
Report To:	Social Work & Social Care Scrutiny Panel	Date:	29 August 2023
Report By:	Kate Rocks- Chief Officer, Inverclyde Health and Social Care Partnership	Report No:	SWSCSP/30/2023/AH
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Subject:	Introduction of Bail Supervision in Inverclyde		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

- 1.2 The purpose of this report is to update the Social Work & Social Care Scrutiny Panel on the implementation of a 'bail supervision' provision within Inverclyde managed by Inverclyde Justice Social Work. The report further seeks to provide context on its operation and outline some of the challenges and successes following its commencement.
- 1.3 Bail supervision is a social work service that supports people to comply with the conditions of their bail. It provides a robust and credible alternative to remand in custody, whereby people accused or convicted of an offence (or offences) are assessed as requiring a level of supervision, monitoring, and support to adhere to bail conditions. Those who the court may decide would otherwise be held on remand for trial or for reports after conviction can instead be released on bail on the condition that they meet a bail supervisor (or nominated worker from a relevant agency) a specified number of times per week, and that any non-compliance will be robustly managed.
- 1.4 Additional funding was provided to Inverclyde HSCP by the Scottish Government to incentivise the provision of a bail supervision service during 2022/23. This service commenced in November 2022 and at the end of the reporting year (31 March 2023) the service reported having completed 166 suitability assessments. Of these 85 were assessed as being suitable for bail supervision and 66 orders were subsequently made.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Social Work & Social Care Scrutiny Panel notes the Inverclyde implementation of bail supervision as detailed in paragraphs 3.14 to 3.22.

Kate Rocks
Chief Officer- Inverclyde HSCP

3.0 BACKGROUND AND CONTEXT

- 3.1 The report outlines the national context of bail supervision in Scotland and its implementation locally considering both the preparation for bail supervision provision and the commencement of the service in Inverclyde.

BAIL SUPERVISION NATIONAL GUIDANCE

- 3.2 Bail supervision is a service that supports people to comply with the conditions of their bail. The service provides an alternative to custodial remand whereby the Court may opt to permit individuals who have been accused or convicted of an offence(s) to remain in the community subject to support, monitoring and supervision. Individuals subject to a bail supervision order are expected to meet with their bail supervisor (or other nominated worker) a specified number of times per week. The bail supervisor will monitor their compliance with bail conditions and provide support and signposting to other services. Across Scotland the service is delivered by either local authority social work staff and/or commissioned third sector providers.
- 3.3 The overarching aim of bail supervision is therefore to reduce the use of remand by giving confidence to the court that people bailed in the community will be supported to comply with the conditions of bail, and that any non-compliance will be robustly managed.
- 3.4 Bail supervision is typically made following an assessment of suitability carried out by Justice Social Work staff prior to the Court appearance. This assessment will take account of risk and victim safety issues while also indicating that the assessor believes that the individual subject to assessment would benefit from a package of supervision and support. This can include the provision of direct support as well as signposting and assistance to access other services. Support can be offered to address any identified needs and/or to directly assist the individual to comply with the conditions of their bail. Access to appropriate support services whilst subject to bail supervision will be dependent on statutory and third sector services provided in local areas.
- 3.5 In providing a credible alternative to custodial remand, bail supervision aims to (i) provide support to people in the community, which minimises disruption to families, employment, and housing; and (ii) promote positive outcomes for people and their families (where appropriate), taking account of the needs and impact on others including victims, children, family, and community members, while supporting and monitoring compliance with bail conditions and the overall criminal court process.
- 3.6 Assessments for bail supervision should be undertaken in each appropriate case. However, there are specific groups of people that may be given particular consideration.
- Those with a high level of need/complexity that would require support to manage standard bail, for example.
 - Women involved in the justice system
 - People with mental health difficulties
 - People with learning difficulties or disabilities
 - People with substance use issues
 - Children and young adults
 - People with caring responsibilities
 - Those motivated to comply, people being assessed for bail supervision must be made aware of the expectations and state their motivation, willingness and ability to comply.

PREPARATION FOR A BAIL SUPERVISION PROVISION IN INVERCLYDE

- 3.7 Following the Scottish Parliament's Justice Committee inquiry into the use of remand in Scotland, it made a number of recommendations and observed that, in summary cases, the conversion rate

of remand to custodial sentences was relatively low. In responding to that report, The Scottish Government programme for government (2018-19) introduced a commitment to deliver a bail supervision service consistently across Scotland.

- 3.8 Through internal analysis, it was identified that in Inverclyde there is a regular remand population that mirrors the national picture; i.e. approximately one-third of the prison population is made up of individuals on remand at any given time. The Scottish Government began discussions with Local Authorities in 2021/22 regarding the implementation of a bail supervision provision. The ability to commence this provision was provided by means of start-up funding from the Scottish Government with commitment to commence the service during the 2022/23 reporting year
- 3.9 In June 2022, The Scottish Government produced a revised [National Strategy for Community Justice](#) which included a priority action to '*...ensure the appropriate provision of robust alternatives to remand across all 32 local authority areas in Scotland. This includes providing a bail supervision service which meets the standards of provision set out in National Guidance*'. As noted in 3.8, Inverclyde HSCP had undertaken preparatory work to commence the service during the 2022/23 reporting year.
- 3.10 To support the introduction of bail supervision in Inverclyde additional funding was utilised to create an additional Senior Social Worker post to assist with the initial stages of the implementation and increase the capacity for management oversight. A dedicated Justice Support Worker was identified from within the existing staff group to support operational delivery. Additional funding was also sought via the Inverclyde Alcohol and Drug Partnership for a Criminal Justice Support Worker (Addictions) post to support people who are high risk of drug-related harm and proactively offer support to commence or continue Medication Assisted Treatment.
- 3.11 Although the delivery of a bail supervision provision lies primarily with Justice Social Work services, Inverclyde Justice Social Work recognises the need for a wider Partnership approach and have drawn on the established relationships within the Inverclyde Community Justice Partnership. In advance of the commencement, a Short Life Working Group was created to identify partner concerns, role and responsibilities.
- 3.12 In respect of the operational preparation within Inverclyde, Justice Social Work engaged with a range of local justice partners (Crown Office and Procurator Fiscal Service, Scottish Courts and Tribunal Service, Police Scotland) as well as other local authorities who had already commenced with bail supervision and The Scottish Government. Broadly, the following actions were identified:
- A training programme for local staff delivering bail supervision with a specific focus on the relevant paperwork to support implementation.
 - Dialogue between Inverclyde Justice Social Work and Court partners on the commencement of bail supervision locally.
 - Engagement with relevant local authorities for those occasions when individuals are appearing at Greenock Sheriff Court from outside Inverclyde authority area.
 - The process required for receiving information on individuals suitable for a Bail Supervision Assessment (external court systems) and the internal recording of bail supervision on management system (Inverclyde HSCP recording systems).
 - A need for Inverclyde Justice Social Work staff to visit other local authority areas who had already implemented a bail supervision provision.
- 3.13 Following completion of the activities identified in sections 3.11 and 3.12 a confirmed 'go live' date was set for 7 November 2022.

COMMENCEMENT OF A BAIL SUPERVISION PROVISION IN INVERCLYDE

- 3.14 Initial analysis of the first quarter of the Inverclyde bail supervision provision highlighted a significant demand for the service impacting on other areas of Justice Social Work service delivery. Some of these issues are identified in paragraphs 3.15 to 3.18. As noted above, current figures indicate that from commencement until 31 March 2023 166 bail supervision assessments were carried out with 66 bail supervision orders made.
- 3.15 As noted at 3.3, the aim of bail supervision is to reduce the use of remand by giving confidence to the court that people bailed in the community will be supported to comply with the conditions of bail, and that any non-compliance will be robustly managed. Early feedback from staff indicated that the procedure outlined in the National Guidance for reporting breaches of bail supervision orders was complex, time-consuming and reliant on the knowledge and expertise of individuals. This resulted in discussions between Inverclyde Justice Social Work and Police Scotland over several months to develop and implement a local breach protocol to try and streamline the process. This has resulted in feedback being provided to The Scottish Government which will inform the ongoing review of the process across Scotland. Records to the 31st March 2023 indicates that the service submitted breach paperwork in respect of 24 orders.
- 3.16 Justice Social Work staff have also noted operational challenges on assessing suitability for bail supervision with demanding and short timescales with other justice stakeholders. Bail supervision assessments are conducted on the day of the individual's appearance in Court and effective scheduling of this relies on the timely provision of information from other agencies. It is apparent that these issues are not exclusive to Inverclyde and feedback has been provided to The Scottish Government accordingly.
- 3.17 A number of case management files on individuals where a bail supervision assessment has been carried out have been reviewed. This has identified some features that merit further consideration during 2023/24. Examples include strong risk-related assessments and multiagency working in determining the suitability of bail supervision, supporting people where alcohol and/or drugs is a feature in offending and the opportunity to signpost/refer to either Inverclyde Alcohol and Drug Recovery Service or commissioned partners and the risk of homelessness for those people remanded into custody.
- 3.18 Verbal feedback from local Sheriff's has been very positive in respect of the service with Sheriff's praising the quality of the assessments provided; the professionalism of staff and commenting that the service has, in their view, provided them with a direct alternative to custodial remand. Defence agents working in Greenock Sheriff Court and local Police colleagues have also spoken positively about the service.

BAIL SUPERVISION PRIORITIES DURING 2023/24

- 3.19 Inverclyde Justice Social Work continues to offer a bail supervision provision supporting a wider Scottish Government priority action to ensure that bail supervision is offered across Scotland. In order to progress the offer during 2023/24 the following priorities have been identified.
- 3.20 Although bail supervision is being well utilised locally, the remand population for individuals from Inverclyde has remained fairly static. The service is currently reviewing those individuals where a bail supervision offer was refused to establish if there are any learning opportunities for Inverclyde Justice Social Work
- 3.21 The Scottish Government has also identified a priority action for an increase in the suitability assessments for Electronically Monitored (EM) Bail. Analysis has indicated that the EM bail uptake in Inverclyde is low despite discussions with a range of justice stakeholders. This matter will be further investigated in 2023/24.

3.22 Justice Social Work, Homelessness Services and the Community Justice Partnership are currently progressing a number of justice/homelessness issues including consideration of the needs of those on bail supervision and on remand. This work forms part of a wider piece of national work contained within the National Strategy for Community Justice on ensuring that the housing needs of individuals involved in the Justice system are addressed consistently and at an early stage.

4.0 PROPOSALS

4.1 It is proposed that the Panel notes the report and the progress around the implementation of a bail supervision provision in Inverclyde. The Panel are directed to the section 'Commencement of a Bail Supervision Provision in Inverclyde' (Section 3.14 through to 3.18) and 'Bail Supervision Priorities during 2023/24' (3.19 to 3.23).

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk	X	
Human Resources		X
Strategic (Partnership Plan/Council Plan)		X
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing		X
Environmental & Sustainability		X
Data Protection		X

5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

5.3 Legal/Risk

Justice Social Work services staff based in court settings have regards to the Criminal Justice Social Work Reports and Court-Based Services Practice Guidance (2010). The relevant statutory provisions relating to bail are contained in The Criminal Procedure (Scotland) Act 1995.

5.4 Human Resources

N/A

5.5 Strategic

N/A

6.0 CONSULTATION

6.1 None

7.0 BACKGROUND PAPERS

7.1 An Inquiry into the Use of Remand in Scotland ([The Scottish Parliament:2018](#))

7.2 National Strategy for Community Justice ([The Scottish Government:2022](#))