



One minute guide

Bail and Remand Protocol—Young People

No. 201, August 2021

What is the Bail and Remand Protocol for young people?

In Leeds there is a Children and Families Services protocol to manage a child aged under the age of 18 if they have been arrested for a serious offence and face potential custody. This is the Bail and Remand Protocol. Court bail is managed in the community. A remand has more serious consequences and results in a child becoming Looked After and either managed within the community or a secure placement, depending upon strict criteria.

The [Youth Justice Board](#), which oversees the Youth Justice System and is sponsored by the Ministry of Justice, requires a local protocol to be in place to ensure that remand to custody is only used in exceptional circumstances; where a young person cannot be managed safely in the community.

Why is this important?

Leeds is a Child Friendly City and recognises the rights of the child and our collective responsibility to take a trauma informed approach to working with children and young people within the youth justice system.

[Article 37 of the UN's Convention of the Rights of the Child](#) states that a child should be deprived of their liberty only as a last resort. There is significant research that shows that even a short period of custody can have a serious detrimental impact on the life outcomes for a child.

There is also a Youth Justice Board requirement that disproportionality is addressed at this stage of the youth justice system, as nationally Black and Asian Minority Ethnic (BAME) young people are more likely to be remanded than be given bail by courts.

Working together, children and families services staff can make assessments and plans to offer the court credible alternatives based on sound evidence.

How does the protocol work?

The protocol works by the Youth Justice Service (YJS) leading on the creation of a bail package and proposal to court, and explaining the way that children and families services can work together to engage with the young person and the family as a whole to address and minimise the risks of serious harm, reoffending and the safety and welfare of the young person. A bail or remand package can include: a type of monitored curfew; exclusion zones; prohibited activities; required activities; and a placement away from home.

The YJS will gather information, make an assessment and then make a proposal for managing the young person, and protecting victims and the public. The court will then make a decision on the outcome.

What do practitioners need to do?

The expectation is that planning starts to happen at the point of arrest. There will also be a decision to be made about where the young person is placed overnight under the [Police and Criminal Evidence \(PACE\) Act 1984](#) awaiting their first court appearance.

If the young person is being held for a new offence, they will be eligible for what is known as a PACE bed; if they have breached their bail or have a warrant then they are not eligible. There are strict criteria and provisions within the PACE Act and the [Children Act 1989](#) about what steps must be taken. If practitioners are unsure about this they should discuss it further with the Front Door (including the Emergency Duty Team out of hours) and the Youth Justice Service.

Further assessment needs to be made in conjunction with the family as to necessary steps to reduce the immediate risks of harm, to plan for bail or a Remand to the Care of the Local Authority (RCLA) in the community. This may include consideration of alternative accommodation both in the very short and longer term. The nature of any risk presented by and to the young person needs to be viewed in the specific context of their offence.

If there is evidence of criminal exploitation and/or a credible threat to life, consideration should be given as to whether the child is suffering or is likely to suffer significant harm. Where significant harm is identified, a [Strategy Discussion/Meeting](#) should be convened by Children's Social Work Services as soon as possible with representatives invited from Children and Families Services, the YJS, the Police and Health.

Key contacts or for more information

The Youth Justice Service can be contacted on tel: 0113 3782055. There is an out of hours manager available on tel: 07981 271457.

The Youth Justice Service Court Team can be contacted directly (0113) 3782071.

You can also visit the Youth Justice Service [web page](#)

Practitioners can contact Duty and Advice on tel: 0113 3760336 and, out of hours, practitioners can contact the Children's Emergency Duty Team tel: 0113 5350600

For further information you can read: the [Home Office Concordat on Children in Custody](#) – this provides guidance on preventing the detention of children in police stations following charge.