

## Advancing the Whole System Approach

### Bail matters Sub-Group Friday, July 8

#### Lord Hope - LH633

<b>In Attendance:</b> Fiona Dyer (CYCJ), Paul Beaton (COPFS), Tom Halpin (SACRO), Sharon Stirrat (SACRO), Jim Devoy (Police Scotland), Donna McEwan (CYCJ)			
<b>Apologies:</b> Diane Dobbie (NYJAG)			
	Agenda Item	Notes of Discussion	
1	Bail process	<p>TH welcomed everyone as chair.</p> <p>Group agreed objective of meeting –</p> <ul style="list-style-type: none"> <li>• Prevent remand as appropriate</li> <li>• Recognise escalation in YP situation and present credible and proportionate alternatives and supports to Court</li> <li>• Identify the opportunities and barriers to maintaining YP in community</li> <li>• When not possible to avoid remand should there be consideration for all under 18yrs to be held in secure care and implications of this.</li> <li>• What is the current guidance and whom needs to be influenced (judiciary, statutory agencies)?</li> <li>• Adherence to UNCRC and Child Friendly Justice</li> <li>• How to replicate good practice meaningfully nationally</li> </ul> <p>The information and findings of the working group will be reported back to the main WSA Group.</p> <p>FD explained the significant increase in males under 18yrs in custody/ remand as numbers have doubled in past 2 years- average 75-80; numbers for females 2 girls on average. Limitations to the data available regarding these YP as presently unable to identify their pathway.</p>	
Actions		By Whom	Status
1. Scoping of YP remanded		1. CYCJ	1. Scheduled focus groups with yp in HMYOI Polmont in August

2, 3 & 4	<p><b>What influences consideration for bail</b></p> <p><b>Police bail and role in considerations for Court</b></p> <p><b>Barriers to bail</b></p>	<p>PB gave full and detailed explanation of the considerations in relation to bail in general including those which are YP specific such as the UNCRC &amp; Beijing Rules (this guidance is not located in mainstream bail guidance): -</p> <ul style="list-style-type: none"> <li>• Specific offence and robust response particular for breach of bail</li> <li>• Four principles – public protection, community safety, impact upon communities, propensity to re-offend, administration of justice offences e.g. FTA</li> <li>• Previous behaviour</li> <li>• Info from police</li> <li>• Factors relating to accused</li> </ul> <p>PB highlighted issue regarding level of insight into YP’s developmental understanding of actions or whether disregard for authority of Court.</p> <p>Specific offence guidance dictates robust response particularly breaches of bail. Current model is event based as opposed to person centric. Changes within COPFS to a centralised marking system may also have impact upon previous positive working relationships at local level.</p>
<b>Actions</b>	<b>By Whom</b>	<b>Status</b>
None		
5	<p><b>Good practice examples</b></p> <p>a. <b>Bail supervision</b></p> <p>b. <b>Pathways for sharing information</b></p> <p>c. <b>Links with Court support</b></p>	<p>Number of examples put forward demonstrating strong partnership links supporting yp in Court and sharing of information meaningfully and proportionately to reduce likelihood of remand and appropriate bail conditions-</p> <ul style="list-style-type: none"> <li>• West Lothian</li> <li>• East Ayrshire</li> <li>• SACRO EEI for women</li> <li>• SACRO provision of bespoke wraparound supports for high risk yp.</li> </ul> <p>Discussion highlighted variance across authorities in both level of supports as well as in uptake of support services.</p> <p>Point raised as to possibility of solutions to breach of bail by yp in using diversion to address rather than take before the Court.</p> <p>The Scot Govt Court Support Guidance will be updated and developments in information/ actions from this group can contribute to that working group.</p>

Actions		By Whom	Status
1. Scoping exercise to identify level of Court support provided by LA and services available.		1. CYCJ	1. For next bail group meeting.
<b>6</b>	<b>Considering use of bail conditions &amp; impact on young people</b>	Acknowledgement by group of the range of factors that impact upon a yp and their ability to adhere to bail conditions such as - <ul style="list-style-type: none"> <li>• Developmental stage</li> <li>• Stability or lack of</li> <li>• Positive supports – emotional/ practical</li> <li>• Understanding of processes</li> <li>• Compounding factors</li> <li>• Timescale</li> <li>• No of conditions &amp; additional special conditions</li> <li>• Accommodation</li> </ul>	
Actions		By Whom	Status
None			1.
<b>7</b>	<b>Next steps</b>	Agreed by group that the identified information gathering is required to inform how to replicate good practice and address the identified gaps.	
Actions		By Whom	Status
None			

**Date of next meeting:** Friday, August 26 from 1pm-3pm at CYCJ, University of Strathclyde, Lord Hope Building, Level 6 Rm LH633