

To: SOCIAL WORK (OPERATIONS AND SERVICES) SUB COMMITTEE		Subject: USE OF BAIL AND REMAND: A CONSULTATION
From: DIRECTOR OF SOCIAL WORK		
Date: 10 AUGUST 2004	Ref: JD/SD/EM	

1. PURPOSE OF REPORT/INTRODUCTION

- 1.1 The purpose of this report is to advise Committee of a Consultation Paper on the Use of Bail and Remand issued by The Sentencing Commission for Scotland.
- 1.2 Responses are required to be submitted to the Sentencing Commission by 30 September 2004.

2. BACKGROUND

- 2.1 The Sentencing Commission was launched in November 2003 and is chaired by Lord MacLean. Its members are drawn from a variety of professions and interests, including the Law, Social Work and academia. It has a remit to review various aspects of the Justice System and make recommendations to the Scottish Executive. The Director of Social Work for North Lanarkshire Council has been appointed to the Commission on a personal basis.
- 2.2 The Commission has been invited to review and make recommendations to the Scottish Executive on the use of Bail and Remand as a matter of priority.
- 2.3 The Consultation Paper outlines the legal framework for the consideration of bail, provides some statistics on the use of bail, describes the role of key figures in the bail decision-making process and identifies trends in crime and convictions.

3. PROPOSALS/CONSIDERATIONS

- 3.1 The Consultation paper acknowledges that the review of bail requires to balance the rights of the accused with the interests of public safety and the smooth operation of judicial proceedings.
- 3.2 It notes that Scottish Executive statistics on bail are not entirely accurate but the trend for the number of persons granted bail is increasing. Other points to note include:
 - in the region of 30% of those granted bail re-offend while on bail
 - the number of people in prison is at a record level with approximately 20% of prisoners on remand
 - it is estimated that about half of remand prisoners are subsequently convicted and given a custodial sentence.

3.3 The Commission is seeking views on the ways of:

- Ensuring that accused persons are remanded in custody only when there is good reason to do so;
- Ensuring that accused persons attend Court as required;
- Ensuring public safety during the Court process;
- Preserving the integrity of the Court process by ensuring the safety of witnesses and victims;
- Applying appropriate sanctions for breach of bail

3.4 It is proposed that the Council's response to the consultation be prepared in partnership with South Lanarkshire Council with the response being submitted on behalf of the Lanarkshire Criminal Justice Grouping.

4 PERSONNEL AND FINANCIAL IMPLICATIONS FOR COUNCIL POLICY

4.1 The Paper is a consultative document and as such there are no personnel or financial implications for the Council at this time.


4.2 It is possible that there may be future developments in the provision of Bail Information and Advice Services and Bail Support services. Within the Lanarkshire Criminal Justice Grouping, South Lanarkshire Council Social Work is responsible for the management and operation of Court and Bail Services.

4.3 In the event that any future legislation which would have an impact on Council service provision, a further report will be submitted to committee.

5. RECOMMENDATION

5.1 Committee is asked to

- (i) note the Consultation document
- (ii) agree to the response on the consultation document being prepared by and submitted on behalf of the Lanarkshire Criminal Justice Grouping
- (iii) otherwise note the content of the report


Jim Dickie
Director of Social Work
29 July 2004

(A copy of the Consultation Documentation has been placed in the Members Library)

For further information on this report please contact R. Walls, Senior Social Worker, Justice Services, TEL: (01698 332755).