



Bail Supervision and Support Profile



Guidance notes

Purpose of the *Bail Supervision and Support Profile*

The main aim of a bail assessment interview is to identify what can be done to address the objections to bail and to determine whether a bail supervision and support programme or Bail ISSP (where available) should be provided. It may also be appropriate to consider if there are any other options which do not require statutory supervision and support, and which might usefully be offered to the young person. The *Bail Supervision and Support Profile* helps practitioners to identify and collate relevant information to build up a detailed picture of the young person's situation, circumstances and history in order to provide the court with relevant information that can be considered in determining an appropriate bail or remand status.

Using *Bail Supervision and Support Profile*

This guidance focuses on the content of the *Bail Supervision and Support Profile* and provides examples of some of the key issues to consider in each of its sections. The other guidance notes provided in this folder will also be a useful point of reference, i.e. the *Core Profile* and *Final Warning Profile* guidance.

Engaging with young people

The *Bail Supervision and Support Profile* asks you to assess issues that may sometimes be very difficult for young people to talk about (e.g. those covered in the vulnerability section of the *Bail Supervision and Support Profile*) and it is therefore very important that questions are asked with sensitivity. Although the time available for completing the *Bail Supervision and Support Profile* may often be very limited, the form should not just be used as a checklist. Attention should be given to how factors such as a young person's age, gender, ethnicity or level of maturity might affect his/her willingness or ability to engage in the assessment process, as this will influence how you gather the information required.

Links with the *Core Profile*

Although this form is designed for use at the specific stage at which bail/remand decisions are made, a number of the issues addressed are similar to those in the *Core Profile*. If access to previously completed core profiles is available then this may help in the completion of the *Bail Profile*. Similarly, the information contained in the *Bail Profile* would be relevant to those completing a *Core Profile* at later stages. It is therefore essential that the information recorded is as accurate and comprehensive as possible, as it will form part of the ongoing assessment of a young person.

Frequency of use

Where a young person is appearing in court on a frequent basis for the same or similar offences, the form will need to be reviewed, but not completely redone, unless there has been a considerable change in circumstances.

Personal details

Ethnicity

This is the classification used for the 2001 census.

Information sources

Make use of all available sources of information, for example, specialist education and health workers within the youth offending team (YOT) or partner organisations. Consideration should also be given to making contact with other significant agencies or individuals that the young person has come into contact with, for example, voluntary organisations who may have provided interventions and support.

Wherever possible, verify information to help ensure accuracy. If you are not sure about the status or reliability of particular items of information received, this should be noted on the form, together with an indication of what action will be taken to obtain further details.

Home youth offending team

As the Connectivity project rolls out, assessments are increasingly being transferred between YOTs or between YOTs and the secure estate, so this section has been included to clarify which YOT holds case management responsibility.

Seriousness score

The YJB seriousness score relates to the most serious of the current offences or alleged offences. It is a 1–8 scale and is not the same as the gravity score currently used by the police. A copy can be found in Appendix B at the back of the folder.

Previous compliance with bail

Within the context of a bail assessment, evidence of having previously complied with (unconditional or conditional) bail is a strong indicator that a young person will comply with bail in a new case.¹ Any previous failure to comply with bail conditions or failures to surrender should be placed in context, as previous difficulties may not be indicative of the young person's current attitude or situation. Where the young person may not have previously complied, it may be appropriate to suggest conditions that effectively change his/her circumstances, for example a change of address, focused activity or more intensive supervision.

Grounds for denial of bail

The grounds for denial may be that a young person is unlikely to attend court as required, will interfere with witnesses or the course of justice, or is likely to commit further offences.

The subsequent sections of the form (Living arrangements, Family and personal relationships, etc.) should provide the information needed for making assessments about the likelihood of any of these events occurring in the case of each individual young person.

¹ The focus here is on compliance with court bail, although if there are significant issues about his/her compliance with police bail, then these can also be noted in this section.

With regard to attendance at court, the assessment should identify if there have been any previous failures and whether any degree of difficulty is likely to be encountered on this occasion. This can be addressed by offering support to the young person (for example, by issuing reminders prior to the court appearance, encouraging parents to attend with the young person and providing assistance with transport (if necessary)).

Any interference with the justice process is likely to be addressed through the provision of appropriate bail conditions, such as non-association. However, in all cases, the degree of risk, to whom and in what circumstances, needs to be fully explored. Any issues should be discussed with the young person's legal representative.

In assessing the risk of reoffending, the first stage is to consider the context of the young person's previous offending and the relevance of this to his/her current situation. For example, the circumstances at the time, peer group influences and frequency and nature of offending, should be explored to establish if these patterns are likely to continue.

An assessment of the risk of future offending needs to address:

- the nature of this behaviour
- the seriousness of it
- the likelihood of it occurring.

The following list highlights key factors to consider. Further suggestions for analysing offending behaviour can be found on pages 2–3 of the *Core Profile* guidance.

- Patterns of offending: one-off, repeat, related, unrelated
- Type of offending: serious, petty, minor, against property or individuals, violent or sexual
- Impact of behaviour: on whom and in what circumstances
- Cycle of offending: well-established, recently started, any gaps in episodes and why
- Background to offending: mitigating and contributing factors
- Impact of risk factors on behaviour: use of drugs or alcohol, becoming violent or aggressive
- Triggers: situations in which offending is most likely to occur (e.g. under the influence of alcohol, when associating with a particular peer group)
- Lifestyle: substance misuse, heavy drinking, homelessness, social isolation
- Significant relationships: positive and negative influences
- Sources of income: reliable or otherwise

When assessing risk in relation to serious offending, it is essential that practitioners ensure that enquiries are fully comprehensive, all avenues are thoroughly explored and all information verified. The assessment must not solely rely on information given by the young person; contact must be made with the young person's parents/carers (where appropriate) and all other available sources to establish a full picture of the issues that need to be addressed.

An identified risk of further offending need not necessarily prevent a young person from being granted bail if it can be demonstrated that arrangements can be put in place to manage him/her effectively at times that are considered risky in terms of the likelihood of offending.

However, the final decision about whether to accept a young person on to a programme is that of the court. It is the role of practitioners to carry out an honest and thorough assessment to ensure that the risk issues are fully addressed and to demonstrate how these might be managed, either through bail conditions or an individual programme of intervention. If there are doubts about the ability to manage the young person, these should always be made explicit.

1. Living arrangements

Would it be appropriate and feasible for the young person to be bailed to the current address?

One of the first considerations in the granting of bail is whether there is a viable, acceptable and suitable address for the young person to be bailed to. Factors to take into account are the amount of support available to the young person and the quality and stability of the accommodation. In determining the suitability of any accommodation, it is important to consider factors such as the proximity to victims, the nature of the offence and whether there are other residents with criminal records. As far as possible, checks should be carried out to verify the details and ensure that the address would be acceptable to the court.

If there are likely to be difficulties with the intended bail address, it is important to explore appropriate alternatives. This could include considering whether accommodation, which in other circumstances would be unsuitable (for example bed and breakfast accommodation), may be appropriate if additional levels of support could be provided.

2. Family and personal relationships

The type and level of support afforded by family, carers or other significant adults is likely to have a major impact on whether a period on bail is successfully completed or not.

The impact of family relationships on the young person's ability to comply with a bail programme and conditions of bail (including tagging)

Examples of problems that might adversely affect compliance include:

- parents/carers showing no interest
- parents/carers encouraging him/her to break conditions
- older siblings actively engaged in offending.

Examples of strengths and positive factors that could promote compliance include:

- parents/carers encouraging him/her to comply with conditions
- parents/carers willing to co-operate with YOT
- the presence of other relevant agencies or adults who exert a positive influence in the young person's life.

3. Education, training and employment

If the young person is attending school, participating in a training scheme or is in employment, this is likely to be seen as an indicator of reliability and suggests that some or all of their time is purposefully structured.

The impact of the young person's education, training and employment situation on his/her ability to comply with a bail programme and conditions of bail (including tagging)

Examples of problems that might adversely affect compliance include:

- poor attendance
- lack of interest/attachment
- problematic relationships with staff, other pupils or colleagues.

Examples of strengths and positive factors that could promote compliance include:

- school/college/employer is interested in the young person's progress and willing to help him/her comply
- the availability of an alternative curriculum or activities
- regular attendance
- s/he is working towards a goal at school/college/work.

4. Lifestyle

Does s/he have any legitimate sources of income?

Information about benefits, where relevant, may assist in securing accommodation (particularly for 17-year-olds) and is useful in determining eligibility for training schemes.

The impact of lifestyle on his/her ability to comply with a bail programme and conditions of bail (including tagging)

Examples of problems that might adversely affect compliance include:

- friends and associates involved in offending
- bored/looking for excitement
- involvement in reckless activity
- need for money that might prompt acquisitive offending.

Examples of strengths and positive factors that could promote compliance include:

- involvement in community groups such as youth clubs or other organised activity
- pro-social friends
- other interests or activities (e.g. sport, music).

5. Substance use

When considering problems relating to the young person's substance use, it may be helpful to bear the following questions in mind:

- Are the problems so great as to rule him/her out of certain interventions?
- Can the problems be managed or appropriate support offered so that interventions could be provided?

Exploring these issues may trigger referral to other appropriate services or resources, for example agencies that specifically deal with substance misuse problems. If the young person is prepared to participate in any such arrangements, it may prove to be a factor in favour of bail as it indicates a willingness to address problems that may be the cause of offending behaviour, and also indicates that structured support will be available during the bail period.

6. Physical, emotional and mental health

Use this section to identify any additional services or support that could be offered to the young person to help him/her manage a health condition and enable him/her to comply with a bail supervision programme.

7. Attitudes to supervision and support

What are his/her views towards support or interventions that could be offered during the bail period?

When considering the type of support or interventions that could be offered during the bail period, consider:

- previous responses to interventions provided by YOTs and/or other organisations (e.g. children's services, voluntary organisations)
- views expressed by the young person
- views expressed by parents/carers about the young person's attitudes to supervision
- young person's perspective on how the proposed interventions will help him/her.

If a young person is reluctant to accept support or supervision, consider the possible reasons for this. For example s/he may:

- be nervous about using resources located in a particular place or part of town
- lack belief in his/her own ability to cope
- does not see any benefit from the proposed intervention
- is scared of other people using those resources (e.g. other residents at the proposed accommodation)
- feel they are likely to fail because of previous instances of non-compliance.

Consider what resources may be available to address these issues. The young person may also be able to suggest additional support they believe could help them comply with the proposed conditions. Full explanations of what will be required of the young person during the bail period can also help to promote understanding and compliance.

8. Vulnerability

Is s/he likely to be vulnerable to harm as a result of either the behaviour of others, particular events and circumstances or his/her own behaviour?

Examples of this harm could include:

- bullying
- abuse
- neglect
- intimidation
- exploitation
- separation from parents/carers
- change of care arrangements
- anniversary of significant loss
- risk-taking
- acting out
- inappropriate responses to stress or provocation.

These issues can be difficult to address but they do need to be taken into account when determining a suitable response to the young person's situation and circumstances, and may be highly relevant if, for example, a young person is likely to be facing a custodial remand and there are doubts about his/her ability to cope. The court's task will be to determine the most appropriate outcome based on recommendations made by practitioners, where risks to the public are balanced against any highlighted welfare concerns.

Concerns raised during the course of an assessment should be communicated to the appropriate authorities, for example local authority child protection teams, custody staff in the court, health workers, the YOT, YJB and secure establishments. Practitioners need to be familiar with local procedures for raising concerns and ensure that appropriate agencies are notified promptly.

Additional guidance on assessing risks of self-harm and suicide is attached in Annex A (taken from the *Core Profile* explanatory notes).

9. Risk of serious harm to others (ROSH)

If the court is concerned about the young person presenting any imminent risk of serious harm to others then it is unlikely that s/he would be considered for bail.

However, in cases where there might not be any immediate indicators of concern about risk of serious harm, it is still important to consider any foreseeable changes that might occur during a period of bail that would increase the risk that the young person presents to others. A young person should not necessarily be denied bail because of a concern about a possible change in future circumstances, but thinking about such issues in advance means that ‘contingency plans’ can be made and a more appropriate bail support package put in place.

10. Assessment outcome

The aim of Section 10 (Assessment outcome) is:

- to identify whether an intervention from the YOT is necessary to meet the objections to bail
- to indicate what action is necessary to address their assessed needs
- to manage any identified risks. Decisions about a young person’s suitability for a community-based programme need to take into account the risks that the young person may pose to other people, his/her own vulnerability to being harmed and the extent to which s/he could be effectively supervised.

Consider the full range of options available before making proposals. It is important to avoid offering inappropriate interventions to those whose situation, circumstances and level of offending do not warrant the involvement of statutory services, or those who would otherwise receive other forms of conditional bail. The young person should also be fully aware of the obligations and expectations placed upon them.

The diagram in Annex B summarises the varying degrees of the restriction of liberty associated with the different remand options.

Bail information

This is the provision of factual and verified information to the court that addresses objections to bail without the need for intervention from the YOT.

Proposals

No YOT intervention

The young person does not meet the threshold for supervision and support

Conditional bail

- Bail conditions: these can include measures such as curfews, non-association and exclusion zones that are appropriate to the situation and circumstances.
- Tagging: the YOT is responsible for assessing the suitability of those aged 12 to 16 years of age and advising the court in the case of 17-year-olds. An ‘assessment checklist’ designed to help assess suitability for tagging is attached at the end of this guidance for reference. This comes from *Home Office Guidance: Criminal Justice and Police Act 2001 – Electronic Monitoring of 12–16 year olds on Bail and on Remand to Local Authority Accommodation*.

Conditional bail with an intervention

These include bail programmes that involve the YOT in supporting and supervising the young person in the community, such as Bail Supervision and Support and/or Bail ISSP (where available).

Bail ISSP

ISSP can be used as part of a Bail Supervision and Support package if it is felt necessary to:

- prevent offending on bail
- ensure the young person appears at court to reduce delays in the court process
- ensure remands to custody and secure remands are kept to the essential minimum.

Remand to local authority non-secure accommodation

Local knowledge is required about the processes and procedures for accessing a placement.

Voluntary support

Depending on local policy and practice, some YOTs provide voluntary support to young people on bail, for example, providing assistance in getting to court where there are known difficulties.

How will the proposals meet the risks and needs identified?

Use this space to explain how the Bail Supervision and Support package will be individualised to reflect the assessment of *this* young person i.e. to avoid using ‘standard packages’ and ensure that the assessment informs the decisions about the actual interventions that are provided.

Remands

In cases where a young person is remanded into custody or receives a court-ordered secure remand, the *Placement Alert Form* should be completed and sent to the YJB, along with all current *Asset* documentation (including the *Bail Supervision and Support Profile*), and if available, the *Post Court Report*. This documentation provides additional information to that already recorded in the *Bail Supervision and Support Profile* on the particular and critical issues that staff in the secure estate need to be aware of when the young person arrives at a secure establishment.

Secure Remand Assessment for Males Aged 15/16

Under the Crime and Disorder Act 1998 a court can order the remand of a 15 or 16-year-old boy to local authority secure accommodation if it believes that it would be undesirable for him to be remanded to prison service accommodation due to his *physical or emotional immaturity or propensity to self-harm*. The purpose of this section is therefore to identify young men aged 15/16 who are likely to be remanded into custody and for whom a placement in local authority secure accommodation would be necessary.

Given the limited number of places available, the assessment must focus on identifying the young men who most need them. It is therefore important to consider any significant problems that are additional to what might be expected for anyone in this age group. The assessment should be based on the criteria (outlined above) for a remand to local authority secure accommodation: a young person's physical or emotional immaturity or his propensity to self-harm.

Indicators of physical or emotional maturity

The Framework for the Assessment of Children in Need and their Families issued by the Department of Health provides seven dimensions for indicating a young person's development. These are listed in section 2 of the secure remand assessment form ('Indicators of physical or emotional immaturity'), together with examples of issues that are particularly relevant to decisions at the remand stage. For example, although many young people who offend may have lower educational achievements than would be expected for their age, this on its own would not be sufficient to justify a remand to local authority accommodation. The assessment therefore needs to specify the effect that any educational development problems would have on the young person if remanded to prison, and explain why a local authority placement would therefore be necessary.

Propensity to self-harm

The possibility of the young person committing self-harm or suicide should already have been considered in the section 8 ('Vulnerability') of the *Bail Supervision and Support Profile*. The focus here is on whether a custodial remand would significantly alter this assessment, i.e. by increasing the likelihood that he will attempt self-harm or suicide. Some additional guidance is given in Annex A.

Annex A

Assessing the risk of self-harm or suicide

(reproduced from pages 24-25 of the *Core Profile Guidance*)

There will always be some uncertainty about assessment of risk in this area and it is not possible to predict exactly if and when a young person will attempt suicide or self-harm. It is possible, however, to build up a picture of the events and circumstances that might combine to make the young person particularly vulnerable in this regard. It is helpful to distinguish between long-term underlying factors which may place the young person at greater risk and precipitating factors which may trigger the actual behaviour. An assessment therefore needs to take account of a broad range of issues, including personal characteristics, past and present social circumstances, and any current stressors in the young person's life.

Where there is any concern about a possibility of self-harm or suicide, it is essential to give details in the evidence box. As far as possible, give details of the circumstances in which such behaviour is likely to occur, how serious it will be, and how soon it may happen.

There are three key issues to consider in relation to this young person.

1) Are there life events or circumstances which make him/her particularly vulnerable?

Research has highlighted some groups of young people who are more vulnerable to self-harm or suicide than others. These include: victims of abuse; those living in poverty; young people in isolated rural areas; victims of discrimination; drug users; those on remand or in prison for the first time; young people subject to care orders who have a history of broken placements; those identified as having mental illness/mental health problems; young people with a family history of suicide.

The common themes which link these vulnerable groups are: isolation; lack of support; low self-esteem; sense of powerlessness/helplessness; uncertainty about the future.

There are some important gender differences. Young men are three times more likely than young women to kill themselves, although deliberate self-harm remains more widespread among young women.

2) What are the precipitating factors that might trigger this behaviour?

If the young person's personal or social circumstances indicate that s/he may be at risk, what are the particular events that may trigger an attempt at suicide or self-harm?

Common precipitating factors include: the experience of loss; a serious disagreement with parent/s (this is particularly significant for those under 16); physical or sexual abuse; rape; bullying or threats; poor physical or mental health; exam stress or failure; contact with the criminal justice system (e.g. the uncertainty of the court process, experience of being in custody).

3) Is there evidence to indicate that self-harm or suicide is likely?

When considering whether there is a real possibility of the young person committing self-harm or suicide in the foreseeable future, evidence from the following will be particularly important.

- Previous incidents of suicide or self-harm

Any such incidents in the past should have been identified in section 8 ('Emotional and mental health') of the *Core Profile*. These incidents are particularly significant because young people who have harmed themselves in the past are at greater risk of attempting suicide in the future. Aspects of previous self-harm/suicide attempts likely to cause particular concern would include: others not present or nearby at the time; intervention from others unlikely; precautions taken against discovery; a suicide note; feelings of sadness for most of the time prior to the act of deliberate self-harm; use of alcohol or drugs; careful planning of the event.

- Any comments by the young person about suicidal thoughts or feelings

There is an increased risk if ideas about suicide are familiar to the young person (particularly if s/he is thinking about particular methods for committing suicide).

- The *What do YOU think?* self-assessment form

This addresses a number of issues about emotions and feelings. There is also a question which refers specifically to suicidal thoughts.

- Information from other sources (e.g. case records, concerns expressed by other people)

For example, parents/carers or other colleagues who know the young person well may notice changes in his/her behaviour which cause them to be concerned.

Annex B

Yot checklist to help assess suitability for tagging

(Reproduced from Appendix F of the Criminal Justice and Police Act 2001: Electronic monitoring of 12 to 16-year-olds on bail and on remand to local authority accommodation, issued April 2002)

- Is there a less restrictive option which would be acceptable to the court?
- Has the nature of electronic monitoring been explained to the young person and to the parent/carer?
- Who will be the responsible adult present when the tag is being applied? (This should preferably be a parent, carer or member of the extended family.)
- Does the young person consent to enquiries being made with others likely to be affected by his/her electronic monitoring (e.g. supported lodgings landlord, other members of the young person's household where appropriate)?
- Does the householder consent to the installation of electronic monitoring equipment?
- Does the accommodation have an electricity supply?
- If there is no telephone line installed, or the existing line is very busy, will the householder consent to the contractor installing a line (which will be removed at the end of the contracting period)?
- Will the accommodation be available to the young person for the duration of the monitoring period?
- If the young person is looked after, have the local protocols for consent for tagging equipment to be installed in local authority accommodation been followed?
- If the proposed placement is for a remand to local authority accommodation, have the local protocols for agreement been followed?
- Also in cases of remand to local authority accommodation, will it be possible to identify an appropriate placement within the day that the remand is made? Where it appears likely that a suitable placement will not be identified within a reasonable time, it may not be possible to propose the use of tagging.
- For all other young people, enquiries (following local protocols) must be made with the social services department as to whether there are any known concerns regarding the proposed bail address.
- Is there a likelihood that the young person may present a risk to other members of the household which would be aggravated by the use of electronic monitoring?
- Does the young person have any medical conditions (skin conditions) which may preclude the fitting of the tag?
- Is the young person pregnant? The application of the tag to the ankle may not be suitable in these cases.
- Any pattern/timing of offending should be considered, to inform the most appropriate use of tagging.
- The young person's commitments to education, employment, training, religious or cultural observance, other community sentences, cultural needs etc. should be considered. Any advice to the court regarding appropriate curfew times should take these commitments into account.

- The area for tagging is usually bounded by the outside walls of the premises. The tag will not usually allow, for example, access to any surrounding area unless the court orders that it does so. Limited outside access is usually used for adults who smoke, but may not do so on the premises. Where placements involve some structured activity in the grounds, advice may be sought from the contractor as to whether the area can be covered. For commonly used placements, assessment prior to any proposed placement may be available.
- From the knowledge available to the YOT, is there any known factor regarding the household likely to present a risk to the staff undertaking home visits? If so, the contractor, BSS or ISSP worker should be informed as appropriate, in accordance with local protocols.
- What other supervision may be needed alongside tagging (e.g. bail ISSP, existing community supervision)?