

**Remand** is when the Court decides that you will go to a secure care centre or Young Offenders Institution until your court case takes place.

### How do children feel when they are put on remand?

On average, there were 14 children per day held on remand in a YOI in 2020. When we spoke to children who had been on remand some told us they felt scared, some felt overwhelmed, some felt frustrated or disappointed about losing their freedom, and some felt ashamed. Then, when they were on remand in a YOI or in secure care, children said they felt stressed and some felt lonely and lost.

A child told us: *Aye, see when you're waiting to get sentenced its torture cos you don't know what's going to happen and you just want sentenced to get it over and done with...*

Another child told us: *I'm not expecting to get out, I know I'm getting a sentence; I just want to get it over and done with innit. Like sitting on remand I don't have a lib date, I'd rather have a lib date... then I know am not in here for ever. With that lib date I know that my days are numbered in here.*

### Do the adults know how the child feels on remand?

Parents and carers also told us that they were worried about their child when they were on remand. The Sheriffs that we spoke to said they understand that being on remand can be stressful for children because they are away from their family and supports. Social workers told us that putting a child on remand can have a really bad impact on them, and mess up things like their tenancy or going to college.

A Sheriff told us: *...three months is a desperately long time if you're a young person.*

A Social Worker told us: *Remand is a disaster, all the stuff we know about remand - first it's the 7 day lie down which is enough to scupper a lot*

*of stuff or sow the seeds, anything more than 7 days you start to like lose tenancies, benefits claims screwed up, education - the course you fought to get them on is gone because of heavy demand. It just has knock on effects, they're taken out of society you know.*

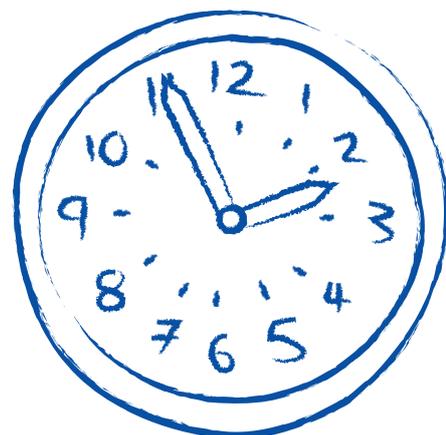
### Is being on remand always a bad experience?

Although children told us that no-one wants to be on remand, and the thought of it can be scary, sometimes there is support and positive things that are available.

Children said that they can meet other young people they get on well with. If a child has a Social Worker they might keep in touch and be really supportive. Children also said that officers in the YOI or staff in the secure unit can be kind and caring.

A child told us: *Scared, petrified, I like my freedom and being outside...not sure what it would be like, you hear stories about [YOI]. The reception process was good actually, it put my mind at ease, the staff were really nice 'told us to chill out and try not to impress anyone'.*

Another child told us: *I've known the staff for that long, they come and bring me presents in... They all like me, they've come to my dad's funeral an all that, that I trust or they came when my dad was in intensive care, like she finished her shift but she still came with me...it does mean a lot.*



But being on remand really is difficult for some children. The fears they had about being lonely and having no support can turn out to be true. Their mental health can get worse. Social workers said that when a child who has been in care ends up on remand it can be really tough because they might not have family to check-in and support them through a difficult time.

*A Social Worker told us: I've found from doing 72 hour reviews in [YOI] you can almost gauge if someone's a care leaver just by the first 5 or 10 minutes of speaking to them because they do seem to have this, they're always quite hectic, quite agitated, a lot more animated because I suppose there is that, they're totally on their own they don't have anyone that's going to come and visit them, that kind of thing...*

*A child told us: It's hard in there [YOI]...people shouting...I felt I had nobody there...at least I had my co-accused...I started greetin' and that...need young people to be checked up on, people self-harm in there.*

### **Are there things to do when you are on remand?**

One of the problems with being on remand is that you don't get the opportunity to work or study or

take part in many leisure activities - all things you can do if you are found guilty and get a custodial sentence after your trial. So, when you are on remand, it can be boring and a child can be in their room for up to 23 hours a day. All that time can leave you feeling lonely and more worried about what comes next.

*A Social Worker told us: Nothing, just sitting there, I've had one or two young people who have done work parties in Polmont while on remand but again you kind of have to push for it...other than you end up just sitting there for months waiting... it's not making any impact of any sort on the issues he had in the community that have led to this.*

*A child told us: I can get one job [on remand] the cooks but once am sentenced I can get a good job. [On remand it's] 23hrs a day, 45 mins out to go for a shower, shot of the phone and game of pool an that...brutal...*

*Another child told us: When I was on remand I was locked up 23 hours a day it's not good...then when I got convicted I'm out all the time, I'm never in my room, only at night... remand's boring, you only get the gym and rec and that's it, or a visit, there's no work parties, there's no nothing.*

## **PART 6**

# **MAKING DECISIONS ABOUT COURT, BAIL AND REMAND**

We have told you a bit about remand and bail so far. There are other questions we need to ask about how decisions are made about going to court or getting bail or being put on remand.

### **What helps decide whether a child is put on remand or given bail?**

Most Sheriffs told us that remand should only be used in very serious circumstances. But the main problem is that when someone reaches 16 then some Sheriffs stop seeing them as a child and are more likely to treat them like an adult and use remand.

*A child told us: Because it was my first time up in court my social worker said a bed was available in secure and if it wasn't here it would have been secure and that but because obviously of how serious it was the judge just overruled it and said look he's 16 now man just get treated as an adult so I got took up. Got treated like an adult now innit.*

When a decision is made about bail or remand, it is up to the Sheriff who asks the opinion of the child's lawyer and the Procurator Fiscal.