

Bail Supervision

National Guidance

May 2022

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1. Introduction

This document provides revised guidance for the operation of bail supervision¹, replacing guidance issued in January 2019. It is intended for use by local authority justice social work services and other key partners involved in bail supervision service delivery, such as third sector services. It may also be of use, for information purposes, for the Crown Office and Procurator Fiscal Service, defence agents, Police Scotland, and the judiciary.

This guidance applies to any person who is made subject to bail supervision, including those under the age of 18².

The guidance sets out minimum standards and expectations which should be achievable for all services involved in the provision of bail supervision.

This guidance also addresses the interaction of bail supervision and electronic monitoring (EM) as part of bail where appropriate. Specific guidance on the operation of EM as part of bail is forthcoming, at which time both sets of guidance should be used accordingly.

1.1 What is bail supervision?

Bail supervision is a social work or third sector service that supports people to comply with the conditions of their bail. It is intended to provide 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 pending trial or for reports after conviction can instead be released on bail on the condition that they meet with a bail supervisor (or nominated worker from a relevant agency) a specified number of times per week, subject to an assessment of suitability and compliance management. 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.

Bail supervision involves the provision of information to the court (via an assessment of suitability and progress reporting) and a package of supervision and support to the person. This can include the provision of direct support, as well as signposting and assistance to access relevant support services, including accommodation, employability, drug and alcohol services, or mental health support. Access to appropriate support services whilst subject to bail supervision will be dependent on statutory and third sector services provided in local areas. As such, local collaboration between community justice partners will be critical. Information on local

¹ The term 'bail supervision' is used to denote that this is distinct from 'bail support'. The term 'support' used throughout this document refers to the support offered as part of bail supervision, rather than specific bail support services.

² Please see [Annex 1](#) for further considerations when working with children and young adults subject to bail supervision.

support arrangements should be integrated into local bail supervision and support services and Community Justice Outcomes Improvement Plans (CJOIPs).

Providing bail supervision services orientated to the needs of the person and the community can assist in ensuring that the use of bail is maximised whilst fully protecting the rights and safety of victims, and remand is only used where there is an appropriate and evidenced need to do so - for example, in the interests of public protection. It must be noted that the court makes the decision as to whether bail supervision will be granted.

1.1.1 Objectives of bail supervision

The overarching objective of bail supervision is to provide a credible alternative to remand available for courts to use in appropriate cases which aims to:

- Provide support to people in the community, which minimises disruption to families, employment, and housing; and
- 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.

1.1.2 Who is bail supervision for?

Assessments for bail supervision should be undertaken in each appropriate case; however, there are specific groups of people that may be given particular consideration. Please note that this does not constitute a 'priority' list and every appropriate case should be assessed as such:

- Those with a high level of need / complexity that would require support to manage standard bail, for example:
 - Women involved in the justice system³
 - People with mental health difficulties
 - People with learning difficulties or disabilities
 - People with substance use issues
 - Children and young adults
 - People with caring responsibilities⁴
- 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.

³ This [Evaluation of Sixteen Women's Community Justice Services in Scotland](#) noted the multiple and complex needs that women in the Scottish justice system may have, such as mental and emotional health difficulties, lack of purposeful or rewarding activities, substance use, difficulty in solving everyday problems, and unstable or unsupportive family/social relationships. There was also an indication of high rates of trauma or abuse, where measured.

⁴ Please note that in relation to domestic abuse whereby the individual has child contact, court ordered or otherwise, or states that they will be seeking such contact, this will not be sufficient for bail supervision assessors to justify automatic suitability for bail supervision. Other safety considerations must be taken into account such as the nature of the offence / alleged offence.

1.2 Legislative basis

1.2.1 Bail

The relevant statutory provisions relating to bail are contained in [Part III of the Criminal Procedure \(Scotland\) Act 1995](#) ('the 1995 Act'). This provides the overall legal framework within which the court makes decisions as to whether to grant bail to a person accused/convicted of an offence or to remand them in custody. There is a general presumption in favour of bail in all cases, subject to certain exceptions. The term 'bail supervision' is not set out in this legislation.

In making decisions whether to grant bail, the court must take account of grounds which are relevant for the question of bail. These are provided for in Section 23C of the 1995 Act.

In particular, section 23C provides that the following are grounds on which it may be determined that there is reason for refusing bail:

- Any substantial risk that if the person was granted bail they may:
 - abscond;
 - fail to appear in court as required;
 - commit further offences;
 - interfere with witnesses;
 - otherwise obstruct the course of justice;
- Any other substantial factor which appears to the court to justify keeping the person in custody.

In assessing these grounds, the court must have regard to all material considerations. Such considerations include (but are not limited to) the following:

- Nature and seriousness of the offence;
- Probable disposal of the case if convicted;
- Whether the person was subject to a bail order, other court order, on licence, or on a period of deferment of sentence when the alleged offences were committed;
- The character of the person, including:
 - previous convictions;
 - previous breach of bail or licence;
 - whether they are currently serving a sentence or have recently served a sentence;
 - associations and community ties of the person.

Section 23D of the 1995 Act sets out in solemn proceedings, where a person is accused of drug trafficking offence, a violent offence, sexual offence, or domestic abuse offence and has a previous conviction on indictment for such an offence, a person is to be granted bail only if there are exceptional circumstances justifying bail.

In determining a question of bail, section 23B of the 1995 Act provides that the court is to consider the extent to which the public interest could, if bail were granted, be safeguarded by the imposition of bail conditions (with the public interest including the interests of public safety).

Under the statutory provisions contained in Part III of the 1995 Act, when a person is released on bail, conditions are imposed. There is a list of standard bail conditions that are imposed in all cases at [Section 24\(5\)](#)⁵ of the Act. In addition, [Section 24\(4\)\(b\)](#) allows the court or Lord Advocate, in granting bail, to impose 'further conditions' considered necessary to ensure that standard bail conditions are observed. The court may decide to add bail supervision as one of these further conditions of bail in order to support compliance with the standard conditions.

1.2.2 Electronic monitoring as part of bail - legislation

[Part 1](#) of the Management of Offenders (Scotland) Act 2019 (soon to be commenced) allows for electronic monitoring (EM) as part of bail. This legislation changes the way in which curfew restrictions as part of bail can be monitored – it does not change the underpinning bail legislation or the criteria for determining the suitability of the person for bail. This remains a decision for the court based on the information before it as outlined above.

Bail supervision may be imposed along with EM as part of bail if a court wishes to do so (EM as part of bail can also be imposed without bail supervision, and there is the option of a standalone bail order). Please see section 2.3 for further considerations in relation to EM as part of bail, and refer to the specific forthcoming 'EM as part of bail' guidance.

⁵ These are, as noted in the 1995 Act, that the person: (a) appears at the appointed time at every diet relating to the offence with which they are charged of which they are given due notice; or at which they are required by the Act to appear; (b) does not commit an offence while on bail; (c) does not interfere with witnesses or otherwise obstruct the course of justice whether in relation to themselves or any other person; (ca) does not behave in a manner which causes, or is likely to cause, alarm or distress to witnesses; (cb) whenever reasonably instructed by a constable to do so - (i) participates in an identification parade or other identification procedure; and (ii) allows any print, impression or sample to be taken from the accused; (d) makes themselves available for the purpose of enabling enquiries or a report to be made to assist the court in dealing with them for the offence with which they are charged; and (e) where the (or an) offence in respect of which they are admitted to bail is one of domestic abuse or a particular type of sexual offence (as listed in section 24(7A)(b) of the Act), does not seek to obtain, otherwise than by way of a solicitor, any precognition of or statement by the complainer in relation to the subject matter of the offence.

1.3 Principles of bail supervision

The following key principles for bail supervision are highlighted for the purposes of this guidance. These principles should reflect the practice and underpinning ethos of all of the services provided by justice social work and partners and are not intended to be an exhaustive list.

Principle	Description
Integral to court social work services	Bail supervision is, and should be developed and promoted as, an integral part of social work services provided to the court. It should therefore be an option available to every court for use where deemed appropriate by the judiciary in a given case.
A credible and robust alternative to remand	The priority for justice social work services is to work closely with key partners to provide and operate a bail supervision service. The expectations of courts therefore need to be clearly understood by all parties, and operational arrangements should not unduly delay court procedures. There should be clear, consistent processes in relation to timely information-sharing between all parties involved in custody court processes, assessment, compliance, and monitoring. Justice social work services will submit a bail supervision assessment report to the court for consideration – this should also be shared with COPFS and defence agents via the court.
Accessible and visible	Justice social work services should provide sheriffs, the Procurator Fiscal, and defence agents with regular updates on the bail supervision services that have been made available in their area, including the supports offered and how people will be monitored. The approach taken to bail supervision services should reflect local priorities and should include services commissioned from third sector organisations where appropriate. Roles and responsibilities should be clearly delineated (please see section 2.2).
Individualised and responsive	<p>The support offered as part of bail supervision should be individualised and person-centred, with no ‘one size fits all’ approach. Bail supervision management plans should be co-produced with the person, taking into account their family circumstances and any relevant supports and/or gaps in support.</p> <p>The support offered as part of bail supervision should be flexible and responsive to the needs of people subject to bail supervision, whilst balancing any monitoring requirements, the rights and needs of victims and communities, and the necessity for robust compliance measures when appropriate. Responsivity⁶ considerations should be taken into account such as gender, age/developmental capabilities⁷, ethnicity, family or caring responsibilities, mental health needs, learning disability, communication and literacy needs, learning styles, and so on.</p> <p>Relationship-based practice will be key – bail supervision staff should build relationships with people based on a person-centred, pro-social modelling approach, engendering trust, an open dialogue, and supporting any change processes.</p>

⁶ ‘[Responsivity](#)’ refers to how an intervention is delivered i.e. tailored to the learning style, motivation, characteristics, abilities, and strengths of the person.

⁷ Services must take into account the [Whole System Approach](#) (WSA) for children and young people in the justice system, for those age 16-26 years, as well as compliance with the [United Nations Convention on the Rights of the Child](#) for those under 18 (Article 3: “*in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration*”). Further, [The Promise](#), arising from the Independent Care Review (2020), highlights that children who are involved in offending need protection and care, and that the criminalisation of children should be avoided, intervention should be early, minimal, and as destigmatising as possible, and all decisions made by professionals should be centred on the child’s best interest. The Children and Young People’s Centre for Justice produced a [research report](#) on the use and impact of bail and remand on children in Scotland. Please also see [Annex 1](#) for considerations relating to working with children and young adults subject to bail supervision.

<p>Needs-led and outcome-focused</p>	<p>Whilst there is a focus on supervision, monitoring, and managing compliance, bail supervision should also be needs-based. The support provided should focus on the areas of need (as well as managing compliance) identified by the person in collaboration with the bail supervision worker – these may be dynamic and any support plan should be responsive to emerging needs, whilst balancing the rights and needs of victims.</p> <p>Bail supervision should also focus on identifying and building upon the strengths⁸, capacity, and resilience of the person (and their networks, where appropriate), with a focus on achieving positive outcomes during the bail supervision period.</p> <p>It should be noted that there should be no attempt by bail supervision staff or third sector providers to engage in offence-focused work relating to domestic abuse or sexual offending, either pre-trial or post-conviction.</p> <p>It must also be noted in general that those subject to bail supervision may not have been convicted of an offence therefore any direct offence-focused work may not be appropriate.</p>
<p>Trauma-informed</p>	<p>The Scottish Government’s Mental Health Strategy (2017-2027) acknowledges the need to ensure that interventions for people involved in the justice system are informed by an understanding of the impact of trauma.</p> <p>The Scottish Government have produced the Trauma-informed practice: toolkit (2021) as part of the National Trauma Training Programme, to support all sectors of the workforce (including justice social work services) in planning and developing trauma-informed services. This helps ensure that services are delivered in ways that reduce barriers and prevent further harm or re-traumatisation for those who have experienced psychological trauma or adversity at any stage in their lives (both in terms of the needs of people accused or convicted of offences, and victims). This toolkit, along with NHS Education Scotland’s Transforming Psychological Trauma framework⁹ (the ‘Trauma-Informed Practice’ level, p28) must be taken into account when developing and delivering bail supervision and considering staff training.</p> <p>Please see Annex 2 for a summary of the principles of trauma-informed practice.</p>
<p>Partnership working</p>	<p>The provision of effective bail supervision will require strong partnership working¹⁰ between:</p> <ul style="list-style-type: none"> ▪ The person subject to bail supervision ▪ The family of the person subject to bail supervision (with consent from the person and where appropriate, noting that families may not wish to engage in the process or have any contact with the person) ▪ Justice social work services, including partnership working between local authorities where cases are heard in courts out with the local authority in which the person is ordinarily resident ▪ The bail supervisor (they may be based in either a justice social work team or a third sector service) ▪ Police Scotland ▪ Scottish Courts and Tribunals Service (SCTS)

⁸ ‘Strengths’ are defined in the [Framework for Risk Assessment, Management, and Evaluation](#) (FRAME: 22) as: “..positive characteristics or circumstances that can make an individual more resilient to adverse circumstance, and predispose towards or encourage non-criminal behaviour and/or help to promote desistance from further offending.”

⁹ This aims to ensure that the Scottish workforce, including justice social work services, have the necessary level of knowledge and skills to meet the needs of people affected by trauma.

¹⁰ Please see section 2.2 for further details on the roles and responsibilities of key partners in relation to bail supervision.

<p>Partnership working</p>	<ul style="list-style-type: none"> ▪ Crown Office and Procurator Fiscal Service (COPFS) ▪ The judiciary ▪ Defence agents ▪ Staff from statutory and third sector organisations that provide relevant support and services (e.g. housing, mental health, substance use, employability, victim support organisations¹¹). <p>As well as partnership working with the person subject to bail supervision, working with the third sector, health, housing, and other statutory and non-statutory partners as outlined above and where appropriate is integral to the delivery of bail supervision.</p> <p>It may be, in some areas, that a third sector service provides bail supervision. Many justice social work services will already have strong links with local third sector organisations; however, local Community Justice Partnerships and Third Sector Interfaces should be able to help identify potential third sector delivery partners where this is not the case¹². Some local areas also have established networks of third sector services that could provide support for the person subject to bail supervision, and their family where relevant.</p> <p>The provision of bail supervision should be directly informed by the Community Justice Outcomes Improvement Plan in local areas (or at least the anticipated direction of the plan). Members of the Community Justice Partnership (CJP) should be aware of the range of services available for bail supervision and support. This will ensure that CJPs are in a position to effectively plan and make provision to implement the necessary elements of bail supervision and support at local levels as this requires local strategic planning and operational delivery.</p> <p>All relevant parties should be aware of bail supervision and bail support services. Engagement with, and buy-in from, the local judiciary will be imperative when setting up bail supervision and raising awareness in relation to existing services, as well as similar engagement with COPFS, Police Scotland, and defence agents where necessary.</p>
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¹¹ Bail supervision staff should ensure details of any victims organisations involved with victims are not revealed to those accused or convicted of domestic abuse, as this could increase risk to victims.

¹² The Criminal Justice Voluntary Sector Forum have created the ['Beyond Consultation' toolkit](#) to support third sector participation in local community justice processes, which services may find useful.

2. Establishing bail supervision provision

2.1 Determining the use of bail supervision

Assessment of anticipated demand, as well as general provision e.g. via universal services¹³, will inform resource planning when establishing or further developing bail supervision provision in a local area.

Analysis of remand data and the needs of people in local areas will further aid planning and the provision of services. Guidance produced by Community Justice Scotland on [Strategic Strengths and Needs Assessments for Bail Support and Supervision](#) may assist with this planning.

Determining the use of bail supervision in your area should take the following into account:

- Justice social work, in collaboration with partners such as the third sector involved in a case as appropriate, will assess people for suitability for bail supervision based on information received on bail opposed cases provided by COPFS, or as a result of a specific instruction from the court. Based on the information available at the time of the assessment, justice social work should provide a report stating whether - with the support and monitoring afforded by bail supervision and subject to the views of the court – the person can safely be released on bail.
- Professional judgement by bail supervision staff on where bail supervision would improve outcomes remains key, taking account of the needs and impact on the person and others including victims or alleged victims, children, family, and community members and ensuring compliance with bail supervision is able to be robustly monitored and responded to.

¹³ See [ALISS \(A Local Information System for Scotland\)](#) for the directory of services in local areas, as well as [NHS services](#).

2.2 Roles and responsibilities

The high-level roles and responsibilities of the key partners involved in the operation of bail supervision are outlined below¹⁴.

Partner agency	Roles and responsibilities
Police Scotland	<ul style="list-style-type: none"> ▪ Receive information from justice social work services on alleged breaches of bail supervision; ▪ Investigate and report alleged breaches of bail via the Standard Prosecution Report to COPFS in a timely manner.
Scottish Courts and Tribunals Service (SCTS)	<ul style="list-style-type: none"> ▪ Courts have an administrative role in the operation of bail supervision in terms of dealing with requests for assessments, producing bail orders, progress reporting, and dealing with breach matters.
The judiciary	<ul style="list-style-type: none"> ▪ Make decisions as to whether to grant bail to a person accused of an offence or to remand them in custody, and whether to add bail supervision as a further condition of bail in order to support compliance with the standard conditions.
Crown Office and Procurator Fiscal Service (COPFS)	<ul style="list-style-type: none"> ▪ Provide justice social work services with the bail opposed list; ▪ Receive information from Police Scotland on alleged breaches of bail.
Defence agents	<ul style="list-style-type: none"> ▪ Where bail is opposed, defence agents may request an assessment for bail supervision prior to their client appearing from custody or while appearing in court. If requested prior to a court appearance, the defence agent may contact justice social work services directly, or during court a request for a bail supervision suitability assessment may be put to the sheriff for consideration as an additional bail condition (special condition).
Justice social work services	<ul style="list-style-type: none"> ▪ Undertake assessments for bail supervision and provide reports to the court; ▪ Provide a bail supervision service (either directly or via a commissioned third sector organisation) based on local needs and priorities; ▪ Raise and/or maintain awareness of the availability of bail supervision amongst the judiciary, COPFS, defence agents, and other relevant partners; ▪ Where relevant, provide staff to supervise and support those made subject to bail supervision, including taking necessary action in response to non-compliance; ▪ Monitor and encourage the person's engagement with other agencies and other community sentences and orders, and so on.
Third sector services	<ul style="list-style-type: none"> ▪ Third sector partners work with partners (e.g. staff in police custody; defence agents; social workers) to help to identify what support people may need in order for a bail application to be successful. ▪ Third sector partners may be directly involved in the provision of bail supervision. As part of this role, they will have a responsibility to: <ul style="list-style-type: none"> ○ Supervise and support those made subject to bail supervision; ○ Support, monitor and encourage the person's engagement with other agencies; ○ Respond to non-compliance – third sector partners will provide evidence to justice social work services in relation to a breach of the terms of bail

¹⁴ Justice social work services staff based in court settings should also have regard to the [Criminal Justice Social Work Reports and Court-Based Services Practice Guidance](#) (2010), where relevant.

	<p>supervision and/or potential breach of standard or other special bail conditions. Justice social work services have responsibility for reporting this to the police.</p> <ul style="list-style-type: none"> ▪ If not involved in direct provision, third sector partners have a central role in providing other services to those subject to bail supervision, as well as others such as victims and witnesses. These services could include, for example: <ul style="list-style-type: none"> ○ Emotional and practical support ○ Peer mentoring ○ Drug and alcohol services ○ Physical health services ○ Mental health services ○ Accommodation services ○ Employability, education, and training services; ○ Victim support organisations, in relevant cases <p>Third sector services may also be well placed to offer continued support beyond the completion of the bail supervision period.</p>
Community Justice Partnerships (CJPs)	<ul style="list-style-type: none"> ▪ CJPs will use available data to inform local Strategic Needs and Strengths Assessments (SNSAs) / Community Justice Outcomes Improvement Plans (CJOIPs) on the profile of bail supervision in their area; ▪ Where bail supervision is prioritised, CJPs will ensure that the necessary local strategic planning and operational service delivery is adequate to meet the bail supervision and support needs of people in their area; ▪ CJPs should collate available bail supervision data as part of ongoing service development.
Housing	<ul style="list-style-type: none"> ▪ Local area housing services may be involved in the provision of direct access to accommodation to those subject to bail supervision.
Health	<ul style="list-style-type: none"> ▪ Health services may be involved in the provision of services to those subject to supervised bail (such as mental and physical health; substance use) and should consider the accessibility of service pathways for people subject to bail supervision and whether these need to be streamlined.
Employability, education and training services	<ul style="list-style-type: none"> ▪ Education, employability and training services may be involved in the provision of services to those subject to bail supervision, promoting social inclusion; ▪ These services may liaise with bail supervision workers where appropriate, to support joined up service delivery and provide evidence of progress made in this area.

2.3 Electronic monitoring as part of bail - considerations

Where bail is deemed appropriate by the court, electronic monitoring (EM) is an additional way of monitoring bail conditions that can currently be put in place, such as a movement restriction condition.

EM is currently via the existing radio frequency form of monitoring (a box in a curfew location or an 'away from' location; monitoring presence at, or absence from, a place).

EM can provide assurance about the restriction of movement of a monitored person by imposing time and locational limitations on them. Monitoring assists with ensuring a person remains in a specific place for a particular time period (or be excluded from a specific location, at a specified time, including 24-hour exclusions from a location). Compliance with the terms of any condition is monitored by way of the person wearing a personal identification device (PID; commonly referred to as a 'tag'), and the installation of a home monitoring unit.

Monitoring compliance with any electronically monitored curfew conditions imposed is undertaken by the EM service provider, contracted by the Scottish Government to deliver that service. Non-compliance information is then provided to the relevant authority (e.g. Police Scotland) to determine how to deal with it. The EM service provider is a key partner and relies on liaison with, and the co-operation of, partner agencies in the justice system to meet its contractual obligations and to ensure an efficient and effective service is delivered.

EM as part of bail curfews can be tailored to specific conditions (exclusions or related to offending profile such as evenings / weekends). It may also help those subject to EM as part of bail to avoid people and/or places that might be detrimental to them.

EM as part of bail alongside Bail Supervision is an option where a specific condition may need to be in place (e.g. to stay away from a specific location such as a witness' address) in addition to providing the aims and benefits of bail supervision. These may be imposed together where there may be uncertainty about a person's ability to comply with the EM component without additional support and supervision, and/or where standalone EM as part of bail would leave a specific support need unaddressed.

Specific guidance on the operation of EM as part of bail is forthcoming and should be used in conjunction with this guidance.

2.4 Developing and implementing bail supervision

Below are some guiding themes and questions in order to assist justice social work services and partners in developing and implementing bail supervision in their area.

Determining service criteria / readiness (Section 1.1)	<p>Have you identified service criteria in accordance with local area need and/or service priorities based on local data / a Strategic Needs and Strengths Assessment, including third sector partners at an early stage? This should complement your area's Community Justice Outcomes Improvement Plan.</p> <p>How will you ascertain if your service is in a state of readiness to implement and operate bail supervision – including the introduction of EM as part of bail?</p>
Engagement with judiciary	<p>Have you engaged with the local judiciary to determine how bail supervision might be used and promoted?</p>
Engagement with people with lived experience	<p>Have you engaged with those with lived experience in considering the setup of the service¹⁵?</p>
Engagement with partners (Sections 1.3; 2.2)	<p>Have you engaged with partner organisations, including the third sector and other partners such as housing, to identify local needs, capacity, joint training, and potential pathways for delivering services that could form part of a package of bail supervision in your area?</p>
Resources / staffing	<p>What resources and staffing do you have? Will you create a specific bail supervision team, place bail supervision within the remit of existing teams/services, or work with the third sector to provide a bail supervision service on behalf of the local authority? Are you using the appropriate templates, as per this guidance? (in annexes - e.g. suitability assessment, management plan; progress report; breach report; outcome measure).</p>
Staff training	<p>Will further training for staff be required e.g. to increase their understanding of bail supervision, or other key areas? (such as trauma-informed practice, domestic abuse, child/adult protection, and so on).</p>
Clarifying roles and responsibilities (Section 2.2)	<p>Is there clarity about roles and responsibilities both within the service, and with partner agencies?</p>
Raising awareness	<p>How will you raise awareness of bail supervision? (e.g. consider developing information leaflets for service users, staff, and other stakeholders).</p>
Monitoring (Section 4)	<p>Do you have appropriate bail supervision data collection processes in place?</p>
Measuring outcomes	<p>Do you have an outcome measure by which to evaluate outcomes for the person subject to bail supervision? (Annexes 6; 11)</p>
Evaluating the service	<p>How will you gather the experiences of those subject to bail supervision, those involved in delivery, and local judiciary to inform evaluations / shape service delivery?</p>

¹⁵This may be a useful resource in this regard: Lightowler, C and Weaver, B (2019) [A Practical Guide to Service User Involvement in Community Justice](#).

3. Assessing suitability and managing bail supervision

3.1 Assessment of suitability for bail supervision¹⁶

3.1.1 Assessment process

- The person is arrested and charged by Police Scotland, and appears at court the next lawful day.
- Justice social work services will:
 - Receive the list of cases from COPFS where bail has been opposed, with the PF reference, CHS number, and index offence;
 - Access local information systems, the SCTS portal, and, where possible, contact any other agencies currently involved with the person for any relevant information relating to the person and their circumstances ([Annex 1](#) outlines specific considerations when assessing children and young adults for bail supervision), including any information pertaining to public protection (including any adult support and protection concerns) and requirement for interpretation services;
 - Interview the person in the court or police cells, where information from COPFS indicates that bail has been opposed (In some areas this may take place via videolink or secure telephone from the police cell);
 - Submit a written report to the court for the person's appearance on that same day¹⁷, making a clear recommendation as to the suitability of bail supervision. The template at [Annex 4](#) must be used for this purpose. The court will make the decision as to whether bail supervision will be granted.

There is one amalgamated template which should be used for both bail supervision and electronic monitoring of bail assessments for suitability (Annex 4). A PDF version of this Annex is available for ease of printing.

People made subject to bail supervision should be seen by the supervisor within 24 hours of release from custody unless an alternative arrangement has been agreed or must be made. The bail supervision assessment should contain details of the first supervision appointment which must be held within 24 hours of the individual's release.

¹⁶ Please see [Annex 1](#) for specific considerations regarding bail supervision assessments in relation to children and young adults.

¹⁷ It must be noted that EM bail may not have the same-day expectation given the potentially more complex assessment required.

3.1.2 Assessing suitability

Assessing suitability for bail supervision should be based on defensible decision-making and the assessment report (Annex 4) should clearly outline the factors that may render someone suitable or unsuitable. Staff should consult the following sources of information, where relevant, and outline these in the assessment report:

- Information on the index offence
- Previous convictions
- SCTS portal
- Local information systems and case file
- Previous reports, where available
- Interview with the person
- Family members, where relevant and appropriate
- Other professionals involved with the person, where relevant
- Domestic abuse advocacy services, where relevant and available¹⁸.

Based on the information available to bail supervision staff at the time and the short timescale involved, as a minimum standard, the written assessment of suitability for bail supervision ([Annex 4](#)) should include a review and assessment of the following areas¹⁹.

- Sources of information / basis of report and any limitations to the information
- Nature of the charges and any outstanding charges, including breaches of bail (and the circumstances surrounding this)
- Previous offending
- Suitability of accommodation
- Relationships, including any professional supports in place
- Health, including mental health
- Substance use
- Time commitments / responsibilities, including employment, education, caring responsibilities and so on
- Attitudes and motivation
- Compliance (likelihood of compliance with bail supervision and response to any current or previous periods of supervision)
- Recommendation as to the suitability of bail supervision
- Provisional bail supervision management plan highlighting key areas.
- Views of victims, where available

The bail supervision worker should note the presence and relevance of these factors in relation to the person's suitability for bail supervision, or otherwise. A careful consideration of all factors will assist in the decision making process, which impacts significantly on both the people being assessed and victims of crime.

¹⁸ It must be noted that, in order to prevent service generated risk for victims of domestic abuse, it is important that where any reports submitted to the court are informed by information from or relating to partners or ex-partners, this should be provided in such a way that it does not jeopardise the safety of the victim or others by identifying the source. This includes information received via other sources such as workers from other organisations/agencies.

¹⁹ Please see the assessment template at [Annex 4](#) for further considerations within the report sections.

Special bail conditions may be under consideration which might require more detailed assessment, for example contact with domestic abuse advocacy services in cases involving domestic abuse. This could involve any condition deemed necessary by the court, such as a prohibition on contacting, or attempting to contact a specific person, or visiting a specific place.

Should the person be assessed as suitable for bail supervision, they should sign the 'Conditions of Bail Supervision' form to confirm they accept these and encourage buy-in (a pro-forma for this is included at the end of the bail assessment report template at [Annex 4](#))²⁰. Please note that there is no penalty should they choose not to sign this; verbal consent to agreeing to comply with bail supervision will be sufficient. Where it is not possible to sign the form during the assessment process, this should be explained and signed at the first bail supervision appointment.

3.1.3 Cross-authority cooperation

- When a person is appearing at court in a certain local authority area but is ordinarily resident in a different local authority that provides a bail supervision service, bail supervision staff at court should contact the receiving authority to obtain pertinent information for the bail supervision suitability assessment. Single points of contact should be identified in each local authority in order to facilitate this.
- A desktop review of local case management systems and other relevant sources of information should be undertaken by the receiving authority, who will populate the bail supervision assessment report template with this information and return to the local authority from which the request came.
- Staff in the local authority in which the person is appearing in court should seek the consent of the person to comply with bail supervision, and – if they consent - submit the completed report to court.
- If granted, the person will then be subject to bail supervision in the local authority of their residence.

3.1.4 Assessment for EM as part of bail

In providing any advice or recommendations to the court in relation to EM as part of bail, it will be important for justice social work services to consider that EM can be used to manage specific conditions, such as 'away from' location curfews, or to provide a curfew to an address. If bail is to contain a curfew that is electronically monitored, this has the potential to be a restrictive obligation to place on a person for what may be a significant period of time. Where EM as part of bail and bail supervision occur together, it is recommended that any such advice to the court provides clarity on which each are offering in terms of structure, support, assurance and management of compliance, as well as clearly identifying how each element relates to adherence to the specific conditions of bail that may be set.

Please see the forthcoming EM as part of bail guidance for further information on assessing for EM as part of bail

²⁰ Consideration should be given to an individual's comprehension/capacity to consent to bail supervision and any additional support required to understand conditions being imposed (such as people with learning disabilities and/or speech, language, and communication needs). The SOLD Network provides a useful [practice guide](#) for staff working with people with communication support needs in the justice system.

3.2 Bail supervision management, support, progress reporting, and transitions

3.2.1 Bail supervision management plans

A brief initial plan should be outlined in the bail supervision assessment report (detailing the main areas of need, strengths, and any initial proposed actions), with the full management plan to be agreed by the bail supervision worker in conjunction with the person during the early stages of the supervision period.

The full management plan should flow from this initial assessment and will outline:

- the expectations of the court, including any special conditions;
- contact and attendance requirements during the bail supervision period;
- specific areas of identified need and how these will be addressed (e.g. tailored interventions; partnership working with relevant agencies);
- compliance expectations and actions that will be taken in the event of non-compliance, including any potential public protection concerns that may arise during the course of the supervision period (including any potential harm posed to the person subject to bail supervision, as well as concerns regarding potential harm to others).

A Bail Supervision Management Plan template is provided at [Annex 5](#).²¹

It will be important for the management plan to be co-produced with the person. Where available, services may wish to make additional use of the [Justice Outcomes Star](#)²² to co-produce the plan, ensuring strengths and areas of need²³ are identified and addressed as well as ensuring how compliance will be managed is also recorded. The plan should be communicated in a way that is commensurate with the person's learning style or needs, and agreed and signed to ensure their buy-in and understanding of what will be expected of them, and what they can expect. Producing and implementing the plan should take any responsibility issues into account (such as age, developmental capacity, gender, health, mental health, speech, language, and communication needs and so on).

²¹ Please see [Annex 1](#) for specific considerations regarding managing children and young adults subject to bail supervision. Services working with children should also incorporate the [GIRFEC wellbeing indicators](#) as part of any planning.

²² Please see [Annex 6](#) for an outline of the Justice Outcomes Star.

²³ Again, it is noted that some people will be made subject to bail supervision for alleged offences and will not have received a conviction. Explicit offence-focused work therefore may not be appropriate in such cases, and the focus of work undertaken during the bail supervision period should be on areas of need identified by the individual and worker.

3.2.2 Level and nature of contact, supervision, and support

Contact and supervision

- This should be clearly outlined in the plan - the number of bail supervision contacts per week should be based on the assessment of the person's circumstances and what other supports are in place.
- As a minimum standard for the first month, direct contact with the bail supervision worker (or another designated agency) via in-person appointments should take place a minimum of three times per week for the first month of the supervision period (with at least one home visit in the first month). Contact levels can then be reviewed following the first month, where appropriate – however a minimum of one face-to-face contact per week must always be maintained.
- Contacts for bail supervision can also include appointments with other relevant agencies working with the person as part of the bail supervision management plan, such as an addictions worker, mentoring staff, other justice staff, children and families worker, and so on. Where this is the case, this needs to be clearly noted within the plan, and bail supervision staff should ensure they monitor compliance and engagement by obtaining updates on attendance and progress. Support to attend appointments (i.e. bail supervision appointments or other relevant appointments) should be provided by bail supervision staff and other agencies wherever possible in order to encourage compliance and positive outcomes.
- Flexibility is required where the person is in full-time employment, education/training, has caring responsibilities, is a young person, or has mental health or other difficulties affecting their ability to comply. For those who are employed, in education, or have caring responsibilities, contact should be arranged out-with these times where possible. As above, once a pattern of reporting is established and there is positive progress, contact with the bail supervision worker or other designated professionals involved could be made by telephone or other secure remote means subject to available resources. However, one face-to-face appointment per week with either the bail supervision worker or a designated professional must be maintained.
- Home visits by the supervising officer are an integral part of bail supervision. Home visits can assist in gathering and verifying information during the supervision period and assist in progress reporting.
- A lone worker home visit risk assessment, in accordance with the service's local procedures, should be undertaken to ensure staff safety. This should be recorded and stored on local information systems and updated where necessary.
- Where it is safe to do so (based on the home visit risk assessment), one home visit must be undertaken within the first month of the bail supervision commencement date. The necessity for home visits following this must be discussed and agreed by the bail supervision worker and their line manager. Where the supervising officer considers that the frequency of home visits

should be increased or decreased depending on the person's circumstances and stability, as stated, this should be discussed with a line manager and should be in line with the agreed Bail Supervision Management Plan. Home visits may be planned but can also be unannounced.

- Once a pattern of reporting is established, the bail supervisor is content that the person is complying with conditions, there is positive progress with the Bail Supervision Management Plan, and there are no outstanding concerns, some contacts could be made by telephone or other secure remote means (subject to line management agreement, available resources for both services and people on bail supervision, and speech, language, and communication needs).
- Consideration should be given to sharing information with the person's family (subject to their consent and where appropriate) on the nature of their bail supervision and other reporting requirements where this would serve to support the person's compliance and engagement.
- Where the person is residing in supported accommodation or temporary accommodation such as a hostel, where home visits may be difficult for practical reasons, bail supervision staff should review whether home visits are possible, liaise with relevant accommodation staff if not (to ensure the person remains resident there and to obtain any progress updates), and ensure the frequency of office visits and other relevant support agency contacts are maintained.
- Bail supervision arrangements should be aligned with any other supervision arrangements already in place and may be liable to reduction on extended periods of bail for solemn cases, subject to line management review and an agreed change to the management plan.

Support

- The nature of support offered during the supervision period will be tailored to the management plan agreed as part of the bail supervision. Where appropriate, this may also include signposting or referrals to, and/or facilitating engagement with, other agencies for guidance and support on issues such as housing, benefits, health, substance use, and so on.
- A bail supervision management plan should be dynamic and flexible to allow for further needs or issues that may emerge (or be sufficiently addressed) during the relationship-building and support period, which can be added to or removed from the plan. Any changes to the plan should be agreed by line management.
- Any potential specific areas of risk to victims, the public, and/or the person should be identified in the management plan, with clear contingency plans outlined. Partnership working with relevant agencies to highlight and address any risks should also be outlined.

- Along with bail supervision staff, examples of the types of services involved in supporting people to address areas of change in management plans could include:
 - Drug and alcohol services
 - Health
 - Mental health
 - Accommodation services
 - Employability, education, and training services.

- Where possible and appropriate, and where informal supports are not available, bail supervision workers (or other relevant agencies involved as part of the management plan) may accompany people to appointments such as court appearances or other key meetings, where they might otherwise struggle to attend (for example, due to age, mental health or cognitive difficulties).

- It must be noted that bail supervision periods will be time-limited and may be short-term in nature. Therefore any agreed actions or planned interventions must take this into account, with consideration given as to whether (and how) the actions, interventions, and outstanding needs can be continued or addressed beyond the bail supervision period. For example, referring to relevant agencies, and/or ensuring the management plan is communicated to key agencies and professionals (with consent).

- Should there be an alleged breach of a bail order, where possible (i.e. in circumstances where the person is not remanded in custody), the person's continued attendance at voluntary bail supervision appointments and meeting with other agencies, where relevant, should be encouraged in order to continue engagement with the areas in the management plan. Any engagement in such appointments should be reflected in the final report to the court and noted at any breach hearings.

- If the bail supervision is continued following the breach being dealt with by the court, the supervising officer must review and update the management plan no less than five working days following the person's breach of bail hearing to address any additional factors arising from the circumstances of the breach, where relevant.

3.2.3 Progress reports

Bail supervision progress reports are provided for the court when a person is attending court for their intermediate diet. They can also be submitted to the court if the person is charged with further offending. The aim is to provide the court with an update on the person's progress during the bail supervision period to date. A completion report would be submitted when the person is appearing for trial or deferred sentence, when the bail period ends.

Progress during the bail supervision period will be measured against the factors in the management plan (i.e. any changes identified) and set out in a progress report to the court (please see [Annex 9](#) for the bail supervision progress report template to be

used). Report authors should obtain information from any partner agencies working with the person to inform the report.

3.2.4 Change of bail address

Where a person wishes to, or must, change their bail address during the period of bail supervision, an application for bail review must (generally through a legal representative) be made to the court in terms of section 30 of the 1995 Act. The person should notify their bail supervision worker of their application to change address as soon as is practicably possible, and the worker should assess suitability of the new proposed address where possible. On receipt of the application, the court must intimate the application to the Procurator Fiscal (PF), and before determining the application, give the PF an opportunity to be heard. The court may grant the application without having heard the PF if they consent. Should a curfew condition be attached to the original bail address, an application to change this address can only be permitted with the prior agreement of the court – in such cases, a bail review should be sought by the person through their solicitor.

3.3 Compliance and breach

A consistent and equitable approach to compliance with bail supervision assists the person to understand that it operates within a clear framework of legally enforceable conditions in relation to bail, and maintains its credibility.

Justice social work services (bail supervision staff) have a responsibility to take reasonable steps to:

- support people to comply with any conditions as part of their bail supervision; and
- deal with any non-compliance issues swiftly and robustly.

All means of available technology should be used throughout the bail supervision period to ensure that compliance is encouraged and directed, particularly for groups such as children and young adults, or those experiencing mental health difficulties. The bail supervision officer may make use of a variety of means of doing so, for example:

- Regularly confirming house and/or mobile phone numbers and recording these on case files so that contact can be maintained by phone where necessary;
- Use of phone calls/texts to remind people of appointments, court appearances, and to instruct contact where there has been an agreed absence;
- Use of e-mails to people (where they have the technology to support this form of communication). This will require the person's permission. E-mails must be kept concise and not disclose personal information about the person.

3.3.1 Non-compliance and reporting of alleged breaches

A breach report should be submitted where there has been a breach of the agreed terms of bail supervision (subject to the warning system as outlined below, where appropriate).

Should a person fail to meet any other conditions of bail, whether standard conditions or any additional special conditions, the police should be notified.

Failure without reasonable excuse to comply with a condition of bail may be an offence under section 27(1)(b) of the 1995 Act and should be followed up as soon as the alleged breach comes to the bail supervisor's attention.

- **Restrictions intended to prevent access to a victim/potential victim**

In cases involving domestic abuse, stalking and other serious offences including sexual and/or violent offending, a breach of a bail condition which is intended to prevent access to victims should be acted upon immediately. In cases involving a serious concern for public safety (such as increased risk to a victim), **immediate direct contact with Police Scotland will be warranted (such as a 999 call)**. The safety of any potential victim is paramount and the police must be made aware of such a breach as soon as possible in order to ensure appropriate victim safety considerations.

- **Significant occurrences**

An occurrence is regarded as 'significant' when it is deemed to compromise the safety of another person (including staff members), or where a condition of bail which was imposed for the purpose of preventing access to victims has been breached. A significant occurrence that constitutes a breach of a bail condition should always be responded to by promptly contacting Police Scotland. As above, in cases involving a serious concern for public safety (such as increased risk to a victim), **immediate direct contact with Police Scotland will be warranted by telephoning 999**. All reasonable additional measures should be taken in order to protect the safety of, and support for, a known victim such as contacting the police, as stated, or a victim support organisation²⁴.

- **Reporting**

Any failure to comply with a condition of the bail order must be followed up as soon as the bail supervisor becomes aware of it by notifying Police Scotland.

Breaches not involving the commission of another offence, or harm / threat of harm to others i.e. consistent failure to attend for bail supervision, should be instigated by telephoning 101, explaining there has been a breach of bail then sending the template report for forwarding on to the investigating officer. As stated, should there

²⁴ It is also noted that the Care Inspectorate's guidance on Serious Incident Reviews relates to CPOs, DTTOs, and statutory throughcare licences. Where an individual subject to bail supervision is alleged to have committed, or is subsequently convicted of, an offence which meets the [FRAME](#) definition of Serious Harm, the [SIR guidance](#) and templates can be utilised by justice social work services to support learning and continuous improvement without the expectation of submitting a notification to the Care Inspectorate.

be any indications of imminent risk to others, a 999 call should be made. The breach report using the template at [Annex 10](#) should be submitted.

Third sector services commissioned by the local authority to provide bail supervision will report any alleged breaches to justice social work services as soon as the responsible bail supervisor in the third sector organisation becomes aware of the alleged breach²⁵. Justice social work will submit the breach report to Police Scotland, as per above.

The responsibility for reporting a breach of bail to COPFS will then be a matter for the police as the relevant reporting authority.

- **Acceptable reasons for non-attendance**

In circumstances not involving direct breach of a bail condition, the following reasons may be considered acceptable for a person's non-attendance at bail supervision appointments:

- an explanation provided in advance by the person and agreed with the supervisor, with an alternative date agreed in line with the management plan and contact levels;
- ill-health (the person can self-certificate for seven days, after which time they must obtain a medical certificate from a GP);
- unforeseen requirements placed on the person by an employer, which are considered reasonable;
- any unforeseen crisis arising from other responsibilities or circumstances.

Bail supervision staff and line managers must consider the circumstances of each case to determine the course of any follow-up actions.

3.3.2 Use of warnings

There is no legislative provision for bail supervision warnings; however, in circumstances where a breach of a bail condition has not occurred, warnings may offer the opportunity to review the bail supervision management plan without escalation to the police. Consideration should therefore be given to the use of warnings in appropriate cases to encourage continued engagement with bail supervision.

The use of warnings, where appropriate, supports the principles of bail supervision in that it allows a flexible, individualised, tailored approach which takes into account the particular complex needs and circumstances that those subject to bail supervision may have.

Certain aspects of the bail supervision management plan (such as non-attendance at a voluntary appointment with a support agency, or lateness) may not automatically result in breach procedures and may be dealt with by a warning. Non-engagement

²⁵ When the individual must meet a bail condition involving the oversight of a third party, e.g. residence in supported accommodation, there must be clear agreement at the outset between local authority managers responsible for bail supervision and the third party organisation on procedures for dealing with non-compliance (e.g. any instances where the individual has failed to comply with an accommodation curfew).

with these aspects of the plan should be explored with the person by the bail supervision worker and the plan adjusted where possible.

- All warnings must be put in writing to the person²⁶ by recorded delivery and recorded in the case file and on local recording systems. Please see [Annex 9](#) for an example warning template.

A breach report should always be submitted in the event of a person having already received two written warnings and failing to comply on a third occasion without an acceptable reason. Warnings should also be referred to in the final report that is sent to the court following the end of the bail supervision period.

Please see the flowchart at [Annex 7](#) outlining the warnings process.

Please also see [Annex 1](#) for compliance considerations when working with children and young adults subject to bail supervision.

3.3.3 Bail supervision non-engagement and compliance process

1. First non-engagement (e.g. not attending an appointment, without reasonable excuse) – first written warning issued.
2. Second non-engagement (without reasonable excuse) – final written warning issued.
3. Final non-engagement identified.
4. Telephone 101 and report to Police Scotland, and submit the breach report. This should be prepared as soon as the bail supervision service becomes aware. Please see [Annex 10](#) for a bail supervision breach report and witness schedule template which should be used.
5. Police Scotland will endeavour to apprehend the person and bring them before the court, along with a report of the circumstances. Should the person be arrested the police will notify the bail supervision worker (as noted on the report template) by email or telephone.
6. If the police cannot trace the person within three days, a report outlining the circumstances will be submitted to the PF.
7. Once the report is submitted to the PF, they will consider the case on its own facts and circumstances and decide what action, if any, to take in the public interest.
8. If the PF decides not to initiate court proceedings, the person's bail supervision should continue.
9. If the PF decides to initiate court proceedings, the person will appear before the court to enter a plea of guilty or not guilty. If they plead not guilty, further court dates will be fixed and the court will consider the person's status – they may be admitted to bail or remanded in custody pending trial. If the person pleads guilty to the breach of bail, then the court may proceed to sentence them.

Once the matter is reported to the police, it will usually result in the arrest of the individual, a report to the PF, and their appearance from custody the next lawful day.

²⁶ Workers should ensure that the individual understands the warning in terms of both the implications of it, and that it is commensurate with their literacy and/or speech, language, and communication needs. Any warning(s) issued should also be discussed face-to-face where possible to ensure understanding.

The breach matter will not necessarily be dealt with by the court on first appearance from custody - this will depend on the plea and the decision of the court. Given bail supervision is aimed at those where bail is opposed, any breach reports may result in the court deciding to remand the accused, which will inevitably impact on bail supervision appointments. Where the person is not remanded, voluntary appointments should continue to be offered and support continued wherever possible.

3.4 Transitions from bail supervision

As outlined above, a comprehensive management plan tailored to areas of assessed need/risk should be undertaken for all people made subject to bail supervision, and addressed as far as possible during the supervision period utilising a partnership approach. When the bail supervision period comes to an end, for whatever reason, the person may have ongoing needs that require continued support. Therefore, it will be important to pass on any ongoing concerns relating to specific victims or the community to relevant agencies. Where COPFS' Victims Information and Advice (VIA) service is involved, they will inform victims of the outcome of relevant cases.

3.4.1 Exiting the justice system

Where a person will have an ongoing need for support or other services beyond the bail supervision period, continuation of support must be ensured where possible by the bail supervision worker. This should involve signposting or referrals to relevant statutory and/or third sector services and, where appropriate, facilitating engagement with these services and supporting the person during the transition period as the bail supervision period ends. This will be especially important should the person be exiting the justice system with no further requirement for statutory involvement, particularly where they have additional support needs (for example, those aged 16-26).

3.4.2 Preparing a Criminal Justice Social Work Report (CJSWR)

Where a CJSWR is being prepared for the person, information on their circumstances, compliance, and progress on bail supervision (and EM bail, where relevant)²⁷, should be communicated to the CJSWR author by the bail supervisor to inform the report.

3.4.3 Community order / supervision

Should the person be made subject to a community order such as a Community Payback Order, or a deferral involving social work intervention such as a Structured Deferred Sentence, there should be early communication between the bail supervision worker and new Supervising Officer / worker (such as a transfer meeting) in order to ensure continuity of any ongoing work and identification of outstanding needs and risks.

²⁷ Report authors should check the SCTS court portal to find out if the individual is subject to EM as part of bail and contact G4S for a progress update.

3.4.4 Remand or custodial sentence

Should the person be remanded in custody or receive a custodial sentence of any length following the period of bail supervision, it is expected that bail supervision staff will:

- Ensure that the custodial establishment receiving the person is aware of risks such as self-harm, mental health concerns (including suicidal ideation), or threats from third parties.
- Where relevant and with consent, inform people or agencies involved with the person that they are in custody (this may include liaison with family members, where already established and appropriate).

4. Monitoring and evaluation

Bail supervision and support should be included, where possible, within local Community Justice Outcome Improvement Plans (CJOIPS), and, where relevant, subject to CJOIP reporting and monitoring.

Arrangements must be put in place for the collection of relevant statistical data, so that bail supervision effectiveness and efficiency can be monitored. The data to be collected should include:-

- The number of assessments requested by the court
- The number of assessments undertaken for bail supervision;
- The number of bail supervision cases commenced;
- The number of orders successfully completed;
- The number of orders terminated following non-compliance;
- Where the person has been remanded or receives a custodial sentence during or following the period of bail supervision, the reason for this (if known);
- Outcomes following the period of bail supervision²⁸.

All of this data should be able to be broken down by gender, age and location. Additional data may be required for local management purposes, and areas may wish to measure outcomes related to health, mental health, substance use, education and employment, and so on. Services should also undertake an evaluation, drawing on evidence captured around the use of bail supervision, resourcing, outcomes, impact (including feedback from those subject to bail supervision), and how the learning from the evaluation will be incorporated into future service delivery.

Please see [Annex 11](#) for an example of a bail supervision outcomes measure.

²⁸ As stated, some areas use the [Justice Outcomes Star](#) to measure outcomes as part of the management plan, or have created their own templates.

Annex 1 Bail supervision for children and young adults

Whilst this is unlikely, children may be prosecuted in court from the age of 12 years in Scotland. Therefore, the provision of bail supervision must be available to all under-18s (usually via youth justice services or equivalent services working with children and young adults). In the rare instances whereby this is not provided by workers trained to work with children, additional input from children's services must be sought and provided where possible.

This annex seeks to outline the key context, principles, and approaches for working with children and young adults subject to bail supervision.

Context

The Whole System Approach (WSA) is the Scottish Government's overarching policy and framework in relation to children in conflict with the law. Getting it Right for Every Child (GIRFEC) and the United Nations Convention on the Rights of the Child (UNCRC) underpins this approach, which holds children's rights at the core and informs how the justice system needs to engage with them to be effective and rights-respecting.

WSA prioritises diverting children from formal systems such as the Children's Hearing System (CHS) and/or justice system and, where this has not been possible, directs the supports and manner of provision to facilitate children's participation and understanding of the justice system.

WSA is also relevant to young adults - particularly when considering corporate parenting responsibilities as outlined in the Children and Young People (Scotland) Act 2014, for care experienced children and young adults up to 26 years. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('[The Beijing Rules](#)') advocates the need to extend the principles in the Rules in terms of additional support for young adults.

Access to bail supervision must be irrespective of the child's legal status or involvement in the CHS, and the intervention must reflect the specific needs of children in terms of being developmentally, systemically, and trauma informed. Whilst this also reflects the core elements of the approach to working with adults, there are significant differences in the knowledge and skills required for effective implementation of bail supervision with children. As stated, this will also have relevance for the young adult population aged 18-26 years and reinforces the importance of an individualised, tailored approach.

Holistic assessment of needs

Provision of supervision and support must be informed by a holistic assessment of needs (as per the GIRFEC framework and wellbeing assessment), which includes not just the child themselves but the systems around the child including parents, carers, and other professionals. Key aspects of the assessment are:

- Ensure the legal status of the child.
- Clarify the reason for the assessment, purpose and potential outcomes.
- Reflect the child's wider circumstances and context - individual, family, education/ employment, and social.

- Engage with the child and their parents / guardians and those important to the child to gather and check information.
- Establish the child's views and any difficulties they can identify with complying and engaging with bail supervision, as well as what they feel would be helpful.
- Ensure there are realistic expectations in relation to the developmental capacity of the child and wider supports.
- Liaise with existing professionals involved with the child to inform the assessment and management plan.
- Identify vulnerabilities and strengths, and how these may prevent or support the child to engage and comply.
- Clarify the potential consequences of not wishing to participate in an assessment for, or complying with, bail supervision should it be deemed suitable.
- Use language and materials that the child understands and can follow.
- The assessment of needs, and subsequent intervention, must be informed by an understanding of communication needs, development, and trauma for children and young adults. All engagement and communication with them must reflect their level of understanding as often speech, language and communication needs are undiagnosed.

Developmental considerations

Consideration must be given to the child's developmental capacity (as opposed to a focus on chronological age). It is essential that, from an early stage in the process, the child understands what being subject to bail supervision means and the conditions attached. Research indicates that many children breach bail through their lack of understanding (CYCJ, 2020). Explaining the process, conditions and what breaching these mean, in relatable language that they understand, is therefore essential at the assessment stage and should they go on to receive bail supervision. This must be rooted in an understanding of developmental capacity.

Brain development research highlights that the brain does not fully develop until the mid- to-late 20s, with the frontal lobe (particularly the frontal cortex) being the last to develop. The frontal lobe is where executive functioning (working memory, cognitive flexibility, reasoning, planning, problem solving and inhibitory control) takes place, which is why those functions are slowest to fully mature. This is central to understanding the time it takes for children and young adults to shift consistently away from emotive-driven responses to more rational and considered judgements, which usually characterise adult thinking. Abuse, trauma, neurodevelopmental difficulties, and brain injury are some factors which may interrupt and influence brain development, with some people subsequently never reaching full brain maturity.

A further consideration is the relevance of 'state dependent functioning', where the person's physiological state determines how they respond to an event at any given time, and which neural networks in the brain are activated or de-activated. This has particular relevance for engagement and intervention with children, as activation of their stress response networks in reaction to perceived threat may trigger behavioural responses that have developed as survival strategies to cope within their life contexts. This can often result in the misperception of behaviour such as verbal aggression, violence, or disassociation and avoidance as poor behaviour rather than as a threat response, with the drivers for such behaviour overlooked. This highlights the importance of a developmental and trauma-informed understanding of a child or

young adult and how their experiences may have impacted upon the behaviour and presentation which brought them into contact with the criminal justice system and bail supervision. A relational approach, which does not compound their difficulties but promotes engagement and behavioural change, is required.

Whilst not all children will have experienced one or any of these factors, which can interrupt their progress to full maturity, it is more likely that children in conflict with the law will have experienced adversity and potentially trauma. A developmental approach aids understanding and places expectation of a child within the context of their capacity and abilities, ensuring an individualised approach that is proportionate and appropriate to their level of need to manage and engage with the requirements of bail supervision.

Assessment and management

As part of WSA, all work with children in the justice system must be through a child care and protection lens, rights upholding, and - as stated above - be trauma, developmentally and systemically informed. It should adhere to the risk practice outlined within FRAME for children 12-17 years, which utilises Care and Risk Management (CARM) as an example of a formal risk management process. Whilst the FRAME and CARM guidance are for implementation with children, it may also be developmentally appropriate to use with young adults. Key considerations must be:

- Clarity when identifying the concerns or behaviours that we wish to prevent from occurring or reoccurring.
- Whether there are wellbeing concerns, or a child protection referral is required, for both the child being assessed for bail supervision at the point of assessment and once subject to bail supervision, and any child who could be - or has been - harmed.
- Taking account of the child's developmental capacity and functioning in adhering to restrictions and conditions and the level of support required for them to do so.
- Inclusion of child's views and parents / guardians.
- Understanding the concerning behaviours in terms of what would be expected developmentally from a child at that age and the needs the behaviours are meeting.
- Consideration of risk of harm to self as well as risk of harm to others, particularly in relation to the impact of the child's circumstances which may have brought them to bail supervision.
- Creation of developmental opportunities where the child can practice new skills and abilities safely with support and supervision whilst still adhering to any specific bail supervision conditions. They could be attending school with specific conditions and supports required to facilitate this.
- Involvement of multi-agency partners, with clear roles and responsibilities for all involved in the risk management plan. All environments and contexts must be considered.
- Use of scenario planning with the child and their support system to identify any challenges and how to avoid or reduce the likelihood of these occurring.
- Consider how the supports and environments where the child lives and spends time in may make it more likely they engage in harmful behaviour, or less likely.

- Management on bail supervision must be proportionate to the potential likelihood and impact of harm, inclusive of the child and their support systems, and balance the rights of the child with protection from, and prevention of, harm to others that may be posed by aspects of the child's behaviour.
- The indicators of any changes in context, situation and behaviour that may signal the risk of harm is reducing or increasing must be clear and inform the management strategies in place.
- To ensure confidence in risk management, where assessment indicates the risk of harm cannot be managed at that time in the community, the reasons why must be detailed and explained fully to the child and their support systems.

Planning, management, and compliance

As highlighted, it is critical that assessment of suitability for bail supervision and creation of any management plan is informed by a holistic assessment and the key management considerations outlined above, with the child and parent/carer having a central role and consultation with the lead professional where one is in place.

Clarity of roles and expectations is required; not just for the child and their parents, but also with any lead professional or other services involved. The lead professional may act as a conduit between any other professionals or services as part of the team around the child and bail supervision staff, facilitating the flow of information-sharing and promoting good communication.

The individual roles and responsibilities regarding implementation of the bail supervision management plan, the supervision, monitoring, and compliance of the child with the conditions and plan, and when decisions relating to breach would be taken and by whom should also be clearly delineated.

Taking into account that children are more at risk of breaching bail, the likelihood of this can be mitigated by:

- Agreeing with them the best day/time to meet.
- Texting them to remind them of appointments, and in some circumstances providing a means of getting there or having appointments where they are more accessible and comfortable.
- Exploring the reasons behind any missed appointments and taking this into account.
- Ensuring the child knows the consequences of non-compliance in language that they understand.
- Offering more support so that they are more able meet their bail conditions.
- Referring them to any additional services to meet their needs.
- Undertaking home visits to promote engagement with parents / guardians, build their capacity to implement parenting strategies, and encourage their child to participate in the intervention and comply with the conditions.
- Ensuring the team around the child is aware of their conditions and perhaps able to offer additional support to them.
- Ensuring conditions in place are realistic in their expectations and not setting the child up to fail.

- Reviewing the child's compliance with bail supervision conditions and liaising with solicitors to seek a variance of conditions where appropriate. This has particular relevance for restrictions regarding contact with age appropriate peers, curfews, prohibiting access to areas where family reside or other supports are accessed. Children often struggle to comply over prolonged periods and this can create unrealistic expectations.

Where there is no lead professional or children's social work services involved, it would be best practice to seek the in ensuring strategies and interventions are child centred, and to potentially access supports that can aid in scaffolding the child's compliance and engagement with bail supervision. This could involve providing a range of supports to the child or perhaps the parent, which may include developing their ability to manage the child's behaviours and encourage positive change within the family dynamics . The level of scaffolding and support should always be proportionate to the child's evolving capacity, ability, and that of the support systems around them to meet the requirements of bail supervision.

Even with appropriate supports in place, a child may struggle to comply with bail supervision, particularly in the early stages. This may be due to a range of factors such as relationship breakdown, loss of accommodation, substance use, and peer relationships. The reasons for any missed appointments by the child must be fully investigated to understand why they have occurred, what could prevent this in the future, and whether their reasons are acceptable or not to ensure any decision to breach is fully informed.

The UNCRC Article 37 (b) states that "The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort". Thus, to maximise opportunities for children to remain in their community and avoid risk of remand bail supervision services and supporting agencies should incorporate contingency plans in the initial bail supervision management plan. This could include agreeing an alternative address and the circumstances in which this could be utilised, and when and how to communicate this. As such, where submitting a breach report is unavoidable, the potential consequences are fully outlined in a clear and transparent manner that the child understands.

Annex 2 Key principles of trauma-informed practice

The Scottish Government's Trauma-informed practice: toolkit (2021) outlines the five key principles underlying trauma-informed practice. The toolkit notes that although there may be differences in terms of their application, it is widely acknowledged that these principles are relevant across the public sector and its range of services:

1. Safety

Efforts are made by an organisation to ensure the physical and emotional safety of clients and staff. This includes reasonable freedom from threat or harm, and attempts to prevent further re-traumatisation.

2. Trustworthiness

Transparency exists in an organisation's policies and procedures, with the objective of building trust among staff, clients and the wider community.

3. Choice

Clients and staff have meaningful choice and a voice in the decision-making process of the organisation and its services.

4. Collaboration

The organisation recognises the value of staff and clients' experience in overcoming challenges and improving the system as a whole. This is often operationalised through the formal or informal use of peer support and mutual self-help.

5. Empowerment

Efforts are made by the organisation to share power and give clients and staff a strong voice in decision-making, at both individual and organisational levels.

Annex 3 Bail supervision service provision and case studies

Fife Enhanced Bail Supervision

Established in April 2021, Fife's Justice Social Work Enhanced Bail Supervision service assesses every person appearing from custody at one of the Fife Courts, with the person's consent. A report is prepared and submitted to the Sheriff detailing the areas of intervention, as well as public safety issues. Those deemed suitable may be placed on Enhanced Bail Supervision and receive tailored, person-centred practical support, as well as supervision. When a person is made subject to Enhanced Bail Supervision, they will be allocated an area worker who will make contact within one working day. This worker will undertake a further detailed assessment to pinpoint areas of intervention. Support will be offered in the person's local area (both office appointments and home visits) and can include one-to-one work, referrals to specialist agencies, and accompanying people to appointments.

Lanarkshire Bail Supervision

The Lanarkshire Supervised Bail Service aims to reduce custodial remands where appropriate, and constructively address factors that may lead to offending. The service provides reporting, monitoring, and support, with a Supervising Officer allocated who will support the person throughout the duration of their court appearances and address needs. Where additional support needs are identified, for example support with substance use recovery or mental health and health care appointments, service users are supported by a SACRO bail supervision mentor. This service supports people directly in the community using a rights and strengths based approach.

While all those at risk of being remanded in custody are viewed as potential candidates for bail supervision, particular consideration is given to those with mental health difficulties, people with sole child care responsibilities, young people aged 16-21, women in the justice system, people experiencing substance use issues, and anyone who might struggle to cope with custody.

Via an agreement made with local housing and a housing support provider, Lanarkshire's service also offers bail supervision accommodation. The accommodation, managed by Blue Triangle Housing Association, provides an intensive support service with regular face-to-face contact being made available during the day and telephone support until 11pm. This support includes independent living skills, problem solving and practical support. Allocated bail supervisors from justice social work services work closely with Blue Triangle colleagues to manage compliance with orders imposed by the court by means of close communication throughout the duration of the tenant's stay in the specialist accommodation.

Case studies

SACRO provide some useful of the positive changes that bail supervision can help to make in people's lives²⁹:

“A”

“A” appeared at Sheriff Court and was placed on Bail with a condition to comply with the Bail Supervision Scheme. There were two main issues identified at the time of being placed on Bail Supervision: his misuse of drugs and the breakdown of his relationship with his partner and his son.

“A” made good progress while on Bail Supervision. He was assessed for a drug rehabilitation place and was successful, completing an eight-week residential placement which he found difficult but understood was his best chance to turn his life around. While there, his bail appointments were suspended with regular contact being made with the centre to check his progress and attendance. At the end of his placement, “A” moved in to a short-stay hostel and then to a temporary furnished flat. He has continued to keep in touch with his drugs sponsor and finds this both helpful and reassuring.

As a result of his offending behaviour and drugs misuse, “A”'s relationship with his partner had broken down. In order to address this, he worked with Children and Families and continues to attend weekly parenting classes with his partner. He has been able to focus on his family and is building a more positive relationship with both his partner and his son.

“A” engages very well with Sacro staff. As part of his three-month service user review, he was given the opportunity to reduce his contact to two days per week. He chose to maintain the three visits per week as he said he benefits greatly from the routine contact with bail staff. He was recently matched up with a Sacro Volunteer and they meet one day per week. The volunteer is helping “A” address his low self-esteem. This is particularly evident as his court dates approach. The volunteer will continue to provide support once bail supervision has ended.

“A” has also agreed to take part in future Sacro events. He will participate in a volunteer training session where service users, staff and volunteers get together for an informal “meet and greet”.

“B”

“B” was referred to the Bail Supervision service having committed theft by shoplifting. The conditions of service and the importance of attending were explained to “B”. She agreed to comply and signed the appropriate paperwork.

“B”'s shoplifting was to fund her long standing drug addiction and she had been arrested for this on several occasions. Her partner was seen to be a major

²⁹ Reproduced here with SACRO's permission. [Community Justice | Sacro](#)

contributing factor and had just been sentenced. This was therefore an opportunity for “B” to comply with a Bail Supervision Order, free of his influence. She had secured supported accommodation and was receiving support and medication for mental health issues.

“B” received one formal warning letter for not turning up for one of her signings. The importance of complying and the consequences of not turning up were explained to “B”. After the first warning, her compliance improved. She seemed to appreciate and understand that she was lucky not to have been remanded and overall, she attended 22 out of her 23 appointments. She was on time, presented well and there were no issues with her behaviour on any occasion. She engaged openly with the service and her attitude clearly improved with time.

“B” attended the Sheriff Court the following month. The Bail Supervision was continued and she was put on a DTTO assessment. “B” continued to engage well with the service. The Sheriff subsequently imposed a DTTO for an 18-month period and the Bail Supervision was not continued. The case was then closed.

Annex 4 Bail Supervision and/or Electronic Monitoring as part of Bail Suitability Assessment Report

SUMMARY (to be completed after assessment)	
(Guidance – on completion you may consider submitting either the front page alone or the whole report to the Sheriff)	
Name	
Date of Birth	
Court	
Summary/Solemn Case	
Date Report Prepared	
Proposed Bail Address	
<p>The above individual agreed to being assessed for suitability for Bail Supervision and Electronic Monitoring as part of bail. An assessment was undertaken using available sources of information and an interview with the individual.</p> <p>From this assessment, it is advised that the individual would be suitable for, and has consented to, the following:</p>	
Bail Supervision	[]
Electronic Monitoring of Bail	[]
Bail Supervision and Electronic Monitoring of Bail combined	[]
Not suitable for either Bail supervision or Electronic Monitoring of Bail	[]

SECTION 1: PERSONAL DETAILS			
Date of Assessment			
Assessment Type	Bail Supervision		[]
	Electronic Monitoring of Bail		[]
	Bail Supervision and Electronic Monitoring of Bail combined		[]
Name			
Date of Birth			
Gender			
Address			
Telephone			
Solicitors details (if known)			
Consent obtained to undertake suitability assessment and appropriate use of information gathered:	Yes		[]
	No		[]
Local Reference Number			
CHS Number			
PF Reference			
Arrest on Warrant	Yes		[]
	No		[]
Court			
Date of Appearance			
Alleged Offence(s)			
Current court orders/on licence (including existing EM orders)			

SECTION 2: SOURCES OF INFORMATION

(Guidance – you may wish to consider noting the systems interrogated before commencing assessment. Please see [Bail supervision: national guidance](#) section 3.1.2)

--

SECTION 3: ANALYSIS OF PAST OFFENDING BEHAVIOUR

Summary	
Relevant, Adult, Public & Child Protection Issues (Guidance – you may wish to refer to National guidance for child protection in Scotland 2021 and Adult Support and Protection (Scotland) Act 2007: guidance for Adult Protection Committees)	

SECTION 4: FAMILY RELATIONSHIPS & DOMESTIC RESPONSIBILITIES	
Overview of Assessed needs (welfare, disability, health, etc.)	
Caring Responsibilities	
Employment/Educational/Attendance at places of worship	
Any additional Information	

SECTION 5: ACCOMMODATION DETAILS

When assessing suitability for EM of bail please also consider whether bail supervision is appropriate

(Guidance – please note that the EM as part of bail operational guidance states that as decisions on bail need to be made on day of appearance, due to legislative time constraints, it is only be in exceptional individual circumstances that a home visit will be undertaken. The nature of the assessment will, therefore, be based on available information to the assessor)

Accommodation Type		
Resident at this address prior to custody/time resident		
Suitable accommodation	Yes	[]
	No	[]
Electricity Supply	Yes	[]
	No	[]
Landline Telephone	Yes	[]
	No	[]
Householder consent	Yes	[]
	No	[]
Is this a suitable address for the person to be restricted to?	Yes	[]
	No	[]
Additional Information (Please comment is the person should be considered for restriction AWAY from a location, or a specified address?)		

SECTION 6: OTHER RELEVANT INFORMATION (INCLUDING OF RELEVANCE TO ELECTRONIC MONITORING SERVICE PROVIDER)

eg. where two workers are required for visits/installation

(Guidance – you may wish to consider copying this information and emailing to service provider to highlight any safety issues)

SECTION 7: KEY ASPECTS OF BAIL SUPERVISION PLAN (bullet points)

SECTION 8: CLIENT WILLINGNESS TO PARTICIPATE

Bail Supervision	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
Electronic Monitoring of Bail	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
Bail Supervision and Electronic Monitoring of Bail combined	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

SECTION 9: RECOMMENDATION

Suitable for Bail Supervision	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
Suitable for Electronic Monitoring of Bail	Yes	<input type="checkbox"/>

		No	[]
Suitable for Bail Supervision and Electronic Monitoring of Bail combined		Yes	[]
		No	[]
Proposed bail supervision support plan (inclusive of referrals to services)			

Name of assessor	
Designation	
Telephone Number	
Date Report Completed	

Conditions of Bail Supervision pro-forma (part of assessment template)

Conditions of Bail Supervision

Name: _____ Date of birth: _____

In addition to the conditions outlined in the Criminal Procedure (Scotland) Act 1995, I (the above named), agree to adhere to the conditions outlined below, in accordance with [insert name of local authority]’s bail supervision service:

1. The terms and conditions of my bail have been fully explained to me, as were the implications of breaching such an order and any of the conditions. I understand that attempting to interfere with, threaten witnesses, or fail to comply with special conditions will result in an automatic breach and my arrest and return to court. I fully understand what is required, agree to comply with these conditions and understand the consequences of failure to comply.

2. I will adhere to the reporting conditions as instructed by the bail supervision worker.

3. I understand that any unexplained or unarranged absences will be viewed as a breach of bail unless a medical certificate or other relevant evidence is produced.

4. I will arrive at the times stipulated in my reporting instructions and understand that any variation in this arrangement must be agreed in advance with my supervising officer.

5. I will be of good behaviour and understand that abusive language or aggressive behaviour will not be tolerated by staff and may result in breach of my bail conditions.

6. I will not be under the influence of drugs or alcohol and understand that staff will report any concerns regarding my substance use to the court at the end of the bail period.

7. I consent to bail supervision staff communicating as necessary with relevant agencies (e.g. my solicitor; housing; drug and alcohol services; employment services; medical services) as part of my bail supervision support and monitoring.

8. Domicile of Citation/Condition of Residence [Delete as appropriate]

I will reside at the following address and understand that I must inform my bail supervision worker (and legal representative if appointed) before any change in this arrangement can be made:

.....
.....
.....

Signed: Date:.....

Witnessed by: Date:

Annex 5 Bail Supervision Management Plan

Factor (For illustrative purposes only)	Stable (✓)	Unstable (✓)	Strength (✓)	Comments	Action(s) to be taken (including any compliance measures), when, and by whom	Progress
Accommodation						
Relationships / peers						
Employment/ training						
Substance use						

Health						
Mental health						
Engagement with support services						

Conditions of bail	
Any special conditions	
Level of contact, including home visits	

I agree that I will:

- Attend appointments
- Engage with the above plan

Signed (service user):

Signed (bail supervision worker):

Date:

Annex 6 Outline of the Justice Outcomes Star³⁰

The Outcomes Star is a suite of collaborative, person-centred tools for supporting and measuring change when working with people. It includes versions for young people, families, people with learning disabilities, and people involved with the justice system.

The Justice Star is a version of the Outcomes Star developed for people in the criminal justice system - specifically those in the community, on short custodial sentences, or approaching release from custody. It is based on principles of empowerment, collaboration, and integration.

The Justice Star has a ten-point scale arranged in a star shape. Each point on each scale has detailed descriptors setting out the attitudes and behaviour typical of that point. Underpinning these scales is a model of change (the Journey of Change) describing the steps towards the end goal that both the service and person are trying to achieve.

The ten areas of the Justice Star are:

1. Accommodation
2. Living skills and self-care
3. Mental health and well-being
4. Friends and community
5. Relationships and family
6. Parenting and caring
7. Drugs and alcohol
8. Positive use of time
9. Managing strong feelings
10. A crime-free life

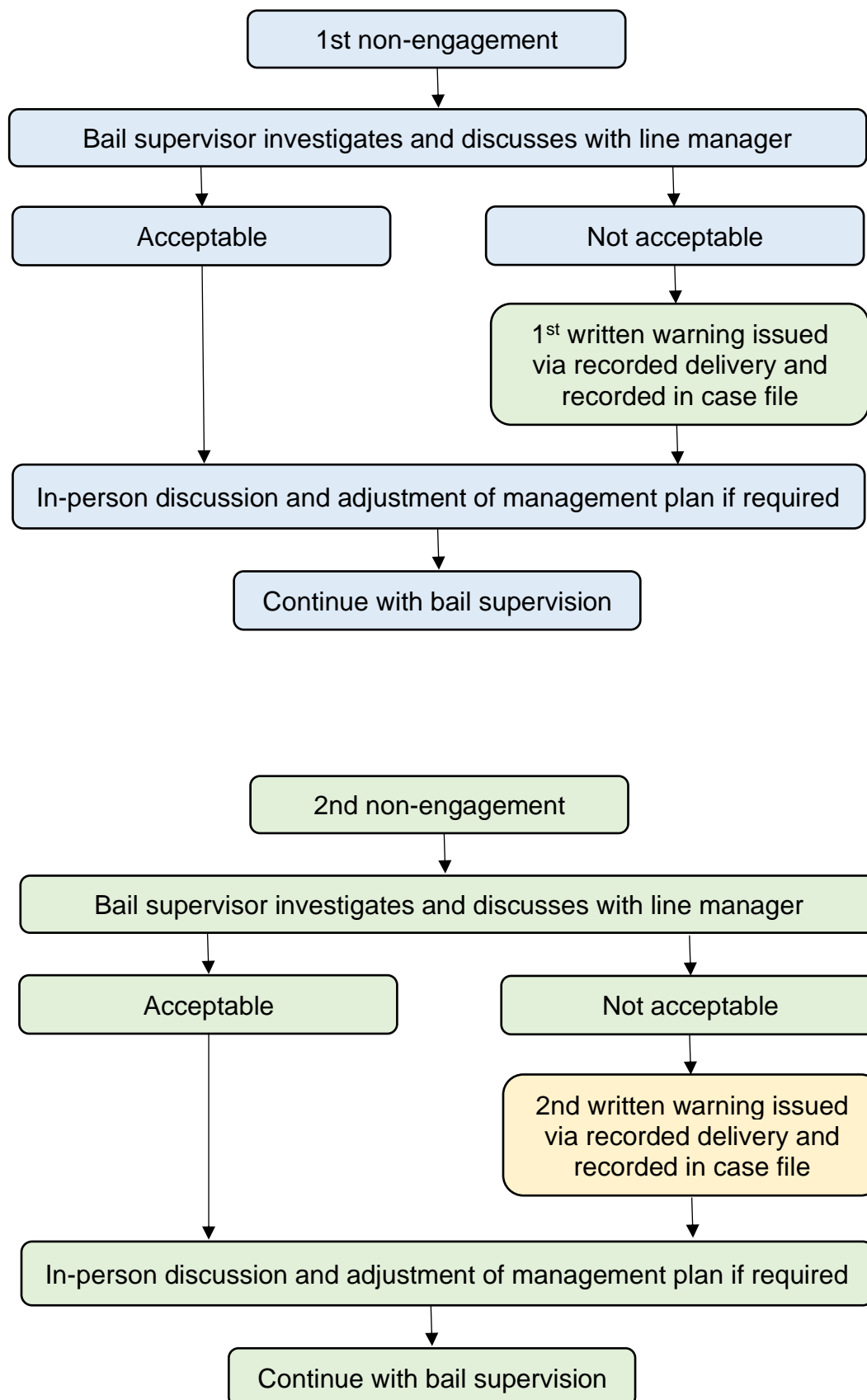
With the Justice Star, the end goal is self-reliance so that the person no longer needs the support of a professional service – this will be important if the Justice Star is utilised for those subject to bail supervision and working towards the bail supervision period coming to an end.

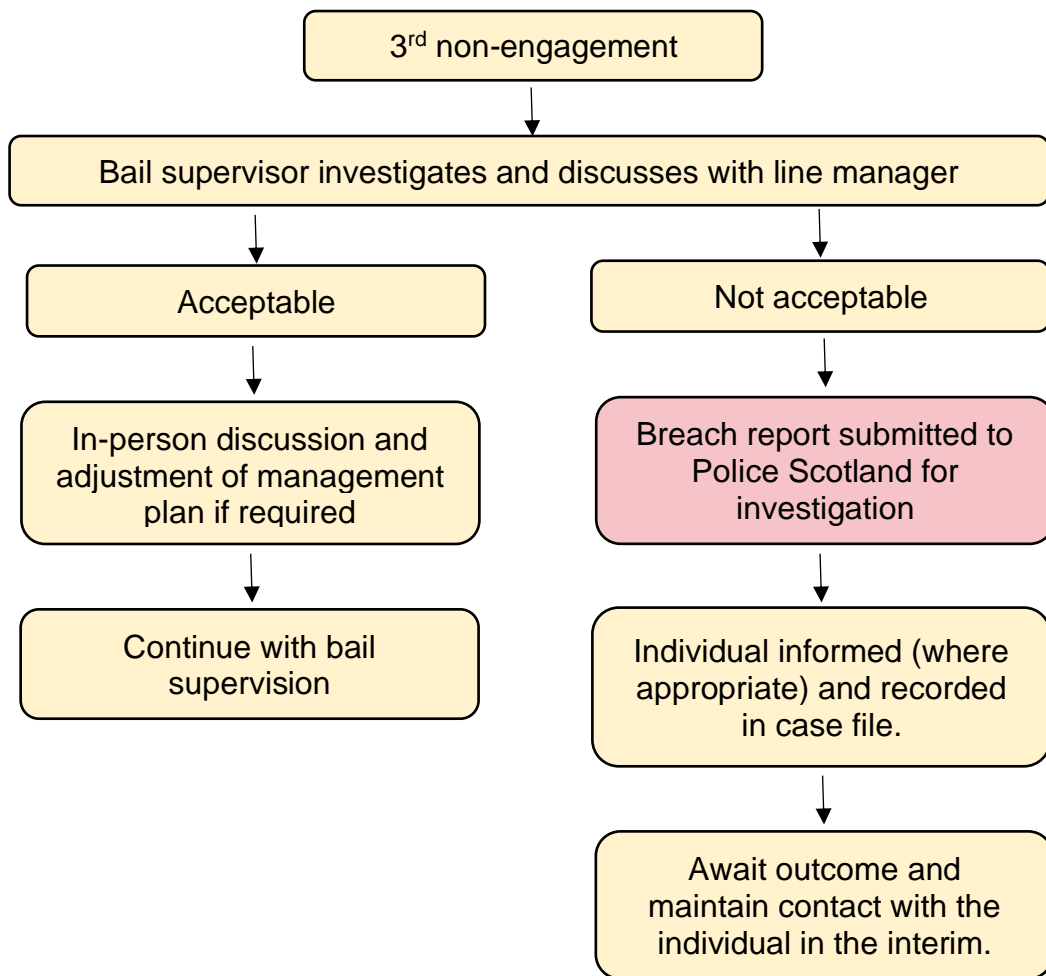
The Justice Star is both a keywork tool, supporting effective interventions, and an outcomes tool, giving management data on outcomes achieved. Because of this dual role, it brings together measurement and service delivery and can provide a shared language and framework across operational delivery and performance management/quality assurance processes.

³⁰ Derived from Mackeith, J et al (2017) [Justice Star Development Report](#) and Triangle Consulting '[The Outcomes Star for people in the criminal justice system](#)'. Please note that there is a cost associated with obtaining training for, and a license to use, the Justice Star.

Annex 7 Bail Supervision Warnings Process

These three flowcharts show the bail supervision warnings process from first non-engagement to breach.





Annex 8 Bail supervision warning template

Enter name and address

Ref:

Date:

Dear

BAIL SUPERVISION – FORMAL WARNING

You failed to attend your bail supervision appointment on DATE and have not contacted this office to explain your absence. This letter now confirms that you have been issued with a Formal Warning. If you can provide proof of an acceptable reason for not attending, the warning may be withdrawn.

You must attend this office on the DATE at TIME to discuss this. All evidence must be produced within seven days of the absence, or the warning will stay in place.

I must remind you that it is a requirement of your Bail Supervision that you comply with all the conditions of bail set out by the court on the DATE. Failure to adhere to these bail conditions will result in the matter being sent to Police Scotland under a contravention of the Criminal Procedure (Scotland) Act 1995 S27(1)(b).

Should you wish to discuss this further, then please contact me at the number below.

Yours sincerely

[Worker name and designation]

[Office]

Annex 9 Bail Supervision Progress Report

Name:		Date of Court:	
Address:		Date of Birth:	
URN/CHS number:		[insert local recording system] reference no:	
PF Reference:		Bail Supervisor:	

Attendances in bail period (Dates)	Missed appointments (Dates)	Home visits undertaken (Dates)	Non-compliance – reasons offered

Bail Supervision Management Plan Identified: Yes No

Date plan completed:

Progress to date:
 [Please include response to bail supervision and details of progress or otherwise on areas from the management plan, involvement with other agencies, and any planned or ongoing interventions]

Conclusion: (include reference to all of the above and any additional issues as well as the overall response to compliance and supports offered)

Bail worker:

Signed:

Date:

Team Leader [or other manager designation]:

Signed:

Date:

Annex 10 Bail Supervision Breach Report Template

Breach of Bail Supervision			
Court		Local reference	
URN/CHS			
Name		Gender	
D.O.B		Age	
Address			
PF reference			
Date bail supervision imposed:			
Requirements/conditions (including standard and special conditions):			
<p>[Standard text to be included]: I am writing to inform you that the above-named person has failed to comply with the requirements of their bail conditions set at [insert court details] on [date].</p> <p>Failure without reasonable excuse to comply with a condition of bail may be an offence under section 27(1)(b) of the 1995 Act and will require investigation by Police Scotland.</p> <p>Should the police be unable to apprehend the individual, it is requested that they be reported to COPFS within three days.</p>			
Summary and grounds for the alleged breach:			
Further details: e.g. relevant background information; efforts to date to engage; current whereabouts.			
Follow up: If the person is arrested/reported, please contact: [insert name, telephone number, and e-mail address]. If further information is required, please contact: [insert name, telephone number, and e-mail address if different to above].			
Date:	Name:		
	Signature:		
	Designation:		

Witness Schedule

Witness 1

Name:	Designation:
Office address: Telephone number:	
Can speak to: (examples provided below)	
1. Can identify [insert name] as the person who has breached the conditions of their bail set at [insert court] on [insert date]	
2. That [insert name] has consistently failed to confirm that they are residing at the approved bail address	
3. That [insert name] has failed to appear for [insert number] of pre-arranged appointments	
4. That [insert name] has failed to respond when contacted on [insert number] of separate occasions	
5. Other	

Date:

Bail supervision worker: _____
(signature)

Annex 11 Bail Supervision Outcomes Measure

DELETE BEFORE USE - agreement to complete this form must first be sought from the person subject to bail supervision.

Pre / Post-Bail Supervision (circle as required)

Name: _____

Date: _____

To support you through this period of change, this outcome measure allows you to document (on a scale of 1-5) where you feel that you are currently placed in relation to the specific areas noted. This will allow staff to identify areas where you can be supported.

[Examples provided below - insert areas of change as necessary]

Mental health

1	2	3	4	5
---	---	---	---	---

Substance use

1	2	3	4	5
---	---	---	---	---

Peers

1	2	3	4	5
---	---	---	---	---

Health

1	2	3	4	5
---	---	---	---	---

Lifestyle

1	2	3	4	5
---	---	---	---	---

(1=poor 5=positive)

This should be completed before and after the period of bail supervision, if possible.



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