may jeopardise the success of bail supervision and support programmes.

### **9.2 The Yot manager must monitor whether these programmes are available to young people on BSS schemes and must inform the Chief Officer's Steering Group, if they are not provided.**

Schemes need to be fully aware of the services and provision available locally to young people on bail supervision and support programmes. Inevitably what is provided will be affected by resource constraints. Schemes should map provision and continually monitor services to ensure that they are able to provide comprehensive programmes. If appropriate services are not available, it is the responsibility of the bail workers to inform the Yot Manager who must explore whether they can be developed. In the event of any major gaps in provision, the Yot Manager must pass on the matter to the Chief Officer's Steering Group.

### **9.3 BSS schemes should consider making use of mentors, volunteers or sessional workers to provide additional support to the young person, particularly in terms of maintaining involvement in education and training.**

The bail supervision and support programme should be co-ordinated by a key worker who may be a Yot worker or from a partner agency. At the initial stages when the programme is being formulated a decision will be taken about who are the most appropriate persons to deliver each element. Schemes will have a range of personnel available with various skills and approaches who are able to provide a variety of inputs.

Although the standard regards education and training as essential components, volunteers, mentors and paid sessional workers can be used to help deliver and enhance most elements of a bail supervision and support programme.

Yots need to consider which category of support worker may be most appropriate to the intended task and undertake a matching process with the young person. For example volunteers may be utilised to accompany young people to court, mentors may be used for longer-term involvement and sessional workers may be based in skills workshops.

It is essential that the Yot agrees in advance the parameters of the support workers role, the kind of tasks that are appropriate for them and the person specification required. Issues to take into account are job description, the recruitment process, police and health checks, insurance, training and the nature and level of support and supervision.

**9.4 Home visits or contact with a residential home must take place on a regular basis.**

At the initial programme planning meeting the location and frequency of contact with the young person will have been decided. (*see standard 7.4*) At the same time the nature of the involvement of parents or carers in the bail supervision and support programme will have been determined. An agreement will have been reached with them about how often and on what basis this will occur. Individual circumstances will vary considerably as will the degree to which parents or carers wish to be involved.

Where a young person is accommodated or in supported accommodation, the nature and level of contact is likely to vary throughout the duration of the programme. One of the key factors here will be the nature and extent of support from other agencies and workers and the degree to which the role of the bail worker enhances this provision.

It is important that bail workers work in partnership with the local authority. There will be a need for a regular contact with residential units or foster homes. When reviews take place it is appropriate that the scheme is represented. It is inevitable that from time to time crises may occur during bail supervision and support periods. The scheme will need to have the flexibility to respond appropriately in such instances.

**9.5 For the most persistent offenders on bail requiring very high levels of supervision and surveillance, intensive supervision and surveillance programmes (ISSPs) may be available in the area, when this new programme has rolled out during 2001 and should be used where appropriate.**

ISSPs have been designed to deal with the most persistent young people, who commit a considerable number of offences, and who require intensive and highly structured programmes if they are to be dealt with effectively in the community. ISSP has two key elements: an intensive programme tackling the needs of young offenders combined with community surveillance.

Young people will be eligible for the programme if they are appearing in court either charged with, or convicted of an imprisonable offence and previous to the charge currently before the court:

- a) Have been charged or warned for an imprisonable offence on four or more separate occasions within the last 12 months; and
- b) Have received at least one community or custodial penalty at any stage.

However, not all young people meeting these criteria will be suitable for such an intensive programme. The entry criteria to bail supervision and support and intensive supervision and surveillance programmes (ISSPs) are different and should not be confused. It is important that court users are aware and properly informed of the distinctions.

The two schemes differ in that bail supervision and support is individually tailored to the circumstances of the alleged offence and the objections to bail under the Bail Act 1976. Whereas ISSP is an intensive programme of structured supervision that tackles the needs of young person coupled with community surveillance. The ISSP will be appropriate when the young person fits the criteria, and the seriousness of their offending means that a custodial sentence, remand in custody or remand to secure accommodation is under active consideration.

There are two ways in which bail supervision and support and ISSP may integrate:

## **Where a young person is already subject to an ISSP at the time of a referral to the bail supervision and support scheme**

In this instance the workers from both schemes need to decide what added value can be provided from a bail supervision and support scheme in addition to what is already being provided within an ISSP. This will depend mainly on the level and intensity of the contact and programme content already being provided. Bail workers will need to ensure that what they propose builds on what is already in place and look closely at how the two provisions will work together to provide a cohesive package of supervision and support.

## **Where the ISSP is part of a bail supervision programme**

In this case it is essential that the seriousness of the offence and the nature of the risk are sufficient to warrant an ISSP intervention as well as the young person meeting the criteria. Not all young people who would be eligible for an ISSP will be appropriate to receive it. For many young people a bail supervision and support programme will be sufficient to meet the objections to bail and avoid a custodial remand. It is important that gate-keeping procedures are properly established to avoid net widening and ensure accurate targeting.

### **10.1 In all those cases where there is a risk of non-attendance at court, the BSS scheme must help to achieve attendance at court appearances by contacting the young person, and their parent or carer, to remind him/her to attend court and/or by taking him/her to court.**

This provision is intended to ensure that young people subject to bail supervision and support attend court, whether appearing for the bail supervision and support matter(s) or appearing in court for any other offences whilst subject to the programme.

Systems need to be in place to monitor and alert the Yot to all forthcoming appearances. Yots need to ensure that information is kept up to date by keeping a diary of forthcoming appearances and by maintaining contact with defence solicitors and the courts.

The scheme should ensure that the young person is contacted about the impending court date and be encouraged to make their own way, with the parent/carer where appropriate.

There are a variety of methods by which this can be achieved. Wherever possible the young person and their family should be encouraged to take responsibility for their attendance at court and avoid over-reliance on the bail supervision workers.

There are a number of ways in which young people can be encouraged to attend court:

- Issuing reminders in advance of the court date through the use of diaries or weekly contact sheets in which appointments and court dates are noted
- Telephoning or making contact either the day before or on the morning of the appearance
- Accompanying to court, particularly where there are likely to be transport difficulties or real concerns about the young person attending
- Arranging to meet the young person at court
- Actively following up those who do not attend
- Involving parents/carers in both the reminder and follow up process. Providing them with copies of all correspondence
- Establish contact with those subject to warrants to facilitate a return to court

This part of the bail supervision and support task, although resource intensive, addresses one of the key aims and should not be underestimated in the prevention of delays and the consequent issue of warrants, which can lead to custodial remands. Yots should consider using all staff to undertake this task, including volunteers, mentors, sessional staff and escort officers.

## **BREACH**

### **11.1 A failure to comply with the instructions of the BSS scheme must be followed up by a telephone call or home visit within 24 hours. Where this fails to provide a response a letter should be sent out.**

When a young person commences a programme there should be no areas of confusion about the expectations placed on them by the scheme, or the course of action in the event of any failure to comply, (*the breach procedure*). This information will have been provided in writing and will have been discussed with the young person prior to the court hearing, re-stated at the post court interview and at the initial programme planning meeting.

At these meetings schemes should ensure all instructions given to young people that they are required to comply with are clear and have been understood. Wherever possible these will be in writing and the scheme will retain a copy.

Schemes should monitor contact with the young person and record this accurately, as this information may be required for breach proceedings. (*See standard 12.1*). Action may be instigated for non-attendance at a specified time and place and for unacceptable behaviour.

When a failure to comply occurs the scheme must thoroughly investigate all the circumstances as soon as possible. The first stage will be to try and discuss the matter with the young person either by telephone or a home visit, this must take place within 24 hours. It is vital that young people and their parents/carers have the opportunity to state their case and the full circumstances are taken into account. The investigation should be concluded as quickly as possible and a decision reached. Yots need to ensure consistency of decision-making, which may involve consultation with a manager. (*See standard 11.2*)

If the scheme is initially unsuccessful in making contact, a letter should be left at the young person's home address with an appointment for the next working day, this ensures that there can be no dispute at a later stage about where and when it was delivered. Schemes are likely to have a standard letter for this purpose. A copy must be retained on file along with a note of all actions taken.

Schemes need to have the ability and resources to respond to a failure to comply within the time limits. They will need to consider how to meet this standard, as it requires visits to take place at weekends and bank holidays. There are a number of aspects to consider:

- An on call system may need to be established
- Staff being used for these duties may be required to give evidence in breach proceedings
- Health and safety implications when home visits occur out of hours or to addresses that are considered problematic.

For these reasons it may not be appropriate for sessionals workers or volunteers to undertake these duties.

### **11.2 If there is no reasonable excuse a written warning must be issued and documented on the young person's file.**

Schemes need to ensure that they establish a consistent approach to young people and breach procedures, to guarantee equitable treatment. Many young people on bail supervision and support programmes will lead chaotic lifestyles and will not be used to routinely following instructions. They may need assistance in the early stages of programmes to comply with what is being requested. Schemes need to decide in advance what they consider a reasonable excuse.



In terms of unacceptable behaviour, consideration should be given to behaviour that is considered undesirable but is not breachable and behaviour that is unacceptable, that will lead to breach. Examples of unacceptable behaviour include attending appointments under the influence of alcohol or drugs, failure to notify a change of address or disruptive behaviour.

Unacceptable absences occur where no confirmation of the reasons for not attending are produced or turning up too late for programme activity without an acceptable explanation. Acceptable reasons can include medical appointments, unscheduled school or work commitments, job interviews, appointments with agencies such as DSS. In these instances, workers should verify the reasons, which should be recorded and placed on the young persons file.

Where a young person fails to attend because of sickness, Yots need to have an established procedure that is explained to the young person at the post court interview. This will need to include the production of a doctors note within a given time scale.

Where the reason given by the young person is unacceptable a written warning should be issued immediately. This will preferably be by hand, with a copy to the parent/carer and another retained on file. The letter, which may be in a standard format, will outline the reasons for the warning being given, the time and date of the non-cooperation and the consequences of further non-compliance. Workers should discuss the content of the letter with the young person and any other interested parties and explore strategies with them to prevent a re-occurrence.

### **11.3 Breach proceedings must be initiated immediately following two failures without reasonable excuse to comply with the instructions of the BSS scheme.**

The process and procedure for investigating a second failure to comply will be the same as for a first failure (*see standard 11.1*). In the event of a second unacceptable failure to comply, breach proceedings must be instigated immediately. Schemes need to establish a mechanism for reporting breach to the police without delay (*see standard 11.4*).

Schemes should consider who else must be informed. This will normally include the young person, their parent/carer, defence solicitor, Crown Prosecution Service and the Clerk to the Justices and be by a standard letter, to the young person, which is copied to all the other parties.

Unless there are exceptional circumstances schemes will continue to work with young people on programmes as part of their bail conditions until the court hears the breach. At this stage workers will also be assessing the future involvement of the young person with the bail supervision and support scheme. Where appropriate they should encourage the young person to surrender to the police.

Following the notification of the breach to the police, schemes should immediately prepare a written report for court that contain:

- Details of the original offence
- Full details of the non compliance and the breach, to include previous warnings
- Details of how the current non compliance was investigated
- The reasons given by the young person for not complying and why there were unacceptable
- A short description of the bail supervision and support programme, to include contact arrangements and outline of activity undertaken and progress made
- Conclusion and recommendation

Schemes will need to decide on a case by case basis whether the young person should continue on bail. This is likely to be the case if the young person has not offended.

Schemes should always ensure that they or their representatives are in court when a breach is heard as workers may be required to give evidence to prove the breach or expand on points raised in the report. There are implications in courts where the scheme is not normally represented (*See standard 5.3*). Where there is an outstanding breach not yet heard by the court, the workers representing the scheme out of hours will need to be fully briefed and have copies of the breach report.

#### **11.4 BSS schemes must agree a written protocol with the police for reporting non-compliance with bail conditions including non-compliance with specific conditions imposed by the court, other than compliance with a BSS scheme.**

A protocol needs to be agreed with the police at a senior level, that contains:

- Timescales within which the police should be informed of a breach of a bail supervision and support condition
- The method of reporting the breach and who should be notified
- The paper work the police require
- Timescales for the police to arrest the young person
- Mechanisms for the police to inform the scheme when an arrest has been made
- A review procedure if the young person has not been arrested within the agreed length of time
- A procedure to deal with interagency difficulties

The scheme also needs to ensure that where workers have legitimate concerns about young people not complying with other bail conditions, that there is a mechanism within this protocol for these concerns to be raised with the police and where necessary acted upon.

## **RECORDS**

#### **12.1 BSS schemes must keep detailed records of all young people placed on bail supervision and support showing their attendance and work undertaken whilst on the scheme. Where schemes are run by partner agencies, records must be made available to the Yot.**

The type of information that schemes need to record is as follows:

- Personal information and contact details of the young person and their parents/carers
- Details of the offending history and the current offence(s), including victim details
- Information from other parties such as PSRs and LACS forms that provide additional background information
- Contact details of other relevant parties, for example supervising officer, foster carers etc
- Copies of Bail ASSET and any other assessments
- Copy of the original bail supervision and support report to the court
- Copies of all signed agreements
- Correspondence
- Contact sheet to monitor attendance
- Record of all contacts with the young person and others related to the programme
- Details of court attendance, outcome and future appearances
- Warning letters, breach reports and copies of information provided to the police
- Details of any further offences, warrants etc
- Details of programme outcome and final summary

Where schemes are delivered on behalf of the Yot, the partners need to agree in advance what information either party will require and how this will be recorded and exchanged. Mechanisms also need to be in place to ensure that information is transmitted quickly and effectively to ensure the smooth operation of services. Partners need to ensure that they keep comprehensive data to provide the Yot with all the information they require for the operation of effective remand management services.

**12.2 Information about the work undertaken with the young person must be made available to PSR writers to ensure continuity of approach.**

The issue of providing information to PSR writers has been addressed in *standard 6.7*, which discusses final reports.

**PROMOTING THE SCHEME**

**13.1 The Yot manager must ensure that the BSS scheme is effectively promoted to magistrates, judges, justices' clerks, CPS and the police through literature, regular presentations and other promotional activities. This should be an on-going process.**

It is the responsibility of the Yot Manager to ensure that the bail supervision and support scheme is promoted as part of an overall strategy for maintaining awareness amongst the other parties within the youth justice system and advising of progress and outcomes. The strategy for promoting the bail supervision and support scheme needs to include court users in adult and crown courts as well as youth courts. Different workers, including court duty officers, bail workers and Yot staff can all contribute to the success of this strategy.

Examples of promotional activity include:

- Presentations and reports to magistrates court liaison groups, court user groups and steering groups
- Promotional events such as launches or open days either as part of wider Yot activity or scheme focused
- Project leaflets designed specifically for court users
- Providing training on bail supervision and support in the context of remand management issues
- Mailings and newsletters
- Participation in working groups to contribute to the development of the project or to focus on specific issues
- User feedback questionnaires
- Project visits by individuals or groups
- Reports that provide statistical analysis and evaluate progress and effectiveness

To maintain the profile of the scheme on a daily basis, it is essential that staff are properly trained, able to deal with any issues relating to the bail supervision and support scheme, fully briefed about the cases they are dealing with and behave in a professional manner in the court setting. (*See standard 3.2*)

To achieve the best results, schemes need to develop a planned approach to promotion that is continuous and uses a variety of approaches in a number of different fora. The strategy needs to be periodically reviewed to ensure that it is successful and that courts are using bail supervision and support effectively and appropriately.

## **Appendix One**

### **NATIONAL STANDARDS FOR BAIL SUPERVISION AND SUPPORT SCHEMES**

#### **Introduction**

1. In April 2000 the Youth Justice Board for England and Wales published National Standards for youth justice. Paragraphs 6.3 and 6.4 of those standards refer to bail supervision and support and to bail information and assessment. This document provides detailed standards for bail supervision and support to which all agencies will be expected to comply.

#### **Statutory Obligations**

2. The Crime and Disorder Act 1998 includes in the list of youth justice services that local areas must provide:

"...the provision of support for children and young persons remanded or committed on bail while awaiting trial or sentence.." Section 38(4)(c)

#### **National Standards**

##### **Remand Management Strategy**

1.1 Youth Offending Team (Yot) managers are responsible for the development of an integrated remand management strategy for the Yot. A comprehensive remand management strategy must encompass the following: provision of appropriate adults, facilities to accommodate young people under s38(6) of the Police and Criminal Evidence Act 1984, bail information, bail supervision and support, liaison with the local authority regarding accommodation of which remand fostering will be a part, and mechanisms for reviewing young people remanded in custody or securely remanded.

1.2 All aspects of the remand management strategy must be integrated within the work of the Yot. Where aspects of the work such as bail supervision and support are provided by a voluntary organisation there must be a regular reporting mechanism to the Yot manager.

##### **Monitoring the Usage and Effectiveness of Bail Supervision and Support (BSS)**

2.1 All Yot managers must ensure that annual data is compiled showing the use of bail supervision compared to other bail options and to custodial and secure remands in their area. They must monitor the effectiveness of the service in meeting the aims laid down in paragraph 4.1 below.

##### **Bail Supervision and Support (BSS)**

3.1 Each Yot manager must ensure that there is local bail supervision and support provision, available to young people aged 10-17 in their area.

3.3 Bail Supervision and Support is a specialism. Each Yot must ensure that it has workers specifically trained to deliver bail supervision and support

## **Aims**

4.1 The aims of bail supervision and support are to:

- a) Prevent offending on bail
- b) Ensure the appearance of the young person at court to reduce delays in the court process
- c) Ensure remands to custody and secure remands are kept to the essential minimum

## **Pre-court work**

5.1 Each BSS scheme must have arrangements in place for effective liaison with the police and courts to ensure that all young offenders detained in police custody for production in court are referred to it.

5.2 The police and courts must be asked to co-operate in effective liaison with the BSS scheme.

5.3 The BSS scheme must establish mechanisms to ensure they are aware of and are able to deal with all young people appearing at youth courts, adult magistrates' courts and before a judge in chambers. The service must be available at weekends and bank holidays as well as during the weekdays.

5.4 BSS staff must conduct interviews with the young person in police or court custody, and their parent or carer if available, and ensure that they have information, that wherever possible will be verified and factual, about the young person in order to assess their suitability for a BSS scheme. Bail ASSET should be used to assist in the assessment of the particular needs of the young person. Accommodation needs must be assessed.

## **Court work**

6.1 Each BSS scheme must have arrangements in place for effective liaison with the CPS in order to ascertain, discuss and inform the CPS' views on the bail/remand decision.

6.2 Where the CPS opposes bail, or there are concerns about the young person failing to appear in court or committing further offences, a short report, in writing where possible, must be prepared for the court on the young person's suitability for bail supervision and support with an outline of the programme to be undertaken.

6.3 BSS staff, or their representatives in court, must be available, to answer questions from the magistrate or judge on the contents of the report.

6.4 BSS staff, or their representatives in court, must highlight to the court the importance of compliance with a bail supervision and support scheme being made an enforceable condition of bail.

6.5 If the young person is placed on bail supervision and support BSS staff, or their representatives in court, must fully explain breach procedures to the court.

6.6 Courts must be informed of any substantial change to the programme at subsequent appearances.

6.7 In the event of a finding or plea of guilt, the court must be provided with a final report outlining the progress of the young person whilst on the scheme. This can be incorporated in a pre-sentence report.

6.8 The BSS scheme must follow up those young people who were remanded in custody or securely remanded on their first appearance, liaising with the secure facility, with a view to presenting a further bail support and supervision package at their next appearance, or judge in chambers hearing, where appropriate.

### **Entry to the bail supervision and support programme**

7.1 After the court has placed a young person on a BSS scheme an interview with the young person and the parent or carer, where available, must take place at the court or scheme office immediately. BSS staff or their representatives must explain how the scheme will operate, give a broad outline of the programme to be undertaken and explain the obligations of the young person, including breach procedures, the consequences of non-compliance and the date, time and location of the first appointment. There must be a signed agreement to this initial programme outline.

7.2 If the parent or carer is not present there must be a home visit the next working day, unless the young person is living independently.

7.3 If the young person is under 16 years of age, contact must be made and information made available to the parent/carers about the obligations and requirements of the bail supervision scheme.

7.4 There must be a formal signed agreement with the young person, containing the details of the BSS programme including breach procedures, within 2 working days of the court appearance.

### **Contact with the young person**

8.1 Whilst a young person is subject to bail supervision and support, there must be a minimum of 3 contacts a week with the young person unless there are exceptional circumstances. A contact can be with a bail support worker, volunteer, mentor, sessional worker or other agency to which the young person has been referred. There must be at least 1 specifically focussed session to meet the needs that have been identified in the bail ASSET assessment.

8.2 Exceptions to this frequency of contact include the young person who is already subject to a community supervision order and is being seen on a regular basis. However, exceptions must be kept to a minimum.

8.3 Voice verification, and once it has become available, electronic tagging must be proposed to the court, when extra surveillance is felt to be necessary to prevent offending.

### **Programme Content**

9.1 Specifically focussed sessions will depend on the assessed needs of the young person using bail ASSET. Schemes must have access to programmes addressing and integrating the young person into mainstream education, training and employment. They must also have access to social skills programmes and health and substance misuse interventions, and opportunities for the constructive use of leisure time.

9.2 The Yot manager must monitor whether these programmes are available to young people on BSS schemes and must inform the Chief Officer's Steering Group, if they are not provided.

9.3 BSS schemes should consider making use of mentors, volunteers or sessional workers to provide additional support to the young person, particularly in terms of maintaining involvement in education and training.

9.4 Home visits or contact with a residential home must take place on a regular basis.

9.5 For the most persistent offenders on bail requiring very high levels of supervision and surveillance, intensive supervision and surveillance programmes (ISSPs) may be available in the area, when this new programme has rolled out during 2001 and should be used where appropriate.

### **Attendance at Court**

10.1 In all those cases where there is a risk of non-attendance at court, the BSS scheme must help to achieve attendance at court appearances by contacting the young person, and their parent or carer, to remind him/her to attend court and/or by taking him/her to court.

### **Breach**

11.1 A failure to comply with the instructions of the BSS scheme must be followed up by a telephone call or home visit within 24 hours. Where this fails to provide a response a letter should be sent out.

11.2 If there is no reasonable excuse a written warning must be issued and documented on the young person's file.

11.3 Breach proceedings must be initiated immediately following two failures without reasonable excuse to comply with the instructions of the BSS scheme.

11.4 BSS schemes must agree a written protocol with the police for reporting non-compliance with bail conditions including non-compliance with specific conditions imposed by the court, other than compliance with a BSS scheme.

### **Records**

12.1 BSS schemes must keep detailed records of all young people placed on bail supervision and support showing their attendance and work undertaken whilst on the scheme. Where schemes are run by partner agencies, records must be made available to the Yot.

12.2 Information about the work undertaken with the young person must be made available to PSR writers to ensure continuity of approach.

### **Promoting the Scheme**

13.1 The Yot manager must ensure that the BSS scheme is effectively promoted to magistrates, judges, justices' clerks, CPS and the police through literature, regular presentations and other promotional activities. This should be an on-going process.

### **May 2001**

## Appendix Two

### NATIONAL STANDARDS CHECKLIST FOR SERVICE DELIVERY

| MANAGEMENT RESPONSIBILITIES  | STANDARD  |
|--|---|
| <p>It is the responsibility of the Yot Manager to:</p> <ul style="list-style-type: none"> <li>- Develop a comprehensive remand management strategy and ensure that it is integrated into the work of the Yot</li> <li>- Ensure that there is bail supervision and support provision available to all young people aged 10 to 17 in the Yot area</li> <li>- Ensure programmes and services address the Youth Justice Board's three key aims for bail supervision and support</li> <li>- Ensure the scheme is effectively promoted to relevant youth justice agencies on an ongoing basis</li> <li>- Ensure that staff are available to cover all Youth, Magistrates, Crown courts and Judge in Chambers applications.</li> <li>- Ensure that workers receive appropriate training</li> <li>- Ensure that comprehensive and appropriate case records are maintained</li> <li>- Ensure that annual data is compiled to monitor bail supervision compared to other bail and remand options</li> <li>- Monitor services to ensure that young people's needs are met and inform the chief officer's steering group if there are gaps in provision</li> </ul> | <ul style="list-style-type: none"> <li>- 1.1 and 1.2</li> <li>- 2 and 3.1</li> <li>- 4.1</li> <li>- 13.1</li> <li>- 5.3</li> <li>- 3.2</li> <li>- 12.1</li> <li>- 2.1</li> <li>- 9.2</li> </ul>                         |
| PROTOCOLS AND PROCEDURES WITH KEY AGENCIES   | STANDARD  |
| <p>Yots must have arrangements in place to ensure effective liaison, protocols and procedures should address the following:</p> <p><b>Police</b></p> <ul style="list-style-type: none"> <li>- Notification procedures (content, method and timing)</li> <li>- Procedures for reporting breach</li> </ul> <p><b>Courts</b></p> <ul style="list-style-type: none"> <li>- Facilities for interview</li> <li>- Access to cells</li> <li>- Time to prepare reports</li> <li>- Procedures for agreeing the definitions of and notifying a significant change in circumstances</li> <li>- Mechanisms for putting back cases when additional preparation is needed</li> <li>- Presentation of breaches</li> <li>- Final Reports</li> </ul> <p><b>Crown Prosecution Service</b></p> <ul style="list-style-type: none"> <li>- Arrangements for effective case by case discussion</li> </ul>  | <ul style="list-style-type: none"> <li>- 5.1 and 5.2</li> <li>- 5.1</li> <li>- 11.4</li> <li>- 5.4</li> <li>- 5.4</li> <li>- 5.4</li> <li>- 6.6</li> <li>- 5.4</li> <li>- 11.3</li> <li>- 6.7</li> <li>- 6.1</li> </ul> |



| THE YOUNG PERSON AND THE BAIL SUPERVISION PROCESS  | STANDARD      |
|--|---------------|
| The following tasks must be undertaken:  |               |
| <b>Pre Court</b>   |               |
| - Receive information about young people detained in custody overnight   | - 5.1         |
| - Negotiate with the CPS about remand decisions  | - 6.1         |
| - Target and filter young people for bail supervision and support  | - 5.4         |
| - Liaise with parents, carers and other professionals  | - 5.1         |
| <b>Assessment Interview</b>  | - 5.4         |
| - Undertake an assessment using Bail ASSET (and any other appropriate tools)   |               |
| - Review the young person's accommodation status and any needs   |               |
| - Obtain the young person's consent to participate   |               |
| - Explain the breach procedure   |               |
| <b>In court</b>  |               |
| - Submit reports in the agreed format  | - 6.2         |
| - Be present in court (the scheme or its representatives)  | - 6.3         |
| - Highlight the importance of compliance   | - 6.4 and 6.5 |
| <b>Post Court Interview</b>  |               |
| The post court interview with young person should cover the following:   | - 7.1         |
| - The conditions of bail and the implications for that individual  |               |
| - Provide written information about the scheme   |               |
| - An outline of the programme  |               |
| - The obligations on the young person  |               |
| - The process in the event of non compliance and the consequent breach procedure   |               |
| - The date, time and location of the first appointment   |               |
| - Sign an initial agreement  |               |
| <b>Initial Programme Planning Meeting</b>  | - 7.4         |
| To take place <i>within 2 working days</i> and build upon the initial assessment and the post court interview covering:        |               |
| - Specific programme components  |               |
| - Contact arrangements   |               |
| - Commitments and obligations  |               |
| - Procedures for lateness, sickness, non compliance and breach   |               |
| - Signing of a further agreement   |               |
| - Agree review periods   |               |
| <b>Have procedures in place for following up remands and considering further applications for bail supervision and support</b> | - 6.8         |

| <b>LIAISON WITH PARENTS AND CARERS</b>   | <b>STANDARD</b>  |
|--|--|
| <p>Schemes must ensure that parents and carers are consulted and involved in the process where appropriate:</p> <ul style="list-style-type: none"> <li>- Parents and carers should be included in assessment process</li> <li>- Home visit must take place the next working day if the parent/carer is not present in court</li> <li>- If the young person is under 16 years of age, information must be made available to parents/carers regarding the obligations and requirements of the scheme</li> <li>- Home visits should be undertaken on a regular basis throughout the programme duration. This includes contact with residential establishments.</li> <li>- Parents/carers should be advised of the attendance requirements placed on the young person</li> </ul> | <ul style="list-style-type: none"> <li>- 5.4</li> <li>- 7.2</li> <li>- 7.3</li> <li>- 9.4</li> <li>- 10.1</li> </ul> |

| <b>PROGRAMME REQUIREMENTS</b>   | <b>STANDARD</b>   |
|---|---|
| <p>Programmes should address the three key aims of bail supervision and support and must contain the following elements:</p> <ul style="list-style-type: none"> <li>- A minimum of 3 contacts a week</li> <li>- Exceptions to 3 contacts must be kept to a minimum</li> <li>- Undertake one specifically focused session identified in the Bail ASSET assessment</li> <li>- Provide access to training, education and employment, social skills programmes, health and substance misuse interventions and opportunities for constructive use of leisure</li> <li>- Consideration should be given to the use of volunteers, mentors and paid sessional workers in delivering programmes</li> <li>- Use voice verification or electronic tagging for extra surveillance where appropriate</li> <li>- Consider Intensive Supervision and Surveillance Programmes where appropriate</li> <li>- Ensure attendance at court</li> <li>- Complete a final report that can be incorporated into a PSR</li> </ul> | <ul style="list-style-type: none"> <li>- 8.1</li> <li>- 8.2</li> <li>- 8.1 and 9.1</li> <li>- 9.1</li> <li>- 9.3</li> <li>- 8.3</li> <li>- 9.5</li> <li>- 10.1</li> <li>- 6.7 and 12.2</li> </ul> |

| <b>PROCEDURE FOR NON COMPLIANCE AND BREACH</b>  | <b>STANDARD</b>  |
|---|--|
| <p>The procedure must contain the following:</p> <ul style="list-style-type: none"> <li>- Commence an investigation of a failure to comply within 24 hours</li> <li>- Where there is no response, issue a letter requesting contact</li> <li>- Issue a written warning</li> <li>- Initiate breach proceedings immediately following 2 failures to comply with the instructions of the scheme</li> <li>- Inform the police in accordance with agreed procedures</li> </ul> | <ul style="list-style-type: none"> <li>- 11.1</li> <li>- 11.1</li> <li>- 11.2</li> <li>- 11.3</li> <li>- 11.4</li> </ul> |

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