

DEPARTMENT OF COMMUNITY SOCIAL SERVICES
CRIMINAL JUSTICE SERVICE

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ORKNEY
ISLANDS COUNCIL

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OUR REF :JH/FA

YOUR REF:

13 September 2004

Sentencing Commission for Scotland
Room IN.11
St Andrews House
Regent Road
Edinburgh
EH1 3DG

Dear Sir or Madam

Re: The Use of Bail and Remand: A Consultation

Thank you for providing us with an opportunity to comment on the above mentioned consultation document.

The observations we would wish to make arise mainly from Part Four of the consultation document, regarding Court decisions pre-trial and during trial, and the potential for input to those decisions from Criminal Justice Social Work Services.

In general, it is our view that the processes governing the administration of bail work reasonably well in Orkney. The vast majority of cases heard at the local Court involve release on an "undertaking" to appear, and are dealt with at fortnightly sittings of the Kirkwall Sheriff Court. The Criminal Justice Social Work team checks each weekday morning with the Police to gather information on whether there are "custody cases" to be put before an immediate Court. In these instances, the possibility of bail information, bail support, or supported accommodation at the small SACRO hostel in Kirkwall is explored.

There is, however, a procedural matter which sometimes has the potential to cause difficulties in this process. Cases prosecuted on indictment (i.e. the most serious and by implication the most risky), have their first hearing "in private" before the Sheriff. This means that there is no opportunity, at the point of decision making about bail, for the Sheriff to discuss options with a representative of the Criminal Justice Social Work team, as there is in summary cases. It is our view that if Criminal Justice Social Workers, as officers of the Court, were given access to these initial hearings, communication relating to the most effective use of bail and possible conditions, might be improved.

If there is any further matter with which you believe we could help, please do not hesitate to contact Jon Humphreys, Service Manager, Criminal Justice Service, on 01856 873535 (jon.humphreys@orkney.gov.uk).

Yours sincerely

A handwritten signature in dark ink, appearing to read 'H. Garland', with a stylized flourish at the end.

Harry Garland
Director