

Criminal casework directorate

Bail applications – action before and during a bail hearing or decision

This guidance is based on agreed working practices across different agencies

Bail applications – action before and during a bail hearing or decision

About this guidance

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This guidance tells criminal casework directorate case owners how to deal with bail applications.</p> <p>This guidance covers:</p> <ul style="list-style-type: none">• Bail applications to immigration judges, and• Bail applications to a chief immigration officer or the Secretary of State. <p>It includes:</p> <ul style="list-style-type: none">• recording applications• decision making about opposing bail• liaison with offender managers• Multi-Agency Public Protection Arrangements (MAPPA) cases• checking bail addresses• investigating sureties• deciding on bail conditions• completing a bail summary. <p>When you need to take further action after a bail hearing or decision, this is covered in ‘Bail applications – action after a bail hearing or decision’. See related links.</p> <p>There are separate instructions covering section 4 bail accommodation which must be referred to when dealing with bail applications for subjects who may be eligible to apply for this (see related links).</p> <p>A full list of letters used when processing bail applications and decisions can be found in the related link: Bail letters</p> <p>Further instructions relating to bail can also be found in chapter 57 of the enforcement</p>	<p>Related links</p> <p>Changes to this guidance Contacts Information owner</p> <p>See also Links to staff intranet removed</p> <p>External links</p> <p>Bail guidance for Immigration Judges</p>
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	<p>instructions and guidance (EIG). See related link: 57 Bail.</p> <p>There are differences in bail procedures for Scotland, and there can be cross-border issues. More information about these can be found in annex 7 of the Bail guidance for immigration judges document (see related links).</p> <p>It is essential that you follow these instructions and you make sure that you always contact offender managers, when necessary and take into account MAPPA cases. Not following these instructions correctly (particularly when bail is granted) puts the public, the UK Border Agency's corporate partners and staff at risk.</p> <p>Changes to this guidance – This page tells you what has changed since previous versions of this guidance.</p> <p>Contact – This page tells you who to contact for help with a specific case if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare - explains your duty to safeguard and promote the welfare of children and tells you where to find out more.</p>	
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Bail applications – action before and during a bail hearing or decision

Changes to this guidance

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page lists the changes to the bail applications – action before and during a bail hearing or decision guidance, with the most recent at the top.</p> <table><tr><th>Date of the change</th><th>Details of the change</th></tr><tr><td>18 March 2013</td><td>Completely revised by the criminal casework operational process and policy team (CCOPPT) and the modernised guidance team.</td></tr></table>	Date of the change	Details of the change	18 March 2013	Completely revised by the criminal casework operational process and policy team (CCOPPT) and the modernised guidance team.	<p>Related links</p> <p>See also</p> <p>Contacts Information owner</p> <p>External links</p>
Date of the change	Details of the change					
18 March 2013	Completely revised by the criminal casework operational process and policy team (CCOPPT) and the modernised guidance team.					

Bail applications – action before and during a bail hearing or decision

When bail can be applied for

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners when bail can be applied for.</p> <p>A person, detained pending deportation, has the right to apply for release on bail. A detainee may apply at any time to an immigration judge (IJ), a chief immigration officer (CIO) or the Secretary of State.</p> <p>Non-immigration judge applications made within the first eight days of detention are made to CIOs and after the first eight days they are made to the Secretary of State.</p> <p>In bail applications made to an IJ, the IJ can decide how to conduct the hearing to best suit the circumstances of an application. The tribunal will restrict the length of a bail hearing, the evidence that will be heard and the opportunity for an offender to have a period of consultation prior to the hearing where:</p> <ul style="list-style-type: none">• bail has previously been refused by an IJ after a full hearing of the application• that hearing took place within the last 28 days, and• the fresh application contains no new evidence and no new grounds for bail. <p>Where this occurs, the tribunal will issue directions to all parties, notifying them of the hearing and setting out the restrictions.</p>	<p>Related links</p> <p>External links IJ guidance</p> <p>Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Notification of bail rights

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners how detainees are informed of their bail rights.</p> <p>Detainees are informed of their bail rights on detention on form ICD1913. They are only provided with this once.</p> <p>Applications for bail made to immigration judges are made using form B1, which is a first-tier tribunal (Immigration and Asylum Chamber) (IAC) form available from the tribunal. Instructions covering how to complete this form are set out in rule 38 of the Immigration and Asylum Tribunal (Procedure) Rules 2005 (see related links).</p> <p>Applications for bail are served on the tribunal who fix a hearing date, inform the Secretary of State and serve a copy of the application on the FNO as set out in rule 39 of the Immigration and Asylum Tribunal (Procedure) Rules 2005.</p> <p>In practice the tribunal inform the presenting officers unit and provide them with a copy of the bail application.</p> <p>The tribunal try to make sure bail hearings are held within three working days from receipt of the bail application. Therefore bail applications and bail summaries must be dealt with urgently.</p>	<p>Related links</p> <p>External links Rule 38 of the Immigration and Asylum Tribunal (Procedure) Rules 2005</p> <p>Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Mentally disordered offenders

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners how to deal with bail applications from mentally disordered offenders.</p> <p>You must only detain mentally disordered offenders (MDOs) in exceptional circumstances (see related link: 57 Bail). When MDOs are released into the community they need very detailed plans to minimise the risk to the MDO and others.</p> <p>Since bail can be agreed at any time, when an MDO is detained under immigration powers an appropriate plan must be devised and implemented as soon as possible. This makes sure a care plan is provided to the patient should they be released.</p> <p>The plan is required to reduce the level of risk to the public. It is your responsibility to inform the patient's designated responsible medical officer (RMO) and mental health unit (MHU) when an MDO applies for and is granted bail.</p> <p>For more information on MDOs, see related link: Mentally disordered offenders.</p>	Related links See also Links to staff intranet removed
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Bail applications – action before and during a bail hearing or decision

Rule 35 cases (special illnesses and conditions)

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners how to deal with bail applications from people being considered under rule 35 of the Detention Centre Rules (2001) that covers detainees with special illnesses and conditions.</p> <p>Rule 35 of the Detention Centre Rules 2001 lays out certain requirements for medical practitioners (defined in rule 33 as a registered general practitioner). The medical practitioner reports to the manager any case of a detained person:</p> <ul style="list-style-type: none">• Whose health is likely to be injuriously affected (cause harm) by continued detention or any conditions of detention.• Suspected of having suicidal intentions. In these cases the detained person is placed under special observation while those suspicions remain, and a record of their treatment and condition is kept throughout that time in a manner to be determined by the Secretary of State.• Who they are concerned may have been the victim of torture. <p>Section 55.8A of the enforcement instructions and guidance (see related link: 55 Detention and temporary release) states:</p> <ul style="list-style-type: none">• The purpose of Rule 35 is to make sure particularly vulnerable detainees are brought to the attention of those with direct responsibility for authorising, maintaining and reviewing detention. The information contained in the report needs to be considered in deciding whether continued detention is appropriate in each case. <p>It is also important consideration is given to the impact evidence in these reports may have on substantive asylum and Human Rights Act applications.</p> <p>For more information on rule 35 policy, and the actions required of contractors and detention services staff and officers in immigration removal centre (IRCs), see related link: 3-2008 Special Illnesses and Conditions.</p>	<p>Related links See also</p> <p>Links to staff intranet removed</p>
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	In any cases where bail is applied for which falls within rule 35, you must use rule 35 guidance, see related links.	
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Bail applications – action before and during a bail hearing or decision

Bail applications to immigration judges

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This section tells you what action to take if you are dealing with a criminal casework directorate (CCD) case that involves an application for immigration judge bail.</p>	<p>In this section</p> <p>Receiving a bail application Considering whether to oppose bail Licences Liaising with offender managers and MAPPA cases Checking the bail address Investigating sureties Deciding bail conditions Enhanced address checks Completing a bail summary Bail summary format Bail conditions Authorising and submitting a bail summary and updating CID Bail applicants attending bail hearings</p> <p>Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Receiving a bail application

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners the action to take when an application for immigration judge bail is received.</p> <p>When they receive a bail application, the presenting officers unit (POU) will contact the CCD case owner named on CID and request a bail summary (ICD3221).</p> <p>All bail summaries must be completed in line with these instructions and must be signed off by a higher executive officer (HEO) team leader and forwarded to the correct POU by 12pm on the working day before the hearing. For instructions on completing a bail summary, see related link.</p> <p>This deadline has been set by POU to allow enough time for the bail summary to be lodged with the applicant, their representative and the tribunal by 2pm on the day before the bail hearing. It is vital you meet these requirements because if the bail summary is not lodged by 2pm on the day before the bail hearing it could be said that CCD is not opposing bail.</p> <p>The POU will fax you the bail application notice (form B1), which will include the date of the hearing, details of the venue and any additional documents submitted.</p> <p>Applications for bail must contain:</p> <ul style="list-style-type: none">• the applicant's full name, date of birth and date of arrival in the UK• the address of the place where the person is detained• whether an appeal to the tribunal is pending• the address where the applicant will live if their application for bail is granted or if they are unable to provide an address (and may therefore need section 4 accommodation) – the reason for this• the amount of recognisance in which they will agree to be bound (see related link: Recognisance).• the full names, addresses, occupations and dates of birth of all people who have agreed to act as sureties if bail is granted and the amounts that they agree to be bound	<p>In this section</p> <p>Considering whether to oppose bail Licences Liaising with offender managers and MAPPA cases Checking the bail address Investigating sureties Deciding bail conditions Enhanced address checks Completing a bail summary Bail summary format Bail conditions Authorising and submitting a bail summary and updating CID Bail applicants attending bail hearings</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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	<p>to</p> <ul style="list-style-type: none"> • the grounds on which the application is being made and, where a previous application has been refused, full details of any change in circumstances which have occurred since the refusal • whether an interpreter will be required during the hearing. <p>Recording the receipt of a bail application on CID</p> <p>You must record the receipt of a bail application on the CID restriction screen. To see a screen shot and full instructions see related link: CID recording bail applications.</p>	
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Bail applications – action before and during a bail hearing or decision

Considering whether to oppose bail

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners what they must take into account when considering whether to oppose bail.</p> <p>CCD detention policy always begins with a presumption to liberty.</p> <p>In all cases you must consider if it is appropriate to grant or oppose bail. If detention continues to be justified it will normally be appropriate to oppose bail if there is no significant change of circumstances. For more information about detention, see related link: Detention process instructions.</p> <p>The same initial steps with a bail application must be taken whether bail is being opposed or not. Where bail is not opposed the bail summary (ICD3221) must state this. In every case you must follow the instructions and you must:</p> <ul style="list-style-type: none">• liaise with the offender manager and request a NOMS1 form• check the bail address• check the sureties. <p>Undertaking these actions produces information relevant to the decision on whether to grant or oppose bail. This informs decisions about bail conditions.</p>	<p>In this section</p> <p>Receiving a bail application Licences Liaising with offender managers and MAPPA cases Checking the bail address Investigating sureties Deciding bail conditions Enhanced address checks Completing a bail summary Bail summary format Bail conditions Authorising and submitting a bail summary and updating CID Bail applicants attending bail hearings</p> <p>Related links Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Licences

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners about prison release licences for bail cases.</p> <p>When a bail application is being considered you must check the prison release licence. This should be held on the Home Office file. The licence provides the name of the probation office and the offender manager.</p> <p>Once this information is identified you must record it on the special conditions screen on CID. For information on how to do this, see related link: Recording MAPPA status on CID.</p> <p>Licences</p> <p>Under the current sentencing framework all sentences of 12 months or more have two elements:</p> <ul style="list-style-type: none">• a period in custody, followed by• a period of supervision under licence on release. <p>For offenders aged between 18 and 22, custodial sentences of any length will include a period either under a licence or a period of supervision.</p> <p>Licences are prepared by the prison approximately seven days before the offender's custody release date and they are explained to the offender by the prison officer. The licence should be signed by the prisoner and the prison officer but this is not mandatory.</p> <p>The prison officer will annotate the licence to show it has been served and explained and this will normally be witnessed by a second official. If the licence is unsigned it has no bearing on its validity.</p> <p>The prison send a copy of the licence, together with additional information on a separate form which includes Multi Agency Public Protection Arrangements (MAPPA) details, to the CCD intake team no later than two days before the end of custody date. If the offender</p>	<p>In this section</p> <p>Receiving a bail application Considering whether to oppose bail Liaising with offender managers and MAPPA cases Checking the bail address Investigating sureties Deciding bail conditions Enhanced address checks Completing a bail summary Bail summary format Bail conditions Authorising and submitting a bail summary and updating CID Bail applicants attending bail hearings</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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	<p>transfers to an immigration removal centre (IRC) the original licence will transfer with them as part of their prison records. Licences received by CCD must be attached to, and retained on, the Home Office file and the offender screen on CID must be updated.</p> <p>On release, offenders must comply with the conditions of their prison licence or it may be revoked and they will be arrested and returned to prison to serve the rest of their custodial sentence. Licence conditions can include reporting to the offender manager within 24 hours of release, where the offender must live and exclusion from specific geographical areas.</p> <p>Some offenders may be subject to management under MAPPA. These arrangements do not form part of the prison sentence and can extend beyond the period of the licence. For more information on MAPPA and instructions on how these cases must be dealt with, see related links.</p> <p>Offenders released at their custody end date will be released on licence. The offender must be given a copy of their licence on release. The licence includes any conditions they must comply with. The offender manager is informed of the release by the prison and given a copy of the offender's licence so they can supervise the offender in the community.</p> <p>If an offender is subject to deportation they may be detained at the end of their custodial sentence, under immigration powers, if appropriate. When this happens the standard link between the prison and the offender manager will be broken.</p> <p>You must make sure this link is maintained and if an offender is released from immigration detention (from either a detention centre, by the Immigration and Asylum Chamber or from a prison) for any reason, the offender manager is always informed immediately.</p> <p>It is essential no offender subject to licence, supervision, MAPPA or other risk management arrangements in the community is released unsupervised as this could cause a substantial risk to the victims of the offender and the public.</p> <p>When detention may end you must:</p> <ul style="list-style-type: none"> • find out whether the offender should have a licence 	
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	<ul style="list-style-type: none"> • get a copy of the licence (where there should be one) • contact the offender manager (see related link: Contacting the offender manager) to make sure the offender is not released without supervision • update the offences screen on CID. <p>If there is no licence on file and you cannot get the licence from the prison or offender manager you must contact the criminal casework operational policy and process team (CCOPPT) using the CCD process team inbox for advice and possible escalation. You can email the team using related links.</p> <p>Cases where the licence has expired</p> <p>If the offender's licence has expired it may not be possible for the offender manager to provide the information required for the bail summary or complete the NOMS1 form (ICD3628A).</p> <p>When this happens the National Offender Management Service (NOMS) will advise you they are unable to assist. The offender manager must be contacted in all cases, even when the licence has expired and must always be notified of bail applications and releases on bail.</p> <p>This is particularly important in MAPPA cases and where sexual offences have been committed as special arrangements will need to be made in case bail is granted.</p>	
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Bail applications – action before and during a bail hearing or decision

Liaising with offender managers and MAPPA cases

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This section tells criminal casework directorate (CCD) case owners how and when to contact the offender manager, how to request a NOMS1 form and how to deal with multi agency public protection arrangements (MAPPA) cases for criminal casework directorate (CCD) bail cases.</p> <p>For more information on the following see related links:</p> <ul style="list-style-type: none">• contacting the offender manager• the NOMS1/Annex A form• the Multi- Agency Public Protection Arrangements (MAPPA) cases and sex offenders.	<p>In this section</p> <p>Receiving a bail application Considering whether to oppose bail Licences Checking the bail address Investigating sureties Deciding bail conditions Enhanced address checks Completing a bail summary Bail summary format Bail conditions Authorising and submitting a bail summary and updating CID Bail applicants attending bail hearings</p> <p>Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Contacting the offender manager

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	<p>Prison licences have an expiry date beyond which standard supervision will not apply. However the offender manager must always be contacted, even if the offender's licence has expired. This is because the offender manager acts as the link between the offender, victim liaison and MAPPA (where applicable) and any release may involve special arrangements which have been put in place.</p> <p>If you are unable to trace an offender manager, or contact the offender manager named on the licence you must contact the criminal casework operational policy and process team (CCOPPT) using the CCD process team inbox for assistance (see related link).</p> <p>It is vital that you inform the offender manager of the outcome of the bail hearing immediately. For more information, see related link: in part two of these instructions – bail outcomes – action after a bail hearing or decision.</p> <p>For a process map on liaising with offender managers, see related link: Offender manager liaison process map.</p>	
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Bail applications – action before and during a bail hearing or decision

The NOMS1/Annex A form

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners about the NOMS1/Annex A form.</p> <p>The NOMS1/Annex A form is owned and maintained by the National Offender Management Services (NOMS). It is used for bail hearings and to review continued immigration detention. It provides offender management information about general risk issues concerning specific foreign national offenders (FNOs) to:</p> <ul style="list-style-type: none">• CCD• immigration judges• legal representatives of the offender. <p>As soon as a bail application is received you must complete the form ICD3628A. You must complete section one as fully as possible and then email or fax the form to the relevant offender manager.</p> <p>They will complete any gaps in the information in section one and complete section two onwards before returning it to you. You must then use the relevant information from the NOMS1/Annex A in the bail summary, and a copy of the completed form must be added to the bail hearing bundle.</p> <p>The offender will have access to the information in the completed NOMS1/Annex A form. The UK Border Agency presenting officer will provide a copy of the form to the tribunal and to the offender's legal representatives on behalf of NOMS.</p> <p>The NOMS1/Annex A must not be confused with the EEA NOMS1 (ICD3628) which is the form used by CCD if information is required for consideration of the deportation of a European Economic Area (EEA) national</p>	<p>In this section</p> <p>Contacting the offender manager The Multi- Agency Public Protection Arrangements (MAPPA) cases and sex offenders</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Multi-Agency Public Protection Arrangements cases and sex offenders

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners about the Multi- Agency Public Protection Arrangements (MAPPA) cases and sex offenders in bail cases.</p> <p>This applies to cases involving immigration judge bail and chief immigration officer or Secretary of State bail.</p> <p>MAPPA cases are high risk cases needing careful, specific handling. They are local arrangements for assessing and managing risks presented by sexual and violent offenders. An offender can still be subject to MAPPA if they do not receive a custodial sentence.</p> <p>You must check if the foreign national offender (FNO) is a MAPPA case and if they are allowed to know about their MAPPA status if applicable and take action in line with the guidance in the related link: Multi agency public protection arrangements (MAPPA).</p> <p>It is vital MAPPA status is fully taken into account and correctly recorded on the CID special conditions and offender screens (for details of how to do this see related link: Recording MAPPA status in CID).</p> <p>The level of risk management (the MAPPA level) is on the form sent from the prison with the licence. If an offence is committed that appears to fit the MAPPA criteria but is not marked as MAPPA, you must contact the offender manager to check if a MAPPA marking has been omitted from the form. You must not presume a case is not subject to MAPPA where a serious sexual or violent offence has been committed and no MAPPA marking has been given.</p> <p>You must check for any previous offences that indicate an offender should be marked as MAPPA. For example, if a minor offence is committed, such as theft, and the offender has a history of sexual offences, further liaison with the offender manager will be necessary to find out if a MAPPA marking is appropriate.</p> <p>Under no circumstances must a sex offender be released to an address, where children</p>	<p>In this section Contacting the offender manager The NOMS1/Annex A form</p> <p>Related links Links to staff intranet removed</p>
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	<p>aged 18 and under are living, without the full written agreement of the offender manager. If a bail application is made for an address, where children aged 18 and under reside, you must notify the National Offender Management Services (NOMS) offender manager who will check the suitability of the address and if this contradicts the offender's licence conditions. The Office of the children's champion (OCC) must also be informed of the bail application. To email the OCC, see related links.</p> <p>If the offender is applying for section 4 bail accommodation full details of MAPPA status and any other relevant information must be given to the section 4 bail team. For example, if an offender is not allowed to live near a school.</p> <p>In all cases you must make sure the authority considering the bail application is fully aware of the situation and the opinions of the offender manager. Depending on the type of bail, the authority could be the:</p> <ul style="list-style-type: none"> • Immigration and Asylum Chamber, • the Secretary of State, or • chief immigration officer. <p>If bail is granted for a sex offender to live with children, you must inform the relevant local authority children's services (LACS) by email and the OCC, to make them aware of the situation. This must be fully recorded in CID notes.</p> <p>Victim liaison Offender managers must be kept up to date with all aspects of bail applications, as they provide the vital link with the victim liaison officer. When a court is considering bail the victim liaison officer may be contacted so concerns of the victim can be taken into account.</p> <p>If bail is granted the victim liaison officer may need to be alerted, so they can advise the victim and the police of the release of the offender in order to put safety measures in place for the victim.</p> <p>Copying requests to the Probation Service single point of contact (SPOC) All emails sent to offender managers requesting information for bail summaries, including</p>	
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	<p>requests for the NOMS1, must be copied to the relevant National Offender Management Service (NOMS) SPOC. The NOMS SPOC can also be contacted if you experience any difficulties obtaining offender manager cooperation or locating the relevant probation office.</p> <p>Any emails relating to difficulties with offender managers must also be copied to the criminal casework operational policy and process team (CCOPPT) using the CCD process team inbox (see related links).</p> <p>Cases where the bail address indicates the need for a change of offender manager You must always contact the probation office named on the licence. If the address given by the applicant for bail is different from that on the licence it is the responsibility of the offender manager to verify the suitability and to arrange the offender's supervision to be transferred to another probation office if appropriate.</p> <p>Understanding information from the offender manager The offender manager provides an assessment of the offender's ability to comply with any bail conditions relating to their behaviour. They also assess if they are likely to commit a further offence and, if this happened, what the impact of that offence might be.</p> <p>If the assessment shows a person presents a very high or high risk of serious harm this is an indicator of risk. The potential event could happen at any time and the impact would be serious. The difference between the very high and high categories is the imminence of the event.</p> <p>To assess offenders, prisons and NOMS use the Offender Assessment System (OASys). There is currently no agreement between NOMS and the UK Border Agency for OASys reports to be shared and you must not request these. All relevant information is provided by NOMS on the form NOMS1. If you have an OASys report this is not disclosable. Further information on the NOMS1 can be found in the related link: The NOMs1/Annex A form.</p> <p>Offenders who present a very high or high risk of serious harm may be subject to MAPPA. They have a risk management plan produced by the offender manager. This sets out the measures needed in place before an offender is released from custody. Information on the NOMS1 includes how much time is needed to put these arrangements in place, such as</p>	
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	<p>confirming a hostel placement if one is available.</p> <p>These offenders are likely to have additional licence conditions tailored to meet the individual risks identified. When additional conditions are set there are specific risks to be managed and the offender manager needs to put arrangements in place for any release on bail.</p> <p>Cases where there are delays obtaining information from the offender manager Every effort must be made to get information from the offender manager to include in the bail summary. However if this is not possible, the bail summary must be submitted on time without the offender manager's information.</p> <p>If the information is obtained after the bail summary is submitted but before the hearing it must be sent to the POU, using the quickest method possible.</p> <p>In cases where offender manager information is not in time for the hearing it is vital the offender manager and the NOMS SPOC are notified immediately if bail is granted.</p>	
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Bail applications – action before and during a bail hearing or decision

Checking the bail address

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners how to check a bail address.</p> <p>Reasonable checks must be made to make sure the address given by the bail applicant exists. The streetmap website (see related links) can be used or the relevant local authority can be contacted using the ICD4461. See the related link for the website to trace the relevant local authority.</p> <p>Checks may also be made on addresses listed on CID.</p> <p>The bail address must be checked against any address specified on the licence and any discrepancies must be brought to the attention of the offender manager and the court. If bail is granted to an address other than the one stated on the licence, the offender would be in breach of their licence conditions and liable for recall by the Prison Service.</p> <p>The address must also be checked on ASYS to make sure it is not a UK Border Agency or section 4 accommodation address which has been allocated to another applicant as the offender is unlikely to have permission to live in such accommodation.</p> <p>Licence addresses are checked by offender managers for suitability and this check can include a home visit and checks with Social Services and the Community Safety Unit. You must take particular care when checking bail addresses for offenders subject to multi-agency public protection arrangements (MAPPA) and sex offenders, as usually these offenders cannot be placed in hostels or mixed accommodation.</p> <p>Offenders who do not comply with licence conditions are liable to have their licence revoked, be arrested and returned to prison to complete the rest of their sentence.</p>	<p>In this section</p> <p>Receiving a bail application Considering whether to oppose bail Licences Liaising with offender managers and MAPPA cases Investigating sureties Deciding bail conditions Enhanced address checks Completing a bail summary Bail summary format Bail conditions Authorising and submitting a bail summary and updating CID Bail applicants attending bail hearings</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Investigating sureties

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This section tells criminal casework directorate (CCD) case owners how to investigate sureties.</p> <p>If the applicant offers individuals as a bail surety these must be investigated. To be an effective surety, the person needs to be able to exert some control over the offender to make sure that they comply with their bail conditions.</p> <p>You must consider the nature of the relationship between the offender and their surety as well as their geographical proximity. To be acceptable a surety must:</p> <ul style="list-style-type: none">• Have enough money or disposable assets (clear of existing liabilities) to be able to pay the sum due if bail is forfeited.• Be aged 18 or over and settled in the UK. A person on temporary admission or with limited leave will rarely be acceptable as their own stay may be curtailed.• Be a householder or, at least, well established in the place where they live. If the surety lives in rented accommodation and the offender intends to live with them on release, checks must be made to see if they have the permission of the landlord for the offender to live there. This is particularly important if the offender is subject to multi agency public protection arrangements (MAPPA).• Be free of any criminal record. A criminal conviction is not an absolute bar to an individual being an acceptable surety, but you must consider the seriousness with which the offence is viewed and its effect on the bail application when assessing the bail application against the presumption to liberty. You must make sure any convictions are not spent by checking the Rehabilitation of Offenders Act 1974 (see related links).• Not have come to the notice of the UK Border Agency due to other adverse immigration matters, such as previous bail cases or applications for temporary admission.• Have a personal connection with the offender or be acting on behalf of a reputable organisation with an interest in the offender's welfare.	<p>In this section</p> <p>Receiving a bail application Considering whether to oppose bail Licences Liaising with offender managers and MAPPA cases Checking the bail address Deciding bail conditions Enhanced address checks Completing a bail summary Bail summary format Bail conditions Authorising and submitting a bail summary and updating CID Bail applicants attending bail hearings</p> <p>Systems checks on sureties Recognisance</p> <p>Related links Links to staff intranet</p>
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	<p>There must be a credible reason why the person is prepared to act as a surety. Once a potential surety is identified, form ICD4462 must be completed and sent to the CCD intel team inbox, see related links, to check suitability.</p> <p>Unsubstantiated claims to be a friend of the offender must be treated with caution. Professional sureties suspected of acting for financial gain or with a view to aiding evasion must be rejected.</p> <p>If offenders are transferred from Immigration and Asylum Chamber (IAC) bail to chief immigration officer (CIO) or Secretary of State bail, sureties cannot be transferred. A fresh decision must be taken and an IS99A must be signed by the surety as they are no longer bound by the IAC121 form they were required to sign at the bail hearing.</p> <p>For instructions covering forfeiture action which needs to be taken to recover recognisance from sureties where breaches occur, see related link: Non-detained cases, contact management and absconder process instructions.</p> <p>Checking the surety's address You must carry out reasonable checks to make sure the sureties' addresses exist. The Streetmap website (see related link) can be used to check the address exists or you can contact the relevant local authority by email. Checks can also be made on addresses listed on the case information database (CID) and ASYS.</p> <p>Checking CID, warehouse and the Home Office file You must check the names of sureties against names on CID, ASYS, warehouse and record management system (RMS). I-search can be used to check both warehouse and RMS. Any possible matches, including those with variation of spelling, must be noted.</p> <p>You must search CID to check if there is a record of a Home Office file for the surety and you must also check Warehouse to establish if a Home Office file exists. To see screenshots with instructions about checking CID and warehouse, see related links.</p> <p>The file tracking system allows for the creation of reference numbers for Home Office files</p>	<p>removed</p> <p>Email CCD intel</p> <p>Email CCD Process Team inbox</p> <p>Downloads</p> <p>Checking for surety on Warehouse</p> <p>Checking for surety on CID</p> <p>Checking for surety on file tracking</p>
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	<p>and provides details on previously created files and their current location. Further information on using file tracking can be found in the file tracking user guide on the knowledge base. When searching for details on file tracking you must refer to the guidance in the related link: File tracking – checking for a surety. For more information about conducting a search, see related links.</p> <p>Sureties and recognisance in Scotland</p> <p>In Scotland the process with sureties and recognisance is different to that in England and Wales. Instead of recognisance the offender enters into a bail bond and sureties are called cautioners.</p> <p>A caution or deposit (an amount of money) can be lodged by the cautioner or the offender and must be placed in UK Border Agency's or the Tribunal's bank account depending on whether it is CIO or IAC bail, before the offender is released.</p> <p>If the offender fails to adhere to the bail conditions specified in the bail bond (whether CIO or IAC bail) a forfeiture hearing is fixed and it can be decided if some or all of the money in the caution or deposit should be forfeited. Further information about different categories of prisoners in Scotland can be found in the related link Different types of prisoner and release schemes (Scotland), under 'types of custody and release in Scotland'.</p> <p>For more information on systems checks on sureties and recognisance see related links</p>	
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Bail applications – action before and during a bail hearing or decision

Systems checks on sureties

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners about making systems checks on sureties</p> <div><p>Restricted – do not disclose – start of section</p><p>The information in this page has been removed as it is restricted for internal UK Border Agency use only.</p></div>	<p>In this section</p> <p>Recognisance</p> <p>Related links</p> <p>External links Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Recognisance

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners about recognisance.</p> <p>The offender or their sureties may offer an amount of recognisance. Any amounts offered must be realistic and within the means of the person concerned.</p> <p>Recognisance is viewed as a way of making sure the offender complies with bail conditions and reduces the likelihood of absconding. Offenders are unlikely to have a large amount of money at their disposal, so nominal recognisance may be acceptable. For example £5.</p> <p>Recognisance offered by sureties must be within their resources and must not be so high they are prohibitive or so low as to be unrealistic. Each case must be considered on an individual basis but between £2,000 and £5,000 is normally accepted as a surety.</p> <p>Taking recognisance</p> <p>Since the Proceeds of Crime Act was enacted Crown Courts, Magistrates Courts and the tribunal no longer require funds to be lodged and representatives, who are members of the law society, are not allowed to hold these funds under the society's rules.</p> <p>Recognisance is taken in the form of signed agreements submitted by the offender and any sureties once the terms of bail have been set. Form IS99 or IS99 (EM) must be used for recognisance of an FNO and forms IS99A or IS99A(EM) must be used for recognisance of a surety.</p> <p>If an FNO has proposed an amount of recognisance for them self, it is good practice to obtain a signed copy of the IS99 before the bail hearing and include it with the documents in the bail bundle.</p>	<p>In this section</p> <p>Systems checks on sureties</p> <p>See also</p>
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Bail applications – action before and during a bail hearing or decision

Deciding bail conditions

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners how to decide what bail conditions are appropriate and must be sought at a bail hearing before an immigration judge.</p> <p>Bail conditions are decided on a case by case basis. When they are set, any licence conditions must be fully considered as you must not set any bail conditions which conflict with these. Normally these conditions will include:</p> <ul style="list-style-type: none">• where the subject must live• where and when the subject must report• if the subject must be tagged• any restrictions on the subject's right to work• surrender of the subject's passport (if appropriate)• other relevant conditions such as staying away from certain geographical areas. <p>Offenders must provide a bail address, for those with a current licence this must be the same address provided to, and checked by, the offender manager. Residence at the bail address will normally form the residency condition.</p> <p>Reporting conditions and/or electronic monitoring may be appropriate. The highest level of contact management is provided by electronic monitoring combined with reporting to an immigration reporting centre or police station. This may be required in the highest risk cases where there is a risk to the public and a risk of absconding.</p> <p>It has been agreed that electronic monitoring can be used in high harm and recovered absconder cases. In these cases you must recommend electronic monitoring is a condition of release in the subject's bail summary. At any subsequent bail renewal hearing you must seek consideration of removal of electronic monitoring in cases that are not high harm or recovered absconders.</p> <p>In lower risk cases it may be appropriate to limit the conditions to reporting. Wherever</p>	<p>In this section</p> <p>Receiving a bail application Considering whether to oppose bail Licences Liaising with offender managers and MAPPA cases Checking the bail address Investigating sureties Enhanced address checks Completing a bail summary Bail summary format Bail conditions Authorising and submitting a bail summary and updating CID Bail applicants attending bail hearings</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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	<p>possible bail should always be set for a specific time and place as, without this, there can be difficulties obtaining sureties where appropriate. Electronic monitoring is not currently available in Scotland or Northern Ireland. When electronic monitoring is one of the restrictions to be set, this must be arranged in line with the related link: Enhanced address checks.</p> <p>For full information about electronic monitoring, see related links.</p> <p>Under paragraph 2(5) and (6) of schedule 3 to the Immigration Act (1971), a person liable to detention under paragraph 2 may be subject to residence, employment or reporting restrictions. This power also applies in automatic deportation cases where a person is liable to detention under section 36(1) of the 2007 Act (by section 36(5) 2007 Act).</p> <p>Electronic monitoring can also be imposed if a person is subject to a residence or reporting restriction under schedule 3, including automatic deportation cases. The key point to consider with reporting is liability to be detained.</p> <p>A person can still be liable to be detained even though they cannot lawfully be detained. For example, if their deportation cannot take place within a reasonable time. To be liable to be detained in 1971 Act cases, either there must be a court recommendation for deportation or a decision to make a deportation order must have been taken.</p> <p>For more information, see related link: Immigration Act 1971.</p> <p>Reporting conditions and reporting to a police station</p> <p>The relevant reporting centre for cases can be found using the immigration, compliance and engagement (ICE) team (formerly known as local immigration team) The LIT finder can be accessed in related links.</p> <p>In some cases bail summaries have not identified the correct reporting centre. This causes problems for presenting officers at hearings and for those released on bail. It is essential that staff use the electronic version of the LIT finder (see related link), as paper copies of the list quickly become out of date.</p>	
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	<p>Where bail is granted and a person needs to report to a police station instead of a reporting centre, it is imperative you inform the police using form ICD0377.</p> <p>You must do this by faxing the ICD0377, with a copy of the ICD0343, to the relevant police station. The ICD0343 must state the date, time and frequency the person is scheduled to report. The police station must also be informed by fax if reporting is varied for any reason and a copy of the ICD0349 must be sent to them. Copies of the fax must be retained on the Home Office file and the issue of the fax must be noted on CID.</p> <p>Bail with a curfew</p> <p>In some cases conditional bail can be set by the courts with a curfew where a foreign national offender (FNO) has to be present at a specific address between specified hours. This is not the same as setting electronic monitoring and may go beyond this.</p> <p>These cases are rare and this type of monitoring is not appropriate for high harm and multi-agency public protection arrangements (MAPPA) cases. If you deal with MAPPA or high harm offenders you must note in the bail summary that curfew is not appropriate if release is granted.</p> <p>Further details of these can be found in the related link: Probation instructions.</p>	
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Bail applications – action before and during a bail hearing or decision

Enhanced address checks for electronic monitoring purposes

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners how to carry out the enhanced address checks verification process for people considered for release on immigration judge bail who are subject to electronic monitoring.</p> <p>These processes must be followed when subjects are considered for release on bail.</p> <p>Release under Immigration and Asylum Chamber (IAC) bail</p> <p>You need to find out if the bail address is UK Border Agency accommodation or a private address.</p> <p>Private accommodation</p> <p>If release is to private accommodation you must find out if the homeowner or occupant of the private address is one of the sureties.</p> <p>If the homeowner or occupant is one of the sureties:</p> <ul style="list-style-type: none">• You must check if the building is suitable for tagging to be set up and the homeowner or surety agrees electronic monitoring (EM) equipment can be used at the address.• You may request a pre-installation visit by the EM contactors at the private address to confirm if the location is suitable for EM (using form EM2a). <p>If the address is confirmed as suitable you can proceed with release and arrange tag induction within 24 hours.</p> <p>If the homeowner or occupant is not one of the sureties:</p> <ul style="list-style-type: none">• You must get the name and contact details of the homeowner or occupant through either the:<ul style="list-style-type: none">○ detainee○ their representatives, or	<p>In this section</p> <p>Receiving a bail application Considering whether to oppose bail Licences Liaising with offender managers and MAPPA cases Checking the bail address Investigating sureties Deciding bail conditions Completing a bail summary Bail summary format Bail conditions Authorising and submitting a bail summary and updating CID Bail applicants attending bail hearings</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none"> ○ the surety. ● You must contact the named homeowner or occupant and complete the following checklist: <ul style="list-style-type: none"> ○ confirm their relationship to the detainee ○ confirm their full address ○ gauge their willingness to open their home to the detainee ○ ask them if the detainee can stay with them for as long as necessary ○ ask for their permission to install electronic monitoring equipment at the property. <p>At this stage you must assess if the individual asked the checklist questions above supports the address being valid.</p> <p>If the address is considered valid you must carry out the following actions:</p> <ul style="list-style-type: none"> ● Check if the building is suitable for tagging to be set up. ● Request a pre-installation visit by the EM contactors on the private address to confirm whether the location is suitable for EM (using form EM2a). <p>If the address is confirmed as suitable you can proceed with release and arrange tag induction within 24 hours.</p> <p>UK Border Agency accommodation</p> <p>If the release address is UK Border Agency accommodation you must contact the relevant accommodation provider to confirm the detainee's accommodation booking.</p> <p>When a booking is confirmed you must proceed with release and arrange the tag induction within 24 hours.</p> <p>If a booking is not confirmed section 4 accommodation must be considered in line with the section 4 instructions below.</p> <p>Section 4 accommodation</p> <p>If a subject is unable to provide an address you must consider section 4 accommodation in line with the related link: CCD section 4 instructions.</p>	
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	<p>If section 4 accommodation is granted you must contact the relevant accommodation provider to confirm the detainee's accommodation booking. Once this is confirmed you must proceed with release and arrange the tag induction within 24 hours.</p> <p>If a booking cannot be confirmed, you must contact the CCD section 4 support coordinator and begin the process again until an address is confirmed.</p> <p>If section 4 accommodation cannot be obtained you must consider whether release is still appropriate.</p>	
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Bail applications – action before and during a bail hearing or decision

Completing a bail summary

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners how to complete a bail summary for immigration judge (IJ) bail cases.</p> <p>An IJ will grant bail where there is no sufficiently good reason to detain a person and lesser measures can provide adequate alternative means of control. An IJ will focus in particular on the:</p> <ul style="list-style-type: none">• reason or reasons why the person has been detained• length of detention to date and likely future duration• likelihood of the person complying with conditions of bail. <p>Further details of what IJs look at when considering bail can be found in the related link: Bail guidance for immigration judges.</p> <p>If you think detention is appropriate, you must fully complete the bail summary (ICD3221). The CCD detention policy says you must take specific account of criminality, risk of public harm and consider safeguarding children when considering detention against the presumption to liberty.</p> <p>In all cases where you think detention is appropriate, you must tick box 1 (the criteria for detention) to indicate that one of the reasons for detention is public protection.</p> <p>You must refer to all documents on file, such as the judge's sentencing remarks, licence conditions and offender manager's risk assessment (where available). You must use the contents to present a robust summary for the tribunal making sure they have full details of the subject's risk of public harm. If available, you must also detail any harm done to the victims of the crime committed by the offender.</p> <p>If the reasons for detention are weak they will be given less weight by the judge when deciding if it is proportionate to maintain detention. You must provide clear reasons for detention which must be supported by evidence.</p>	<p>In this section</p> <p>Receiving a bail application Considering whether to oppose bail Licences Liaising with offender managers and MAPPA cases Checking the bail address Investigating sureties Deciding bail conditions Enhanced address checks Bail summary format Bail conditions Authorising and submitting a bail summary and updating CID Bail applicants attending bail hearings</p> <p>See also</p> <p>Links to staff intranet removed</p>
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In cases where removal is imminent this must be made very clear in the bail summary. If relevant, you must highlight that release on bail could seriously jeopardise the removal which would be to the detriment of the public.

If the person has a history of criminality and bail is being considered, the IJ will have to assess the risk of that person re-offending and the consequences of such re-offending if there is such a risk.

If the risk to both is high then it is less likely bail will be granted. In these situations you must remember it is not for you to presume what the decision of the IJ will be. You must still make sure correct arrangements are in place in case of release and the offender manager is fully aware of the bail hearing and the outcome of that hearing.

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The bail summary checklist

The bail summary checklist (form ICD4109) must be completed when completing a bail summary form (ICD 3221). You must use the checklist to make sure bail summaries are correctly completed. An example of a completed bail summary checklist can be found in the related link: [Bail summary example](#).

See related links for more information on:

- bail conditions
- bail summary format.

Bail applications – action before and during a bail hearing or decision

Bail summary format

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners the standard format for the bail summary.</p> <p>It includes:</p> <ul style="list-style-type: none">• A summary of the person's criminal history. This must appear as a separate section of the chronology and only refer to convictions not spent.• The reasons the UK Border Agency are opposing bail (where this is being opposed). This must include an assessment of the likelihood of re-offending, using the offender manager's risk assessment if available and any other information relating to the possible risk of public harm. For example, the subject's behaviour in the prison or the immigration removal centre. Reference must also be made to any risk posed to children, particularly if an offence against minors has been committed, and to the risk of absconding, where such a risk is deemed to exist. All comments made must be factual and not reflect personal opinion.• Standard paragraphs for use can be found in the CCD standard paragraphs for bail summaries instructions. The standard paragraphs are intended to be used as a guide only, they must be amended to fit the individual circumstances of each particular case.• A recommendation to the immigration judge (IJ) regarding the terms of release, should bail be granted. <p>Bail summaries presented to the tribunal must include details of the licence and the licence conditions. This helps the presenting officer to draw the attention of the tribunal to previous offending and if necessary request time for supervision arrangements to be put in place.</p> <p>If sureties have been provided, any doubts or concerns about these must be brought to attention of the presenting officer, so they can question the surety about these if appropriate.</p> <p>You must remember only Police National Computer (PNC) checks requested specifically as disclosable court prints can be revealed to the court. Convictions must not be mentioned within a bail summary, unless there is disclosable evidence to confirm these to the tribunal,</p>	<p>In this section</p> <p>Receiving a bail application Considering whether to oppose bail Licences Liaising with offender managers and MAPPA cases Checking the bail address Investigating sureties Deciding bail conditions Enhanced address checks Completing a bail summary Bail conditions Authorising and submitting a bail summary and updating CID Bail applicants attending bail hearings</p>
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	for instance in a disclosable court print.	
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Bail applications – action before and during a bail hearing or decision

Bail conditions

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners about bail conditions.</p> <p>The following standard conditions must be included in all bail summaries:</p> <ul style="list-style-type: none">• To live and sleep at 'X' address. The address must be the same as the one on the licence if there is one and if the offender is on licence, or is subject to multi-agency public protection arrangements (MAPPA), it must be approved by the National Offender Management Service (NOMS).• The applicant must cooperate with the conditions of any electronic monitoring, as instructed by the UK Border Agency. Where electronic monitoring is to be used 48 hours will be granted to arrange for this to be set up (this excludes Scotland and Northern Ireland as tagging is not available in these areas). This also applies where bail in principle is granted.• To report on a weekly basis to the UK Border Agency reporting centre or police station at 'X'.• The subject does not engage in any employment or profession paid or unpaid.• In the event of the applicant applying for any variation of address or bail the UK Border Agency is notified of the details of the application.• Any conditions imposed comply with the terms of the licence where there is one. <p>These restrictions are requested to:</p> <ul style="list-style-type: none">• maintain contact with the offender• reduce the risk of absconding• reduce to a minimum any potential delay in notifying the relevant authorities if the subject breaches their bail conditions. <div><div>Restricted – do not disclose – start of section</div><div>The information in this page has been removed as it is restricted for internal UK Border Agency use only.</div></div>	<p>In this section</p> <p>Receiving a bail application Considering whether to oppose bail Licences Liaising with offender managers and MAPPA cases Checking the bail address Investigating sureties Deciding bail conditions Enhanced address checks Completing a bail summary Bail summary format Authorising and submitting a bail summary and updating CID Bail applicants attending bail hearings</p>
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Bail applications – action before and during a bail hearing or decision

Authorising and submitting a bail summary and updating CID

<p>About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State</p>	<p>This page tells criminal casework directorate (CCD) case owners about getting bail summaries authorised and submitting them.</p> <p>Authorising bail summaries</p> <p>All bail summaries must be authorised by the higher executive officer (HEO) team leader before being submitted to the relevant presenting officers unit (POU). In addition to team leader authorisation, summaries which present particular technical difficulties or require technical input must also be discussed and agreed by the HEO senior caseworker.</p> <p>Submitting completed bail summaries</p> <p>Completed bail summaries must be forwarded to the POU by fax. This is except for Angel Square, who have a dedicated email account for the submission of summaries (see related link: Email Angel Square bail team).</p> <p>Completed bail summaries must be submitted to the relevant POU by 12pm on the day before the bail hearing is scheduled to take place. This deadline has been set by the POUs to allow them sufficient time to lodge the bail summary with applicant, their representatives (where applicable) and the tribunal by 2pm on the day before the hearing, as required by the 2004 bail rules.</p> <p>If a bail summary is not submitted on time it may be considered the UK Border Agency are not opposing bail. A copy of the prison licence and the NOMS1 form must always be faxed with the bail summary.</p> <p>Updating the case information database (CID)</p> <p>The submission of the bail summary must be recorded in CID notes and a calendar event must be set to create a diary event to check on the outcome of the bail hearing. Instructions on how to do this can be found by using the related link: CID – recording bail application.</p>	<p>In this section</p> <p>Receiving a bail application Considering whether to oppose bail Licences Liaising with offender managers and MAPPA cases Checking the bail address Investigating sureties Deciding bail conditions Enhanced address checks Completing a bail summary Bail summary format Bail conditions Bail applicants attending bail hearings</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Bail applicants attending bail hearings

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners about bail applicants attending bail hearings</p> <p>All issues relating to bail applicants attending bail hearings are organised by the detainee escorting and population management unit (DEPMU) who are advised of the hearing by the tribunal.</p> <p>You must not become involved in any issues relating to transporting detainees to bail hearings and any queries must be referred to DEPMU.</p> <div><div>Restricted – do not disclose – start of section</div><div>The information in this page has been removed as it is restricted for internal UK Border Agency use only.</div><div>Restricted – do not disclose – end of section</div></div>	<p>In this section</p> <p>Receiving a bail application Considering whether to oppose bail Licences Liaising with offender managers and MAPPA cases Checking the bail address Investigating sureties Deciding bail conditions Enhanced address checks Completing a bail summary Bail summary format Bail conditions Authorising and submitting a bail summary and updating CID</p> <p>Related links Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Bail applications to CIOs or the Secretary of State

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	This section tells you what action to take if you are dealing with a criminal casework directorate (CCD) case that involves an application for chief immigration officer or Secretary of State bail.	In this section Receiving a bail application and recording it on CID Considering whether to grant or refuse bail Victim liaison and offender managers Sureties and recognisances Related links Links to staff intranet removed
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Bail applications – action before and during a bail hearing or decision

Receiving a bail application and recording it on CID

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners what to do when they receive an application for chief immigration officer (CIO) or Secretary of State bail.</p> <p>Offenders detained pending deportation have the right to apply to be released on bail. A detainee may apply for bail at any time to an immigration judge (IJ), chief immigration officer (CIO) or the Secretary of State. Non-IJ applications made within the first eight days of detention are made to CIOs and after the first eight days they are made to the Secretary of State.</p> <p>Within CCD, applications for bail addressed to the CIO or Secretary of State must be considered by team leaders. Occasionally the tribunal may grant bail to an offender to appear before an immigration officer (IO). If this occurs, the IO within the immigration, compliance and engagement (ICE) team (formerly known as local immigration team (LIT) must make any decisions about renewing bail or varying bail conditions.</p> <p>There is no specific form for bail applications made to the CIO or Secretary of State but any application must be made in writing and must contain the reasons why the offender believes bail should be granted. The date of the application is the date the written application is received by the UK Border Agency.</p> <p>Action taken on bail applications made to a CIO or the Secretary of State are similar to those made to an IJ but in these cases a summary is prepared for the team leader recommending whether or not bail should be granted. When CIO bail is granted, a specific time and place for the end of a bail period must be set, as without this it can be difficult to obtain sureties where appropriate.</p> <p>Recording the receipt of a bail application on CID</p> <p>The receipt of a bail application must be recorded on the restriction screen on CID. For instructions of how to do this and a screenshot, see related link CID Secretary of State – recording bail applications.</p>	<p>In this section</p> <p>Considering whether to grant or refuse bail Victim liaison and offender managers Sureties and recognisances</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Considering whether to grant or refuse bail

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This section tells criminal casework directorate (CCD) case owners how to consider an application for chief immigration officer (CIO) or Secretary of State bail.</p> <p>Consideration must always be given as to whether or not it is appropriate to recommend granting bail. All decisions must take into account the reasons given for requesting bail in the bail application and the presumption towards release.</p> <p>In all cases if detention continues to be justified the team leader may consider it is appropriate to refuse bail. For more information on whether detention is justified or not, see related link: CCD Detention process instructions.</p> <p>Cases where bail is not to be recommended</p> <p>In cases where it is immediately clear bail should be refused, a summary of the issues must be prepared for the team leader to help them to make their decision.</p> <p>For more information on the action necessary following the CIO or Secretary of State decision, see related link: part two of these instructions – Bail outcomes – action after a bail hearing or decision.</p> <p>Cases where further investigation is necessary</p> <p>CIOs and staff acting on behalf of the Secretary of State have the authority to attach conditions to bail under paragraphs 22 and 29 of schedule 2 of the Immigration Act 1971 and section 9A of the Asylum and Immigration Appeals Act 1993, see related links. In cases where it is not appropriate to refuse bail, it may be necessary to get further information so relevant bail conditions can be recommended if bail is granted. This can include information from offender managers and action to get and investigate sureties.</p> <p>Licences</p> <p>When a bail application is being considered you must check the prison release licence. This should be held on the Home Office file. The licence will provide the name of the probation office and the offender manager. Once this information is identified it must be recorded on</p>	<p>In this section</p> <p>Receiving a bail application and recording it on CID Victim liaison and offender managers Sureties and recognisances</p> <p>Multi Agency Public Protection Arrangements cases and sex offenders</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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	<p>the special conditions screen on CID. For details of how to do this can see related link: Recording MAPPA status on CID.</p> <p>Further essential information about licences must be read before decisions can be made on these cases. This can be found on the related link: Receiving a bail application.</p> <p>Contacting the offender manager</p> <p>You can get the name and contact details of the offender manager from the probation office specified on the prison licence. Sometimes this may be a duty officer initially. You must always contact the probation office named on the licence, regardless of the bail address provided by the offender.</p> <p>You must establish contact with the offender manager as soon as possible after you have been allocated the case to:</p> <ul style="list-style-type: none"> • open channels of communication • identify yourself to the offender manager • pass on your contact details to the offender manager • provide details of the current status of the case • provide an update of the likely progression of the case. <p>It is essential you keep the offender manager informed of all major developments, in each case, as they happen. All notifications to offender managers must be copied to the National Offender Management Services (NOMS) single point of contact (SPOC).</p> <p>The offender manager must be contacted immediately to:</p> <ul style="list-style-type: none"> • let them know a bail application has been made to the CIO or Secretary of State • advise them the application could result in the offender being released on bail • obtain information to be included in the bail recommendation (NOMS1/Annex A). <p>Prison licences have an expiry date beyond which standard supervision will not apply. However the offender manager must always be contacted even if the offender's licence has expired. This is because the offender manager acts as the link between the offender, victim</p>	
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	<p>liaison and multi-agency public protection arrangements (MAPPA) (where applicable) and any release may involve special arrangements having to be put into place.</p> <p>If you are unable to trace an offender manager, or contact the offender manager named on the licence you must contact the criminal casework operational policy and process team (CCOPPT) through the CCD process team inbox for assistance (see related links).</p> <p>It is vital you inform the offender manager of the outcome of the bail decision immediately – further information can be found about this in part two of these instructions – bail outcomes – action after a bail hearing or decision</p> <p>To see a process map relating to liaising with offender managers, see related link: Offender manager liaison process map.</p> <p>Referring the case to the team leader Once all of the relevant information has been gathered you must provide the team leader with a short summary and recommendation. The team leader will examine the case and make their decision and send it to the relevant assistant director for agreement.</p> <p>Information on the action to take following the CIO or Secretary of State decision can be found in part two of these instructions – Bail outcomes – action after a bail hearing or decision.</p> <p>When dealing with these cases it is vital:</p> <ul style="list-style-type: none"> • MAPPA and cases involving sex offenders are dealt with correctly • the offender manager is contacted, to keep them informed of all developments on a case, and • correct action is taken regarding sureties and recognisance. <p>See related links for more information on:</p> <ul style="list-style-type: none"> • Multi Agency Public Protection Arrangements cases and sex offenders • Victim liaison and offender managers 	
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Bail applications – action before and during a bail hearing or decision

Victim liaison and offender managers

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) case owners about victim liaison and offender managers for cases involving bail applications to chief immigration officers (CIOs) or the Secretary of State.</p> <p>Victim liaison</p> <p>It is essential offender managers are kept up to date with all aspects of bail applications, as they provide the vital link with the victim liaison officer. When bail is being considered by CIO or the Secretary of State, the offender manager may contact the victim liaison officer so any concerns of the victim can be taken into account. If bail is agreed, the victim liaison officer may need to be alerted, as they may need to advise the victim of the release of the offender and advise the police of the release in order to put safety measures in place for the victim.</p> <p>Copying requests to the Probation Service single point of contact (SPOC)</p> <p>All emails sent to offender managers requesting information for bail summaries, including requests for the NOMS1, must be copied to the relevant National Offender Management Service (NOMS) SPOC. The NOMS SPOC can also be contacted if you experience any difficulties getting offender manager cooperation or locating the relevant probation office. Any emails relating to difficulties with offender managers must also be copied to the criminal casework operational policy and process team (CCOPPT) using the CCD process team inbox (see related links).</p> <p>Cases where the bail address indicates the need for a change of offender manager</p> <p>You must always contact the probation office named on the licence. If the address put forward by the applicant for bail is different from the one on the licence, it is the responsibility of the offender manager to verify if it is suitable and to arrange the transfer of the offender's supervision to another probation office.</p> <p>Understanding information from the offender manager</p> <p>The offender manager will provide an assessment of the offender's ability to comply with any</p>	<p>In this section</p> <p>Receiving a bail application and recording it on CID Considering whether to grant or refuse bail Sureties and recognisances</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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	<p>bail conditions relating to their behaviour. They also make an assessment of how likely the offender is to commit a further offence and, if this happened, what the impact of that offence might be.</p> <p>If the assessment of the individual is that they present a very high or high risk of serious harm this is an indicator of risk. The potential event could happen at any time and the impact would be serious. The difference between the very high and high categories is the imminence (fast approaching) of the event.</p> <p>To assess offenders, prisons and NOMS use the Offender Assessment System (OASys). There is no agreement between NOMS and UK Border Agency for OASys reports to be shared and case owners must not request these. All relevant information in the OASys report will be provided by NOMS on the form the NOMS1 which can be disclosed to the offender and their representative. If you have an OASys report this must not be disclosed.</p> <p>Offenders who present a very high or high risk of serious harm may be subject to multi-agency public protection arrangements (MAPPA). They will also have a risk management plan which is produced by the offender manager. The risk management plan is a set of measures that needs to be in place before an offender is released from custody.</p> <p>Information on the NOMS1 includes how much time is needed to put these arrangements in place, such as for confirming a hostel placement if one is available. These offenders are likely to have additional licence conditions tailored to meet the individual risks identified. When additional conditions are set, there are specific risks to be managed and the offender manager will need to put arrangements in place for any release on bail.</p>	
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Bail applications – action before and during a bail hearing or decision

Sureties and recognisances

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page tells criminal casework directorate (CCD) guidance about sureties and recognisances for cases involving chief immigration officer (CIO) or Secretary of State bail.</p> <p>Obtaining sureties</p> <p>You must send a sureties form IS98A to the offender. This asks them to provide details of two people willing to act as surety and for evidence of their settled status.</p> <p>Evidence of status will usually be a copy of a passport but in some circumstances copies of birth certificates may be acceptable. If sureties are provided, they must be fully investigated following the same process as the sureties in cases where immigration judge bail has been applied for. See related link: Investigating sureties.</p> <p>If, after investigation, the sureties appear to be acceptable, each surety will need to be sent an IS99A, which must be signed and returned before the foreign national offender (FNO) can be released.</p> <p>If offenders are transferred from immigration judge bail to CIO or Secretary of State bail the sureties cannot be automatically transferred. A fresh decision must be made on sureties each time bail comes up for renewal. Details of agreed sureties must be entered on the restriction screen on CID. For instructions and a screenshot on how to do this, see related link: CID – entering sureties' details.</p> <p>Recognisance</p> <p>The offender or their sureties may offer an amount of recognisance. If you are considering and taking recognisance from offenders or their sureties, the process is the same for bail applications to immigration judges and the instructions relating to these must be followed. See related link: Recognisance.</p>	<p>In this section</p> <p>Receiving a bail application and recording it on CID Considering whether to grant or refuse bail Victim liaison and offender managers</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Contacts

About this guidance When bail can be applied for Notification of bail rights Mentally disordered offenders Rule 35 cases (special illnesses and conditions) Bail applications to immigration judges Bail applications to CIOs or the Secretary of State	<p>This page explains who to contact for more help with a specific criminal casework directorate (CCD) case regarding a bail application.</p> <p>If you have read this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If they cannot answer your question, they or you may email the criminal casework operational policy and process team (CCOPPT) using the CCD process team inbox.</p> <p>Changes to this guidance can only be made by the modernised guidance team. If you think the policy content needs amending you should contact the criminal casework operational process and policy team, who will ask the modernised guidance team (MGT) to update the guidance.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	<p>Related links See also Changes to this guidance Information owner</p> <p>External links Links to staff intranet removed</p>
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Bail applications – action before and during a bail hearing or decision

Information owners

[About this guidance](#)
[When bail can be applied for](#)
[Notification of bail rights](#)
[Mentally disordered offenders](#)
[Rule 35 cases \(special illnesses and conditions\)](#)
[Bail applications to immigration judges](#)
[Bail applications to CIOs or the Secretary of State](#)

This page tells you about this version of the Bail applications – action before and during a bail hearing or decision guidance and who owns it.

Version	1.0
Valid from date	18 March 2013
Policy owner	Criminal Casework Operational Process and Policy Team (CCOPPT)
Cleared by director	Sonia Dower
Director's role	Director, operational policy and rules
Clearance date	14 March 2013

Changes to this guidance can only be made by the modernised guidance team. If you think the policy content needs amending you must contact the criminal casework operational policy and process team using the CCD process team inbox who will ask the modernised guidance team (MGT) to update the guidance, if appropriate.

The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.

Related links See also

[Changes to this guidance](#)
[Contacts](#)

Links to staff intranet removed