



The work of probation services in courts

An inspection by HM Inspectorate of Probation

June 2017

Thematic Inspection

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This inspection was led by HM Inspector Mike Ryan, supported by a team of inspectors, as well as staff from our operations and research teams. The Assistant Chief Inspector responsible for this inspection programme is Helen Davies. We would like to thank all those who helped plan and took part in the inspection; without their help and cooperation, the inspection would not have been possible.

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Foreword

It is heartening to report that probation services in courts have improved noticeably over the last year. Arrangements between the National Probation Service (NPS), Community Rehabilitation Companies (CRCs) and courts are more settled, and probation providers must now improve the confidence of judges and magistrates in how the community sentences they order are actually then delivered.

With challenging targets for speedy delivery of probation advice to courts (pre-sentence reports), advice is increasingly being given orally on the day, rather than in the traditional, more leisurely way, in full written reports. We found that oral reports consistently provided good advice to courts about what sentence to consider. Advice is sometimes given in short written reports, yet they are not of the same quality, and the NPS must consider why that is. As it is, we found judges and magistrates much less likely to follow sentencing advice in short written reports.

It is a credit to the NPS that it now has good processes for getting the information the court needs about the defendant's circumstances from local authorities and the police quickly, and competent and motivated staff in court daily, enabling sentences to be passed swiftly and safely. Not all is well, however. The NPS assesses the risk of an individual going on to cause serious harm – core probation work – but does not do that well enough overall.

What is more, regrettably few reports now propose an accredited programme. This is baffling: no one wishes to see a range of high quality services with strong empirical support wither on the vine, by simple neglect, but that is happening. The change in sentencing (with fewer accredited programmes and more rehabilitative activity requirements ordered) has profound, adverse financial implications for CRCs because of the way they are paid - and the fewer accredited programmes ordered, the longer the wait for a group place, and the less CRCs are able to retain the competence to deliver them well.

We welcome a new NPS tool to support good court reports. I only wish it was accompanied by modern day (IT) systems, so that NPS staff could work more effectively alongside other criminal justice colleagues in court. As it is they are poorly equipped and stand at a clear disadvantage, despite government aspirations for criminal justice in the digital age.

While we found that reports generally met the court's needs, they were less likely to be full enough for CRCs to be able to get straight on with things, after court. Commissioners may reflect that CRCs must meet the bare, simple measure of producing a sentence plan, rather than getting full information from others beforehand, to make sure the plan is pitched well.

Lastly, although the work observed in prosecuting the enforcement of community orders was very good, we heard again that judges and magistrates fear CRCs are lax in returning cases to court, undermining their confidence in community sentences. We will review enforcement in more detail soon, as part of a specific thematic inspection.



Dame Glenys Stacey
HM Chief Inspector of Probation
June 2017

Key facts

158,305

Pre-sentence reports prepared for magistrates' and Crown Courts (July 2015 to June 2016)¹

100%

The percentage of pre-sentence reports completed by the NPS within the timescales set by the court, including remands in custody (April to September 2016)²

**31,342
(29%)**

Community sentences enforced in court due to failure to comply, further offences or other reasons (October 2015 to September 2016)

71%

Of community sentences ran their full course successfully or were finished early for good progress (October 2015 to September 2016)

48%

Decline in commencements of accredited programmes (2009/2010 to 2015/2016)³

44%

Percentage increase in the use of rehabilitation activity requirements for community orders during the period of April-June 2015 to April-June 2016

1 The court is required to obtain a pre-sentence report prepared by a probation service or a Youth Offending Team before imposing a custodial or community sentence: *s156 Criminal Justice Act 2003*.

2 The NPS Service Level Agreement Target.

3 Annual NOMS Digest 2015/2016.

Inspection context

Probation services have long provided advice and information to courts in order to assist sentencing decisions, and their role was embedded in statute over 100 years ago.

More recently, under the government's *Transforming Rehabilitation* programme, probation services have changed. They were divided in June 2014 into a new public sector National Probation Service and 21 new privately-owned Community Rehabilitation Companies providing services under contract. The NPS manages those offenders presenting high or very high risks of serious harm, or who are managed under Multi-Agency Public Protection Arrangements. CRCs supervise most other offenders presenting low and medium risk of harm. Upon vesting, the NPS assumed responsibility (by statute) for all advice and information provided to courts.

Alongside *Transforming Rehabilitation*, the Ministry of Justice (MoJ) seeks to transform and modernise the criminal justice system. The department's Transforming Summary Justice programme and Better Case Management programme together aim to modernise the system for all, with better processes, fair and respectful treatment of victims and witnesses and new IT to enable the digital management of case information across the system. In this way, government intends to deliver a criminal justice system that is faster, and right first time. In courts, this involves the use of more up to date technology and changes to the use of the court estate as well, Ministry of Justice (*Transforming the CJS, 2014; Ministry of Justice Strategy, 2017*).

Probation services are to play their part. The NPS provides advice and information to courts in pre-sentence reports, as it is charged to do, so as to assist courts in determining the most appropriate sentence. The probation service historically requested that the court adjourn, often for three weeks or more, in order that pre-sentence advice and information could be assembled and provided. The new expectations are that most advice to court can be given on the day in cases where a defendant pleads guilty, so as to avoid adjournment and allow for an immediate sentence decision.

In response, the NPS has developed and implemented specific nationwide arrangements, creating new court services teams and processes, and setting performance requirements for a speedier approach to the delivery of pre-sentence advice and information. The detail is set out in the relevant Probation Instruction: *Determining Pre sentence Reports - Sentencing within the new framework (PI 06/2016)*. Performance is monitored through the service level agreement between the NPS and Her Majesty's Prison and Probation Service.

It is within this context that this thematic inspection of the court work of probation services took place.

Executive summary

We inspected the advice and information given directly to sentencers in pre-sentence reports and in the enforcement of community orders.

Working arrangements to support effective sentencing

We found strong and purposeful arrangements between the NPS, Her Majesty's Courts and Tribunal Service and sentencers. Working arrangements with CRCs were less well developed and some sentencers lacked confidence in CRC sentence delivery.

In all of the inspection sites there was a sense of active management of working arrangements, with a critical role played by the senior probation officer. In some areas the traditional arrangements of Probation Liaison Committees have been reconfigured yet retained. In all areas the NPS was involved in meetings used to drive and sustain the changes to working practices required of Transforming Summary Justice and Better Case Management imperatives.

In the initial stages of the *Transforming Rehabilitation* change programme, CRCs were not well-integrated into court developments. This was particularly evident in cases of enforcement where new processes, new sentencing options and new organisational arrangements meant that the practice of CRCs was the subject of criticism and increased scrutiny. We found that work is still required of the CRCs, in partnership with the NPS as the lead agency, to promote confidence among sentencers in the reliability and value of community sentences and to improve the delivery of these sentences.

Pre-sentence reports

Oral reports were generally sufficient for the purposes of sentencing and were well regarded by sentencers. Short format (written) reports, however, did not meet our quality expectations and the assessments of Risk of Serious Harm were not always sufficiently thorough. Sentencers are uneasy about the lack of transparency or clear expectations when including rehabilitation activity requirements in a community sentence. Nevertheless, accredited programmes were recommended by the NPS relatively infrequently, and ordered even less frequently, despite the clear evidence base to support their use.

Advice to court should include consideration of issues where a sentence may have an adverse impact on the safety of children, a partner or other identifiable victim. In each of our inspected sites we found satisfactory (or better) arrangements to secure information regarding Child Protection and domestic abuse as part of the information-gathering process for the provision of advice to court. Where this information was not readily available and had a bearing on the advisability of a particular sentence, this was routinely made known to the court. In most cases relevant information was secured and in almost all cases nothing impeded sentencing or subsequent allocation of the case to a CRC or NPS.

The Risk of Serious Harm assessment contained in the report is important for the purpose of sentencing, but in the reports we sampled it was too frequently of

poor quality. The assessment undertaken at court was not always adequate for the purposes of managing risk and addressing need through the supervision of a community sentence.

As we found in our recent rehabilitation activity requirement inspection, sentencers expressed concerns around the use and delivery of rehabilitation activity requirements – a sentencing option introduced by the *Offender Rehabilitation Act 2014* - yet despite these concerns it was by far the most proposed and utilised element of a community sentence. In making such orders, sentencers are uncertain what activity would follow or how much would actually take place.

There is an obvious corollary to the use of a sentence which appears flexible and is relatively easy to propose (there being no constraints over eligibility or suitability) and the very low proposal rate for accredited programmes despite their strong empirical evidence base. In our sample of 162 reports, a proposal for an accredited programme requirement in a community order or suspended sentence order occurred in only 21 cases and formed part of the sentence imposed in 15 of those cases.

Enforcement

We found the NPS enforcement work to be of a high quality. Many sentencers expressed concern, however, about whether CRCs were delivering community sentences (pre-enforcement) sufficiently well.

We observed the delivery of enforcement proceedings in the magistrates' court. Almost all of the standards in relation to preparing and conducting enforcement in courts were met by the NPS in all six inspection sites. Sentencing benches told us that the work undertaken was sufficient for their purposes.

In our enforcement sample the majority of cases were from the CRCs. We heard many concerns from sentencers relating to the delivery of community sentences, most commonly (but not exclusively) relating to the work of the CRCs. These concerns arose from cases where practice before enforcement action was deemed to be inadequate, for example, too many instances of acceptable absences being permitted.

There was evidence of positive management of difficulties with the breach process between the NPS and CRCs.

Technology and workforce

The NPS hardware and software are generally dated, and lack functionality, inhibiting both efficiency and effectiveness. We did see the effective use of video link technology, however. We found probation service officers confident and competent in enforcement work.

NPS operational staff did not have access to appropriate working tools and so were ill-equipped to function in a modernised, digital working environment. Very few had functioning laptops. Consequently, access to digital stores (a cloud-based repository for criminal justice case documents for all court users) was restricted and cumbersome. We saw examples of equipment that was not fit for purpose: in one instance the laptops allocated for staff were stored away, as they lacked functionality.

In one of the inspection sites we observed the delivery of an oral report and a separate enforcement case where the proceedings were conducted by video link, the defendant being held in police custody rather than transported under escort to the court. In terms of overall efficiency in the system this is clearly an area of significant potential and probation staff that were able to adapt their practice to support this technological application.

In our *Transforming Rehabilitation - Early Implementation 5* report we found that probation service officer grade staff were deemed to be inadequately trained or lacking in confidence in the court setting and in their knowledge of the assessment of Risk of Serious Harm. One year on, we found substantial progress. Probation service officers were delivering consistently well.

Recommendations

The National Probation Service should:

- provide sentencers with a sufficient assessment of the Risk of Serious Harm in all cases
- train court staff in the appropriate consideration of accredited programmes proposals and monitor the extent to which they are recommended appropriately
- establish local strategies with CRCs to improve sentencer confidence in the delivery of community sentences.

Community Rehabilitation Companies should:

- provide up to date information to the NPS and courts on available interventions to be delivered through rehabilitation activity requirements and accredited programmes.

1. Introduction

1.1. Why this thematic?

This inspection was commissioned jointly by the Criminal Justice Chief Inspectors in 2016. The group considered that a thematic inspection of the delivery of advice and information to courts would be timely after the changes brought about by *Transforming Rehabilitation*. The group recognised that good working arrangements between the courts and new probation providers would be critical to the effective sentencing and management of offenders.

There is no body of research into the role of probation services in the enforcement of community orders or their work in courts, although there have been some specific studies of the content and quality of pre-sentence reports (PSRs) (for example, Gelsthorpe, Raynor and Robinson, 2010). This is an opportunity to shed light on an under-researched and under-evaluated area of work and to identify best practice, and inform potential quality standards.

It will also identify whether NPS practice has improved since our May 2016 *Transforming Rehabilitation - Early Implementation 5* report. The major concerns we identified then related to the standard of pre-sentence advice being given to court and used subsequently for the purposes of case allocation. Since then, our thematic inspections on women who offend (2016) and rehabilitation activity requirements (2017) found early signs of a reduction in sentencer confidence in the delivery of probation services.

1.2. Background

The NPS delivers services under a service level agreement with Her Majesty's Prison and Probation Service (HMPPS) that sets out what is required. It lists the relevant specifications for the NPS and also stipulates what the NPS must provide for CRCs. The four main areas of advice provided to court by the NPS are:

- bail services
- a bail accommodation and support service (BASS)
- court work other than assessments and reports
- assessments and reports, pre-sentence.

The legal authority for the provision of PSRs and of advice and information to courts by the NPS is contained within section 4 of the *Offender Management Act 2007*, which states that: 'the giving of assistance to any court in determining the appropriate sentence to pass, or making any other decision, in respect of a person charged with or convicted of an offence is reserved to a probation trust or other public body.' NPS assessments made at court determine whether a case will be allocated to the NPS or a CRC.

In *Transforming Rehabilitation - Early Implementation 5*, we found that many oral PSRs provided insufficient information to assist the court in sentencing, and for one-third of these there was no written record of the report. We also found that some probation service officer (PSO) grade staff were inadequately trained or lacking

in confidence in court and in their knowledge of the assessment of Risk of Serious Harm (RoSH).

Alongside the changes brought about by *Transforming Rehabilitation*, changes to speed up court processes have also impacted on expectations of probation services, in particular Transforming Summary Justice (TSJ) and Better Case Management (BCM), Ministry of Justice (Transforming the CJS, 2014). To meet the demand for more cases to be dealt with at the first hearing, the NPS must be able to undertake assessments and reports within tight timescales. Consequently, this thematic investigates the standards of delivery of PSRs and, in particular, the delivery of oral reports.

We also inspected the prosecution of community sentence breaches in the magistrates' court. This area of work is critical to the confidence sentencers have in the delivery of community sentences by the providers of probation services.

1.3. Aims and objectives

The aim of this inspection was to investigate the extent to which working arrangements between the NPS, CRC, Her Majesty's Courts and Tribunal Service (HMCTS) and sentencers supported effective and timely sentencing. NPS work associated with bail was not included in the scope of this inspection.

The central questions addressed by the inspection are:

- What are the working arrangements between HMCTS, NPS and CRCs and do they facilitate effective sentencing?
- Are PSRs fulfilling their primary purpose of assisting courts in sentencing?
- Are NPS communication processes with key agencies (including local authorities, police, prisons and CRCs) effective, particularly in relation to the management of risk of harm?
- Are the processes of probation prosecution of breach and applications for early revocation delivered effectively by the NPS?
- Is the NPS sufficiently enabled to produce good quality advice and reports to court through TSJ and BCM initiatives and access to improved IT systems?
- Are court team structures (staff, competence, capacity) able to deliver the tasks associated with the delivery of court work in the NPS?

1.4. Report outline

Chapter	Content
2. Working arrangements to support effective sentencing	The working arrangements between HMCTS, NPS, CRCs and sentencers, and whether these arrangements support sentencing decisions sufficiently.
3. Pre-sentence reports	The quality of PSRs and the extent to which they fulfil their primary purpose of assisting courts in sentencing.
4. Enforcement	Our findings in relation to the presentation of breach information to magistrates' courts.
5. Technology and workforce	How technology supports the delivery of advice to sentencers, and whether it does so well enough. The capacity and capability of the workforce.

2. Working arrangements to support effective sentencing

This chapter considers the effectiveness of court liaison arrangements. Semi-structured interviews were conducted with NPS, CRC, HMCTS staff and managers as well as magistrates, Resident Judges and Probation Liaison Judges (where appointed) in each area.

2.1. National requirements

At a national level we found effective arrangements in place within the NPS to coordinate and oversee the work of probation in court. This included a National Court Strategy Group, led by the NPS lead Deputy Director for courts and attended by court senior managers from each NPS division. This group issued relevant instructions and guidance and provided a forum for driving and reviewing court probation practice. There was a positive sense of national leadership in relation to the implementation of the National Operating Model (E3).

Local NPS liaison arrangements with sentencers are governed by the relevant Probation Instruction: Liaison Arrangements Between Sentencers and Providers of Probation Services (PI 18/2016). The instruction does not seek to prescribe a one size fits all liaison arrangement, permitting local arrangements to develop. The NPS is required to facilitate liaison between providers of probation services and sentencers and to participate in TSJ and BCM implementation work alongside colleagues from HMCTS, and as arranged by Probation Liaison Judges in the Crown Court.

The NPS is responsible for developing the necessary processes, capacity and competence to meet the aspiration to provide the majority of PSRs on the day of request by the court and the supply of information concerning probation services, including:

Table 1 – Liaison Requirements (PI 18/2016)

Programmes and requirements available locally as part of a community order, suspended sentence order, post sentence supervision requirements or other probation measure, such as bail conditions.
Facilitate provision of information and presentations from local Community Rehabilitation Companies and Electronic Monitoring Services (EMS) on available provision.
Any available information about compliance with local programmes, including completion rates, information on enforcement, sanctions and breaches; and feedback on unpaid work.
Local re-offending data.
The availability of local accommodation provision for those on bail.
Provision of services for specific groups of offenders such as female offender provision or young offenders.

The Probation Instruction further indicates that effective liaison should:

- enable issues impacting upon provision of probation services and the management of the sentence of the court to be communicated at an early stage
- ensure a process is in place to discuss and resolve issues at a local level
- provide a process for escalating issues arising within a region or number of courts for resolution at a national level

- ensure sentencers confidence in court orders is maintained
- provide a forum for all providers of probation services to provide information on provision of national and local services available to offenders following sentence.

2.2. Delivering the requirements locally

At the local level, the NPS engaged well with HMCTS and the judiciary. This was most often through performance meetings concerning TSJ and BCM initiatives where a key role was played by the senior probation officer (SPO), supported by the head of the local delivery unit. The NPS engaged with, and made a positive contribution, to TSJ and BCM in all of our six inspection locations. One Deputy Justices' Clerk conveyed a widely held view that:

“NPS staff are transparent, open and honest and when issues are escalated they are dealt with appropriately.”

We identified a range of sentencer liaison activity in our six inspection locations. In two areas traditional Probation Liaison Committees had been retained and reconfigured, chaired by either the Chair of the Magistrates Bench or a delegated magistrate representative. In another area the probation liaison arrangements were met through a probation business meeting – chaired by a magistrate and supported by a probation liaison legal advisor. This model integrated probation business with the wider HMCTS change programme and appeared promising.

In two areas the main points of liaison were around Local Criminal Justice Board working groups. This was supplemented in one of these areas with SPO meetings with a designated probation liaison magistrate and HMCTS legal advisor for day-to-day troubleshooting.

We were less reassured by the mechanisms in place to provide sentencers with sufficient information and assurance about the work of the CRC. Sentencer confidence was undermined when limited information was available about the activities delivered as part of court orders supervised by the CRC. Sentencers often expressed concern about the lack of regular communication, post *Transforming Rehabilitation*, with one Resident Judge commenting:

“Nobody is trying to reassure us any more.”

One District Judge observed:

“My concern is that neither the NPS staff nor I have enough information about what the CRC are doing with offenders when they have been sentenced. I am not confident that the right work or intervention is being delivered or that it is being done swiftly after sentence.”

In areas where formal probation liaison or business meetings endured and the CRC was represented at a management level, there was a sense of gradual improvement

in the flow of information to sentencers. This helped to alleviate some of the concerns held locally in relation to CRCs' work. This included enforcement practice where a lengthy list of acceptable absences can reflect shortcomings in the recording system as opposed to poor enforcement practice, for example when evidence of long-term sickness is provided. The chair of one probation liaison committee indicated that the CRC had addressed concerns about the management of cases in the community:

“the CRC has recognised these issues by attending the PLC meeting and has provided reassurance that they will be explored and addressed”.

The following example represents good practice in relation to CRC engagement with courts.

Good practice example:

A member of Durham Tees Valley CRC Interface Team is allocated to the magistrates' court to offer services including:

- linking NPS and CRC – for the offenders in the court and other court users, who do not all appreciate the split*
- presentations for solicitors to explain *Transforming Rehabilitation* and what the CRC offers*
- providing updates to NPS court staff on the current CRC service users*
- advising the NPS about the suitability of current cases for a particular sentence*
- giving advice about programmes to the NPS to inform their proposals.*

This initiative attracted praise from local magistrates and was viewed as reflecting the positive working relationships between the CRC and NPS.

2.3. Conclusions and implications

The NPS has made steady progress since we last inspected its court work (in our *Transforming Rehabilitation 5* inspection). Nationally set (but not unduly restrictive) requirements for local liaison are being delivered well locally.

What is more, we found active and purposeful NPS engagement in HMCTS and judiciary-led transformational work in each of the inspection sites. A reasonably consistent picture emerged of strong progress in meeting TSJ and BCM programme imperatives to speed up the delivery of advice to courts, in particular through the

increased provision of on-the-day PSRs.

For CRCs the challenge remains of seeking the most appropriate way of working with NPS colleagues to provide NPS operational staff and sentencers with sufficient information about the range of services offered and the effectiveness of those services. The NPS will need to consider further the most effective liaison and communication arrangements to promote sentencer confidence and secure the support of HMCTS managers towards this end.

3. Pre-sentence reports

In this chapter we report the findings of our inspection of oral, written short format and standard delivery reports. Our sample consisted of 56 oral reports, 84 written short format reports and 20 standard delivery reports. Our PSR inspection tool was informed by the NPS Practice Improvement Tool, adopted in September-October 2016 to assure the quality of pre-sentence information. Oral reports were inspected by direct observation of the interview by the report writer and the presentation to court. Where possible, the views of the report subject and the sentencing bench were elicited. Written reports were inspected by documentary analysis.

3.1. National requirements

The NPS provides approximately 150,000 PSRs and enforces 50,000 community orders per annum. Organisational delivery targets, adopted in 2016, are intended to align with the principles and aims of TSJ and BCM and increase the speed at which pre-sentence information is provided to sentencers. These targets aim to provide the majority of reports on the day of request by the court, either orally (60%) or in writing (30%) with the remainder (10%) being standard delivery reports (NPS National Operating Model: Economy, Efficiency and Excellence (E3), 2016).

The probation instruction 'Determining Pre-Sentence Reports - Sentencing within the new framework (PI 04/2016)', indicates that a PSR should contain (as a minimum) but is not limited to:

- offence analysis and the pattern of offending, beyond a restating of the facts of the case
- relevant offender circumstances, with links to offending behaviour highlighted, as either a contributing factor or a protective factor
- risk of harm and likelihood of reoffending analysis, based on static predictors and clinical judgement
- the outcome of pre-sentence checks with other agencies or providers of probation services, including if any checks are still outstanding
- the addressing of any indications provided by the court
- sentence proposals that are commensurate with the seriousness of the offence and will address the offender's assessed risk and needs.

Further guidance for PSRs, contained within the NPS Court Report Performance Improvement Tool (2016) documentation, emphasises the need to avoid unnecessary delay in court proceedings when information has not been verified, for example, Child Protection or domestic abuse call-out. The advice is that for a proposal to be considered safe, the report writer must form a professional judgement of whether the information would have a direct bearing on sentencing or whether the information could reasonably be followed up post-sentence for the purposes of risk management of the ensuing sentence. This advice is summarised as: 'Safer Sentencing Recommendations'.

The available performance data is somewhat dated, but is presented in the following table (MoJ Offender Management Statistics, 2017). It makes plain the required step change in performance.

Table 2 – Pre-sentence reports

	Service Level Target	Oct-Dec 2015	Jan-Mar 2016	Apr-Jun 2016	Jul-Sep 2016	Oct-Dec 2016
Oral Reports – delivered on the day of guilty plea or finding of guilt and recorded in a short format	60%	38%	45%	50%	54%	56%
Fast Delivery Reports – written reports in a short format, mostly prepared on the day of guilty plea or finding of guilt	30%	51%	47%	42%	40%	39%
Standard Delivery Reports – reserved for complex cases, serious sexual or violent offending, or where a dangerousness assessment is required	10%	11%	8%	7%	6%	5%

3.2. Oral reports - findings

A District Judge commented:

“The more they do the better they’ll get.”

NPS performance data indicates a marked shift in NPS practice towards a far greater proportion of reports being delivered orally or on the day of request. The proportion of oral reports is likely to increase further as the staffing complement prescribed by the NPS Operating Model (E3) is fully implemented to provide appropriate availability of staff to meet the expected demand. The following table demonstrates our inspection findings with regard to oral reports:

Table 3 – Quality of oral reports

	Inspector assessment (56 reports)
Sufficiency of offence analysis	78%
Was the RoSH assessment sufficient?	62%
Did the report contain sufficient information for the purposes of NPS allocation to the NPS or to a CRC?	96%
Overall, was the report of sufficient quality to assist the sentencing process?	91%
Was the outcome the proposed sentence?	65%

Where deficits were identified in the offence analysis (12 cases), these related mostly to a lack of exploration of the impact of offending on victims. The results by inspection site ranged from 42% to 100% sufficiency. It is worth noting that, in the reports observed, the bench dealing with the case was the one which requested the report for later in the day. This bench will have heard the Crown Prosecution case, including victim representations where necessary. In considering the offence analysis element of reports one group of magistrates offered the view that:

“there is too much repetition of the offence and we are most interested in the conclusion/proposal.”

In cases where we considered the assessment of RoSH was insufficient, the problem related to a lack of information. When preparing an oral report the officer is required to exercise professional judgment and consider whether the absence of risk-related information should lead to a request for further time to gather relevant information. In almost all of the cases we saw, the impact of further information-gathering on the proposed sentence had been appropriately considered and the advice to court was not unnecessarily delayed. Consequently, while the assessment may have had limitations we assessed almost all of the cases as falling within the requirements of safer sentencing. Any deficits in information presented were remedied by the point of case allocation. In all inspected sites we found established local arrangements with the police and local authority for the provision of information concerning Child Protection and domestic abuse.

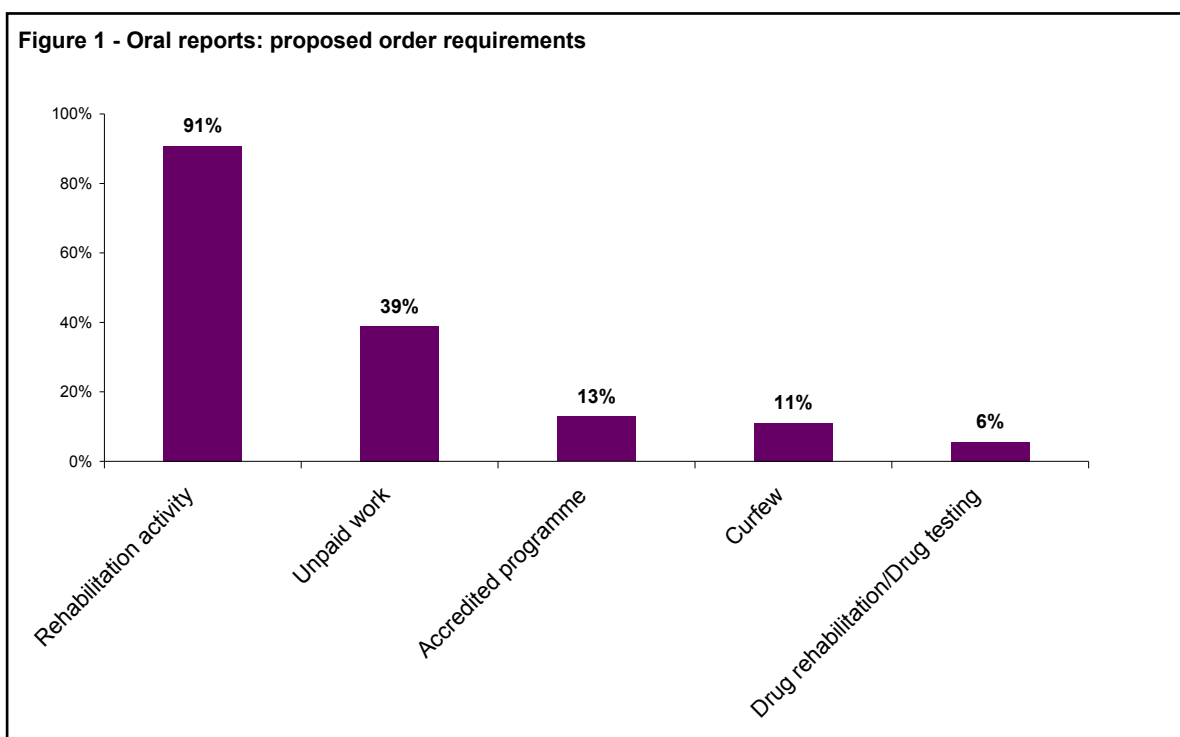
We found cases where practitioners would spend an hour and a half in interview, present the report to court for up to 30 minutes and then spend at least another hour completing the relevant materials for the purposes of allocation in order to meet all of the requirements (as listed in Table 3). These cases were characteristically ones involving domestic abuse and it was evident that the practitioners were seeking to undertake a comprehensive assessment to provide a basis for the development of a good standard of sentence plan. We observed cases of similar complexity being

assessed in much shorter timescales, but with the obvious trade-off that more work would be needed post-sentence to acquire a comprehensive understanding of the needs and management requirements of the case.

In both types of case the outcome of the court proceedings was broadly the same, leading to either a community order or suspended sentence and, commonly, a rehabilitation activity requirement (RAR). We found oral reports generally sufficient for the purposes of sentencing and case allocation, but recognise they can present problems for the safe and effective planning of the delivery of a community sentence.

Proposals - oral reports

We found unexpectedly low levels of proposal for accredited programme requirements in community sentences and a high incidence of proposals for RARs. Figure 1 shows the range of sentencing requirements proposed in our sample of oral reports.



The low level of accredited programme proposal is baffling and extremely regrettable: there is no national NPS instruction to refrain from recommending accredited programmes, and no known reason to do so. There is a strong evidence base supporting these programmes, there are defined eligibility and suitability requirements which do not require further assessment, and all of the CRCs in our sample delivered the general offending behaviour Thinking Skills Programme and the Building Better Relationships (BBR) programme.

National figures for accredited programmes starts show a marked decline over the past six years from 24,972 in 2009/2010 to 12,946 in 2015/2016; almost a 50% reduction (NOMS, 2016). This phenomenon obviously pre-dates *Transforming*

Rehabilitation, TSJ and BCM initiatives. Nonetheless, the findings of this inspection demonstrate the very limited current profile of accredited programmes in the advice being given to sentencers. If programmes of this type are to have a future as part of community sentences – and the evidence is that they should – the NPS will need to adopt a more systematic approach to the formulation of proposals.

During the process of this inspection, the NPS were piloting a new tool to assist court probation staff to make the most appropriate proposal. This is known, at the moment, as the NPS Effective Proposal Framework. The implementation of a tool of this nature should support NPS staff in making the best and most appropriate proposal to a sentencing court from an evidence-based perspective. In order to operate this tool the CRCs will need to be able to supply, at the touch of a button, details of all their available interventions.

Our results show that in almost all cases individual needs and diversity were sufficiently assessed. In our recent thematic inspection on women who offend (2016) we found NPS recommendations to sentencers had not considered gender-specific needs well enough in most cases, and so we were particularly interested here in the way that women were dealt with by the court teams. All of the female cases in the sample were assessed as having their individual needs taken into account and in all areas the NPS offered a choice of gender of report writer. In two of the areas specific arrangements were in place through women’s champions or women’s specialist staff and this fostered links to women-specific services in the community where these were available.

It would be a matter of debate as to whether the extent to which the sentence passed was that proposed in the report (65%) is a good or bad rate. There are no research-based benchmarks available for comparison. Looking more closely, it was evident that in all cases the proposal led to a sentence with community supervision either within a community sentence or within a suspended sentence order. None of the cases in this sample received a custodial sentence.

In over half of cases we were able to speak with sentencers, and found them almost universally satisfied that reports met sentencing purposes:

Table 4 – Sentencer assessment

	magistrates’ assessment (87 magistrates)
Was the information provided sufficient for the purposes of sentencing?	97%

In all but one of the cases the benches were approving of the advice given. We found magistrates welcomed the increased availability of oral reports. This observation from a group of magistrates was typical:

“overall there has been a significant improvement in reports provided by the NPS. This has mainly been around the oral

reports which allow us to sentence on the day and see the case through. Initially there were a lot of delays and not enough staff available to deal with the demand. However this has improved significantly.”

We spoke with 37 individuals who were the subjects of court reports. All thought the process of report preparation was dealt with in a fair, respectful and sensitive manner. In two-thirds of the cases, individuals told us how they were dealt with by the report author. We were interested in whether the speed of the process effected confidence in the system overall. What we found was a ringing endorsement that the case was being dealt with speedily and, crucially, with a high degree of fairness. One subject described the report interview as:

“Spot on - got to say everything I wanted and the man was easy to talk to. I felt fairly treated and have no complaints at all. I understand everything that was said and what happens next.”

3.3. Short format reports – findings

Short format reports are intended to be written in circumstances where the complexity or sensitivity of information to be provided to the court requires additional time to verify or where it may be problematic if presented orally in open court. This would be in circumstances where, for example, risk of harm-related behaviour relates to an incident where no criminal proceedings resulted or where the defendant has not yet appeared in court. Particular consideration must be given to victim safety in deciding the appropriate method of presentation of information to the court. These reports are also intended to support sentencing on the day of conviction and not necessarily to require a further adjournment.

These reports were judged less sufficient for sentencing than oral reports, and the extent to which the proposal was the same as the sentence passed was lower as well, with almost one-third of the cases receiving an immediate custodial sentence. The following table represents the inspection findings from our sample of short format reports:

Table 5 – Quality of short format reports

	Inspector assessment (86 reports)
Sufficiency of offence analysis	61%
Was the RoSH assessment sufficient?	67%
Did the report contain sufficient information for the purposes of allocation?	92%
Overall, was the report of sufficient quality to assist the sentencing process?	71%
Was the outcome the proposed sentence?	49%

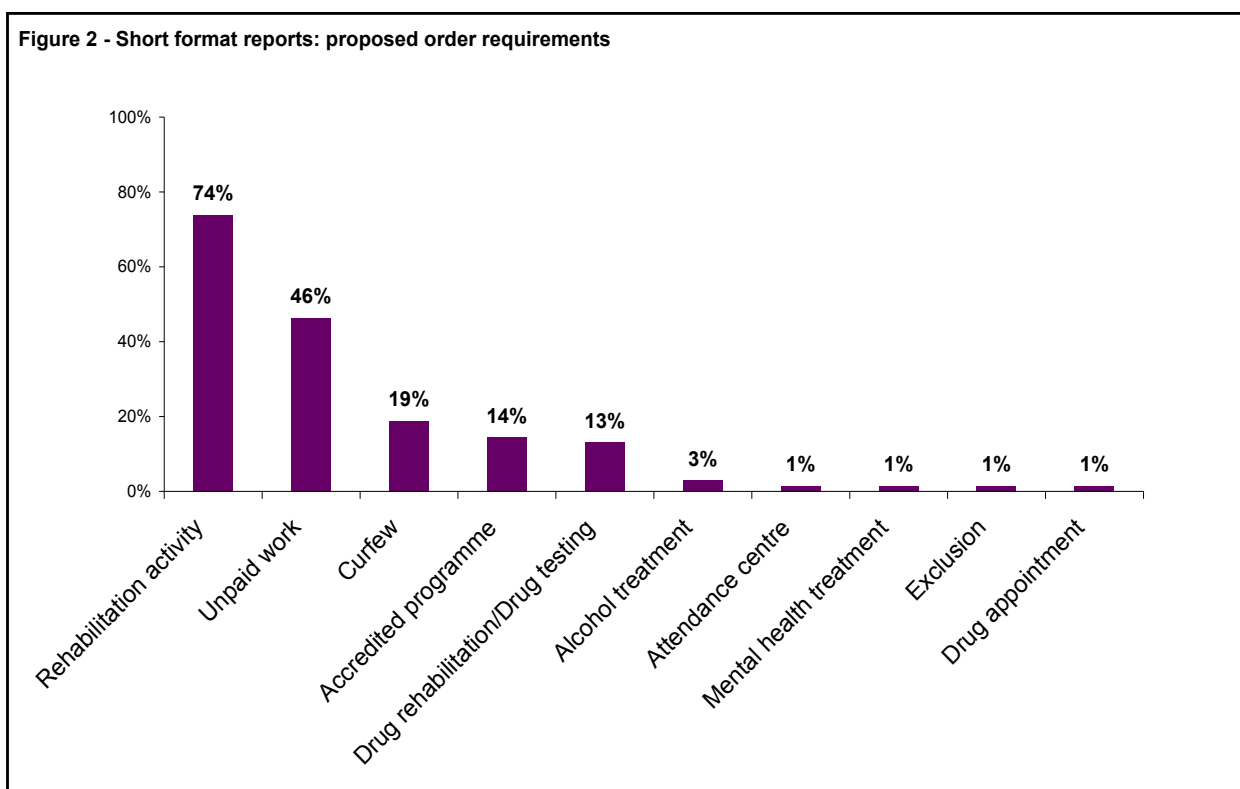
We had assumed in designing our sampling method that written short format reports would, in the main be delivered to relatively short adjournment periods due to an identified need to check information or secure a more detailed assessment for the purposes of proposal, for example, in the case of a mental health professional's involvement. We found that 10% of the cases were dealt with on the day of report request, with over one-third adjourned for more than 15 working days. We appreciate of course that listing is not the responsibility of the NPS.

The reports we inspected, however, were of lower quality overall than oral reports inspected, despite the lengthy adjournments afforded to some. In all bar one the assessment of RoSH the reports were less satisfactory than the oral reports in our sample. There were instances where the report had been written and submitted hastily, with typing errors and other mistakes which could undermine faith in the report, and possibly the NPS. The use of cutting and pasting into reports without a subsequent edit was commented on by a number of sentencers. In one case, for example, a female report subject was referred to as: 'his/him/she' on a number of occasions in the report.

Given the additional time allowed for most short format reports we were disappointed to find that only two-thirds contained a sufficient RoSH assessment. In addition, fewer sentencing proposals were in line with 'Safer Sentencing Recommendations' than for oral reports.

Proposals - short format reports

Figure 2 shows the range of sentencing requirements, proposed in our sample of short format reports.



Accredited programmes were proposed in a similar proportion of cases as in oral reports. RARs were less prevalent (but still most common) and unpaid work was slightly more commonly recommended. Given the lengthier adjournment periods for most cases, we would have expected to see more consideration of a broader range of proposals.

In this written sample we could see very few differences between the way men and women were treated. There were no proposals for accredited programmes for female report subjects, and as one might expect, the rate of custodial sentencing was slightly less than for men. Overall assessment of 'sufficiency for the purposes of sentencing' for women was markedly higher than for men.

3.4. Standard delivery reports - findings

The following table represents the inspection findings from our sample of standard delivery reports.

Table 6 – Quality of standard delivery reports

	Inspector assessment (20 reports)
Sufficiency of offence analysis	74%
Was the RoSH assessment sufficient?	60%
Did the report contain sufficient information for the purposes of allocation?	95%
Overall, was the report of sufficient quality to assist the sentencing process?	85%
Was the outcome the proposed sentence?	53%

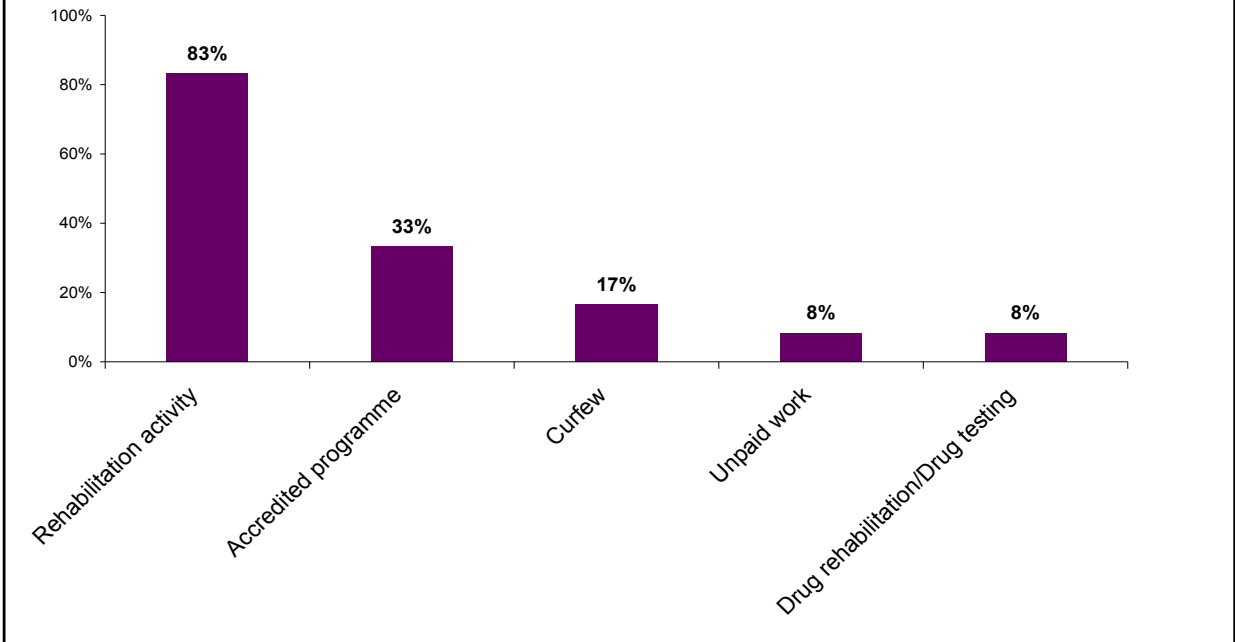
Standard delivery reports are intended for cases of sexual offending, serious violence, where there are complex mental health issues and where a report can contribute to an assessment of dangerousness. These cases are most likely to be heard in the Crown Court and, as such, it is expected that longer periods of adjournment may be necessary.

We inspected a relatively small sample (20) and it is evident that the purpose of the report is more often a contribution to the long-term management of the case and the development of risk management plans rather than having as its primary purpose advice on specific sentencing outcomes. While there were some very strong examples of risk assessment; we found that in eight of the cases the RoSH assessment was insufficient. This is a poor result.

Proposals - standard delivery reports

Figure 3 shows the range of sentencing requirements, proposed in our sample of standard delivery reports.

Figure 3 - Standard delivery reports: proposed order requirements



This is a relatively small sample of reports (20) and, due to the seriousness of offending being dealt with, in the majority of cases the individual report subject received a custodial sentence. This was the report proposal in six instances. The court outcome was the proposed sentence in just over half of the cases, with two of the four proposed Sex Offender Treatment Programme requirements forming part of the sentence passed by the court. There were no female cases in this sample.

3.5. Conclusions and implications

Oral reports are generally of a good standard, sentencers are confident that reports generally suit the purpose of sentencing, and individuals subject to sentence find oral report processes work fine. Short format reports, however, are not of the same quality, bringing into question the NPS arrangements for preparing short format reports.

Overall, RoSH assessments in our sample were not of a good enough standard despite the launch of an NPS Performance Improvement Tool at the end of 2016. The standards adopted appear to be comprehensive but those relating to assessing the RoSH are not consistently adhered to. Better quality assurance is needed.

Accredited programmes are being neglected as sentence options for no discernable reason. Accredited programme attendance can fit within a RAR. This option is explicitly included in the *Offender Rehabilitation Act 2014*, yet the structure of the CRC delivery contract and associated payment mechanism means that attendance is not funded. Contractual arrangements would therefore need to be adjusted, if these programmes are to be provided in this way.

Court processes increasingly require the speedy delivery of sentences, reducing the prospect that assessment undertaken at court will also be adequate for the purposes of managing risk and addressing need through the supervision of a community

sentence. Work undertaken at pace to advise the court for the purposes of sentencing is unlikely to cover the background, motivation and complex needs of an individual engaged in community supervision. When it does not, the receiving service provider – in most cases a CRC – picks up responsibility for the comprehensive assessment of newly-allocated cases, in order to develop a meaningful sentence plan. Yet CRCs are currently measured on the completion of an initial sentence plan, not the task or quality of any initial assessment.

4. Enforcement

In this chapter we report the findings of our inspection of the enforcement of community order cases in the magistrates' court. Inspectors undertook direct observation of the advice given to court in 37 cases of breach of community order in the magistrates' court. In 12 cases we identified the degree to which the sentencing bench (36 magistrates) found the advice sufficient for the purposes of decision-making. In 12 of the cases we were also able to elicit the report subject's view of the proceedings. Pre-court enforcement decision-making was out of scope of this inspection.

We explored issues concerning enforcement in a range of interviews with HMCTS, NPS and CRC staff and with members of the judiciary and magistracy in each of our inspection sites.

4.1. Findings

In four of the six inspection sites the NPS had established administrative hubs designed to coordinate and control the quality of breach, revocation and amendment documentation being presented to court. The extent to which court teams were served by the hubs varied, division by division. In Middlesbrough this was a function undertaken on behalf of all cases in the North East division, in Nottingham it dealt with cases within the local delivery unit of Nottingham and Nottinghamshire. In Southampton and Cardiff the process was managed by a combination of administrative staff and staff undertaking the enforcement officer role. The detail of case management processes and how they function was beyond the scope of this inspection and our observations relate primarily to the presentation of cases in the court setting.

Our main findings from direct observation are detailed in the following tables:

Table 7 – Enforcement cases

	Inspector assessment -37 cases	Sentencer perspective – 36 magistrates
Was enforcement presented sufficiently well to the court?	100%	100%
Was the recommendation of the enforcement officer followed?	94%	-
Was the recommendation of the enforcement officer appropriate?	-	100%
Was all necessary information available when presented by the NPS?	95%	100%

In all cases observed the court was able to deal with the case on the day of the hearing. The majority of cases (89%) were managed by a CRC and almost all of the breach files contained sufficient information for the effective prosecution of the case. In 82% of the cases the enforcement process concerned between one and three failures to comply with supervision. In two of the cases there had been more than six occasions of unacceptable absence.

In all but one of the cases the enforcement officer role was carried out by a PSO member of staff and the enforcement officer was able to sufficiently answer questions from other court users and the sentencing bench on all the occasions this was necessary.

The following table shows the way in which report subjects viewed the enforcement process:

Table 8 – Report subject response

	Report subject response (n=12)
Were you treated fairly by the enforcement officer?	92% reported that they were treated fairly
Are you clear about what happens next with your sentence?	100% were clear about what happens next
Are you more or less likely to comply with your sentence?	100% reported that they were more likely to comply in future

Comments made by sentencers on cases observed and in semi-structured interviews were generally positive and included views that NPS staff are:

“Very effective, incredibly helpful.”

“They are very well prepared and organised, they know the cases they are presenting and are very professional. They have always been able to answer questions that come up in a confident way.”

Judges and magistrates were concerned, however, about some aspects of case management. A recurring theme was considerable disquiet in relation to the pre-court decision-making in respect of breach proceedings. Sentencers expressed a lack of confidence in the robustness of the delivery of community sentences, in particular drug rehabilitation, unpaid work and RARs.

One judge indicated that there was:

“a complete breakdown of trust”

in the delivery of community sentences by the local CRC. The judge expressed the view that CRC contracts were:

“...set up in a manner which undermines the credibility of the sentence delivered in the court’s eyes in relation to both the punishment and rehabilitative purposes of sentencing.”

In a probation liaison committee it was noted that:

“We have seen cases where they have been breached but long periods of time where it seems there were not being supervised. We are also concerned that requirements are not being completed and offenders are being breached due to not having enough time to do things like BBR. This makes us question what have the CRC been doing from the start of the order and why did they not breach earlier in the order.”

Criticism was not limited to the CRCs and in more than one area the delivery of the Sex Offender Treatment Programme by the NPS was highlighted as an area of concern.

4.2. Conclusions and implications

The performance of NPS staff in the presentation of advice to the magistrates’ court is very good in all respects. In each site inspected HMCTS had designated enforcement courts, enabling the NPS to adopt a consistent approach as the prosecuting authority. NPS staff were clearly competent and their work valued by sentencing courts, going some way towards enhancing sentencer confidence in community sentences.

The NPS had allocated the right resource to this area of work in all sites inspected and a great deal of thought had been given to process design and adherence, successfully.

In the sample inspected the work of the CRCs demonstrated progress in getting breach information to court to a standard that enabled professional work to be delivered in court to the satisfaction of the bench hearing the case. The CRCs and NPS in each area cited formal arrangements for working together as the reason for this progress.

5. Technology and workforce

In this chapter we present our findings in relation to whether NPS staff are enabled to produce good quality advice through TSJ and BCM initiatives and access to improved IT systems. To address the question we conducted semi-structured interviews with NPS senior managers, SPOs and focus groups of operational staff in all our six inspection sites. We also consider the capacity and capability of newly-established court service teams to achieve the organisational targets set by the NPS to support TSJ and BCM targets. We conducted staff focus groups to capture perspectives on these issues. The issues of competence and capability of NPS staff were further explored in meetings with HMCTS managers, magistrates and judges.

5.1. Use of technology

The MoJ vision for swift sentencing includes the exploitation of modern technology to improve the speed and effectiveness of the delivery of justice. This is dependant upon all parties (including the NPS) being able to use secure court Wi-Fi within court buildings, allowing material held elsewhere to be accessed immediately, and forms to be completed and transferred between the parties digitally. We found that the NPS, unlike other court users, was significantly impeded by its IT systems and so had to adopt more time-consuming and inefficient interim solutions, for example photocopying documents and using fax machines.

The following are responses to questions concerning IT from staff and managers:

“Only three laptops work. Not everyone has a password. Could be online in court and respond immediately.”

In a courthouse with 22 courts, we were advised:

“The IT is the biggest problem, it often does not work and we only have two laptops across the courts. These often fail in open court and we are unable to answer questions and have to request adjournments.”

In one area a set of reconditioned laptops was issued to the staff. The majority failed to work and have been stored in a cupboard since.

Virtual hearings

It is anticipated that over time courts will use online, virtual and traditional hearings as best meets the circumstances of the case. As new technologies bed down, it is expected that an increasing number of cases will be carried out virtually or online. The introduction of video-link technology is viewed as a significant addition to the development of efficient court proceedings. So, for example, courts can deal with cases without incurring the costs of transporting prisoners. We did observe NPS staff adapting to new methods of working, evidenced as follows in respect of an enforcement case.

Good practice example:

A 39 year old man arrested on warrant and held at a police investigation centre was presented via video-link to court to answer a charge of breach of unpaid work. The case was dealt with in its entirety by video link from the centre. The prosecution was presented by the probation service enforcement officer and dealt with by way of a financial penalty with the order to continue. The process took less than ten minutes.

A more complex case was similarly dealt with in the same area.

Good practice example:

A 22 year old male arrested for breach of a restraining order while on bail for charges of violent behaviour within a relationship, was held in, and presented to court from, a police investigation centre. All necessary domestic abuse and Child Protection checks were initiated and completed before the case appeared for sentence. The reporting officer conducted a thorough interview by video-link which lasted an hour and a half. The report subject felt that the interview had been fair and expressed confidence in working with the probation service on the basis of the fairness and clarity of the process. He did suggest that the interview had been, perhaps, a little rushed. The sentencing District Judge followed the proposal for a community order with a requirement to attend the BBR accredited programme run by the CRC.

5.2. Workforce

What is intended by NPS?

The intended shape of NPS court service teams is outlined in the NPS Operating Model (E3), launched in June 2016. Targets to support TSJ and BCM form part of the design in which dedicated teams will produce all of the reports to the courts they service. This includes all new reports and cases current to the NPS and CRC as well as out of area reports. The teams are formed of probation officers (POs) and PSOs, with the intention that administrative staff will, in the longer-term, work in virtual or actual administrative divisional hubs.

During the period of our inspection the staffing changes associated with this model had either already been implemented or were on the immediate horizon. The model assumes that the majority of PSRs will be written by PSOs (who have completed the required training) with reports reserved to POs only in 'specified circumstances'.

Team capacity

In the inspection sites the court services teams were adequately resourced. Each had a dedicated court team SPO, and in the larger urban areas there were separate SPOs for Crown and magistrates' courts. On the whole, the staff groups did not seem to be overburdened. There was no talk of excessive workloads, but reference to new stresses associated with needing to cover multiple roles and working at considerable pace. Generally the teams seemed highly motivated and committed to providing the best service they could.

Training and competence

Our *Transforming Rehabilitation - Early Implementation 5* inspection found that:

'in one local delivery unit, probation service office court staff were insufficiently trained and ineffective in the court setting. In particular, they lacked confidence and knowledge in assessing risk of harm. Across the six inspections, we read a number of oral reports that we thought were of little value to the court, and provided an insufficient assessment of the individual and their offence.'

In this inspection we found strong evidence of progress in respect of confidence in court. There are currently clear demarcations in the allocation of work, reserving the most complex cases to PO grade staff. We found these to be operating appropriately in our inspection sites.

When asked about the competence and training of NPS staff, one group of magistrates offered the view that:

"We have a lot of confidence in the reports from the NPS and the Probation service. The staff are professional and represent the service positively."

This point of view was replicated across all our inspection sites.

There were some rubbing points concerning the availability of staff for oral reports or occasional lapses in practice standards, but on the whole sentencers expressed a great deal of satisfaction in the work being presented to them. More than anything the positive and helpful working practices dominant in the NPS were what appeared to impress. One Resident Judge stated:

"They are there, they guide me. They do stand-down reports. Someone else may have done a written report but they can explain."

The dominant method of learning in the NPS is through observing or shadowing colleagues. Formal training for PSOs has been available but generally it is not perceived as being sufficient to equip the individual to undertake the tasks associated with delivering PSRs. The training was characterised by one PSO thus:

"There is a difference between training and briefing sessions – POs get training, PSOs get briefings."

There were particular concerns expressed by some of the PSOs about taking on some of the assessment work with sex offenders and domestic abuse perpetrators. There was evident knowledge of the core training provided by the NPS for report writing and staff from most of the inspected areas had attended a two day course.

In other parts of this report we have noted the role of the SPO in developing working arrangements to support speedier delivery. There is also a pivotal role in relation to staff developing into new roles and activities. Staff members were resigned to arrangements which were less consistent than they had perhaps been in the past and understood the changing role and expectations of middle managers. Some areas had developed peer support mechanisms that provided a valuable opportunity for reflective practice, in addition to the formal line management arrangements.

5.3. Conclusions and implications

It is evident that the NPS is in great need of a technological upgrade if it is to meet the challenges and avail itself of the opportunities provided by wider improvements in IT. Other court users are well-advanced in the use of more modern technology and, through no fault of NPS staff, the outdated equipment in use is an obstacle to more streamlined working practice.

The court services teams were reasonably well-resourced, and staff were appropriately skilled and were delivering as well as possible despite poor IT. Many had had to adapt to changes with which they found discomfoting as practitioners, others appeared to welcome the opportunities to develop and learn new skills. The majority of sentencers we spoke to were positive about the NPS work and staff. High standards are being set and they need to be maintained and where necessary improved.

Appendices

1. References
2. Glossary
3. Methodology

Appendix 1: References

Gelsthorpe L, Raynor P and Robinson G (2010) Pre-sentence reports in England and Wales: changing discourses of risk, need and quality in McNeill, Raynor and Trotter (2010) *Offender Supervision, new directions in theory, research and practice*, Willan, 2010

HMI Probation (May 2016) *Transforming Rehabilitation: Early Implementation 5*, Manchester: Her Majesty's Inspectorate of Probation

HMI Probation (September 2016) *A thematic inspection of the provision and quality of services in the community for women who offend*, Manchester: Her Majesty's Inspectorate of Probation

HMI Probation (February 2017) *The implementation and delivery of rehabilitation activity requirements*, Manchester: Her Majesty's Inspectorate of Probation

Ministry of Justice (July 2014) *Transforming the CJS – A Strategy and Action Plan*, MoJ, June 2013, Cm 8658; *Transforming the CJS – an Implementation Update*, MoJ, July 2014, Cm 8868

Ministry of Justice (January 2017) *Offender Management Statistics Quarterly Publication*, London: Ministry of Justice

Ministry of Justice (February 2017) *Ministry of Justice Strategy: our next 10 years*, London: Ministry of Justice

National Probation Service (2016) *Practice Guide for National Short Format Reports*

NOMS (2016) *Annual NOMS Digest – 2015/16*: London, NOMS

Appendix 2: Glossary

Accredited programme	A programme of work delivered to offenders in groups or individually through a requirement in a community order or a suspended sentence order, or part of a custodial sentence or a condition in a prison licence. Accredited programmes are accredited by the Correctional Services Accredited Panel as being effective in reducing the likelihood of reoffending
Allocation	The process by which a decision is made about whether an offender will be supervised by the NPS or a CRC
BASS	Bail Assessment and Support Service: housing provided by Stonham Housing Association (UK wide) under a HMPPS contract to accommodate people on bail before sentence and also those suitable for early release from prison on Home Detention Curfew
BCM	Better Case Management: the initiative within Transforming Justice which aims to deliver a more efficient justice system in the Crown Court
BBR	Building Better Relationships: a nationally accredited groupwork programme designed to reduce reoffending by adult male perpetrators of intimate partner violence
Case Allocation System	A document that needs to be completed prior to the allocation of a case to a CRC or the NPS
Child Protection	Work to make sure that that all reasonable action has been taken to keep to a minimum the risk of a child coming to harm
CRC	Community Rehabilitation Company: 21 such companies were set up in June 2014, to manage most offenders who present low or medium risk of serious harm
E3	E3 stands for 'Effectiveness, Efficiency, and Excellence'. The E3 programme was created following the Transforming Rehabilitation programme in June 2014. The basic principle is to standardise NPS delivery, redesigning the NPS structure with six key areas of focus, including: community supervision; court services; custody; youth offending services; victims' services and approved premises
HMCTS	Her Majesty's Courts and Tribunal Service: the single agency responsible for the administration of criminal, civil and family courts and tribunals in England and Wales

HMPPS	Her Majesty's Prison and Probation Service: from 01 April 2017 HMPPS became the single agency responsible for delivering prison and probation services across England and Wales. At the same time, the Ministry of Justice took on the responsibility of overall policy direction, setting standards, scrutinising prison performance and commissioning services which used to fall under the remit of the National Offender Management Service (the agency that has been replaced by HMPPS)
Local delivery unit	An operational unit comprising an office or offices, generally coterminous with police basic command units and local authority structures
MoJ	Ministry of Justice: the government department with responsibility for the criminal justice system in the United Kingdom
nDelius	National Delius: the approved case management system used by the NPS and CRCs in England and Wales
MAPPA	Multi-Agency Public Protection Arrangements: where probation, police, prison and other agencies work together locally to manage offenders who pose a higher risk of harm to others. Level 1 is ordinary agency management where the risks posed by the offender can be managed by the agency responsible for the supervision or case management of the offender. This compares with Levels 2 and 3, which require active multi-agency management
NOMS	National Offender Management Service: the single agency responsible for both prisons and probation services in England and Wales until 31 March 2017. Since 01 April 2017 this service has been superseded by Her Majesty's Prison and Probation Service
NPS	National Probation Service: a single national service which came into being in June 2014. Its role is to deliver services to courts and to manage specific groups of offenders, including those presenting a high or very high risk of serious harm and those subject to MAPPA
OASys	Offender Assessment System: currently used in England and Wales by the NPS and CRCs to measure the risks and needs of offenders under supervision
<i>Offender Rehabilitation Act 2014</i>	Implemented in February 2015, applying to offences committed on or after that date, the <i>Offender Rehabilitation Act 2014</i> (ORA) is the Act of Parliament that accompanies the Transforming Rehabilitation programme

PSR	Pre-sentence report: this refers to any report prepared for a court, whether delivered orally or in a written format
PO	Probation officer: this is the term for a 'qualified' responsible officer who has undertaken a higher education-based course for two years. The name of the qualification and content of the training varies depending on when it was undertaken. They manage more complex cases
PSO	Probation services officer: this is the term for a responsible officer who was originally recruited with no qualification. They may access locally determined training to 'qualify' as a probation services officer or to build on this to qualify as a probation officer. They may manage all but the most complex cases depending on their level of training and experience. Some PSOs work within the court setting, where their duties include the writing of pre-sentence reports
RAR	Rehabilitation Activity Requirement: from February 2015, when the Offender Rehabilitation Act was implemented, courts can specify a number of RAR days within an order; it is for probation services to decide on the precise work to be done during the RAR days awarded
RoSH	Risk of Serious Harm: a term used in OASys. All cases are classified as presenting a low/ medium/ high/ very high risk of serious harm to others. HMI Probation uses this term when referring to the classification system, but uses the broader term risk of harm when referring to the analysis which has to take place in order to determine the classification level. This helps to clarify the distinction between the probability of an event occurring and the impact/severity of the event. The term Risk of Serious Harm only incorporates 'serious' impact, whereas using 'risk of harm' enables the necessary attention to be given to those offenders for whom lower impact/severity harmful behaviour is probable
SPO	Senior probation officer: first line manager within the NPS
Sex Offender Treatment Programme	A programme that is suitable for any offender with a current or previous conviction for a sexual offence, or another offence which has an identifiable sexual element to aid in the desistance of this type of behaviour
Thinking Skills Programme	An accredited group programme designed to develop an offender's thinking skills to help them stay out of trouble
TSJ	Transforming Summary Justice: the initiative within Transforming Justice which aims to deliver a more efficient justice system in the magistrates' court

Appendix 3: Methodology

This thematic inspection was primarily concerned with the provision of information and advice to court by the National Probation Service (NPS) in England and Wales. We, therefore, limited our inspection to information relevant to sentencing and the case allocation decision. We inspected the work in six court areas: Cardiff, Liverpool, Middlesbrough, Norwich, Nottingham and Southampton. The inspection examined work in both Crown and Magistrates' Courts in each location.

We inspected 160 PSRs following which a sentence had been imposed using a combination of direct observation and documentation assessment. We also inspected by direct observation the delivery of the enforcement of community orders in the magistrates' court in 37 cases. In each case involving direct observation we elicited, where possible, the perspectives of report subjects (49) and sentencers.

In order to investigate the context in which the work was taking place we conducted semi-structured interviews in all of the inspection sites with: Her Majesty's Courts and Tribunal Service Managers (HMCTS) for both Crown and Magistrates' Court (12), senior managers from the NPS (6), NPS senior probation officers (6), NPS court staff (49), senior managers from the local CRC (6), Crown Court Resident Judges (6), Probation Liaison Judges (4), District Judges (5), and magistrates (119).

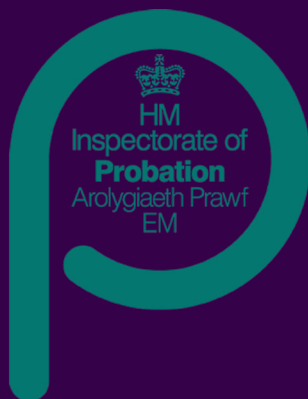
The key components of this inspection were:

Part one – Pre-fieldwork

1. A literature search conducted in November 2016.
2. A call for evidence in November 2016 via our website, Twitter and LinkedIn with email requests to key stakeholders. No responses were received.
3. Documentary analysis in respect of legislation, Transforming Summary Justice and Better Case Management, policy development, Probation Instructions, court instructions (for example sentencer guidelines), IT strategy for courts.
4. A pilot exercise for the fieldwork was undertaken in Chester to gather information and test our methodology.

Part two – Inspection fieldwork

5. Identification and analysis of working arrangements between HMCTS, NPS and CRCs.
6. Court work observation of enforcement practice.
7. PSR sampling (documentary and observational in respect of oral reports).
8. NPS staff focus groups.
9. Court manager interviews (NPS).
10. Interviews with key senior managers from CRCs, NPS and HMCTS.
11. Sentencer interviews/focus groups.
12. Service user interviews.



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