

11. Bail and Remand

11.1 Purpose

The purpose of the Bail and Remand module is to provide the Crown Prosecution Service, defence and court with verified information to add to their factual knowledge of the young person in order to make a bail or remand decision. This information will include risk of serious harm and safety and well-being ratings in order to enhance the YOTs representations regarding bail. The module allows sufficient information to be gathered to recommend the most appropriate bail package.

For remanded young people, the module will allow for the YJB Placement Service and secure establishment staff to consider the information as part of managing the remand.

The practitioner should review the accuracy of the pre-populated information as this may need updating or amending to reflect current circumstances.

This module can either be printed blank or partially completed in order to be completed by practitioners at court, after which the content must be entered into AssetPlus.

11.2 Overview

This section has fifteen sub-sections, many of which are shared in other parts of the framework:

- **Young person details**
- **Parents/carers/significant adults details**
- **Court and alleged offence⁵¹ details**
- **Objections to bail**
- **YOT details**
- **Contact with services**
- **Accommodation for bail**
- **Personal circumstances**
 - Care history
 - Learning, education, training and employment
 - Substance misuse
 - Lifestyle, peers and networks

⁵¹ 'Alleged offences' are distinguished from 'outstanding charges' as they relate to the offence linked via the hearing date; whereas others are 'outstanding offences'.

- Young person as a parent
- **Health**
 - Physical health and development
 - Emotional development and mental health
- **Safety and well-being**
- **Risk to others**
- **MAPPA**
- **Community package proposal**
- **Court outcome**

11.3 Section guidance

11.3.1 Young person's details

Young person's details are pre-populated from the Core Record where available.

11.3.2 Parent/carer/significant adult - details

Parent/carer details are pre-populated from the Core Record where available. Details of parents, carers or significant adults can be entered here but will only pre-populate back into the Core Record if the person recorded is an emergency contact, can provide medical consent or has parental responsibility. Where the significant adult that attended court has none of those responsibilities, you will need to enter their details into the parent or carer details section of the Core Record manually.

There is one additional question that is asked in this section that does not appear in the Core Record:

Q. Present at court

This question is used to identify whether the parent/carer/significant adult was present at court during the hearing.

11.3.3 Court and alleged offence details

The offences listed are the offences that are being heard at the relevant court hearing only.

Q. Court name

Q. Court type

Q. Date of hearing

Q. Solicitor's name and/or firm

Q. Solicitor's telephone number

Q. Current status

Q. Expected outcome

Q. Current bail or remand conditions

This will only display where there are current Bail or Remand Conditions.

Q. Alleged offences - (Offence category, Offence Type, Start Date, End Date)

The alleged offences that are linked to the bail hearing selected when starting the AssetPlus stage and should populate from the Case Management System.

Q. Brief outline of offence or alleged offence

Q. Outstanding charges and other matters

These are any other outstanding charges and other matters to which the young person has not yet pleaded, or when there is a plea of not guilty or when the young person is awaiting sentence. It should exclude the offences being heard at the particular bail hearing which are displayed in 'alleged offences' above.

11.3.4 Objections to Bail

Trigger question for further exploration

Q. Has CPS objected to bail?

Where the answer is 'Yes' you should use the further exploration question to record details of the objections.

Further exploration

- **CPS objections to Bail**

You should identify the relevant CPS objections to bail from the list available.

'Other' should be selected where the objections to bail are not covered by the options list given and these details should be provided.

- **Additional CPS comments**

Please add any additional CPS comments here and/or detail any of the above selected objections.

Trigger questions for further exploration

Q. Any evidence of previous offending whilst on Bail?

Q. Any evidence of previous failure to appear?

Q. Any previous intimidation of witnesses whilst on Bail?

If the answer to any of the above questions is 'Yes', you should use the further exploration question to provide details.

Further exploration

Please provide as much detail as possible here

Consider:

- What were the offences?
- How frequently were they committed?
- Have there been any compliance issues, and what were they?
- What were the circumstances and context of any witness intimidation?

11.3.5 YOT details

The YOT details sub-section should be completed to identify the current or other YOTs that have been or are involved with the young person. This sub-section will also pre-populate the same sub-section in the Custody module.

Q. Home YOT, telephone No., secure email address

Q. Sub-division

This relates to those services that have different teams in different locations.

Q. Home YOT worker

Q. Currently supervised by another YOT?

If yes, please state which YOT, telephone number, secure email address.

Q. Host YOT worker

Q. Who has been consulted in the home YOT?

Q. Court designated local authority

This is specified by the court.

Q. Previously supervised by any other YOT?

If yes, please state which YOT(s) - YOT, telephone No., secure email address

11.3.6 Contact with services

Contact with services details are pre-populated from the Core Record where available.

11.3.7 Accommodation for bail

Record details regarding the young person's planned accommodation whilst they would be on bail, including whether the address has been verified. Where this has not been possible, the steps that will be taken in order to verify the address should be recorded here in the text box, along with any concerns the YOT may have about the proposed address.

Q Address to be offered for bail

Q Living with

Record the names of the other people and their relationship to the young person.

Q Address verified?

Q Postcode

Q Details regarding accommodation

Include any concerns or positive factors about suitability or compliance any positive factors which may support compliance with bail.

11.3.8 Personal circumstances

The impact of personal circumstances upon the young person's ability to comply with a bail package is considered in this sub-section in order to inform the decision as to the appropriate bail package.

Practice Point

Consider any specific issues arising for young people currently living independently, that might affect their ability to comply with a bail package, such as:

- maintaining tenancy agreements,
- increased household bills due to additional electricity usage associated with any electronically-monitored curfew; and,
- any other penalty that the young person may face from their housing provider as a result of any bail conditions.

11.3.8.1 Care history

Care history details are pre-populated from the Personal, Family and Social Factors section or Core Record where available.

11.3.8.2 Learning, education, training and employment

Learning, education, training and employment details are pre-populated from the Personal, Family and Social Factors section where available.

11.3.8.3 Substance misuse

Substance misuse details are pre-populated from the Personal, Family and Social Factors section where available.

11.3.8.4 Lifestyle, peers and networks

Lifestyle, peers and networks details are pre-populated from the Personal, Family and Social Factors section where available.

11.3.8.5 Young person as a parent

Young person as a parent details are pre-populated from the Personal, Family and Social Factors section where available.

Q Give details of how any of the above personal circumstance factors may impact on compliance with a bail package

Based on the information above, consider the strengths and weaknesses of the young person's circumstances and how these that may affect compliance with a bail package. The factors for and against desistance may be useful indicators in this sub-section.

Consider:

- Have they ever failed to comply with bail conditions?
- What do you think were the main factors that previously helped them to comply or not comply?
- Are there any factors for desistance that could promote compliance or help the young person avoid reoffending?
- Are there any factors against desistance that could affect compliance or increase the likelihood of the young person reoffending?
- What role can parents, or carers or others play in helping the young person to comply with the requirements of a bail programme?

11.3.9 Health

The impact of health upon the young person's ability to comply with a bail package is considered in this sub-section in order to inform the decision as to the most appropriate bail package.

11.3.9.1 Physical health and development

Physical health and development details are pre-populated from the Personal, Family and Social Factors section where available.

11.3.9.2 Emotional development and mental health

Emotional development and mental health details are pre-populated from the Personal, Family and Social Factors section where available.

Q Give details of how any of the above health factors may impact on compliance with a bail package

Based on the above is there anything about the strengths and weaknesses of the young person's health and development that may affect their compliance?

11.3.10 Safety and Well-being

Practice Point

The information contained in the safety and well-being sub-section is very sensitive, and as such consideration should be given to asking questions in a way that supports the young person and makes them feel comfortable during the assessment interview.

Where a young person has already been assessed, it is important to consider whether these questions should be asked again in preparation of a bail package, even if the information already exists in the core assessment, since knowledge about the young person's safety and well-being relies heavily on self-disclosure. The young person may have new information to provide or be prepared to disclose important information that was not shared previously.

Therefore, the following trigger and further exploration questions require new information to be entered in all cases. In relation to risks regarding the young person's safety and well-being, consideration should be given to where these risks come from, and their respective likelihood and impact upon the young person.

Trigger question for further exploration

Q. Are there any other concerns or risks regarding the young person's safety whilst on a bail package?

If the answer is 'Yes', you should use the further exploration question to record details of the concerns or risks identified.

Further exploration

Please provide as much detail as possible here

Consider the content of the safety and well-being sub-section from Explanations and Conclusions, especially those concerns that have been identified as likely to occur in the community.

Where any concerns have been identified above, please state how these would be managed during a period of bail

Consider what could be done in order to support the young person during a period of bail. Where there are specific actions required to manage these concerns, you should ensure that these feature in the proposed bail package and in Pathways and Planning.

11.3.11 Risk to others

Q. Is the young person on the sex offender register?

The sex offender register detail is pre-populated from the Core Record where available.

Q. Last recorded RoSH judgement

The RoSH judgement detail is pre-populated from Explanations and Conclusions where available.

Q Is there anything about the current alleged offence which suggests that the young person presents a risk of harm or serious harm or changes a previous RoSH judgement if one exists?

Where the young person's current alleged offence indicates a risk of future harmful behaviour, risk of serious harm or changes a previous RoSH judgement, you should provide details, e.g. potential victims, triggers, situational factors and change of RoSH level.

Q Where any concerns have been identified above, please state how these would be managed during a period of bail

Clearly state the plan for managing any identified risk of future harmful behaviours or risk of serious harm. The identified plan should be included in Pathways and Planning.

11.3.12 MAPPA

MAPPA details are pre-populated from Explanations and Conclusions where available. See Explanations and Conclusions for detailed guidance.

11.3.13 Community package proposal

This sub-section explores the young person's attitudes towards YOT supervision whilst on a bail package. Where a previous or current assessment exists, the engagement and participation sub-section in the Foundations for Change section will provide a useful reference point for this.

Trigger question for further exploration

Q Is YOT intervention required to meet objections to bail?

If the answer is 'Yes', you should move on to the next question.

Where the answer is 'No' the reasons for this should be made clear in the further exploration question.

Further exploration

If no bail package is being offered provide reasons

Please explain why no bail package is being offered, consider:

- if unconditional bail is sufficient,
- if this is due to the court refusing to accept bail; and,
- or any other reason, such as lack of resources which means that no bail package can be offered.

Trigger question for further exploration

Q Does the young person have experience of previous YOT supervision or contact?

Previous YOT supervision or contact detail is pre-populated from Foundations for Change where available.

Q. What is the young person's current attitude towards supervision or contact with the YOT?

Current attitude towards supervision or contact with the YOT detail is pre-populated from Foundations for Change where available. You should also review the young person's self-assessment and consider any information gathered from interviewing the young person or from other sources.

Q. What targets are being proposed and how will the specific objections to bail be met?

The initial objections to bail are populated from the Crown Prosecution Service objections to bail entered in this section, and the targets identified should aim to address any objections to bail. The aim is to change the young person's circumstances so that the reasons for the objections issues are reduced or removed, therefore removing the reasons for the objections to bail. Any targets entered to address the objections to bail will populate as a target in the young person's intervention plan in the Pathways and Planning section. This target may need to be re-worded to be suitable in their overall intervention plan.

Trigger question for further exploration

Q. Are further external controls (i.e. electronic monitoring) required to manage risks in relation to the objections to bail?

⚠ Consider Bail Supervision and Support

Flagged if response is 'No'.

⚠ Consider Bail ISS

Flagged if response is 'Yes'.

There is no separate ISS assessment built into AssetPlus, but this type of assessment can be electronically attached to the assessment and/or other members of staff (such as ISS teams) can be assigned to complete areas of the assessment, where relevant.

Further exploration

Q. Add Additional External controls or actions below:

The need for any external controls should be considered in the context of the circumstances of the young person's offence, their likelihood of reoffending and whether their use would address any of the objections to bail.

The action required should be clearly stated.

As the controls or actions are entered, they will start to populate or add to those already in the Pathways and Planning section and the detail of how the actions will be carried out, by whom and when will need to be added.

Q. Community package to be offered to the court

Specify the type of package being offered to the court.

11.3.14 Court outcome

Following the bail hearing, when the outcome is known, you should complete the following questions:

Trigger question for further exploration

Q. Outcome of court hearing

Select the appropriate outcome and then answer the relevant further exploration question.

Further exploration

Bail conditions

Displayed only if outcome is bail, practitioners should record the conditions of the bail package granted.

If bail is refused, provide reasons

Triggered if bail has been refused and the outcome is remand, you should record the reasons for bail being refused and the type of remand outcome.

These questions are not compulsory and the Bail Recommendation stage can be completed without these questions having been answered.

Q. Date of next court appearance

11.3.15 Stage owner details

For the printed copy only:

Q. Person completing the module

Q. Date started

Q. Date completed

Q. Job title

Q. YOT

Q. Telephone number