

Service	Court Work other than Assessments & Reports	Version	P4.0
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Service Specification for

Court Work other than Assessments & Reports

Service Specification Document

This document defines the service, including the required outcome(s) and outputs. As part of an SLA or Contract, the national minimum outputs in this document are mandatory for all providers. The document can also contain optional outputs that are available for Commissioners to commission.

1. Service Specification Document

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Version Control Table		
Version No.	Reason for Issue / Changes	Date Issued
P1.0	Preview publication	25-07-2011
P2.0	Go live publication. Changes made since preview publication: <ul style="list-style-type: none"> • Meaning of 'provider of probation services' clarified (Offender Management Act) • References updated • Service elements expanded to refer to "Trusts and contracted providers", to align with last paragraph of strategic context on page six 	01-10-2011
P2.1	<ul style="list-style-type: none"> • Correction to wording of service element from "Promote sentencer and judicial knowledge and confidence" to "Sentencer or judicial knowledge and confidence are promoted". • Out of scope service elements (section 5): caveat added regarding bail services, clarifying that court hearings and promotion of bail services are in scope. 	04-04-2012
AFP1.0	<p>Available for Planning Purposes version. Prepared for MOJ website to assist with forward planning, following revisions to align with the Rehabilitation Programme. No changes made to key outcomes.</p> <p>References to 'Public Sector Probation Service' amended to 'National Probation Service' throughout, and 'other providers of probation services' changed to 'contracted providers'.</p> <p>Strategic Context: updated to include completed roll out of the Early Guilty Plea scheme and abolition of Committal hearings. References to development of virtual court technology added.</p> <p>Out of scope service elements: reference made to offender allocation tool and preparation of breach reports.</p> <p>Dependent service elements: References added to importance of providing high quality breach reports, to reflect that the Court Work specification does not include an output of quality assurance of breach packs.</p> <p>Key changes to service outputs:</p> <ul style="list-style-type: none"> • Output 9 (communicating outcomes of court hearings) amended to include the issuing of licences with post release management and supervision 	10-03-2014

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	<p>requirements</p> <ul style="list-style-type: none"> • New output 10 added (communicating outcome of case allocation tool to relevant provider) • Output 12: Output reworded to include those offenders who are released directly from court. Applicable offender type widened to include all offender “subject to an order or licence” • Output 3: ‘equality’ removed as policy theme. • Outputs 6 & 7: references added to post release management and supervision licences • Output 16 worded, to add reference to contracted providers. ‘Local SLAs’ changed to ‘local protocols’. <p>Mandatory/non-mandatory references updated where required.</p>	
P3.0	Go live version. No significant changes made. Minor updating of references in line with new Probation Instructions. Note: Output row 9 - issuing of licences with post release management and supervision requirements will apply on commencement of relevant legislation.	03-06-2014
P3.1 IP	Version prepared for internal publication only, in line with pre-election publication guidance. National Minimum Outputs: Rows 14 and 15: References to PSI 15/2015 on Adult Social Care and to DH Care and Support Statutory Guidance added in column for ‘Detailed Mandatory Instructions’. Social Care added as policy theme. Minor updating of other references, including references to National Standards (new version issued from 1 Feb 2015).	01-04-2015
P3.1	Post-election publication version. No new changes made.	18-05-2015
P4.0	MOJ Community Commissioner review, to update policy reference material. The following Probation Instructions have been removed and replaced with the most up to date PI: PI 11/2011 replaced with an up dated PI 04/2016 – Determining Pre-Sentence Reports PI 11/2014 Licence Conditions, Polygraph Examinations and Temporary Travel Abroad replaced with PI 09/2015 – however there is a new PI awaiting sign off with OPG which will change this again in the near future. PI 49/2014 Liaison Arrangements between Sentencers and Providers of Probation Services replaced with PI 18/2016 PI 04/2013 Notification and review procedures for Serious Further Offences (revised)	26-10-2017

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	<p>With PI14/2014.</p> <p>Probation Circulars Removed, no indications of any replacement policy documents or planned work at this time to review, therefore it was felt that these were out of date:</p> <ul style="list-style-type: none"> • Probation Circular (PC) 38/2005 HMCS Effective Practice Guide on Enforcing Community Penalties. • PC 78/2005 Community Order Completion and Progress Reports to Courts • PC 87/2005 Recording Information on Individuals who Present a Risk to Children • PC 05/2008 Determining Unacceptable Absences <p>The policy statements below have been added to the specification to provide details of expectations of NPS for safeguarding.</p> <ul style="list-style-type: none"> • NPS Policy Statement: Safeguarding and Promoting the Welfare of Children (2017) • NPS Policy Statement: Safeguarding Adults at Risk (2016) • NPS Practice Guidance: Safeguarding Adults at Risk; Offenders in the Community with Care and Support Needs (2016) <p>Updated:</p> <p>HM Government's Statutory guidance for Working Together to Safeguard Children was updated in 2015 and this has been changed to reflect this. It appears that further work will take place later this year (2017) to further revise this guidance.</p> <p>Statutory guidance for Wales is Safeguarding Children: Working Together under the Children Act 2004 (2007) has been added, however this is also due for a revision later this year.</p> <p>Legislative duties for Probation providers regarding safeguarding and promote the welfare of children in section 11 of the Children Act 2004 applies to England with the duty for Wales is in section 28 of the 2004 Act.</p> <p>For safeguarding adults, the relevant legislation is the Care Act 2014 and the Social Services and Well-being (Wales) Act 2014 with associated statutory guidance.</p> <p>Reference to Transforming Summary Justice and the Better Case Management added as updates to the wider system.</p>	
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Introduction to Court Work other than Assessments & Reports Specification

1.	Service Name	Court Work other than Assessments & Reports
2.	Key Outcome(s) for Service	<ul style="list-style-type: none"> • Judges and magistrates are provided with professional advice and information to assist them in sentencing and other decision making • Offenders who are made subject to community orders understand their obligations and how the sentence will proceed • Court processes are in place to ensure effective enforcement of orders and licences • Court processes are in place to ensure early identification of risk of self harm to those offenders who may receive a custodial sentence and for other safeguarding duties • Judges and magistrates are fully informed of the sentencing options, availability of options and their relative effectiveness • Judges and magistrates have confidence in the advice and services provided to them
3.	Definition of Service	<p>The Offender Management Act 2007 defines “probation purposes”. Section 1(1) (a) states one of the purposes is: “providing for courts to be given assistance in determining the appropriate sentences to pass, and making other decisions, in respect of persons charged with or convicted of offences”.</p> <p>Section 4(2) of the Act states that the Secretary of State can only make arrangements for the provision of services to the court with the National Probation Service or other public body. This means that it is a “restricted probation provision”. This ‘reserved element’ restricts the delivery of court services to the public sector and can only be overturned by an order which must be debated in both Houses of Parliament.</p> <p>Whilst the Act defines probation purposes to include giving assistance to courts, the responsibility for the effective enforcement of orders is also an important role for the National Probation Service.</p>
4.	Service Elements In Scope	<ul style="list-style-type: none"> • Prepare information to assist the court in sentencing decisions • Represent the National Probation Service and contracted providers in court proceedings • Ensure communication with the National Probation Service, contracted providers, service users and other agencies

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		<ul style="list-style-type: none"> • Sentencer and judicial knowledge and confidence are promoted
5.	<i>Out of Scope Service Elements</i>	<p>The following fall within the 'Assessment & Reports Pre-Sentence' specification, and so are outside the scope of this specification:</p> <ul style="list-style-type: none"> • The decision about the most appropriate format for the preparation of the Pre-sentence Report, subject to sentencer agreement after the report has been requested. This includes completion of the Offender Group Reconviction Score (OGRS) and the OASys Risk of Harm screening. • The completion of the Case Allocation Tool. • Assessments and the preparation of written and oral reports • Presentation of oral reports <p>The following fall within the Manage the Sentence for a Community Order or Suspended Sentence Order Specification, and so are outside of scope of this specification:</p> <ul style="list-style-type: none"> • The preparation of Breach reports <p>The following are also excluded:</p> <ul style="list-style-type: none"> • Bail Services (except for notification of court hearings and promotion of bail services, which are in scope) • Court martial services • Services to victims which are addressed in the Victim Liaison specification • Post-sentence OASys completion in custody or community • Use of interpretation and translation services and their associated costs, which are provided by Her Majesty's Courts and Tribunals Service (HMCTS¹)

¹ Prior to 1 April 2011, known as Her Majesty's Courts Service (HMCS)

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6.	Dependent Service Elements	<ul style="list-style-type: none"> • ‘Assessment & Reports Pre-Sentence’ specification: it is important that National Probation Service staff present high quality reports to courts. This allows staff to maintain the confidence of the court and form effective relationships with judges, magistrates and other service users based in the court setting • ‘External Movements & Appearances’ specification: this specification relates to the movement of defendants between custodial and court settings. The prisoner escort contract service is responsible for defendant movement and transfer of appropriate risk information • ‘Manage the Sentence for a Community Order or Suspended Sentence Order’ and ‘Manage the Custodial & Post Release Periods’ specifications: Offenders coming out of prison will be subject to a period of licence and then a period of supervision. It is therefore important that breach reports prepared for court by both National Probation Service staff and contracted providers are of high quality and require no significant rework by court staff
7.	Strategic Context	<p>The specification aligns with the Ministry of Justice (MOJ) <i>Transforming Rehabilitation: A Strategy for Reform</i> document published in May 2013. This outlines the services provided by the National Probation Service and prisons, and the services to be delivered by contracted providers.</p> <p>The National Probation Service holds responsibility for advice to courts, offender management of MAPPA/high risk of serious harm and other public interest offenders. For low and medium risk of serious harm cases, the National Probation Service must also respond to information from the contracted provider and staff working in prisons that suggests that there may be a potential escalation to high risk of serious harm, undertake renewed risk assessments and take on the responsibility for the management of any cases in which risk of serious harm has become high.</p> <p>This specification requires effective working arrangements between the National Probation Service, prisons and providers of services.</p> <p>Sentencing practice has for many years been supported by the work of probation staff in courts, providing advice and information to assist with sentencing decisions.</p> <p>Over the last few years there have been a number of drivers causing probation trusts to streamline their services to courts.</p> <p>HMCTS view the National Probation Service availability in court as key if the Transforming Justice Programme is to be actively supported and the disposal rates of the court cases improved.</p> <p>Increased pressure on probation budgets has driven the need for new, more efficient and cost effective court work operating models and, in 2008, NOMS funded a national value for money pilot project entitled ‘Excellence in</p>

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Sentencing'. Its goal was to consider HMCS as a key customer of probation services and to look to designing a more efficient and effective model of delivery.

Lord Justice Leveson issued guidance in June 2008 setting out the principles for liaison between the judiciary and probation. The guidance emphasised that "the sentencing task is an independent function of sentencers. The provision of independent high quality advice on offenders through reports for sentencers is the function of the Probation Service." It also said that: "Effective liaison must be established with both the Crown Court and Magistrates' Courts... assisted by current information about the availability and effectiveness of various sentencing options, and performance data about the local Probation Service [Trust]." Probation staff in court are required to have confidence to challenge judges and magistrates and other court users through robust discussion. They should aim to influence both the type of reports requested and ensure that any sentencing proposals are 'proportionate'.

HMCS produced a discussion paper 'The way forward for Magistrates' Courts Business' in August 2010, which was used to consult with criminal justice agencies. The discussion paper placed a strong emphasis on the need to ensure value for money, and goes alongside rationalisation of the courts estate to improve utilisation of larger court buildings and increased rates of disposal.

As part of wider measures to speed up justice and improve efficiencies in the justice system, the roll out of the Early Guilty Plea scheme was completed in the spring of 2013 and committal hearings across England and Wales were abolished in May 2013. These initiatives aim to reduce the high cost of successive adjournments and increase the demand for a more proactive probation service.

Other changes to make the justice system swifter include introducing dedicated traffic courts to deal with low level motoring offences and increasing the use of video links between courts, prisons and police stations, saving time and money for the whole justice system.

Closer working between magistrates' and crown courts in respect of the use of appropriate sentencing powers could result in more work moving from crown courts to magistrates' courts. The development of HMCTS 'Problem Solving Courts', which are intended to tackle issues behind low level offender behaviour (such as addiction, unemployment and debt) may also change the operational environment. Similarly, virtual court technology is currently being evaluated to determine cost benefit and impact on fairness of the justice process.

All of these developments require flexible and proactive probation services to be in place.

Section 3 of the Offender Management Act 2007 enables the Secretary of State to make contractual or other arrangements with any person for the making of probation provision. The Act defines a "provider of probation services" as a person with whom the Secretary of State has made these arrangements. These arrangements may authorise or require providers to co-operate with other providers of probation services.

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		<p>Equalities</p> <p>Under the Equality Act 2010, the Ministry of Justice has an ongoing legal duty to pay ‘due regard’ to the need to: eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct; advance equality of opportunity between different groups (those who share a protected characteristic and those who do not); and, foster good relations between different groups. Providers are required to act in accordance with this duty, as well as the more general provisions of the Equality Act. Historically, there have been unequal patterns of outcomes, with some groups of offenders with shared protected characteristics faring better than others (see NOMS Equalities Annual Report 2011-12). The MOJ is committed to address this disproportionality.</p> <p>Female Offenders</p> <p>Female offenders are a minority grouping within the offender cohort and often exhibit complex needs which must be addressed if their risk of reoffending is to be reduced. The government published its Strategic Objectives for Female Offenders in March 2013, which is integral to the delivery of offender management services. Needs in relation to domestic violence, sexual violence, and abuse are highly prevalent among female offenders. The MOJ and NOMS continue to work with the Home Office on its Ending Violence Against Women and Girls annual action plan.</p>
8.	Flexibility	All the outputs in this specification are mandatory – referred to as the National Minimum.
9.	Reference to Supporting Documents	Supporting documents to be determined.
10.	Example Measurement/ Assurance Method for Commissioners	Delivery under this specification is subject to the requirements set out in the NPS SLA; the CRC Contract (Schedule 9 - Service Levels and Service Credits and Schedule 21 - Management Information); and NOMS Performance Reports. These documents include information about key performance measures, equalities data, management information, quality assurance and inspection activities.
11.	References for Detailed Mandatory Instructions	<ul style="list-style-type: none"> • Probation Instruction (PI) 04/2016 Implementation of the Court Work other than Assessments and Reports specification • PI 05/2014 & PSI 14/2014 Case Allocation • PI 06/2014 Enforcement of Community Orders, Suspended Sentence Orders

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- PI 09/2015 Licence Conditions, Polygraph Examinations and Temporary Travel Abroad
- PI 29/2014 Post Sentence Supervision Requirements
- PI 18/2016 Liaison Arrangements between Sentencers and Providers of Probation Services
- Safeguarding Children: Working Together under the Children Act 2004 (2007).
- Legislative duties for Probation providers regarding safeguarding and promote the welfare of children are contained in section 11 of the Children Act 2004. This applies to England and the duty for Wales is contained in section 28 of the 2004 Act.
- Safeguarding adults, the relevant legislation is the Care Act 2014 and the Social Services and Well-being (Wales) Act 2014 with associated statutory guidance.

Working Together to Safeguard Children. A guide to inter-agency working to safeguard and promote the welfare of children' (HM Government, March 2015)

NOMS NPS Safeguarding policy statements:

NPS Policy Statement: Safeguarding and Promoting the Welfare of Children (2017)

- **NPS Policy Statement: Safeguarding Adults at Risk (2016)**
- **NPS Practice Guidance: Safeguarding Adults at Risk; Offenders in the Community with Care and Support Needs (2016)**
- PI 04/2016 Determining Pre-Sentence Reports - Sentencing within the new framework
- PI 14/2014 Notification and review procedures for Serious Further Offences
- PI 16/2012 The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 – General summary of release and recall provisions
- Criminal Justice Act 2003
- Criminal Procedure Amendment Rules
- Care and Support Statutory Guidance Issued under the Care Act 2014; Chapter 17. Prisons, approved premises and bail accommodation (DH, October 2014)
- Equality Act 2010

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		<ul style="list-style-type: none"> • Service Provider Contracts/Service Level Agreements • Criminal Justice: Simply, Speedy Summary (CJSSS) Guidance, Transforming Summary Justice and the Better Case Management. • National Standards for the Management of Offenders in England and Wales 2015
12.	References for Non-Mandatory Guidance	<ul style="list-style-type: none"> • PSI 15/2015 (AI 10/2015 – PI 11/2015) Adult Social Care • National Guidance and Evaluation on CJSSS, NOMS 2008 • Lessons Learned and Examples of Good Practice (CJSSS), NOMS 2008 • National Standards for the Management of Offenders: Practice Framework • Guidance on reviews completed under s178, Criminal Justice Act 2003 • XHIBIT (Exchanging Hearing Information by Internet Technology) Guidance, 2007 • Libra Probation End User Guide v2.1, 2009 • Getting Orders Started Report (HMIP, 2007) • Criminal Case Management Framework (2008) • Sentencers Information Report Guidance (2009) • Local Criminal Justice Board (LCJB) Guidance • MOJ Strategic Objectives for Female Offenders (2013)
13.	Review Cycle	Review cycle to be determined

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Specification

National Minimum

Row	Service Element	Outputs/Output Features	Applicable Defendant /Offender Types	Policy Theme	Example Measurement / Assurance Method for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
1.	Prepare Information to Assist the Court in Sentencing Decisions	Cases relevant to the work of the National Probation Service and contracted providers are identified and prioritised in advance of the court sitting.	All relevant defendants and offenders		Contract Management / Service Level Agreements	Criminal Procedure Rules	Criminal Case Management Framework 2008
2.	Prepare Information to Assist the Court in Sentencing Decisions	Up-to-date and accurate information is prepared for court hearings.	All relevant defendants and offenders	Public Protection	Contract Management / Service Level Agreements	National Standards / PI 04/2016	
3.	Prepare Information to Assist the Court in Sentencing Decisions	Relevant queries from defence representatives and other agencies are responded to on behalf of the National Probation Service or contracted providers.	All defendants and offenders where a query is raised		Contract Management and/or Audit and Service Level Agreements		National Guidance and Evaluation on CJSSS Lessons Learned and examples of good practice

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4.	Represent the National Probation Service and contracted providers in Court Proceedings	Relevant information to assist the court in determining sentences or making other decisions is provided in a proactive manner during proceedings.	All defendants and offenders	Transforming Justice CJS Efficiency Programme	Contract Management and/or Audit and Service Level Agreements	National Standards -2(a) Courts are provided with information to support their decision making	
5.	Represent the National Probation Service and contracted providers in Court Proceedings	Reports are presented to courts within the required timescale and a response is given to queries regarding the content of written reports.	All defendants for whom a report has been written	Performance Monitoring	Audit / Performance Information / Management Information	PI 04/2016 Determining Pre-Sentence Reports - - Sentencing within the new framework	
6.	Represent the National Probation Service and contracted providers in Court Proceedings	Court proceedings are conducted in relation to the review, revocation, amendment or transfer of community orders including post release management and supervision licences.	All offenders subject to review proceedings	Offender Engagement Effective Practice	Audit / Service Level Agreements / Performance Information / Management Information	Schedule 8 Criminal Justice Act (CJA) 2003	s.178 CJA 2003 Guidance on reviews under s.178 CJA 2003

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7.	Represent the National Probation Service and contracted providers in Court Proceedings	Enforcement proceedings are conducted.	All offenders in breach of Orders; post release management and supervision licences (Post Sentence Supervision)	Enforcement of Orders Performance Monitoring	Audit Performance Information / Management Information	PI 06/2014 Enforcement Schedule 8 CJA 2003 (Breach, revocation or amendment of community order) National Standards: 9 – The sentence is enforced Criminal Procedure Rules	
8.	Represent the National Probation Service and contracted providers in Court Proceedings	National Probation Service staff are present at weekend and bank holiday court sittings, where contracted. Elsewhere Probation advice will be made available.	All defendants and offenders appearing at specialist courts	Speedier Justice Public Protection	Contract Management and/or Audit / Service Level Agreements		

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9.	Ensure Communication with the National Probation Service, contracted providers, service users and other agencies	Sentences and other outcomes from court hearings, including the issuing of Licences with post release management and supervision requirements, are recorded and communicated in an accurate and timely manner.	All defendants and offenders	Effective Practice	Contract Management and/or Audit Performance Information	National Standards 2(b) Sentencing decisions and information from court proceedings are communicated to all relevant parties within the relevant timescale CJSSS Guidance and Review	Getting Orders Started Report, HMIP 2007 Libra and XHIBIT Guidance
10.	Ensure Communication with the National Probation Service, contracted providers, service users and other agencies	The outcome of the Case Allocation Tool is communicated in an accurate, secure and timely manner.	All convicted offenders		Contract Management / Service Level Agreements	PI 05/2014 – PSI 14/2014 Case Allocation especially para 2.3, 2.5, 4.13-14	

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11.	Ensure Communication with the National Probation Service, contracted providers, service users and other agencies	The National Probation Service and contracted providers are notified of the appearance and its outcome where the offender is known to them or they will be responsible for the delivery of the sentence.	All defendants and offenders out of area who are sentenced to an Order or Licence	Effective Practice	Contract Management and/or Audit	Section 216 CJA 2003	
12.	Ensure Communication with the National Probation Service, contracted providers, service users and other agencies	Offenders made subject to community orders, or who are released from court on licence with post release management and supervision, understand their obligations and how the sentence will proceed.	All offenders subject to an Order or Licence	Offender Engagement Offender Management	Contract Management and/or Audit	Section 220 CJA 2003 PI 09/2015 Licence Conditions PI 29/2014 Post Sentence Supervision Requirements (para 2.21)	
13.	Ensure Communication with the National Probation Service, contracted providers, service users and other agencies	Serious Further Offence (SFO) cases are reported.	All defendants charged with offences that meet SFO procedure criteria	Public Protection MAPPA	Contract Management / Audit and Performance information	PI 15/2014 Notification and review procedures for SFO	Guide to SFO Review Process

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14.	Ensure Communication with the National Probation Service, contracted providers, service users and other agencies	Information relevant to risk and safeguarding is communicated to the receiving prison and other appropriate agencies.	All defendants and offenders	Safeguarding children and vulnerable adults Social Care	Contract Management and/or Audit	Working Together to Safeguard Children (2015) Care and Support Statutory Guidance	NPS Policy Statement: Safeguarding Adults at Risk (2016) NPS Practice Guidance: Safeguarding Adults at Risk; Offenders in the Community with Care and Support Needs (2016)
15.	Ensure Communication with the National Probation Service, contracted providers, service users and other agencies	The diverse needs of defendants are taken into account when planning the timing, location and conduct of contact.	All defendants and offenders	Equality Social Care	Contract Management and/or Audit	Equality Act 2010 Care and Support Statutory Guidance	

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16.	Sentencer and judicial knowledge and confidence are promoted	There are local protocols in place between the National Probation Service, contracted providers and HMCTS covering liaison, court presence, report provision and procedures for enforcement of court orders and post sentence supervision licences.	National Probation Service/ HMCTS Probation Staff working in Courts	Contract Compliance Performance Monitoring	Contract Management and/or Audit	PI 18/2016 Liaison Arrangements between Sentencers and Providers of Probation Services	LCJB Guidance
17.	Sentencer and judicial knowledge and confidence are promoted	National Probation Service staff working in courts have the required knowledge and skills to provide independent professional advice to the court.	All probation staff working in courts	Probation Qualification Framework Effective Practice	Contract Management and/or Audit / Service Level agreements		
18.	Sentencer and judicial knowledge and confidence are promoted	National Probation Service staff will listen and respond to feedback on behalf of contracted providers from Judges and Magistrates regarding service quality.	All services provided to courts	Stakeholder Management	Contract Management and/or Audit		Sentencers Surveys