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Service Specification for

Bail Services

Service Specification Document

This document defines the service, including the required outcome(s) and outputs. As part of an SLA or Contract, the national minimum outputs in this document are mandatory for all providers. The document can also contain optional outputs that are available for Commissioners to commission.

1. Service Specification Document

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Version Control Table		
Version No.	Reason for Issue / Changes	Date Issued
P1.0	Preview Publication	15-11-2011
P2.0	Go live publication. Changes since preview: <ul style="list-style-type: none"> References updated with new supporting prison and probation instruction. Correction to wording of service element from: "Promote sentencer or judicial knowledge and confidence" to read: "Sentencer and judicial knowledge and confidence are promoted". Section 6: clarification of dependencies between Bail Services, BASS and Court Work specifications. 	30-03-2012
AFP1.0	Available for Planning Purposes version. Prepared for MOJ website to assist with forward planning, following revisions to align with Rehabilitation Programme. No changes made to key outcomes, definition of scope or service elements in scope. <p><u>Out of scope service elements:</u> updated, including reference inserted to Special Immigration Appeals Commission (SIAC).</p> <p><u>Supporting documents:</u> References to operating models deleted.</p> <p><u>Example measurement method for commissioners:</u> Updated in line with the performance and assurance framework.</p> <p><u>Strategic context:</u> Standard wording about Rehabilitation Programme, female offenders and</p>	10-03-2014

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	<p>equalities added. Legal context revised including reference to LASPO Act updated. Statistics deleted as out of date. Purpose of bail service revised.</p> <p><u>Specification outputs</u>: minor rewording of outputs 14 (data provision) and 16 (BASS outcomes) for clarity. Output 19 reworded to refer to risk of serious harm.</p>	
P3.0	Go live version. No significant changes made. Minor updating of references.	03/06/2014
P3.1	<p>Community Commissioners light touch review, to refresh policy references. NOMS renamed to HMPPS. The following policy references have been removed: PC 19/2005, PSI 17/2011, PI 04/2011. The following have been removed and replaced: PI 02/2011 – PI 32/2014, PI 18/2010 – PI 10/2014, PI 04/2013 – PI 15/2014, PC 06/2009 – PI 04/2016.</p>	24/10/2017

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Introduction to the Bail Services Specification

1.	Service Name	Bail Services
2.	Key Outcome(s) for Service	<ul style="list-style-type: none"> • Bail services are targeted to reduce unnecessary remands in custody • Courts are provided with factual and independent advice regarding bail suitability and services available • Recipients of bail services understand the bail conditions or bail support services they must comply with whilst awaiting the outcome of court proceedings
3.	Definition of Service	<p>Bail services can be provided either at court (first stage) or in a prison establishment when a person has been remanded in custody (second stage). Bail services provide verified and factual information to the court to assist in making decisions about whether to grant bail to a person charged with an offence.</p> <p>Section 4(1) of the Offender Management Act 2007 provides that certain arrangements (restricted probation provision) may only be made with the National Probation Service or other public body. Section 4(2) of the Act includes within the definition of 'restricted probation provision': "giving assistance to any court in determining the appropriate sentence to pass, or making any other decision, in respect of a person charged with or convicted of an offence." This means that the provision of information to assist the court is currently a 'restricted probation provision'.</p> <p>This specification covers the provision of both court and custodial-based bail services. Whilst the location may vary, the processes and outputs are comparable.</p>
4.	Service Elements In Scope	<ul style="list-style-type: none"> • Prospective bailees in courts and custodial settings are targeted in an efficient manner • Bail information enquiries and referrals are provided on targeted cases or in response to requests from the court • Court decisions and information related to bail services are communicated effectively • Sentencer and judicial knowledge and confidence are promoted • Public protection procedures are followed throughout the delivery of bail services

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5.	Out of Scope Service Elements	<p>Legal Services: The provision of legal services is out of scope. The Residential Services Specification (output row 3) and the Early Days in Custody - Induction Specification (output row 2) necessitates prisoners requiring legal assistance to be supported by directing them towards legal firms or advisory bodies. It is expected that prisoners will be provided with information on how to apply for legal services as part of the induction into custody process. Residential Services Instruction 75/2011 specifies that residential staff must assist prisoners who wish to access legal advice, for example by providing and printing any legal forms required.</p> <p>Early Days & Discharge: Prison procedures to facilitate the release of those who have been remanded in custody and subsequently granted bail are out of scope of this specification.</p> <p>Immigration, Repatriation & Removal Services: Reports prepared by Offender Managers for Asylum and Immigration Tribunals in relation to bail decisions are out of scope.</p> <p>Special Immigration Appeals Commission (SIAC): Bail provisions usually including electronically monitored curfew and location monitoring are bespoke and therefore out of scope</p> <p>Bail Accommodation Support Services (BASS): The contracted service elements and outputs defined in the BASS specification are out of scope of the Bail Services specification.</p> <p>The targeting of referrals for curfew requirements attached to community sentences is out of scope</p> <p>The service specification does not apply to bail services commissioned with Youth Justice funding or to the provision of specialist advice to Asylum and Immigration Tribunals.</p>
6.	Dependent Service Elements	<p>Bail Accommodation Support Service (BASS): Output rows 26–31 of the BASS specification list the referral and liaison service outputs to be delivered by Probation and Custodial Service Providers. The Bail Services specification shows the delivery of those outputs integrated with the outputs for this service, to increase efficiencies. Bail Services output 9: ‘Courts advised as to availability of BASS placements’ is cost neutral as a result of this integration. Bail Services outputs 11 and 17 are cost neutral to Bail Services, as they are costed in the specification for Court Work other than Assessments & Reports.</p> <p>Court Work other than Assessments & Reports: The Bail Services specification draws on and is linked to service elements and outputs from the specification for Court Work other than Assessment & Reports. Again, the shared outputs involving both ‘court decisions being communicated’ and ‘promote sentencers and judicial confidence’ are integrated in this specification, to increase efficiencies. As a result of this integration, the</p>

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		<p>outputs shown below in rows 10, 16 and 18 are cost neutral to Bail Services. They are costed in the Court Work specification.</p> <p>Approved Premises – Public Protection & Regimes: Referrals to approved premises for the purposes of bail are considered within scope of the Bail Services specification</p> <p>External Movements & Appearances: The Bail Services specification may be dependent on the transportation of prisoners between custodial settings and courts in some cases.</p>
7.	Strategic Context	<p>The specification aligns with the Ministry of Justice (MOJ) <i>Transforming Rehabilitation: A Strategy for Reform</i> document published in May 2013. This outlines the services to be provided by the National Probation Service and prisons, and the services to be delivered by contracted providers.</p> <p>The National Probation Service holds responsibility for advice to courts, and management of MAPPA and high risk of serious harm and other public interest offenders. For low and medium risk of serious harm cases, the National Probation Service must also respond to information from the contracted provider and staff working in prisons that suggests that there may be a potential escalation to high risk of serious harm, undertake renewed risk assessments and take on the responsibility for the management of any cases in which risk of serious harm has become high.</p> <p>This specification requires effective working arrangements between the National Probation Service, prisons and providers of services.</p> <p>The prison population is high and there is a continuing drive and commitment to reduce the unnecessary use of custody.</p> <p>Previously the Bail Act 1976, as amended, set out a general presumption in favour of bail, recognising that a person should not be deprived of his/her liberty unless that is necessary for the protection of the public or the delivery of justice. With the implementation of the Legal Aid and Sentencing and Punishment of Offenders (LASPO) Act in December 2012, the use of remand was restricted to only those cases where a custodial sentence was likely to be the sentencing outcome. Therefore it is considered likely that there will be an increase in the volume of Bail Services and BASS referrals and placements</p> <p>The purpose of bail services is to inform the court of the options available through targeted bail enquiries and concise bail information reports. It is for the courts to decide who is bailed, and what bail conditions, if any, to impose. Overall responsibility for advising the court on bail rests with the prosecution and the defence. The</p>

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Crown Prosecution Service (CPS) has responsibility for assessing and presenting any objections to bail to the court, although it is the police's responsibility to verify defendants' addresses or provide the initial grounds for refusing to grant bail to the CPS.

Her Majesty's Prison and Probation Service (HMPPS) responsibility

HMPPS has a responsibility to provide information to the courts under the Offender Management Act 2007 and this includes bail services. Prison Service Order 6101 specifies that prison establishments are required to provide bail information schemes for defendants remanded in custody. This supports the concept of safe and decent custody.

Targeting policy

Probation Circular 19/2005 outlines targeting criteria to prioritise bail services for:

- Vulnerable defendants, such as those with mental health problems and young (18-21 year old) defendants
- Defendants likely to cause harm or reoffend
- Those who have a disproportionately high risk of being remanded in custody such as female, BME and young adult (18-21 year old) defendants
- Prolific and other Priority Offenders
- Those likely to fail to attend court (this could be based on their past record of attendance, if known)

In custody, the guidance is for all newly remanded defendants who were refused bail at their first court appearance to receive bail services (see PS0 6101 Bail Information Scheme). Where there are specific Bail Service schemes, these target groups do appear to be prioritised, although a high percentage of courts will only receive bail enquiries or reports in response to a specific request.

The use of Approved Premises for bail has declined over the last decade. The BASS scheme now provides placements for defendants on bail and referrals have shown an increase in the past year.

The National Probation Service liaises with Judges and Magistrates so that they are aware of, and have confidence in, the bail services available to them.

Defendants can be granted bail with electronic monitoring (EM). The decision to grant bail with such a condition rests with the courts. The overall cost of EM on bail is rising sharply. At present, staff in court are not

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		<p>involved in assessing cases that are suitable for bail with EM, unless EM is part of a package of bail support.</p> <p>Equalities</p> <p>Under the Equality Act 2010, the Ministry of Justice has an ongoing legal duty to pay ‘due regard’ to the need to: eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct; advance equality of opportunity between different groups (those who share a protected characteristic and those who do not); and, foster good relations between different groups. Providers are required to act in accordance with this duty, as well as the more general provisions of the Equality Act. Historically, there have been unequal patterns of outcomes, with some groups of offenders with shared protected characteristics faring better than others (see NOMS Equalities Annual Report 2011-12). The MOJ is committed to address this disproportionality.</p> <p>Female Offenders</p> <p>Female offenders are a minority grouping within the offender cohort and often exhibit complex needs which must be addressed if their risk of reoffending is to be reduced. The government published its Strategic Objectives for Female Offenders in March 2013, which is integral to the delivery of offender management services. Needs in relation to domestic violence, sexual violence, and abuse are highly prevalent among female offenders. The MOJ and NOMS continue to work with the Home Office on its Ending Violence Against Women and Girls annual action plan.</p>
8.	<i>Flexibility</i>	All the outputs in this specification are mandatory – referred to as the National Minimum .
9.	<i>Reference to Supporting Documents</i>	Supporting documents to be determined.
10.	<i>Example Measurement/ Assurance Method for Commissioners</i>	Delivery under this specification is subject to the requirements set out in the NPS SLA; the CRC Contract (Schedule 9 - Service Levels and Service Credits and Schedule 21 - Management Information); and NOMS Performance Reports. These documents include information about key performance measures, equalities data, management information, quality assurance and inspection activities.

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11.	References for Detailed Mandatory Instructions	<ul style="list-style-type: none"> • PI 10/2013 – PSI 25/2013 Accommodation and Support Services for Bail and Home Detention Curfew • National Standards 2015 • PSO 6100 The Bail System • PSO 6101 Bail Information Schemes • PI 10/2014 - Managing Terrorist and Extremist Offenders in the Community • PI 32/2014 - Approved premises • PI15 / 2014 Notification and Review Procedures for Serious Further Offences • Children Act 2004, Section 11 • PI 16/2012 - PSI 30/2012 LASPO Act General Release and Recall Provisions • Prisoner Escort Contract • Equality Act 2010
12.	References for Non-Mandatory Guidance	<ul style="list-style-type: none"> • Bail Information Manual and Distance Learning & Development Programme for Bail Information Staff, Ministry of Justice, August 2010 • Home Office Circular 25/2006 Electronic Monitoring on Bail for Adults • Criminal Case Management Framework 2008 • PI 04/2016 Determining Presentence report types – • Report on the Government’s Strategy for Diverting Women away from Crime, 2009
13.	Review Cycle	Review cycle to be determined

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Specification

National Minimum

Key to colours used in table below:

	These activities are specified as an output in the Bail Accommodation Support Service (BASS) specification (see BASS output rows 26-31).
	These activities are costed in the Court Work other than Assessments & Reports specification.

Row	Service Element	Outputs / Output Features	Applicable Defendant Types	Policy Theme	Example Measurement / Assurance Method for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
1.	Prospective bailees in courts and custodial settings are targeted in an efficient manner.	Cases which fulfil the targeting criteria are identified and prioritised in advance of the court hearing.	All defendants or all new remands in custody		Contract Management and/or Audit	PSI 6101 Bail Information Schemes	Bail Information Manual Criminal Case Management Framework
2.	Bail information, enquiries and referrals are provided on targeted cases or in response to requests from the court.	Information relevant to bail is obtained from the court, Crown Prosecution Service or other relevant agencies.	All defendants or all new remands targeted for bail services		Contract Management and/or Audit		

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Row	Service Element	Outputs / Output Features	Applicable Defendant Types	Policy Theme	Example Measurement / Assurance Method for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
3.	Bail information, enquiries and referrals are provided on targeted cases or in response to requests from the court.	Prospective BASS referrals are screened for suitability (Ref row 27 – BASS Specification).	All defendants or all new remands in custody		Contract Management and/or Audit	PSI 25/2013 & PI 10/2013 Accommodation and Support Service for Bail and HDC	
4.	Bail information, enquiries and referrals are provided on targeted cases or in response to requests from the court.	The interview with the defendant is conducted.	All defendants or all new remands targeted for bail services		Contract Management and/or Audit		
5.	Bail information, enquiries and referrals are provided on targeted cases or in response to requests from the court.	Relevant information obtained during the interview is verified.	All defendants or all new remands targeted for bail services		Contract Management and/or Audit		
6.	Bail information, enquiries and referrals are provided on targeted cases or in response to requests from the court.	Referrals are made to accommodation and support providers other than BASS.	All defendants or all new remands targeted for bail services		Contract Management and/or Audit		Bail Information Manual

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Row	Service Element	Outputs / Output Features	Applicable Defendant Types	Policy Theme	Example Measurement / Assurance Method for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
7.	Bail information, enquiries and referrals are provided on targeted cases or in response to requests from the court.	Referrals to BASS are completed (Ref row 28 BASS Specification).	All defendants or remands in custody screened as suitable		Contract Management and/or Audit		
8.	Bail information, enquiries and referrals are provided on targeted cases or in response to requests from the court.	A Bail Information Report is provided to the court.	All defendants or all new remands targeted for Bail Services		Contract Management and/or Audit	PS0 6101 Bail Information Schemes	
9.	Bail information, enquiries and referrals are provided on targeted cases or in response to requests from the court.	Courts advised as to availability of BASS placements (Ref row 29 BASS Specification).	All defendants or all new remands referred to BASS		Contract Management and/or Audit		
10.	Court decisions and information related to bail services are communicated effectively.	Court decisions on granting bail are communicated to service providers and prisons.	All defendants or all new remands granted bail		Contract Management and/or Audit		

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Row	Service Element	Outputs / Output Features	Applicable Defendant Types	Policy Theme	Example Measurement / Assurance Method for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
11.	Court decisions and information related to bail services are communicated effectively.	BASS informed of court decision (Ref row 30 BASS Specification).	All defendants or all new remands referred to BASS		Contract Management and/or Audit		
12.	Court decisions and information related to bail services are communicated effectively.	Defendants granted bail where reports or referrals have been made are seen and understand how to comply with the requirements on them.	All defendants or all new remands granted bail		Contract Management and/or Audit		
13.	Court decisions and information related to bail services are communicated effectively.	BASS travel arrangements are facilitated (Ref row 31 BASS Specification).	All new remands granted bail to BASS		Contract Management and/or Audit	Prisoner Escort Contract	
14.	Court decisions and information related to bail services are communicated effectively.	Data is provided as required for performance monitoring and statistical returns in an authority approved format.	All defendants or all new remands targeted for bail services		Contract Management and/or Audit		
15.	Court decisions and information related to bail services are communicated effectively.	Information collated during court based enquiries is passed to prisons based bail services if defendant is remanded in custody.	All defendants where bail services have been provided at court		Contract Management and/or Audit		

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16.	Sentencer and judicial knowledge and confidence are promoted	Information regarding potential Bail outcomes is provided to the court including BASS, Approved Premises and electronic monitoring.			Contract Management and/or Audit		
17.	Sentencer and judicial knowledge and confidence are promoted.	The judiciary and eligible defendants / offenders and their representative are made aware of BASS provision (Ref row 26 BASS Specification).			Contract Management and/or Audit		
18.	Sentencer and judicial knowledge and confidence are promoted.	Staff delivering bail services have the required knowledge and skills to provide independent advice to the court and other service users.			Contract Management and/or Audit		

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19.	Public protection procedures are followed throughout the delivery of bail services.	Relevant agencies are provided with information relating to risk of serious harm in order to ensure public protection	All relevant defendants		Contract Management and/or Audit	Children Act 2004, Section 11 PI 10/2014 - Managing Terrorist and Extremist Offenders in the Community Terrorist or Terrorist Related Offenders MAPPA Guidance	