

When a child appears in court and the Sheriff makes a decision about bail or remand this might happen *in just a few minutes*. The Sheriff will have just one page of information about the charges and what the Procurator Fiscal thinks should happen about bail or remand. Then the Sheriff will listen to the Procurator Fiscal and the child's solicitor. If the child is under 16 and on a compulsory supervision order (CSO) the Sheriff will probably have information from the child's Social Worker, but maybe not, because the Police might not have told the Social Worker about the child being in custody. Social Workers and Sheriffs told us all this needs to be clearer, so that Social Workers find out about a child being in court and so information could be provided to the Sheriff about the child's needs.

A Sheriff told us: *I had a boy who was 15 who appeared in the petition court ...now because I knew he was coming through, somehow I had got wind of it, maybe I had seen something in the press the night before that somebody had been arrested. I don't know if this happens routinely, I actually got the Clerk to contact the social work department and ask them to prepare a bail report for me to see what they could actually offer.*

A Social Worker told us: *I sat on the steps of the court and hand wrote stuff...it was all about he's had a hard life, external things, he's really vulnerable, he's on the CARM register...if I didn't go through that there's no really any clear way like how do we get this information to the right people?*

Are there practical problems about timing when children appear in court?

If a child is to go to court then they are not treated differently from adults who are there - so they might have to wait a long time before they are seen. Because everyone is told to be there for 10am it could mean waiting all day. Another problem with this is that if the Sheriff decides that the child should be put on remand in a YOI or secure place this might mean travelling there at night. Having to do this when you are tired, upset and confused makes the whole thing even more stressful.

A Social Worker told us: *We were being told he was going to be seen at 2pm and by twenty to 5 there was still no outcome and my phone was ringing pretty relentlessly with [transport provider] saying we need to know because our teams is three hours away so had he been remanded it would have been a disaster.*

PART 7

THE MAIN PROBLEMS WITH USING BAIL AND REMAND FOR CHILDREN

- In Scotland today children from the age of 12 can still appear in an adult court.
- Children and families often don't understand what is happening when they appear in court. They feel they aren't heard. The system doesn't feel fair.
- The support or help that a child can get depends on where they live, it isn't the same everywhere.
- Children who are care-experienced often don't have the same supports as other children.
- It is often difficult for children to keep to the conditions of bail.
- 16 and 17 year olds put on remand can be put in HMP&YOI Polmont. This is not the best place for them. If they are given remand they should be where they can be best supported and that is in secure care.
- Although it should be the case that most 16 and 17 year olds are diverted away from courts and to the Children's Hearings System, this still isn't working for everyone.