



# **National Evaluation of the Bail Supervision and Support Schemes Funded by the Youth Justice Board for England and Wales from April 1999 to March 2002**

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Youth Justice Board for England and Wales

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# Executive summary

## **Introduction**

This report has been produced by Nacro Cymru, which was commissioned to act as the national evaluator of Bail Supervision and Support schemes funded by the Youth Justice Board for England and Wales (YJB) between April 1999 and March 2002. The information contained in the report has been obtained from:

- the statistical monitoring of schemes between April 2000 and March 2002
- evidence from local project evaluations
- visits to schemes
- analysis of user feedback provided by young people, court users (magistrates and solicitors) and practitioners.

## **Background**

Prior to funding by the YJB, the provision of Bail Supervision and Support services across England and Wales could be described as patchy, ad hoc and informal. It was generally not seen as a priority in terms of service delivery, or an integral component of remand management or pre-trial provision. The Crime and Disorder Act 1998 placed a duty on local authorities to provide this service, following recommendations made by the Audit Commission in 1998.

The YJB funded the development of Bail Supervision and Support in 144 youth offending teams (YOTs). Those that did not apply for funding reported that they already had services in place or had low levels of remands that did not justify the development of a dedicated service. Of the schemes funded, only 25% were operational for the full three-year funding period. The majority commenced activity between September 1999 and April 2000, in line with the establishment of YOTs.

## **Implementation and development issues**

### **Planning and development**

It should be noted that, when Bail Supervision and Support was being developed as a service, substantial changes were occurring in the way that youth justice services were organised and delivered during the funding period. This was due to the establishment of YOTs and changes to legislation and working practices as a result of the Crime and Disorder Act 1998.

In order to ensure that Bail Supervision and Support are developed as an effective service, the research identified that it needed to be embedded within YOT and court systems and be part of a clearly defined remand management strategy. They need to be supported by structures, systems and procedures to ensure that they are routinely and consistently undertaken with clarity of purpose and sustainability in the absence of specialist bail and remand workers. The indications are that it takes time to develop a dedicated service and to consolidate its presence within professional networks.

Factors that helped schemes to become established included being able to build upon existing systems and structures, prioritising the establishment of the service and having clear arrangements for managing remands. Knowledgeable staff who have specialist expertise and are committed to delivering a high standard of service positively influence and shape practice. Developing action plans, team-building activities, defining and documenting procedural arrangements, providing training and information and devoting time in team meetings to discussing developmental and operational issues assisted in the development of Bail Supervision and Support as a service.

Factors that impeded the development and operation of services included lack of planning and development (notably establishing effective referral mechanisms) due to key workers being distracted by non-related activity, or Bail Supervision and Support not receiving the priority they should due to other operational demands within the YOT. Other difficulties related to a lack of baseline data on which to base the level of service and the resources required, resulting in both an under- and over-estimation of the level of referrals, problems in recruiting and retaining staff, and protracted gaps in service delivery due to these reasons.

#### **Staffing training and development**

There was little precedent to draw on in terms of practice and procedural guidance. Practitioners gained knowledge about Bail Supervision and Support through visits to established schemes, reading available literature, shadowing experienced workers and requesting assistance from Nacro Cymru. Regional practitioner networks provided a forum for information and support. Nacro Cymru produced a range of information to assist schemes, undertook support visits to advise workers, and provided national and local training events.

Practitioners need to be fully and appropriately trained on a number of different levels, notably in targeting young people, assessment, court processes and procedures and appropriate working methods with unconvicted young people. Policy and procedural guidance that defined and documented working processes was needed so that new workers or those who may be required to provide cover are conversant with what is required. This was consolidated with training and information-sharing.

### **Establishing partnerships**

One of the strengths of Bail Supervision and Support schemes was the extent to which links were made with a range of statutory and voluntary organisations and agencies that could provide additional support and specialist assistance to young people. Support for young people was generally shared between a number of agencies and individuals with the young person being placed at the centre of planning arrangements. The options available depended on the availability of local resources and the ability of schemes to negotiate access to services to ensure that appropriate links were made while the young person was on the programme and to ensure that what had been proposed to the court was carried out.

Bail Supervision and Support schemes reported that dealing with accommodation-related issues, assisting young people to come off hard drugs and providing adequate support and supervision for those that had committed serious offences were difficult issues to tackle. Access to education and specialist services for those with substance misuse or mental health problems could be slow.

### **Involving key stakeholders**

YOTs need to have mechanisms in place whereby they are aware of and alerted to all young appearing in adult or youth courts. This was achieved by agreeing protocols with the police so that YOTs were notified of all young people denied police bail in their local area, by establishing a presence in the youth court, having arrangements in adult courts with the National Probation Service, and integrating the service into court systems and legislative processes.

It takes time to develop relationships and build the confidence of courts. As schemes became established in the court setting, the number of referrals increased as court users became confident in the use of Bail Supervision and Support. The presence of specialist workers in court was a significant factor in raising the profile of schemes, in assisting to promote Bail Supervision and Support and aiding understanding and awareness of their role and function. Building relationships with solicitors, magistrates, ushers and Clerks was essential if workers were to be accepted as part of the professional network. Courts value a consistent presence and frequent staff changes or inconsistent attendance can undermine the process of acceptance and the take up of the service as a result.

There are positive indications that the provision of bail information has improved as a result of the presence of specialist workers in court. Preparatory investigations prior to court, routinely undertaking assessments and obtaining and verifying information about the young person's background and circumstances all give courts a more informed picture of the young person, which helps to reduce adjournments, to speed up the decision-making process and enable more appropriate decisions to be made about the granting of bail. Young people placed on Bail Supervision and Support programmes are monitored between court appearances and as a result more accurate information is available at future hearings about their progress and responses to programmes.

Continuous and sustained effort is necessary to promote Bail Supervision and Support as an alternative to custody and to establish magistrate's confidence in its use. YOTs need to ensure that magistrates consider bail supervision at every appropriate opportunity. Promotion includes presentations to groups of magistrates, the provision of promotional literature for court professionals, joint training days with magistrates and solicitors and feedback on the activity and progress of the scheme to court user groups or other local equivalents.

Practitioners reported that providing the court with comprehensive risk assessments, offering sufficiently robust programmes, being prepared to negotiate programme content and bail conditions and operating breach procedures strictly and fairly were essential to effective practice. This included the recognition that in some cases a remand to a secure facility was the only option and being realistic lent credibility to arguments in other cases.

Where feedback from magistrates was provided, it was supportive of Bail Supervision and Support as an alternative to custody. However there were also indications that some magistrates lacked adequate knowledge about pre-trial interventions due to the infrequency with which they sit in the youth court and sustained promotional activity is required to ensure they are better informed.

While YOTs established a regular presence in the youth court, awareness-raising is an ongoing task in adult courts, as there are difficulties in getting court professionals to apply the same practices in relation to young people. This requires the establishment of protocols and agreements about working practices with the National Probation Service and the promotion of services to court professionals in magistrates' courts. The issue of promotion of services to all courts is an area in which the YJB should provide national assistance.

Court cover must be available at weekends and on bank holidays in order to be able to offer a full range of services to young people and to meet *National Standards*. The indications are that YOTs are operating duty worker rotas, improving links with the Intensive Supervision and Surveillance Programme (ISSP), using sessional workers or relying on emergency duty teams (part of social services) to achieve this. Those providing court cover need information, training and support in order to operate as effectively as the YOT within normal working hours.

### **Exit strategies**

Information about exit strategies suggests that Bail Supervision and Support continue to be provided (there is as a statutory duty to do so) although not necessarily in the form as when funded by the YJB. In some instances, it has been integrated into generic YOT activity, which means that it is not necessarily being retained as a specialist service. This is likely to be a pragmatic response as managing remands is problematic in terms of workload demands. The system is prone to peaks and troughs of activity due to local patterns of offending, court practices, and legislative and policy changes. To be effective, Bail Supervision and Support need to be a proactive service to ensure that those at risk of a remand and those remanded in custody are assessed for non-custodial alternatives and that programmes are put forward, wherever possible.



## **Models of service delivery**

### **Organisation of services**

Models and methods of service delivery varied. The use of generic YOT workers who lacked specialist knowledge and lone workers who were expected to multi-task but lacked adequate support were unlikely to be able to meet and maintain the demands of *National Standards* on a consistent basis. The provision of services through partnerships (26% of schemes) was not significantly different to those specialist services provided by the YOT and the issue of contracting out is therefore a personal choice rather than an approach that offers a significant and overriding benefit. Specialist knowledge and expertise needs to be retained whether in dedicated teams or individuals, as the service needs to be clearly recognisable to the court.

### **Use of support workers**

Where available, sessional workers, volunteers and mentors offered increased scope to provide additional support to young people. Overall, 35% of Bail Supervision and Support programmes had an input from one of these categories of worker. They were most effectively utilised in providing practical assistance and advice in relation to problems and difficulties and accompanying young people on appointments, to activities and when attending court.

### **Accommodation**

The lack of suitable accommodation has been reported as a significant area of unmet need and an outstanding issue that needs to be comprehensively addressed. The shortage of suitable accommodation is viewed as a major hindrance by schemes in making progress to avoid custodial remands for some young people, although more evidence is needed to establish firmly the true extent of the problem.

YOTs indicate they require immediate access to short-term placements in a range of accommodation to suit the varied needs of young people. This centres on developing remand-fostering provision for young people aged 16 years and under (preferably ringfenced for the YOT) and increasing the availability of supported lodgings for those aged 16 years and over. The issue of developing accommodation provision alone is not the sole answer, providing adequate support for young people and providers is also necessary if placements are to succeed. A number of areas reported having problematic relationships with social services in relation to accessing accommodation and indicated that the involvement of the YOT with a young person would generally mean that it was more difficult to access a local authority placement.

Despite difficulties with accommodation schemes made strenuous attempts to address the issue. This included improving links to private, public and voluntary sector accommodation providers and strengthening the advice and assistance given to young people on accommodation and housing matters.

In 2001, the YJB set the requirement that YOTs appoint a designated accommodation officer to develop and implement an accommodation strategy based on a needs analysis. It is worth noting that this role has in some instances been combined with that of pre-trial workers. Whether it is appropriate for two equally demanding activities to be combined remains to be seen, particularly in terms of effecting strategic planning, influencing key stakeholders and developing resources for the YOT.

Research conducted by the University of Hull as part of this evaluation identified YOTs that indicated accommodation provision in their area as being adequate or better had good links with social services or other agencies. The research also suggested that there was a potential link between the numbers of young people remanded into custody and whether YOTs had a dedicated accommodation officer, an accommodation strategy and/or had received funding specifically to develop accommodation provision. This requires further analysis and research in order to identify more fully the impact on the remand population and to inform effective practice.

## **Activity undertaken**

### **Profile of young people**

Data were collated and analysed by Nacro Cymru from 11,393 individual records of young people referred to or in receipt of services, 4,567 of which were placed on schemes and 3,427 of which completed programmes between April 2000 and March 2002. A total of 89% of referrals to schemes were male and 11% female, with 17-year-old males making up the biggest single group of young people at 32%. Of referrals, 79% were identified as White British.

Three-quarters of young people who were targeted for services had been denied police bail or there was a known or likely opposition to bail by the Crown Prosecution Service. At the point of referral, 52% of young people were appearing in the youth court and 25% in magistrates or special courts. YOT practitioners, specialist bail workers, court officers or bail information officers identified 67% of referrals.

There was no overall increase in the level of seriousness of offences of those accepted by courts over the monitoring period, which may indicate that young people having difficulties in complying with their bail conditions were more likely to be placed on a programme than more serious, persistent offenders. However, this requires further examination. In order to maintain long-term effectiveness, there needs to be an expansion and increase in those targeted for Bail Supervision and Support, notably the more serious cases, and YOTs need to find effective ways of managing these young people in the community, if there is to be a sustained impact on the juvenile remand population. However, this may now be being achieved through bail ISSP.

### **Assessment**

A careful in-depth assessment at the outset of the referral process ensures that there is a greater likelihood of an appropriate programme being put together that addresses the specific concerns of the court. An *Asset* (bail or core) assessment was undertaken for 82% of young people placed on a programme. On the whole, practitioners indicated that bail *Asset* was useful and straightforward to use, although the monitoring identified that it had not been used in all cases. Issues relating to family and personal relationships, lifestyle, living arrangements and education appeared with the greatest frequency in the backgrounds of young people assessed, indicating that these were likely to be priority needs in a Bail Supervision and Support programme.

### **Presentation of programmes to court**

A total of 65% of programmes were presented verbally to courts and 34% in writing; 57% were individually tailored to the risks and needs presented by the young person and 40% were standardised, less personally focused programmes. While providing courts with written proposals is desirable, the evidence suggests that verbal reports can be a successful way of putting forward proposals and that, where magistrates are confident in and conversant with the role and purpose of Bail Supervision and Support, information does not necessarily have to be provided in writing. Three-quarters of programmes were presented at the young person's first court appearance.

### **Outcome of referrals**

Of referrals, 58% were assessed as suitable for a programme by the scheme and the court accepted 69% of these. The main outcomes for young people not assessed as suitable for a programme by the scheme were other forms of conditional bail (45%). Where schemes rejected young people, the main reasons were failure to meet the programme criteria, the provision of bail information being sufficient to allay the court's concerns or it being inappropriate to offer services for other reasons. This suggests that a significant number of young people assessed by schemes were not at significant risk of custody. It is likely that these young people were included for statistical monitoring purposes as the scheme had been in contact with them.

The main reason young people were rejected for a programme by the court was the seriousness of the offence (31%). It is not possible to identify whether the programmes put forward were insufficiently robust or whether there were other reasons for non-acceptance – however, this is of concern. The main outcome for those rejected by schemes was a remand to a secure facility (57%).

### **Programme Content**

The diverse needs of young people suggest that programmes that are individually tailored are more likely to be effective and appropriate. Schemes indicated that they took a needs-led approach, which aimed to address the underlying causes of offending to reduce criminogenic behaviour, while promoting individual development and prioritising the objectives of ensuring attendance at court and preventing offending on bail for the duration of the programme. Programmes were developed from the *Asset* assessments.

There was some divergence between what was identified in the *Asset* assessments and what was addressed in the programmes provided. The issues that appeared with the greatest frequency in completed Bail Supervision and Support programmes were use of leisure time, and support for the family or carers. Education appeared with less frequency than assessments suggested it should and schemes reported that it was frequently a difficult area to address. One of the reasons being the problem of making significant progress within a short time-limited intervention.

Other significant activity undertaken in programmes included the monitoring of bail conditions, ensuring attendance at court and providing advice about criminal justice proceedings. Offence-related, rather than offence-specific work was undertaken in a third of programmes. Schemes appeared to take a modular approach to programme design, selecting appropriate agencies to provide the additional support or specialist assistance young people required.

The length of programmes varied depending on the seriousness and complications of the case and the operation of court systems in the area. The majority of bail programmes were for four weeks or less (55%), making it difficult to effect any real long-term change in the young person's situation and circumstances. Short programmes tended to focus on ensuring that young people met the requirements of bail, but could also lay the foundations for future and ongoing work with the young person.

### **Level of compliance**

A total of 55% of young people fully complied with their bail supervision programme. These were identified as young people who had not reoffended (measured as arrest and charge), or been reported to the police as being in breach of their bail supervision programme or any other bail condition. In addition, they would have attended all court appearances during the bail supervision period. The main reason for non-compliance was a breach of the requirement to report to a Bail Supervision and Support scheme.

### **Programme outcomes**

Of young people, 54% concluded their Bail Supervision and Support programmes at the point of sentence and 46% concluded for other reasons such as having the bail condition varied, being remanded in custody or because the case was dismissed. Of those that were sentenced, 77% received non-custodial sentences of which 28% were Supervision Orders, and 23% received a custodial sentence, the majority of which were Detention and Training Orders (96%). The fact that a significant number of young people received community sentences suggests that Bail Supervision and Support can be influential in diverting young people from a custodial sentence. This suggests that information about positive progress should be made fully available to pre-sentence report (PSR) authors so that it is taken into account and included in reports for court.

### **Post-programme involvement**

If changes in behaviour are to be maintained, young people may need continued support after the bail programme ends, as previous patterns of behaviour may reassert themselves without it. In some instances, there was a need to maintain short-term extended support to underpin any progress made or for there to be a transition period between the high level of support that had been available on a bail programme to the less intensive support provided on community sentences.

The responsibilities of meeting the welfare needs of young people, once they have completed a programme or a community sentence, is not the sole responsibility of a criminal justice agency, although it is recognised that YOTs endeavoured to put in place community-based support structures. Every effort should be made to ensure that positive progress is encouraged and maintained and constructive ways found of achieving this.

## ***Progress against national aims***

### **Remands in custody**

There are multiple and inter-related factors that make it difficult to assess the impact that Bail Supervision and Support had in diverting young people from custody. These include:

- the receptiveness and knowledge that magistrates have about non-custodial options
- local court culture
- the influence of high-profile cases and national and local initiatives against crime such as the Street Crime Initiative introduced in April 2002
- legislative changes (that either make bail more difficult to achieve or have a diversionary effect away from custody)
- the clarity and effectiveness of targeting, referral and assessment of young people for services by YOTs
- the presence of YOT workers in court and the extent to which they are proactive and systematic in their approach to young people
- the confidence of courts in the scheme, levels of promotion, liaison with court users and acceptance as part of the professional network
- the availability of, and access to emergency, short-term suitable accommodation for those who have difficulties with housing and accommodation
- the strength of the package proposed, particularly in relation to the level of support and surveillance offered.

The evaluation has identified that, where individual schemes have provided comparative data, there are instances of a direct correlation between an increase in the use of Bail Supervision and Support with a decrease in the number of young people being remanded in custody. This suggests that providing good-quality proactive services can divert young people from custody.

The position nationally is more difficult to assess, as the quality of service provision varied. The indications from national statistics are that there was a steady fall in the juvenile remand population from mid-1999 throughout 2001, which was a peak period for Bail Supervision and Support and it is likely that it did make some impact. The Audit Commission in its 2004 report on the operation of the youth justice system attributed the fall in the juvenile remand population between March 2000 and September 2003 to Bail Supervision and Support, the introduction of the fast-tracking pledge (to halve the time from arrest to sentence) and the placing of remand workers in young offender institutions to re-examine the remand status of young people.

Statistics from the YJB suggest that the use of Bail Supervision and Support has remained fairly constant. It is evident from statistics provided by them for 2002/3 that 4% of all remand outcomes involving conditional supervised bail might have been remands to a secure facility, had it not been for this intervention; so it could be argued that there is some diversionary effect, but the full extent is difficult to gauge in an environment that is continually changing.

With regard to the implementation of exit strategies, any impact of the change from a dedicated model of service delivery to a more diluted approach can only be measured over time. Further research is required to identify the extent to which this may have occurred and whether any loss of specialism has led to an increase in the remand population. In addition any future analysis would have to take into account the impact of bail ISSP.

### **Attendance at Court**

Bail Supervision and Support has had a significant impact in ensuring that young people attend court and this should be viewed as an important contribution in ensuring that court processes are operate efficiently and effectively. From the data provided from schemes, it is possible to identify that, between April 2000 and March 2002, young people attended all court hearings in 94% of programmes.

Factors that can help to ensure attendance are:

- ensuring that young people and their families are clear about the obligations and requirements to attend court
- issuing reminders of court dates
- encouraging the family to take an active part in accompanying the young person to court and assisting with transport if there are difficulties
- actively following up those who do not appear in court
- undertaking work to prevent warrants being issued
- targeting young people placed on warrants assisting them to surrender quickly to the court.

### **Offending on bail**

On average, 76% of young people placed on Bail Supervision and Support programmes did not offend (although caution should be exercised when examining this figure, as the quality of data returned was on the whole poor). Where reoffending occurred, defined as being arrested and charged with a further offence(s), burglary, vehicle theft and theft/handling were the most frequently occurring offence types. Of young people, 40% reoffended with a less serious offence, 46% for an offence of the same level of seriousness and 14% for a more serious offence. In 69% of cases, young people were reported as reoffending with a single rather than multiple offences.

Preventing offending requires schemes to take a holistic approach to young people, to address areas of difficulty based on a thorough assessment of needs and risks, to promote a more stable alternative lifestyle, to encourage personal responsibility and to provide intensive levels of support and, where appropriate, surveillance to manage identified risks. Schemes reported the following factors having the potential to influence desistance from offending:

- regular one-to-one contact with the young person that is focused on building positive relationships
- exploring anxieties and problems and offering advice about how to deal with issues that are having an impact on behaviour
- encouraging and supporting those that have indicated that they want to stop offending
- referral to specialist agencies where appropriate
- providing opportunities to develop skills



- designing programmes that provide constructive activity in the day time, evening and where possible the weekend to occupy leisure time and non-school attendance time
- occupying and supervising young people at times when their histories would suggest they are vulnerable to offending or when their offending has been prevalent in the past
- demonstrating that offending has negative consequences and providing new opportunities that are accepted.

## **Recommendations**

### **Retention of specialist knowledge and expertise**

It is essential that specialist knowledge and expertise is retained within YOTs, if remands are to be successfully managed, national standards and YJB targets met and a proactive, effective and sustainable service provided in the long term.

### **Training and procedural guidance**

Training and procedural guidance should be available to all those who may be involved in providing Bail Supervision and Support services, whether in the court setting or otherwise. This should involve YOT workers and those that may be required to provide out-of-hours court cover, to ensure that expertise and knowledge is developed and that, in the absence of key workers, services can be consistently and proactively provided.

Inset training materials are currently available to all YOTs on remand management. However, there is also a need to develop specialist and more in-depth training on risk and vulnerability, to assist YOTs in effectively targeting young people and how they might manage more serious cases.

### **Technical support**

Managing remands is a specialist area of work, often undertaken by individual workers, who may be isolated in their own teams. They often lack the professional networks that could assist them to develop practice and there is limited technical support and information available to those providing services. The YJB should consider undertaking a needs analysis, as part of the effective practice process, to identify what additional support and assistance may be helpful to pre-trial workers, which also links to the previous issue.

### **Liaison with magistrates**

There is a need to continue to develop relationships with magistrates on a local and strategic level to maximise knowledge and use of non-custodial options and to assist YOTs to develop and maintain effective relationships in both the youth and adult courts. Information needs to be available in the form of a national leaflet (previously recommended) that explains the role and purpose of Bail Supervision and Support and its place in the remand tariff. This may assist YOTs to promote services and help courts to distinguish Bail Supervision and Support from other pre-trial interventions such as bail ISSP. Details about the role and function of Bail Supervision and Support should be routinely incorporated into training for magistrates.

## **Accommodation**

YOTs need to be encouraged to identify effectively their own accommodation needs and to feed this information into all available strategic planning processes. Further research is needed to establish what the impact of a lack of suitable accommodation is having on young people in the pre-trial process and the custodial population generally. YOTs have indicated they need greater access to short-term emergency accommodation and should critically examine information available from *Asset* assessments and from the case records of remanded young people to establish the true extent of the problem at a local level, to ensure that this information is used to inform accommodation strategies. Small YOTs and YOTs with a low throughput of young people should consider developing a consortium approach to address this issue.

Relationships with social services need to be improved, as there is evidence of tensions between these services and YOTs. Service-level agreements should specifically identify joint responsibilities and arrangements that address the allocation of places, procedures for accessing placements, joint working arrangements in relation to placement support, specific arrangements for those aged 16 years and over, and responsibility for young people with welfare related issues. The YJB and Department for Education and Skills (DfES) should consider what action could be taken to encourage YOTs and social services to work more effectively on these issues.

With regard to the expansion of remand foster-care provision, further analysis may be necessary to identify why there are recruitment difficulties and what can be done to overcome them. In addition, YOTs and social services should be clear about the level of support and type of training that are necessary to retain carers and who will provide what.

## **bail Asset**

At the time of writing Oxford University is currently undertaking a review of bail *Asset*, re-examining the content of the pro-forma and guidance notes. Nacro Cymru has had an input. The role and purpose of bail *Asset* should be clarified so that it forms the basis of all bail and remand assessments and not just those for Bail Supervision and Support. Bail *Asset* should lead practitioners through a risk-assessment process in which they can clearly consider all the options available to be able to select the most appropriate and least restrictive. Bail *Asset* should be reissued with guidance for practitioners on these matters.



# Part One: Background

## Introduction

In July 1999, the YJB announced £85 million of funding for intervention projects across England and Wales to assist YOTs in establishing a range of programmes to meet the requirements of the Crime and Disorder Act 1998. In total, £19 million was made available in two funding rounds in 1999 and 2000 for the specific purpose of assisting newly emerging YOTs in England and Wales to develop and establish provision to meet their statutory duty to provide Bail Supervision and Support.

The first section of the report provides background information to the evaluation of the YJB-funded Bail Supervision and Support schemes. It gives a brief history of the development of Bail Supervision and Support as a youth justice service, sets the reasons for the YJB funding in context, examines the nature and extent of provision prior to funding, provides an analysis of the grants given and sets out the national and local objectives for Bail Supervision and Support.

### Development of Bail Supervision and Support as a youth justice service

The context for the provision of Bail Supervision and Support as a youth justice service lies within the presumption in favour of bail as a fundamental right for all individuals involved in the Criminal Justice System in England and Wales. Legislation (primarily the Bail Act 1976) has defined the prerequisites for the granting of bail or otherwise. Concerns about increases in the prison population and the impact of remanding young people in custody has led to the development of what have become known as pre-trial services. The provision of Bail Supervision and Support as a direct alternative to a custodial remand<sup>1</sup> is one such service.

When a young person is involved in the pre-trial stages of the criminal justice process, one of the decisions the court has to make is whether to grant that individual bail or to deny it. This decision is based on whether there are concerns about the young person returning to court at a future date for their case to be progressed, whether if released on bail they will offend or interfere with witness or otherwise obstruct the course of justice. When making this decision, the court will consider the nature and seriousness of the offence that has been committed, the background and history of the young person, their previous history of responding to bail, the likelihood of conviction and any other relevant information.<sup>2</sup>

Courts will determine what is the most appropriate, least restrictive option that can be considered to manage effectively the risks and needs presented by the young person. These can be summarised in order of least to most restrictive measures as:

<sup>1</sup> It should be noted that where the term custody is used in relation to remands it refers generally to both custodial and secure remands.

<sup>2</sup> Nacro (2003) *Bail As It Affects Young People* (Briefing Paper) London: Nacro

- unconditional bail
- conditional bail
- Bail Supervision and Support
- Bail Supervision and Support with electronic tagging
- bail intensive supervision and surveillance
- bail intensive supervision and surveillance with electronic tagging
- remand to local authority accommodation
- remand to local authority accommodation (with conditions that can also include electronic tagging)
- secure remand.

Bail Supervision and Support has been most recently defined as:<sup>3</sup>

*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.*

Bail Supervision and Support is provided by a YOT (or organisation delivering this service on its behalf) and will comprise a programme of intervention that is intended to assist the young person in meeting the requirements of bail and may include the provision of other services and assistance to address any factors that are contributing to the young person's offending behaviour.

Bail support initially emerged in the early 1990s, although a small number of schemes were in existence in the mid-1980s, for example in Northamptonshire.<sup>4</sup> They developed during the early 1990s in response to funds being made available (between April 1992 to 1995) to the National Probation Service under the hypothecated grant and Home Office supervision grants scheme. In 1992, the Youth Crime Section of Nacro was commissioned by the Home Office to set up a bail support unit to work alongside the National Probation Service and social services to promote its use as a pre-trial initiative.<sup>5</sup> A number of briefing papers were produced to reflect emerging practice.<sup>6</sup>

<sup>3</sup>Thomas, S. and Goldman, M. (2001) *A Guide to the Standards for bail supervision and support Schemes*. Nacro Cymru. Swansea

<sup>4</sup> Nacro (1995) *Bail Support Directory – A Directory of Bail Support Provision in England and Wales by Local Authority and Probation Service Area* London: Nacro.

<sup>5</sup> Probation Service Division (1993) *Bail Support Services: Probation Circular 23* London: Home Office.

<sup>6</sup> Nacro published six papers entitled *Pre-Trial Initiatives* (numbered 1 to 6) between December 1993 and September 1995. These covered some of the different aspects of the development of bail support services.

These schemes aimed to provide services to enable bail to be granted for young people to be maintained in the community with support that did not solely rely on the young person or their families. Bail support was noted to operate in three different ways:

- in a voluntary capacity to assist young people to attend court
- by offering services to prevent a custodial remand
- by intervening on a statutory basis as a condition of bail.

The latter option was identified as being the most comprehensive.<sup>7</sup> On the whole, schemes were diverse and lacked a consistency of approach, particularly in terms of assessment and in locating how bail support would occur within the legislative framework and court processes.

In 1997 and 1998, the Audit Commission undertook a series of district audits of youth justice services across England and Wales. These showed that young people involved in lengthy court processes were at high risk of reoffending. They suggested that reoffending on bail might be reduced by speeding up the court process, thereby reducing the length of time from arrest to sentence; and that the provision of bail support (that was intensive, with frequent supervision and home visits) could help to reduce reoffending and encourage courts to grant bail as an alternative to a custodial remand. In 1998, the recommendation was made that “substantive bail support schemes should be made available in all areas” and that their effectiveness should be monitored.<sup>8</sup> The Crime and Disorder Act 1998 placed a statutory duty on local authorities to provide this service.

It should be noted that, in November 2000, the YJB requested that bail support be rebranded as Bail Supervision and Support to promote the supervisory element of programmes and to provide greater clarity on its role and purpose to courts.<sup>9</sup>

### **Responsibility for the secure estate**

In April 2000, the YJB became responsible for the commissioning and purchasing of bed spaces in the juvenile secure estate. The aim was to establish a central coordinating body to have oversight of all forms of secure facilities for young people on remand and under sentence. This was set against a background of wide variation in the use of secure facilities across England and Wales and a lack of community provision that might divert young people from custodial<sup>10</sup> remands. Bail Supervision and Support was identified as one element of a nine-point action plan<sup>11</sup> to ensure that “high quality community programmes are available across the country and to help achieve less variation in the use made of secure facilities”.<sup>12</sup>

<sup>7</sup> Nacro (1992) *Managing Remands in the New Youth Justice: A Handbook for Practitioners*. London: Nacro.

<sup>8</sup> Audit Commission (1996) *Misspent Youth: Young People and Crime* London: Audit Commission.

<sup>9</sup> Lord Warner letter to chairs of YOT steering groups, 13 November 2000

<sup>10</sup> It should be noted that where custodial remands are referred to in the text this means both custodial and secure remands

<sup>11</sup> Other elements of the action plan included: joint meetings between YOTs and magistrates regarding the Crime and Disorder Act 1998; the development of a training pack for magistrates on the Act and the work

## **Extent of Bail Supervision and Support prior to youth justice board funding**

In 1995, Nacro produced a bail directory of bail support provision,<sup>13</sup> the findings of which the Audit Commission used to estimate that 88% of social services departments “provide some bail support services for young people”.<sup>14</sup> In its 1998 report,<sup>15</sup> following a series of district audits of youth justice services, the Audit Commission reported that 79% of the authorities examined were providing a bail support service.

When applying for funding from the YJB in 1999, areas were asked to comment on the extent of services in their region; 77% of areas provided some information about provision. Of those that did not, 4% were not seeking a grant for Bail Supervision and Support and made no comment and 19% did not provide any information. Of the 77% that provided information, they indicated that prior to funding:

- 21% of areas did not provide Bail Supervision and Support as a service
- 44% reported that services were offered on a patchy and ad hoc basis
- 35% had services in place.

Where information was provided, it was possible to build up a more detailed picture of the nature and extent of Bail Supervision and Support prior to the YJB’s funding initiative.

### **Informal and ad hoc provision**

A significant number of areas that provided information indicated that bail support was available on an informal, ad hoc, minimal and occasional basis as a youth justice service. It was not seen as a priority in terms of service delivery, nor was it a key or integral element of remand management or pre-trial provision. Bail support had developed as a service that reacted to the decisions of courts, as opposed to being specifically targeted at diverting young people from custody. The indications were that some areas placed more emphasis on supporting young people, once remanded, rather than trying actively to prevent a remand in the first place with a programme of community-based support:<sup>16</sup>

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of the YJB; the development of a standard assessment system, later known as *Asset*; halving the time from arrest to sentence for persistent offenders (which would reduce the periods of time on remand); developing effective community sentences; meeting with national organisations such as the Magistrates Association; setting the supply of secure places; and ensuring that regimes reflect the “what works” approach to reducing offending and making effective use of resources.

<sup>12</sup> YJB (1999) *Improving the Juvenile Secure Estate through Commissioning and Purchasing: A Report by the YJB for England and Wales to the Home Secretary* YJB Advice Note 2 (19 July 1999)

<sup>13</sup> Nacro (1995) *Bail Support Directory – a Directory of Bail Support Provision in England and Wales by Local Authority and Probation Service Area* London: Nacro.

<sup>14</sup> Audit Commission (1996) *Misspent Youth: Young People and Crime* London: Audit Commission.

<sup>15</sup> Audit Commission (1998) *Misspent Youth: Young People and Crime* London: Audit Commission.

<sup>16</sup> Unless stated otherwise, the quotes used in this section are all from statements made in funding applications to the YJB from various YOTs

*Bail and remand services are not targeted, tend to be reactive and responsive. Any bail support is on a case-by-case basis, contingent upon available resources.*

The variable demands of courts, lack of a clear process, procedures and responsibility for bail support in the court setting meant that it lacked profile because it was not actively promoted. As a result, courts often did not receive information about other options when considering a remand:

*Not well publicised – ability to influence court limited no one individual had responsibility for it.*

*The absence of a coherent, formal Bail Supervision and Support programme means that it is not routinely addressed.*

### **Lack of structure**

A number of areas reported that, although bail support was available in their region, it lacked any formal and identifiable structure, indicating that the criteria for referral, targeting and assessment were unclear. This may have also have contributed to inconsistency in approach:

*Limited provision...no consistent programme and formal contract with young person and their family.*

This also suggests that a bare framework of support might have been available to young people, with little reference to the level of supervision or the nature of programmes provided. One of the reasons for this is that bail support tended to be provided by workers who carried generic caseloads and therefore had competing priorities with other statutory responsibilities. Lack of resources was also cited as reason for the inadequacy of services:

*Support was limited and virtually non-existent. Offered on an ad hoc basis, dependent on resources and the availability of sessional staff.*

A number of areas identified that, although basic bail support programmes existed, services were not offered to courts or young people over weekends or in the evenings:

*No systematic duty system related to weekend remands or linked to early court appearances.*

Additionally, there tended not to be a routine presence in court when young people might be vulnerable to a remand and a lack of dedicated staff to ensure that young people were supervised in the community outside normal working hours.

### **Building on core provision**

Of areas, 35% reported that they had core bail support services in place, and intended to use the grant to improve and extend existing provision. This included extending the scheme to include 17-year-olds, extending cover in youth and other courts and increasing contact time with young people, widening geographical cover and providing a broader range of options and services to young people on bail

Other areas sought to improve, develop and extend existing methods of service delivery. These included improving the focus and intensity of services through a co-ordinated structure in order to be pro-active in diverting young people from custody, increasing capacity and resources to specifically deal with bail and remand issues, focusing on remand management as a key priority and increasing the confidence of the courts in considering alternatives to custody as a matter of routine.

### **Decline of bail support**

Several areas reported that bail support had been well established as part of youth justice activity, but for varying reasons its use had declined. It was evident that the withdrawal of services did not necessarily relate to the quality of the work undertaken and that, despite local success in reducing remands, services had ceased to be offered to young people for a variety of reasons. These included loss of specialism due to reorganisation of team structure or loss of a dedicated worker, closure of the scheme due to the end of funding (from an external source) and a decrease in use due to more emphasis being placed on supporting young people in remand foster care and those bailed to reside by the local authority.

### **Evidence of need**

#### **Lack of baseline data**

The basis on which services would be planned and developed were outlined by each area applying for funds in a bid document to the YJB, which required detailed evidence of need, a summary of the main activity that would be undertaken and an operational budget. In a significant number of cases, the analysis that this required was not fully comprehensive and grant applications were made on the basis of insufficient baseline data relating to past and current levels of demand for services. For those starting from a position of no tradition of Bail Supervision and Support, it was additionally difficult to give a firm indication of the future scope and level of demand for services.

Schemes were asked to evidence local need to support their funding applications and this was demonstrated from a variety of sources, which broadly related to local conditions and national policies. Sources included recommendations from District Audits undertaken in 1997 and 1998 to provide bail support to reduce remand rates that were above the national average. The development of youth justice plans and other planning processes (such as Quality Protects) also brought into sharper focus the need to develop bail support services, and the recognition that remand management needed to be strengthened to improve youth justice services. Evidence of need was also based on monitoring data, which identified that there were local issues that could be addressed through the provision of services, for example:

*Additional contact could reduce offending on bail. The movement of the youth court to a town 20 miles away from a centre of population had increased non-attendance and the instability of housing.*

However, on the whole, the provision of baseline information was poor. There were very few examples of a formal needs analysis, although one or two areas had undertaken feasibility studies on which grant applications were based. The lack of good baseline data can in part be attributed to the short timescales that areas had to apply for funding, particularly the first grant application round, between December 1998 and 1 February 1999.<sup>17</sup> There was a noticeable lack of statistical and monitoring data that accurately reflected remand rates locally, from which the future demand for services could be correctly predicted. A number of areas with previous experience of Bail Supervision and Support based their evidence of need on the effectiveness of existing provision and their experiences of providing such services. Evidence of need identified a number of issues that needed to be addressed when planning services:

#### **Impact of the Crime and Disorder Act**

The impact of the Crime and Disorder Act was seen as significant. The Act made the provision of Bail Supervision and Support services a statutory duty and one of the core services to be provided by the newly forming YOTs. Prior to the Crime and Disorder Act 1998, there was no obligation on youth justice services to provide Bail Supervision and Support. Additionally, as a consequence of the introduction of the statutory duty, courts would be able to demand this option, even if YOTs were not advocating or proposing it and would, therefore, have to be able to respond.

#### **Reducing the Remand Population**

From 1992 onwards, the level of young people remanded to secure facilities remained high, as did the numbers of young people remanded to local authority accommodation. One of the main reasons for this was that successive changes in legislation had made it easier to imprison children and young people.<sup>18</sup> The Crime and Disorder Act increased the powers of the courts to remand young people in custody resulting in an acknowledged recognition that there was a need to develop a wider range of community-based options as an alternative to secure remands.

A number of areas reported that they had proportionally higher than average remands to custody. Reasons cited included difficulties in providing credible alternatives, lack of employment, drug misuse and exclusion from school, high levels of young people failing on bail, and an over representation of young black people in custody (a number of London boroughs). The lack of Bail Supervision and Support nationally was also likely to be a factor, as alternatives were not being routinely presented to courts. A number of these areas identified that if there was adequate, intensive and focused Bail Supervision and Support that remands could be reduced. Where cited, reductions of between 15% and 75% of remands to local authority accommodation and between 25% and 50% of remands to custody were estimated (Part Seven of the reports examines the progress of schemes against this objective).

<sup>17</sup>YJB development fund 1999 to 2002 bid Specification

<sup>18</sup> Nacro (2003) *A Failure of Justice Reducing Child Imprisonment* London: Nacro



### **Bail support for 17-year-olds**

The responsibility for delivering youth justice services to 17-year-olds became a requirement for YOTs under the Crime and Disorder Act 1998 and the need to expand services to this age group was recognised and addressed through the grant funding.

### **Delivering services for rural areas**

A number of rural counties identified that the provision of services in widely spread geographical areas were patchy and inconsistent, and there were considerable difficulties in providing access to services for those living in remote areas. Of particular concern was the amount of travelling time spent going to see young people and the lack of public transport to allow young people access to (often very limited) leisure facilities, support services and to attend court. The grant funding therefore provided an opportunity to improve the level of service delivery across widely dispersed rural counties.

### **The need to provide intensive services for persistent offenders**

It was recognised that there was a need to provide robust services for persistent offenders, particularly those whose actions accounted for a disproportionate number of offences committed on bail, to ensure that they were targeted and mechanisms put in place to manage them effectively in the community. The introduction of fast-tracking also provided the impetus for this in that it raised the profile of persistent young offenders.

### **Developing accommodation options**

A fifth of areas explicitly expressed concern that accommodation for young people on bail was either not available or unsuitable and increased provision could enable more young people to be bailed, particularly if there were problems at home or if a young person did not have a suitable bail address. A number of areas stated that through the provision of Bail Supervision and Support and greater use of community alternatives, their intention was to reduce expenditure on local authority non-secure and secure accommodation and redirect resources to community-based provision.

## **Outcome of funding rounds**

The YJB indicated that it wanted to attract different types of schemes<sup>19</sup> and suggested that they might include court-based bail information,<sup>20</sup> bail supervision that directly engaged with young people, mentoring for young people on bail or remand, support to remand foster carers and remand review projects based in secure establishments.

<sup>19</sup>YJB development fund 1999 to 2002 bid specification

<sup>20</sup> Bail information is the provision of factual verified information to the court that addresses objections to bail. It is obtained from an assessment of the young person's situation and circumstances by either a YOT or the National Probation Service and generally relates to the availability of a suitable bail address. Bail information can be helpful to the court's decision-making process, as it is likely to be information that would otherwise not have been known. It does not involve a programme of intervention.



In total, 144<sup>21</sup> YOTs received funding from the YJB. A small number of areas received more than one grant: for example, one area applied for funding to undertake a feasibility study then later applied for a grant to establish the scheme. There were also a number of consortiums – for example, joint bids from several London boroughs. Schemes were funded for a period of three years from April 1999 to March 2002, with a tapering grant providing 90% of funding in the first year, 60% in the second and 30% in the final year.

### **Breakdown of funded schemes**

The funded schemes can be divided into the following categories:

- Bail Supervision and Support (92% of schemes)
- extending accommodation provision (5%)
- developing appropriate adult services (2%)
- providing a mentoring service for young people on bail (1%).

A number of areas, which had bail support provision in place, identified that they needed to enhance gaps in related services notably to improve access to accommodation and to develop appropriate adult provision and as such were not primarily seeking funds for Bail Supervision and Support.

Schemes that were solely funded to provide accommodation services aimed to increase the range and choice of dedicated or ringfenced placements for young people remanded on bail or to local authority accommodation. This was intended to be through remand foster carer provision or by improving the range of community-based accommodation (public and private) available to the YOT. It should be noted that developing accommodation provision was an activity addressed by many schemes and is discussed more fully in Part Five of the report.

Although not identified as a funding priority, a small number of areas identified the need to develop existing appropriate adult provision to enhance services offered at the police station and to make effective links with bail support at the earliest opportunity:

*Existing appropriate adult arrangements are piecemeal and not fully integrated into a wider remand management strategy.*

<sup>21</sup> The figures quoted in this report for monitoring and evaluation purposes will vary in relation to the number of YOTs, the number of YJB-funded schemes and the number of monitoring returns submitted by areas to Nacro Cymru. This is because there was a degree of amalgamation and separation between areas, depending on what was being reported.

These schemes specifically aimed to improve the sharing of information in order better to start the process of assessing young people prior to court, to provide advocacy to minimise detention by the police and to provide continuity of contact with young people from the point of charge onwards in order to influence ongoing decisions. In the main, this involved the appointment of a co-ordinator (either by the YOT or through working with a partner agency such as SOVA) to recruit, train and support volunteers and to centrally co-ordinate activity. This would involve building on existing provision by either increasing volunteer involvement or by developing a more coherent structure and comprehensive appropriate adult service both within and outside normal working hours. The activity of these schemes has not been commented on, as the remit of this report is Bail Supervision and Support.

None of the areas chose to develop stand-alone bail information schemes; however, it is evident that many provided this service as part of the bail supervision and support function. No areas choose to focus exclusively on remand review work,<sup>22</sup> although a number stated that they would review the remand status of the young person, as part of bail supervision activity and this later became incorporated into national standards. The YJB separately funded the Children's Society to provide remand review services in a number of secure facilities in parallel to the development of Bail Supervision and Support schemes. This work was the subject of a separate (unpublished) evaluation.

In view of the fact that Bail Supervision and Support was being made a statutory provision, it was important to establish which YOTs had not applied for funding and why. Research identified that 11 areas did not initially apply for funding.

- Two areas had received funding from the National Lotteries Charities Board to develop community remand schemes, which incorporated Bail Supervision and Support (Bradford and Newcastle).
- Seven areas had low levels of remand, which did not justify making a grant application. These areas stated that they put together individual programmes of support for young people when required rather than developing a specialist service and that Bail Supervision and Support was funded from mainstream budgets. A number of these were inner London boroughs, some of which indicated that, if they were to make an application for funding, it would only be sustainable on a joint basis, others planned to "spot purchase" services from neighbouring authorities as required. (City of Westminster, Bromley, Kensington and Chelsea, Tower Hamlets and City of London, Waltham Forest, Rutland and Solihull).
- Two areas had their own existing schemes. One (North Tyneside) reported approximately seven cases per annum, with a 100% success rate of preventing offending on bail. The other (Warwickshire) has its own scheme run by Barnardo's.

It should be noted that the City of Westminster and Kensington and Chelsea later made applications to the YJB and received funding in 2001.

<sup>22</sup> Remand review aims to review the status of the young person after the remand decision has been made to establish whether a bail supervision and support programme can be made to the court at the next hearing.

### **Length of time that schemes were operational**

It was originally intended that all schemes would be funded for a three-year period from April 1999 to March 2002. One of the conditions of grant was that there would be a commitment to continue to provide services when the funding came to an end and that there would be a specified exit strategy in place. This has been commented on further in Part Three of the report.

Due to the fact that there were two funding rounds, the funding period for the majority of schemes fell below the intended three-year funding period and start dates varied. Of schemes, 65% received funding in the first funding round (spring 1999) and the remaining 35% in the second (autumn 1999). The establishment of schemes also coincided with the implementation of YOTs (April 2000), which also presented tensions and has been commented on further in Part Three.

The following table indicates the length of time that schemes were operation for.

	<b>36 months % of schemes</b>	<b>30 months % of schemes</b>	<b>24 months % of schemes</b>	<b>18 months % of schemes</b>	<b>12 months % of schemes</b>	<b>Did not start % of schemes</b>
<b>Length of time operational</b>	25	29	39	5	1	2

- 25% of schemes were fully operational for the three-year funding period.
- 68% were operational for more than two years but less than three years (commencing between May 1999 and April 2000); 39% of these commenced in April 2000 when YOTs were established.
- Three schemes (North Essex, St Helens and West Berkshire) were funded for less than three years. These schemes intended to use the funding to develop services that would then be integrated into mainstream YOT funding within three years.

### **National objectives and local aims**

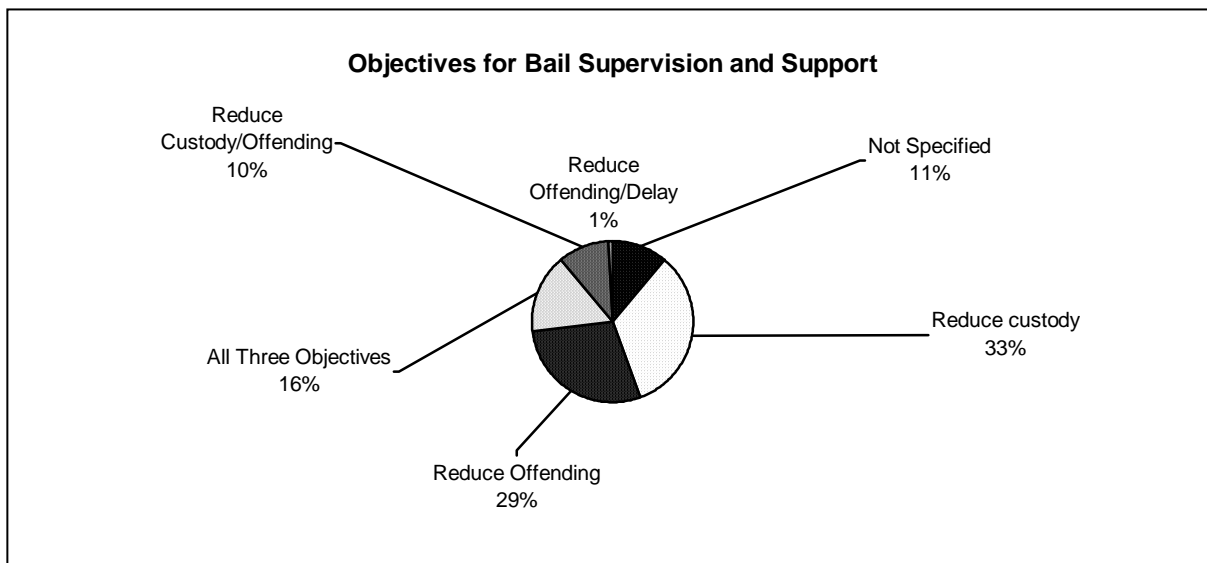
#### **National objectives**

The YJB identified the objectives for Bail Supervision and Support in order to set the policy and practice framework for the provision of services. In the original grants application specification,<sup>23</sup> the objectives were described as:

- to reduce offending on bail
- to reduce delays caused by non appearance in court
- to reduce the unnecessary use of secure facilities for young people.

<sup>23</sup>YJB development fund 1999 to 2002 Bid Specification

Schemes were asked in the first funding round to identify which of the national objectives they would be addressing and in the second funding round to outline how they would be contributing to one or all of the three objectives. The following chart identifies their priorities:



There is a fairly even split between those schemes focusing on reducing custody (59%) and reducing offending (56%) as single or combined aims. None selected ensuring court attendance as their primary objective; it only appears combined with others. This suggests that there were schemes that placed priority on diversion to avoid custody and those that prioritised prevention with emphasis on the content of programmes and addressing need, which indicated a difference of emphasis rather than a difference of outcome.

- The role of Bail Supervision and Support is now seen differently from the position in 1999, from which these responses are taken, in that the YJB has attached equal weighting to all objectives. The national objectives were revised in the national standards for Bail Supervision and Support (May 2001),<sup>24</sup> where the emphasis was changed to:
  - preventing offending on bail
  - ensuring the appearance of the young person at court to reduce delays in the court process
  - ensuring remands to custody and secure remands are kept to an essential minimum.

<sup>24</sup>National standards for bail supervision and support were published by the YJB as a separate and discrete set of standards in May 2001. All references in the text relate to these standards. They should be read in conjunction with the *National Standards for Youth Justice (2000)*.

No explanations of the changes in wording have been provided. However, it can be presumed that the original change from reduction to prevention is more in keeping with the primary aim of the Crime and Disorder Act 1998. Expanding the objective to ensure attendance at court clearly places an expectation on those concerned pro-actively to address this issue with young people. In the same way, ensuring that remands should be kept to an essential minimum, suggests that YOTs should take direct action to prevent remands from occurring, wherever possible. The progress of schemes in respect of national objectives will be examined in Part Seven of this report.

#### **Local aims and their relationship to national objectives**

Schemes identified a range of local aims that reflect what a comprehensive Bail Supervision and Support scheme should comprise of. These also relate to the national objectives and have been collated as follows. They included:

- targeting persistent and offenders and those at risk of custody
- preventing/reducing offending on bail
- increasing the range of accommodation options available
- ensuring young people attend court, keep court-related appointments and attend appointments with legal advisers
- increasing the confidence of courts in non-custodial options
- undertaking and develop an assessment-led approach as a basis for addressing risks and needs and targeting services
- improving the quality of (bail) information to the courts
- providing systematic access to services and improving community links. Health, substance misuse, and education, training and employment were specifically mentioned.

Other local aims included cross-training staff to provide services, providing an input into the training and support of carers, promoting and developing cross-boundary arrangements, increasing and strengthening parental involvement and improving remand management services generally

Schemes were asked to outline how the local aims would achieve national objectives for bail support. Some provided very general statements:

*The project hopes that by meeting its own aims and objectives it will meet the aim of bail support nationally.*

Others gave more specific examples:

*By concentrating on reducing offending while on bail, reducing remands to custody, confronting offenders with their offending behaviour and aiming to address the root causes of offending, the bail support project should contribute towards increasing the confidence of the courts in granting bail, reducing the harmful effects of custody, and ultimately reducing offending. In doing so, the project should contribute towards the YJB's key aims for bail support and the youth justice system nationally*

A number provided a brief description of proposed activities:

*The key objective is to reduce offending on bail. Trained mentors will provide support and assistance to young people. Specific individual bail support programmes will be designed to meet the young offenders needs...and will then be matched with a mentor. Objectives, roles, responsibilities will be clear in the individual's programme. Mentors will offer supportive one-to-one intensive advice for young people on bail support programmes. They will cover a wide range of areas identified by assessment*

Others areas identified a menu of aims linked to national objectives, for example examining what constitutes effective practice, developing close interagency co-operation, finding out what works and ironing out practical problems such as tension between conditional and unconditional programmes, consent and enforcement.

Part Seven of the report comments on the progress made by schemes in relation to the national objectives for Bail Supervision and Support.

Then following chapters will examine:

- the remit and content of the nation evaluation undertaken by Nacro Cymru
- the implementation and development issues that arose
- practice issues in relation to the differing methods of service delivery
- accommodation and its relationship to the bail process
- an analysis of the activity undertaken by schemes
- progress made against the national objectives for Bail Supervision and Support
- implications for policy and practice.

## Part Two: National evaluation

### **Background**

Nacro Cymru was commissioned by the YJB in January 1999 to act as the national evaluator of the Bail Supervision and Support schemes. It was agreed with the Board that the evaluation would review how the national aims for Bail Supervision and Support were being met, monitor the progress of schemes against locally agreed objectives, examine procedures, processes and outcomes, identify effective practice and examine the management and structure of the services provided.

The report presents the result of the evaluation, and in the process describes the progress of Bail Supervision and Support over the three-year funding period. The information contained within the national evaluation report is drawn from a range of sources, including:

- statistical monitoring of schemes
- evidence from local project evaluations
- visits to schemes
- analysis of user feedback.

It had originally been intended to examine two further areas:

- a reoffending study (offending after the programme had been completed)
- a cost-benefit analysis.

However, although extensive work was done on compiling information in relation to the reoffending study, the results have proven too unreliable to publish. It had originally been intended to carry out a cost benefit analysis to compare the cost of providing Bail Supervision and Support to that of remanding a young person in secure accommodation and Prison Service custody. Due to the low response rate from schemes in relation to requests for information and a lack of evaluation resources to follow it up, it was agreed with the YJB that this element of the evaluation would not continue.<sup>25</sup>

<sup>25</sup> The YJB undertook basic research into the unit costs for YOTs in August 2001 (a draft paper for consultation with YOTs on developing unit costs and staffing requirements for the delivery of core youth justice services), which estimated that for a programme of average duration of four weeks the unit cost per person per programme ranged between £156.53 and £271.92.



### **Evidence from the statistical monitoring of schemes**

All schemes were required to monitor activity in order to provide information on a quarterly basis about their progress and performance.<sup>26</sup> Prior to 1 April 2000, Nacro Cymru requested that information be submitted manually by schemes using a pro-forma on which the details of individual young people referred to and in receipt of services were aggregated. Having used this system for a time, it was felt that the information did not provide the depth of analysis required. As a result, Nacro Cymru in association with Social Software developed an electronic database and revised the systems and procedures for the collection of monitoring information.

The revised system required schemes to record information electronically about each individual from the point of referral to the end of the Bail Supervision and Support episode. The information was fed into a database from which records were aggregated electronically. This system for data collection was implemented from 1 April 2000. Schemes were provided with the programme (on disk) on which to record the data and technical guidance<sup>27</sup> on how to use the system. A help line was established and ongoing support undertaken to assist schemes to provide the necessary information. A small number of areas continued to submit data manually and Nacro Cymru undertook the inputting on their behalf. The information contained in this report has been analysed from the full electronic monitoring period 1 April 2000 to 31 March 2002.

### **Evidence from local project evaluations**

One of the requirements of funding was that schemes were evaluated to specify the benefits of the initiative and its impact on (re)offending or other relevant variables and that interim and a final report would be submitted to demonstrate how the objectives of the scheme were being met.<sup>28</sup> The bid specification required that grant applicants described what arrangements would be put in place to undertake this activity. As a result, each scheme appointed a local evaluator to undertake an independent analysis of activity undertaken. Those appointed fell into four distinct groups: academics (48%); Nacro (20%);<sup>29</sup> independent consultants (20%); and others (12%). Independent evaluators represented 12 organisations, mainly private consultancies, and other local evaluators were generally from local authorities – for example, the internal audit and planning department. The local evaluation reports were submitted to Nacro Cymru and were collated and analysed to provide feedback to the YJB on key themes, trends and practice issues.

<sup>26</sup> *YJB Development Fund bail supervision and support Projects 1999 – 2002, Standard Conditions of Grant*

<sup>27</sup> Bail Support information System, Social Software and Nacro Cymru (July 2000).

<sup>28</sup> *YJB Development Fund: Standard Condition of Grant (1999)*

<sup>29</sup> It should be noted that that the national evaluators and local evaluators operated independently of each other to avoid a conflict of interest



The YJB did not provide any specific guidance on the evaluation design. However, it was recognised that with the number of schemes to analyse information from there needed to be framework that would allow information to be usefully collated and compared in a common format that was also flexible. The evaluation design could not be highly prescriptive as the budgets available for local evaluation varied (the average sum being £11,000 per scheme) and the requirements were set after the level of funding had been agreed. Following consultation with the YJB, an information pack was developed and distributed to all local evaluators, containing, the requirements for evaluation, suggested methodologies, outline contents for each report, examples of user feedback questionnaires and guidelines on consent and confidentiality.

Five local evaluation reports were requested between the schemes' start date and December 2001. Reports were required to cover the history of bail support in the area, provide an outline of the scheme's aims and objectives, and comment on working methods and practice issues (targeting, assessment, etc). They were also required to provide an overview of implementation and development, comment on issues that were helping or hindering the process and provide analysis and feedback on activity undertaken. In addition, it was requested that user feedback should be included and the final report should comment on exit strategies and plans for the continuation of the service (a condition of grant).

The way in which information was presented and reports structured was left entirely to local evaluators. It is recognised that there were difficulties in providing information for both the scheme and national evaluator; however, there was a high degree of co-operation. On the whole, the information asked for was provided, although there was wide variation in terms of evaluator's understanding of pre-trial issues and the depth to which issues were explored and analysed.

The local evaluation process typically included an observation of the scheme over the evaluation period and a mixture of the following methodologies:

- visits to the scheme and meetings/interviews with workers, co-ordinators and YOT managers to gain their perspective of how it was operating
- observations of practice
- audits of case files
- analysis of information being routinely recorded from YOT databases and the Nacro Cymru monitoring system
- attendance at steering committee meetings, staff training events and court to observe the process and practitioners at work
- analysis of minutes of various meetings
- interviews with young people and analysis of case studies.

Reports were required to be submitted at six-month intervals from the start of the scheme to December 2001. On average, 125 local evaluation reports should have been received for each evaluation period; 90% were returned totalling 550 in all. Where reports were not received, it was due to the scheme not having appointed an evaluator (particularly at the start) and problems with the evaluation or locally appointed evaluator. Some schemes combined some of the reports (for example submitting the second and third together); reports were promised, but not received, there was late submission and no activity to report. In all cases, when reports were not received, two reminders were sent out and the YJB informed. In a small number of instances, requests for reports were ignored and it was not possible to record the reasons for non-submission.

### **Visits to schemes**

A series of targeted visits were undertaken to schemes and information obtained was incorporated into the evaluation process. Between August and October 2000, 24 visits were undertaken specifically for the purposes of compiling the first evaluation report, to provide a snapshot of early activity. Twenty-five visits were later undertaken to analyse practice in areas with high levels of custody, which was the subject of a separate (unpublished) report. Information from all other visits to schemes were routinely recorded and used to inform the interim and final national evaluation reports. In total, over 90 visits were made to schemes for these or other purposes.

### **User feedback**

User feedback was requested from young people, court users (magistrates, court clerks, the Crown Prosecution Service and defence solicitors), practitioners involved directly in the provision of services to young people, and other key individuals or agencies depending on the nature of the scheme. In order to assist the process, local evaluators were provided with examples of user feedback questionnaires,<sup>30</sup> which the majority indicated they had used or customised it to suit their own purposes.

Just over half of schemes (52%) provided user feedback contained mainly in the third and final evaluation reports, which represented a point in time when they would have been well established. Of the feedback received, 68% of reports contained the views of young people; 78% that of bail workers and other practitioners within the YOT; 77% from court users; and 25% from other agencies such as the police, social services and remand foster carers. The comments received have been fed into the main body of the report.

<sup>30</sup> These included examples for young people, magistrates, bail workers and other agencies such as social services, the police, probation service and the Crown Prosecution Service and were produced by Nacro's research and evaluation section.

### **National supporter**

In addition to acting as the national evaluator, Nacro Cymru was also appointed as the national supporter of Bail Supervision and Support schemes. In this capacity, assistance was provided with grant applications and over 1,500 requests for information and advice were dealt with. In addition, Nacro Cymru undertook visits to schemes, organised a number of conferences and individually customised training days. Input was provided into a range of events and meetings to develop the profile of Bail Supervision and Support, and a variety of briefing papers, reports, guidance and newsletters were produced on the subject. Appendix One contains a full account of the activity undertaken by Nacro Cymru.

## **Part Three: Implementation and development issues**

### ***Introduction***

This part summarises what occurred in the establishment of bail supervision and support schemes. The evidence is drawn from activity reported in local evaluation reports and from visits to schemes that examined progress and practice. The section explores how implementation and development issues were addressed and the factors that emerged that either helped or hindered the development of Bail Supervision and Support as a service.

### ***Establishing baseline data***

YOTs needed good baseline data in order to plan effectively for the development of services. Part One of the report (in the section, 'Evidence of need') has identified that the majority of grant applications were not based on a comprehensive analysis of past activity; this made it difficult to predict future trends, due to the limited availability of good information. It is evident in some instances that this impaired the planning and development of services. For example, some schemes did not have enough funds or resources, with staffing levels not corresponding with workloads (see staffing issues). This affected their ability to deliver a comprehensive service. One of the most commonly reported difficulties was the inability to deliver services in the evening and at weekends, which was not identified as a service requirement until national standards were introduced in May 2001, and as a result generally no provision was made for it in grant applications.

### ***Planning and development***

Schemes had to undertake development work to plan the service, which involved consulting with others, setting arrangements in place and establishing a model of operation that suited local circumstances. In some instances, this was a formalised process whereby development time was specifically set aside and in-depth analysis of needs and requirements was undertaken, whereas in others a more ad hoc process evolved.

The establishment phase was important, as the way that the scheme was introduced and established with others reflected how it would be perceived and used. Investing time in consulting with relevant parties, holding regular meetings with steering groups developing effective communication channels within the YOT, developing operational arrangements and properly setting professional and practice boundaries were noted to be beneficial.

*I said I wanted a three-month development period, which meant that we started our project on 1 June. Because there was an awful lot of work that the three of them had to do in terms of putting together a programme, making the contact with all the agencies they'd be working with. We were explaining what the project was, looking at how they could link in with what the other agencies were doing, agreeing referral procedures. Then you've got to put all that together, you've got to sell it to the magistrates, you've got to sell it to the team so that the team are clear what you're doing*

Factors that also helped schemes to become established were being able to build on existing systems and structures, because there was a previous history of Bail Supervision and Support in the area, having a good working knowledge of court processes and procedures and having a well-established range of partnerships in place.

### **Bail Supervision and Support as a discrete service**

The funds were made available by the YJB on the condition that grants were used for the purpose specified, meaning that activity was limited to Bail Supervision and Support. In a number of areas, bail workers were asked to undertake tasks not specified in the grant application. The nature of pre-trial work makes it difficult to plan due to variations in the number of young people appearing in court. In a number of instances, the role of bail workers was extended beyond what had originally been envisaged to overcome this. In others, the structure of the YOT meant that it was necessary to provide more flexible services across the whole team. Some YOTs chose to deploy workers in areas where they had appropriate expertise or where guidance and/or training was available, with Bail Supervision and Support remaining the core function:

*We lost members of staff, a social worker and a probation officer; and everybody else came from various backgrounds and not youth justice. I was the only youth justice social work trained person. So I ended up feeling I had to help out and it is essential that I did because we wouldn't have been able to [meet] national standards. I am trying to stick very hard to the bail remit as a major part of my work, but I get involved in other things.*

On the whole, where bail workers were engaged in activity outside Bail Supervision and Support activity, it was as part of the wider remand management function and as such part of the same continuum – for example, acting as an appropriate adult. In some areas, workers were required to write PSRs on the young people they had worked with. However, there were also noted to be significant departures from this. In these instances, pre-trial workers were undertaking supervisory work with young people, from Final Warnings to Detention and Training Orders, both as a matter of routine and in covering these activities due to staff shortages within the YOT and the pressure to help out as necessary. Where voluntary partners provided services, there was less ability to redeploy to other functions than when services were delivered by the YOT.

The diversion of bail workers to other tasks was in some instances distracting when schemes were being established, as it meant that the development and promotion of services were not given the priority they required. Involvement in other tasks would only seem to be acceptable if the core task were being comprehensively undertaken.

## **Staffing issues**

The success of schemes in becoming established was noted to depend on the experience and characteristics of the key worker(s), who shaped and influenced working practices. Dedicated, committed and proficient workers were instrumental in this respect. Continuity and stability was achieved by either not having to recruit (as experienced workers were seconded from the YOT) or by recruiting skilled workers who delivered a high standard of service to stakeholders and young people from the outset.

### **Recruitment and retention**

Over a third of schemes reported having difficulties with staffing issues. In 1999, there was intensive recruitment activity in the youth justice field as development funding prompted a range of new initiatives to support the implementation of the Crime and Disorder Act 1998. In many areas, schemes were competing for the same pool of prospective applicants. Fixed-term contracts and part-time jobs made some positions more difficult to fill and staff turnover caused problems, in that a number of schemes had to recruit more than one worker during their lifespan. It was also reported that some areas had to recruit replacement workers at a lower level of skill and experience due to budgetary constraints. Each time a new worker was appointed, they had to learn the role and develop relationships with partners, which takes time. The impact of tapering funding also affected staff retention, particularly of experienced workers, when the future security of the scheme within the YOT was unclear.

Other issues that were commented on were staffing levels not matching the workload. Understaffing occurred due to shortfalls in funding or because the workload was greater than originally anticipated (see baseline data). This manifested itself by practitioners having conflicting priorities and being unable to undertake all the work originally envisaged. These schemes relied more heavily on co-workers who also carried caseloads and could therefore only offer limited support. Ensuring that there was adequate cover for sickness and holidays was also an issue in a number of areas:

*With extra staffing the programme content would be much more diverse and could reach much more young people and be more effective in the area of prevention.*

Of those schemes reporting difficulties, over two-thirds (69%) indicated that this presented the YOT with problems, had an adverse effect on the scheme, most commonly delaying the start of operations, impeding progress, restricting and affecting the range and quality of services offered and placing additional pressure on existing staff. In some instances, there were significant gaps in service delivery and a lack of continuity:

*The scheme got off to a very slow start due to difficulties in recruiting staff, finding premises etc. We have also had a change of worker, which has not helped.*

Reported impacts on the Bail Supervision and Support function included a drop in the level of referrals and ensuing activity; being unable to attend court routinely and spending less time with young people on programmes, resulting in more reporting and less structured and intensive intervention. Schemes were also not able to provide the necessary support to those remanded to local authority accommodation or custody and were unable to undertake any development work. The degree to which the service was maintained depended on the resources of the YOT and their ability to deploy other workers.

Areas that dealt with staffing problems well had systems in place within the wider YOT to ensure adequate cover during periods of absence, although it was also recognised that there is a limit to the extent to which specialist roles can be absorbed. Some schemes assigned another worker from within the team to take responsibility; others provided cover from a range of individuals including court officers or increased volunteer and sessional worker involvement, which alleviated the difficulties to a certain extent. Well-established schemes, with good infrastructures of support continued with very little disruption. In a number of instances, activity was reorganised within the YOT as part of a premature exit strategy, as key workers left. This included integrating Bail Supervision and Support into generic case management activity; reorganising roles into responsibility for wider remand management activity, which mainly related to court based services or pre-trial activity and reviewing and re-evaluating partnerships which, in the main, resulted in services being absorbed into the YOT.

It should be noted that not all schemes that experienced staff turnover reported problems because workers were quickly replaced; there were adequate handover periods, or other workers absorbed the task with training and support.

### **Staff training and development**

Many schemes reported starting from scratch, with workers having to develop procedures, make contact with courts, establish their own working relationships and develop case management procedures, with little or no previous experience of this area of work. There was little precedent to draw on in terms of Bail Supervision and Support practice and procedural guidance. Between December 1993 and September 1995, Nacro produced a series of six briefing papers on bail support,<sup>31</sup> covering policy and practice issues relating to the development of services. Beyond this, any information available was specific to those areas that had developed services.

<sup>31</sup> *Nacro Pre-Trial Initiatives Paper One: Bail support: Some Considerations of Current Policy and Practice* (December, 1993), *Pre-Trial Initiatives Paper Two: A Framework for Bail Support* (December, 1993), *Pre-Trial Initiatives Paper Three: Reviewing Pre-Trial Services* (November, 1994), *Pre-Trial Initiatives Paper Four: Making an Assessment for a Bail Support Service – the Role of Assessment Guidance* (November, 1994), *Pre-trial Initiatives Paper Five: the Nature of Bail Support Provision* (November 1994) and *Pre-trial Initiatives Paper Six: Setting Standards for Bail Support* (September, 1995) London: Nacro.

On the issue of training views were divided. In some areas, there was good access to appropriate and ongoing training both within the YOT and externally; however, other practitioners commented they had not received any training, and that professional guidance would have been useful in setting up and establishing schemes. This applied to YOT managers as well as operational staff. An additional problem was that lack of cover made it difficult or impossible for workers in some areas to attend training events.

Practitioners gained knowledge through visits to other schemes to identify the type of models that could be replicated in their own areas, reading available literature, using the experience of other schemes, shadowing more experienced workers (particularly in court) and requesting the support and assistance of Nacro Cymru. On-the-job training was felt to be the most effective, as was shadowing experienced workers, as both methods provide first-hand experience of the role and function. A number of regional practitioner networks were established as a means of information exchange and support. These were particularly helpful to lone workers, who tended to be isolated and needed to liaise with others undertaking similar roles for support and ideas.

Nacro Cymru produced a range of information to assist schemes and undertook support visits to assist in the induction of new workers. It was not uncommon to find that the outgoing worker had left little or no information despite the fact they may have been operating the scheme for a period of time. As a result, new workers sometimes had to start the process of developing contacts and raising the profile of the scheme again.

In terms of training, the six-day module Working Together was available to YOT workers and designed to assist them to understand the requirements of the Crime and Disorder Act 1998. However, this did not specifically cover pre-trial issues and Bail Supervision and Support. Nacro Cymru produced briefing papers on key issues and a remand management information pack, which was circulated to practitioners. Additionally, there was a quarterly newsletter and regional meetings. Three national training events were arranged based on a training-needs analysis, customised training was provided at the request of schemes and support and audit visits undertaken to assist in the development of practice. Nacro Cymru responded to all requests made by schemes. Despite developing a directory and database of practitioners, which was regularly updated and through which information was disseminated, it was noted that the information sent to YOTs was not always received by those carrying out operational duties.

The national and local training events were well received and had a high satisfaction rate. It is recognised that some schemes would have appreciated the events at an earlier stage of their development. However, this was not possible, due to funding constraints (this was not costed into Nacro Cymru's budget from the YJB) combined with the difficulties of identifying the best time to hold such an event, when schemes had variable start dates. With regard to customised local training, the availability of this service to YOTs was well publicised and all those that requested training were provided with it. The most frequently requested topics were bail legislation, undertaking a bail *Asset* assessment and risk assessment.



## ***Establishing services within the YOT***

Local evaluations identified that there were difficulties in establishing a new scheme in parallel to the establishment of YOTs and that timescales for implementation were ambitious. Problems mentioned included lack of management time dedicated to Bail Supervision and Support and lack of regular supervision and support for newly appointed workers. As a result bail, supervision and support did not always receive the priority it should, problems that could have been addressed remained unresolved and it took longer for the scheme to forge its own identity within the YOT. However, it is noted that the difficulties mentioned improved as YOTs become more established. Additionally, those involved in drawing up the funding proposal or party to joint funding arrangements were not necessarily the same people responsible for developing the scheme, resulting in a need to revisit the original aims, resubmit bids and review budgets and structures. In some instances, this delayed the implementation.

There were initial concerns that Bail Supervision and Support was seen as a peripheral activity rather than a valued mainstream service and it was not always given the priority it needed due to the need to get to grips with the range of other changes in the youth justice system. Problems mentioned included a reluctance of workers to refer and hand over cases, a lack of interest and response when issues were raised and difficulties in ensuring that a comprehensive service was provided both within and outside working hours. In some, but by no means all, instances, there was a need for greater integration and clearly defined protocols between YOT workers and those undertaking Bail Supervision and Support activity (whether as part of the YOT or by a voluntary partner agency) to address these issues. Decentralised and fragmented structures made integration more difficult to achieve.

An additional problem for schemes that were working in more than one YOT, or those with more than one operational team, was developing common methods of working and consistent practices while working with local differences. These schemes all found that clear agreements about expectations and arrangements for service delivery were required. In schemes that were centrally managed or co-ordinated, there was greater evidence of a more consistent and uniform approach.

As a final point, a number of areas encountered difficulties with practical arrangements such as lack of office space; lack of interview and group work facilities; lack of transport to undertake home visits; and a general lack of resources. These affected the ability of schemes to become established and to operate effectively, but were to some extent resolved as YOTs became established.

### **Integration as a mainstream service**

The level of integration within the YOT (whether of directly employed workers or partnership arrangements) is a critical factor in the success of the scheme. There needs to be clarity of purpose and clear accountability with regard to workers' roles and responsibilities. The way in which court work and remand management are organised varied considerably, depending on the geographical area covered, the volume of young people appearing in court and the resources available both within the community and in the YOT. This also influenced integration and operational arrangements.

The indications are that it takes time to develop a dedicated service and to consolidate its presence within the team structure. Services that achieved this had clear remand management policies where arrangements for managing young people from the point of charge onwards were explicit and this ensured that YOT members were aware of the scheme's role and purpose. Procedures were firmly based within the operational systems of the YOT and workers were clear about the way in which they were expected to target, refer, assess and work with young people, which promoted consistency in working methods, decision-making and avoided confusion about roles and responsibilities. There were appropriate arrangements in place to ensure that activity was consistently and proactively undertaken. Well-thought-out arrangements helped to ensure that schemes were valued, seen to strengthen and complement other activities, and the relationships with those providing the service were positive:

*It is quite prominent in the team; it has a high profile and is taken seriously.*

*The scheme has an identifiable place in the YOT: I am clear about what my role is and am not undertaking work that I would feel is the responsibility of another agency. We're communicating and working together, we are not overlapping.*

*Bail Supervision and Support has been a great success. It is well respected and valued by YOT staff, outside agencies and young people and their families.*

*From the outset, our worker has done an excellent job. He had prioritised which young people would benefit from Bail Supervision and Support and always sought to reduce remands in custody, secure and local authority accommodation. The bail supervision package are intensive and [name of worker] does an imaginative yet realistic work with young people. Significant improvements have been achieved when there have been previous long-standing problems.*

### **Improving effectiveness**

A number of schemes commented on the arrangements that had been put in place to establish working practices and agree procedures. This was particularly important where the bail worker might lead on one aspect of service delivery such as assessment and court-based work, with other team members providing an input into programmes:

*In jobs like this, you have to support each other. I think it is not about the work, its about individuals, and people need to be valued. The young people we work with can be very difficult and you need to support those you work with.*

Initiatives taken to promote integration included:

- using action plans developed from evaluation reports to plan and develop services
- holding away-days with partner agencies
- team-building to address working practices and exchange information
- writing and agreeing procedures
- consultation generally on the development of services for young people.

In a number of instances, other practitioners were cross-trained to ensure that the service could be offered at all times, which also strengthened the relationship with the YOT:

*It's all about relationships. If you do not have those internal relationships, partnerships just do not work... working together means having a common purpose. We need to sell to people what we are doing and how we are doing it.*

Holding regular referral and case management discussions with YOT workers and participating agencies assisted in generating referrals, in establishing channels of communication and providing a forum for exchanging information about young people. Attending team meetings on a regular basis ensured that caseloads and practice issues were discussed and the profile of the scheme remained high within the YOT, as specific time was devoted to it. A number of schemes with steering groups in place found them to be helpful as a source of guidance and support, assisting in problem-solving, monitoring progress, ensuring consistency of approach and improving working practices and procedures within and between agencies. Partner agencies also held regular meetings with the YOT and provided detailed reports on activity undertaken. It was noted when key stakeholders did not attend meetings, day-to-day issues did not get resolved and this did not help to develop and improve services.

The physical location of the bail worker or team within the YOT was important in cementing working arrangements and assisted not only voluntary organisation partners but also specialist workers in becoming part of the YOT structure. One of the benefits was that team members could be easily contacted and electronic systems and files accessed. There were noticeable advantages: for example, this allowed preliminary enquiries to be undertaken about the background and circumstances of young people before attending court, enabling workers to be well informed which in turn helped to enhance their professional status in the court setting.

Close working arrangements and proximity to the YOT were important for those schemes that had services delivered by an external agency or voluntary sector partner. For example, Spurgeons Childcare in Wolverhampton had worked in the area since 1998. The partnership was viewed as integral to the YOT and co-location strengthened the relationship. Rainer who worked in partnership with Northamptonshire YOT commented that the sharing of premises was beneficial in that it allowed for prompt sharing of information and the building of strong working relationships.

### **Developing protocols, policies and agreements**

Several schemes developed written protocols and procedures to define their responsibilities, to avoid confusion with other areas of work and to ensure that YOT workers could undertake the bail supervision task if necessary. This helped to clarify working arrangements, and to ensure that procedures were followed.

Ideally, policies, procedures and protocols should define and document working processes step by step, set out details about the scheme, eligibility criteria, and the referral process, and contain all the necessary documentation required to undertake the role. It is important that they are updated in response to changes that occur as this assists in building on effective practice as it develops. For example there has been the need to clarify the interface and working relationships with bail ISSP to ensure that services are enhanced and not duplicated.<sup>32</sup> Similar information was also put together for sessional and other support workers for induction and training and bail workers compiled resource directories for use by the wider YOT.

### **Establishing partnerships**

One of the strengths of schemes was the extent to which they made links with agencies that could provide additional support and services to young people. They sought organisations and services with the skills and expertise to address the needs of young people on a range of levels and tended to develop a core group in order to be able to offer a wide range of programme components.

The type of services and support that might be required within a programme are:

- access to drug and alcohol services
- assistance with housing and accommodation issues
- liaison with schools and education providers
- constructive use of leisure time.

The establishment of procedural infrastructures was important in ensuring that young people got speedy interventions (the response of agencies varied considerably) and in developing credibility with courts to ensure that what had been proposed would be delivered. The provision of additional support to young people was dependent on local agencies being willing to engage with young people who had offended. Schemes indicated that on the whole outside agencies were helpful in providing services and difficulties only occurred where there were local gaps in provision or where referral processes were slow and as a result needs were not met before the programme ended.

A number of YOTs arranged priority access for young people on Bail Supervision and Support programmes to be fast-tracked to local services including careers, drug and alcohol services to ensure they received the support they needed as soon as possible:

*[Name of drugs agency] have made every effort to be supportive, non-discriminatory, they haven't been evasive or protective of the young person as you know you can sometimes get with voluntary agencies"*

Schemes also commented that being part of a multi-agency team provided greater access to a range of relevant agencies notably through the ability to utilise the wider resources of the YOT for individual elements of programmes.

<sup>32</sup> Further information about ISSP can be found on the YJB website, [www.youth-justice-board.gov.uk](http://www.youth-justice-board.gov.uk).

## **Involving key stakeholders**

One of the key development tasks was to raise awareness of the role and purpose of the scheme to stakeholders including YOT members, prospective partner agencies and the police and courts. It was important for schemes to develop an ongoing programme of contact and information-sharing with key stakeholders to be able to respond fully to needs, concerns and expectations, in order to keep abreast of changes in personnel and to ensure the local network received appropriate information.

*National Standards for Youth Justice* require schemes to establish mechanisms to ensure they are aware of and are able to deal with all young people appearing in youth courts and adult magistrate's courts. This was achieved by agreeing protocols with the police so that the YOT was notified of all young people held overnight for production in court and by establishing a presence in the youth court which involved setting and integrating the service into the court system. The targeting and referral of young people to the scheme involved a process of gathering available and relevant information and undertaking a number of individual consultations with a range of representatives from different organisations. The processes and procedures needed to be set up with the co-operation of stakeholders and recognition that different stakeholders would have different perspectives of young people depending on their involvement with them.

### **Police**

Relationships with the police are important, as one of the key points of information exchange for the YOT is being able to obtain access details of all young people denied bail by the police. On the whole, more practitioners reported having a good relationship with the police than those reporting a problematic one.

*Our role has been very well accepted. At first, the police saw us as just another way of getting young people out of the prisons, when they're trying to get them in. But if they have concerns, they do let us know and the relationship there is quite good.*

Custody officers need to be aware of the scheme and the part they play in providing the YOT with the information it requires. Action taken to raise awareness included:

- providing information and training for the custody officers (and emergency duty teams)
- improving liaison with custody officers either directly or through the designated police inspector
- gaining the support of senior officers (force memos placed in custody suites were noted to assist custody officers to follow agreed procedures and protocols)
- offering Bail Supervision and Support at the police station to try and avoid an overnight hold
- developing protocols that formalised the relationship between the police, courts and YOT.

In other areas, YOT workers attended relevant meetings with the police as part of routine liaison. Difficulties remained where meetings lacked the consistent presence of a liaison officer who could pass information on and the use of civilian staff and centralised call systems meaning that it was not always possible to liaise with individual officers.

In order to ensure that all young people who had been held overnight were referred to schemes, it was noted that protocols with the police should include those who had not had 'appropriate adult' support from the YOT (or emergency duty team) and 17-year-olds:

*It depends at what time they are charged. From what I have been told recently, there has definitely been a problem with the police notifying the YOT and that is why no-one has turned up in the morning. It may be down to the individual custody sergeant – not all of them, obviously, because some of them are notifying the YOT.*

### **Courts**

Courts need to gain acceptance of Bail Supervision and Support as a viable option in order to ensure that it is actively considered as an alternative to custody. It takes time to develop relationships and build the confidence of the courts, particularly when starting from a position of little knowledge or interest and where other demands and changes in legislation have influenced working practices. There are different agendas that need to be known and understood, a need to invest time to develop and maintain links with the court. Continuous promotion is necessary to ensure that there is a steady stream of referrals so that courts routinely consider the use of Bail Supervision and Support in appropriate cases and there is a positive attitude to the scheme and its workers.

When working in the court setting, bail workers identified the factors that indicated they had developed a positive relationship with court users, which included:

- feeling that they were accepted and trusted
- their opinion was sought and listened to
- the service was valued and seen as a credible alternative to custody.

Having a regular presence in court was essential to this process of acceptance. Practitioners reported that providing the court with comprehensive information and consistent risk assessments, operating breach procedures strictly and fairly, offering sufficiently robust programmes and being prepared to negotiate was essential to effective practice. This included the recognition that in some cases a remand to a secure facility was the only option and being realistic lent credibility to arguments in other cases.

### **Court users' knowledge and awareness of Bail Supervision and Support**

On the whole, schemes made significant efforts to raise the profile of Bail Supervision and Support with magistrates, solicitors and other court users. Promotion was recognised to be necessary, as courts had limited knowledge that bail supervision could be an alternative to a custodial remand and without a thorough knowledge were likely to be less confident in considering proposals.

In 1999, Bail Supervision and Support were new concepts for many courts and in some areas there was an initial reticence to use it. However, evidence suggests that where workers undertook sustained promotional activity and sought to establish a visible presence in court that reluctance was overcome as confidence in the scheme grew. On the whole, courts were more open to seeking advice and information and this was capitalised on when developing working relations:

*The formation of the YOT has brought about a better relationship – you can exchange views and discuss them in court, while perhaps a few years ago nobody spoke to anybody in court. Now you can say: “We are thinking of this, this and this – what do you think?” It’s more interactive – the bench don’t just sit there looking wooden and nodding.*

However, a number of schemes commented on the lack of awareness of bail support generally among court users and in some areas a low level of interest in it:

*I am looking at a remand in custody that has been continuously turned down on the bail applications for bail support and even remand to local authority accommodation. And yet at the end of it they will get supervision or community service and you think why didn’t they give us a chance? That has happened so many times. That really does frustrate me.*

*It may be an inability to assess risk properly on behalf of magistrates. Because if they know that at the end of the day they are going to possibly give this young man a non custodial sentence, then what’s the point of keeping him in custody.*

The problems that were highlighted by YOTs in relation to knowledge and awareness were confirmed by court user feedback. This suggested that what was known may have been superficial and inadequate. A significant minority of court users expressed concern over their lack of knowledge in general and confusion over the details of the local scheme in particular. This was attributed to an absence of promotion and the large number of new youth justice developments, which made it difficult to focus on particular initiatives:

*If advocates are not aware of the scheme it is simply not working.*

(Solicitor)

*It’s all getting too confusing – you need specialists in the field to sort it out.*

(Magistrate)

*We would be more confident to use the scheme if it were more up-front that we knew exactly what was being provided or offered – but it is not.*

(Magistrate)



### **Court user feedback**

The issue of feedback received from court users is important in this respect. It has not been possible to identify the total number of questionnaires distributed by and returned to local evaluators, but it is possible to identify that the overall number of responses was low. For example, one scheme reported sending out 263 questionnaires to court professionals, receiving 38 or 14% back. Evaluators generally commented that they had a poor response despite repeated efforts to obtain information. It is possible that the information returned was from a small number of magistrates who sit in the youth court and as a result their views may not represent all youth court magistrates. Those who chose to respond were likely to be those who felt best able to express their views as they had some knowledge or involvement with a Bail Supervision and Support scheme. It has also not been possible to identify the extent to which evaluators disregarded feedback because court users were not able to complete the information requested due to lack of knowledge and the degree to which this might have influenced the overall findings.

The questionnaires asked court users to comment on how they had found out about the Bail Supervision and Support. They reported that information mainly came from:

- presentations given by the YOT
- word of mouth
- the regular presence of practitioners in court.

*The bail support worker came to talk us about bail support and made a presentation and handed out leaflets, so that is how I know about bail support. We are all for it because of its good points.*

(Magistrate)

*It was one of the most positive sessions we've had. I think that everyone went home thinking there are possibilities here.*

Where court users indicated they were familiar with the concept of Bail Supervision and Support, they were extremely positive about it, which strengthens the argument for promotion to the widest possible audience:

*I find the representatives of the project friendly, professional and well informed. Having been a youth offender specialist prosecutor for 12 years, I am wholly convinced of the effectiveness of bail support and our local project is a good example of this type of scheme.*

*In my experience, the bail support project is extremely valuable and offers great assistance to vulnerable young people. In my specific encounters with the workers they have been well informed, polite, clearly interested in the welfare of their charges and impressive in court. The support offered is invaluable very often in securing bail in the first place and then adding an additional layer of monitoring for the benefit of the court. Clearly magistrates and judges are impressed and find the existence of the scheme persuasive and useful.*

(Defence solicitor)



There were very few examples where Bail Supervision and Support was not being seen as a positive option:

*The magistrates as a whole had a meeting a few months ago where we had a probation officer telling us about the scheme. But that did not influence me. I decide whether someone is remanded in custody based on the offence they have committed.*

(Magistrate)

When trying to undertake promotional activity to raise awareness among court users, schemes reported that there could be difficulties in accessing court user groups or magistrates' training days despite repeated requests. There were also problems in establishing relationships, particularly with large benches, as the cycle of sittings meant that some magistrates would only have sporadic experience of the scheme and as a result their knowledge of Bail Supervision and Support remained poor. It was also more difficult to establish close-knit relationships and to influence decision-making.

*It is difficult to reach all magistrates as there are so many of them.*

Schemes reported employing a range of methods that included presentations and the provision of literature to magistrates, the CPS, judges, clerks and the police. This included:

- the distribution of leaflets outlining the scheme (available in retirement rooms and in court when an application for a Bail Supervision and Support programme was being made)
- protocols setting out the arrangements the YOT would provide in the youth court
- mailings to magistrates and solicitors
- joint training days
- meetings with magistrates to provide feedback about the progress of the schemes, activity undertaken and individuals that had been placed on it
- attendance at youth court user groups or local equivalents.

Schemes that were successful established when it was most convenient to attend meetings in order to try and capture the widest audience. Inviting youth court magistrates to sit on project steering groups and involving and consulting them about development issues when establishing or making changes to services was also noted to be helpful.

Where practitioners had a direct input into court user groups or local equivalents, court users commented that they valued the input as it helped to promote the scheme and enabled them to be kept up to date with developments:

*This has provided to be a very good and productive area for discussion and I think it works very well.*

(CPS)

In addition to general information about the scheme, court users thought that feedback about the progress of the scheme and outcomes for individual cases would be useful:

*If we had some statistics about the elements of the scheme...this element works... this element does not work at all, then we would know what we are doing. We would not be asking for conditions that could not be complied with.*

*I think it would probably be useful to have perhaps on a three-monthly basis a statistical return to say during the three-month period there were 25 people on bail support schemes and we have had to breach five of them, or 20 of them. Also, why they think people fail.*

One magistrate argued against the idea of feedback on individual cases saying:

*What use would it be? There are so many how could you read them all?*

Many of the court users who provided feedback confirmed there was a need for more information, training and promotion as gaps in knowledge were still evident:

*More combined training sessions between the various agencies locally in order to share knowledge and suggestions.*

*I am a member of the youth courts committee group and it was flagged that there needs to be some sort of advertising of this [scheme] as a response to that a poster [has been put] up. Certainly I never saw any statistical analysis of how many packages had been granted and the relative success rates.*

(Defence solicitor)

This also suggests that schemes need to be pro-active and to employ a variety of methods to ensure that information is widely available, and that promotion is sustained as an ongoing activity. It is not effective to attend court user groups on a one-off, occasional or piecemeal basis. Schemes need to be persistent, develop an ongoing plan, provide constant reminders and dedicate time to ensure that magistrates consider the scheme at every opportunity:

*I promoted the scheme robustly along with the bail services officer, to the YOT, magistrates, clerks, defence solicitors and social services, both before the scheme came on line and immediately after it commenced. This work has proved invaluable in having the scheme recognised as credible alternative to custody.*

*[Name of scheme] has made some good connections with the criminal justice agencies, the courts, police, and CPS, all of whom are enthusiastic supporters of it.*

Other difficulties that were encountered by practitioners included defence solicitors seeing their role as keeping bail conditions to a minimum and having reservations about its use. Instances were reported where young people were advised not to participate in programmes as it was considered that it might make them more vulnerable to a remand in custody if they did not comply:

*I take the view that I am there to defend my client, but it is against the YOT and the bail support officer as well as the court. I do not want to work in partnership with others; it would defeat my ability to be independent.*

(Defence solicitor)

It was also noted to be difficult to promote services to the Crown Prosecution Service (CPS), particularly when agency staff were used. Practitioners generally commented that it was difficult to develop relationships and build confidence in the scheme, as prosecutors often come from an adult court background and had little or no knowledge of Bail Supervision and Support and what the scheme could offer in the youth court. Few schemes indicated that they had structured relationships with the CPS – the majority tended to deal with issues on an ad hoc basis.

It was recommended in the first national evaluation report that a national leaflet be produced to explain the role and purpose of Bail Supervision and Support. The YJB did not follow this recommendation although one was subsequently developed for ISSP. The promotion of Bail Supervision and Support at a national level still needs to be undertaken as the evidence suggests that knowledge among court users is by no means universal and this may help to assist YOTs in promoting services.

### **Presence in court**

Promotional activity is enhanced by the regular presence of a worker in court who can build relationships with solicitors, magistrates, ushers and clerks by getting to know the key individuals. Where this occurred, relationships were noted to develop and the scheme had a visible presence, which key individuals could relate to. However, this required an investment of time and resources from YOTs, as attending court can be time consuming, depending on the frequency and location of sittings.

Those attending court need to be proficient, have a good knowledge of the relevant legislation and the way in which court processes work. They need to establish effective working relationships and become accepted as part of the professional network. This is not a question of just being physically present but of being confident and willing to challenge decisions when necessary and being seen to be constructive and helpful when discussing individuals and options. A personal presence provides access to the service, workers are able to react to the requirements of the court and magistrates are able to hear first hand about the scheme directly from those involved. There are also pressures on courts, and cases may not always be heard in strict order – the presence of a worker will mean that young people will be assisted despite these difficulties.

Some areas had difficulty in establishing a routine presence and attending all court appearances. This was a particular problem for lone workers and for those covering large geographical areas, where a variety of demands had to be prioritised and it was not possible to be physically present in more than one court at a time. Utilising sessional workers and strengthening administrative support to ensure that other activities were continued and not postponed due to the need to attend court helped to address this issue. One area established a protocol with the court in order that Bail Supervision and Support applications could be dealt with in the morning, enabling workers to undertake other activities in the afternoon. In another area, the worker did not automatically go to court; however, no appointments were made on court days so that they could attend if notified by the court duty officer that a young person was appearing who needed assistance.

Court users indicated that the regular presence of Bail Supervision and Support workers in court was crucial to the success of the scheme. In all but one area that provided feedback, they were satisfied with the service provided, were positive about the role and contribution of practitioners in court and viewed bail workers and court duty officers as fellow professionals. The presence of bail workers in court enabled court users to ask questions about proposals, clarify information and request changes to programmes when felt to be necessary thereby increasing the likelihood of young people being granted bail:

*The reports I have read have been most thorough and comprehensive and this, together with the availability to question the writer as they are in court with their client, has allowed us to grant bail in circumstances that I am sure would not have been granted without their support.*

*The scheme is viewed credibly in my opinion. This is due to the professional presentation of written proposals, credible representation in court by project staff especially the manager. The availability of a bail support package is influential in the court's decision-making.*

*If someone is going to go on a scheme, we will have somebody in court to speak to it and it is laid out exactly what is going to happen and there is no doubt in the bench's mind about expectations.*

When workers were not routinely present in court it could make a difference, in that the profile of the scheme could diminish and services become diluted. In these instances magistrates were reported to be reluctant to consider programmes because relationships had not been adequately developed with key individuals, that knowledge of Bail Supervision and Support was poor and working methods inconsistent. The same could apply when experienced workers were absent and other YOT workers who were less well known were required to provide cover.

The impact of this could be reductions in the level of referrals due to the inexperience of workers in undertaking court-based work, lack of familiarity with the bail support and supervision function, (because of its distinction from other areas of practice) less confidence in carrying out assessments and negotiating with court professionals and presenting programmes. Feedback suggested that when workers who lacked the same degree of knowledge, or had differing views about who should be targeted, there could be inconsistency in assessments. For example young people likely to be conditionally bailed could unnecessarily be placed on programmes and those that were remanded may not have been offered programmes. In a number of instances, schemes reported that there had been an increase in remands during these periods:

*I have concerns about the level of service – especially if our link worker is away, in terms of presentations of packages, level of contact, etc. The low numbers of bail support packages agreed by our youth court evidences this. We have the highest levels of remands in custody and a more effective service is needed to address this.*

*[During a recent absence] we had to cover court work, a mixture of getting sessional workers or using members of staff, most of which are reasonably well accustomed to court. One of the things that has been demonstrated is that we do suffer when we can't identify quickly at the outset of an absence appropriate people to assess packages in court.*

Overall, the indications were that courts valued a consistent presence. Establishing and maintaining credibility was important and it was difficult to maintain continuous relationships where there was not an identifiable person or service that courts recognised and had confidence in or where there were frequent staff changes. Regular liaison and clear communication between the bail scheme and court users was seen as essential in developing relationships and building confidence between agencies:

*Trust has been built up between the various agencies. There is an appreciation of the working practices of each agency.*

*I have appreciated the sense of purpose that the YOT people generally have given to the youth courts. I think that there is a much greater sense of realism than there was.*

### **Relationship with the adult court**

Some of the local evaluation reports noted that there was no significant difference in the offending background and circumstances of young people appearing in magistrates' courts. However, young people appearing in these courts were reported to be less likely to have a Bail Supervision and Support programme offered or accepted (than in the youth court). Magistrates' courts were less likely to consider bail packages and more likely to refer cases back to the youth court causing delays. There were difficulties in getting these courts to apply the same practices as the youth court, as they are less familiar with the work of YOTs and the role and function of Bail Supervision and Support. It was recognised that this issue needed to be addressed to ensure that services were always available for young people. This required liaison with the probation service, greater promotion in the adult courts and the establishment of protocols and working practices with magistrates and crown courts.

### **Saturday and bank holiday courts (adult)**

Court cover must be available at weekends and bank holidays in order to be able to offer a full range of services to young people. The evidence suggested that schemes made considerable efforts to develop a presence in weekend courts in order to be able to meet the requirements of *National Standards*; however, there were considerable resource and staff implications. Court users indicated that they would like to see improvements in this respect:

*On a day that the youth court does not sit, the court might refer an individual to the YOT, if the police have not informed them already. The last time this happened was on a Saturday morning sitting, when for some reason the YOT had not been informed that there was a youth in custody.*

*The only problem I have had is on a Saturday morning and there was no-one here, it was a breach situation.*

(Principal court clerk)

Schemes addressed this in a number of ways through a duty worker system provided either by specialist bail workers or YOT team members, improving links with ISSP where there was scope for joint working arrangements, use of sessional workers and by relying on emergency duty teams (part of social services). However, it was recognised that this was not ideal as emergency duty or out of hours workers are not generally trained to deliver these services and have other priorities such as dealing with child protection issues, which will always take precedence. Some YOTs planned to appoint workers whose contracts specified non-standard hours.

Where bail workers or YOT team members were responsible for undertaking this task, they endeavoured to operate the service in the same way as they would on a weekday. This would involve calling custody suites or contacting the court to ascertain if young people were appearing and assessments were likely to be needed. There were and are problems in accessing information on a Saturday from YOTs or other areas and concern that workers could be making assessments without access to important information.

The requirements to cover these courts highlighted the need for information, training and support to be available for all those likely to undertake this role to ensure that a consistent level of service is provided, whether from within the YOT, out-of-hours services or the National Probation Service. Action that could be taken includes producing notes of guidance for staff, particularly those providing the service outside standard working hours, awareness-raising for court officers to ensure that they can effectively promote Bail Supervision and Support and the provision of specific training on risk and vulnerability assessment.

### ***Exit strategies***

The final part of this section on implementation and development issues examines exit strategies. One of the requirements of the grant funding from the YJB was that YOTs identified an exit strategy for the continuation of the scheme and specified how it would be sustained financially and operationally in the long term.

An examination of the exit strategies laid out in the original grant applications to the YJB indicated that they mainly focused on future financial arrangements and sustainability:

- 86% of areas indicated that YOTs/local authorities would continue to fund the scheme, 15% of which anticipated that funds would be generated from savings on local authority (non-secure and secure) accommodation, as Bail Supervision and Support would provide an alternative less costly option
- 12% of areas indicated that partners were committed to the continuation of funding
- 2% were not specific about the future arrangements.

Local evaluators were asked to comment on and describe the exit strategy in their final reports, to specify how the scheme or Bail Supervision and Support function would continue and how the YOT would ensure that statutory duties would be met in the future. Of the evaluation reports submitted, 58% provided some information about exit strategies, which have been broken down as follows.

- 21% of YOTs indicated that there would be no change to their method of operation in that the Bail Supervision and Support would continue to be provided in its current form.
- 41% indicated that the scheme, whether it be an individual or team of workers, would be integrated into the YOT as part of its mainstream service and workers would be expected to undertake a more generic role – 4% of these explicitly stated that Bail Supervision and Support would no longer be a specialist function.
- 20% indicated that they would be extending the responsibilities of bail workers to encompass other activities. These mainly related to taking on additional responsibilities for accommodation issues and/or other remand management activity.
- In 9% of cases, the partnership with the voluntary organisation provider was being terminated, in the main because of difficulties with future funding or consortium arrangements were changing, with individual areas taking a more localised approach.

On the whole, the information provided about exit strategies was far from detailed. However, what it does show is that YOTs were intending to incorporate Bail Supervision and Support into generic activity, meaning that it would not be ringfenced as a specialist service nor necessarily provided in the form in which it existed while funded by the YJB. This move away from specialist service provision indicated a degree of deviation from what was intended through grant funding, which had signalled that Bail Supervision and Support should be a distinct and identifiable service.

The general trend away from specialism could mean the loss of specific expertise and expert knowledge and the concern is that bail and remand work would become a less well utilised service resulting in more young people being vulnerable to custody, which can only be measured in the long term. This is not what research into the key elements of effective practice has identified as an efficient model of service delivery. Effective practice suggests that those providing pre-trial services need to understand court processes and procedures, have a working knowledge of the relevant legislation and have good communication and negotiation skills.<sup>33</sup>

There is concern that the pre-YJB funding position identified by the Audit Commission or the generic approach identified here would be a retrograde rather than progressive step for pre-trial services. That said there is now a statutory duty to provide Bail Supervision and Support as a core service, which there was not previously. However, it does require that particular skills and expertise be retained if the service is to be proactive and the remand population is to be effectively managed.

Any impact from a dedicated model of service delivery to a more diluted approach can only be measured over time. Further work is required to identify whether the loss of specialism has led to an increase in the remand population – however, within any future analysis the development and impact of bail ISSP would also have to be considered.

### **Main issues for policy and practice**

The evaluation has identified that there are a number of activities that need to be undertaken to establish schemes and this has also highlighted a number of issues for policy and practice.

- baseline data that provides an accurate picture of past activity is necessary to plan and estimate the demand for future activity to ensure that services are adequately resourced and staffed. It is also necessary for subsequent monitoring and review.
- Schemes need a period of time in which to plan and establish a new service, ideally before any referrals are received. This period is helpful in developing processes and procedures both within and external to the YOT, developing relationships with key agencies and stakeholders, the establishment of information systems and information exchange, the development of service-level agreements where appropriate, the establishment of steering or management groups and any other necessary arrangements.
- Experienced workers who have specialist knowledge and experience of the pre-trial process can significantly shape and influence practice. Practitioners need to be well trained in areas relating to court processes and procedures, bail legislation, use of bail *Asset* and risk and vulnerability assessments. On-the-job training, in particular shadowing experienced workers, provides first-hand understanding of the role and function.

<sup>33</sup> Thomas S and Hucklesby A. *Remand Management YJB*: London



- The service should be located within a remand management strategy where there is clear accountability and arrangements for managing young people from the point of charge onwards. The strategy should make explicit what the role and purpose of Bail Supervision and Support is. Procedural guidance that specifies operating practices should detail the arrangements for targeting, referring, assessing and working with young people to promote consistency and equality.
- There needs to be an audit of local provision to establish what resources are available and to identify any gaps in provision. This process should include establishing links with agencies that will provide support to young people and negotiating with potential providers to ensure that services can be accessed with minimum delay.
- It is essential to involve key stakeholders in developing services. This should entail promotion, networking and awareness-raising, consultation and negotiation with the police, magistrates and court users. This will include various promotional activities to outline and publicise the services offered. A range of methods can be employed that include presentations, the provision of literature, joint training initiatives, providing feedback on progress and attending local forums and meetings. Promotion needs to be sustained as an activity.
- The presence of a skilled, knowledgeable and respected worker in court can make a significant difference to the take-up of services. Their role is to promote the service to magistrates, solicitors, ushers and clerks by providing information about Bail Supervision and Support and what it can offer in individual cases. These workers need to become accepted as part of the professional network, to develop effective working relationships with the key individuals and agencies and be constructive and helpful in discussing individuals and the options available.
- Those providing services outside standard working hours or in adult courts need to be able to offer services and fully aware of how and when so to do. Notes of guidance, information packs, awareness-raising and the provision of specific training should be provided to assist them.
- If some of the information provided about exit strategies is borne out in practice, notably that services will be provided in a more generic and less specialist capacity, there may be less pro-active and effective targeting of young people, which could in turn have an impact on the juvenile remand population. This issue may warrant further exploration; however, if undertaken, the development and impact of bail ISSP from the middle of 2001 onwards would also have to be taken into consideration.

## Part Four: Models of service delivery

This section of the report examines how services were organised and delivered and how support workers were used to provide input into bail supervision and support programmes.

### **Organisation of services**

The first section examines the models of delivery that were identified in the various Bail Supervision and Support schemes. Schemes took a number of different approaches and organised services in a range of different ways. The models that will be discussed are based on the role and function of key workers, which have been identified as:

- generic YOT workers
- generic workers with specialist lead responsibility
- specialist workers
- partnership-working with voluntary organisations.

As a general note, all schemes sought to supplement the services they would be providing by developing formal and informal partnerships with local agencies and organisations to deliver specific elements of programmes – for example, drug and alcohol agencies. These partnerships were not exclusively used by Bail Supervision and Support schemes as they were also available to the wider YOT and have already been commented on in Part Three (see establishing partnerships).

#### **Generic YOT worker(s)**

In these instances, Bail Supervision and Support was not treated as a specialist function. YOT workers who provided services also undertook a range of other duties within the team, did not always routinely attend court and were reliant on court workers to carry out assessments and make referrals. This occurred to a greater or less degree, depending on the experience of the court duty officer and the priority they were able to give to Bail Supervision and Support. As a result, it did not always have a clear identity within the court setting.

In terms of the delivery of programmes, the Bail Supervision and Support case would be allocated within the YOT, the likely criteria being the level of the current caseload, and previous knowledge and current involvement with the young person. This approach was highly dependent on a wide range of individuals without specialist knowledge or expertise and the priority given to providing the service was always going to depend on other factors.

Management control in terms of national standards and delivering a consistent service was difficult. Workers engaged in programme delivery were not always fully conversant with the requirements of Bail Supervision and Support and young people did not always receive a coherent service. If good results were produced, it was more likely to be in the short term because the service had a sustainable structure that could produce long-term results. There was also a danger that Bail Supervision and Support could be subsumed into other YOT work, notably the supervision of young people on court orders, which will always be a priority.

This could be described as an old-style model, which very much reflected the Audit Commission's findings. This model of approach is not good enough to ensure that statutory duties were fully and comprehensively met, as there was less evidence of a systematic approach to remand management and in some instances an absence of procedures that ensured young people would be effectively targeted. It should be noted that these schemes were few in number and over the course of the evaluation period there was a recognition that a more robust approach needed to be taken. However, with the end of ringfenced funding there is a concern that some YOTs may revert to this approach in areas where it is difficult to maintain a ringfenced specialist service.

#### **Generic worker(s) with specialist lead responsibility**

A specialist function was set up within the YOT, which was not a full-time activity. This method of working tended to exist in smaller YOTs or those with a low throughput of young people where there was not enough work to justify a full-time worker specialising in Bail Supervision and Support. These workers were less likely to be court based because of other responsibilities but could be one of a number of people that provided duty cover. There were a number of ways in which the service was organised.

- The role was combined with other activities, which formed part of generic YOT duties
- Part-time workers took lead responsibility, were supported by the wider YOT but were not always available for Bail Supervision and Support activity
- Other duties relating to the remand management function were attached to the role – for example, co-ordinating appropriate adults, recruiting volunteers or foster carers. These workers were unlikely to be involved in activity outside the pre-trial process. This approach was a practical way of linking Bail Supervision and Support to other relevant duties, while retaining specialist knowledge and expertise.

On the whole, these YOTs had systems in place to deal with young people and endeavoured to ensure that services met the requirements of *National Standards for Youth Justice*. The approach was likely (although not necessarily) to be based on a case management model where support was provided by the wider YOT and by access to volunteers, sessional workers or mentors. For this model to be effective, there needs to be a high degree of consultation and negotiation with other team members, and mechanisms for exchanging information. It is important that the wider YOT is aware of the policies and procedures relating to Bail Supervision and Support to ensure that the duties can be effectively undertaken at all times. In a number of instances, bail workers provided training to team members and produced procedural guidance for the YOT as a whole.

### **Specialist worker(s)**

In these instances, the sole responsibility of the worker(s) was Bail Supervision and Support. Depending on the size of the YOT and its structure, this could be a lone worker, a group of workers or a dedicated team. In terms of operation, these workers tended to share the same premises as the YOT, work as part of the wider team, or be located in a specialist team – such as pre-trial or a court team. This also applied to the way in which partnerships worked (see below).

In terms of responsibilities, specialist workers were in charge of delivering the entire Bail Supervision and Support service. This involved liaison with the police, attending all court appearances to undertake assessments and managing young people on programmes (by delivering the service themselves) or were co-ordinating the function across the YOT using the case management approach for programme delivery. Some of these workers had a multi-functional role, e.g. to manage appropriate adults and volunteers, as well as delivering bail supervision services and may have had access to support workers. With this approach, responsibility was firmly located with the individual or the team and workers were expected to organise the delivery of the service putting in place all appropriate activities to meet *National Standards*. This approach applied to the majority of funded schemes.

### **Issues raised**

Three issues were specifically raised in relation to the models of service delivery and the role and function of workers.

- understaffing
- delivery of services by lone workers
- providing an effective service in rural areas.

The first relating to understaffing and staffing levels not being commensurate with the volume of young people requiring services has already been commented on in the previous section (on staffing issues).

One of the other problems reported was where lone workers had been recruited to develop and deliver Bail Supervision and Support services as specialists. They tended to have multiple roles as developers, practitioners, supervisors (of volunteers, mentors or sessional workers) and administrators and had particular problems in adequately covering all duties and responsibilities. YOTs had difficulties in covering sickness and holidays when the service was reliant on a single individual and in managing and anticipating workloads. It was clear that where schemes appointed lone workers without a support infrastructure the service was vulnerable and on occasion ceased to be delivered. In a number of YOTs, support was increased by the use of sessional workers.

The final issue related to the difficulties in providing an effective service in rural areas, where demand for services was not evenly distributed and where workers spent a substantial amount of time travelling to widely dispersed areas. This presented problems in maintaining the requisite level of contact and work undertaken with young people was largely in the home environment. Spending a considerable amount of time away from a base meant that it was difficult at times to co-ordinate activity and liaise with colleagues. Distance and travelling time reduced the time available to undertake other tasks such as promoting the scheme, liaising with other YOT staff and undertaking development activity. There were also problems in attending and maintaining a presence in rural courts, as it was difficult to attend at short notice and impossible to be in different parts of the county at the same time. Schemes that raised these issues all envisaged problems in meeting *National Standards*. The use of volunteers and sessional workers were noted in some instances to alleviate these problems.

### **Partnership-working with voluntary organisations**

Of schemes, 26% were partnership arrangements between YOTs and voluntary or other organisations. In these instances, the Bail Supervision and Support activity was fully or partially contracted out to another agency or voluntary organisation with specialist knowledge and a track record in this area of work, such as Nacro, Rainer and the Children's Society.

Other areas formed partnerships with organisations the YOT had an existing association with, for example Spurgeons Childcare, which largely provided services in the Midlands area, and the Hampton Trust in Wessex. These organisations were not primarily known as Bail Supervision and Support providers but had worked with young people involved in the Criminal Justice System and developed expertise over time. Other partnerships comprised seconded workers from organisations such as the YMCA or the voluntary sector such as Fairbridge that operated in the local area. They did not have specific knowledge or experience of Bail Supervision and Support, but a wider interest in developing services for children and young people. A further approach was where partner agencies delivered core elements of the programme – for example, Stonham Housing Association in relation to accommodation issues, SOVA provided volunteers and delivered mentoring or appropriate adult services and Include addressed education, training and employment needs.

The approach of partners varied. Rainer adopted a remand management model, which it sought to develop in all its schemes, whereas there was a less discernible approach in others and in some instances there were differing perspectives of what constituted effective practice and differing expectations about service delivery between the YOT and the partner.

One of the issues for partnerships was the level of integration in the YOT and a clear definition of the expectations, roles and responsibilities. Some partners operated as if they were part of the YOT and undertook all Bail Supervision and Support activity on its behalf, whereas others only provided an input into programmes. Where partners were physically separated from the YOT and dependent on other workers for referrals, the extent to which this occurred was determined by the quality of the relationship with the YOT and the information-sharing networks that were in place. Where the service was established as complementary and did not overlap with other activities, there had been discussion around the expectations of the partnership, definitions of working and practice methods, agreement of parameters of responsibility and the setting of ground rules which were specified in service-level agreements. These factors contributed to more effective working arrangements.

There were however mixed views about whether having the Bail Supervision and Support service located within a voluntary organisation was of any specific benefit to the YOT. The advantages would suggest that there was some certainty that a dedicated service would be pro-actively provided, that there was clarity of purpose and an expectation of a high degree of expert knowledge. Workers also had the wider resources of their host organisation to draw on, particularly for specialist advice and support:

*[Name of organisation] are a good organisation and they have taken on that bail supervision role and do it well. We are very fortunate; the service is provided by a separate organisation in partnership with us and works well. Having an outside organisation is quite a good thing. In the YOT, the roles get less clarified and this system takes the workload off us. It's clear who is providing the bail support. At a strategic and practical level, the service seems to work particularly well. The quality of work is very high and the paperwork for the courts very good.*

Conversely, partnerships that operated as stand-alone provision did not always have the necessary infrastructure to ensure that services would be delivered when key workers were absent generally because this had not been costed into budgets as it would have made the scheme more expensive to deliver and potentially non-viable. Making the service a ringfenced activity also meant that knowledge of Bail Supervision and Support activity in the wider YOT was more likely to be limited and lacking:

*The full benefit in having contracted out provision to a voluntary organisation had not been realised. Furthermore, there was little evidence that [name or organisation] had put in any added value.*

Some of the partnerships that were set up were highly unrealistic about their expectations of the workers and the ranges of activity they were expected to provide and as such were not commensurate with the levels of staffing provided. This was particularly the case in some of the London boroughs, where in a number of instances lone workers were expected to work across more than one borough, offering a part-time service to each. These difficulties were exacerbated by an imbalance in the way that funds had been apportioned, particularly if one of the partners had a significantly higher level of referrals and more serious offenders requiring intensive levels of support than the other. Different working practices and available resources also compounded these problems. Where these difficulties existed and were recognised, planned appointments of additional staff and extra use of sessional staff were made to strengthen the resources available and to provide a more consistent service. This included training YOT workers to provide support where existing workloads allowed which was helpful in integrating services within and across the YOT.

### ***Use of support workers***

Support workers such as volunteers, mentors and sessional workers were used to provide additional assistance to schemes whether in-house services or partnerships. It should be noted that the terms volunteer and mentor have in some cases been used interchangeably, whereas in others there are very clear definitions of roles and responsibilities. Generally, contact with volunteers and mentors were the additional voluntary elements to programmes, whereas input from sessional workers was more likely to be as part of the compulsory contact in programmes. Some schemes worked with more than one category or worker.

The use of support workers reduced the time workers spent on routine tasks – for example, taking young people to court, which, although necessary, is time consuming and limits the ability of key workers to do other things and is therefore not the best use of time. Support workers allowed greater scope for extra support to be given to young people in terms of individual contact time and additional assistance if there were specific difficulties or in providing bridging support in cases where a YOT worker was not immediately allocated to a case.

### **Use of mentors**

The use of mentors was identified in 28% of schemes. They could be recruited and trained by the bail worker (however, in the main schemes, they were linked into established mentoring schemes used by the wider YOT). Mentors were used to provide additional support in respect of education and employment issues, befriending, accompanying young people on leisure and out of home activities. Some schemes used mentors to offer tapering support to young people at the end of their programmes. In the main, mentoring was used on a short-term, time-limited basis; however, in one case, it was available for up to 12 months.



### **Use of volunteers**

The use of volunteers was identified in 19% of schemes. As with mentors, in some instances, volunteers were recruited and trained by the bail worker, in others specialist organisations (CSV, BAVO, Powys Challenge, SOVA) were used. Specific roles and activities for volunteers include mentoring, acting as appropriate adults, providing additional support and advice to young people and accompanying them to leisure activities.

### **Use of sessional workers**

The use of sessional workers was identified in 35% of schemes. In some instances, schemes had a budget to develop its own pool of workers in others it had access to the YOT's provision and bought in a number of specified hours. The way in which sessional workers were used varied from undertaking most of the work on programmes to delivering specific elements. This might include supporting young people and their families, assisting with accommodation issues, improving access to local services, attending court with the young person to advise and assist them and providing support to remand foster carers. They could also provide additional contact time at evenings and weekends.

In some areas, sessional workers were expected to attend court and undertake assessments, which is not appropriate because of lack of practice experience and the specialist nature of *Asset*, risk and vulnerability assessments. *National Standards*<sup>34</sup> at the time clearly stated that all staff undertaking assessments should receive training in the use of *Asset* and must be undertaken by an officer approved by the YOT Manager.

### **Main issues for policy and practice**

- For Bail Supervision and Support to be effectively delivered, a degree of specialist knowledge and expertise needs to exist within the YOT, as pre-trial services are distinct and different from those provided post-sentence. The evidence suggests that services provided by generic workers are delivered less systematically and effectively, as there will always be competing priorities. Specialist knowledge and expertise should be developed, whether in dedicated teams or individuals or by appointing workers with specific lead responsibility for pre-trial work or by engaging with voluntary organisations with a proven track record in this area of work. The service also needs to be sustainable in the absence of key workers.
- The indications are that, where support workers provided an input into bail programmes, they proved to be an important resource. They were most effectively used in assisting the young person with various aspects of their individual programme – for example, by acting as mentors, providing practical assistance and advice in relation to problems and difficulties and accompanying the young person on appointments, to activities and when attending court.

<sup>34</sup> *National Standards for Youth Justice* (April 2000) s 3.1 and 3.7. YJB. London



## Part Five: Accommodation

In view of the fact that issues relating to accommodation provision were a recurrent theme throughout the evaluation, it has been important to examine some of the issues raised, notably the difficulties schemes were reporting and the efforts made to overcome them to develop and improve provision.

As part of the evaluation Nacro Cymru commissioned the University of Hull to undertake a study of the needs of young people involved in the pre-trial process.<sup>35</sup> This is the subject of a separate report (to be published on the YJB's website).

### Context

Historically, and on an ongoing basis, lack of suitable accommodation continues to be a national problem. Throughout the evaluation period schemes reported on the problems experienced:

*It threatens to undermine the work of bail support.*

It was a significant area of unmet need and remains an outstanding issue that needs to be comprehensively addressed. Schemes saw it as a significant barrier in assisting them to meet their aims and limiting the potential use of Bail Supervision and Support:

*The single most important barrier to developing a full and successful support programme is that of an overall shortage and unhelpful pattern of suitable emergency and follow-on accommodation...the range of accommodation needs to meet the acute and specific needs of some extremely vulnerable bailees is in extremely short supply.*

Schemes indicated that one of the primary reasons young people were remanded in custody was because they did not have a suitable bail address and this had a negative impact on the effectiveness of Bail Supervision and Support. However, the information provided was mainly anecdotal. The true impact of the lack of accommodation on the remand status of young people requires greater analysis either from information provided in bail *Assets* or from more in-depth evaluation of the accommodation status of remanded young people. Schemes indicated that if suitable accommodation was available young people were more likely to be offered conditional bail with or without Bail Supervision and Support. In a number of areas, court users expressed concerns about the lack of provision; one senior court official stated that this was contrary to the objectives of Bail Supervision and Support:

*If there's nowhere for the young person to live it pushes the bench towards custody.*

<sup>35</sup> Hucklesby, A. and Goodwin, T. (2002) *Pre-Trial Accommodation for Young People: Report to the YJB*. (Unpublished).

Lack of stable accommodation was seen as a major barrier in making progress to avoid custodial remands, as without it courts were likely to be concerned that the likelihood of offending would be increased and bail conditions would be more liable to be breached. Finding accommodation was often a crisis response to an immediate need and placements were very difficult to find at short notice. Practitioners reported spending a considerable amount of time and effort trying to locate and access accommodation on an individual basis and in supporting young people once placed.

One of the problems was that the demand for suitable beds outweighed supply. Schemes had little priority access or control over beds provided by the local authority. There was a lack of ringfenced accommodation for young people who have offended, with places at a premium (generally mainstream fostering provision or residential accommodation). Foster placements were often required, but were in short supply or could be unsuitable because of location or for other reasons (male only placements). Mainstream carers tended to deal with young people remanded to local authority accommodation rather than providing bail beds.

There are a number of options available when a young person is remanded to local authority accommodation, which includes being placed with a foster carer, in residential care or returned home. Feedback suggested that the latter two options were not suitable as young people could be at continued risk of offending and if placed in local authority homes the incidence of offending, absconding and non-compliance tended to be high. Young people were frequently charged with minor offences, which could escalate criminal careers. These combined factors could lead to a progression into custody:

*We estimate that 60–70% of young people remanded to local authority accommodation represent cases in which parents and carers are unable to cope with the behaviour of their children at home. As a result, young people were not remanded because of the seriousness of their offending, but because their families were unwilling for them to return home.*

Of additional concern was the fact that the needs of young people remanded to local authority accommodation were not always met, as they frequently required additional support:

*Too many placements have failed, as clear programmes of support have not been available.*

Schemes also reported that bed-and-breakfast accommodation was often the sole option available and there were concerns that when young people were placed in such environments with little or no support they were likely to reoffend:

*You can't expect young people to succeed in these circumstances. They will only flow back into the [youth justice] system again.*

*If they are not at home with families, then they are in a bedsit land and there is an increased chance that they will slip off the rails. They need supporting. If they don't get this then they may end up in a worse position than before.*

Other problems relating to accommodation included:

- lack of remand foster carers
- hostels and supported lodgings being in short supply

- limited access to supported lodgings
- housing agencies not being prepared to take young people with whom they had had problems previously
- bail and probation hostels having tight referral criteria which precluded certain offence types, combined with the fact that they were often unsuitable environments for young people.

There was also a lack of funding to tackle the problem. Several areas faced increasing problems as a result of decreases in provision, including the close of residential accommodation and hostels that largely catered for young people on remand and an inability to retain foster carers. In most cases cited, there were no plans to redirect resources to develop alternatives or to replace carers.

### **Relationships with social services**

There were noted to be tensions in the relationships between YOTs and social services, which are responsible for finding placements for young people who have been remanded to local authority accommodation. While social services are one of the key stakeholders in YOTs, the development of YOTs as a separate entity had created a lack of clarity in some instances with regard to roles and responsibilities. As a result, there was a perception in some instances that social services were not meeting their statutory obligations in respect of finding accommodation for young people, were unresponsive and the process of accessing placements was unnecessarily complex and bureaucratic. In some instances, social services would not take responsibility for accommodation once the YOT was involved with the young person and there was a reluctance to assign places for young people referred by schemes, as this required the allocation of a social worker.

Other observations related to the lack of accommodation, generally, in that there were difficulties in gaining access to local authority accommodation due to the usage of placements by social services for children with welfare needs and that fact that demand generally outweighs supply:

*I think that if we had more remand fostering it would be easier for both social services and us. Its classic stuff – you are waiting at 7’oclock at night for social services to find accommodation and you are often getting to brinkmanship really. If we get bail supervision and we have got no accommodation, we have to find somewhere. Accommodation has always been a source of contention even with the old youth justice team and social services.*

However, there were also indications that YOTs and social services recognised the need to clarify their roles and responsibilities with regard to accommodation issues and to develop protocols, procedures and service -level agreements to improve the level of service provided to young people.

*One major problem was the lack of suitable accommodation. To help resolve differences, the YOT and social services held regular discussions on how to alleviate the problem and work to a local protocol. The YOT notifies social services at the earliest opportunity if an identified risk suggests that accommodation will be a problem, or if it is felt the court are likely to remand to the care of the local authority and everyone tries to ensure the situation is resolved before the court sessions begins.*

User feedback from social workers identified that they had limited knowledge of the role and function of YOTs and were unaware of the aims of Bail Supervision and Support. Despite the criticism, there was recognition that social services teams were overstretched, and that there were difficulties in finding appropriate accommodation for all children designated as in need.

### **What schemes proposed to do**

In total, 41% of YJB-funded schemes stated they intended to address accommodation issues as part of remand management activity undertaken through the Bail Supervision and Support grants. This broadly centred on developing remand foster care provision for those under 16 years of age and developing accommodation options for those aged 16 years or over. Where these aims were stated, they can be broken down into improving/developing foster care provision (43%), developing supported lodgings (18%), generally improving accommodation provision (14%), providing training and support to carers (19%), providing additional support to young people (4%) and providing advice on housing and accommodation matters (2%).

In order to develop remand fostering provision, schemes identified they needed to recruit, train and support a designated number of foster carers either through the appointment of a specialist worker or by bail workers working with social services. This included developing suitable fostering placements, facilitating access to placements, working with social services to provide additional support and training to carers on methods of working with young people who offend and remand management issues, providing an active co-ordinating role to ensure that young people's needs were met while in placement and providing support to young people in remand foster placements.

Other objectives were to expand accommodation provision generally by developing, improving and expanding housing opportunities in the private and public sector, by accessing existing provision or by developing ringfenced provision. The primary focus was to develop accommodation with housing associations and other accommodation providers for 16 and 17-year-olds, mainly in the form of supported lodgings. In some instances, this would involve bail workers facilitating access to existing accommodation provision and supporting accommodation providers, once young people were placed. Other accommodation initiatives included strengthening the advice and assistance offered to young people on housing matters.

## ***What happened in practice***

Lack of available and suitable accommodation remains an ongoing issue and the problems highlighted here largely remain. Finding accommodation for young people on bail is an intensive process as it takes time to investigate and to negotiate a placement generally at the point of crisis. Social services placements teams have little or no accommodation available and as a result schemes considered that the recruitment of carers was a necessity. Access to accommodation for those aged over 15 years was also a problem and developing supported lodgings for this age group remains a priority.

Despite the difficulties, a number of schemes reported having made some progress. Action taken may not have alleviated local problems but indicated that there was serious intent to address the issue.

### **Remand fostering**

Overall, the recruitment of remand foster carers was reported to have been problematic. Schemes that attempted to recruit carers indicated there was a lack of suitable candidates and a generally low response rate. In several areas, this led to more than one attempt to recruit, which was not always successful. In a number of instances, this delayed or prevented the implementation of the scheme fully or in part. Additionally, the length of time taken to approve a carer, in undergoing the necessary assessments, home visits and panels was protracted and estimated to take a minimum of three months. The time and effort spent in establishing a base of carers was at times in conflict with time-limited funding. Some schemes also experienced problems in recruiting specialist staff to recruit, train and support foster carers resulting in a reorganisation of services and a review of objectives.

Despite the difficulties in recruiting remand foster carers, a number of schemes had been successful in doing so and had plans to continue to pursue this course of action. Those schemes that developed successful remand fostering schemes included the London Borough of Newham in conjunction with NCH, which developed remand fostering and bail lodgings for young people aged 10 to 17. Wessex YOT also developed access to foster care provision through a partnership with NCH. Surrey YOT had two remand fostering beds, which ran with a high degree of occupancy. The scheme reported that during placements young people gained stability, almost all refrained from offending and all had avoided a custodial remand at court hearings. The carers have subsequently been absorbed into social services provision.

YOTs took a number of approaches to the issue of providing remand foster care, for many areas these issues remain under debate; however, it is felt useful briefly to describe them here. One approach was to use private fostering organisations and either spot purchase beds on a needs basis or to have a service-level agreement and pay a retainer to maintain access to provision.

Alternatively, YOTs could access remand foster care provision from within the wider pool of social services carers. However, this would mean that if beds were not occupied (by young people from the YOT) and were released, they might not be available if a young person needed accommodation. Some schemes took the view that they needed to negotiate with social services to ensure that a bed was always available.

The preferred option for many schemes was to develop remand foster care that was ringfenced to the YOT. Where this had been the case a small number of schemes (n=4) had problems relating to underuse and were not able to retain the carers and sustain provision. If ringfenced provision is to be pursued, it needs to be based on a detailed analysis of need that clearly demonstrates viability to warrant the resources that will be required to recruit, train and support carers.

#### **Other accommodation provision**

YOTs made strenuous efforts to improve accommodation provision. This section highlights a number of the developments that were undertaken. This is not an exhaustive list, but is intended to indicate what was occurring at the time the final local evaluation reports were being produced in 2002.

Coventry YOT made links with a Barnardo's scheme, in order to provide a remand fostering service, offering two beds for up to 28 days at a time. The YOT developed relations with the Coventry Cyrennians, a new foyer was to be established in the area and the local authority made a bed available in one of the children's home for PACE transfers as a priority and other young people on bail and remand if vacant.

Birmingham YOT had access to Kingsmere Residential Remand Unit, an eight-bed unit for young men aged 13 to 17 years of age for those remanded to local authority accommodation. Information from the final local evaluation report indicated that in the 22 months the unit had been operating 133 places had been made available to young men on remand and 10 places under PACE. From the limited information available, the indications were that following the opening of the unit in March 2000, the number of remands (custodial and secure) and the length of time young people spent on remand had gone down.

The Hertfordshire scheme developed hostel and foster care provision. The support offered by these providers was a core feature of their Bail Supervision and Support programmes. The scheme also tried to secure two additional beds for homeless young people, in response to concerns that they were being placed in unsuitable environments without the support of the YOT. It was also aiming to secure a place in a YMCA for those with substance misuse problems, with support from the community drug and alcohol team. The possibility of extending remand foster care provision was also being explored.

Northamptonshire had access to a two-bedroom house, which was available for use by the bail supervision scheme. This was intended for periods of up to one week for each young person as a crisis placement. The aim was to achieve 10 months' occupancy annually; however, in 2000–2001, it was exceeded due to demand and social services experiencing difficulties in being able to move young people on to alternative accommodation after what had originally been anticipated as a week-long placement. As a result, young people remained in this accommodation for longer than was planned.



The Wakefield scheme worked with Foundation Housing and the local authority to develop a range of accommodation provision. A housing support worker was seconded from Foundation Housing and was given the task of finding suitable accommodation providers and developing accommodation policies and procedures for the scheme. The scheme developed seven beds for use at any one time. Enhanced payments were agreed as an incentive to landlords through the housing benefit office; a bond scheme was developed with additional YJB funding to offer landlords reassurance when accepting a placement and to provide compensation for any damage caused. Young people placed in rented accommodation were provided with a food starter pack.

Other activity involved developing partnerships with housing associations such as Stonham or other local accommodation providers such as the YMCA, which could provide placements in hostels and other forms of supervised and supported accommodation for those able to live independently. Other initiatives included developing emergency placements, which could be for a night or two, which would provide an immediate placement in time of crisis. Other actions included improving the provision of housing advice and links to housing departments and the benefits agency and focusing on family support to avoid a breakdown in living arrangements where young people might be considered vulnerable. Working groups were established to look at accommodation issues in line with YOT's overall needs and workers attended housing meetings with relevant agencies that were concerned with housing and homelessness to flag up problems and the needs of young people who offend.

#### **Accommodation officers**

The YJB set the requirement that YOTs appoint a designated accommodation officer.<sup>36</sup> Whether it is significant or not at this stage it is of note that this activity had in some instances been combined with the role of bail workers. Whether it was an appropriate choice for two equally demanding activities to be combined in one role remains to be seen, particularly as the accommodation remit within the YOT relates to all young people and not just those within the pre-trial process. While there is some merit in those with a direct knowledge of the issues undertaking this role, it may not be a strategic enough appointment to make a difference to the development of additional resources.

Feedback from schemes indicated that the role of the accommodation officer included undertaking the following tasks:

- forming an accommodation strategy for the YOT to identify how the needs of young people would be met
- setting up accommodation related task forces and working groups with relevant agencies
- undertaking mapping exercises to identify the extent of local provision and any gaps to improve knowledge of and access to local resources
- producing directories of providers that detailed referral procedures, terms and conditions of placement and information required when making a referral from the YOT

<sup>36</sup> Advice Note on Accommodation for Vulnerable Young People (February 2001)YJB

- developing service-level agreements with voluntary sector and private providers in order that accommodation can be accessed quickly when needed (some have allocation and admission policies which means that access may not always be immediate) and to encourage them to take referrals from the YOT
- developing protocols and working arrangements with social services (teams that have a responsibility for placing and supporting young people in accommodation) and local authorities (housing departments) so that there is clarity around strategic and operational arrangements and the use of resources
- eliciting views from young people about their experiences in different forms of accommodation.

One area (Middle England) appointed an accommodation officer with the remit of researching the needs of 16- and 17-year-olds, which involved exploring existing provision, developing proposals based on the research and implementing them. This scheme provided the only example of where in-depth analysis had been undertaken to establish the true level of local need. The analysis would comprise of a statistical analysis of the accommodation needs of young people, based on a review of case files and remand cases. It would include semi-structured interviews with young people, YOT managers and bail workers; negotiation and discussion with accommodation providers, housing and homelessness officers and probation service accommodation providers. This also included researching voluntary and statutory sector partners to identify provision and best practice and analysing legislative requirements and policy developments such as the Supporting People initiative to identify its role in relation to young people. The aim of this work was to develop accommodation strategy and accommodation directories for each of the YOTs in the consortium.

The research undertaken by the University of Hull (mentioned at the start of this section) identified that there was a potential link between the numbers of young people remanded into custody and whether YOTs had a dedicated accommodation officer, an accommodation strategy and/or had received funding to deal specifically with accommodation issues. Those areas that had all three components in place were less likely to have young people remanded into custody due to a lack of accommodation provision.

With reference to specific funding, it should be noted that additional YJB funding was made available to YOTs in 2001 as part of the small bids for voluntary organisations. Grants were available for a three-year period to March 2004. One of the objectives was to fund projects that would increase the availability of foster care, lodgings or hostel accommodation, specifically for young people on remand among others. Thirty-five schemes received funding.



### ***Main issues for policy and practice***

- The lack of available and suitable accommodation for young people remains a significant concern. Social services have little or no accommodation available and what exists is very difficult to access. YOTs need a range of accommodation to be available, which should ideally comprise access to remand foster care provision that is ringfenced to the YOT. In addition, supported lodgings are needed for those aged 16 and 17 years of age. The development of any provision should be based on a comprehensive assessment of need.
- YOTs need to develop accommodation strategies, which can be clearly linked to the role and function of the accommodation officer. The relationship between the numbers of young people remanded into custody, the presence or otherwise of an accommodation officer, the existence of an accommodation strategy and the availability and use of any funding requires further research in order to identify if and to what extent they impact on the remand population and to contribute to the development of effective practice in this area.

## Part Six: Activity undertaken

### Introduction

This section describes the activity that was undertaken by schemes in working with young people. The information reported comes from the data provided in the statistical monitoring of schemes (referred to as monitored activity) undertaken between April 2000 and March 2002 and is supplemented with findings from the local evaluation reports that were submitted over the three-year funding period. Prior to examining the activity that was undertaken it is important to consider a number of factors that were contextually important and impacted on the environment in which schemes were operating.

### Youth Justice Plans and national targets

The YJB set targets in respect of the use of Bail Supervision and Support, remands to local authority accommodation, court ordered secure remands and remands in custody. YOTs have to reduce the use of remands to secure facilities to 30% of the total remand episodes involving a YOT intervention by 2004/5.

Progress in respect of these objectives must be commented on in the annual youth justice plan and YOTs are required to submit quarterly returns to enable individual and overall performance to be measured against targets, gaps in provision to be highlighted and difficulties which have affected the delivery of services to be explained. *National Standards* for Youth Justice set the minimum requirements for YOTs in terms of service delivery in meeting these aims (see below).

### Bail Asset

The YJB commissioned Oxford University's Centre for Criminological Research to develop an assessment tool for specific use with young people, to ensure that YOTs had a consistent and objective means of assessing individuals to assist in the targeting and planning of interventions and to ensure that the risk factors associated with offending are identified and addressed. This became known as the core assessment (*Asset*).

A specific version (bail *Asset*) was developed for use in the court setting to assist practitioners to undertake risk and need assessments to identify whether pre-trial interventions were necessary to avoid a custodial remand. The YJB identified that bail *Asset* is to be used "when a young person is at risk of having bail denied",<sup>37</sup> to establish whether Bail Supervision and Support is an appropriate consideration, to assist in making credible proposals to courts and to identify which factors might need to be addressed in a programme of intervention. Bail *Asset* provides a framework for gathering and recording information relevant to the bail decision and was issued to YOTs in April 2000.

<sup>37</sup> *Asset* Disk: Letter from Ruth Allen. Senior Policy Advisor to YOT Managers, 17 March 2000

## National Standards for Youth Justice

It emerged from the first national evaluation report that the YJB had funded a diversity of schemes<sup>38</sup> and had encouraged the development of practice tailored to local needs; as a result, a number of different styles and methods of working had emerged. In view of these findings, the YJB identified that there was a need to develop a framework for service delivery and to clarify the expectations of the service, to enable schemes to meet the national objectives and to provide clarity around issues such as programme content and enforcement and breach. The YJB introduced *National Standards for Bail Supervision and Support* in May 2001.<sup>39</sup> Nacro Cymru was commissioned to produce practice guidance<sup>40</sup> to describe how the process should work in practice and to assist YOTs to be able to meet fully *National Standards* by April 2004. The guidance was well received and user feedback suggested that the standards raised the profile of Bail Supervision and Support and its importance within YOTs. However, feedback indicated that it would have been useful at the implementation stage rather than half way through the funding period.

*The bail support guidance would have been helpful at the development stage, as would information about operational structures, services provided by YOTs, the voluntary sector and some of the implications for implementation.*

The Bail Supervision and Support standards were incorporated into the 2004 version of the *National Standards for Youth Justice*.

## Effective practice

The YJB has identified the development of effective practice as a key component of improving youth justice services and providing appropriate responses to young people. In November 2002, the key elements of effective practice in remand management were launched as part of an initial series of 10 guides covering different areas of the youth justice process. They are supported by a source document detailing key research findings.<sup>41</sup> Guidance and key indicators of quality were identified for Bail Supervision and Support. To date, the YJB has not examined remand management as part of the quality assurance process introduced to monitor the extent to which YOTs have adopted effective practice.

<sup>38</sup> Bail Support Policy and Dissemination Unit (2000b) *First Evaluation Report: Evaluation of Projects Funded Under the YJB: Bail Support and Supervision Grants*. Swansea: Nacro Cymru.

<sup>39</sup> *National Standards for Youth Justice* (April 2000) made brief reference to the fact that YOTs should provide bail supervision and support (section 6.3.1); however, these later standards provided a fully comprehensive outline of the services that YOTs should provide.

<sup>40</sup> Thomas, S. and Goldman, M. (2001) *A Guide to the Standards for bail supervision and support Schemes*. Bail Support Policy and Dissemination Unit, Swansea: Nacro Cymru.

<sup>41</sup> These documents are available from [www.youth-justice-board.gov.uk](http://www.youth-justice-board.gov.uk).

### **Monitored activity**

This section reports on the activity undertaken by schemes between April 2000 and March 2002, from the monitoring data submitted by schemes. Information has been collated and analysed from a total of 864 returns, containing 11,393 individual records of young people referred to or in receipt of services.<sup>42</sup> The following table contains the key data that has been used in analysing progress:

<b>Monitoring period</b>	<b>Number of referrals</b>	<b>Number accepted by Scheme</b>	<b>Number accepted by Court</b>	<b>Number of completed programmes</b>	<b>Number reoffending</b>
<b>April to June 2000</b>	1,280	853	591	503	146
<b>July to Sept 2000</b>	1,465	911	591	503	132
<b>Oct to Dec 2000</b>	1,548	902	595	486	108
<b>Jan to March 2001</b>	1,656	958	643	519	112
<b>April to June 2001</b>	1,641	946	626	468	119
<b>July to Sept 2001</b>	1,484	838	601	420	97
<b>Oct to Dec 2001</b>	1,349	762	586	369	69
<b>Jan to March 2002</b>	970	492	334	159	34
<b>Total</b>	<b>11,393</b>	<b>6,662</b>	<b>4,567</b>	<b>3,427</b>	<b>817</b>

Of the monitoring data sets requested, 96% were returned. All schemes provided information between the period April 2000 and March 2001; however, there was a noticeable fall in the data received between October 2001 and March 2002. This was mainly due to the funding period nearing its end (March 2002) and in some instances less priority being placed on submitting the required information than had previously been the case.

<sup>42</sup> It should be noted that eight of the schemes funded by the YJB were not funded primarily to provide bail supervision and support, as a result they did not submit returns to the Bail Unit, although did include data in the local evaluation reports.

### **Quality of data submitted**

The quality and completeness of data provided by schemes varied considerably for a number of reasons. Staffing issues affected how comprehensively information was completed, there were gaps in some services when information was not provided and when staff changed – those newly taking over these responsibilities did not always provide the information requested. The instructions provided for data returns<sup>43</sup> were not followed in all cases and some schemes experienced technical difficulties with the Social Software system. As a result, not all the records provided by schemes had been systematically completed or were reliable and judgements have had to be made when discrepancies have occurred. Information is presented as percentages to overcome any difficulties with the data and has been rounded in the tables. Where there are concerns about the outcomes that might affect the conclusions, it is noted in the text.

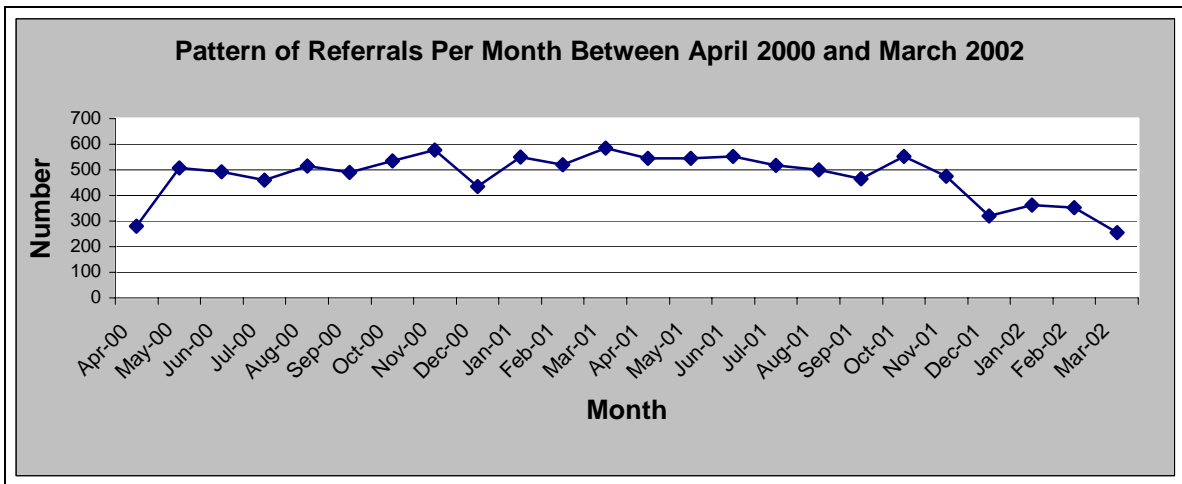
Despite attempts to encourage consistent and standardised data collection, there was variability due to the method of counting referrals differing from scheme to scheme. Some provided monitoring data on all young people seen by the scheme irrespective of whether there was a risk of bail being denied, whereas others provided information on the specific group of young people they were targeting. These combined factors make it difficult to make comparisons between schemes, so the information has been analysed as an overview of overall activity undertaken.

### **Overview of data**

The following chart shows the pattern of referrals over the two-year period. This is the total population of young people that schemes reported came under consideration for a Bail Supervision and Support programme. In April 2000, three-quarters of the schemes funded by the YJB were fully operational. The remaining schemes became operational at various times over the following months, which in part accounts for increases in referrals between April and November 2000. The drop in referrals in December 2000 appears to be a seasonal variation.

The number of referrals to bail schemes averaged 475 young people per month, peaking in March 2001 at 586 with March 2002 being the lowest recorded at 255. There was a significant fall in the number reported from October 2001 onwards which coincided with the start of the implementation of exit strategies previously mentioned.

<sup>43</sup> All schemes were provided with information to assist them to provide the data returns. This was in the form of written guidance produced by Nacro Cymru and Social Software (*Bail Support Information System*) and a series of visits were also undertaken to provide one to one assistance where it had been requested.



Of the returns analysed, there were big differences in the volume of young people that schemes dealt with. These variations were due to scheme size, with geographical areas ranging from densely populated urban areas to sparsely populated rural areas. Just under a fifth of schemes had fewer than 10 referrals per month; in the main these were London boroughs and large rural areas with small populations. Correspondingly, those with referral levels of over 200 (12%) were mainly large urban areas with high concentrations of population.

### Targeting

The principle aim of Bail Supervision and Support is to respond to objections to bail expressed by police, courts and Crown Prosecution Service. This is achieved by providing bail information, undertaking an assessment of the young person and providing planned and targeted programmes to offer the court credible and realistic options when determining what the remand status of the young person should be. The target groups for Bail Supervision and Support were:

#### Those at risk of custody

These were mainly young people aged between 15 and 17 years of age who, because of the seriousness or persistence of their offending, troubled backgrounds and problems with accommodation were at serious risk of being remanded into custody without intervention or support. Schemes also targeted young people aged 12 to 16 who were at risk of a court ordered secure remand. Those with a history of persistently offending on bail and/or a history of failing to appear could also be targeted:

*Persistent offenders were particularly appreciative and receptive when the workers supported their bail, as these young people were often the most fearful and at risk of] of custody.*

(Practitioner)

*The young people that are becoming persistent young offenders who have had their conditional discharges and Supervision Orders and they still have not stopped offending. What we have been able to do is to make sure that these young people have support.*

(Practitioner)

In all cases, the aim was to divert the young person from custody without endangering public safety. Assessments would take into account the seriousness of offence and likelihood of offending and would seek to identify if constructive support could be offered in the community to minimise the risks of reoffending and to maximise the likelihood of attendance at court.

### **Remand to local authority accommodation**

Schemes identified the need to reduce the number of young people remanded to local authority accommodation by offering a Bail Supervision and Support package as an alternative.

### **In custody**

If bail was refused and the young person was remanded into a secure facility, their situation and circumstances should be re-examined prior to the next court appearance to establish if a bail package could be put forward or whether an application to a judge in chambers could be considered. This is known as a remand review. This was also intended to comprise part of the activity undertaken in some areas.

### **Preventive work**

A number of schemes targeted young people requiring additional voluntary support on conditional or unconditional bail, where there were specific problems such as with accommodation or difficulties in getting to court.

### **Targeting generally**

Schemes also commented on the factors that they took into account in targeting, notably that the young person must reside in the area and have a suitable bail address. Other considerations were based on whether the young person was likely to comply with the conditions laid down by the scheme and the court and whether a programme could be put in place to protect the public adequately. The risk had to be assessed as manageable – for example, the young person was deemed suitable, following a risk assessment of harm to self, public and practitioners. The seriousness of the offence was taken into account as were the individual circumstances to identify whether a bail programme would prevent offending or non-attendance.

When asked about their motivation for agreeing to participate in a Bail Supervision and Support programme, the main reasons stated by young people were to avoid a custodial remand, wanting help to stop offending and needing someone to talk to:

*The best thing was getting out of custody and getting a bit of freedom.*

*I've been in prison four times. And the fourth time, that's enough; keep my nose clean. You can't really say bail support will keep you out of trouble 'cause it's down to the person who gets in trouble. They're trying to do what they can to help you. They give you support, and that's all they can do. It's up to the person if they want to reoffend.*

*Thank you for keeping me out of prison.*

A number of young people indicated that they would have liked some sort of help or intervention at an earlier stage, recognising the seriousness of their situation; however, they also accepted that they might not have been receptive to it:

*Back in those times, I shouldn't have been on bail. I should have been sent straight to prison. I would have then learnt from my mistakes and things wouldn't have snowballed.*

### **The referral process**

Before describing how the referral process worked, it is worth noting that a significant number of schemes had a lower-than-anticipated level of referrals, due in some instances to the targets stated in the bids to the YJB being overestimated, which left them over-resourced for the level of throughput they were experiencing (see comments in Part One on lack of good-quality baseline data). Managing remands is problematic in terms of workload demands as the system is prone to peaks and troughs of activity. The indications are that the level of referrals can increase as schemes become established and court users become confident in it as an option; however, the unpredictable demands of the system pose problems for YOTs in maintaining an adequate level of service when there are down and up turns.

The level of referrals and uptake of services in courts may be slow to begin with for a number of reasons.

- It takes time to develop the courts confidence in (new) alternatives to custody.
- Changes in government policy and new legislation may be at odds with the objectives of the service.
- High-profile local cases may affect the courts attitude in being more or less willing to grant bail and therefore affect the take up of services.
- The method, degree and extent of promotion can also be an influence.
- There is no guarantee that a service that is starting from a basis of little or no activity will develop an appropriate level of referrals, within a defined timescale.

A number of schemes reported ongoing problems with a low level of referrals, some of which were permanent and others more temporary. These were attributed to:

- problems between partners (notably lack of clarity in terms of who to target and how)
- lack of understanding among referrers
- lack of promotion
- incorrect estimates of the likely workload
- local fluctuations in crime rates and therefore remands
- incorrect targeting of young people (notably resulting in those not being at risk of a remand being targeted)



- courts having a strong custodial culture – for example, the presence of a district judge could set a more punitive tone for the bench, making it less receptive to considering alternatives
- courts not accepting or knowing about Bail Supervision and Support, therefore having no confidence or interest in it
- lack of presence in court
- lack of accurate monitoring on which to base services:

*We have got a good scheme. We have got a lot of people on board with different skills. We have got a lot of places to tap into, it is far ranging. But at times we are not getting enough referrals.*

*The number of referrals has been a bit lower than I would have ideally liked, but we have compensated for that by offering additional [voluntary] bail support – we are also developing stuff around failure to surrender...It's a big issue for local courts.*

Other factors that may have had an impact on the level of referrals included the provision of bail information, which assists courts in making faster and more appropriate and informed decisions as a more complete picture is available of the young person's situation and circumstances which would result in some young people being bailed rather than remanded. The quicker scheduling of cases, increased sentencing at the first court appearance (due to bail information, specific sentence reports and stand down reports) and the impact of sentencing prolific or persistent offenders to custody (thereby taking them out of circulation) may have reduced the need for Bail Supervision and Support.

Schemes responded to a lower than anticipated level of referrals in a number of different ways:

- redeploying staff to other duties
- undertaking additional more focused promotion
- widening the target group to offer voluntary bail support
- reviewing working practices to focus referrals more sharply
- scaling-down resources.

This reinforces the point made earlier in this report that feasibility studies need to be properly undertaken in order to be able to identify the true level of need for a particular service, the importance of engaging stakeholders not just in the establishment phase of a new service, but in ongoing promotion and liaison to ensure that it operates as intended (see Part Three, implementation and development issues).

## **The referral process**

Information about young people who might be at risk of a custodial remand comes from a variety of sources, notably:

- the police
- courts – either the youth court or special courts or from courts outside the area where the young person is appearing
- contact with the YOT
- remand review – where changes in circumstances or new information might promote a (further) bail application for those remanded in custody.

Although the Bail Supervision and Support service is essentially court based, police custody is the primary referral route. One of the key issues for bail workers is to identify young people who have been detained overnight by the police, to be produced in court the next day. These young people are the target group for Bail Supervision and Support as they have already been held in custody and may be assessed by the court as requiring further pre-trial detention and are therefore at risk of a custodial remand. For non-youth court appearances, it is essential to obtain pre-court information from the police, as YOT workers are not routinely present in magistrates' courts and need to be aware of those who are likely to be denied bail.

One of the other reasons for liaison at this stage is to be able to gather as much information as early as possible in order to conduct preliminary research into the young person's background and circumstances prior to attending court.

Where the referral process worked well, there was systematic daily checking to ensure that the scheme was aware of all young people likely to appear in court. The evidence suggests that the majority of schemes put arrangements in place to ensure they obtained information from the police, the most common being telephoning custody suites in the area at an agreed time in the morning to obtain the details of any young people arrested the previous day and held overnight for production in court. Some schemes also rang custody suites to check on appearances in the afternoon courts. In other instances, it was agreed that the police would fax young people's details to the YOT; however this approach is highly dependent on all custody officers being aware and fully conversant with this requirement.

## **In court**

The other main source of referrals is in the court setting and this forms part of a defined procedure as it essentially locates Bail Supervision and Support in the legislative process. Information about young people will be received from court officers, who will identify if a young person is at risk of a remand in custody or from solicitors, the Crown Prosecution Service (where they indicate they will be objecting to the granting of bail under the Bail Act 1976) and by checking with prison escort companies such as Premier or Group 4 to establish if young people are in the court cells.

In court bail workers essentially act as brokers by:

- receiving information about young people
- conducting their own assessments

- analysing information gathered about the young person
- conducting enquiries (for example into the availability of accommodation and home circumstances) and verifying information from relevant sources
- discussing the findings with the defence solicitor and Crown Prosecution Service to establish whether a Bail Supervision and Support package can be put forward to the court.

One of the key activities is to establish if the Crown Prosecution Service (CPS) intend to oppose bail. Schemes reported that if they do not establish this at the outset that a considerable amount of time can be spent waiting for the case to be heard where the decision might be not to deny bail or by interviewing and assessing young people who are not at risk of a remand in custody. There were schemes that identified the young person first and then consulted – however, this was generally more time consuming in that the young person also needed to be seen for a more in-depth assessment once the position had been established with the Crown Prosecution Service and the defence solicitor. The most effective approach is early consultation, which can be achieved by establishing an agreement that meetings will take place before the court starts (for example at 9.30 am) to discuss the cases where there are likely objections to bail:

*If the CPS say that they are making an application for a remand in custody, a three-way conversation takes place where we explore all the avenues of bail conditions with the CPS and solicitor. That is why I go down to court first thing in the morning, so that if at all possible we can get an agreement on bail conditions, telling both parties what resources are available. The only ones that we do packages for are the ones where there is an understanding that the CPS will be making an application for custody.*

Lack of negotiation and clearly defined procedures may signal to court users that the aim of the scheme is unclear and it is possible that young people who should be assessed will be missed.

#### **Sources of referrals to schemes**

The evidence from the monitored activity suggests that schemes were taking referrals from a range of sources. The table below illustrates that in 67% of cases YOT workers (YOT members, bail workers, court officers and bail information officers) targeted young people and generated referrals to schemes.<sup>44</sup>

<sup>44</sup> These figures remained constant over the two-year monitoring period.

The presence of workers in court who were knowledgeable and promoted the scheme were essential to the referral process and workers who operated in the court setting were highly significant in this respect, accounting for a third of referrals overall. The way in which schemes worked also influenced the referral process for example in some areas bail workers attended all court appearances – in others, court duty officers either identified those at risk of a remand and contacted bail workers or conducted assessments themselves. The most important factor appears to be that there is a worker with specialist knowledge and expertise present in court who can provide access to services.

<b>Referral source (n=11,393)</b>	<b>Average%</b>
<b>Bail worker</b>	31
<b>YOT worker</b>	16
<b>Court officer</b>	18
<b>Police officer</b>	15
<b>Magistrates</b>	6
<b>Defence solicitor</b>	3
<b>Bail information officer</b>	2
<b>Other</b>	10

YOT workers identified young people in a number of different ways – for example, through Appropriate Adult services, contacting the police to obtain information about young people denied police bail, by referrals from YOT colleagues (in team meetings) who were aware of young people due to appear in court who might require assistance; examining court listings the day before the following days hearings and checking morning and afternoon court listings.

#### **Referral location**

The monitoring data indicated that 93% of young people who were referred to a Bail Supervision and Support scheme were either from the police station or court and the YOT referred 6%. In 1% of cases the source was not recorded. Of young people, 52% were appearing in the youth court when referred and 25% were either from magistrates or special courts. This suggests that young people referred were typically those pleading not guilty (in the youth court), or had a complex case or were appearing in an adult court.

Of young people, 15% were referred from the police station and would have been referred for voluntary bail support, as would the 6% referred by the YOT. These were generally young people already being supervised about whom the YOT had specific concerns – for example, not complying with bail conditions or having difficulty in attending court. Only a very small percentage of young people (2%) were referred from the Crown Court and are likely to have been referred as a result of the severity of the offence or as a result of an application to a judge in chambers following a remand in custody, which is an appeal against a refusal of bail.

Of young people, 70% referred were appearing in courts in their home area, 7% were appearing in courts out of area; 15% were referred from police stations in their home area and 0.2% from police stations outside the area.

A number of YOTs dealt with significant influxes of young people from other areas due to the fact that they are holiday resorts and London boroughs also reported that they regularly dealt with young people from neighbouring areas. These schemes indicated that dealing with cross-boundary arrangements could be problematic if there were poor communication with the home YOT. Common problems were the home YOT not being aware of a young person appearing in an out-of-area court (problems tended to occur when courts were not routinely covered) and workers conducting assessments being unable to access information (particularly around risk and vulnerability) and agree bail packages. Failure to be able to do this could leave a young person vulnerable to a remand. Other difficulties related to the role of the local authority particularly when they were unwilling to find placements or offer support to young people deemed to live elsewhere:

*It's down to individuals within authorities: managers making decisions – and I know throughout the country each manager has their budget crises and they have to make hard decisions but that does not help a child in custody here.*

There appears to be a general need to improve the reciprocity of arrangements to ensure that the home YOT is informed and is able to provide the necessary information to ensure that a bail package is put forward. Where some of these problems had been overcome, it was as a result of building up relationships over some time, which were supported by relevant procedure and protocols. Such local arrangements specified whom to contact in neighbouring YOTs with regard to representation in court and the exchange of information.

### **Profile of young people**

This section identifies the age, gender, ethnicity, current offence, previous disposal and previous remand status of the young people referred to Bail Supervision and Support schemes. In a number of instances, this has been compared to young people accepted onto a programme by the courts to identify if there were any significant differences in the populations offered services and those not and to identify any significant issues in relation to the target population.

#### **Age and gender**

The proportion of males and females being referred to schemes remained constant over the two-year period, with on average 89% of referrals being male and 11% being female. The distribution of young people increased by significant proportions, with age. Under 1% of the population referred were below the age of 12, 4% were aged 13 years, 10% aged 14 years, 19% aged 15 years, 28% 16 years and 37% aged 17 years.

When comparing age and gender, there were no significant differences between the numbers of 10 to 13-year-olds being referred to schemes; however, there was a slightly higher percentage of females (12%) compared to males (10%) at 14 years of age. There was some variation between 15- and 16-year-olds with marginally more males (54%) than females (47%). Just over a third of referrals were males and females aged 17 year of age. Seventeen-year-old males made up the biggest group of young people, at 32%.

## Ethnicity

The ethnicity data are based on the *Census 2000* categories as used by the YJB, which were reclassified in 2001. The ethnicity profiles of young people referred to schemes were compared to the populations accepted by a scheme as suitable for a programme and those subsequently accepted on a programme by the court.

Ethnicity	% Of referrals (n=11,393)	% Of Acceptance by scheme (n=6662)	% Of Acceptance by court (n=4567)
White	79	77	81
Mixed	7	8	6
Asian or Asian British	3	3	3
Black or Black British	9	10	8
Chinese or other ethnic group or other	3	2	2

The figures suggest that those referred to Bail Supervision and Support have an equal chance of being accepted on programmes. There does however continue to be evidence to suggest that Black and mixed-race young people are disproportionately represented in the populations of young people who are securely remanded,<sup>45</sup> although this has not been explicitly examined in this report.

## Current offence

This table compares the most serious offence for which young people were appearing in court for, at the point they were referred to a scheme, with the group of young people who were accepted onto a programme by the court. The distribution of offences at the points of referral and acceptance are very similar. As a single variable, there do not appear to be any types of offences that specifically exclude young people from being placed on a Bail Supervision and Support programme.

<sup>45</sup> Audit Commission (2004) *Youth Justice 2004 A Review of the Reformed Youth Justice System*. London: Audit Commission.

Current offence (by category)	% At referral (n=11,393)	% Accepted by court (n=4,567)
<b>Burglary</b>	18	20
<b>Violence</b>	15	14
<b>Theft/Handling</b>	13	14
<b>Robbery</b>	13	13
<b>Vehicle theft</b>	12	12
<b>Arson/Criminal damage</b>	5	6
<b>Public order</b>	5	5
<b>Breach</b>	4	3
<b>Other</b>	4	5
<b>Breach of other bail conditions</b>	3	3
<b>Sexual</b>	2	2
<b>Drugs</b>	2	2

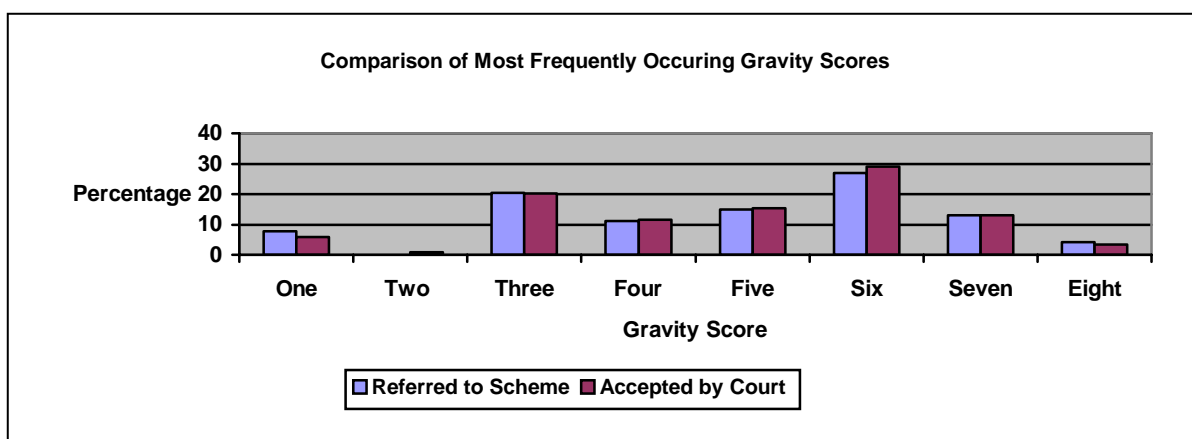
The offence type that appears with the greatest frequency in the referral and court acceptance populations is burglary. The other most frequently occurring offence types for those accepted onto a programme are violence, theft/handling, robbery and vehicle theft. Offences that appear only rarely (less than 1% of referrals) are driving/death injury, racially aggravated offences and fraud forgery.

It should be noted that a breach of bail is not an offence within itself, however it can increase the risk of a remand in custody. Information was not requested or provided by schemes about the nature and seriousness of the offence that resulted in the breach.

### **Seriousness of the offence**

The nature of the offence alone is not significant in determining whether a court will accept or reject a young person for a bail programme, the level of seriousness also needs to be examined. The YJB have classified each offence with a gravity score to indicate the level of seriousness – the least serious have been ranked 1 and the most serious 8.

The chart shows that there is a very similar distribution of the gravity of offences at the referral and acceptance at court stages. Those that appear with the most frequency are offences with gravity scores of 6 (just under a third); these are commonly domestic burglary and robbery, and gravity score 3 (a fifth of cases), which generally relate in this context to theft/handling.



### Overall level of seriousness

The monitoring information has been analysed to identify whether the offences for which young people were referred to bail supervision and schemes and accepted by the court increased in seriousness over time as working methods developed and relationships with courts become established. A number of schemes commented on the incremental development of targeting and the importance of establishing credibility with the courts. In some instances, this was achieved by offering support in cases not considered high risk in order to build a credible reputation with magistrates and other court users. Once confidence became established, more serious offenders were targeted for whom the courts would feel on the basis of previous cases that the requisite level of support would be put in place without placing the public at risk.

The evidence suggests that there was a high degree of correlation between the gravity score at the referral stage (averaging 4.7) and the acceptance by court stage (averaging 4.8). This may be explained by the fact that those young people at the lower end of the scale that received unconditional or conditional bail (without Bail Supervision and Support) and those at the higher end of the scale who may have been remanded in custody caused the average to flatten out.

The analysis indicates that there was no increase in the overall level of seriousness of offences in the populations referred to schemes and accepted by courts over the monitoring period. This might indicate that more serious and high-risk offenders were either not assessed as suitable by the scheme or accepted by the court if a package was put forward. This means that some of those placed on schemes may not therefore have been at high risk of having bail denied.

If this is the case, the reasons are difficult to establish firmly without further analysis; however, the ability of workers to assess risk effectively, the availability of intensive and specialist support to effectively manage young people in the community and the degree of promotion and liaison with court users to increase awareness and to consider community alternatives are all likely to be influencing factors.



### Previous most serious disposal or sentence

The following chart examines the most serious offences young people were convicted of prior to being placed on a bail programme. Previous disposals have been grouped by type. This takes into account legislative and administrative changes in the sentencing of young people. For example, the custody group includes detention in a young offender institution, Detention and Training Orders, Secure Training Orders and long-term detention, notably under section 53 of the Children and Young Persons Act and sections 90/92 of the Powers of the Criminal Courts (Sentencing) Act 2000.

The table indicates that, overall, the courts were proportionately less inclined to make a bail supervision condition on those with previous custodial sentences and more inclined where there were previous community sentences. It also indicates that schemes were targeting a variety of young people at different levels of offending and with different offending histories. The proportion of young people with no previous sentences indicates that they may be serious first time offenders.

Previous disposal	% At referral (n=11,393)	% Acceptance by court (n=4,567)
None	13	13
Final Warning, Reprimand and Caution	6	7
Referral Order	0.6	0.4
Discharges and Bind Over	6	7
Fines and Compensation Orders	2	2
Attendance Centre Order, Action Plan Order and Reparation Orders	12	14
Supervision Orders	22	23
Probation Orders	3	2
Community Service and Combination Orders	5	5
Deferred Sentence	0.2	0.1
Custody	20	18
Unknown	11	10

### Previous highest remand status

The following table indicates what the previous highest (most serious) remand status was of young people prior to referral. This could be for any offence prior to the referral for the Bail Supervision and Support programme. For the purpose of analysis, these have been grouped as follows:

<b>Previous Highest Remand Status</b>	<b>% At Referral (n=11,393)</b>	<b>% Acceptance by Court (n=4,567)</b>
<b>No previous bail or remand conditions</b>	11	12
<b>Previously bailed or voluntary Bail Supervision and Support</b>	45	46
<b>Previously conditional Bail Supervision and Support</b>	4	6
<b>Previously RLAA</b>	9	8
<b>Previously remanded to secure accommodation or custody</b>	19	17
<b>Unknown</b>	12	11

It can be noted that, as the young persons experiences within the pre-trial process escalate, the likelihood of them being accepted by the court onto a Bail Supervision and Support programme will decrease. If a young person has previously been remanded to either local authority accommodation, secure accommodation or custody, there is less likelihood that they will receive a Bail Supervision and Support programme, whereas if they have been previously been bailed or received a voluntary intervention, there is a greater likelihood.

The indications from this and the previous table are that a proportion of the young people being targeted might not have been at risk of a remand from either their offending history (disposal and remand status) and that schemes might not have been sticking strictly to targeting those at a real risk of custody or those in custody, which could contribute to up-tariffing and net-widening. (This is also evident in the table below, where 11% of young people referred to schemes were for reasons other than there being oppositions to bail by either the police or courts)

#### **Reasons for the referral**

The monitoring identified the status of young people immediately prior to a referral to a Bail Supervision and Support scheme.

<b>Status of young people prior to the referral to a Bail Supervision and Support scheme</b>	<b>Percentage (n=11,393)</b>
<b>Denied police bail</b>	63
<b>Likely opposition to bail or CPS opposing bail</b>	14
<b>Remanded in custody</b>	12
<b>Other</b>	5
<b>Voluntary support requested</b>	4
<b>Unknown</b>	2

The indications are that schemes were targeting young people appropriately, in that two-thirds of those referred had been denied police bail. A further 14% were referred because there was a likely or known opposition to bail from the Crown Prosecution Service. However, it was not possible to identify from the information provided whether these young people had been held overnight in police custody – but it is likely.

Of young people, 12% were already in custody when assessed for a bail supervision package. However, because of the variations in the way that the monitoring information was completed it is not possible to tell whether this was from police custody or a secure facility. This figure should therefore be treated with caution when viewed in relation to second and subsequent bail applications.

One of the main referral routes for Bail Supervision and Support should be from custody. However, monitoring information suggests that Bail Supervision and Support were being used for those that are progressing up the tariff rather than down it from custody. Schemes indicated that they try and review all remands in custody prior to the next court appearance; however, travelling to young offender institutions can sometimes be difficult when they are located a long way from the home area and, although schemes endeavoured to meet *National Standards*, practically this was not always possible. In practice, schemes tended to see young people in court before the hearing but also recognised that there needed to be better systems in place to assist the process of reviewing remands.

Other schemes undertook regular weekly reviews of all remand placements, which were informal in the sense that they were conducted by the bail worker, whereas others had more formal arrangements that involved a range of individuals responsible for monitoring and managing remands. It is essential that there is an effective mechanism for ensuring that remanded young people have their situation and circumstances regularly and routinely reviewed if the remand population is to be effectively targeted. The key elements of effective practice for remand management<sup>46</sup> reinforces the point that young people remanded in custody should be reviewed before the next court hearing to ensure that all available options are explored and to identify if a bail programme can be put forward at the next appearance as an alternative to custody. There is a need to ensure that there is appropriate liaison with defence solicitors, following a remand and that everything possible is done to facilitate remand review arrangements to ensure that bail packages are pro-actively put forward, wherever possible.

The placement of seconded YOT workers into young offender institutions<sup>47</sup> is in its infancy at the time of writing and it is not yet possible to identify whether the presence of these workers will have a significant impact in removing young people from custody.

<sup>46</sup>YJB. *Key Elements of Effective Practice Remand Management Edition 1*. YJB. London.

<sup>47</sup>Youth crime briefing (September 2003) *Reviewing Remands in Custodial Establishments*. Nacro. London.

### Number of outstanding court dates

The majority of young people accepted onto a programme (82%) had more than one court date outstanding. The distribution of outstanding court dates at the referral stage was very similar to that at the court acceptance stage. This is not likely to have a major impact on whether a young person receives Bail Supervision and Support or not, although outstanding dates might be used as grounds for considering there is a risk of reoffending on bail and also indicates that efforts should be made by schemes to ensure that young people attend court at the appointed time.

Number of outstanding court dates	% At referral (n=11393)	% At acceptance by court (n=4,567)
None	19	18
One	61	61
Two	15	15
Three	4	4
Four or more	3	2

### Assessment

The assessment is an essential element of the bail information process and should act as a filter to identify inappropriate referrals prior to the court appearance. The assessment informs the court and the scheme about the kinds and levels of support and supervision required and forms the basis for the action plan or programme for the bail period. This will be supported by ongoing assessment and review to check on progress made and compliance.

The provision of bail information and the responsibility for undertaking assessments means that a worker must be present in court. The process of conducting enquires and carrying out assessments is time consuming and depending on the volume of young people appearing may not be a role that a court officer alone can adequately undertake.

The way in which schemes operated determined who conducted the assessments, for example court officers may identify young people at risk and then refer the case to a bail worker who will organise the delivery of the programme, or bail workers who are not routinely present in court will attend court if there is a request for an assessment. Alternatively, there are workers who cover all court appearances to undertake assessments. The evaluation identified that, where workers were routinely present and available to not only assess the young person but discuss the options in the court setting, it was more beneficial to the scheme.

A careful in-depth assessment at the outset ensures that there is a greater likelihood that an appropriate package is put together that will address the specific concerns of the court, the YOT and any issues identified with the young person. The assessment process will identify the intensiveness of the support required and the most suitable resources to supervise and support the young person. For example, one scheme identified that violent behaviour could make mentoring an inappropriate option, as it could be difficult to safely match a mentor with the young person and that it may not be the most suitable option for young people that are difficult to engage, as it requires the commitment and co-operation of the young person.

The assessment should seek to establish compliance whether the young person is likely to reoffend, the level of risk to themselves and others and the likelihood of co-operation, attendance at court and appointments with the YOT. Some schemes developed leaflets and written information about bail schemes to help to explain to young people what would be required of them. Consideration was also given to the seriousness of the offence, previous history, current bail arrangements, family and community ties and the level of support available. Of those asked, almost all young people felt that the requirements of the bail supervision programme had been clearly explained to them, which may have been a motivating factor in them deciding to agree to participate:

*I wanted to stop doing what I was doing and thought that it would help me to do that.*

On the whole, the assessment was compiled in the court setting – however, there were a number of examples where the assessments were started at the police station. In one instance, the scheme reported that family details and accommodation issues were collected in court but further information about quality of life, support at home, etc, were completed at a home visit after the young person has been placed on the programme.

The assessment process, which involved interviewing young people in court cells, was reported to take between 15 and 45 minutes. It was often conducted under considerable pressure of time, and workers were required to make decisions quickly and to obtain and verify what information they could, which could detract from making accurate assessments. It is therefore essential that those undertaking this work have received training and are fully conversant with issues of risk and vulnerability as the credibility of the scheme will rely on an accurate and honest assessment being made. A number of schemes reported that it became routine practice for the court to request bail information and to put back cases to allow enquiries to be made. Where the scheme had access to a fax, external telephone line and/or computer, it noticeably improved the provision of and access to information in court.

### **Use of Bail Asset**

Meeting a young person who has been held in the police cells overnight is a key intervention point and is important in that it starts the process of potential engagement. The skill for practitioners is to gather the requisite information in a child friendly way, as opposed to undertaking the assessment as a form-filling exercise. User feedback suggested that interviews tended to be unstructured, conversational and focused on matters of immediate concern.

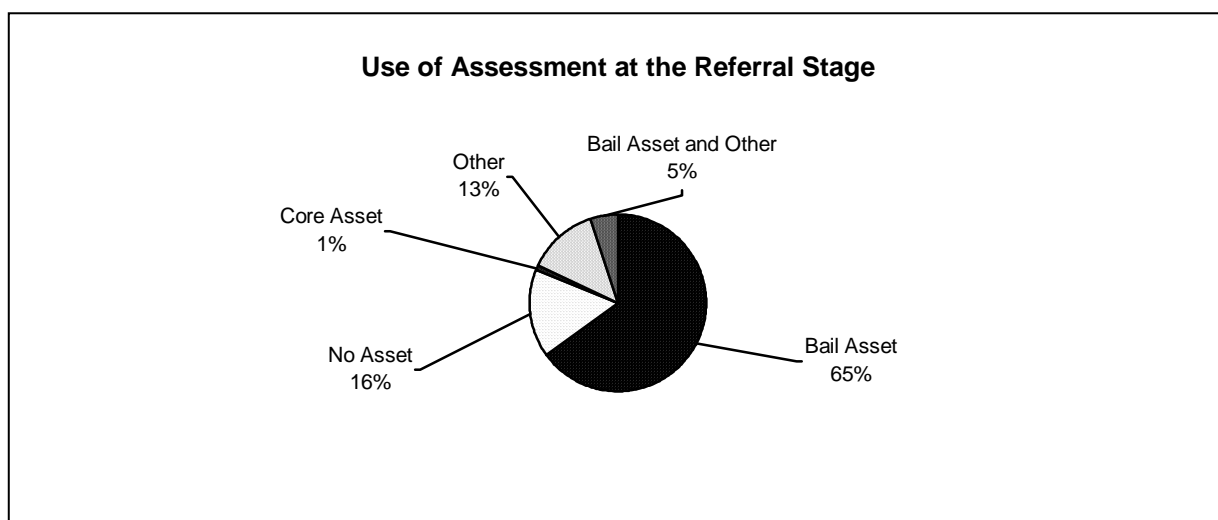
Schemes reported that, on the whole, bail *Asset* was useful and straightforward to use. Its strengths were that it covered the key areas that needed to be addressed with the young person and provided an instant snapshot of their situation and circumstances. It was seen as a starting point in highlighting those issues, which might later require a fuller assessment and formed the basis for ongoing review as issues could change or come to light later, which required attention.

Its weakness was that it did not go into any depth about specific matters. There was concern that it might produce unreliable information, because young people would be keen to be released from custody and there was not sufficient time to verify fully what was said. Some workers viewed its completion as an additionally burdensome task in that it was time-consuming to complete and only offered a small contribution to the overall bail assessment process:

*The advantage is you have got a routine consistent approach to assessment, so it is a very valuable tool in that respect. It also acts as a discipline on staff. The disadvantage is that it takes a long time – not just in contact time but in processing.*

#### **At the referral stage**

The monitoring data indicated that in 71% of cases referred to a Bail Supervision and Support scheme an *Asset* was used in the assessment process. In 65% of cases, bail *Asset* was the primary assessment tool, in 5% of cases it was used in conjunction with something else and in 1% of cases the core *Asset* alone was used.



At the time, *National Standards*<sup>48</sup> specified that core *Asset* should be completed within five days of a young person being remanded in custody – however, there may have been instances where it would have been undertaken prior to the remand.

<sup>48</sup> *National Standards for Youth Justice* (April 2000) section 6.7.2

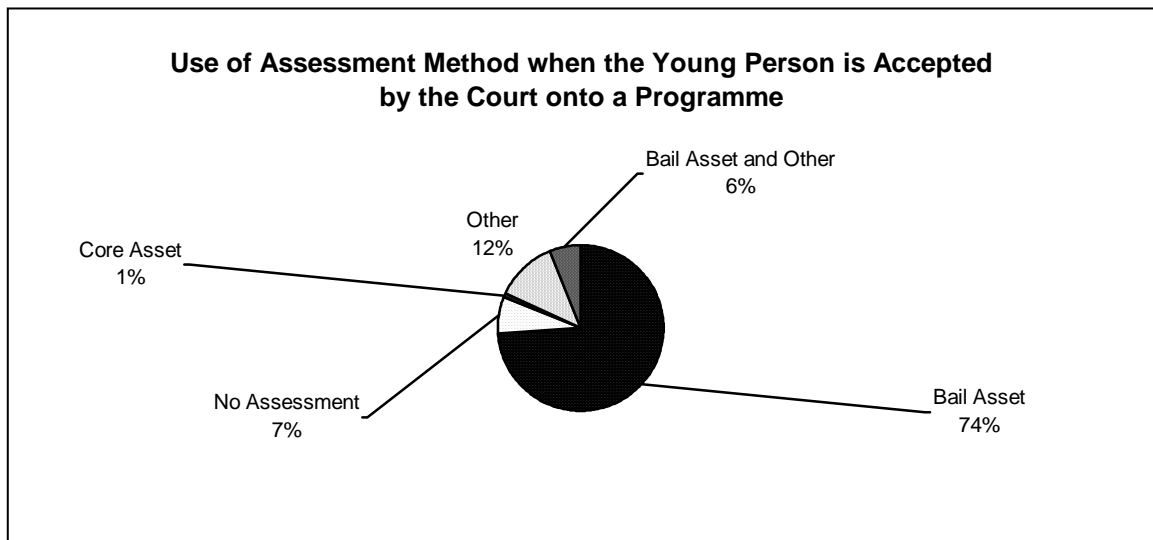
In 13% of cases, an alternative method of assessment was used. This suggests that bail *Asset* was not the sole assessment tool being used and the indications were that schemes used other referral and assessment tools that were developed for use prior to the introduction of bail *Asset*, either with or instead of bail *Asset*. They included referral forms; locally drawn up bail information and assessment profiles; other risk assessment tools; post-remand assessments; and specialist assessments – notably in relation to mental health issues.

In 16% of cases, no assessment was undertaken. This is likely to have been in the following instances.

- There was no intervention or voluntary bail support was considered more appropriate than a conditional bail programme (in these instances, young people are likely to have been detained overnight but the Crown Prosecution Service was not objecting to bail).
- The scheme was not represented in court.
- There was insufficient time to prepare an assessment.

**When the court accepts a programme**

The use of *Asset* was higher (82%) in the population of young people that were accepted by the court for a programme, when compared to the referral population (71%). At this stage, bail *Asset* was the primary assessment tool (75% of cases). It was used in conjunction with something else in 6% of cases and core *Asset* was used in 1% of cases.



The use of other assessment methods is at a similar level to the referral stage (12% of cases), but it is significant that the number of instances in which no assessment was undertaken is considerably less at 6% compared to 16%. In the cases where no assessment was undertaken and the programme was accepted by the court, 90% of these were conditional bail supervision programmes and 10% were voluntary programmes. It is difficult to understand how a bail supervision condition could be made with no form of assessment taking place – however, there could have been instances when magistrates imposed a bail supervision condition where it was not recommended by the scheme.

Training was not provided when bail *Asset* was introduced to YOTs. However, at the time of writing, bail *Asset* is being reviewed by Oxford University. It would be appropriate to relaunch it with a programme of training particularly aimed at addressing risk and vulnerability issues in the assessment process, which would help practitioners to assess and target more effectively higher risk offenders for programmes. Its focus should be broadened to assess not only the needs of those likely to need a Bail Supervision and Support package, but pre-trial intervention in the widest sense which would include bail Intensive Supervision and Surveillance Programme (ISSP), electronic tagging, remand to local authority accommodation and a remand to a secure facility.

### **Risk factors**

The monitoring data have confirmed that many of the young people who were assessed for a Bail Supervision and Support programme had risk factors present in their lives that have been reflected in wider research findings in that they were directly linked to offending behaviour.<sup>49</sup>

These included accommodation problems and difficulties while living at home, problems associated with education and non-school attendance, difficulties with literacy and numeracy and lack of qualifications. Emotional or behavioural problems could in some instances be linked to mental health issues, poor health generally or the consequences of drug/alcohol misuse. Low self-esteem was evident in an inability to make informed choices, or manifested itself through anger and aggression, which could also be compounded by substance misuse. Experience of physical and sexual abuse, being known to social services, victimisation from peers, negative influences from others and lack of positive role models were all identified from reviews of case files and in the case studies provided by local evaluators.

The risk factors that are evident should influence the type of work undertaken with the young person and should form the core components of the bail supervision programme and determine whether specialist support and assistance would be required.

### **Issues Identified in bail *Asset* assessments**

The monitoring data have been analysed to establish which issues were identified as significant at the referral stage and to compare them to the issues occurring in the bail *Asset* assessments of those young people placed on programmes by the courts. The table below indicates the percentage frequency with which each factor has occurred.

Overall, the findings indicate that there are no significant differences, although all risk factors are slightly increased at the court acceptance stage. It is noticeable that at the referral stage issues relating to family and personal relationships, lifestyle and living arrangements appear in just under half of all assessments undertaken. These are also significant issues in the population accepted by the courts for a programme. The difference between those with educational difficulties at the referral and acceptance at court stage is also statistically significant.

<sup>49</sup> *Risk and Protective Factors Associated with Youth Crime and Effective Interventions to Prevent It* (November 2001) YJB. London.



<b>Offending Issues: Key headings from bail Asset</b>	<b>% At referral (n=11,393)</b>	<b>% Acceptance by court (n= 4,567)</b>
<b>Education</b>	28	37
<b>Employment</b>	25	29
<b>Family and personal relationships</b>	45	51
<b>Health issues</b>	10	11
<b>Lifestyle</b>	46	50
<b>Living arrangements</b>	41	46
<b>Other</b>	13	15
<b>Personal/emotional distress</b>	22	24
<b>Substance abuse</b>	26	30
<b>Training</b>	20	26
<b>Unknown</b>	5	4

Lack of suitable accommodation has been reported as a significant reason for young people being denied bail and this may well be linked to difficulties in home and family circumstances such as separation and family breakdown. Of the local evaluations undertaken by Nacro, 23 contained information about the accommodation status of 979 young people at the point of referral to a scheme. Findings indicated that:

- 68% of young people were living with family or friends
- 12% were living in local authority accommodation
- 9% were homeless
- 6% were living independently
- 2% were in hostels

In 3% of cases, the status was not clear.

Despite the fact that two-thirds of young people were living with family or friends, this did not mean that dealing with accommodation issues and living arrangements was not a problem. It will always be a priority to ensure that the young person has a stable base and somewhere to live.

Problems with education and schooling were also significant issues. Information obtained from 23 of the Nacro local evaluations provided information about 467 young people of school age. It was identified that 28% were regularly attending school, whereas 72% were not. Of those not attending, 40% were permanently excluded, 32% were truanting, 15% were not on a school roll (a significant proportion of which had not been so for periods of up to two years) and 13% were temporarily excluded. The fact that many young people had little daytime structure will mean that there was a significant need to address education, training and employment issues and use of time as a priority.

The prominence of these issues suggests that where problems existed they should be a priority in terms of programme delivery. This is discussed further when examining the content of programmes.

### **Outcome of referrals**

The outcome of the bail assessment should be to identify if a Bail Supervision and Support programme is to be offered to a young person and whether any other bail conditions might be necessary. These findings will be discussed with the Crown Prosecution Service and defence solicitors and agreement reached about what will be presented to magistrates. This should include an outline of the programme content, contact arrangements and details of how the programme will be enforced.

From the monitored activity, 58% of young people referred to a scheme were assessed as suitable for a programme, resulting in a programme being presented to the court and 42% were rejected. The rejection rates are high – however, it should be borne in mind that this figure has been taken from the overall referral population and, as previously stated, not all of these young people would necessarily have been candidates for Bail Supervision and Support (see final comment under reason for rejection). In terms of the overall population referred to a Bail Supervision and Support scheme, 40% of young people were placed on a scheme.

### **Reasons for rejection by the scheme**

The following table examines the reasons why young people might have been rejected for a programme, by the scheme. In a quarter of cases not accepted by schemes, the reason was due to the seriousness of the offence they had committed. The main reason cited for this is an inability to manage the young person, either in terms of a lack of time or the staff necessary to provide the intensive levels of support and supervision required or a lack of specialist resources to meet the young person's needs.

<b>Referral Criteria</b>	<b>% Assessed as unsuitable by the scheme and not offered a programme – referral population (n=11,393)</b>
<b>Offence Seriousness</b>	25
<b>Previous Breaches of Bail</b>	16
<b>Likely Offending on Bail</b>	9
<b>Previous Offending on Bail</b>	10
<b>Previous Convictions</b>	5
<b>Persistency of Offending</b>	4
<b>Protection of the Public</b>	3
<b>Previous Failure to Attend</b>	9
<b>Outstanding Warrant</b>	16
<b>Unknown</b>	9

Schemes commented on the factors that they would take into account in identifying why they would reject a young person for a programme. They included:

- those considered as highly unlikely to co-operate and comply because the young person had either indicated that they would not or where previous responses had shown this might be the case
- where there had been a significant history of offending on bail, non-compliance (with bail conditions) or absconding
- those assessed as presenting a significant risk because of the type of offence committed, whether on the basis of seriousness or persistency.

The issue of managing the more difficult cases presents an immediate tension when examined in relation to the issue of reducing remands to custodial establishments. It suggests that this will not be tackled until effective ways are found of managing those who have committed more serious offences.

The indications are that offences of a serious sexual nature, crimes of violence or arson (because there are serious safety issues in relation to the young person themselves, the public or YOT workers) can present particular problems. Those with a serious drug problem who may be prone to further offending without treatment could also be difficult to place on a programme. Some schemes stated they would encourage an application for bail from custody once the detox process had begun.

In terms of assessing the likelihood of compliance, an important consideration was that the young person was assessed as able to respond to the support offered, would achieve the agreed objectives and that resources could be adequately and properly deployed to effectively manage them. A number of schemes stated that they did not specifically exclude anyone and had successfully dealt with young people on serious charges.

The main outcomes for the young people not assessed as suitable for a bail supervision scheme were conditional bail (45%), remanded in custody (30%), remanded to local authority accommodation (10%), unconditional bail (4%) and 11% received other outcomes such as an immediate sentence, the case was discontinued or dismissed or the outcome was not recorded. The fact that 45% of young people assessed were conditionally bailed also raises issues about the potential disparity between the police and court use of detention and custody; however, within the scope of this evaluation, it has not been possible to identify with any accuracy what percentage of this population had initially been held overnight by the police or were not at real risk of a remand in custody.

The outcomes for young people not offered a programme by the scheme have been analysed further to cross-refer the reason why the young person was not offered a Bail Supervision and Support programme, with the disposal they received from the court:

- inappropriate to Offer Service: 38% received conditional bail
- failed to meet the programme criteria: 61% received conditional bail
- where bail information was provided: 55% of young people received conditional bail and 12% received unconditional bail.
- failed to meet the seriousness criteria: 67% received conditional bail and 11% received unconditional bail.

This overall finding confirms some of the earlier conclusions that a large number of the young people being referred to and assessed for Bail Supervision and Support were unlikely to be at risk of having bail denied and bail workers were seeking to assist the court by providing information, which would help to determine the most appropriate outcome and use of bail. This represents significant activity in providing support to the court and young people. These statistics may also be a reflection of the fact that in submitting monitoring data some schemes have included information about those not at risk of having bail denied in order to demonstrate activity undertaken. This raises the issue of whether the 42% of referrals that were rejected by schemes accurately reflects the numbers where serious objections to bail existed. This information also needs to be examined in the context of the fact that overall 69% of programmes put before the court were accepted and young people were placed on programmes (see below).

What is interesting is what the statistics show at both ends of the scale, in that a high proportion of referrals were not at risk of having bail denied, but are likely to have been counted for statistical purposes. Whereas at the risk of custody end of the scale, despite the fact that a number of schemes stated that they did not reject any young people for a programme, presumably because they would present a programme and highlight any areas of risk or concern to allow the court to make the final decision on who would and would not be granted bail, the evidence suggests that offence seriousness is a significant issue that YOTs need to be able to address in bail programmes.

#### **Outcomes for young people rejected by the court**

The monitoring indicated that 69% of proposals put before the court were accepted and young people were placed on a programme.

The main reasons why young people were rejected for a programme by the court were the seriousness of the offence (31%), followed by previous offending on bail (11%) and other services being more appropriate (9%). It is not possible to assess whether the programmes put forward by the scheme were sufficiently robust in clearly specifying how they would address and manage risk factors, which might have been the reason why the courts did not accept them. In terms of outcomes, half the young people that were rejected by courts were remanded in custody.

<b>Outcomes</b>	<b>Percentage of young people</b>
<b>Conditional bail</b>	17
<b>Remanded in custody</b>	51
<b>Other outcomes</b>	18
<b>Remanded to local authority accommodation</b>	8
<b>Secure accommodation</b>	6

There are a number of issues to highlight in the information provided. First, it could be deduced that, if half of those that were rejected were remanded in custody, a significant proportion of those accepted must therefore have been correctly targeted. However, it also suggests that where young people were conditionally bailed following an assessment that had identified them as suitable for a programme they may not have been an entirely valid referral for a programme as, from the court's perspective, they did not require intervention from the YOT. When linked to the referral criteria, this information can be correlated as follows.

- 67% of those rejected due to offence seriousness were remanded in custody
- 87% of those rejected due to previous offending on bail were remanded in custody
- 79% of those rejected due to previous convictions were remanded in custody
- 92% of those rejected due to public protection reasons were remanded in custody
- 70% of those rejected because bail information was thought more appropriate received conditional bail.

### ***Presentation of programmes to court***

#### **Method of presentation to the court**

When a young person has been assessed as suitable for a programme by a Bail Supervision and Support scheme, a report should be presented to the court, outlining what the programme will comprise, and any proposed bail conditions. The format of programmes presented to the court should be agreed with the Crown Prosecution Service, defence solicitor and court clerk to ensure that the format is consistent. The following table tabulates the methods of presentation used to courts over the monitoring period:

<b>Method of presentation to court for young people accepted onto programmes by the court (n=4,567)</b>	<b>Average percentage use over the monitoring period</b>
<b>Tailored verbal programme</b>	36
<b>Standard verbal programme</b>	29
<b>Tailored written programme</b>	21
<b>Standard written programme</b>	11
<b>Standard leaflet</b>	1
<b>Unknown</b>	2

In terms of overall approach, 65% of programmes were presented verbally and 33% in writing; 57% were individually tailored and 40% had a standard format (this generally meant that the report contained standard data about the scheme and its requirements, but individually specific information regarding the programme content). The main method used overall was a verbal presentation of a tailored programme (35%). The unknown methods may reflect the fact that those completing the monitoring did not have had access to this particular information.

Programmes presented in a written format usually had core components such as reporting requirements and enforcement as standard statements with additional space to record information that was specific to the individual. While written reports are more desirable for a variety of reasons, the evidence suggests that verbal reports are a successful way of proposing programmes, particularly if effectively presented. This suggests that magistrates who are confident in and conversant with the role and purpose of the scheme do not necessarily require information in writing. If the time available to produce a report is short and where schemes have limited access to resources to assist them to put a report in writing, it is more likely that the report will be presented verbally than in writing:

Feedback from court users suggests that magistrates were willing to listen to recommendations from bail workers. One of the indications of a scheme working well was a high congruence level between the proposals put forward and the magistrate's willingness to accept them. Magistrates who commented stated that there were few instances where proposals were viewed as unrealistic:

*We don't always agree, but I know that if a referral has been made it has been done for the right reasons and the bail supervision officer appreciates that if a referral has been turned down then it is for good reason. There is a good line of communication between us.*

(Magistrate)

*When a package is presented to the bench, they won't accept it immediately. They'll say, well okay, but we are not happy about this bit. Why isn't this being looked at? And that's important because if you are going to say, fine ok, the team are just going to put anything down and if it's not comprehensive, we tend to say that it is not comprehensive enough. The team now know that you do not put something flimsy up to the bench.*

Magistrates also expressed their views about the type of issues they expected to see addressed in proposals for bail programmes, notably the supervisory arrangements, the provision of appropriate support and occupying leisure time to avoid the likelihood of offending:

*One guy had bail and it was a very thorough package. I don't think he would have had a chance of bail without it because it was educative. It wasn't because of the seriousness of the offence, but to do with a series of offences. They set up a really good package. It was supervised and there were a number of courses he had to attend. And it was just very thorough. It took up a lot of his time, which I think the courts were concerned about, because they did not want him kicking about with nothing to do.*

(Defence solicitor)

*To the community there is an added protection that young people are being properly supervised. The other thing is that their time is being occupied so it will prevent offending going on – it will be a part of their bail conditions, so it is not an option. It's a good thing for them, it gives them options. It gives them support and encouragement. I have always been impressed by the way in which packages can be put together.*

*It gives them a chance to actually look at their lives and see how near they were to going to custody. It gives them structure.*

(Magistrate)

Magistrates also viewed addressing family related issues as important:

*It provides more meaningful support, more regular contact – more input into the family than there was before and I am sure that it is working. They are getting some kind of assistance.*

(CPS)

*It gives them support and it gives the family support more than anything. A lot of them are not in education, are not in employment and they are offering them advice in these areas. Its the contact as well. If someone stands up in court and says you are going to be monitored, it focuses their mind.*

### **Occasion on which the programme is presented to the court**

On the whole, schemes targeted young people on the first court appearance to try and prevent a custodial remand. Over the monitoring period, there was no significant change in the percentage of young people being accepted onto programmes at the first court appearance (77% on average). There was evidence to suggest that young people who were remanded in custody had their situation and circumstances reviewed, in that 23% of programmes were accepted at a second (16%) or subsequent court appearance (7%).

## **Programme content**

### **Programme components**

The diverse needs of young people suggest that generic programmes would not be appropriate and programmes that are individually tailored, while remaining flexible enough to respond to changing needs, are more appropriate. Schemes indicated that they took a needs-led approach, which aimed to address the objections to bail, would examine the underlying causes of offending to reduce criminogenic behaviour, while promoting individual development and prioritising the national objectives of prevention of offending (by addressing and managing the risks presented) and ensuring attendance at court.

Programmes are developed from the bail *Asset* assessments, which will have examined accommodation, family and other relationships, education, training and employment, health and welfare, use of time and offending behaviour. Schemes were asked to identify the components that made up programmes and the following table represents the percentage frequency that each component occurred in the programmes of young people completing Bail Supervision and Support programmes, from the monitoring undertaken by Nacro Cymru.

<b>Programme component (n=3,427)</b>	<b>% Frequency</b>	<b>Programme Component (n=3,427)</b>	<b>% Frequency</b>
<b>Monitoring bail conditions</b>	38	Employment	23
<b>Accompanying to court</b>	37	Drugs	20
<b>Use of leisure time</b>	37	Social skills	18
<b>Family support</b>	36	Other	14
<b>Advice about proceedings</b>	36	Alcohol	10
<b>Offence-related work</b>	30	Anger management	11
<b>Education</b>	29	Benefits advice	11
<b>Accommodation</b>	28	Health care	10
<b>Training</b>	25	Other substance misuse	5

The previous section that discussed the issues identified in bail *Asset* assessments highlighted family and personal relationships (51%), lifestyle (50%) and living arrangements (46%), with problems with education as occurring with the greatest frequency in the group accepted by court (37%).

The issues that appeared with the greatest frequency in completed Bail Supervision and Support programmes (in the table above) were use of leisure time (37%) and support to family/carers (36%). This suggests that there was a degree of divergence between the issues identified in the assessment process and what was carried out in practice in programmes. Addressing problems with education was one of the lowest outcomes in relation to programme content, but was significant at the assessment stage. Overall, this indicates that there should be more congruence between issues identified in the assessment and what is provided in a programme. It has not been possible to measure the impact of time in relation to addressing risk factors, within the bail period, however it is likely that it may not have been possible to carry out all the identified components of a programme for young people who were placed on bail for a short period of time.

In terms of the components that were addressed, use of leisure time focused on assisting the young person to become involved in the community, to encourage interests that could be sustained in the longer term and to promote a positive lifestyle. These issues tended to be addressed by making links with local youth groups, using organisations such as Fairbridge or the Duke of Edinburgh award scheme, by referral to local youth activity projects and organisations and accessing to mainstream community activities.

Family support was a core component of programmes and provides an opportunity to address problems and issues that may be affecting the quality of home life to promote stability. This could involve workers acting as mediators to try and resolve difficulties or if the young person was not living at home, efforts would be made to reintegrate them if appropriate or to investigate what other support or options might be available.



Parents who can be struggling with a young person's behaviour generally welcome help and support as there may be a risk that without it they may withdraw support from the young person. Contact with them also means that they can be kept informed of the progress of the case and be assisted to meet their responsibilities. At least one home visit must be undertaken within the programme in order to be compliant with *National Standards*. This appeared to range from taking young people home after court to placing a high emphasis on working in the family home, for example in rural areas where it is difficult for young people to reach office locations. Schemes indicated that it was sometimes difficult to undertake home visits as quickly as *National Standards* required as parents could be at work or when significant travel was involved or when there were health and safety issues.

Accommodation issues appeared with less frequency (28%) in programmes, indicating that the availability of a suitable address would have had to be resolved before the young person was placed on bail, however it does indicate that outstanding issues may remain and that ongoing work was being undertaken.

The monitoring of bail conditions (38%) and accompanying the young person to court (37%) are within the top five of programme components. Providing advice about proceedings (28%) is important in assisting young people to comply and to ensure that they understand what is required of them.

It is interesting to note that despite mixed views about offence related work that it was undertaken in approximately a third of programmes. Any work with young people on bail should be undertaken on a non-judgmental basis, in that a non-guilty plea and assertion of innocence should be respected. On the whole, work was not done in relation to current matters, as they had not been settled in court. This should mean that the root causes of offending can be addressed, which is concordant with the national objective of preventing offending on bail.

Schemes generally saw their role as supporting a young person during what is a limbo period, by offering a helping hand and not punishment and indicated that offence-specific work would only be undertaken post-conviction. The majority indicated that they only focused on the issues that were causing the young person to offend, concentrated on raising awareness and encouraging them to consider the consequences of their actions and to be aware of the impact of criminal behaviour on victims and parents. Relationships with peers, police and authority figures, custody and its impact, values and beliefs around crime and substance misuse and anger management were likely to be addressed within this context. Some schemes undertook offence-specific work when the young person had admitted responsibility and entered a guilty plea, which related specifically to the offence(s) in question.

Issues surrounding education were identified in 37% of the assessments of those young people placed on a programme by the court, however addressing education matters appears with less frequency as a programme component (29%), as does assistance with employment, which appeared in 29% of assessments and 23% of programmes. Feedback indicates that schemes worked hard to try and re-engage young people with education provision and in a number of cases maintained young people in school with the additional support of volunteers and mentors. This was achieved by negotiating arrangements for part time attendance combined with other activities and seeking to liaise with the education department or using education welfare officers (or equivalent) located in YOTs, who would have a good knowledge of local provision and how to access it or by using provision that was an integral part of the scheme. For example, one scheme had a partnership with Include and the youth service.

Young people who presented specific needs such as sex offenders, those with mental health problems and substance misusers were likely to need help from individuals or agencies with specific skills and expertise. The presence of specialist workers in the YOT was noted to have made the referral process less challenging and time-consuming. However, vacancies for specialist workers impacted on the ability of schemes to operate effectively. It is noteworthy that a fifth of programmes addressed drug-related issues, generally involving referral to specialist agencies and services and those with health problems to health specialists within the YOT.

### **Programme delivery**

The basis of the programme was generally a one-to-one engagement with the young person and their family, which involved getting to know them in order to identify how best to work with them. Programme content appeared to be selected on a modular basis depending on the needs and the available resources; there were rules, in that the requirements of the scheme and court must be observed, and *National Standards* set the benchmark requirements in terms of a minimum of three contacts a week.

There a number of characteristics in the way those schemes worked. Contact with the young person is about offering high levels of practical assistance, problem-solving, ensuring that statutory obligations were met, maintaining contact to ensure that whereabouts were known and to keep the young person's situation and circumstances under review. Significant efforts were made to reconnect the young person with services in the community, and the support of young people was generally shared between a number off agencies and individuals in which the young person was placed at the centre of a wider planning process. Schemes stressed that they took a cognitive behavioural approach, in that the aim was to work with, rather than make decisions for, the young person.

### **Group work**

The vast majority of Bail Supervision and Support programmes were one-to-one interventions. There were very few schemes that developed group work to any significant degree, because bail periods tend to be short, the number of young people on programmes did not always make it viable as an option, there were concerns about running generic groups which mixed together young people who had been sentenced with those that were unsentenced and unconvicted. Many YOTs lacked suitable premises at which to run group work sessions.

One area that successfully ran groups offered two sessions a week allowing the workers time to assume other duties in the remaining part of the week, such as attending court and undertaking one-to-one work. Young people were also linked to community activities and other agencies as part of contact arrangements. Group sessions were run on a workshop basis and covered anger management, sentencing options, offence focused issues, sex education, victim awareness and social issues (bullying or offending behaviour). Another scheme undertook group work run on YOT premises at evenings and weekends with the specific aim of taking young people away from their peers at risky times and engaging them in alternative activity.

Young people's views on the use and inclusion of group work were divided. One young person found the activities offered challenging because:

*He ran into people he either found difficult to be with ["goodie two shoes"], or those who had also been in trouble and were with the YOT.*

(Evaluator)

### **Methods of working**

Schemes reported that it was important to engage with the young person at the earliest opportunity to set the tone of the programme and to encourage co-operation. The indications were that, the more aware young people were of the requirements, the more likely they were to comply and engage with the scheme. This suggests there needs to be a sensitive balance between being supportive in approach, and establishing firm and clear boundaries.

Schemes tried to ensure that age was taken into account when determining supervisory requirements. For example, there were likely to be more community-based structures around young people who were attending school, whereas 17-year-olds living independently who had significant experience of the Criminal Justice System required a different kind of support.

The content of programmes appeared to be varied and constructive and revolved around contact with a key worker. Schemes identified a number of priorities when engaging with young people – notably, to maintain a home base to stabilise living arrangements and to develop good relationships with the family in order to be able to use the support and sanctions available to best effect. Other priorities included putting in place a structure of support, establishing a regular pattern of reporting to assist young people to develop a routine that promoted compliance and exploring acceptable pursuits that constructively used time to encourage diversion from anti-social behaviour. The main method of working appeared to be listening, discussion, the use of worksheets and videos or involvement in activities. Programmes were likely to include some or all of the following:

- regular scheduled meeting with the YOT to deal with issues and problems
- dealing with difficulties relating to accommodation and living arrangements
- working with families to provide support and to work with them on areas of difficulty
- being pro-active in ensuring attendance at court

- providing assistance with education, training and employment with the aim of helping the young person to find a route that was suitable for them, that they could sustain that provided a focus for learning and skills development
- where concerns were noted ensuring that health and lifestyle assessments were addressed usually involved making a referral to specialist organisations
- looking at behaviour patterns to improve lifestyle options and attempting to address risk factors that were contributing to offending behaviour
- providing practical assistance with issues such as access to benefits to ensure that young people had sufficient levels of income to avoid offending out of financial necessity
- ensuring that bail conditions were abided by – for example, curfews

### **Level of contact**

*National Standards* have established that there must be a minimum of three contacts a week from the YOT. The degree of contact that was provided was negotiated and assessed on an individual basis, within the framework of meeting *National Standards*. Some schemes reported there could be difficulties in achieving this when the young person was in full-time education, training or employment. In these instances, there was likely to be a greater degree of telephone contact and contact through other agencies.

The intensiveness of contact with the young person depended on the risks that were identified in the assessment process. Schemes reported that they were flexible, in that daily contact could be arranged for those who were considered to be at high risk of offending or who required intensive support. There tended to be greater problems in providing support at evenings and weekends, although this could be addressed to some extent through the use of other bail conditions such as curfews or electronic tagging. In instances where a high level of contact was necessary at the outset of a programme, the indications were that programmes were regularly reviewed and contact would only be reduced when the risks of offending had decreased and the young person had settled into the programme. Conversely, contact could be increased if risk escalated.

There is no specified duration that each contact has to last for and evaluators indicated that inadequate recording made it difficult to identify definitively the hours put in, the intensiveness of contact and content of sessions. Where information was provided, it suggests that visits to the bail address could be for between 10 minutes to an hour whereas visits to the scheme or the YOT tended to be for longer between an hour and an hour and a half; however, this information was not routinely recorded on case records and is at best a estimate.

Young people's opinions on the level of contact was divided – some thought it was satisfactory, whereas others thought that was too high and a minority that it was not enough:

*Because most of the time you don't need to see them everyday and I get tired. It's too much. They want to see me too much.*

A minority of young people mentioned the location of the office as problematic especially if they lacked transport and were just going in for a 'reporting session.' Reporting sessions, which required the young person to contact or sign in to the scheme, were viewed as unproductive, suggesting that it is important that contact equates to something positive and is viewed by the young person as such. Engaging them in purposeful activity is more likely to provide a realistic diversion from offending, and using time to provide help and assistance with practical problems is more likely to be beneficial:

*Reporting requirements were 'a waste of time – I could be at home smoking.*

Contacts included pre-arranged visits to the home/bail address, appointments with bail workers at another location, appointments with other support or specialist workers and telephone contact to monitor whereabouts. Bail workers were generally not the sole source of support to young people and the level of contact required was sometimes achieved by referral to other agencies, with bail workers supporting the young person in accessing services and accompanying them on appointments to encourage attendance. Some schemes offered evening and weekend contact where this was necessary; links to ISSP made this possible in some areas. Schemes maintained close contact with the young person to ensure they attended any appointments and activities and some schemes provided young people with a diary of appointments to assist them to meet their obligations.

Bail workers indicated that they were able to spend more time with young people than YOT workers who were supervising young people post-sentence and local evaluations indicated that this focus was likely to be a factor in young people being more likely to comply with what was being required of them. However, the amount of time they spent on a bail programme was likely to be a fraction of the time they could spend under the supervision of the YOT as part of a community-based sentence.

#### **The use of mentors, volunteers and sessional workers in programme**

The use of support workers provided schemes with greater scope to offer more support and direct engagement and contact time with young people. Just over a third of programmes (35%) had some input from these different categories of workers.

Paid sessional workers (23% of programmes) were used more than both mentors (7%) and volunteers (5%). The use of sessional workers remained constant over the monitoring period and these schemes were likely to have access to either their own sessional workers or a generic group managed by the YOT. The lower use of volunteers and mentors may be reflection of the fact that not all schemes had access to these workers. The indications were that there was marginally less use of these types of workers towards the end of the funding period. This may be accounted for by the fact that similarly funded schemes were drawing to a close or that those schemes that did not provide returns had greater use of these categories of workers.

Of the young people allocated a mentor, the vast majority who commented reported enjoying having someone to talk to. Overall, mentors were seen as independent, non-judgmental and an additional source of support. The quality of the relationship was seen as important; as one young person commented:

*My mentor's made a real difference – I haven't known her long but she's like a fairy godmother. I've run away from home sometimes and never tried to get in touch with anyone. The last time I did it, I got in touch with her. I've never done that before. I feel it makes me more confident, I know it is probably a bit too early to say, but she has sorted out a few problems for me and that's been really important for me.*

### **Length of programmes**

The length of bail programmes varies considerably depending on court dates, the seriousness of the offence, the complications of the case and the operation of the court system in the area, and as such there is no standard period of involvement. As a result, programmes can be difficult to manage, as the length of the supervisory period is unknown at the outset. Programmes can be too short for the full range of benefits to be realised and actively to engage services that are vital for the young person. By the same token, long periods before trial can be frustrating and workers commented that they could be difficult to manage effectively.

Schemes made the point that the degree of involvement with the young person varied considerably and could range from a few hours in the court setting when collecting and verifying bail information to intensive work over several weeks or months. The priority in securing bail would be to sort out any accommodation issues and to specify reporting conditions; short programmes were likely to prioritise compliance with bail conditions and establish that young people were clear about the requirements of the court. In other cases, work would be ongoing because of previous offending and consequent contact with the YOT. Pre-existing work could place practical limits on what Bail Supervision and Support packages could undertake. For those already under supervision, the scheme may do little more than maintain the community order with additional reporting.

The monitoring information indicated that just over half of all programmes (55%) lasted for four weeks or less, the average length being 3.7 weeks. In more precise terms, 8% of programmes lasted less than a week, 12% for up to a week, 13% for up to a fortnight, 13% for up to three weeks and 9% up to four weeks. The longest programme recorded in the monitoring period lasted for 78 weeks.

### **Level of compliance**

#### **Conditional bail**

If a Bail Supervision and Support programme is offered as a condition of bail, young people are expected to comply with it and can be subject to breach action if they do not. Conditional Bail Supervision and Support programmes are subject to the requirements of *National Standards*. The indications were that 92% of young people were placed on schemes as a condition of bail. Over the monitoring period there was a decline in the number of voluntary programmes, which averaged 10% in year one and 6% in year two. This is a reflection of fact that *National Standards for Bail Supervision and Support* were introduced in May 2001.

### *Voluntary bail support*

Some schemes offered voluntary intervention as part of a policy of diversion from a conditional and therefore breachable package; others did so in a preventive capacity for those who needed assistance (usually to comply with bail conditions) but did not meet the criteria for a custodial remand – for example, where there were felt to be difficulties with accommodation issues, lack of parental support and problems in attending court. In some schemes, the provision of voluntary programmes was the main method of operation in that they accounted for between a third and half of the caseload. In others they were offered if there was spare capacity and a low level of referrals.

It should be noted that offering voluntary support does not meet the requirements of *National Standards* although it may meet the objectives of Bail Supervision and Support. Those schemes that mainly offered voluntary programmes would have had to review their methods of operation in order to meet fully the requirements of *National Standards* by April 2004. The ability of some schemes to offer voluntary packages also appeared to be in direct relation to the number of conditional programmes the scheme was carrying as a caseload. As the conditional cases increased in number, those that required voluntary assistance were less pro-actively targeted.

### *Compliance*

This section examines the overall level of compliance of young people once placed on a programme as a condition of bail. For the purposes of monitoring, full compliance was defined as a young person who had:

- not been arrested and charged with further offence(s)
- not been reported to the police as being in breach of their bail supervision programme as a condition of bail
- not appeared in court for breaching any other bail conditions
- attended all court appearances during the bail supervision period.

This definition reflects a higher degree of compliance than the YJB's objectives, as breaching any condition of bail is included. The monitored activity indicated that on average 55% of young people fully complied with programmes and 45% did not.

Prior to commencing the programme, the young person should be made fully aware of the consequences of failure to comply and the action that will be taken if they do not. The start of the bail programme is crucial in engaging the young person and is the point at which the most intensive work is most likely to occur and it is therefore important to establish a routine of regular reporting. However, it is also difficult for young people who have chaotic lives to achieve and sustain the level of contact required by *National Standards*.

Of the 45% of young people who did not comply and were breached, 66% failed to comply with Bail Supervision and Support as a condition of bail. Of these, 48% were breaches of the programme alone and 17% were breaches of the programme and other bail conditions. Of breaches, 34% involved other bail conditions – for example, curfews, non-association, reporting, etc.



### **Application of breach procedures**

Feedback from practitioners indicates that there were variations in the application of breach procedures and not all YOTs appeared to be conforming to *National Standards*, although there is evidence that they were working to formalise their practice by April 2004. The level of contact required with young people was in line with the *National Standards* but there was leeway over non-attendance and the timing of warnings. Schemes indicated there were a range of factors they would take into account when deciding whether or not to breach a young person for non-compliance. They indicated that flexibility and the use of discretion are important, for example, when comparing the response of a young person who has been on the programme a long time and attended all sessions compared to someone on for a short duration who did not attend. The decision to breach is sometimes based on how long the young person has been in receipt of services and how long they have left on the programme. Cases are examined on individual merits and warnings issued where appropriate:

*National Standards now suggests one warning before full breach, however we are working with a difficult target group that often have a history of non-compliance and that needs to be considered when establishing breach procedures. What Bail Supervision and Support should not be seen as an easy option, it is felt to acknowledge the need to be flexible in ensuring that young people succeed on the programme while complying with the courts expectations.*

Schemes reported that it was important to discuss the application of breach procedures with the police and courts. It is the responsibility of the police to arrest a young person if they have been advised the young person has failed to comply with the Bail Supervision and Support programme, where it is a condition of bail. A commonly reported problem was that the police needed to improve their response, as there could be long delays before action was taken which undermined the credibility of the scheme. There was also a growing use of witness statements to prove the breach.

Where breach procedure is instigated, it is not seen as a severing of relationships, but rather a basis for renegotiating involvement and bail conditions and an opportunity to demonstrate the need for stricter compliance to the young person. Schemes will continue to work with the young people between the breach being initiated and the hearing of the breach, as there is concern that, without support structures, offending may continue. If young people complete this period successfully, there is a strong likelihood that they will be given a further opportunity on a programme. Where schemes operated strict breach procedures, it helped them to gain credibility with the courts and among young people.

*We have a very good relationship with the bail support team in our area and we have a lot of confidence in them delivering and we know that they will let us know if someone breaches their agreement – so it is not a soft option.*

(Magistrate)



### Outcome of breach

When a young person appeared in court for breach, schemes were asked to record whether the court appearance resulted in the bail programme being terminated. Not all young people appearing before the courts in this way would have their programmes terminated, as continuing the programme with, for example, a variation of bail conditions would normally be considered first. However, 56% of young people who breached bail had their programmes terminated. The table examines the outcomes for those young people:

Outcome when programme terminated due to breach	Percentage
Remanded in custody	35
Remanded to local authority accommodation	22
Bailed	7
Failed to appear (warrants and unlawfully at large)	16
Case dismissed/Transferred	3
Sentenced	13
Other/Unknown	5

Only 7% of young people whose programmes were terminated due to breach were bailed either conditionally or otherwise – the majority (57%) whose cases were still outstanding had bail denied. Failure to appear in this table indicates those young people who had been reported to the police but had not yet been arrested. Their programmes would have finished when the bail period ended with the young person failing to attend court.

### Programme outcomes

Of young people, 54% concluded their Bail Supervision and Support programmes at the point of sentence, 46% concluded for other reasons; 11% were remanded in custody, 10% were bailed (of which 88% were remanded on bail with conditions) 8% failed to appear (36% were unlawfully at large and 64% had warrants for their arrest), 6% had their case dismissed, 5% were remanded to local authority accommodation, 5% received other outcomes and 1% of cases the outcome was unknown.

### Sentencing outcomes

Of the young people that were sentenced, 77% received a non-custodial sentence of which 28% were Supervision Orders. 23% received a custodial sentence, the vast majority of which (96%) were Detention and Training Orders.

In terms of sentencing outcomes by age, gender and ethnicity, 88% of those who were sentenced were White British, 7% Black or Black British, with other ethnic groupings making up the remaining 5% of those sentenced. In the information presented, 17% of White British received custodial sentences, compared to 18% of other ethnic groups and 14% of White British received Supervision Orders, compared to 16% of other ethnic groups.

Of 17-year-olds, 32%, and of 16-year-olds, 34%, received Detention and Training Orders. The majority of Supervision Orders were for 17-year-olds (18%), 16-year-olds (27%) and 15-year-olds (27%). Of males, 27% received a Supervision Order, 23% a custodial sentence, and 12% an Action Plan Order. Of females, 38% received a Supervision Order 15% a custodial sentence and 14% an Action Plan Order.

Sentencing outcome	Percentage
Supervision Order	28
Detention and Training Order	22
Action Plan Order	12
Community Rehabilitation Order	7
Community Service Order	6
Combination Order	5
Reparation Order	5
Attendance Centre Order	3
Discharges	3
Other	3
Fine	2
Bind Over	1
Referral Order	1
Long-term detention (s53/91)	1
Deferred sentence	1

The fact that a significant number of young people received community sentences suggests that Bail Supervision and Support may have a role in diverting young people not only from a custodial remand but also a custodial sentence. The way in which they responded to the scheme appears to be a factor that courts take into account when determining the final sentence, in that some young people will be motivated to demonstrate positive behaviour and progress by not offending and attending court, a view that is also shared by practitioners:

*I think it makes a big difference with the final outcome at court if they have had a constructive time on bail, then it will make a difference to sentencing.*

*The children that come through bail support are less likely to get custody than those who don't – we've noticed that if they are on bail support they're less likely to get a custodial sentence than if they receive bail in their own right without the programme.*

*I would think there's an opportunity for young people to demonstrate that they can participate in making changes in their lives that will stop them reoffending and moving on. Some young people might be not guilty but have criminogenic needs that you have identified – its an opportunity to support someone – if you are remanded in custody you haven't got any opportunity to show that they can make changes in their lives.*

(Practitioner)

Court users supported this view, with magistrates commenting that they were more inclined to consider a community sentence if the young person had successfully completed a bail supervision programme:

*It gives a bit more structure to their life; they invariably have to report daily, weekly – they may have to go to address alcohol or drugs; they may have to go to school. It gives them a little more structure before sentence, which can help when they come up for sentence.*

This suggests that the provision of information from bail workers to PSR authors is important in providing up-to-date information about the young person, particularly where there is evidence they have responded well to a bail programme, as this could be an indicator of compliance with a community-based programme. If the young person had been breached, information is also important in identifying if it was a minor transgression and whether or not there had been good or poor compliance in general.

*The reports submitted to the court on bail applications are very informative for the magistrates. They deal succinctly with all the issues in the case. They have been used in relation to sentence as to how the defendant has co-operated over the remand period with community supervision.*

One scheme reported holding a mini case conference with the young person, parents and PSR author before the final court appearance to discuss the report. Some schemes provided information that was incorporated into the PSR, whereas others produced a separate report, which could be appended; what appears essential to effective practice is that full consideration is given to the response to a programme and information that is relevant to the sentencing decision is always provided to the court. Where indicated, the preference from court users was for information to be incorporated into the PSR.

### **Post-programme involvement**

The question of what happens to a young person, once the programme ends, has raised the issue of ongoing support. In some instances, there is a need to maintain short-term extended support to underpin any progress that is being shown. The indications are that this was addressed in a small number of schemes through the use of mentors (where available) and through links with agencies that could provide continuity of contact. In some instances, there needed to be a transition period between the high level of support that may have been available on a bail programme, to the less intensive support available on other orders and sentences. This was also the case where young people had received intensive support from foster carers to ensure that any benefits gained from a placement were not lost.

The loss of support was an issue that some young people commented on, where there were clearly concerns that when the bail period ended, they would lose the assistance they had, in some cases, begun to rely on. One evaluator remarked:

*The young people particularly appreciated the nature of the bail support worker's role. They saw the worker as someone they could talk to openly, who would treat their conversations as confidential and was independent of their families and an official agency agenda. They felt they had established a long-term relationship of trust with the worker and said that they would contact the worker in future if they were experiencing further problems, even after the bail support programme had ended.*

This clearly indicates that, if changes in behaviour are to be maintained, young people need continued support after the programme ends, through an appropriate mechanism. While some young people will benefit from greater stability and support while on a programme, in some instances, without ongoing support, previous patterns of behaviour will reassert themselves. The responsibilities of meeting the welfare needs of young people, once they have completed a programme or a community sentence is not the responsibility of a criminal justice agency, although it is recognised that YOTs endeavour to put in place community-based support structures. This suggests that there needs to be an improved level of service offered to young people for whom risks factors have been identified and a need to consider the importance of preventive interventions – not just as the start of criminal careers but also in finding more constructive ways of maintaining positive progress for those already involved in the system.

### **Impact on young people**

It is difficult to identify if there are any measurable and identifiable changes on those young people who had short-term involvement in a programme. The speeding up of court processes has on the one hand been positive in that a reduction in timescales has reduced the periods of time that a young person may be at risk of offending,. However, it has also reduced the amount of time available to address needs with any real prospect of change. Detailed and intensive packages are not complementary to the swift administration of justice and only longer term interventions can realistically address and make a significant impact on deep-seated problems and complex needs, such as drug misuse, illiteracy, mental health, and emotional and behavioural problems, which are likely to be outside the scope of the bail period.

Bail Supervision and Support have the potential to start a process in which improvements in behaviour, situation and welfare can be built on over time. However, young people have many and varied needs that a programme is not going to be able to address in its entirety and there is a big difference in assisting the young person not to offend or to attend court for a short-term period, compared to meeting their longer term needs. As a result, it is difficult to quantify success:

*It's about getting them back into school, or work or health and we can give them those services, so at least we can start a process. Hopefully if it comes to sentencing we may have an overall impact on their sentence.*

Time factors may be important in that the longer young people are on a programme the greater the potential impact of the interventions. Much of the success of a referral will depend on the personality of the young person and their receptiveness to ideas and motivation and willingness to consider lifestyle changes as well as workers ability to listen, understand and assist to meet practical needs:

*I know I won't offend in the future. But it's not because of this project. It's been because I made up my mind ages ago that I wouldn't offend anymore.*

Schemes reported that dealing with accommodation related issues (the priority), assisting young people to come off hard drugs and dealing with serious offences were the most difficult issues to tackle and that accessing certain services namely education, leisure activities and specialist services for those with substance misuse or mental health problems could be problematic.

The presence or absence of resources could make a difference to the way in which schemes operated and to the experiences of young people: some YOTs had a wide variety of resources and local projects that they could refer young people to, others notably rural areas had few options available. Additionally, there could be lack of access to local projects because providers were reluctant to engage with young people. This limited the ability of schemes to divert young people from anti-social behaviour, not just for the duration of the bail period but also in the longer term. It also restricted the way in which schemes could operate – for example, practitioners were more likely to work with young people through the provision of advice and guidance, rather than by referral to local activities or agencies.

The areas showing least improvement were those that related to employment and education. This was for a number of reasons notably young people being reluctant to seek employment or attend an educational provision, combined with the fact that the process of re-entering education and finding work or engaging in a training course can take time. Schemes reported difficulties in finding the right type of provision (whether mainstream or an alternative) for those that had not attended school for between two and three years. Where alternatives to mainstream education existed, they tended to be oversubscribed – one example provided indicated that a young person was accepted onto a programme for one hour a week, on the basis that if he proved himself during the hourly sessions his allocated time would be increased:

*The problem is that schools do not want to readmit the young people who have offended and not attended school for a long time as they are worried about their league tables and their performance status.*

*In some cases, the bail scheme has been effective in maintaining young people in schools by introducing pastoral support or a learning mentor to a child who is at risk of being excluded. The scheme hopes more children, especially those aged 10 to 12 who are excluded, not attending school or “statemented” will be found provision in the education system. However, it is difficult and time consuming trying to access the right type of local education authority provision.*

*We had a young person come onto the scheme, who left on a secure remand. The education authority still hadn't put into place any provision. Community education was basically used as a baby-sitting service for a young person who had extreme needs. I started writing letters to the education authority to do something. The effect on the young person is devastating because they're struggling with the results of who they are because they failed in the system and the system failed them.*

The most difficulty experienced was for those with drug or mental health problems, as there tend to be long waiting lists for psychiatric treatment or a psychological assessment and a lack of facilities to treat substance misuse problems. One scheme in particular commented that drug rehabilitation was often only available, once the young person had gone into custody. The lack of leisure activities in some areas meant that there was a shortage of meaningful day-time activities for young people, in particular for those not attending school.

That said, quantifiable outcomes in terms of improvements in lifestyle and circumstances were noted to include:

- finding suitable accommodation that prevented a remand and stabilised living arrangements (particularly through the use of remand foster care)
- re-engagement with some form of education provision
- starting a training scheme or finding employment
- attending regular appointments with drug or alcohol agencies
- visible improvements in health due to a reduction or complete withdrawal from substances.

Other less tangible improvements included:

- helping young people to focus on their responsibilities
- evidence of more constructive use of time
- family relationships changing for the better
- noted improvements in behavioural and emotional problems.

One scheme commented that it felt it had the greatest impact on 16- and 17-year-old males struggling to live independently and to find employment and was less successful with 14- and 15-year-old males who had unstable home backgrounds, where there was limited access to education and who, because of the short-term nature of support, continued to offend. They also observed that females involved with older boyfriends were also difficult to assist, as they were more vulnerable to the influence of their partner.

## Young people's views

Sixty-eight percent (n=47) of schemes included feedback from young people about their reaction to and experience of bail supervision in their evaluation reports. The total number of respondents was 340 young people, 133 (39%) who had been interviewed and 207 (61%) had completed questionnaires. These numbers represent a small percentage (7%) of the overall group of young people who were accepted onto programmes throughout the evaluation period (n= 4,567). Not all evaluators provided profile information about the young person in terms of age, gender and ethnicity; as a result, it has not been possible to compile an accurate picture of the young people whose views are represented here.

### Bail Supervision and Support as a positive experience

Feedback indicates that Bail Supervision and Support was a positive experience for the majority. However, a number of evaluators indicated that a young person's view of Bail Supervision and Support could be influenced (positively or negatively) by their personal experiences while on a programme. There was sometimes a difference in attitude between those young people who had previous involvement with the Criminal Justice System and those who were relatively new to it or had no prior experience of it, which may have affected the way in which they responded while on a programme and the views they expressed in the user feedback. For example:

*I knew what they were going to say – it was a bit like a broken record. Bail supervision would be helpful for people who didn't know though.*

*I understood the system before I even got there. They were friendly people and easy to talk to. They weren't stuck up and not in it for the money.*

A number of the young people questioned had unsuccessful periods on a programme for a number of reasons (being breached, not getting on with staff, etc.) which was reflected in their views:

*I don't think it's made any difference to whether I'll offend or not. It wouldn't. You know something like this is not going to stop you offending. I don't think it has done anything because I got arrested quite a lot after that still.*

However, the opinion of the majority was that it had been a positive experience and were asked rated the scheme as okay, good, or excellent. Views expressed included:

*They should try and get more people on this programme because it's done a lot for me.*

*I'm a better person than before, crime-wise – I don't think I'll commit another offence again, I hope not to anyway. I have had enough of the crime world because it's just boring and I'm growing up now and I just need to sort myself out, get a job and go from there.*

Young people from three schemes stated that bail supervision had surpassed their expectations. The majority of young people asked thought that bail supervision had, or would have, a significant effect on their offending behaviour in the future although some claimed to have made the decision to alter their behaviour prior to being placed on a programme. A minority stated that Bail Supervision and Support had a short-term effect while they had been in direct receipt of support and services, but doubted that this would be sustained long term.

*I'll look at the better aspects of life instead of the worse. My life has come a long way since being on bail support and I don't want to go back.*

*Before I would just have a smoke, get wrecked and go out thieving, that's what I used to do – now I think before I do thing. I don't think about offending, I think about what I can do instead. I ain't even thinking about it, the thought ain't even come into my head. Before, I used to think about thieving and now I think what can I do today to keep me occupied. I don't want to get in no more trouble basically.*

*I changed a lot, I've changed in loads of ways, I just won't get in trouble again because of all the running around you have to do. I can't be bothered to stand up in court feeling dizzy again. No way. My attitude had changed a lot as well.*

The relationship between the young person and their bail worker appears to be a key component to the success (or otherwise) of the programme. Although there will be cases where difficulties are experienced, practitioners were generally perceived to be easy to contact, helpful, supportive and comfortable to talk to. Most young people reported having a good relationship with their caseworker and commented on feeling respected and understood by them:

*She has made me feel better about myself and probably does not realise how much she has helped me.*

*They weren't against me like everyone else' and 'They were always there for me.*

*I tell her [Bail Supervision and Support worker] everything I've done – she makes you think about things and that and gets my head sorted out.*

These comments demonstrate that if practitioners gain the trust and confidence of young people there is an increased likelihood that they can influence current and future behaviour and support young people to complete successfully their period of time on bail:

*In the long run, it has helped me to change and made me realise that there was no point to what I was doing.*

*It has helped me to look into the sort of things I was doing in greater depth and made me understand what I did wrong but I still had to support to try and make it right.*



### Views on programme content

Specific evaluation of young people's views of each individual component of programmes is not possible, as there are many differing needs that will have been addressed in a variety of different ways depending on the resources available to the YOT and the priority with which they will have been addressed with the young person. However, a number of comments have been made about factors young people considered generally positive and helpful. These mainly relate to the quality of advice and guidance they had received about being reminded of court dates and having the judicial process explained to them. An important element of the feedback was that things that were previously unclear about the process were now properly explained:

*They explained things to me, and told me what to wear to court because you are judged on your appearance.*

*You cannot remember all the time; it just slips your mind so it did help me to get to court. I had so much to do that I had letters coming in all the time, god knows how many.*

*I could talk to them about everything and they helped me out in court.*

Several young people placed importance on having received advice and assistance in relation to employment and/or education indicating that help in this respect could help them to stop offending. Assistance in finding their way around the benefits system was also considered important:

*I got help with my benefits and with my reading. I will not be in more trouble.*

*Now I am going to college to do computers.*

Those not actively engaged in education, training or employment have significant amounts of time where they are at risk of reoffending. As a result, there is a need to encourage young people to their time constructively. Young people regarded this as a positive element of programmes, as productive activity occupied their spare time, introduced them to new people and/or activities and was enjoyable:

*I got help getting a job, help in trying to get a house and my worker took me on a leisure activity, which helped to relieve my stress.*

*It's stopped me getting into trouble all the times I was here doing something.*

*It's good as they stick by you and help you to stay out of crime. My head got all messed up and I did not know what I was doing. Now I know what I want to do.*

*It was a bit useful because I didn't offend that much then and going there kept me occupied.*

Lifestyle issues were also important and generally related to peer group influences, use of time, health in general and substance misuse in particular. Encouraging constructive use of leisure time activity is therefore important in diverting young people from anti-social behaviour and influences and keeping them purposefully occupied:

*When I was growing up I did not know what I was doing and I got into trouble. It was what everybody did where I lived.*

*Give them something to do at night times like a youth club that young people can go to and play snooker or something – ‘cause my mates don’t do much wrong but some of them are getting bored.*

The help and advice received by young people, regarding family relationships, was viewed as very positive with many of those asked commenting that relations had improved since they had been on the programme:

*The scheme was really helpful, it also helped my parents, and I would recommend it to anyone.*

*It was helpful because it got me a place to stay and helped me with money, and they talked to my mum so that now me and my mom are getting on.*

Several young people remarked that the bail supervision programme had given them the opportunity to seek help with their drugs/alcohol problems and in some cases to come off drugs completely:

*Drink- and drugs-wise – it’s helped me to stop all that because speaking to him helped to sort me out.*

Anger management where provided was viewed as helpful in developing self-control:

*We talked about controlling my temper and now I know I will never let myself act like that again.*

*Now I can sit and talk without doing something else at the same time. I used to fidget a lot and now I’ve learnt to control my anger. I used to have a really short temper. If someone said something, even as a joke, I’d get up and hit them. I’ve learnt how to control myself. I’ve had anger management. I feel more of a man now. I don’t think I could have done that without [BSS worker] because I’m kind of glad I got in trouble and I’m kind of glad I didn’t ‘cause I got out of trouble, and I got an education now, I got qualifications, and I’ve learnt how to behave properly.*

When asked what the best thing was about their time on a programme, young people overwhelmingly mentioned the support they received and “just having someone to talk to” out their offending and their situation in general:

*Bail supervision gave me a chance to talk and sort out my problems.*

*It was nice to have someone on my side rather than everyone against me.*

*They listened to my side of things and saw things from my perspective.*

Young people also mentioned that the support offered had improved their self-esteem and confidence and made them consider their actions and other options that might be available to them:

*By doing this I’ve picked up a lot of confidence in myself and it’s made me independent and more outspoken.*

*The project is a very good idea to help prevent crime, it makes people think more positively about themselves.*

*It's made me think about myself and feel better about myself because it was good to have someone to talk to.*

### **Negative aspects**

The majority of young people said that there was nothing negative about the scheme. For those who did mention negative elements, one of the main issues was keeping appointments, particularly if they were early in the morning. The lack of leisure activities were also commented on and feedback suggested that young people would like to see a range of activities and options available. This was partly to reduce the amount of time spent in what were seen as unproductive activities such as “signing on” or “just sat talking” and partly to use their time more constructively to reduce the likelihood of reoffending. In the latter case, young people highlighted the lack of support or structured activities in the evening and at weekends as problematic because this is when they felt at greatest risk of reoffending, suggesting that an alternative might divert them:

*A bit boring – coming here was a bit boring. Talked about why I did offences.*

*I just watch [the project worker] waffle on for a couple of hours. I don't listen to him. I just sit there.*

Young people stated that they disliked discussing what they saw as personal matters whether about their offending behaviour or their circumstances. This issue highlights the importance of the relationship between the bail worker and the young person needing to be carefully established, with appropriate concern given to handling personal issues sensitively and carefully:

*It's just stuff I don't want to hear. Like about my family and things like that.*

*It's just I don't want to talk about it. I want to tell him to mind his own business it's private. It's like a stranger walking up to you and asking you what's going on.*

A minority of young people reported feeling that being put on a bail supervision programme was a punishment, as it took up a considerable amount of their time and was compulsory (having agreed to participate). Given that these young people were unconvicted, this is of some concern. However, it also indicates that a community-based option places obligations and responsibilities on an individual that they might find difficult to meet:

*I just ain't the person to sit down and talk you know what I mean, but when you have gotta do it, you've gotta do it. But I don't like talking to the [the project worker].*

Young people's views on the help and support received by agencies other than the YOT were very mixed: there were professional services that were perceived as helpful and productive – however, in other instances contact with careers service and drugs advice centres drew criticism as did contact with some of the other statutory services:

*When clients had dealt with other agencies, for example the Probation Service and social services, many felt they had received limited short-term contact with a variety of staff, which had not been particularly helpful.*

## Conclusion

Overall, the indications are that if young people's needs are met for example by resolving practical difficulties such as with accommodation or providing additional assistance to families who are experiencing difficulties, or by providing supervised packages of support (which are as important as surveillance), that a period of stability can be achieved even for those with extensive offending histories and this is appreciated. The intense focus on the young person may be a factor in promoting desistance if not necessarily change, and young people have indicated that they value the contact (of being cared about) and the time that is devoted to them.

### *Main issues for policy and practice*

- If schemes cannot clearly identify young people who should be targeted for Bail Supervision and Support, services will be random, unfocused and liable to net widen by offering services to those who would ordinarily receive conditional bail. Schemes should target those at risk of having bail denied and review the remand status of those denied bail. The evidence suggests that Bail Supervision and Support tends to be used for those that are progressing up the tariff rather than down it from custody.
- Effective inter-agency arrangements are necessary to deliver a good quality service. The referral process starts at the police station with the denial of bail. YOTs that initiate systematic daily contact with local custody suites will be aware of those young people who may be vulnerable to further detention and should be targeted for services.
- The presence of workers in court who are knowledgeable and promote and provide access to the service are essential to the referral process. The role of practitioners in court is crucial in liaising with the Crown Prosecution Service and defence solicitor, in discussing individual cases and establishing if there are objections to bail, as these actions form the basis of whether or not young people need to be assessed for a Bail Supervision and Support programme.
- The ability of workers to effectively assess risk, the availability of intensive support and resources to manage young people who have committed serious offences and the degree of promotion and liaison to court users to increase awareness and promote community alternatives are all likely to be factors that determine whether higher risk cases are accepted or rejected by either the YOT of the court. The evidence suggests that offence serious is a significant issue that YOTs need to be able to address in order to be able to divert young people from custody.
- A careful in-depth assessment ensures that there is a greater likelihood of addressing the specific concerns of the court, the YOT and any issues identified with the young person in a Bail Supervision and Support programme. Practitioners need to be fully conversant with issues of risk, vulnerability and the factors that are influencing offending behaviour in order to develop an individualised programme. The diverse needs of young people suggest that generic programmes are not appropriate and are unlikely to address the specific concerns of courts in individual cases.

- While providing the courts with written reports is more desirable for a variety of reasons, the evidence suggests that verbal reports can be a successful way of putting forward proposals, particularly if well presented. Magistrates who are confident in and conversant with the role and purpose of the scheme do not necessarily require information in writing.
- There was a degree of divergence between the issues identified in the bail *Asset* assessment and what was carried out in programmes. Addressing problems with education and employment appeared with less frequency in programmes and had lower outcomes in meeting needs, when compared to the frequency with which they had occurred at the point of assessment. This suggests that access to these services even in a time-limited intervention needs to be improved.
- Of the young people that were sentenced at the end of the bail programme, three-quarters received a non-custodial sentence. This suggests that Bail Supervision and Support may be influential in diverting young people away from a custodial sentence as well as a remand to a secure facility. What appears essential to effective practice is that full consideration be given to a young person's response to a programme, particularly where good progress can be demonstrated and information that is relevant to the sentencing decision is always provided to courts in a PSR.
- It is acknowledged that there are difficulties in meeting and addressing all the needs presented by a young person engaged in a short bail programme. However, the experience can be beneficial from the young person's perspective and does have the potential to start a process in which improvements in behaviour can continue to be built on. If practitioners gain the trust and confidence of young people, there is an increased likelihood that they can influence current and future behaviour and support young people to complete successfully their time on bail.

## Part Seven: Progress against national objectives

### *Introduction*

This section comments on the impact of the activity undertaken by Bail Supervision and Support schemes in addressing the national objectives for Bail Supervision and Support, namely to

- ensure that remands to custody and secure remands are kept to an essential minimum
- ensure the appearance of the young person at court to reduce delays in the court process
- prevent offending on bail

Prior to examining the impact, it is important to note that over the funding period there were a number of changes in legislation and working practices that were important to the environment in which Bail Supervision and Support operated. Some of these had direct impact on the role of schemes in the pre-trial process in that they made bail more difficult to achieve in certain circumstances while others will have a diversionary effect away from custody. They are briefly described as follows:

### *Changes in legislation and working practices*

#### **Secure remands**

One of the most important legislative changes introduced by the Crime and Disorder Act 1998 was the introduction of court-ordered secure remands for young people aged 12 to 16 years of age, which allowed younger children to be remanded into custody than did the previous threshold of 15 years of age. This was implemented in June 1999.

The Criminal Justice and Police Act 2001 extended the criteria for secure remands by making it possible to remand a young person in custody if they have a history of recently and repeatedly committing imprisonable offences while remanded on bail or to local authority accommodation and there is a risk of serious harm to the public or a risk of further imprisonable offences being committed. The criteria under which a young person could be remanded in custody were relaxed at the same time as significant emphasis was being placed on using community alternatives to custody such as Bail Supervision and Support. The one could be seen as counter-productive to the other and it is observed that this legislative change was directly in opposition to one of the key objectives of Bail Supervision and Support. This provision was implemented in September 2002.

### **Electronic tagging on bail**

Sections 131 and 132 of the Criminal Justice and Police Act 2001 introduced the provision that young people while on bail or remanded to local authority accommodation can be electronically tagged, under section 3 of the Bail Act 1976, provided certain criteria are met. These provisions were available nationally from 1 June 2002. Electronic tagging can be available as a stand-alone bail condition, although *Home Office Guidance*<sup>50</sup> suggests that such a condition would be the exception rather than the rule and should normally be used as part of a structured package of supervision and support for those aged 12 to 16 years. Electronic tagging is also available for 17-year-olds, as an alternative to custody. Its use has provided courts with an additional option when imposing conditions of bail as it can strengthen bail packages by offering greater surveillance when attached to curfews.<sup>51</sup>

### **Referral Orders**

The Youth Justice and Criminal Evidence Act 1999 introduced the Referral Order as a sentencing disposal for 10 to 17-year-olds, pleading guilty and convicted of an offence by the courts for the first time. The young person is referred to a youth offender panel that can make a Referral Order. *National Standards* specify that the initial meeting of the panel must take place within 20 days or 15 days if there is no identifiable victim. There is no formal evaluation or feedback (to date) of the impact of Referral Orders on bail periods and the use of Bail Supervision and Support. However, it is likely that young people subject to referral to a youth offender panel would not be eligible for Bail Supervision and Support as panels dealt with lower levels offending and some of these young people would have received unconditional or conditional bail (without a YOT intervention) in the past. In addition, panels are effectively dealing with young people on their first appearance thereby negating the need for a remand decision. However, there will be occasions where a first offence is serious and the court is considering a remand these young people should be assessed for Bail Supervision and Support.

### **Fast-tracking**

One of the biggest impacts on the youth justice system has been the introduction of # fast-tracking of cases through the courts. The average time between arrest and sentence in 1998 was 142 days. It was estimated (*Misspent Youth* 1998) that courts required an average of three court appearances before sentence and the actual numbers of court appearances ranged between two and six. One of the causes of delay was attributed to the non-appearance of young people. The length of time taken to bring a case to sentence was recognised to be a risk period for young people, as the longer they were on bail the greater likelihood of offending.

<sup>50</sup> Home Office (2002a) *Home Office Guidance: Criminal Justice and Police Act 2001 – Electronic Monitoring of 12-16 Year Olds on Bail and Remanded to Local Authority Accommodation*. London: Home Office.

<sup>51</sup> It should be noted that the Juvenile Offender at the Home Office will be publishing findings in respect of the electronic tagging of young people on bail in 2005, provisionally entitled “Understanding electronic monitoring of juveniles on bail and remanded to local authority accommodation”

One of the major impacts of fast-tracking has been to reduce significantly the length of time that young people are on bail and correspondingly the factors associated with non-attendance and reoffending. Bail Supervision and Support plays a direct part in ensuring attendance at court and reducing delays. Fast-tracking had a short-term impact on the remand population as, once the pledge (to reduce the period of time between arrest and sentence by half) of 71 days was met (approximated at July 2001), the period of time between arrest and sentence stabilised at this point. Fast-tracking has had an important impact on reducing the remand population because, even if young people are remanded for shorter periods of time, the overall effect will be fewer people in custody at any one time. The Audit Commission<sup>52</sup> acknowledges that it was one of a number of factors that led to a fall in the juvenile remand population between March 2000 and September 2003.

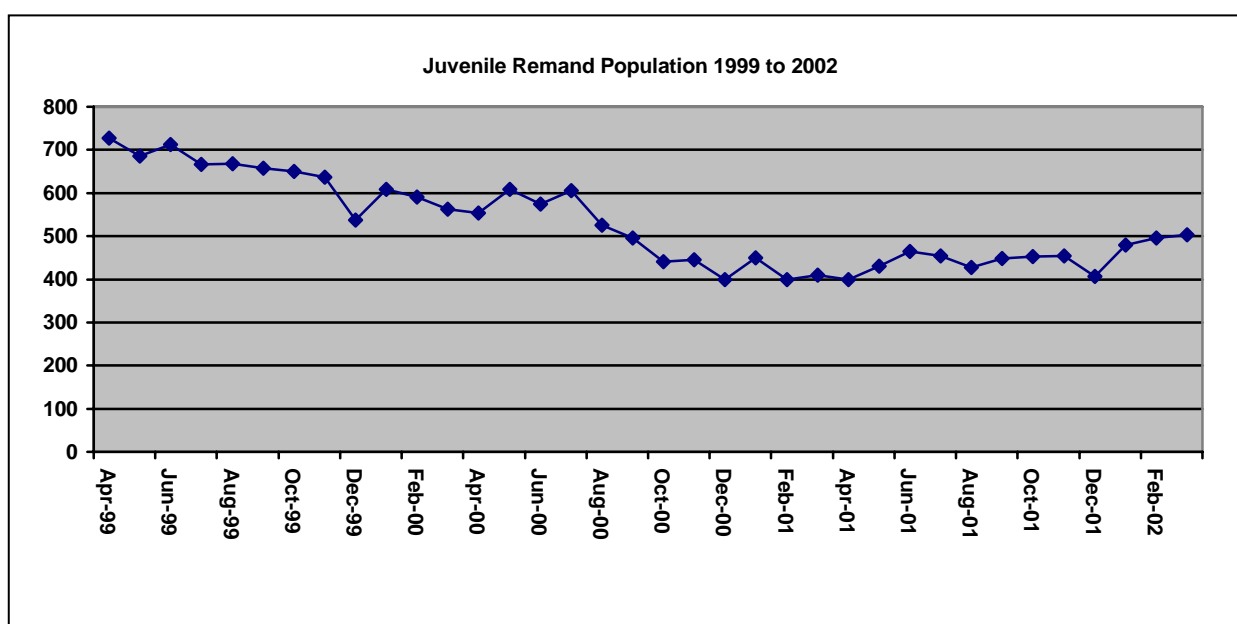
### Bail Intensive Supervision and Support (Bail ISSP)

Intensive supervision and support programmes were made available to YOTs through YJB development fund grants in 2001 (subsequently extended). They are available as a condition of bail for young people who meet the specific criteria. The programmes are significantly more intensive (25 hours per week of supervision with additional surveillance) than the requirements of Bail Supervision and Support as defined by *National Standards* of three contacts a week. Bail ISSP should not replace Bail Supervision and Support, but it is an additional option in the range of tariffs available to courts when deciding whether to remand a young person on bail or otherwise.

### Remands in custody

#### Remand data

The following chart plots the juvenile remand population from March 1999 to March 2002,<sup>53</sup> to identify trends during the period of time the YJB funded Bail Supervision and Support schemes.





### **Key dates during the funding period**

- Commencement of funding of Bail Supervision and Support schemes by the YJB on 1 April 1999.
- Introduction of court-ordered remands on 1 June 1999.
- Launch of YOTs, 1 April 2000.
- The government's pledge to halve the time between arrest and sentence was achieved in July 2001.
- ISSP introduced in July 2001, the criteria and geographical coverage were extended in April 2002.

### **Influences on the remand decision**

The first national objective to be examined is the role of Bail Supervision and Support in diverting young people from custody. In order to establish if schemes made an impact, this section will examine some of the factors that research has identified might have an effect on the remand decision.

There are a number of influences that may affect whether young people are remanded in custody or on bail. These include the reaction of magistrates to new initiatives and their willingness or resistance to accept and adopt changes in practice. Examples cited from local evaluation reports included in one instance the chair of the bench being supportive of the scheme, which filtered down to other members and in another the converse where the presence of a district judge who made limited use of the scheme and exerted a strong influence on the bench. In addition different benches within a particular court may have different criteria for considering a young person for a programme and as a result the threshold for participation may not be consistent.

Adult courts may be more likely to remand a young person into custody than a youth court because they are less familiar with the non-custodial options available. This is generally because the provisions and coverage of Bail Supervision and Support are not as comprehensive as they are in the youth court. The YOT may not be aware that a young person is appearing in the adult court and court personnel may not be as familiar with Bail Supervision and Support in terms of how and when to offer it. Differences in the ethos, policy and training of adult court magistrates may also be factors.

The influence of high-profile cases, the type of crime being committed locally and local and national initiatives can have an impact on the use of bail in a number of different ways. For example, in April 2002, initiatives against street crime and robbery in some of the London boroughs resulted in an increase in the number of young people arrested and charged with these types of crime. In another area, a local evaluator reported that a high-profile murder case committed by a youth gang made violent offences publicly topical and as a result courts in the area were more reluctant for a period of time to grant bail in these types of cases.

Other factors that might make a young person vulnerable to a custodial remand relate to some of the issues discussed in earlier sections of this report regarding the role of YOTs. If schemes cannot clearly identify young people who should be targeted and assessed for Bail Supervision and Support, services will be random and unfocused; lack of communication between the police and the scheme can mean that young people are not identified and the absence of a worker in court pro-actively to target and assess young people can all potentially result in the remanding of young people into custody.

Other factors relate to the inadequacy of the organisation and provision of services. For example, where the scheme cannot offer the level of service that is required due to staffing problems (over a third of schemes had difficulties with the recruitment and retention of staff), and/or lacked resources and did not have a sufficiently robust infrastructure to maintain the service consistently in the absence of key worker(s). This could mean less pro-active targeting of young people. These factors support earlier discussions that gaining the confidence of magistrates and court users is essential in ensuring that Bail Supervision and Support will be considered as a viable, alternative option to a remand in custody and that YOTs should effectively deploy resources to ensure that they are able to provide a consistent level of service to courts and young people:

*A relatively small number of young people find themselves in jeopardy of a remand in custody and prosecutors do not readily resort to such an application. In my experience, an individually tailored bail support programme can often be sufficient to meet the objections to bail.*

(CPS)

*The kids would be sunk without bail support workers. We can't give the kind of support that bail support can, in terms of finding them accommodation and taking them to court. Without bail support there would be a lot more kids in custody.*

(Defence solicitor)

*There was a recent case, where the bail support project had worked so hard to put a package together that we wanted to give bail support to the young person who we wouldn't normally have recommended for bail with conditions.*

## Impact of schemes

It is difficult to make direct comparisons with regard to the impact of Bail Supervision and Support to the pre- and post-YJB funding position due to changes in legislation, working practices, the impact of fast-tracking and other influences that affected on the remand population during the funding period.

Some schemes provided data that compared the number of remands in custody prior to the establishment of the Bail Supervision and Support schemes to the position, once the scheme had become established to identify if there had been any effect on local remand populations. These are contained in Appendix Two: the comparison periods generally use 1998 as a benchmark. These examples demonstrate some reductions in the remand population – however, as most of the information does not extend into 2002, it is not possible to see if these trends continued.

One of the indications of an impact would be a direct correlation between an increase in the use of Bail Supervision and Support and a decrease in the number of young people being remanded. One example *Calderdale* has been used by way of illustration. In 1998/9, the number of young people remanded in custody (RIC) was 41 and to local authority accommodation (RLAA), 28. In 1999/2000, the numbers were 28 and 20 respectively and in 2000/2001, 14 and 7. The scheme had a target to reduce the remand population by 25% annually. Overall, a reduction of 70% was achieved. This was attained by a corresponding increase in the use of Bail Supervision and Support over the same period of time: in 1998, 21 young people were placed on programmes, 47 were in 1999/2000, and 33 were in 2000/2001.

It is difficult to quantify the exact impact that Bail Supervision and Support has had on the number of remands nationally. Projections in the long-term trends in the prison population estimated that improved Bail Supervision and Support provision would reduce the prison population by 5%.<sup>54</sup> The indications are that there was a steady fall in the juvenile remand population from July 1999, but from the start of 2002 there were increases, which could be attributed to the introduction of the government's street crime initiative and this might have undermined any potential effectiveness. The evidence does however suggest that there was some impact on a local basis from schemes that provided data pre and post the funding period:

*Bail Supervision and Support can prevent someone going into custody on remand, who might be found not guilty. It is an opportunity to put some structures in place for them to [enable] them to move on with their lives and to work with children to stop them reoffending while they're on bail.*

*Generally, the sort of young people we get on bail support packages are young people who are committing offences, they have then committed offences on bail, the court has remanded them into custody. So they are developing quite a pattern – it's then about identifying need and being flexible enough to respond to that need first, also staying within the parameters of what the court said.*

<sup>54</sup> *Home Office Statistical Bulletin: Projections in the Long-Term Trends in the Prison Population to 2008.* Home Office. London

The Audit Commission<sup>55</sup> have concluded in their 2004 report on the youth justice system that one of the possible reasons the juvenile remand population fell between March 2000 and September 2003 was the availability and use of Bail Supervision and Support, combined with the introduction of the fast-tracking pledge to halve the time from arrest to sentence and the placing of remand workers in young offender institutions to review the remand status of young people.

It is not unreasonable to assume that when schemes became established there would be an impact on the remand population and a degree of diversion from custody. This is likely to have occurred as a result of them targeting young people for whom there were objections to bail, gaining credibility and acceptance by court users and developing programmes and working practices and to successfully manage young people in the community.

However, this indicates that there needs to be an expansion and increase in the target group, notably more serious cases if there is to be long-term effectiveness and impact on the juvenile remand population. This may be achieved by the introduction of bail ISSP; however, any comment is beyond the scope of this report. That said the target group should remain under review to take into account changes in legislation, court processes and the remand population. In addition, there needs to be quality assurance processes in place within YOTs through which effectiveness can be properly measured and evaluated.

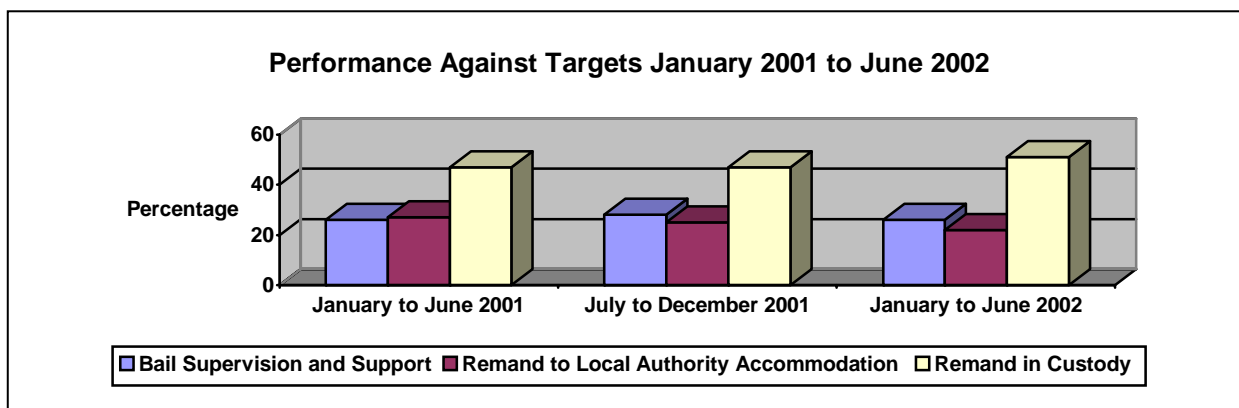
A significant factor that has not been sufficiently addressed in the overall evaluation of the impact of Bail Supervision and Support is the lack of suitable accommodation for young people involved in the pre-trial system. Of final evaluation reports, 54% indicated that they had difficulty in providing suitable accommodation for young people, with the implication being that young people were being remanded in custody as a result of not having a suitable bail address. The Audit Commission (2004) indicate that up to 1,000 young people a year are remanded into a secure facility because they lack somewhere suitable to live – however, this requires further research and analysis.

#### **National targets for remand interventions**

The YJB has set targets for the use of Bail Supervision and Support to promote its use and to reduce the use of custody. In terms of performance, the provision of Bail Supervision and Support should represent 30% or more of YOT interventions at the pre-trial stage, remands to local authority accommodation likewise and remands to the secure estate 40% or less by March 2004. This target does not measure diversion from custody, but is an indicator of how pre-trial options are being used.

<sup>55</sup> Audit Commission (2004) *Youth Justice 2004 A Review of the Reformed Youth Justice System*. Audit Commission. London

From statistics provided by the YJB from the quarterly returns from YOTs between January 2001 and June 2002 (see chart below), the indications are that the use of Bail Supervision and Support, as a YOT intervention, remained relatively constant. It should be noted that there is considerable variation between these data and that provided by schemes to Nacro Cymru. However, it was felt to be useful to examine YJB statistics when reviewing trends. For the purposes of this report, it is not intended to look beyond the funded period.



As an observation, the impact of bail information in the work of those providing Bail Supervision and Support services is not being measured as a YOT intervention. This is important, as it is inter-related to the provision of Bail Supervision and Support services – given the fact that better quality information is now available to the courts and the availability of bail information is likely to be having an impact on decision-making. It can be assumed that young people who may have been vulnerable to a remand have been diverted – for example, through the provision of information such as a bail address that might not have been known, had the YOT not conducted independent enquires. Research into the use of bail information in adult courts in the early 1990s bears this out and indicates that it can be particularly effective in dealing with accommodation issues.<sup>56</sup> This suggests that bail information should be counted as a YOT intervention, even though the outcome is likely to be unconditional or conditional bail requiring no further action on the part of the YOT. A considerable amount of time and effort is spent in conducting enquiries, gathering information, liaising with court users and engaging with the young person.

<sup>56</sup> Drakeford M, Haines K, Cotton B & Octigan M (2001) *Pre-trial Services and the Future of Probation*. Cardiff: University of Wales Press

## Attendance at court

### Availability of data

It is difficult to establish baseline data about the level of attendance at court by young people prior to the establishment of Bail Supervision and Support schemes, despite enquiries being made of the Home Office, Lord Chancellor's Department, Magistrates Association, the Court Service and the Office of National Statistics. The research has concluded that this information is not routinely collected and collated on a national basis and as a result comparison pre and post funding is not possible.

In terms of information collated by Nacro Cymru, the first national evaluation report<sup>57</sup> identified that 85% of young people completing programmes attended all court appearances between April 1999 and March 2000.<sup>58</sup> This was in the first year that schemes were monitored. In January 2001, YOTs were advised that "the YJB wishes to see the 85% figure taken to over 90%" and that Bail Supervision and Support schemes should specifically target all young people for whom there is concern about attendance at court to actively ensure that they attend.<sup>59</sup> *National Standards* reinforced this by stating that where there is a risk of non-attendance at court the Bail Supervision and Support scheme must help to ensure attendance at court by contacting the young person, and their parent or carer, to remind them to attend and by taking them if necessary.

### Role of bail supervision and support

There are a number of reasons why attendance at court might be problematic – for example, those living a long way from court may have no means of getting there if public transport is poor (particularly in rural areas). Young people may miss appearances because there is a lack of structure in their daily lives, where one day is very much like another and it is therefore easy to forget; fear of custody may also be a factor. The impact of non-attendance creates problems and delays and there is a less efficient processing of cases through courts.

The role of Bail Supervision and Support is important in guiding young people through the pre-trial process. Not all young people are familiar with it and offering information on court procedures, etiquette and what happens at hearings is important. This involves explaining the court system and the importance of attending court and providing assistance if necessary. This will include talking to parents about court appearances, the court processes and advising them of the consequences of the young person not appearing

### Levels of attendance achieved

The monitoring data indicated that between April 2000 and March 2002, in 94% of bail supervision programmes, the young person attended all the hearings relating to the matters for which they had been placed on a bail programme for. The following table indicates the percentage attendance for each quarter during the period:

<sup>57</sup> Bail Support Policy and Dissemination Unit (2000) *First Evaluation Report: Evaluation of Projects Funded Under the YJB: Bail Support and Supervision Grants*. Swansea: Nacro Cymru.

<sup>58</sup> Note that this was a preliminary finding as not all schemes were fully operational at this point.

<sup>59</sup> Warner, Norman Lord *Non-Attendance in Court*. YJB, January 2001

April to June 2000	July to Sept 2000	Oct to Dec 2000	Jan to March 2001	April to June 2001	July to Sept 2001	Oct to Dec 2001	Jan to March 2002	% Average
92	92	93	93	96	94	94	95	94

Local evaluations identified that a small number of schemes set targets<sup>60</sup> they wanted to achieve in terms of levels of attendance at court by young people. *Calderdale* set a target of 70% attendance and between May 1999 and December 2001 reported that 97% had been achieved. *Cornwall and the Isles Of Scilly* aimed to achieve a 90% attendance rate. Between January and December 2001, the average court attendance was 92%, between January and September 2002, it was 96%. However, between October and December 2002, it was 88%. The reason for the decrease can be attributed to the statistics being disproportionately affected by the non-attendance of young people in a scheme that dealt with a low number of young people. Derbyshire aimed to achieve 80% attendance; between February and September 2001, 88% was achieved. Medway although not specifying a target noted that attendance levels had improved; between September and November 1998, the scheme reported the attendance rate was 67%, which increased to 90% between April 1999 and September 2001. Appendix Three contains a fuller account of some of the reported attendance levels.

The evidence suggests that schemes made a significant contribution in reducing delays and helping the court system to operate speedily, by ensuring that young people attended court. Supporting young people through the court process has become an established function of Bail Supervision and Support, and the achievement of high levels of court attendance comes as a result of the close monitoring of cases, and taking action to ensure that young people attend. The degree of support and assistance provided would depend on the degree of difficulty encountered or likely to be experienced by the young person. Support could also be offered on a voluntary basis in cases where bail would be granted but additional assistance might be needed.

### **Ensuring attendance**

The following action has been identified as having an impact on ensuring young people attend at court; issuing reminders of court dates, telephoning or making contact either the day before or on the morning of the appearance, encouraging the family to take an active part in accompanying the young person to court. Schemes accompanied the young people to court particularly where the parents or carers had difficulty in attending and would offer support to ensure that all parties were clear about the requirements and obligations. Volunteers and mentors were also used to assist in this type of activity. One scheme reported that it made an appointment with the young person and the family the day before court to discuss how they were going to get there and to ensure that any problems were identified and resolved. Schemes also assisted with transport (particularly to those living in rural areas that were poorly served by public transport) or provided tickets for public transport:

<sup>60</sup> Contained in the bid documents made to the YJB in 1998/99.

*It is about offering support to those young people to get them to court and to get them to know that we are on their case.*

Court users noted that practitioners played a vital role in reminding young people about the dates and times of court hearings and taking them to court appearances if necessary:

*If you are going to meet your pledge of 71 days to deal with these young people, I think that one of the biggest plus factors is they are produced in court and you can deal with the cases.*

*Young people receiving bail support are accompanied in their court appearance by an officer of the scheme. Thus their attendance at court is assured and the young person appears to have a good attitude while in court.*

Some schemes actively followed up those who did not appear in court and undertook work to prevent warrants being issued. It was noted that the routine attendance of workers in court meant that they would know who should be attending and there were instances where it was noticed that a young person was not in court, and action was taken to make contact with them, to encourage attendance to avoid breach action being initiated. One scheme developed a protocol whereby the bail co-ordinator worked closely with the clerk of the court and the police to ensure that adjournments were initiated in the event of a failure to appear in order to undertake enquiries to establish the reason why. Efforts would be made to contact the young person and to encourage their attendance before a warrant for non-appearance was issued. If the young person was located there would be further liaison with the police to arrange for them to appear in court as soon as possible to avoid arrest and detention.

Other methods involved targeting young people placed on warrants to assist them to surrender speedily to the court. This included deferring cases in order to contact the young person to advise them to surrender at a specified date. Other approaches involved tracking all warrants and offering support to encourage young people to appear. In these instances, schemes would be aware of cases before they come to court and would initiate contact as soon as they could to persuade young people to surrender to the police. This meant that it was possible to anticipate difficulties, rather than having to react to problems when they arose. Court users considered this to be of value, as a member of the CPS commented: "This has been a great help as it enables everyone to 'get on with the job.'"

### **Offending on bail**

For the purposes of this evaluation, the definition of offending on bail was the arrest and charge of a young person while on a Bail Supervision and Support programme that was a condition of bail. Within the scope of the monitoring carried out by Nacro Cymru, the level of offending on bail was calculated at the end of each quarterly monitoring period. This meant that a number of programmes carried forward from one monitoring period to another and, until all the programmes made within a particular period were completed, the reoffending rate was not at its true level. This section analyses the information provided about offending on a Bail Supervision and Support programme.



### **Baseline data from available research**

There is a paucity of information and research relating to the levels of offending by young people on bail. Where information exists, it tends to relate to adults and as a result is not directly comparable. It should also be noted there are different points at which offending can be measured – for example, before or after conviction. A number of the research findings are summarised below to give an indication of levels of offending on bail from the information that is available.

In 1992, the Home Office undertook a review of offending on bail<sup>61</sup> to establish from available research what proportions of (adult) defendants granted bail committed further offences while on bail. The research concluded that the proportion of offenders convicted of offences on bail from magistrates' courts was between 10% and 12%.

The evaluation of the Bail Process project<sup>62</sup> gathered information from five police forces: Salford, Horseferry Road (Central London), Leicester, Newport, and Bournemouth and Poole. It measured those who were charged with an offence committed on bail and those who were convicted for an offence committed on bail. The research reported on the overall findings across the five areas. In 1993, 23% of those on court bail were charged with an offence but not convicted, compared to 20% in 1994. In 1993, 20% of those on court bail were convicted of offences, compared to 15% in 1994. The study found that the offences most commonly committed by young people on bail were car theft, burglary and robbery.

Brown's survey in 1998<sup>63</sup> measured defendants who had been bailed by the police from three police stations in Northumbria and Greater Manchester and who were known to have committed further offences. It excluded those not resulting in a conviction. The survey found that 12% of those bailed by the police and 15% of those bailed by the court committed at least one offence while on bail. The research also identified that the level of offending among young people at 38% was twice as high as that of adults. There was also greater persistency in that 10% of young people committed three or more offences, compared to 3% of adults; 58% of young people in local authority accommodation committed one or more offences, compared to 35% for other young people. There was also a much higher proportion of vehicle-related offences, burglary, criminal damage and violent crime among young people.

<sup>61</sup> Morgan, P. (1992) *Offending on Bail: A Survey of Recent Studies* (Research and Planning Unit Paper 65), London: Home Office

<sup>62</sup> Morgan, P. and Henderson P. (1998) *Remand Decisions and Offending on Bail: Evaluation of the Bail Process Project* Home Office Research Study 184. London: Home Office

<sup>63</sup> Brown D. (1998) *Offending on Bail and Police Use of Conditional Bail* Home Office Research and Statistics Directorate Research Findings Number 72. London: Home Office

A Scottish study<sup>64</sup> that evaluated an experimental bail supervision scheme for young people aged 16 to 25 in Edinburgh and Glasgow found that 18% of young people on the Edinburgh scheme committed offences while on the programme, which was lower than a similar group that had not received bail supervision (27%). Similarly, in Glasgow 33% of those on bail supervision programmes offended, compared to 40% of those on bail who had received services. These findings are not conclusive in that the numbers placed on Bail Supervision and Support programmes were small, but it does raise some relevant issues. All of those who had offended on bail in Edinburgh (4 out of 22 participants) had offended on bail on a previous occasion. The Glasgow cohort was a high-risk group with significant criminal backgrounds including previous convictions and histories of offending on bail. Factors that were identified as likely to prevent offending were undertaking detailed assessments in order to be able to tailor services for each individual and the provision of support specifically designed to prevent offending. It was also noted that those on a serious charge were less likely to offend, as significant consequences would be faced if there were any transgressions.

### **Level of offending while on a Bail Supervision and Support programme**

The monitoring information provided to Nacro Cymru has been analysed to give an indication of the level of offending on bail for those subject to a Bail Supervision and Support programme. However, it should be noted that there was a high percentage (up to 60% in some cases) of data that were either not returned or recorded as unknown, and this has a significant impact on the findings. The analysis is based on the information received and caution must therefore be exercised when examining the conclusions.

The recorded data indicate that there were 3,427 completed programmes between April 2000 and March 2002. There were instances of reoffending in 817 of these programmes. This is a crude measure that suggests that 76% of young people who completed programmes did not offend while on the programme, whereas 24% were arrested and charged with further offence(s).

The level of offending by scheme varied considerably:

- 24% of schemes reported no offending on bail
- 42% of schemes reported an incidence of offending on bail in up to 24% of cases
- 30% of schemes had an incidence of between 25% and 49% of cases
- 4% had an incidence of between 50% and 69% of cases
- no schemes had an incidence of between 75 and 100% of cases.

In analysing the data, it was noticeable that in schemes with a low throughput of young people single incidences of offending could vastly inflate the percentage level of offending.

<sup>64</sup> E McCraig and J Hardin (1999) *Evaluation of the Experimental Bail Supervision Schemes* The Scottish Office Central Research Unit, Edinburgh

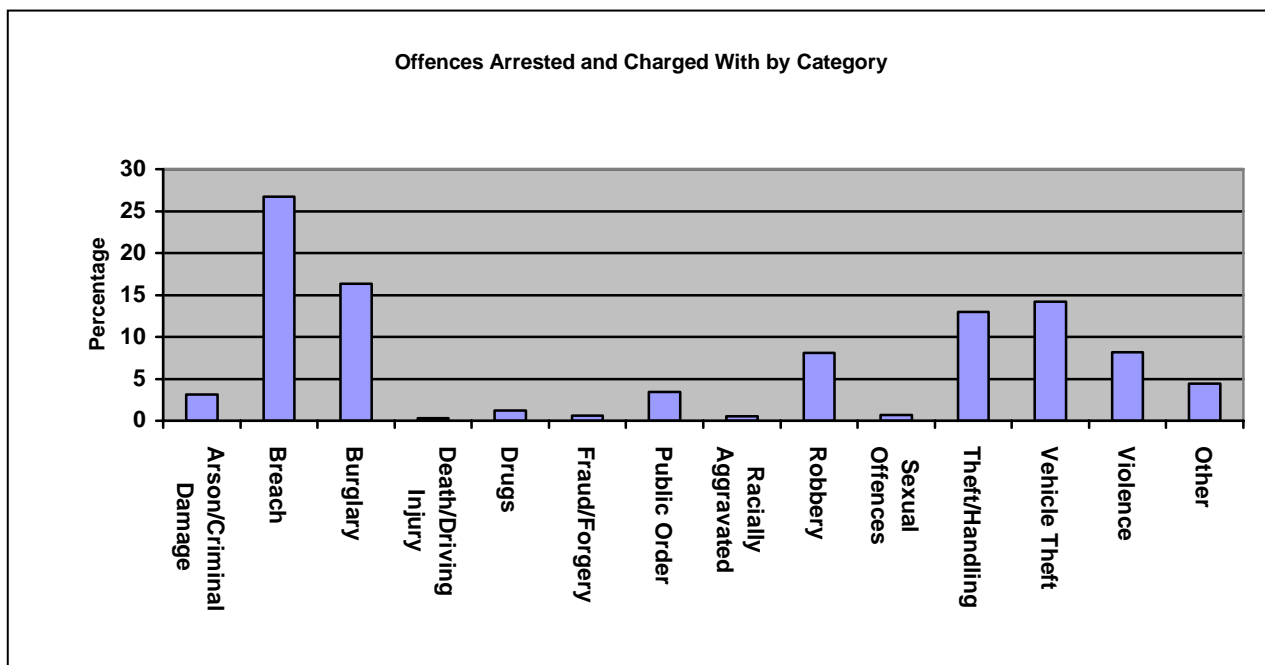
### Information about young people who offended on bail

Males represented 89% and females 11% of those arrested and charged with further offences. The peak age for offending was 17 years for both males (33%) and females (41%). In terms of ethnicity, White British represent 85% of those that offended, of which 84% were male and 82% female. These statistics simply reflect the age and gender of those on Bail Supervision and Support programmes and there is no tendency for any specific age group or gender to offend more than any other (see Part Five).

### Offence categories

The offence categories that young people were arrested and charged for are broken down in the following chart, indicating that breaches of bail, burglary, vehicle theft and theft/handling appeared with the most frequency.

It should be noted a breach of bail is not an offence in itself – however, it does indicate that a further offence could have been committed or it can indicate that there was a breach of another bail condition, such as a curfew. The statistical data that were requested from YOTs did not ask schemes to identify if the breach was as a result of offending behaviour – or the offence type in the event that it was.



In 69% of instances where young people were arrested and charged, it was for a single offence rather than many. Of young people who offended: 18% committed two offences; 7%, 3 offences; and 6%, four offences or more.

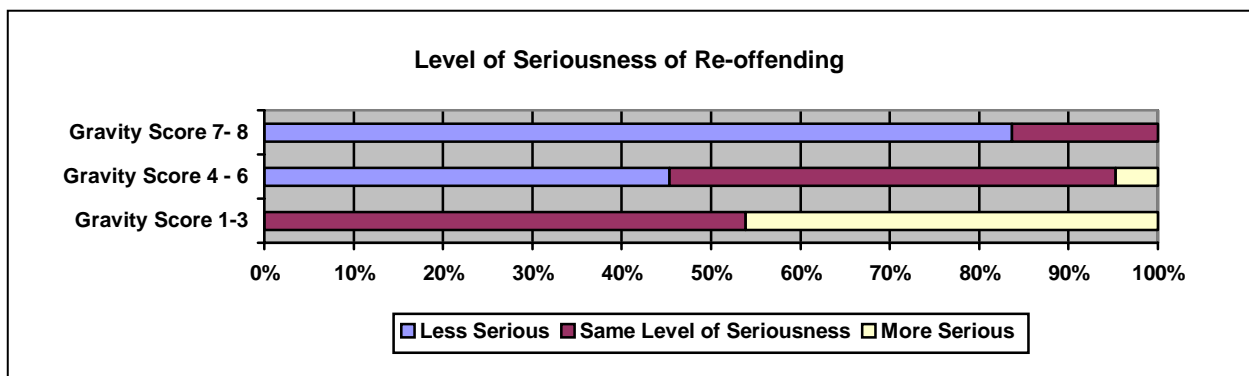
This information has been examined further to compare what proportion of young people reoffended with the same type of offence they were originally placed on a programme for, to give an indication of which offence types are likely to yield the highest levels of reoffending. The following table indicates that vehicle theft, theft/handling, burglary and robbery were the most likely to occur. Breaches of bail are once again significant: however, the relatively high percentages that appear for those that committed sexual offences and drug-related offences are numerically insignificant.

Original offence category	Arrest and charge population – % reoffending with the same category of offence
Burglary	27
Vehicle theft	40
Robbery	25
Theft handling	37
Violence	15
Public order	13
Arson/Criminal damage	5
Breaches	42
Driving death/Injury	0
Racially aggravated	0
Fraud/Forgery	0
Sexual	12.5
Drug-related	25
Other	22

#### Level of seriousness of reoffending

The final part of the analysis has taken the total reoffending population to identify whether reoffending at the arrest-and-charge stage was more or less serious when compared to the offence(s) for which young people were referred to a bail supervision programme.

For the purposes of measuring seriousness, gravity scores were grouped into three bands, namely gravity score 1 to 3, 4 to 6 and 7 to 8. In terms of analysing this information, it should be noted that with gravity scores 1 to 3, there cannot be any less serious offences, and with gravity score 7 to 8 there cannot be a more serious offence. While this gives a useful overview of trends it is not a precise measure.



The original offences for the majority of those who reoffended fell within the gravity bands 4 to 6 (58% of cases), followed by gravity band 1 to 3 (27% of cases) and 7 to 8 (15% of cases). Of those arrested and charged, 40% of young people were arrested and charged with a less serious offence than the one they had originally been referred to a Bail Supervision and Support scheme for – 46%, for an offence of the same level of seriousness; and 14% for a more serious offence, indicating that reoffending does not necessarily mean an escalation in seriousness, but is more a question of persistency.

#### **Outcome following arrest-and-charge for further offending**

Schemes were asked to indicate what happened to a young person when their programme ended, following arrest and charge for further offence(s). 65% of programmes were not terminated and, in these instances bail, will have been extended, varied or the young person may have been sentenced.

<b>Outcomes</b>	<b>% in each category</b>
<b>Remanded in custody</b>	61
<b>Sentenced</b>	9
<b>Remanded to local authority accommodation</b>	16
<b>Other (includes case transferred, warrant, unconditional bail and unlawfully at large)</b>	7
<b>Conditional bail</b>	7
<b>Unknown</b>	1

As the table shows, of those young people who reoffended, 35% had their programmes terminated, the majority of which were remanded in custody. In terms of the wider context, 8% of all young people who completed a Bail Supervision and Support programme had their programmes terminated due to offending on bail.

#### **Impact of Bail Supervision and Support schemes**

Factors that might influence the ability of YOTs to address offending behaviour are the availability (or lack) of services that can be used to address needs in programmes. For example, the local evaluator for Lancashire, Blackburn and Darwen identified that the lowest offending rates were in areas where there were a wide range of services available (between 13 and 15), in contrast to the higher areas of offending where there were fewer (between 7 and 12). In Stockton-on-Tees, the local evaluator commented that “given that drug-related issues are so prevalent, the lack of resources to target drug-related crime is concerning.”

Other factors included the scheme being under-resourced, thereby making it difficult to provide a needs-led service effectively. The longer the scheme was in operation, the more potential it had to be effective as working methods developed and confidence in tackling more serious cases increased; the lack of suitable accommodation meant that it was not possible to effectively stabilise the young person’s lifestyle which may be necessary before addressing other factors causing the offending behaviour.

Appendix Four is an analysis of those schemes that provided information on offending on bail contained in the 1998 grant applications to the YJB, compared to the information provided in the final evaluation reports to compare any progress made in addressing this issue. Direct comparisons are once again difficult as schemes do not always state their methodologies, the populations reported on are different in that 17 year olds would not have always been included in 1998 figures as they were not a responsibility of YOTs until the implementation of the Crime and Disorder Act 1998. That said there are some very encouraging results:

*The project has had an incredible effect on reducing the offending of young people on bail – that shows by the fact that we have young people who may commit one offence during the period of bail which can be 72 days or more, whereas before they were in the police station every other day. Some of these people might have had 30 or more charges with maybe five or six sentences at least. So you know to actually have any impact on that offending is a success.*

(Practitioner)

*The majority of them have actually stopped offending – sometimes they have got problems that we have helped them with like access to work or something like that, they then stop being offenders.*

(Practitioner)

Court users, who commented, also had a supportive view of the role of Bail Supervision and Support in this respect:

*Many young people are not reoffending while on the bail support scheme, and if they get out of the habit of offending while on the scheme, hopefully, once they've been sentenced and completed their sentence, it might have got them out of the habit of offending.*

(Magistrate)

*[Name] gives the offenders support, which is what they need. Kids on bail support are less likely to offend. It gives them a focus and something to cling to. There is a perception that bail support offers offenders this.*

(Defence solicitor)

*One referral [who is currently in a YOI because of a previous offence] has told me that when he comes out, he is going to try and keep out of trouble. He's got a girlfriend now and a job to go to. I've noticed a definite improvement in him – its not just the shock of going to prison – its also the impact of the project.*

(Defence solicitor)

The degree of offending by young people could be difficult to establish properly, and long-term factors in their histories were relevant when examining their current involvement in crime, as well as the more immediate reasons that led to referral. The initial assessment in which workers identified the factors that were causing offending (the persistency and gravity) formed the basis of the programme. The evidence suggested that assessment needed to be ongoing to ensure that programmes were reviewed and issues that arose reacted to. Practices identified as likely to prevent offending centred on:

- the provision of advice, guidance and interventions, for example, regular one-to-one contact that focused on building positive relationships in order to be able to talk to young people about their daily lives, to explore anxieties, problems and the issues that were affecting them
- offering advice about how to deal with issues that were impacting on their behaviour and encouraging and supporting those that indicated that they were willing and wanting to stop offending
- referral to specialist agencies and encouraging young people to attend, by accompanying them on appointments if necessary (particularly the first one)
- providing opportunities to develop skills and encouraging young people to explore and try the options that might be available
- designing programmes that provided constructive activity in the day time, evening and where possible the weekend to occupy leisure time and non-school attendance time
- Occupying and supervising young people at times when their histories suggested they were vulnerable to offending or when their offending was prevalent
- Demonstrating that offending has negative consequences that are accepted and providing new opportunities that are accepted were also factors reported on to potentially make a difference.

The impact of fast-tracking has reduced the length of time between arrest and sentence. Shorter periods of time on bail combined with close supervision can potentially lead to a reduction in the overall levels of offending on bail. However, programmes can only be effective where young people are motivated to change and respond positively. Schemes indicated that their actions combined with that of the young person presented an opportunity to address the problems arising from or linked to offending. This suggests that the operation of the court system and the direct intervention of YOTs can affect the levels of offending on bail.

It is difficult to draw firm conclusions from the data provided about the true level of offending on Bail Supervision and Support programmes, as the quality of data was poor. However, where individual schemes have provided information the results are encouraging. When compared to the research data and the Scottish study<sup>65</sup> in particular the indications are that the level of offending on bail can be lower where young people are provided with adequate support and supervision, that keeps them active and focused, than without. This study also identified that where good assessments translate into appropriately targeted programmes they have the potential to make an impact. Recent research conducted by the Audit Commission (2004) identified that Bail Supervision and Support may have assisted in reducing offending on bail, which they report has fallen from one in three in 1994 to one in five at the present time.<sup>66</sup>

Where offending on bail is high, YOTs should be monitoring the reasons for it. It is likely that they will be working with the most difficult and demanding of young people; however, they should also assess whether the quality of programmes provided offer the requisite level of support and supervision required.

### **Main issues for policy and practice**

- While it has not been possible to isolate Bail Supervision and Support as a single factor when assessing its impact on the remand population, there are indications that good-quality service that is provided systematically can reduce the levels of remands to custody, provided it targets those who are at risk of having bail denied.
- It is likely that Bail Supervision and Support has had a positive effect on the juvenile remand population. This can be attributed to schemes becoming more effective as they became established, clearly targeting those for whom there are objections to bail, gaining credibility and acceptance by court users and developing working practices to manage young people on programmes successfully. However, in order to maintain long-term effectiveness, the target group for Bail Supervision and Support needs to include more serious cases (which bail ISSP may now be addressing). Long-term effects can be achieved by keeping the target group under review to take into account changes in legislation, court processes and the remand population and by ensuring that there are quality-assurance processes in place within YOTs through which effectiveness can be properly measured and evaluated.
- The ongoing impact of bail programmes on the remand population is beyond the scope of this study. However, there is a need to monitor existing provision and any new initiatives to keep the juvenile remand population under review. This is to ensure that services appropriately target and do not net-widen by offering services to young people who would otherwise receive conditional bail without the need for a YOT intervention.

<sup>65</sup> E McCraig and J Hardin (1999) *Evaluation of the Experimental Bail Supervision Schemes* The Scottish Office Central Research Unit, Edinburgh

<sup>66</sup> Audit Commission (2004) *Youth justice 2004: A Review of The Reformed Youth Justice System* Audit Commission. London



- The lack of suitable accommodation for young people on bail was frequently reported throughout the evaluation period, the implication being that young people could be remanded to custody if they lacked a suitable address. Further research is needed to identify accurately the true extent of the problem.
- Bail Supervision and Support can make a significant contribution to reducing delays and helping the court system to operate more effectively by ensuring young people attend court, so that adjournments for non-attendance are minimised. Supporting young people through the court process is a necessary function of Bail Supervision and Support. Action that can have an impact on attendance includes:
  - issuing reminders of court dates and the obligation to attend
  - encouraging the family to attend
  - accompanying the young person
  - providing assistance with transport or travel
  - contacting those that have not appeared
  - liaising with the courts and police to initiate adjournments in the event of a failure to appear to establish the reason why and to encourage appearance
  - targeting young people where warrants had been issued to encourage them to surrender.
- The extent to which schemes had an impact on preventing offending on bail has been difficult to quantify. However, there are some encouraging results from individual schemes. It is likely that the support provided to young people by YOTs and initiatives such as fast-tracking have made an impact on the levels of offending on bail. There are a number of practices that may help to prevent offending that centre on the provision of advice, guidance and interventions provided to young people:
  - initial assessment, which should form the basis of the programme – in particular, examining offending histories to identify the persistency, gravity and seriousness to identify how best to address these factors
  - regular, focused one-to-one contact, *National Standards* specify a minimum, but not a maximum
  - offering advice and support to deal with issues that are causing or contributing to offending behaviour
  - encouraging and supporting those who have indicated they want to stop offending
  - seeking specific interventions from specialist agencies
  - accompanying and encouraging young people to attend appointments with agencies that can provide help and support
  - designing programmes that provide constructive activities in the day time, evening and weekend

- supervising young people when their histories suggest they are vulnerable to offending
- demonstrating that offending has negative consequences.

## Part Eight: Conclusion – implications for policy and practice

### *Introduction*

In conclusion, this final section draws together the themes and issues that have emerged and been discussed in each of the individual sections of this report. The following section is a summary of the policy and practice issues that are relevant to the role and function of Bail Supervision and Support and the development of effective practice.

In terms of context, the establishment of Bail Supervision and Support from 1999 onwards took place at a time when substantial changes were occurring to the way in which the youth justice system operated and in the way in which services were organised and delivered. The evaluation findings indicate that it takes time to develop a new service, to get it working to its full potential and properly accepted and established within the YOT, court systems and local networks.

### *Implementation and development issues*

#### **Planning and development**

There are a number of factors that need to be taken into account when determining what the most effective way to deliver a new service is to ensure that it is adequately resourced and cost effective. These include the team structure of the YOT, the local geography and features of the area, the size of the offending population, the number of courts to be serviced, information about past trends and practices, levels of funding and existing resources.

Factors that helped schemes to become established and embedded as a core service within the YOT included being able to build upon existing systems and structures and prioritising the establishment of the service. Having clear arrangements for managing remands from the point of referral onwards and ensuring that the service was sustainable through the provision of support from the wider YOT were also important.

Developing action plans, team-building activities, defining and documenting procedural arrangements, providing in-house training to YOT staff and devoting time in team meetings to discussing developmental and operational issues have all been noted to assist service development.

Factors that impeded the development and operation of services included lack of planning and development (notably establishing effective referral mechanisms) due to key workers being distracted by non-related activity, or Bail Supervision and Support not receiving the priority it should due to other operational demands within the YOT. Other difficulties related to a lack of baseline data on which to realistically base the level of service and the resources required, resulting in both an under and over estimation of the level of referrals. Problems in recruiting and retaining staff and protracted gaps in service were frequently reported problems.

## **Staffing issues**

Knowledgeable staff who have specialist expertise and who are committed to delivering a high standard of service positively influence and shape practice. Dedicated, committed and proficient staff were instrumental in this respect.

On-the-job training and shadowing experienced workers assisted workers to gain knowledge as it provided the opportunity to develop first-hand experience of the role and function of Bail Supervision and Support. Regional practitioner networks (where they existed) provided a forum for information exchange and support, which were important for specialist workers and lone workers within YOTs, who were isolated from mainstream practice. The need for technical support and assistance on remand management issues remains on going as it is a complex, complicated and a distinct area of youth justice practice. There is also a need to take into account staff turnover, to ensure that new workers are adequately equipped to undertake the role and to assist existing workers to develop and increase their knowledge and ability to deal with serious and high-risk cases.

Specialist training needs to be available for all those likely to provide court services whether as a key worker or in a supporting role to ensure that they can operate effectively, be confident in negotiating and liaising with court professionals and to be able to challenge decisions when necessary. Training should encompass relevant legislation, the targeting and assessment of young people, referral mechanisms, court processes and procedures, oral advocacy and presentation skills and appropriate working methods with unconvicted young people. YOT managers should as a minimum ensure that there is a remand management strategy in place and procedural guidance is available that documents processes on a step-by-step basis so that all those that undertake court duty are able to promote Bail Supervision and Support effectively and encourage its use.

Training on risk and vulnerability assessment remains an area of unmet need, as there is evidence of untrained and unqualified workers undertaking these types of assessments, particularly at Saturday courts and the fact that practice around the assessment of more serious cases could be developed further.

## **Establishing services**

One of the strengths of Bail Supervision and Support schemes is the extent to which links have been made with a range of statutory and voluntary services that can provide additional support and specialist assistance to young people. The support of young people is generally shared between a number of agencies and individuals in which the young person is placed at the centre. Links are likely to include referral to drug-and-alcohol services, careers and learning gateways, family support provision, leisure-related activities such as those provided by Fairbridge or the Princes Trust, use of mentors, volunteers or sessional workers, links to the youth service and access to education and mental health services through specialist workers within the YOT. The options available will depend on the availability of local resources and the ability of schemes to negotiate speedy access to agencies to ensure that appropriate links are made while the young person is on the programme.

Schemes reported that dealing with accommodation-related issues, assisting young people to come off hard drugs and dealing with those that have committed serious offences are the most difficult issues to address. Access to education, leisure activities and specialist services for those with substance misuse or mental health problems were problematic for varying reasons. Young people do not always want to re-enter education and it can take time to find and negotiate the right type of educational provision. There tend to be long waiting lists for psychiatric treatment or psychological assessments and there is a lack of facilities to treat substance misuse problems. The lack of leisure facilities in some areas means that there is a shortage of meaningful daytime activities for young people, in particular those not attending school. The presence or absence of resources (particularly in rural areas) can affect the ability of the YOT to address factors that are influencing offending behaviour and to divert young people from anti-social behaviour, in both the short and long term.

### **Involving stakeholders**

Consulting stakeholders on the development of services for young people and involving them in steering meetings and working groups was beneficial in guiding, supporting and improving knowledge of remand management, sharing ideas and exchanging views on practice. Regular meetings and the development of procedural arrangements was noted to assist in improving working practices among the police and court professionals.

There are positive indications that services to courts, particularly the provision of bail information has improved through the presence of dedicated and specialist workers in court. Preparatory investigations prior to court, the fact that assessments are being routinely undertaken and information obtained and verified where possible has given courts a more informed picture of the young person. This helps to reduce adjournments, speed up the decision-making process and enables more accurate decisions to be made. Young people placed on Bail Supervision and Support programmes are monitored between court appearances and, as a result, more accurate information is available at future hearings.

### **Promotion**

The purpose of promotion is to ensure that courts routinely consider the use of Bail Supervision and Support in appropriate cases, so there is less likelihood that young people will be remanded in custody without an alternative being considered. Where YOTs have undertaken sustained promotional activity and have sought to establish a consistent presence in court, reluctance and resistance on the part of magistrates has been overcome. YOTs need to be persistent, develop an ongoing plan, provide constant reminders and dedicate time to ensuring that magistrates consider bail supervision at every opportunity and that there are routine and regular ways of exchanging information. A variety of methods have been used that include presentations to magistrates, the provision of promotional literature for court professionals, joint training days with magistrates and solicitors and feedback about the activity and progress of the scheme to court user groups or other local equivalents. Promotion also needs to be sustained to take into account changes in personnel and developments in legislation and working practices.

It is recommended that a national leaflet be produced to explain the role and purpose of Bail Supervision and Support and its place in the remand tariff, to assist YOTs in promoting services and to help courts to distinguish it from other pre-trial interventions such as bail ISSP. Information about the role and function of Bail Supervision and Support should be routinely incorporated into training for magistrates and this should be encouraged and supported by the YJB.

### **Presence in court**

The presence of a specialist worker in court has been a significant factor in raising the profile of Bail Supervision and Support, in assisting to promote the scheme and in aiding understanding and awareness of its role and function. It assists in building relationships with solicitors, magistrates, ushers and clerks and helps workers to become accepted as part of the professional network. A worker who is known and trusted by the key court professionals can enhance the likelihood of young people being placed on a programme. Frequent staff changes or an inconsistent presence undermine this and the take up of services may suffer as a result.

The indications are that while, YOTs have established a regular presence in the youth court, work still needs to be undertaken in adult courts, as there are difficulties in getting court professionals to apply the same practices. It is recognised that there is a need to ensure that services are always available for young people and this requires the establishment of protocols and agreements about working practices with the probation service and the promotion of services to court professionals in magistrates and the Crown Court. YOTs also require further guidance on how to work effectively with these courts and information about non-custodial options should also be available to magistrates and judges through the provision of literature and training.

## **Models of service delivery**

### **Organisation of services**

In terms of models for service delivery, the use of generic YOT workers where specialist knowledge is lacking and stand-alone provision where lone workers who are expected to multi-task but lack adequate support are unlikely to be able to meet and maintain the demands of *National Standards* on a consistent basis. The provision of services through partnerships is not significantly different to those provided by in-house specialists and the issue of contracting out is a personal choice rather than an approach that offers a significant and overriding benefit.

Information about exit strategies suggests that in some instances Bail Supervision and Support has been integrated into generic YOT activity, rather than being retained as a specialist service. This can mean the loss of expert knowledge and specific expertise. It is essential that there is specialist knowledge and dedicated provision within YOTs if remands are to be successfully managed, *National Standards* and YJB targets met and a pro-active, effective and sustainable service provided in the long term.

There are indications that when key worker posts have been vacant or workers are absent for other reasons (particularly lone specialists), services may not be offered as pro-actively and effectively if other (YOT) workers are not familiar with the role and function of Bail Supervision and Support and able to step in competently on a short-term basis. Reported impacts include a drop in the level of referrals and ensuing activity, being unable to routinely attend court and being less effective in the court setting. There is likely to be less time spent with young people and more emphasis on reporting than engagement. Those remanded to local authority accommodation or custody may not receive the requisite support or contact. Development and maintenance tasks such as promotion will also receive less priority. In-house induction and refresher training and procedural guidance can reduce these impacts and are necessary to assist all those that might be required to provide cover (see staff training).

### **Use of support workers**

The use of sessional staff, volunteers and mentors is to be encouraged as they can enhance services by offering additional scope for more direct contact time with young people and free key workers from time consuming but essential tasks such as accompanying young people to court. They provide very necessary support mechanisms for those schemes that are reliant on lone workers who may be struggling to provide a fully comprehensive service and for those delivering services in rural areas, where time and distance are a factor in providing an effective and consistent service.

### **Accommodation**

Schemes have indicated that more suitable and appropriate accommodation is required if custodial remands are to be avoided. Accommodation is needed often at the point of crisis (for example, the young person has nowhere to go as their family may be refusing to have them home at that point), on a temporary basis and for unknown duration and is therefore difficult to plan for. YOTs indicate that they require immediate access to short-term placements in a range of accommodation options to suit the varied needs of young people. They indicate that they require remand-fostering provision and good-quality supported lodgings for 16- and 17-year-olds. However, there is very little information available on the true level of need, suggesting that more in-depth research is required in order to be able to assess the relationship between a lack of accommodation, vulnerability to custody and the level of investment and the type of resources that might make a significant difference.

The issue of whether remand foster care should be stand-alone provision, ringfenced by social services to the YOT, or part of the wider pool of carers needs careful consideration and a thorough analysis of need based on likely demand prior to embarking on any course of action. Further information is needed about overcoming recruitment difficulties, effective management of carers and young people in placement, financial incentives and the type and level of training and support that can successfully attract carers and encourage retention.

Providing adequate support for young people placed with accommodation providers and for the providers themselves also requires attention from both YOTs and social services to ensure that placements succeed and that there are effective arrangements in place to move young people on to appropriate accommodation. None of the schemes reported using support workers for this type of activity, which could be an issue for further exploration and may help to alleviate some of the pressure from statutory agencies.

Relationships with social services are problematic and need to be resolved. This appears to be a legacy of the transition from youth justice teams, which were an integral part of social services to YOTs, and are perceived as a different and distinct organisation. There is a need for YOTs to establish protocols, procedures and service-level agreements with social services on a local level to address accommodation-related issues. The availability of and access to local authority placements for young people vulnerable to custody also needs to be improved. National guidance would be useful in clarifying how YOTs and social services can work together more effectively and there may be scope for the DfES and YJB to address this jointly.

In a number of instances, the role of the accommodation officer within the YOT has been combined with that of the bail worker. Whether this is an appropriate decision remains to be seen, given that both roles can have extreme and time consuming demands which are firmly operationally based and may detract from more strategic activity being undertaken that contributes to the development of additional resources for the YOT.

As part of the evaluation, the research undertaken by the University of Hull<sup>67</sup> identified that there is a potential link between the numbers of young people remanded to custody and whether YOTs had a dedicated accommodation officer, an accommodation strategy and/or had received funding to deal specifically with accommodation issues. It was identified that those areas that had all three components in place were less likely to have had young people remanded into custody due to a lack of accommodation provision. Further examination of these combined issues by the YJB may be useful in identifying effective practice and in assisting YOTs to develop strategic responses to need.

### **Activity undertaken**

If there are effective inter-agency arrangements in place, YOTs should be aware of all young people who may be vulnerable to a custodial remand to target them for assessment and non-custodial options.

<sup>67</sup> Hucklesby, A. and Goodwin, T. (2002) *Pre-Trial Accommodation for Young People: Report to the YJB*.



### **Liaison with police**

Where the referral process works well, there is systematic daily checking with the police to ensure that the YOT is aware of all young people likely to appear in courts of any description (including adult and special courts). This involves the YOT taking the initiative to telephone custody suites in their area at an agreed time in the morning to obtain the details of any young people arrested the previous day and held overnight for production in court. This process should alert the YOT of any young person denied bail by the police, for whom there may also be objections to bail in court and may be supplemented with checks with other agencies such as prisoner escorts companies to ensure that no young person is missed.

### **Covering non-youth courts**

When young people appear in an adult, weekend or bank holiday courts in which the YOT is either not routinely present or when representatives on their behalf are not proactive in offering services, young people may be vulnerable to a custodial remand. The evidence suggests that some YOTs have planned how they will meet this requirement of *National Standards* and in a number of instances arrangements have been put in place, including YOT duty rotas and clarifying arrangements with emergency duty teams. This needs to be matched with an improved level of information, training and procedural guidance for those who are expected to provide a service to non-youth and special courts.

### **Promoting referrals**

A number of YOTs reported ongoing problems with a low level of referrals some of which have been permanent – others more temporary. These have been attributed to problems between partners, lack of understanding among referrers, lack of promotion, incorrect estimates of the likely workload, local fluctuations in crime rates, incorrect targeting of young people, courts having a strong custodial culture, lack of presence in court and lack of accurate monitoring. This suggests that there is a need to ensure that promotion is consistently undertaken and that working arrangements regarding referral and targeting are clarified with key stakeholders.

### **Liaising with the Crown Prosecution Service**

One of the key activities in court is to establish if the Crown Prosecution Service intend to oppose bail. Schemes report that if they do not establish this at the outset that a considerable amount of time can be spent waiting for the case to be heard where the decision might be not to deny bail or by interviewing and assessing young people who are not at risk of a remand in custody. Wherever possible, arrangements should be made to meet with members of the Crown Prosecution Service before court hearings start to discuss those cases where there are likely objections to bail in order to maximise the time available to conduct assessments and undertake enquiries. A number of YOTs have developed protocols to achieve this.

## Targeting

The monitoring information has identified that the offences for which young people have been referred to bail supervision and schemes and accepted by the court have not increased in seriousness over time, despite the fact that working methods and relationships with courts should by now be established. However, the fact that a third of areas have had high staff turnover and absence, may have undermined this in that the evidence also suggests that new workers are frequently starting from scratch and that information is not routinely passed from worker to worker. Developing procedural guidance should assist in overcoming this, combined with comprehensive induction, addressing any specific training needs and, where possible, shadowing experienced workers.

The data suggest that schemes are targeting a variety of young people at different levels of offending and with different offending histories. Courts appear proportionately less inclined to make a bail supervision condition on those with previous custodial sentences and more inclined for those who had previous community sentences. This suggests that more serious and high-risk offenders are either not assessed as suitable by the scheme or accepted by the court if a package is put forward. Targeting may not be reliable and practitioners may not be operating to the same broad tariff.

The reasons are difficult to establish firmly without more in-depth analysis. However, the ability of workers to assess risk effectively and consistently, the availability of intensive and specialist support (time and staff) to manage young people effectively, the presence or absence of specialist resources and the degree of promotion and liaison with court users to increase awareness may be factors.

The likelihood of being placed on a bail programme decreases as young people progress up the remand tariff. Local evaluation reports did not provide much information about remand review; remand-planning arrangements and the targeting of young people from custody, possibly because responsibility and resources for this varied significantly within YOTs in that not all bail and remand workers appear to have addressed this as an objective. The placing of remand workers in all establishments that deal with remanded young people is still in its infancy and, as a result, it is not possible to tell at this stage whether young people are remanded in custody because of the real risk they present or the inadequacy or absence of any bail packages, or of the effectiveness of those workers in removing young people from custody.

The evaluation of the Children's Society National Remand Review Initiative<sup>68</sup> identified that approximately a third of young people who had their situation and circumstances reviewed post remand were removed from custody. The majority were bailed, 38% being placed on a Bail Supervision and Support programme, indicating that there is scope to "down tariff" the remand status of young people if efforts are made to do so. It would be useful to compare findings from the new arrangements to the Children's Society work at a later date.

<sup>68</sup> Goldson B and Peters E (2002) *The Children's Society National Remand review Initiative: Final Evaluation Report* (01.12.99 to 30.11.01). Unpublished.

In terms of the operation of schemes and liaison with courts, practitioners have reported that providing the court with comprehensive risk assessments, operating breach procedures strictly and fairly, offering sufficiently robust programmes and being prepared to negotiate about programme content and bail conditions are essential to effective practice. This includes the recognition that in some cases a remand to a secure facility is the only option and being realistic lends credibility to arguments in other cases.

### **Assessment**

In terms of the organisation of services within the court setting, the process of conducting enquires and carrying out assessments is necessary, but time consuming. Depending on the volume of young people appearing, it may not be a role that a court officer alone can adequately perform, because of the range of other duties they are also expected to undertake. This suggests that in busy courts there should be additional workers with the requisite knowledge and experience that specifically target and work with young people likely to be denied bail.

A careful in-depth assessment at the outset ensures that there is a greater likelihood that an appropriate package is put together that will address the specific concerns of the court and any issues identified with the young person. The assessment process should establish whether a bail programme is an appropriate consideration and if so the intensiveness and nature of the support required and the identification of resources (including other bail conditions) that can be used to supervise and support the young person.

Assessments are often conducted under considerable pressure of time and workers are required to make decisions quickly and to obtain and verify what information they can. It is therefore essential that those undertaking this work have received training and are fully conversant with issues of risk and vulnerability as the credibility of the scheme will rely on an accurate and honest assessment being made. At the time of writing, bail *Asset* is under review and this would be an appropriate point at which to relaunch it with training and guidance that addresses risk and vulnerability issues to assist practitioners to assess more effectively and target serious offenders for programmes. The use of bail *Asset* should be broadened to focus on assessing the needs of all those likely to need a pre-trial intervention, whether Bail Supervision and Support, bail ISSP, electronic tagging and remand to local authority accommodation.

### **Method of presentation**

Despite the fact that there are particular advantages in presenting bail packages to courts in writing, the majority are in fact verbal. What seems to be more important is the quality of the relationship between the YOT and court professionals, and magistrates being willing to listen to recommendations and viewing proposals as realistic. A high congruence level between the proposals put forward (a clearly articulated individually tailored programme) and the magistrate's acceptance of them evidences this. Feedback from magistrates indicates that they expect programmes to specify supervisory arrangements, to make available adequate support to meet young people's needs, to provide structured activities whether education or leisure related and to address family-related issues. Courts expect that what is being proposed will be carried out in order to be confident that a community-based programme will be a viable alternative to custody and the young person will attend the next court appearance and not offend while on bail.

### **Programmes**

The diverse needs of young people suggest that programmes will be more effective if they:

- target the objections to bail
- Are individually tailored and needs led (developed from comprehensive assessments)
- aim to address the underlying causes of offending to reduce criminogenic behaviour
- promote individual development
- prioritise the national objectives of prevention of offending (by addressing and managing the risks presented) and ensuring attendance at court
- promote compliance with other bail conditions.

Additional factors include offering high levels of practical assistance, problem-solving, ensuring that statutory obligations are met, maintaining contact with the young person to ensure that their whereabouts are known, keeping their situation and circumstances under review, reacting to changes and reconnecting them with services in the community that can offer additional support and assistance.

Factors that were identified as important to young people included:

- having someone they could relate to who would assist them with their problems
- being cared about
- receiving support in building and maintaining (family) relationships
- being helped to think through the consequences of their actions
- being presented with alternative lifestyle choices that could improve self-esteem and give them the confidence to consider other options

- receiving advice and assistance with regard to education and employment opportunities, housing and the benefits system
- receiving information about the Criminal Justice System, notably in being reminded about court dates and having processes and procedures explained to them.

Reporting sessions were seen as unhelpful and unproductive, indicating that young people had an expectation of engaging in more purposeful and supportive activity while on a programme.

### **Sentencing outcomes**

Three-quarters of young people who had been on a Bail Supervision and Support programme received a community sentence, suggesting that it may have a role in diverting young people not only from a custodial remand but also a custodial sentence. Court users supported this view, with magistrates commenting that they were more inclined to consider a community sentence if the young person had successfully completed a bail programme. This suggests that the provision of information about young people to PSR authors is important where there is evidence of a good response to a bail programme, as it could be an indicator of compliance with a community based sentence. If the young person has experienced difficulties while on the programme, the information should be used to consider what could be changed in a community sentence in order to provide magistrates with information that would be helpful and relevant to the sentencing decision.

### **Post-programme support**

If changes in behaviour are to be maintained, some young people will need continued support after the programme ends to avoid previous patterns of behaviour reasserting themselves. The responsibility of meeting the welfare needs of young people, once they have completed a programme or a community sentence, is not solely that of a criminal justice agency. It is recognised that YOTs endeavour to put in place community-based support structures to assist young people, but that this may not be enough in some cases. This suggests that there needs to be an improved level of service offered to young people for whom risks factors have been identified and a need to find more constructive ways of maintaining positive progress for those involved in the Criminal Justice System. This might require more intensive support at the start of community sentences and planned exit strategies for those that receive non-intervention based sentences.

### **Impact on young people**

Bail Supervision and Support have the potential to start a process in which improvements in behaviour, situation and general welfare can be built on over time. The intensive focus on the young person may be a factor in promoting desistance and stability if not necessarily change. Practitioners who are perceived as accessible, helpful and supportive are critical to the process and more likely to be able to influence behaviour.

Schemes reported that quantifiable outcomes that brought about an improvement in lifestyle and circumstances included finding suitable accommodation that prevented a remand and stabilising living arrangements (particularly through the use of remand foster care). Other outcomes included re-engaging with education, starting a training scheme or finding employment. It also included attending regular appointments with drug or alcohol agencies and visible improvements in health or a reduction or complete withdrawal from these substances have also been noted. Other improvements include helping young people to focus on their responsibilities, evidence of more constructive use of time, family relationships changing for the better and identifiable improvements in behavioural and emotional problems

## **National objectives**

### **Remands in custody**

There is evidence to suggest that good-quality Bail Supervision and Support can have an impact on the juvenile remand population. In order to do this, YOTs must systematically target young people at risk of having bail denied and pro-actively put forward Bail Supervision and Support programmes. It is, however, necessary to keep the target group for services under review to take into account changes in legislation, court processes and the remand population generally. Additionally, there needs to be effective arrangements between YOTs and the secure estate so that those young people who are denied bail have their situation and circumstances re-examined. Pre-trial services generally should be kept under review, and be monitored and evaluated at a local level to ensure that services are not net widening and are having the desired impact.

### **Attendance at court**

Improving the level of attendance at court has been achieved through a range of methods, notably issuing reminders of court dates, involving families in arrangements and accompanying the young person or providing assistance with transport if necessary. Actively following up those who do not appear in court and endeavouring to contact the young person before or after a warrant has been issued to encourage surrender can also be effective.

### **Offending on bail**

It is difficult to identify the factors that may have a direct impact on preventing offending. However, focused one-to-one contact, exploring anxieties and problems, assisting young people to develop strategies to deal with issues that are affecting their behaviour, encouraging and supporting those that want to stop offending, providing constructive activities and occupying and supervising young people at times when their histories would suggest they are vulnerable to offending or when their offending has been prevalent (including evenings and weekends) may all be influencing factors. Where offending on bail is high YOTs should monitor the reasons for it to explore if there are any strategies that can be adopted to provide more effective management of young people who are at high risk of offending and to quantify effective practice with more serious offenders. The evaluation of ISSP programmes should provide additional information in this respect.

## Appendix One: Role of Nacro Cymru

### **Staffing**

The Nacro Cymru's Bail Unit initially comprised two full-time members of staff and full-time administrative support. In the second year, a researcher was recruited and in the third year two additional researchers were added to the team to focus on collating and analysing monitoring and evaluation data for the final report. Nacro Cymru also worked in partnership with the University of Hull to undertake a more in-depth examination of accommodation-related issues. The University was commissioned (with the agreement of the YJB) to undertake an analysis of pre-trial accommodation needs and to produce a report on findings.

### **Reporting to the YJB**

Quarterly progress reports were submitted to the YJB on the work carried out and there were regular meetings to plan and develop the work programme. What follows is a summary of what was undertaken during the funding period.

### **National support**

#### **Funding applications**

Nacro Cymru dealt with 164 enquires from areas applying for development fund grants. This involved providing advice (telephone, fax, feedback on written bids and by visit) to assist areas to develop applications.

#### **Advice and information**

Over 1,500 information requests were dealt, covering a range of issues. These were broadly broken down into information about the evaluation process (19%); monitoring requirements (34%); enquiries about Bail Supervision and Support (27%) encompassing requests for general and specific information, practical help, clarification of legal issues and casework advice, requesting a support visit or training (7%) and advice about either setting up a scheme or exit strategies (13%).

#### **Project visits**

In total, Nacro Cymru undertook 98 project visits, which were primarily targeted at practitioners. These were in response to requests for help and assistance to discuss practice issues and to provide advice and support. Of these, 24 were audit visits (undertaken between August and October 2000) to examine the early implementation of schemes. A further 25 (between June and July 2001) were undertaken to examine those areas with a high level of remands to custody, as identified by the YJB. Other visits were either in response to requests for support or as part of an ongoing rota of scheme visits. They are briefly described as follows.

- Three launch events were planned and delivered for YOT Managers, practitioners and local evaluators in London, Manchester and Birmingham (September and October 1999) to explain the role of Nacro Cymru, set out the requirements for monitoring and evaluation and provide an opportunity for schemes to meet with one another – 84% of schemes attended and 58% rated the events as good, very good or better.
- 19 regional meetings were held (March and April 2000), which were attended by all but one scheme. This scheme was followed up with separate contact.
- In May 2000, all schemes were written to about their training needs, which resulted in the planning, organising and delivery of three two-day regional training events in Birmingham, London and Manchester (January and February 2001) for practitioners – 78% of schemes attended and 89% of respondents rated the events as good, very good or excellent.
- A variety of customised training days were planned and delivered on different aspects of Bail Supervision and Support practice at the request of 15 schemes.
- Nacro Cymru provided presentations and ran workshops at a range of conferences and events organised by the YJB, Nacro, and other organisations. A range of meetings were attended to develop the profile of Bail Supervision and Support, for example regional bail support and supervision forums and meetings with other voluntary organisations.

#### **Publications and newsletters**

The following activities were taken with regard to the production of publications and newsletters.

- An information pack was produced for all those applying for grants from the YJB detailing the assistance available from Nacro Cymru. It included a number of briefing papers on bail support, bail legislation and remand fostering.
- Eleven newsletters were produced between April 1999 and March 2002 with a range of supplements (for example, monitoring reports, articles, briefing papers, conference flyers etc), which were distributed to YOT managers, practitioners, local evaluators (330 individuals).
- Several information sheets were produced about the role of the Bail Unit (January 2000 and March 2001). These were also widely disseminated.
- Three briefing papers were produced and disseminated on practice issues associated with bail support (*September 1999*), bail legislation (*February 2000*), and use of bail Asset (*June 2000*).
- A resources pack was produced and circulated (250 copies) bringing together a range of practice guidance and publications, comprising 25 articles on bail, remand and pre-trial service. It was distributed to all schemes (*February and March 2000*).
- Technical guidance was produced and disseminated to assist practitioners in using the electronic monitoring template (*July 2000*), which was distributed with the software.



- Two editions of the *Bail Support Directory* (January 2000 and May 2001) were produced and circulated to schemes.
- A report highlighting the findings of visits to high custody areas (November 2001) was produced for the YJB. It examined procedures and practices.
- Nacro Cymru also produced practice guidance to accompany the introduction of *National Standards for Bail Supervision and Support* (August 2001), which is currently available on the YJB's website. This was preceded by development work on the *National Standards* including identification of issues to address, written feedback on early drafts and a suggested list of schemes to consult with.

#### **Other**

- A user feedback questionnaire was distributed to all schemes in January 2000. Feedback indicated that 90% of respondents were satisfied with the service being provided to them by the Bail Unit.
- Nacro Cymru liaised with the Centre for Criminological Research at Oxford University on several occasions regarding the development of bail *Asset*.
- The University of Hull was commissioned to produce a report – *Pre-trial Accommodation for Young People* (May 2002), which examined pre-trial accommodation needs for young people, based on the distribution of a questionnaire to all YOTs and visits to 15 areas to conduct face-to-face interviews. The report will be published on the YJB's website.
- Nacro Cymru provided feedback to the YJB on the draft guidance on tagging on bail for 12 to 16-year-olds.

#### **Monitoring**

Nacro Cymru produced five monitoring reports. Three monitoring reports were written using aggregated data from schemes, covering the periods April to September 1999, October to December 1999 and January to March 2000. A fourth monitoring report was written covering the period April 2000 to March 2001 (September 2001) using data from the electronic database. This information was not complete, as data from a number of schemes could not be included due to technical problems. As a result, a fifth monitoring report covering the first full year of electronic monitoring was produced covering the period 1 April 2000 to 31 March 2001 (April 2002). A sixth (unpublished report) was also produced for the period 1 April to 31 March 2002 – this has been incorporated into this report.

#### **Evaluation**

Nacro Cymru produced an interim evaluation report for the YJB (October 2000) and three national evaluation reports in November 2000 and the second in September 2001, and the third in May 2002.

## Appendix Two: Reducing remands performance against targets

The table compares the position of those schemes that provided data before and after the introduction of Bail Supervision and Support to establish if it had had an effect on local remand populations. The information presented here broadly reflects the downward trend in the use of custodial remands between 1999 and 2001.

Area	1998 or 1998/9	Reported progress and timescales where indicated
<b>Brent</b>	RIC = 51 RLAA = 31	In 1999, RIC =30 and RLAA =21. In 2000, RIC = 26 and RLAA = 27 and in 2001, RIC = 40 and RLAA = 43.
<b>Cardiff</b>	RIC = RLAA = 21	In 1999/2000 the numbers RIC was 28 and RLAA 2, in 2000/2001 RIC = 36 and in 2001/2002 15. There were no RLAA in these periods
<b>Darlington</b>	RIC = 22 RLAA = 30	From April 2000 to January 2002, the total number of remands was 27. The local evaluator calculated that remands had reduced by two-thirds overall.
<b>Derbyshire</b>	RIC =58 RLAA = 43 COSR = 5	One of the scheme's targets was to reduce incidence of custodial and local authority remands by 50% by March 2002. For 2000/2001, the total number of remands was 41 and in 2001/2002 the total for the first 6 months of the year was 14, demonstrating a considerable reduction . The local evaluator stated that during 2000, the first year of the scheme, there was a 61% decrease in the number of young people being remanded.
<b>Devon</b>	RIC = 24 RLAA = 35	In 2000/2001, there were 29 RIC and RLAA 11. In 2001/02 there were 14 RIC and RLAA 8
<b>Dorset</b>	RIC = 13 RLAA = 3	In 1999/2000, there were 10 RIC and 0 RLAA. In 2001/2002 there were 3 RIC and 2 RLAA.
<b>Durham</b>	In total 108 remands	Between April 2000 to December 2001, 52 young people were remanded and annually this equates to 30. The evaluator has assessed that remands in custody have reduced by 72.3% since the introduction of the scheme.
<b>East Berkshire</b>	RIC =4 RLAA = 6	From April to September 2000, the total remands were 6 and from April to December 2001 it was 3. The numbers of remands has decreased by over 66%.
<b>Kent</b>	RIC = 85 RLAA = 34 COSR = 12	In 1999/2000, there were 7 RIC, 65 RLAA and 21 COSR. In 2000/2001, there were 27 RIC, 101 RLAA and 16 COSR. In 2001/02, there were 21 RIC, 29 RLAA and 8 COSR.
<b>Leeds</b>	RIC = 184 RLAA = 61	In 1999, there were 163 RIC and 56 RLAA. In 2000 there were 149 RIC and 44 RLAA and in 2001 there were 136 RIC and 38 RLAA.
<b>Leicestershire</b>	RIC = 42	No data for 1999. In 2000 it was 14 RIC and in 2001 it was 27 RIC From 1998 to 2001 the reduction was 36%.

<b>North Lincolnshire</b>	24 remand episodes	From April 1999 to March 2000, there were 11 RIC and 16 RLAA, between April to September 2000 no data relating to RIC and 16 RLAA. Between October 2000 to March 2001, 7 were RIC and 3 RLAA. The local evaluator stated that 15/19 young people on the Bail Supervision and Support scheme were 17 year olds and this initially skewed the comparative data.
<b>Peterborough</b>	During 1997/8 RIC = 24 RLAA = 30 COSR = 6	During 2000 there were 15 RIC and 13 RLAA and in 2001 there were 21 RIC and 14 RLAA.
<b>Walsall</b>	From April 1998 to March 1999 RIC = 168 RLAA = 82	From April 1999 to March 2000, RIC were 64 and RLAA 116. From April 2000 to March 2001, RIC were 96 and RLAA 42 and from April to September 2001 RIC were 56 and RLAA 22.
<b>Wolverhampton</b>		From April 1999 to March 2000, there were 144 RIC, RLAA with conditions 40, RLAA 20 and RLAA secure 4. From April 2000 to March 2001, there were 54 RIC, RLAA with conditions 26, RLAA 72 and RLAA secure 2. From April to September 2001, there were 66 RIC, 14 RLAA with conditions, 20 RLAA and 6 RLAA secure, demonstrating a year-on-year decrease

## Appendix Three: Attendance at court

Scheme	Percentage Attendance	Measure, comment and timescales where indicated
Calderdale	100%	Reported for the period 1999 to 2000
Carmarthen	100%	Four young people attended their court appearances
Ceredigion	100%	Four young people attended all scheduled hearings
Hartlepool	96%	25 out of 26 court appearances were achieved
Powys	100%	2 young people attended all their hearings. Given the distances involved in travel to court, this is seen as a real achievement. In most if not all cases assistance with transport is provided, otherwise the young person would not physically be able to get there.
Rhondda Cynon Taf	100%	In 7 cases all young people attended
Stockton on Tees	100%	100% of scheduled court appearances were made
Cambridgeshire	100%	Attributed to intense work undertaken with young people and their family/carers
Cornwall	97%	Target to increase to 90% for the year. April to September 2000 = 100%, October to March 2001 = 97%
North East Wales	97%	31 out of 32 scheduled appearances were attended. In only one case did the young person fail to attend a hearing
Medway	97%	32 out of 33 young people attended all their hearings between October 2000 and March 2001
Durham	96%	180 out of 188 appearances achieved (October to March 2001)
Darlington	96%	19 young people achieved 64 out of 67 appearances
Rotherham	92%	One of 13 young people did not attend court as required
Sunderland	92%	35 young people attended all appearances, 3 failed to appear, warrants were issued
South Tees	97%	58 out of 60 scheduled court appearances were attended
Merthyr Tydfil	90%	9 out of 10 young people attended all their court appearances
Plymouth	88%	Only one young person did not appear as required
Worcestershire and Herefordshire	87%	13 out of 15 young people attended all appearances, one had a single episode of non-attendance and the other was breached for multiple non attendance
Greater Manchester	87%	The scheme had set a target of 90%. 87% of young people attended all scheduled appearances
Derbyshire	86%	25 of the 29 young people attended on every occasion
LB Newham	83%	Between April 1999 and March 2001, of 78 young people 83% attended all court appearances and 17% failed on one occasion. Note that it is difficult to monitor attendance at court, when a young person appears outside the area.
South Gloucestershire	78%	Seven out of nine young people attended all their court appearances

<b>Sefton</b>	77%	On average, participants attended 2 bail supervision hearings and 4 overall court appearances while on a programme. 77% attended all hearings, 23% failed on one occasion and one of these was terminated for non appearance.
<b>Cumbria</b>	76%	25 out of 31 young people attended all court appearances
<b>Coventry</b>	75%	The percentage of young people attending all their court appearances. Reminders are sent to young people and their parents, will accompany those who request it or who are seen at risk because of past experience. Attendance levels for those in care more problematic, as carers claim "never to have been told of court dates".
<b>Bournemouth and Poole</b>	73%	73% who programmes were completed in the period attended all hearings, 23% failed to attend once.
<b>LB Hillingdon</b>	67%	8 out of 12 young people attended all court appearances
<b>Wirral</b>	59%	On average, participants attended 4 bail supervision hearings and 5 overall court appearances while on a programme. 59% attended all hearings, 41% failed on one occasion. None were terminated for non appearance.
<b>LB Barking, Dagenham And Redbridge</b>	56%	The number of hearings attended per person ranged from 1 to 7.
<b>LB Haringey</b>	45%	The overall number of court hearings ranged from 1 and 11 and the number of bail hearings from 1 and 5. Some information on attendance is missing

## Appendix Four: Reported progress in tackling offending on bail

The following table details information from those schemes that provided information about levels of offending on bail prior to and after the establishment of a Bail Supervision and Support scheme in their area:

Area	1998	Outcomes
<b>Calderdale</b>	No data	Between May 1999 and April 2001, 7% offended while on a programme. It is reported that there had been a 17% reduction on the 1998 figure, prior to the start of the scheme.
<b>Camden</b>	50% of young people offended while on bail.	Between April 2000 and September 2001 reoffending was at 38%, a reduction of 12%.
<b>Darlington</b>	During the first nine months of 1999, 38 special courts were held due to 34% of young people offending on bail.	Between April 2000 and December 2001, 21% offended, a reduction of 13%.
<b>Devon</b>	66% of young people offended while on bail.	Between April 2000 and December 2001, 10% of young people on a programme reoffended, a reduction of 56%.
<b>Durham</b>	In the first 9 months of 1998, 188 young people appeared in special courts, 50% of which had offended on bail.	Between April 2000 and December 2001, reoffending was at 18%, a reduction of 32%.
<b>Neath Port Talbot</b>	During 1997/98, there were 35 bail support programmes and one in three young people offended.	Between April 2000 and December 2001 16% of young people offended, a reduction of 17%.
<b>Newport</b>	offending rate of 44% for males and 25% for females.	The overall offending rate on Bail Supervision and Support between June 2000 and December 2001 was 18%. During this time, there were 49 males accepted and 11 females accepted on to the scheme. The offending statistics are not broken down by gender.
<b>North Somerset</b>	1997 and 1998 there was an 80% offending rate.	The local evaluator stated that data relating to 21 young people on September 2001 represented a 70% reduction in offending. The duration of the Bail Supervision and Support programme was between October 2000 and September 2001.
<b>Oxfordshire</b>	The scheme aimed to reduce offending on bail from 25% to 15%.	Between April 2000 and September 2001, 9% of young people offended while on the scheme.
<b>Somerset</b>	The aim was to ensure that the offending rates did not exceed 30%.	Between May 2000 and December 2001, 7% of young people offended while on the scheme.
<b>Surrey</b>	66% of young people were alleged to have committed further offences.	Between October 2000 and February 2002 the offending rate was 12% a reduction of 54%.

<b>Swindon</b>	18% of young people offended on bail	Between the summer 2000 and December 2001, this figure was 13%.
<b>Thurrock</b>	The offending rate between October 1999 and December 2001 was 50% (10/14 young people)	Between October 2000 to March 2001, there was no offending and between April and December 2001 4 in 12 (33%) young people offended.
<b>Wiltshire</b>	20% offended on bail	Between April 2000 and December 2001 19% reoffended.