

To: SOCIAL WORK COMMITTEE		Subject: PILOT PROTOCOL FOR BAIL ADDRESS SUITABILITY CHECK
From: DIRECTOR OF SOCIAL WORK		
Date: 30 th October 2003	Ref: FS/JS	

1. PURPOSE OF REPORT / INTRODUCTION

- 1.1. To advise Committee of the development of a Pilot Protocol – Bail Address Suitability check and the arrangements in place for its formal launch within North Lanarkshire. A copy of the Protocol is attached as an Appendix to this report.

2. BACKGROUND

- 2.1. In March 2001 the then Minister for Education and Europe, Jack McConnell now the First Minister commissioned a National Audit and Review of Child Protection. This was following the death of a child Kennedy McFarlane who died, aged 3 years at the hands of her mother's boyfriend.
- 2.2. The report of the findings of the National Audit and Review, 'It's Everyone's Job to Make Sure I'm Alright' was reported to the Committee on the 13th of February 2003.
- 2.3. The report contained a number of recommendations for Local Authorities, individual agencies and Child Protection Committees. A National Implementation Team has been established to ensure progress of the Scottish Executive's Child Protection Reform Programme.
- 2.4. Child Protection Committees are multi-agency groups with membership being drawn from senior representatives of a range of agencies. North Lanarkshire has an established Child Protection Committee which reports to the Children's Services Strategy Group now chaired by the Convenor of Policy and Resources.

3. PROPOSALS / CONSIDERATIONS

- 3.1. One of the recommendations contained in the Audit Findings related to the need to ensure that in cases of alleged offences against children or in the case of domestic abuse where children may be at risk that all suitable checks are carried out in respect of bail addresses.
- 3.2. A small multi-agency working group was established under the auspices of the North Lanarkshire Child Protection Committee to develop a Protocol which would ensure all necessary checks were undertaken and so assist the Court in its decision to bail. Membership of the working group consisted of representation from Social Work Court Staff, the Procurator Fiscal's Office and Strathclyde Police.
- 3.3. North Lanarkshire Child Protection Committee approved the Protocol on the 20th of August 2003. Following agreement by all relevant parties, including the Sheriff Principal, the decision was made to implement the Protocol for a three-month period to evaluate its use in practice.

- 3.4. The Protocol will be piloted in Airdrie Sheriff. There will be an ongoing evaluation of the Protocol in practice. Evaluation forms will be circulated within the Court and relevant agencies at the beginning of the pilot. This information will be analysed by the working group at the end of the pilot and a report will be submitted to North Lanarkshire Child Protection Committee.
- 3.5. The Protocol should help ensure that children to whom it relates are better safeguarded and protected by minimising the risk of possible contact with the alleged offender.
- 3.6. The Protocol has been shared with South Lanarkshire Council (who will manage The Joint Lanarkshire Court Services) and with the Chairs of the Child Protection Committees in the West of Scotland Consortium, (areas of the previous Strathclyde Regional Council) and the current Strathclyde Police Force area.
- 3.7. It is proposed to launch the pilot Protocol in Airdrie Sheriff Court on the 9th October 2003. The invited parties will include Sheriffs, Senior Social Work Staff, representatives from the Procurator Fiscal's Office, the Sheriff Clerk's Office, the Dean of Faculty and Strathclyde Police. This will help raise the awareness of the Protocol and the Pilot within the Court.
- 3.8. This is a significant development by Agencies in the implementation of one of the recommendations of the National Audit and Review of Child Protection which forms the basis of the Child Protection Reform Programme.

4. FINANCIAL / PERSONNEL / LEGAL / POLICY IMPLICATIONS

- 4.1. There are no significant resource implications for the Council at this stage.
- 4.2. The proposals are consistent with the recommendations of the National Audit and Review of Child Protection – 'It's Everyone's Job to make sure I'm Alright'.

5. RECOMMENDATIONS

- 5.1 Committee is asked to –
- (I) Note the development of the Pilot Protocol
 - (II) Otherwise note the content of the report.



Jim Dickie
Director of Social Work
24th September 2001

*For further information on this report please contact Fiona Swift, Co-ordinator Child Protection
TEL: (01698 332678)*

NORTH LANARKSHIRE COUNCIL **BAIL ADDRESS SUITABILITY CHECK** **PROTOCOL**

Introduction

The Protocol will be used in cases where the alleged offence is against children, or in the case of domestic abuse, where children may be at risk. The Protocol will be incorporated into North Lanarkshire Council, Social Work, Child Protection Procedures.

The decision to bail lies with the Sheriff. This protocol is to assist the process and ensure that all relevant checks are made in an effort to safeguard children.

In the absence of a Senior Social Worker or Social Worker in the Court Social Work Unit, the Co-ordinator Justice, Scott House, Motherwell will have responsibility for assisting in this process.

The same process will be followed in the event of the accused's bail address being outwith North Lanarkshire Council.

Process

1. The Procurator Fiscal will liaise with the Court Social Unit and the Police if bail is being considered or is likely to be considered as an option.
2. To avoid delays, early intervention is vital. As soon as it is available relevant information in respect of the proposed bail address should be passed by the Procurator Fiscal to the Court Social Work Unit and the Police. This should include details of previous 'schedule 1' convictions.
3. If it is felt appropriate by the Procurator Fiscal, the Social Worker\Senior Social Worker from the Court Social Work Unit will meet with the accused to obtain any relevant information in relation to the bail address.
4. There will be occasions when the Social Work Department has concerns about an address being given by an accused person as a possible bail address, prior to the Court hearing which will consider bail; these concerns should be passed by the Area Team Senior Social Worker to the Court Social Work Unit, as soon as it is known that the person is due to appear in court. The Court Social Work Unit will advise the Procurator Fiscal of these concerns

5. In the event, of an accused person being homeless, the Court Social Work Unit will liaise with Housing and Property Services, Supported Accommodation Officer, who will undertake appropriate checks on available properties; consideration will be given by Housing and Property Services to aspects of community safety.
6. On receipt of the information from the Procurator Fiscal, the Social Worker/Senior Social Worker (Court Social Work Unit) will check SWIS and also contact the local Area Team in whose area the bail address is situated.
7. In the event of the person being already known to the Social Work Department, or a member of the same household as a person(s) known to the Social Work Department, the Area Team to whom the individual or family is known will be contacted. It will be this Team with whom the Court Social Work Unit will liaise as opposed to the Area Team in which the bail address is situated.
8. Any relevant information will then be passed without delay by the Area Team to the Court Social Work Unit who will then liaise with the Procurator Fiscal.
9. The Police will carry out relevant checks in line with their procedures and pass relevant information to the Procurator Fiscal.
10. There may be occasions when it is necessary for a visit to be made to the prospective bail address. For example it would be necessary to make the responsible adult aware of the potential risk and to assess if that person could ensure the safety of any children within the household. The Senior Social Worker, Area Team/Reception Services will be responsible for overseeing the completion of this check visit
11. If information is highlighted by Social Work and Police that is of concern this will result in the recommendation that the bail address is not suitable.
12. If on completion of the checks, Social Work and the Police are satisfied that there are no risks presented to children, vulnerable adults, victim(s)/or alleged victim(s) and that community safety aspects have also been considered, this will result in the recommendation that the address is suitable.
13. The Procurator Fiscal will continue to have responsibility for presenting the information to the Sheriff who will have ultimate responsibility for the decision to bail.
14. Should a further Court hearing be held to consider a change of bail address, the same process should be followed in terms of relevant checks being undertaken by Police and Social Work.