

# Bail and Remand Management Guidance



**Effective Date:** 13<sup>th</sup> January 2023

**Review Date:** 13<sup>th</sup> January 2024

**Owner:** YJ Service Manager

This policy should be read in conjunction with the following policies and procedures:

[Enforcement and Compliance](#)

[ISS Practice Guidance](#)

[Nottinghamshire YJ CSC LASPO Guidance](#)

## **First Hearing: Young Person in Court having been refused bail**

**Action 1:** Consult with the defence solicitor and the Crown Prosecution Service (CPS) regarding the prosecution's intended application.

**Action 2:** Verify information (bail information) such as address and other factors of concern to the CPS/Magistrates. A suitable address should be provided to secure bail; however, lack of a suitable address should not be a reason to refuse bail and, if this is likely to be the case, Children's Social Care need to be contacted at the earliest opportunity to explore alternative options.

### **Bail Address Checks:**

A young person may give details of an address which they can use as a condition of bail, with or without electronic monitoring. There is an expectation that YJ staff complete checks in relation to both the address, and individuals residing at that address, to be able to assess its suitability. Whilst it is the Courts decision whether to approve a given address for bail purposes, in making any representations to the Court, YJ workers should provide their views on the suitability of the address which has been provided.

In making such an assessment YJ workers should: -

- Contact the property owner to gather relevant information and confirm that they consent to the young person residing at their property as a condition of bail. As a minimum the worker should, verify who they are and their relationship with the young person, verify the address, who lives at the property (any CSC involvement?). Confirm that they are aware that their address has been given as a potential bail address and the implications of this (e.g., yp resides at the address, electronic monitoring, bail conditions, for how long etc).
- Ensure that the property owner is aware that there is no official financial recompense for the young person being bailed to their address, other than what is agreed between the young person and themselves.

- Request the YJ Police complete an address check/known person check; whilst this should be done via the Police Intelligence Request Form given timescales it may be that a phone call to YJ Police colleagues is more appropriate. Police information checks should be used to establish if there are any known risks at the address, where there are concerns in relation to any adults registered to be living at the property, ongoing investigations, flags on the address etc. This information would be relevant to the YJS assessment regarding the suitability of the address for that young person.
- Check Mosaic to establish if there is any CSC involvement with anyone residing at the property. Whilst this would not automatically preclude the young person from residing at the property, a discussion should be held with CSC to gather their views. \*\*

An event should be entered on Capita and Mosaic to reflect the enquiries that have been made, outcome of those enquiries and the information/recommendations that have been made to the Court.

On a weekend, the availability of police/CSC staff may reduce the extent of checks which can be made. In these circumstances staff should record what checks have not been possible and update the Court on any information which has not been able to be verified.

\*\*where a young person is open to CSC, there should be collaborative working and joint decision making and, in some circumstances, and dependent on timescales, it may well be appropriate that CSC visit an address to help workers in their decision making.

### **Where there are objections to bail:**

**Action 3:** Be clear what the objections to bail are.

**Action 4:** Ensure CPS, Defence Solicitor and Court Usher are aware that you will be assessing the young person's suitability for Bail Supervision and Support (BSS) and that the case may need putting back to allow time for this to be completed.

**Action 5:** Liaise with Defence Solicitor, Parents/Carers, Children's Social Care (if applicable) and speak to the young person to ascertain their views.

**Action 6:** In discussion with the Manager/AP, decide if the YJS can offer a bail support package which can meet the young person's needs.

**Action 7:** Consider which bail options will best address the objections/concerns being presented and meet the young person's needs.

**The following bail and remand options are available to children and young people: -**

**1. Unconditional Bail**

**2. Voluntary Bail Support**

**3. Conditional Bail**

- Residence requirement that requires young people to live and sleep at a given address
- Curfews that require the child or young person to remain indoors during given hours
- Electronically monitored curfews with the following conditions (exception conditions do not apply to 17-year-olds):
  - The child or young person is 12 years old or over
  - The current offence is a violent or sexual offence or one which carries a 14-year custodial sentence in the case of an adult
  - The child or young person has a history of repeatedly committing offences while remanded on bail or to local authority accommodation
- Electronic Location Monitoring (See [guidance](#) for additional information regarding suitability)
- Reporting to Police Station at given/days/times
- Reporting to Bail Supervision and Support programmes that require the young person to comply with the requirement of a bail supervision and support programme
- Reporting to Bail Intensive Supervision and Surveillance which is available where there is a possibility of remand into custody
- Restrictions on contacting specific people that prevents direct or indirect contact with named individuals
- Residency Requirement
- Attending appointments with a legal adviser or any other person required to prepare reports on the child to help speed up the youth justice system by ensuring pre-sentence reports or other reports have been prepared, and to ensure the young person has consulted with legal representation

#### **4. Bail Supervision and Support Programme (BSS)**

This should be considered where there are concerns in relation to.

- Offending on bail
- Breaching bail conditions
- Failing to return to court
- The health and safety of the young person and others.

Bail Supervision and Support programmes should address the specific concerns raised by the CPS and/or magistrates and assist in the young person being unnecessarily or inappropriately remanded into custody.

Bail Supervision and Support should not be provided solely on welfare grounds; identified welfare concerns should be addressed in line with local universal service arrangements.

#### **5. Bail with Intensive Supervision and Support (Bail ISS)**

Bail ISS or remand to Local Authority should be considered if there is a risk of a remand into the secure estate.

#### **6. Remand to Local Authority accommodation**

A young person who is remanded to the Local Authority may also be made subject to the same conditions as are listed above.

#### **7. Remand to Youth Detention Accommodation**

- Dependant on the seriousness of the offence

**Action 8:** Discuss the proposal with the young person, defence representative, parents/carers, and Children’s Social Care if relevant.

**Action 9:** Given time restraints, in most cases, a verbal update/stand down report will be provided to the Court outlining the young person’s individual circumstances and proposed bail options. A detailed event entry detailing what has been proposed to the Court and the reasoning should be completed. A Bail Recommendation (BR) Stage should be completed following the Court appearance. If this cannot be completed on the same day this needs to be agreed by a manager/AP. For this to be completed BS will need to enter the offence onto CAPITA.

**Action 10:** Where there is a high risk of bail being refused in accordance with the LASPO guidance (Appendix 1), the case manager should complete the Custody module in AssetPlus (opened by starting a Bail and Remand Stage) which contains Placement Information and request countersignature by the Team Manager/Advanced Practitioner. The full AssetPlus Assessment should be sent to the YJB. This should be done by connectivity by BS.

### **Outcome of Hearing and Actions**

#### **Bail Supervision and Support Programme (BSS) / Bail Intensive Supervision and Surveillance (Bail ISS)**

- **Actions: -**
- On the day of sentencing, update current BR Stage (or if already signed and closed open another BR stage) and update outcome of hearing (i.e., BSS/BISS) and any other relevant sections of assessment (i.e., pathways and planning)
- Allocate a named Case Manager
- Ensure the BSS/ISS programme is understood by the young person and parent/carer (where relevant)
- Ensure that the BSS/ISS programme consists of the number of contacts as agreed in Court and, at least, one of these specifically focuses on the issues raised in the bail recommendation assessment
- Where a young person is subject to another YJS or partner agency intervention and is being seen on a regular basis, following recorded authorisation from the Locality Team Manager, where they support the aims of the BSS programme these contacts may count towards BSS –these contacts (events) should be associated with the BSS Programme as well as the original programme/order on Capita
- Guidance for bail, assessments, reports, and community orders are that they should be undertaken as a regular part of supervision and to update assessments. To provide consistency in the supervision of young people Nottinghamshire YJS stipulate that, as part of Bail/Bail ISS, home visits must be undertaken monthly.

Relevant guidance: [ISS Practice Guidance](#)

## **Bail Intensive Supervision and Surveillance (Bail ISS)**

- In relation to a Bail ISS being given; the timetable/sentence plan should have the following core elements:
  - ✓ ETE
  - ✓ Intervention to address any concerning behaviour (considering young person may not yet be convicted)
  - ✓ Assistance in developing interpersonal skills
  - ✓ Family support

## **Non-Compliance**

- Following non-attendance with an appointment that has been made as a condition of bail, the case manager should.
- Contact the young person to explore any barriers to attendance and discuss any circumstances which may be impacting upon them.
- Discuss the non-attendance with the TM/AP to consider the circumstances of the and agree actions and an appropriate response (e.g. back on track panel, acceptable/unacceptable; breach).
- In the absence of an acceptable reason for a missed appointment, a written warning should be issued. In discussion with a manager, it should be considered whether it is appropriate to inform the police of a breach of bail/whether a back on track meeting is appropriate. The decision as to whether to hold a 'back on track meeting' will be decided on a case-by-case basis following a discussion between the case manager and AP/manager, taking into consideration the young person's individual circumstances engagement (e.g., behaviour, level of concern for the health and safety of the young person and others, need etc). Back on track meetings should not be reserved solely to discuss non-attendance but should also be considered where the case manager has concerns regarding other factors which are impacting upon an order (e.g., decreased motivation, non-engagement with YJ/other staff etc).
- If the decision is taken to refer the breach to the Police, the case manager should complete a section 9 statement (see example *Appendix 2*) and contact the control room on 101; explaining who they are, where they are from and that a breach has occurred. The case manager should state that they have completed a statement and confirm that this will be emailed this to the control room  
[force.control@nottinghamshire.pnn.police.uk](mailto:force.control@nottinghamshire.pnn.police.uk) [cjsm.net](http://cjsm.net)

## **Breach of curfew**

- If the breach of bail relates to a breach of curfew, EMS will automatically notify the Police Control Room; the Police will be responsible for acting and making attempts to arrest the young person in relation to the alleged breach.

### **Remand to Local Authority**

Please Note: If a remand to Local Authority is foreseen as a potential consideration it is essential that Children's Social Care are contacted at the earliest opportunity enabling them to explore the available options for accommodation.

- **Actions: -**
- Inform the Multi Agency Safeguarding Hub (MASH) of the outcome so a Social Worker can be allocated due to LAC status.
- Children's Social Care (CSC) will undertake an initial search for placement by checking availability of residential/foster placements, relatives etc
- Placement decision made by CSC.
- Update current BR Stage (or if already signed and closed review by opening another BR stage) and update outcome of hearing (i.e., BSS) and any other relevant sections of assessment (i.e., new address, pathways, and planning). This should be done on the day of the Court hearing.
- Allocate a named Case Manager.
- A 72-hour placement meeting should be arranged and chaired by CSC. The YJ Case Manager to attend this meeting.

### **Reviews**

- Statutory reviews to be chaired by CSC's or Reviewing Officer and YJS Case Manager to attend.
- All actions above should be fully recorded in Capita.

### **Remand to Youth Detention Accommodation (YDA)**

All children remanded to Local Authority Accommodation or Youth Detention Accommodation become looked after by the local authority (Sec 104 LASPO Act 2012). Youth Justice and Children's Social Care have a joint working agreement outlining services; roles and responsibilities are outlined in the local [Nottinghamshire YJ CSC LASPO Guidance](#)

## **YJ Responsibilities**

- Visit the young person in the cells.
- Open a Post Court Report Stage in AssetPlus and complete (this allows you to review assessment, update outcome and PCR information in Custody module). This needs to be signed by a Manager/Advanced Practitioner.  
NB: you should always include any information contained in the Prison Escort Record (PER), to ensure any risk information is passed into YJB placement Service and secure establishments prior to young person's arrival.
- Inform the YJB of the outcome and send the countersigned full AssetPlus Assessment to YJB placements via connectivity; this should be done on the same day that the young person is remanded.
- Notify YJB, escorts and secure establishment of any immediate risk or safety and wellbeing issues
- Inform MASH of the remand so a Social Worker can be allocated due to 'LAC status'.
- Inform CSC Placements team of remand (due to LA funding of Remand placements).
- A named case manager should be allocated within 24hours of the remand. The Case Manager should contact YCS to introduce themselves, confirming contact details and highlight any SaW/Risk concerns or anything else which should be considered when working with that young person (e.g., SLCNs).
- As per the joint working agreement, YJ will hold a Case Management Meeting, involving CSC and all relevant professions, to review the remand and discuss a potential package of support which could be offered to the young person in conjunction with any submitted bail application at the next Court date.
- A face-to-face visit should be completed within 5 working days. A Remand Planning Meeting should be held within 10 working days to review bail options that are available; this is usually chaired by Childrens Social Care and the YJS case manager should be part of this meeting.

## **YCS responsibilities**

- 'Enter Custody' module should have been completed by the establishment following the young person entering custody.
- Following the remand planning meeting the establishment should update the documents online (YJILLS) which can be accessed by the case manager.

## **CSC responsibilities**



- A meeting identified as the **Detention Placement Plan** should be arranged within 10 working days and is an opportunity for Social Care to develop the Detention Placement Plan alongside the YJS developing their Initial Remand Plan.

### **Request for a Detention Placement Plan Review**

- The social worker will start completing the Detention Placement Plan episode on Mosaic and will need request a Detention Placement Plan Review following the visit to the young person.
  - This review should be arranged to take place in the remand placement within 20 working days of the child being remanded into the care of the Local Authority.
  - An Independent Reviewing Officer (IRO) will be allocated to the child/young person, and they will be responsible for chairing the Detention Placement Plan Review.
  - All professionals involved with supporting the child/young person, along with parents (those with Parental Responsibility) will be invited to attend the Detention Placement Plan Review by the social worker.
  - Once the IRO is identified then the social worker should send the outcome *IRO Review of Detention Placement Plan* as a *send immediately* action to the named IRO. This will create a step for the IRO to complete following the Detention Placement Plan Review.
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- Monthly remand planning meetings should be held which review the remand plan and consider bail applications/alternative arrangements to be made, considering the views of the secure estate staff. Whilst these planning meetings can be undertaken via video link where available (and if there are no safety and wellbeing concerns) Nottinghamshire YJS recommend that these take place in person. Any deviation from this needs to be agreed and recorded by the Team Manager.
  - The case manager should arrange for the young person to have fortnightly face to face contact from the YJS during any period of remand. Visits should take place separately (but can be on same day) to the remand planning meetings.
  - As per the local joint working agreements, CSC should Chair any LAC reviews with the YJS Case Manager in attendance.
  - All actions and decisions in relation to the above should be fully recorded in Capita and Mosaic.

## **Warrant without bail**

Where a young person does not attend Court and there is a Warrant issued for their arrest the case manager should open a Bail Recommendation stage. This should be treated as a live



document to ensure that the information is both relevant and up to date should the young person be subsequently arrested and produced for Court. The WWOB characteristic should also be added to CAPITA to ensure that others can easily see the Young Person's status.

Regular discussions should be had with a manager to review the Young Person's status and events should be updated to reflect discussions/actions. Where there are significant changes, these should be reflected within the Bail Recommendation stage.

### **Appendix 1:**

#### ***Where the Young Person is identified as at risk of Remand:***

There is a presumption that children and young people will be granted bail from Court (sec 4 of the Bail Act 1976). Prior to remanding a child to Youth Detention Accommodation, the Court must be satisfied that one of 2 sets of conditions have been met (Sec 91 Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012) as follows:

#### **First set of conditions (sec 98(1)):**

- Child is 12 years of age or older
- Has committed a violent, sexual, or grave crime (14-year sentence if an adult)
- Remand into custody is the only way to protect the public from serious personal injury or to prevent the commission of further imprisonable offences
- The child is legally represented (unless representation has been refused or withdrawn)

#### **Second set of conditions (sec 99(1))**

- There is a real prospect of the child receiving custody
- One of the offences is an imprisonable offence
- The child has a recent history of absconding on remand **and** offending on remand/bail
- Remand into custody is the only way to protect the public from serious personal injury or to prevent the commission of further imprisonable offences
- The child is legally represented (unless representation has been refused or withdrawn)

## **Appendix 2:**

### **Example Section 9 Statement:**

I am the above-named person, and I am employed as a ROLE working for the Nottinghamshire Youth Offending Service, a position I have held for NUMBER years.

NAME /DOB OF YOUNG PERSON was given a Bail Supervision and Support Package at COURT / DATE for an offence of OFFENCE / DATE.

Bail conditions require NAME to comply with the following conditions:

- ADD IN CONDITIONS THAT HAVE BEEN IMPOSED

NAME OF YOUNG PERSON has breached his bail conditions by the virtue of; **LIST HOW THEY HAVE BREACHED THE CONDITIONS INCLUDING SPECIFIC TIME AND DATES OF ANY MISSED APPOINTMENTS. INCLUDE EVIDENCE AS TO HOW THEY KNEW OF THEIR CONDITIONS e.g. The BSS timetable for the week commencing 10<sup>th</sup> March was hand delivered to his address by myself on the 7<sup>th</sup> March, he was therefore aware of all appointments.**

The current YJS risk assessment has him/her classified as being a RISK OF RE OFFENDING/RISK OF SERIOUS HARM - LEVELS TO BE ADDED. The Bail Support and Supervision (BSS) package requires him to maintain 25 hours of supervision (in person) per week.

Date: