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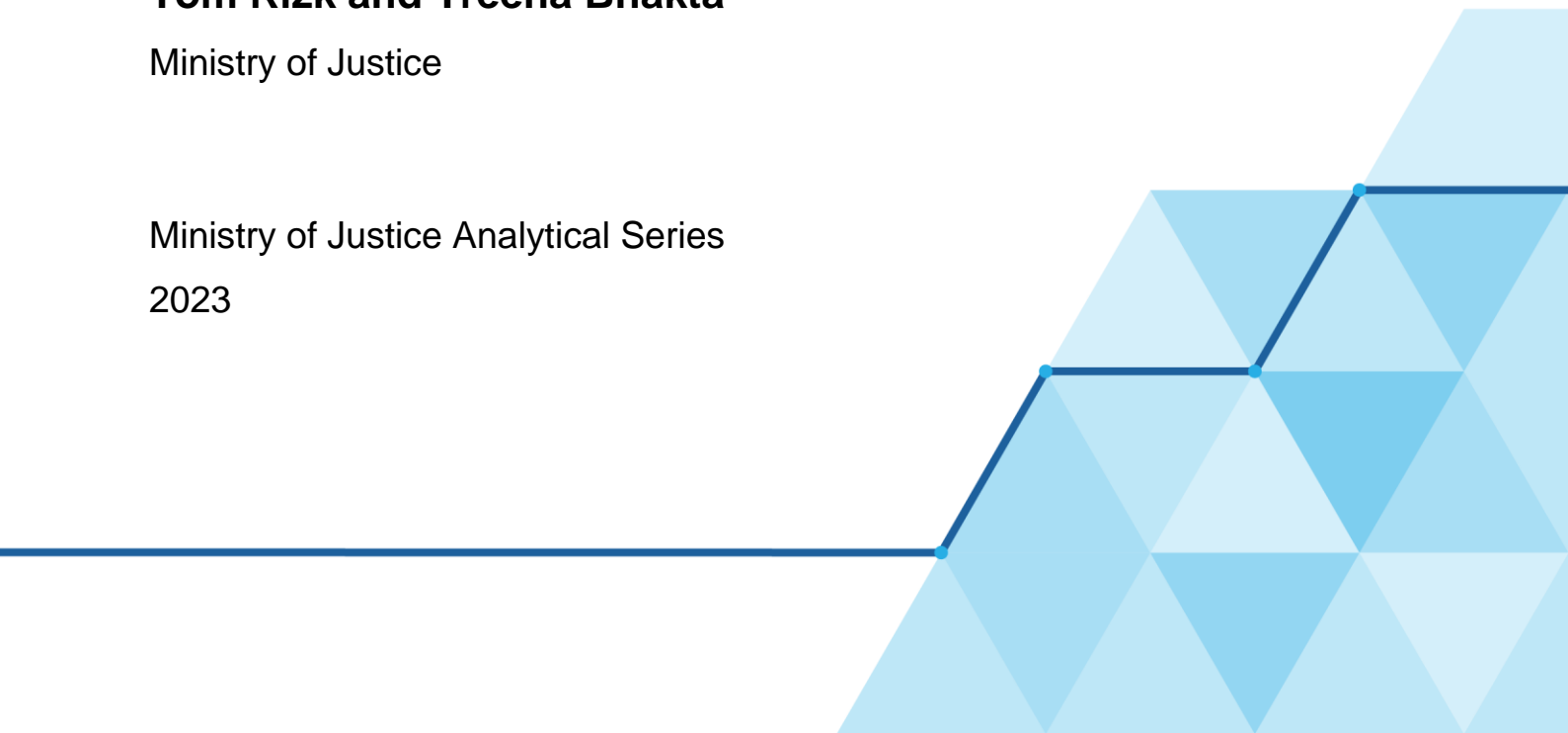
A process evaluation of the Pre-Sentence Report pilot

Tom Rizk and Treena Bhakta

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The author[s]

Tom Rizk and Treena Bhakta are social researchers based at the Ministry of Justice, UK. Both researchers conducted the fieldwork and analysis for this project.

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Glossary

ADM – Alternative Delivery Model

DJ – District Judge

HMCTS – His Majesty’s Courts and Tribunals Service

MoJ – Ministry of Justice

nDelius – National Delius

OGRs - Offender Group Reconviction Scale

PDU – Probation Delivery Unit

PO – Probation Officer

PSO – Probation Service Officer

PSR – Pre-Sentence Report

SPO – Senior Probation Officer

SPOCs – Special Point of Contact

1. Summary

This report presents the findings from the data collection undertaken as part of the process evaluation of the Pre-Sentence Report (PSR) pilot. The pilot was launched in March 2021 across 15 magistrates' courts in England and Wales, with the aim of improving the quality of PSRs, judicial confidence and the administration of justice. The Alternative Delivery Model (ADM) in the pilot test comprised three components:

- Encouraging and monitoring a PSR Before Plea process (set out in the nationally available PSR Before Plea Protocol) by seeking to identify defendants earlier in the criminal justice system (CJS) process (ahead of the first sentencing hearing).
- Maximising the capability of the Probation Service to deliver higher quality reports on the day (both oral and written) through targeted training and development.
- Delivery of short format written reports for three priority offender cohorts. These are:
 - Women offenders
 - Young adult offenders (18 to 24-year-olds)
 - Offenders who are deemed to be at risk of short-term custody.

The evaluation sought to gather evidence on the facilitators and barriers to the implementation of the PSR pilot to inform future policy decisions around the use of PSRs in England and Wales. To do this, HM Courts & Tribunals Service (HMCTS) and probation staff and members of the judiciary were invited to participate in semi-structured interviews, online surveys and group workshops. In addition, monitoring information on the number and types of PSRs in the pilot magistrates' courts was reviewed.

The ADM was introduced during a period of significant change, including Covid-19 and reunification of the Probation Service.¹ This changed ways of working and there were associated delays and backlogs which, combined with limited staffing capacity, was seen to have impacted how well the ADM was able to be embedded. The pilot was extended until March 2023 to reflect the disruption and impact of these changes, however this evaluation does not cover the changes that were implemented following the extension.

1.1 Key findings

Awareness

- Probation staff were more likely to be aware of the pilot than HMCTS staff and members of the judiciary. For those who were aware of it, participants across HMCTS, the judiciary and probation understood the objectives of the pilot. Probation staff appeared most supportive of the ambitions of the pilot, but across all stakeholder groups there were concerns at the local level about how the aims of the pilot could be achieved via the ADM.
- In instances where participants were less familiar with the PSR pilot, it was commonly conflated with the PSR Before Plea Protocol. There were a number of practical barriers raised to explain this, ranging from a lack of engagement by defence advocates to an overreliance on defendants having sufficient knowledge of the CJS ahead of their court hearing.

Priority cohorts

- Participants across all stakeholder groups agreed that targeting the priority cohorts led to appropriate support for vulnerable groups, however there were concerns raised about the requirement to produce a written report in all cases which was felt to restrict professional judgement. This was later revised part way through the pilot to reintroduce discretion where cases were felt not to require written reports.

¹ On 26 June 2021, a new model was brought in for probation services in England and Wales. Under the new model, all sentence management for low, medium and high-risk offenders will be carried out by the National Probation Service.

- There was generally support for the selected cohorts, particularly young adult offenders and women, as it was acknowledged that these groups can have different needs relating to maturity and gender. The least supported cohort was the risk of short-term custody cohort, which was felt to be too broad and confusing, which may have led to an inconsistent interpretation of this cohort.

Training

- Overall, there was large support for the training offered to probation staff. Participants appreciated having training that was specific to their court-based probation roles, as opposed to the usual focus on community-based practitioners. Views on specific types and sessions varied, and there were reported barriers to attendance and implementing learning due to staffing pressures. More than a third of probation practitioners believed that the quality of their PSRs had improved since the training.
- The ‘Becoming Trauma Informed’ and ‘Unconscious Bias and Racial Disproportionality’ training were described as interesting, engaging and useful. Views on the ‘Improving Advocacy, Communication and Presentation Skills in the Courtroom’ training were more mixed, with some participants reporting that it was necessary, while others reported it to be somewhat patronising.
- E-learning was generally viewed negatively and described as less beneficial than the three virtual training sessions, with reports of IT issues, repetition of content and inaccessible forms of learning to accommodate different learning styles and accessibility needs.

Perceived impact of the pilot

- Analysis of monitoring data recorded on National Delius (nDelius – probation case management system) revealed that pilot courts delivered a higher proportion of PSRs per in-court disposal than non-pilot courts, including for each of the priority cohorts. Within pilot courts, a higher proportion of priority cohorts received written short format reports than oral on-the-day reports, in line with the ADM.

- Some members of the judiciary reported seeing an improvement in the quality of PSRs, but most already held the quality of PSRs in high regard and therefore did not report significant change in the quality of PSRs since the introduction of the pilot. One respondent suggested that the pilot may have helped maintain the high quality of the PSRs, despite the pressures faced by probation. The majority of judicial participants valued the expertise of probation staff who produce PSRs and reported high levels of concordance with probation's recommendations, often stating they would go with the recommendation in the report "9 times out of 10", if not higher.

Variation between court sites

- The level of implementation and buy-in for the pilot varied across court sites. Those sites that identified good pre-existing ways of working between stakeholders displayed slightly less buy-in and reported a more negative experience of it. The courts that were the busiest also displayed less buy-in than others and in some cases reported being unable to fully implement the pilot due to these pressures. Conversely, court sites with a more manageable workload displayed more buy-in, especially in those courts where positive pre-existing ways of working between stakeholders were not as evidence.
- It was felt that the standardised ADM could not cater to the nuances and variation between the characteristics of court sites. These comments were often linked to location, in relation to different crime types in rural/urban areas and differences in available sentencing options. Court size was also perceived as having a large impact on both the number of cases and the associated pressures that come with this, and how stakeholders are able to work together and build positive working relationships. Staff skills and defendants' needs were also references as elements that can differ both across court sites, but also within courts on a case-by-case basis.

1.2 Lessons learned

- While buy-in was provided at senior levels to identify and select volunteer pilot sites, explicitly including operational HMCTS and judicial staff would be beneficial. Implementation of the pilot was more embedded in sites where there was buy-in from all stakeholder groups and levels.
- Regular engagement between the project team and Senior Probation Officers (SPOs) was an effective form of communication. It is recommended that this ongoing engagement is in place with the other stakeholder groups as well. Collaborative working between the stakeholder groups at the start of the day to identify when cases can be dealt with was perceived as a desirable approach towards more joined-up working.
- Advice should be sought from court stakeholders across all staff levels, including frontline practitioners. This is to ensure that the expertise from the ground level and up is utilised and to increase buy-in of the ADM.
- Communication can easily be lost in busy inboxes, and this can be compounded where members of the judiciary do not sit often. Short succinct emails and communications should be used to explain when pilot ADM processes change, or key staff members change to reduce levels of confusion. Short emails with bullets of the implications of decisions, rather than detail on rationale, may enable quicker pick-up.
- In 2019, the option to propose Suspended Sentence Orders in PSRs was removed, as agreed by the National Probation Service, Judicial Office and the Sentencing Council. However, there appeared to be a lack of awareness of this among some judicial participants, and probation staff identified this as potentially reducing judicial confidence. This may be improved through additional communication.
- Training was positively received by probation staff and maintaining the training offer for probation staff based in courts is expected to be beneficial. It is important to recognise that due to staff pressures and turnover, training may need to be run

on a regular/flexible basis. The virtual nature of the training should help facilitate this.

- The risk of short-term custody cohort had the least support and application of it was mixed across pilot sites. This may have been due to confusion around its definition, as well as concern that its scope may be too broad. Therefore, a clear and specific definition should be communicated to ensure consistent understanding.
- Some practitioners suggested that there were other groups that would be more appropriate to have included in the cohort approach instead of risk of short-term custody, such as ethnic minorities. Further exploration of groups to target in the priority cohorts should be considered.
- As a result of the relatively low uptake in the use of the PSR Before Plea Protocol, it may be beneficial to utilise other methods to improve the efficiency of PSR production.

2. Introduction

2.1 Background

The Probation Service assists the court through a Pre-Sentence Report (PSR) – an independent assessment to inform the most suitable method of sentencing an offender (s.31 of the Sentencing Act 2020)² where a Community Order (CO) or custodial sentence is being considered. The Sentencing Code³ requires that the court **must** request a PSR before certain custodial or community sentences are given, unless the court deems it as unnecessary in all the circumstances of the case (s.30 of the Sentencing Act).

The PSR is an expert assessment of the nature and causes of an offender's behaviour, the risk they pose and to whom. The report provides a greater understanding of the background and context of the offending behaviour than would otherwise be available to the court. It also considers public protection concerns, alongside recommending suitable rehabilitative support. PSRs can be delivered in either a written format or orally to the court by the Probation Service.⁴ A recent report by MoJ analysts found that offenders who received a PSR oral or PSR fast delivery in 2016 were more likely to successfully complete their court order (Gray, Finn, Gent & Huttleston, 2023).

The sentencing hearing may require an adjournment to ensure required information is obtained (e.g., if there are safeguarding concerns, the Probation Service may need more time to contact the police and/or other external agencies). In these cases, a written report is more suitable. Alternatively, in less complex cases, where less liaison is required with other agencies, it may be more suitable for probation to deliver an oral report on the same day as the hearing (s.31(5) Sentencing Act 2020).

There was a significant decrease in the number of PSRs being requested by the judiciary during the period of 2010 – 2018 (Sentencing White Paper, 2020). In response, the

² [Sentencing Act 2020 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2020/17/section/31)

³ On 1 December 2020 the Sentencing Code came into effect in England and Wales, consolidating existing sentencing procedure law into a single Sentencing Act.

⁴ All reports delivered orally must still be recorded – [Determining Pre-Sentence Reports](#)

Alternative Delivery Model (ADM) was introduced in 15 magistrates' courts, with the intention to facilitate an increase in the delivery of timely and high quality PSRs. The ADM is a multi-faceted approach, incorporating the following three components:

- Identifying opportunities to produce a PSR earlier in the process by adopting the PSR Before Plea Protocol. Requesting a PSR in advance of a sentencing hearing increases the time available for preparing a PSR and reduces further delay.
- Producing a short format written PSR for three specific priority offender cohorts: young adults aged 18 to 24; women; and offenders at risk of short-term custody.
- Maximising the capability of the National Probation Service to deliver higher quality reports on the day through targeted training and development.

2.2 The Alternative Delivery Model

The ADM was introduced in 15 magistrates' court pilot sites of various locations and sizes across England and Wales. The Probation Service selected potential sites based on self-assessed capacity to participate in the pilot. These were then shared with Heads of Legal Operations to ensure HMCTS capacity and signed off by the Senior Presiding Judge. The ADM endeavoured to improve both the efficient administration of justice and offender outcomes through more appropriate sentencing as a result of higher quality PSRs.

The ADM was originally designed to run from Spring 2021 (all courts starting by May 2021) to May 2022. However, the pilot was extended to March 2023⁵ due to logistical barriers faced in the initial stages of the pilot, including the combined disruption of the pandemic, reunification of the Probation Service and a late roll out of the training offer due to procurement delays. This evaluation does not cover any of the changes following the extension, as fieldwork was nearing completion by that point.

⁵ The initial period (May 2021 – May 2022) will be referred to as the 'first phase' of the PSR Pilot in this report with the extension period (June 2022 – March 2023) being referred to as the 'second phase'

2.3 PSR Before Plea Protocol

The PSR Before Plea Protocol⁶ was rolled out nationally in August 2021, and was encouraged as part of the Pilot ADM and therefore explored as part of this evaluation. The protocol seeks to identify defendants willing to indicate a guilty plea to one or more offences earlier in the criminal justice system (CJS) process, and to provide PSRs in advance of taking a plea at the first hearing, where a PSR has been requested by the defence.

It was envisaged that the protocol would benefit the court, defendant and criminal justice partners by enabling the court to proceed efficiently to sentence following a guilty plea, without adjourning or standing the case down for a PSR.

It should be noted that the protocol does not apply to cases to be sent or committed for sentence to the Crown Court.

2.4 Cohorts

Three priority cohorts were selected as part of the ADM: women offenders, young adult offenders (18 to 24-year-olds), and offenders at risk of short-term custody. Pilot courts were asked to target the delivery of fuller written short format PSRs for these priority cohorts, even if that would require a short adjournment so that the Probation Service could: interview the offender; make the necessary checks and liaisons with partner agencies; prepare a report informed by their professional assessment; and provide an independent recommendation on the most suitable and deliverable sentencing options available for the court to consider.

2.5 Training

Probation staff based in the pilot magistrates' courts were offered additional training consisting of virtual sessions on:

1. Improving Advocacy, Communication and Presentation Skills in the Courtroom provided by 'Pinnacle Performance'

⁶ [*The Better Case Management Revival Handbook*](#)

2. Becoming Trauma Informed provided by 'One Small Thing'
3. Unconscious Bias and Racial Disproportionality provided by 'Wipers'

More information about the content of this training can be found in Appendix E.

E-learning was also provided via an online platform to all probation staff, covering a range of topics. The online nature of the training meant it could be completed to suit the staff's schedules, when they felt they had availability.

2.6 Aims and research questions

The aim of the process evaluation was to identify how the ADM was implemented, including understanding the benefits and any challenges or unintended outcomes, to inform future policy decisions regarding any potential further rollout. **This evaluation does not explore the impact of the pilot** beyond perceptions of participants and indications from monitoring data, due to issues around implementation and quality of available data. A separate piece of research has been conducted to explore the impact of PSRs on sentence outcomes.⁷

The process evaluation aimed to address the following research objectives:

1. To gather evidence about how PSRs are developed, used, and valued.
2. To identify facilitators and barriers to the implementation of the ADM, and examples of good practice and any lessons learned to inform any future policy.
3. To identify perceived impacts of the ADM on judicial confidence and administration of justice.

⁷ <https://www.gov.uk/government/publications/impact-of-oral-and-fast-delivery-pre-sentence-reports-on-the-completion-of-court-orders>

3. Approach

- 37 semi-structured interviews conducted virtually with probation, HMCTS and judicial staff across 10 pilot court sites.
- 5 in-depth surveys that mirrored the interview questions with HMCTS staff.
- 189 survey responses from probation, HMCTS, admin and judicial staff across all 15 pilot court sites.
- 3 workshops with key stakeholder within probation, HMCTS and the judiciary.
- Analysis of monitoring information, taken from the central probation dataset nDelius.

This evaluation was conducted using a mixed method approach involving semi-structured interviews, surveys and workshops.

This report is based on fieldwork conducted between April 2022 and October 2022, approximately one year after initial ADM rollout. The fieldwork design was informed by an initial scoping exercise conducted in late 2021 that focused on initial implementation.

3.1 Interview sampling

Pilot court sites were selected purposively to represent ADM delivery across various court characteristics, such as: probation regions (including representation from both England and Wales); a range of court sizes based on annual disposal volumes; and courts that were both included and omitted from an initial scoping phase.

Interviews were conducted in 10 of the 15 pilot court sites⁸ consisting of 2 small courts, 4 medium courts and 2 large courts (based on annual disposal volumes). The selected pilot sites covered a broad geographical spread. Just 4 of the 8 pilot sites from the scoping phase were selected for the main phase to avoid overburdening all of the courts in the scoping phase.

A selective sampling method was used to source participants, with Judicial Bench Chairs, HMCTS and Probation Special Point of Contacts (SPOCs) being asked to provide names and contact details of potential participants. It was requested that the list reflect a range of experience levels in their respective roles to increase representation.

The achieved interview sample is detailed further in Table A.1 in Appendix A.

The researchers conducted 37 semi-structured interviews with 38 research participants⁹ across the Probation Service, HMCTS and the judiciary from 10 pilot court sites. Interviews were conducted virtually and recorded on Microsoft (MS) Teams to provide maximum flexibility around schedules and reduce participation burden. Participants were assured of confidentiality. To protect anonymity, staff are referred to with pronouns 'they' or 'them' in this report.

On average, interviews lasted 45 minutes (the shortest at 15 minutes and the longest at 90 minutes). Interviews with probation staff tended to be the longest, likely due to their increased awareness and involvement with the pilot in terms of the training offer.

As evident in Table B.1, there was a low uptake of interviews with HMCTS staff. The researchers agreed to convert the interview questions into an in-depth survey for participants to complete in their own time in order to increase participation. The survey

⁸ The sample included two interviews at two additional respective court sites. One interview was with a Head of Probation Delivery Unit (PDU). There are fewer PDU heads to interview so all 15 court sites were contacted to attempt to arrange interviews with those in these roles.

The other was with a member of the judiciary who had erroneously received an invite to interview. Due to a low response rate amongst this group, researchers decided it was appropriate to include the participant. Further details about the courts are included in Appendix A.

⁹ One interview was conducted with two interviewees to one interviewer. This was not initially intended, however due to low response rates the researchers elected to include this transcript in the data that was analysed. All other interviews were conducted one-to-one.

was sent to all 15 pilot court sites. The responses were grouped and analysed in the same manner as the interview transcripts.

While every effort was made to represent a range of roles within the three stakeholder groups (see Appendix A), over half of the participants were probation staff. HMCTS staff participants were the second biggest stakeholder group and members of the judiciary were the group with the fewest. This is discussed further in 'Limitations'.

3.2 Survey sampling

All 15 pilot court sites were included in the survey sample.

The survey predominantly consisted of closed questions and collected quantitative data on similar topics covered in the interviews. The survey allowed a higher volume of participants than interviews alone and so the mixed methods approach increased representation. Survey data were used to triangulate the qualitative interview and workshop findings.

The weblink to the surveys was sent to probation, administrative, HMCTS and judicial staff across the 15 court sites. To facilitate participation, senior staff in each respective stakeholder group circulated the survey link to their teams within their court site.

There were 189 responses in total, with most responses from members of the judiciary (38%) and probation staff (35%). The achieved survey sample is detailed further in Table A.2 in Appendix A.

3.3 Workshops

Following the initial analysis of the interviews and surveys, the researchers held three virtual workshops in October 2022 with each stakeholder. To maximise attendance and reduce travel burden, sessions were held virtually using MS Teams. The workshops aimed to sense-check emerging findings and increase generalisability of findings, as participants at pilot court sites outside of the sampling frame were included.

The judiciary workshop had the highest attendance rate, compared to the HMCTS and probation workshops. The level of stakeholder representation at the workshops is detailed further in Table A.3 in Appendix A.

3.4 Monitoring information

Throughout the lifetime of the pilot, administrative information routinely collected on court operations, sourced from the probation case management system nDelius, has been monitored and reviewed. This includes information such as number and type of PSRs delivered each month, compared to the national average of the remaining non-pilot court sites. While impact cannot be inferred from this information, such data can help set the evaluation findings into context.

Data included in this report covers the period May 2021 – October 2022, to reflect up to the period within which the process evaluation fieldwork was completed.

Analysis based on this data must be interpreted with the caveat that it has been extracted from systems designed to administer or monitor an operational service, rather than for research purposes. Data is therefore subject to clerical and input errors, which has implications on the quality of the data, linking, and deduplication of records. The findings in this report are not comparable to other published statistics or research, including the quarterly MoJ Criminal Justice System Statistics and Criminal Court Statistics, due to different units of data, processing, and analysis.

These numbers are comparatively small, so this can only reliably report general trends. For example, the numbers for Standard PSRs were so low that it is not possible to accurately show a breakdown by priority cohort. The data comes from the point of sentencing, meaning those that have a PSR in the magistrates' court pilot sites but are sentenced at the Crown Court will not be included.

3.5 Analysis

A third-party company transcribed the interview recordings. Transcripts and open text survey responses were analysed using a software package for qualitative data. Key topics which emerged from the interviews were identified through familiarisation with the transcripts. Researchers then coded the data line-by-line and grouped the codes into themes and sub-themes. This was an iterative process as the researchers merged and split themes throughout the coding process. Analysis focused on identifying recurring

themes relevant to the research questions and contextual factors which may have affected the findings.

Quantitative survey data was collated and analysed using MS Excel, with data converted into descriptive data visualisations, with full percentage breakdowns in Appendix C. Due to the small sample sizes, statistical testing was deemed to be inappropriate for this data. In cases where participants were asked to select how much they agreed with a given statement, 'Strongly disagree' responses were grouped with 'Disagree', and 'Strongly agree' responses were grouped with 'Agree'.

The analysis was quality assured by MoJ analysts.

3.6 Limitations

Representativeness of the sample

The use of non-probability sampling could have led to potential self-selection bias, with those courts facing more organisational constraints and time pressures engaging less with the evaluation. This, combined with small sample sizes overall, means that the findings may be less generalisable to the remaining pilot court sites and stakeholder groups.

In particular, HMCTS were less represented, citing capacity issues. As discussed in the 'Introduction', court sites were self-selected first by the Probation Service and then agreed with HMCTS Heads of Legal Operations. This process may have influenced how engaged HMCTS were in the pilot and consequent evaluation, as they did not self-select in the same way as probation.

These limitations are mitigated to an extent through triangulation of findings across the three methodologies, alongside the monitoring information. Moreover, workshops improved overall representation, with representatives attending from each stakeholder group. Further details of stakeholder representation across the pilot court sites can be found in Table A.4 in Appendix A.

Experiences of service users going through court

After initial testing and consultation with courts, it was deemed unfeasible to interview defendants going through the magistrates' courts. This was due to difficulty identifying the

appropriate stage to conduct meaningful interviews – i.e., ahead of hearings, after sentencing, at first probation meeting – and the logistical barriers to conducting interviews at these stages. Amongst these challenges faced were time and space constraints within courts, as well as the geographical barriers, as sentenced individuals move from courts to prisons or probation offices with wide geographical spread. As a result, this research does not explore the extent to which the ADM influenced offender outcomes or experience.

Pilot development

Operational changes to the ADM were also made shortly after fieldwork concluded. The findings of this report can therefore only relate to the first phase of the PSR pilot and do not capture any of the changes made in the second phase of the pilot.

Causality

The nature of a process evaluation does not allow for attribution of impact and causality. Instead, findings offer insight into any operational benefits, any unintended outcomes of the ADM implementation, and learning for future developments.

Monitoring information cannot be used to infer causality. Differences between court sites, or priority and non-priority groups, could be due to other factors not recorded in the pilot. For example, it could be that a particular site is driving the differences, as the data included in this report displays averages across the pilot sites.

3.7 Ethical considerations

Participants in the interviews, workshops and surveys gave their informed consent to participate in the research. All data collected were stored securely at the MoJ and destroyed once analysis was complete. Although court sites that signed-up for the pilot also agreed to engage in the process evaluation, individual participation was voluntary, and participants were able to withdraw from the research at any point.

In this report, all participants and court sites have been pseudonymised and any self-identifying information has been removed to ensure participant identities are kept anonymous.

The researchers took steps to ensure it was made clear to participants that the evaluation team conducting the research was independent to the pilot's project team, and were equally interested to hear any positive or negative reflections. However, there remains a risk of the possible influence of observer effect in our findings.

4. Results

4.1 Uses of PSRs

Key findings:

- Participants reported that determining the most suitable type of PSR for a given case depends on many different factors and occasionally needs to be reconsidered as more information is gathered, for example, where the detailed written reports would be more favourable than oral reports.
- All stakeholder groups view that the purpose of a PSR is to inform the judiciary and provide suitable sentencing recommendations, including rationale through relevant contextual and historical information.
- PSRs were described as the first port of call in that they are the beginning of the collaborative working relationship between the service user and Probation Service. Probation staff highlighted the importance of ensuring there is an effective PSR for offender managers to work with post-sentence.

Prior to discussing specific aspects of the PSR pilot, participants were asked a series of general questions about PSRs to gather evidence on how PSRs are developed, used, and valued.

Types of PSRs

As previously outlined in 'Introduction', probation staff can produce PSRs in either an oral or written format. Probation staff explained that written reports were typically produced in cases containing higher levels of complexity regarding the defendant or the offence committed. These reports often require probation staff to contact the police and other agencies for further information.

Participants expressed mixed views in terms of what type of PSR they preferred, with this variance in opinion occurring within and across all stakeholder groups. However, the

majority did emphasise that determining which type of PSR is most appropriate would depend on many different factors, including not only details on the defendant and offence type, but also the report writer and their specific skills, needs and ways of working. Some probation staff described the process of deciding on the most suitable type of PSR to be a dynamic one, that is open to change as more information is gathered by the report writer; if they feel a different type of PSR would be more suitable, then they are able to go back to the judiciary and make a request for this change, along with additional time to produce the report if necessary.

Purpose of a PSR

There were many differing purposes of a PSR identified by the participants. The most frequently reported was to aid and support the judiciary to make an informed decision through identifying suitable sentencing options. Some members of the judiciary added that it is helpful to have the rationale for why sentencing options not suggested by probation have not been considered. The key sections of a PSR highlighted by participants were:

- **Context and background** – Providing an informative overview of the defendant's individual circumstances, previous offending history and contributing contextual factors related to the offence, as well as any historical factors to consider.
- **Individual needs** – Informing of the defendant's suitability for potential sentencing options. This theme covered a broad range of possible information that the report should include information on, as this often varied on a case-by-case basis.
- **Risk** – Considering risk of reoffending, as well as the risk they pose to themselves and to the public.

Probation participants identified other purposes that a PSR serves in addition to assisting with sentencing, highlighting that the PSR is the beginning of a collaborative working relationship between the service user and the Probation Service. Probation staff also emphasised the importance of ensuring that the PSR is an effective assessment, containing all the relevant information that can be used by offender managers' working with the service user post-sentence.

4.2 Context

Key findings:

- The PSR pilot was implemented during a period of notable change, including the Covid-19 pandemic and reunification of the Probation Service. It therefore cannot be assumed that the implementation of the ADM would be the same if in different courts or at different times.
- Numerous other factors were identified as having likely influenced the implementation of the PSR pilot across various court sites. These included court backlogs, probation understaffing and high workloads among court staff.
- Existing priorities, such as speedy justice and other time pressures, along with on-the-day report targets from probation staff, were identified as possibly having an impact on the PSR pilot's implementation.

The pilot included 15 court sites of varying sizes from across England and Wales. There was a large variance between courts, relating to operational processes, staffing volumes, the relationships that existed between the key stakeholder groups, and volume of work.

The rollout of the pilot occurred during a period of notable change for both the Probation Service and courts in England and Wales. It is important to acknowledge these contextual changes surrounding the pilot's implementation to better understand any potential influence on various participants' perceptions. As a result of these changes, it cannot be assumed that implementation of the ADM would be the same in different courts or at different times. Amongst the key changes were:

- **Covid-19** – The Covid-19 pandemic disrupted both the courts and the Probation Service (CJJI, 2021).¹⁰ Participants consistently raised this as a key issue, for example, referring to limited options to progress cases for significant periods of time resulting in increased backlogs. Furthermore, operational processes were

¹⁰ [Impact of the pandemic on the criminal justice system \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/cjji/impact-of-the-pandemic-on-the-criminal-justice-system/)

altered to be remote or hybrid, requiring far greater dependence upon technological access and literacy.

- **Probation Reunification** – in 2019, the Government announced it was bringing the management of low and medium-risk offenders in England and Wales back in-house, following the 2013 Transforming Rehabilitation.¹¹ The reunification of the Probation Service took place on 26 June 2021, at which point the pilot had recently been implemented in the selected court sites. Participants reported operational delivery issues relating to reunification and suggested that these led to further work and delays.

These contextual factors were felt to have inhibited the extent to which the pilot was able to be implemented. Further, the impact from the pandemic and probation reunification contributed to other contextual factors which may have affected implementation, especially around implementing any necessary adjournments to allow for written reports. These additional factors included:

- **Court backlogs** – The increase in the number of cases¹² that the courts had to process led to increased resistance towards adjourning for PSRs to be written. This was partly to reduce the backlog, but also because adjournment slots were seen as becoming increasingly unavailable.
- **Understaffing** – Lack of resources was frequently referenced as a barrier to the implementation and effectiveness of the pilot by participants across all stakeholder groups. This tended to refer to the lack of probation staff in the courts. Participants in several courts described reduced staffing levels with vacancies yet to be filled. It was felt that more experienced probation staff had left the service, resulting in a knowledge gap which had significant impacts on the expertise and capabilities of the team. A lack of resource may have amplified the pressures that the court probation teams were facing to assist with clearing the backlog of cases. It was reported that, in some courts, there was a push to avoid

¹¹ [Transforming Rehabilitation: A Strategy for Reform CM 8619 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

¹² The number of outstanding cases was over 360,000 at the Q2 2021
(<https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2021>)

adjournments, including in instances where the defendant qualified to receive a written PSR and as such may require an adjournment.

- **High workloads** – during interviews, there were multiple reports that workloads had increased, in addition to other resource pressures. Some probation staff described their workload as “unmanageable”, likely linked to staff shortages.¹³ This was felt to have impacted the implementation of the pilot as staff have struggled to take on additional, associated work, such as training or contacting external agencies, alongside the increased workload required to produce written PSRs compared to oral reports.

Furthermore, all stakeholder groups interviewed referred to other existing priorities faced by the courts, which were not felt to align with the aims of the PSR pilot, such as:

- **Speedy justice and other time pressures** – In 2007, the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative was implemented with the aim to reduce unnecessary hearings and to progress cases faster. This approach was referred to by participants across all stakeholder groups. The extent to which this initiative conflicted with the aims of the pilot may have been exacerbated due to the reported lack of resource to produce written PSRs on the day and therefore a greater reliance on adjournments for these to be produced.
- **On-the-day targets** – Probation staff are set targets, including 60% of their PSRs to be oral reports delivered on the day (HMIP, 2020).¹⁴ These performance targets compete with the pilot’s agenda to adjourn for more cases where additional time is needed to produce written reports. Probation staff raised concerns that the adoption and implications of the ADM may not be consistently considered when the courts are reviewed against their on-the-day targets by probation performance managers. Such targets may risk potentially discouraging probation staff from recommending adjourning for a case.

¹³ [‘Chronic’ staff shortages ‘severely hampering’ Probation Service \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/cjsi/reports-and-publications/chronic-staff-shortages-severely-hampering-probation-service/)

¹⁴ [The quality of pre-sentence information and advice provided to courts \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/cjsi/reports-and-publications/the-quality-of-pre-sentence-information-and-advice-provided-to-courts/)

4.3 Pilot implementation

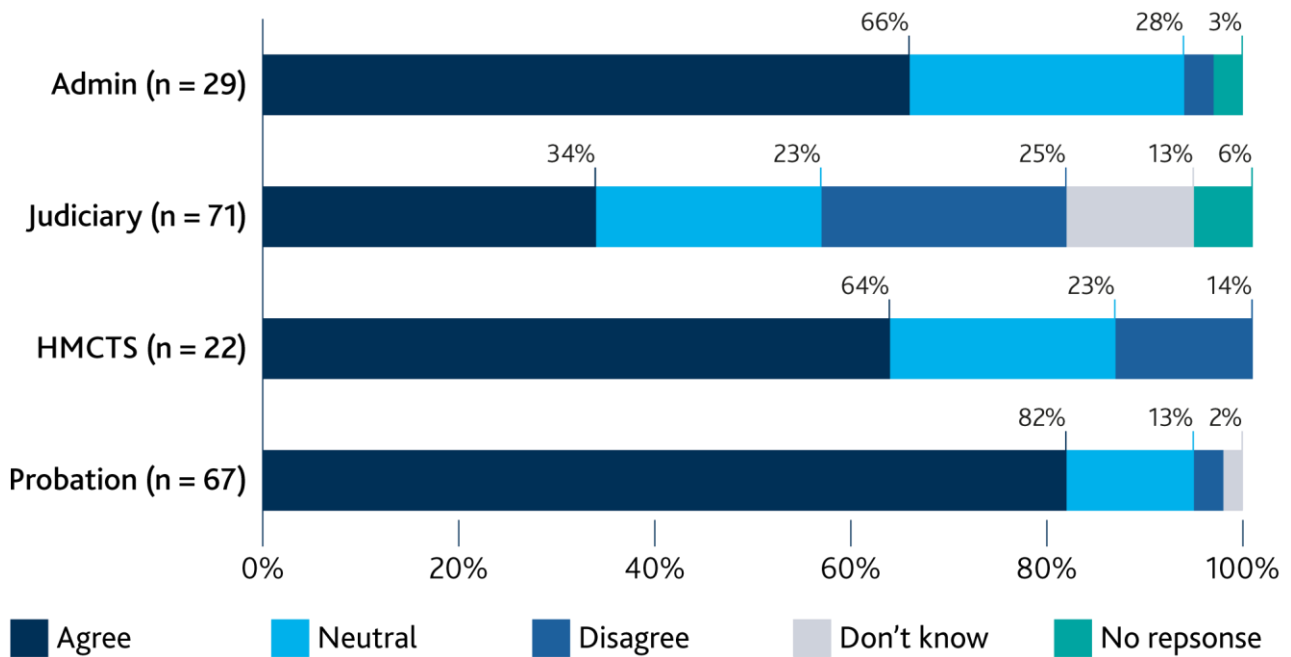
Key findings:

- Communication about the pilot and consequent awareness varied substantially between the three key stakeholder groups. Probation staff tended to be most engaged with the pilot due to monthly SPO meetings with the central pilot team, whereas opportunities to engage with the judiciary and HMCTS were harder to identify and came with specific challenges.
- Concerns were raised that the ADM did not appropriately reflect variation in the courts' operations, including location and established relationships between stakeholders, instead offering a stricter standardised approach which did not always reflect good practices where they were already established. While efforts were made by pilot team to avoid this, there were drawbacks to the oral-screener approach taken.

Awareness and understanding

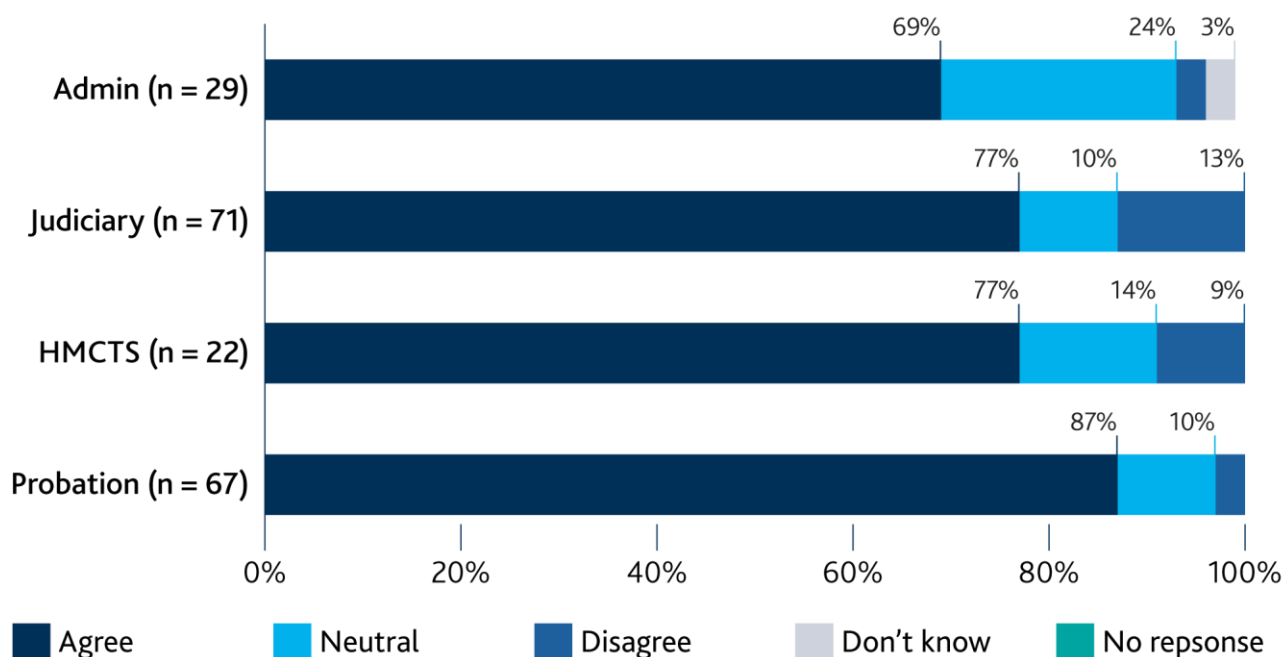
Awareness of the pilot was generally very high amongst probation staff, but was lower amongst the other stakeholder groups. This difference was particularly prominent when participants were asked if they agreed with the statement *“There is a general awareness of the PSR Pilot amongst my colleagues”*.

Figure 1: Table C.1, Appendix C. Awareness of the PSR pilot amongst colleagues



In contrast, there was a general consensus amongst different stakeholder groups that they understood the objectives of the pilot themselves. As mentioned in ‘Limitations’, this discrepancy suggests that survey participants may be more engaged with the pilot than non-respondents. Over three quarters of HMCTS participants agreed that they understood the objectives of the pilot. This was consistent with the level of awareness displayed by participants, which was generally good.

Figure 2: Table C.2, Appendix C. Level of participants understanding of the PSR Pilot objectives



Barriers to effective communication

HMCTS staff who were less aware or felt less certain of the pilot would often refer to the vast quantity of emails they receive on a daily basis and how it can be difficult to recall information delivered in this way.

“I mean I’m not even sure how it was communicated. It’s probably come in emails but I mean I literally get, I don’t know how many emails a day, 100-plus maybe. Picking out the important ones amongst that is, er, a lot of things get by me, shall we say.” – Court J, Legal Team Manager 2

Some judicial participants described being relatively unaware of the pilot, and in general more senior members of the judiciary, such as Bench Chairs, displayed greater awareness. This was likely due to the nature of different magistrates’ roles. For instance, bench chairs may need to be more engaged with court and MoJ initiatives, whereas it can be common for magistrates within a district to sit in multiple courts, and as such may not hear about or be familiar with initiatives operating in their less frequently visited courts.

Both judiciary and HMCTS referred to a reliance on probation staff to inform and remind members of the court about the pilot and its implications for a given case.

“I think we're really conscious of it only when probation officers draw it to our attention, really.” – Court J, Legal Team Manager 2

Members of the judiciary's limited awareness of the PSR pilot, especially regarding the request of written reports for priority cohorts, was felt by some to have limited effective implementation. Members of the judiciary often suggested that the pilot could be improved via raising awareness through improved communication.

“if we were more aware, we might be more inclined to say, “Well, isn't this a case that ought to have been dealt with by the pilot? Why isn't there a PSR here now?” - Court A, District Judge 2

To facilitate better awareness, the pilot team produced aide memoires for members of the judiciary, which included a brief overview of the pilot, with the expectation that these would sit in front of the magistrates and judges during sentencing to remind them of the pilot. There was minimal feedback on these, despite prompting, so it is difficult to determine whether this helped increase awareness.

However, participants from the judicial workshop suggested regular email correspondence. Members of the judiciary suggested tailoring communications so that emails are concise, formatted in bullet point that explain the pilot and clearly flag the practical actions required of them. Further, HMCTS workshop participants suggested that carefully considering the timing of communication could be beneficial, to avoid circulating during times where staff are likely to be focused on other new initiatives, such as the rollout of the common platform, and therefore less likely to take in information about the pilot.

Pilot engagement and buy-in

The extent to which the pilot ADM was implemented in full varied across court sites. Court sites that identified good pre-existing ways of working between stakeholders to determine the most appropriate PSR type were slightly less bought-in to the pilot and reported a more negative experience of it. The courts that were the busiest also displayed less buy-in than others and reported being unable to fully implement the pilot due to the pressures

they faced in some cases. Court sites with more manageable workloads were more bought-in to the pilot, especially in those where positive pre-existing ways of working between stakeholders were not as evident. In such cases, probation staff reported finding it helpful to be able to refer to the pilot to support their view when a written PSR was required.

While there was support in general for the ADM amongst probation participants, concern was raised that this was focusing only on one of the issues facing PSRs and probation in the courts. Some probation staff suggested that the larger issue, rather than PSR quality, was with members of the judiciary not requesting PSRs in instances where probation would be involved in the defendant's sentence. In such instances, there was concern that defendants may receive sentences that are not suitable due to factors that a PSR would have been able to identify, which could therefore be increasing their likelihood of breaching their order.

“So if they request a PSR, I think they take it into account. Magistrates will nearly always – or will they nearly always? Magistrates will take, take it into account. And judges, I think it's more – I guess, the bigger issue is around when they're not being requested and they're being sentenced to probation supervision.” – Court J, SPO 6

Buy-in to the ADM was influenced, especially amongst HMCTS participants, by the pressure to deliver speedy justice, although some reflected on the benefits of written reports over on-the-day reports. HMCTS staff also reported at times struggling with the blanket approach the ADM brought.

“I dug my heels in and I point blank refused to adjourn it and it was a bit of a stir locally but I should – I didn't feel I should have had to have done it. You know, it was caught by the pilot therefore you've got to do this. That – it shouldn't be so black and white, I don't think.” – Court J, Legal Team Manager 2

Limitations of a standardised model

The pilot provided a standardised framework for each of the selected court sites to follow. While there was understanding of why the ADM required written reports for the priority cohorts, especially amongst probation colleagues, participants reflected on how standardised approaches are sometimes felt to be less effective, as they cannot consider

differences between courts. These comments were also often linked to location, in relation to different crime types in rural or urban areas and differences in available sentencing options. Court size was also identified as having a large impact on both the number of cases and the associated pressures that come with this, and how stakeholder groups are able to work together and build positive working relationships.

“Every court has different people that walk through the door, it’s a different area, they have different needs. And when people standardise things, it ends up not working for one or two of those places” - Court J, PSO 7

Furthermore, there was also variation within day-to-day court environments reported that challenged the effectiveness of the standardised model. Below, a participant describes the fragmented nature of court and how each day is varied.

“The court environment is very naturally quite fragmented, and the people that are coming through the court often present with varying needs, so it’s difficult to have that continuity. I think – and that influences like – it’s just unpredictable, is how I’d put it. There’s no like – one day is not necessarily the same as the other.” – Court K, SPO 4

These different forms of variation appeared to have contributed to the pilot being inconsistently implemented both across region and court site, as well as over time. This is discussed further in ‘Priority Cohorts’.

4.4 Perceived impact of the pilot

Key findings:

- Probation staff reported feeling more overworked, with the pilot contributing to the ongoing pressures they already faced from external factors. This raised concerns that they wouldn't see an improvement in PSR quality because of limited time and resource.
- Monitoring information shows an increase in the proportion of cases receiving PSRs in pilot courts, compared to the national average across the non-pilot magistrates' courts. Further, there appears to be a higher proportion of priority cohort cases receiving PSRs than the non-pilot magistrate courts, suggesting that this element of the pilot was implemented with desired effects.
- However, this does not mean that quality of the PSRs necessarily improved. Many participants felt that PSR quality was good prior to the pilot being implemented, and so while some courts reported improvements, broadly across stakeholder groups there was a general view that PSR quality, along with judicial confidence, had not changed but remained consistently good.

PSR quality and judicial confidence in reports

Broadly, quality of PSRs was considered to be reflective of the expertise and skills of the report writers, who were regarded highly by most participants from HMCTS and the judiciary. All stakeholder groups identified the information gathering component of a PSR to be a key aspect in influencing its overall quality, including both probation's interview with the defendant and engagement with other agencies. Probation staff often discussed how this is a vital part of writing a good PSR and how barriers to gathering information from third parties can significantly impact their ability to produce a timely and high-quality report.

Members of the judiciary reported having high levels of confidence in the reports they received from probation. Any critique of the reports from judicial participants usually focused on typos and possible cases where information had been "cut and pasted" incorrectly. The judiciary also discussed their high levels of concordance with probation's

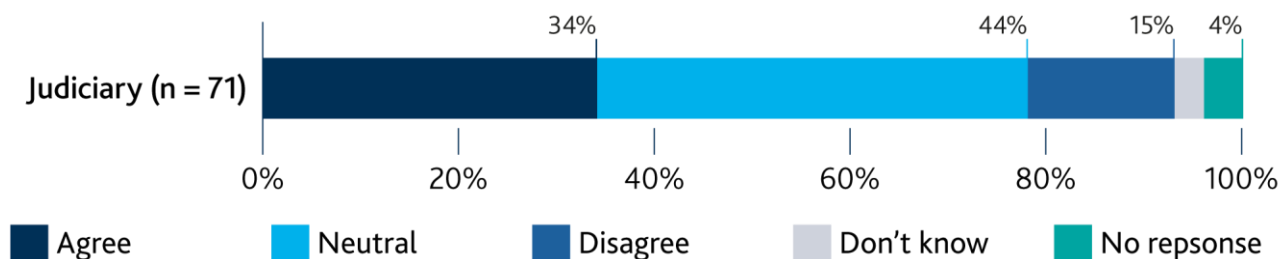
recommendations, often stating they would go with the recommendation in the report “9 times out of 10”, if not higher. In instances where they do not follow probation’s recommendation, it was usually in favour of a more punitive sentence. Some probation staff reported that the difficulties around sentencer confidence stemmed from being unable to propose suspended sentences, even in cases where they believed this to be the only viable option. Some members of the judiciary appeared to be unaware of this restriction, which may have contributed to reduced levels of sentencer confidence.

Judicial participants reported that they still found PSRs to be helpful in cases where they did not follow probation’s specific recommendation and valued the benefits that a PSR provides as a professional piece of comprehensive analysis.

Consistent across courts was the view from the judiciary that PSRs were generally of high quality, even prior to the pilot. As such, views on whether the pilot had improved the quality of PSRs were mixed. Whilst some participants thought that the quality of PSRs had improved, the majority did not believe that there had been a significant change. This was consistent across both interviewees and survey respondents, with 34% of judicial survey respondents agreeing that they believed the quality of the PSRs had improved since the introduction of the pilot.

“Q: So in your view has the quality of the oral or written pre-sentence reports changed at all over the course of the pilot? A: To be honest, no, because they're still of a high standard.” – Court L, Magistrate 1

Figure 3: Table C.3, Appendix C. Perceived change in PSR quality since introduction of the pilot



Reflecting on the challenges facing courts and probation at the time, some participants suggested that the pilot may have had the positive effect of helping maintain the already

high-quality standard of reports, despite the barriers around probation resources. Views from the judicial participants on perceived changes to PSR quality aligned with the views of probation staff who responded to the survey. A similar proportion of probation staff felt their PSRs had improved in quality since they received the pilot training, discussed further in 'Perceived Impact of Training'.

Working relationships

The significance of positive working relationships, both on an interpersonal and organisational level, between the various court stakeholder groups, was viewed as essential to the smooth running of the courts' operational processes. In some instances, it was suggested that the collaboration required for the pilot's implementation had helped strengthen these relationships.

"I think it's strengthened relationships on the ground as well, you know, because everybody is trying to make it work and there's more liaison then and, um, so yeah, I think it's helped" – Court D, PDU Head 1

However, more often the pilot was referred to as having some potentially negative impacts upon these working relationships. For example, some participants discussed how the judiciary have become frustrated with probation staff due to the reduction of on-the-day reports, resulting in the need for an adjournment rather than being able to sentence on the day. This issue was amplified due to a lack of clarity on the priority cohorts' criteria, typically with the risk of short-term custody cohort for some courts.

"I think initially I personally saw a lot of frustration from the magistrates 'cos obviously we were adjourning things off all the time when before, prior to the pilot, we would have done on the day. And I know maybe that was our kind of – potentially our error with the actual cohorts and when we can adjourn and when we can't being a little unclear to us. 'Cos like I said, we were told anybody that was asked for all-options¹⁵ had to be adjourned 'cos they were at risk of custody which

¹⁵ An all-options report means that all sentencing options, including custody, may still be selected by the bench at the case's next hearing.

meant the majority 'cos a lot of the benches don't like to tie the hands of the next bench." – Court J, PSO 7

In response to feedback, the pilot team aimed to reduce the burden of written reports where it was judged unnecessary by introducing an oral screener tool. This is discussed further in 'Limitations of cohorts'. A large part of these issues relate to how effectively objectives and the different pilot elements can be communicated to wider court stakeholders in a stretched court service.

Influence on workload

Within the context of wider court pressures (as discussed above), some probation staff felt the pilot had increased their workloads where they needed to find time to complete training and produce more written PSRs.

"It's a lot more work for us, but we haven't actually seen any facilitation of additional time or additional staff to do that" – Court N, PO 2

The quote above, given by the PO, is in contrast to the provision of 'virtual' report writers, suggesting awareness of this support likely varied between SPO and PO roles. The 'virtual hub' refers to probation staff who could be based across the country to provide extra support to probation staff by writing PSRs for cases that did not fall under any of the priority cohorts. This was introduced with the intention to reduce the burden of the pilot on probation staff and assist with reducing the backlog and preventing further delays. Views on the extent to which this had been achieved varied amongst SPOs, with some referencing problems around report quality and confusion on the role of virtual report writers. Others, however, discussed the importance of the virtual hub resource to the sustainability of the pilot due to the resource it frees up for the court probation teams to complete more written PSRs.

HMCTS staff also believed that the pilot increased workloads due to duplication when cases are adjourned, as information is reshared to different benches working on a different date. Some participants felt that adjourning for a written report as opposed to an oral report delivered on-the-day made little impact on the sentence given, suggesting low buy-in to the premise of the ADM.

“If you think about in terms of efficiency, the magistrates of course will hear all about the case, be told we’ll read all the details, so they feel they’ve got a grasp on it, they can hear what the defence have to say about it and so they’ve got in mind what they want to do and then they’re told, sorry, you can’t do it. And then it comes back to a new bench at a future date who have then got to do it all over again, so that time is duplicated. And as I say, I’m not convinced that the sentence would be manifestly different in any event.” – Swansea, Legal Team Manager 1

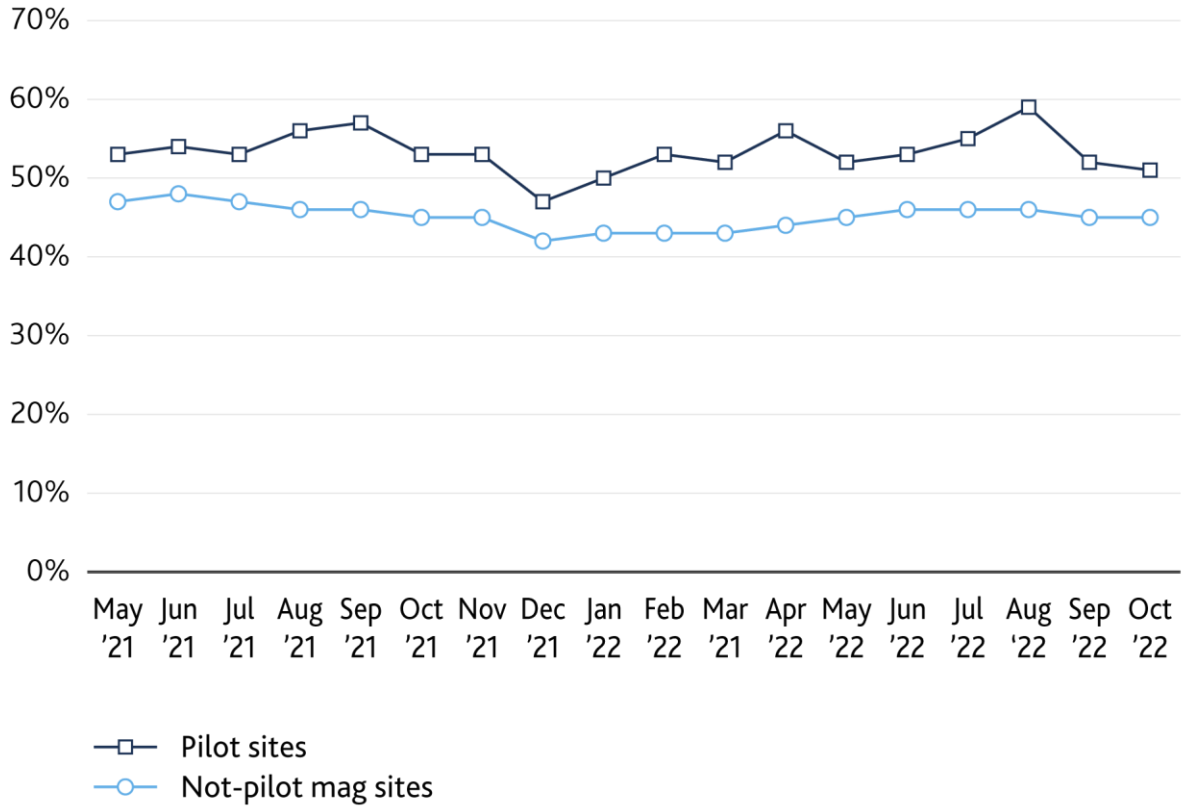
Higher workloads were considered and factored into the pilot’s design in the encouragement of upstream activity through utilising the PSR Before Plea Protocol, designed to improve efficiency and reduce burden. However, this was not received as anticipated, as will be covered further in ‘The PSR Before Plea Protocol’.

Court delivery of PSRs

In addition to perceptions of impact gained through the process evaluation fieldwork, monitoring information helps to demonstrate how the courts are performing compared to the average of non-pilot magistrates’ courts.

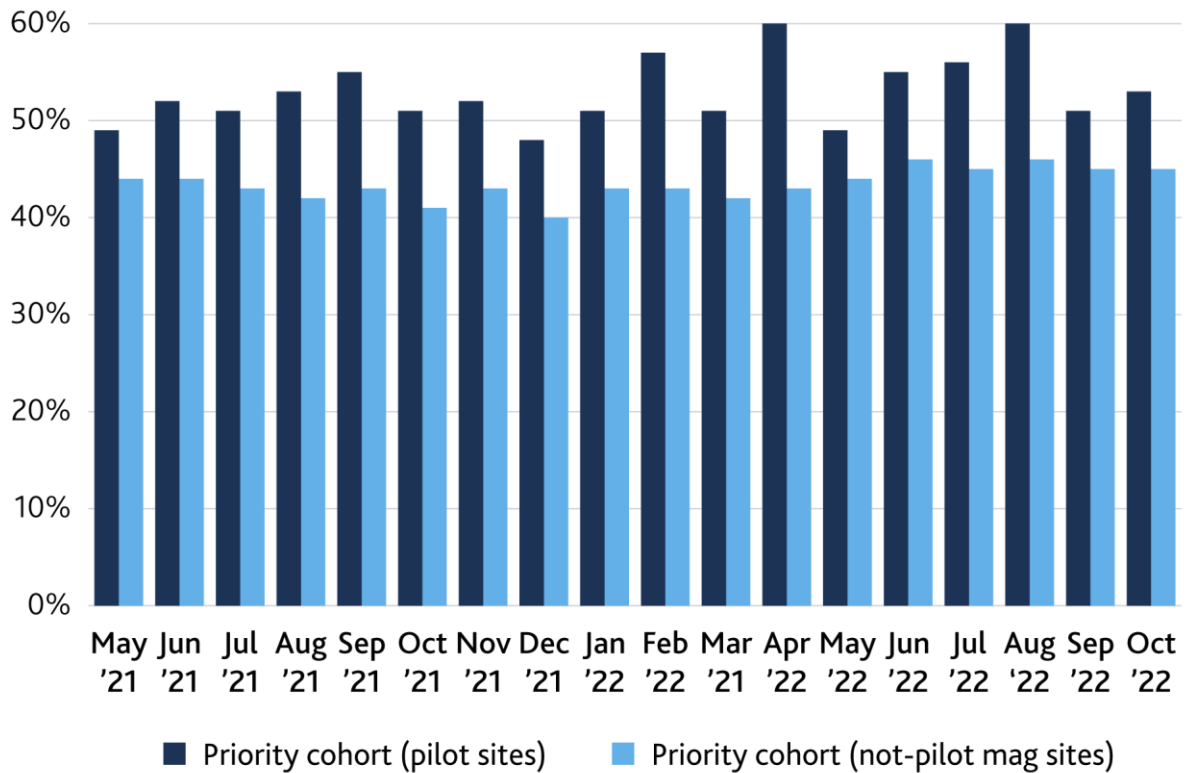
It appears that across the period of the pilot’s existence covered in this report (May 2021 – October 2022), the pilot sites had a higher percentage of court disposals receiving PSRs overall compared to the non-pilot magistrates’ sites (Figure 4).

Figure 4: Percentage of the average number of in-court disposals receiving PSRs for the total 15 pilot sites and all non-pilot magistrates' sites



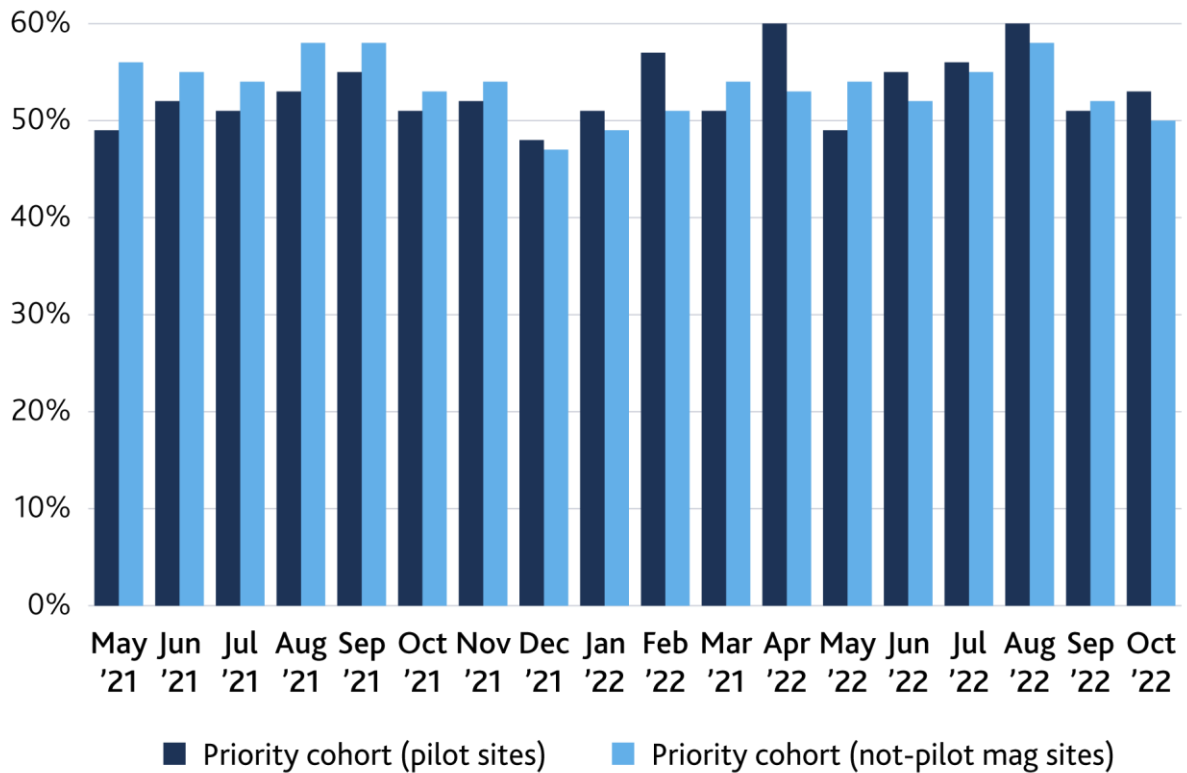
Pilot sites also had a higher percentage of priority cohorts receiving PSRs on average than non-pilot magistrates' sites (Figure 5).

Figure 5: Proportion of in-court disposals by priority cohorts receiving PSRs in the total 15 pilot sites and all non-pilot magistrates' sites



Within pilot sites, there were similar proportions of priority and non-priority cohorts receiving PSRs (Figure 6). This could suggest some level of spill-over effect, i.e. that the ADM may have been implemented or influenced ways of working beyond just the targeted priority cohorts. However, it is not possible to explore further with the current data available. In line with the instruction of the ADM, a higher proportion of priority cohorts within the pilot sites received written short format reports, and a lower proportion received oral on-the-day reports.

Figure 6: Proportion of in-court disposals by priority and non-priority cohorts receiving PSRs in the total 15 pilot sites



A higher percentage of court disposals received written short format reports at pilot sites than non-pilot magistrates' sites, and this was the case for each priority cohort. A slightly lower percentage of court disposals received oral reports at pilot sites than non-pilot magistrates' sites. This was true for women and young adults, however those at risk of custody had a similar percentage, as shown in Appendix D. This may be due to the confusion raised in interviews about who is included in the 'risk of custody' cohort.

4.5 The PSR Before Plea Protocol

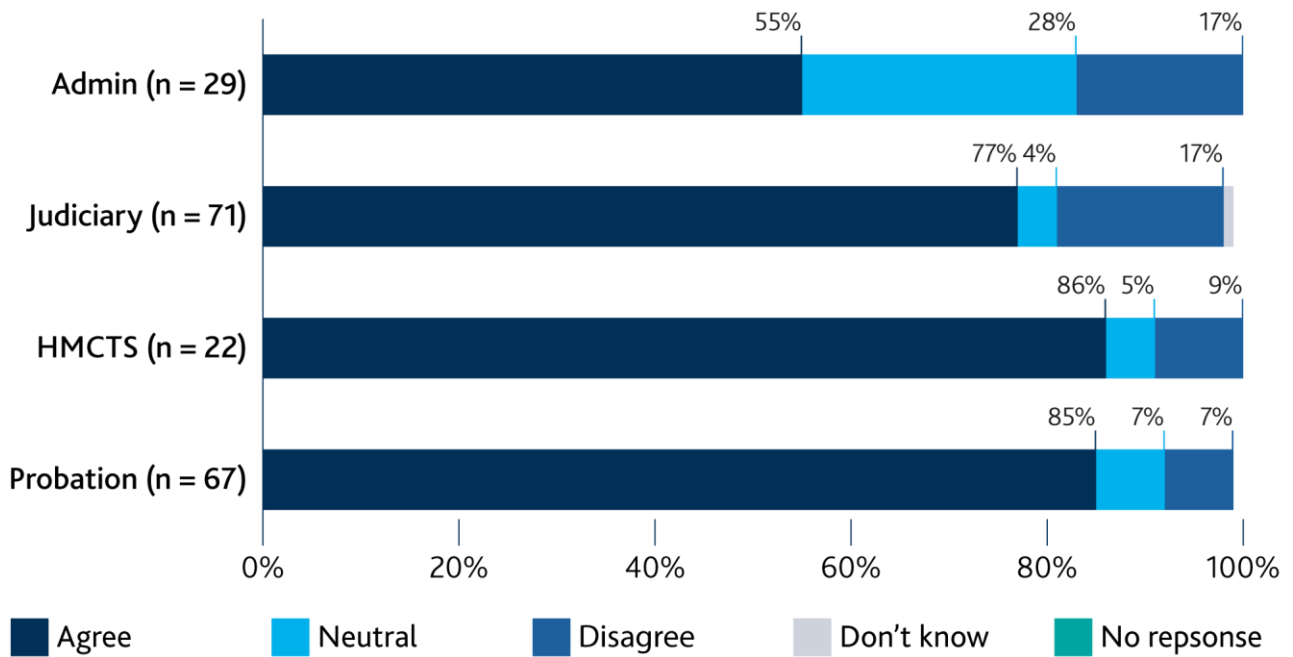
Key findings:

- Introduced to encourage upstream activity and assist in reducing the court backlog, this protocol was rolled out nationally but explored in detail as part of the pilot.
- The protocol was not used often, but this was not due to limited awareness of it. While there was theoretical support from all stakeholders, there were several practical barriers which often prevented usage.
- Existing structural barriers may prevent practical use of the protocol. These included legal aid issues, lack of incentive for solicitors and lack of time for probation to undertake a PSR ahead of hearing.
- There was also a reported lack of engagement from defence advocates with the protocol, according to the other stakeholders. While we were not able to speak to any defence advocates to confirm this view, lack of engagement with the evaluation could indicate lack of engagement with the pilot.

Awareness and experience of the PSR Before Plea Protocol

There was considerable awareness of the PSR Before Plea Protocol by all stakeholder groups according to survey results (see Figure 7). When asked about the pilot more generally in workshops, it became apparent that less familiar participants, such as members of the judiciary, were likely to confuse the pilot as consisting solely of the protocol without the other two elements (training and priority cohorts). This is not to say they were any less aware of the protocol, but rather it highlighted a reduced level of awareness regarding the other components of the pilot.

Figure 7: Table C.4, Appendix C. Level of awareness of PSR Before Plea Protocol within stakeholder groups.

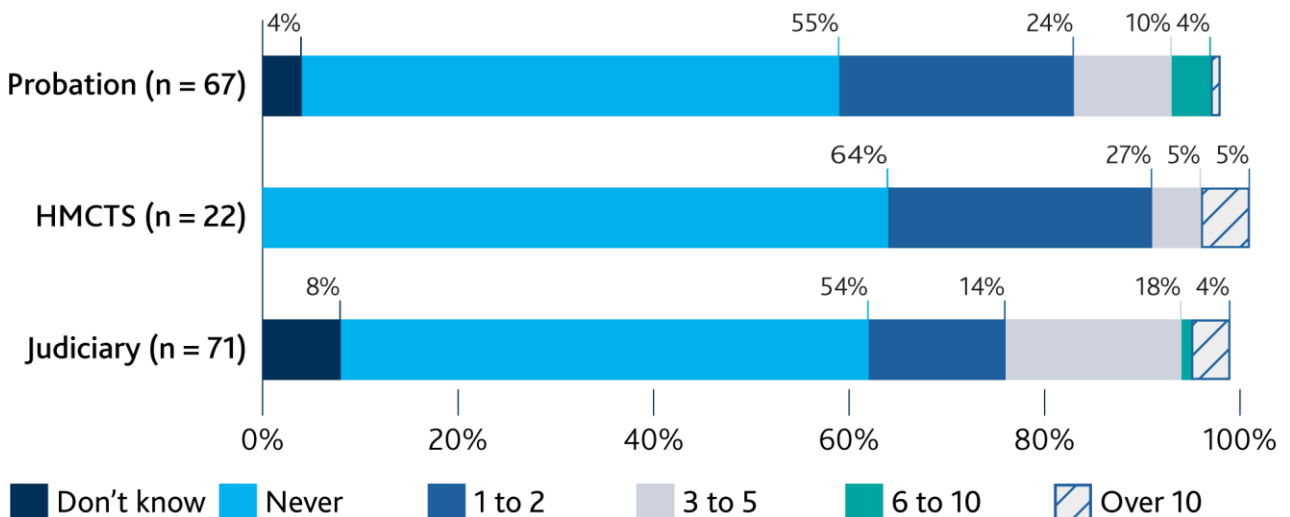


However, despite large awareness of the protocol by probation, HMCTS and judicial staff, there was limited usage across the pilot court sites according to both interview and survey data (Figure 8).

“Yeah, I know what it is. It’s just not very widely used in our area.” – Court N, PO 2

“There just didn’t seem to be an appetite there. And I think it’s arguably an opportunity missed” – Court D, PDU Head 1

Figure 8: Table C.5, Appendix C. Level of involvement with a PSR Before Plea



Practical barriers

Multiple logistical barriers were cited in participants' explanations for its limited use.

HMCTS participants felt that the protocol was based on assumptions that were unlikely to happen in practice.

There was the suggestion that service users may not "know the system" and assume that they'll only obtain a lawyer on the day of the court hearing. This misunderstanding can prevent effective use of the protocol if the defendant is unaware of the need to inform their solicitor that they have been charged and attend an appointment before their court date.

Interview data also suggested a lack of buy-in from defence advocates to the protocol¹⁶. Furthermore, concern was raised by probation that the Before Plea Protocol could result in wasted probation resource if the defendant changes their plea after the PSR was started.

"My fear of the PSR Before Plea is that we end up doing this amount of work and they change the plea. What an incredibly difficult resource that is if you do a report"

– Court K, PO 4

¹⁶ It was not possible to explore this with defence advocates as part of the evaluation due to poor participant recruitment.

4.6 Probation staff training

Key findings:

- Probation were very supportive of the training package, citing especially that the training was tailored specifically to their court-role.
- There were mixed views on the specific virtual training sessions, with both the 'Trauma Informed' and the 'Unconscious Bias and Racial Disproportionality' training being described as interesting, engaging, and useful. The 'Improving Advocacy, Communication and Presentation Skills in the Courtroom' was more mixed, with some reports that it was practical and easy to implement, whilst some others felt it could be somewhat patronising.
- E-learning was felt to be less effective than the virtual training sessions and had a lower completion rate.
- It was difficult for staff to find time to dedicate to training and implement what they learned due to staff under-resourcing.

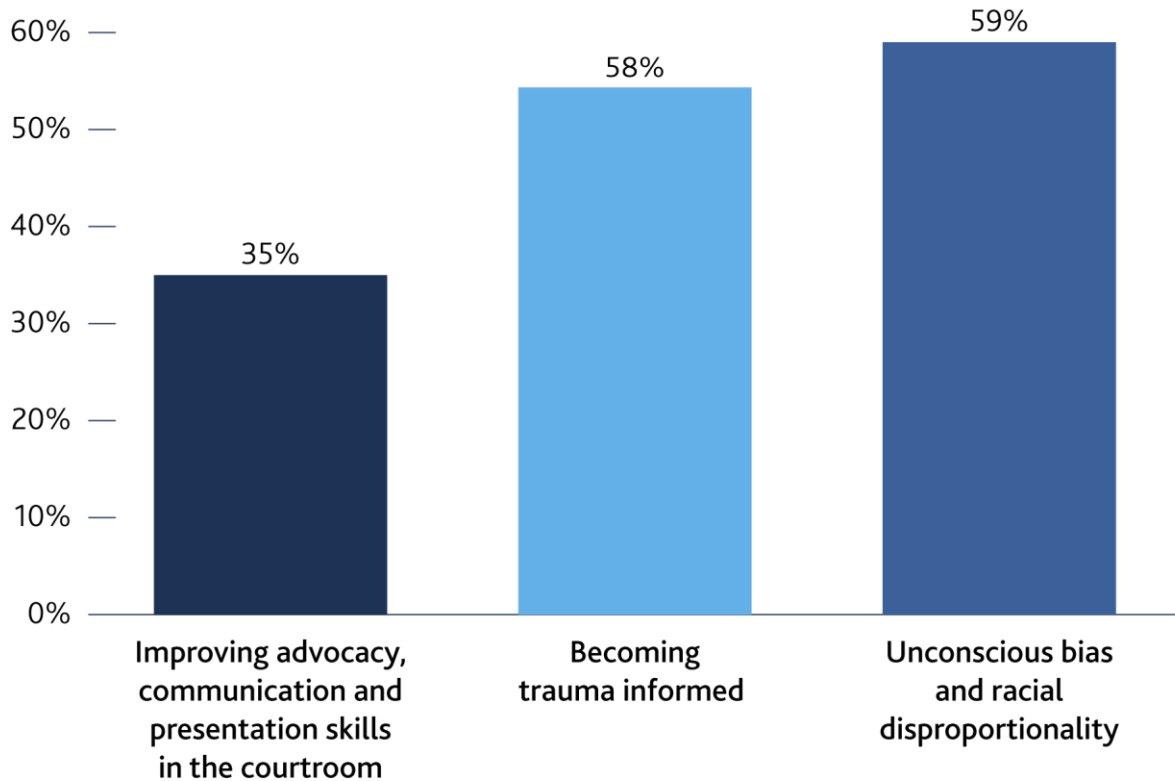
Unconscious Bias and Racial Disproportionality

Survey results revealed that the Unconscious Bias and Racial Disproportionality training was highly attended (Figure 9), with participants also providing very positive feedback. Probation staff often referred to the training as interactive and engaging.

"It was the most interactive and engaged training that I've probably seen in probation for a significant number of years. It was delivered remotely obviously, to take account of covid and things, but the two facilitators were exceptional. It was really, really eye opening. And every member of staff that attended from [this court] said it was the best training they had done in a significant number of years." – Court N, PDU Deputy Head 3

"That whole thing of not seeing someone before you and thinking like you know their background or know where they're coming from and so forth, you know. So yeah, I took that back." – Court M, PSO 5

Figure 9: Table C.6, Appendix C. Probation training attendance from survey respondents



Becoming Trauma Informed

Trauma was often identified in interviews as an important factor to consider when producing a PSR. The ‘Becoming Trauma Informed’ training was highly attended by survey respondents and was also the most positively regarded of the three training sessions by participants. Probation staff frequently discussed how they were able to implement the learning from this training session into their work.

“Trauma-informed was very good as well. That was definitely an eye-opener.” – Court B, PSO 3

“So a lot of people, it was, you know, myself included, it was a place to vent a little bit there as well. But I thought the actual training itself was pretty good. I’ve never had training like that before.” - Court J, PSO 7

Improving Advocacy, Communication and Presentation Skills in the Courtroom

In interviews, probation staff were largely pleased that this training addressed an existing gap, relating to their presentation skills in court. It was suggested that previously this type of training had only been provided to other court roles, such as solicitors.

“I mean I actually never had this sort of training and it’s definitely what’s needed.” – Court L, PSO 1

“Initially if I stuttered my way through and literally having occasions where you lose your breath and presenting...So it was really [laughs] kind of surprising to do some formal training and have people just trying to teach me the basics of how to hold your body when you’re talking, about voice control and things like that.” – Court L, PSO 1

Fewer participants reported having completed the ‘Improving Advocacy, Communication and Presentation Skills in the Courtroom’ training compared with the other two training sessions. Additionally, the feedback for this training was more mixed than with the other sessions which could potentially explain the lower attendance.

Participants typically viewed the training content to be helpful and appropriate and they appreciated the practical takeaways. However, there was criticism that the facilitator did not properly understand the specifics of the court-based role. Some staff also reported that they found the training to be somewhat patronising.

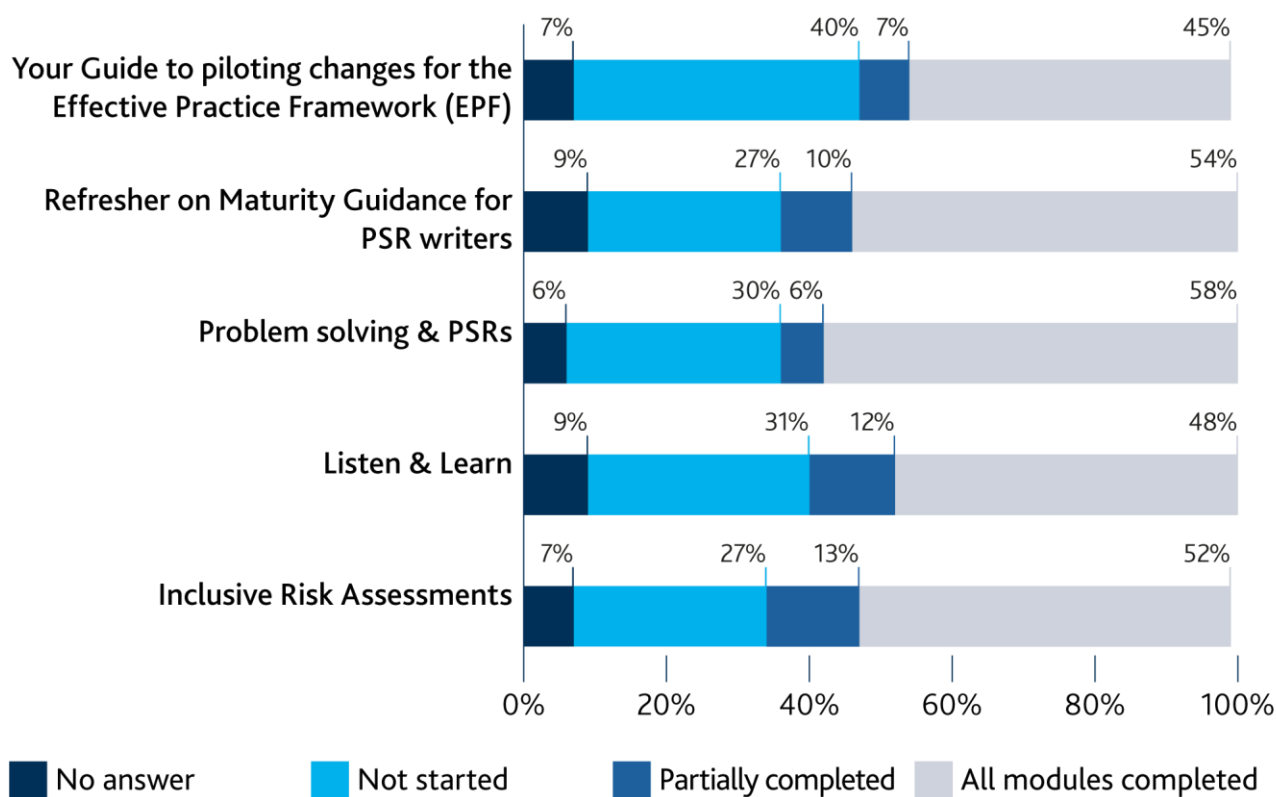
“They told you how to – with your presentation skills and how to slow down, take a pause before answering a question, making sure you understand the question before responding is important. And so yeah, that was good.” – Court M, PSO 5

“it felt like there was a bit of a disconnect between what [the trainers] wanted us to do, versus what we knew we would do in court.” – Court K, PO 4

E-learning

According to survey results, 34% of respondents reported having completed all of the e-learning, compared to 51% reporting that they had attended all of the virtual training sessions.

Figure 10: Table C.7, Appendix C. Reported completion of e-learning modules from probation survey respondents



Views on the e-learning were mixed, although they tended to be more negative and were described as less beneficial than the three virtual training sessions. Negative comments referenced technical issues around saving progress, inaccessible forms of learning to accommodate different learning styles and accessibility needs, as well as difficulty finding time to complete the training across all levels of staff. Conversely, probation staff who regarded the e-learning positively shared how they believed the e-learning to be a helpful reminder of information they'd previously learnt.

“Yeah. They were good. There was a lot of videos.” – Court B, SPO 2

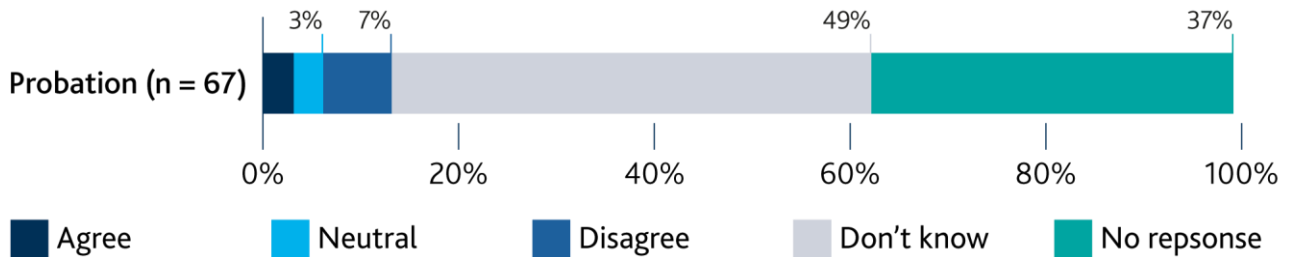
“I found the training for it to do the modules, the different steps, very frustrating because it never saved anything. So I kept starting from the beginning again” – Court J, PSO 6

Perceived impact of training

37% of probation survey respondents agreed that they believed the quality of their PSRs had improved since receiving training (Figure 11), and 49% neither agreed nor disagreed with the statement. One possible explanation for this neutral answer may be that some

participants reported that they struggled to implement the learning from the training due to high workloads (see 'Barriers' for further discussion).

Figure 11: Table C.8, Appendix C. Perceived impact of training on PSR quality



However, some probation staff reported how they had been able to implement their learning from the training, often referencing how the training improved their confidence, either in relation to presenting in court or on what they should be considering during PSR interviews.

“In the PSRs that I am countersigning. I am seeing an improvement in the analysis, especially maturation and diversity issues.” – Court C, SPO 8

“And since that training, I'll look for more answers when I interview people about trauma. I'll try and go in-depth because it's a sensitive topic, especially, I felt like that training gave us the – gives the tools on how to cope with that situation and again, very, very useful consulting.” – Court B, PSO 3

Further information about the perceived impact of training is included in 'Perceived impacts of the pilot'.

Barriers

When discussing barriers to attend and/or implement training, probation staff tended to highlight the broader contextual pressures that they face. The challenging time pressures they work under were felt to limit their ability to complete training or e-learning, as probation staff felt the need to deprioritise this in order to meet the needs of their day-to-day role.

These issues are particularly challenging in a court setting where it is not possible to shut the courts for a day or two for training to be completed. SPOs reported finding it difficult to arrange time for their staff to complete the training alongside workplace pressures.

Additionally, these pressures were also felt to reduce their ability to implement the training in their day-to-day work. Probation participants described how working under pressure to produce reports quickly may have made it harder to take the time needed to reflect upon learning and apply it.

“My staff came back to me after the training and they said that they thought that it was really good. However, they said it’s reminding them that they need to take a bit more time in their assessments. And when they don’t have more time because they are way under-resourced, I don’t mean just a little but way under-resourced, they’re not seeing the changes.” – Court A, SPO 7

4.7 Priority cohorts

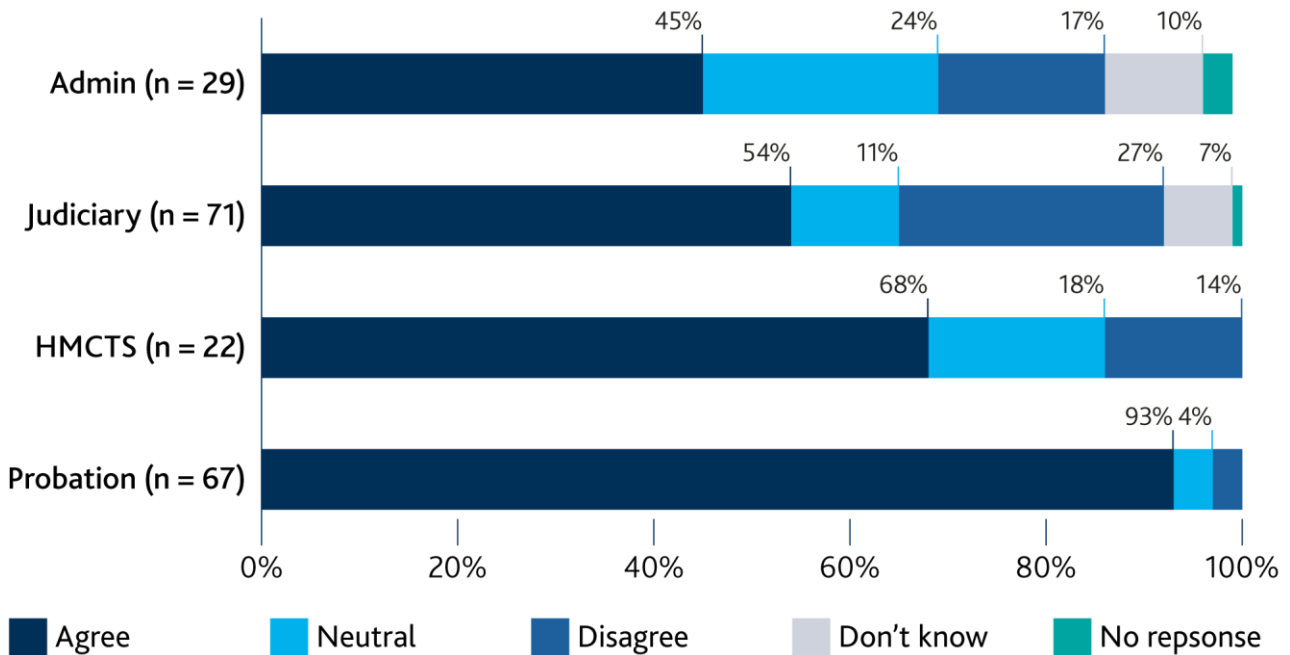
Key findings:

- There was large support for the cohorts selected across all stakeholder groups. However, there was a view from probation staff that their professional judgement was undermined.
- The inclusion of an 18 to 24-year-old cohort was supported and seen to recognise this group’s specific maturity needs.
- The women cohort was largely viewed as appropriate as this group is more likely to have complex or traumatic histories. However, many felt that adjourning for all women was not always necessary and this in particular was challenging probation practitioners’ professional judgement.
- There were mixed views on the inclusion of an at risk of short-term custody cohort. Understanding of who this cohort included tended to vary across court sites and implementation was inconsistent.
- Across stakeholder groups and regions, it was believed that adding a cohort for Black, Asian or minority ethnic individuals would have been beneficial.

General views and awareness

While most probation survey respondents reported that they understood who the three priority cohort groups were, awareness amongst other stakeholders tended to be more mixed. This finding was largely consistent with levels of awareness displayed in interviews. Participants were generally more confident in their understanding of the women and 18 to 24-year-old cohorts, and less so with the risk of short-term custody cohort.

Figure 12: Table C.9, Appendix C. Awareness of the priority cohorts



Participants across all stakeholder groups typically agreed with the selection of these three cohorts, believing that they were the right groups to focus on due to their association with more severe sentences.

18 to 24-year-old cohort

There was overwhelming support for the selection of this cohort across the various stakeholder groups that were interviewed. Support for this selection was often based around the need to consider maturity when producing reports on young adult offenders. Some probation staff felt that it was beneficial to have added time with young adult defendants to produce a written report.

Many participants also linked avoiding a custodial sentence with reducing the likelihood of re-offending, and one way to avoid this would be through the sentence recommendations

in the PSR. This was often discussed in relation to the negative impacts that short-term custodial sentences can have on young adults.

“Young adults, you want to turn them away from crime at the earliest possible opportunity.” – Court J, Magistrate 6

“I think under twenty-fives, we know as well, anyone who goes into custody, it doesn't lead to good outcomes, particularly for short-term sentences.” – Court K, PDU 4

One probation officer reported that they felt written reports were beneficial for young adults as they helped make a more convincing recommendation to include rehabilitative components in their sentence.

“I feel like the time away and the proper written reports makes that a bit more convincing to such an extent that if you put a young person's background in and talk about their age of maturity it almost feels like some occasions you get to a conclusion where how would it ever be right to just be punishing this young person? It feels like it's easier to get to that place where the court really would have to justify what they're doing to go down a suspended sentence or unpaid work would, rather than giving them help.” – Court L, PSO 1

Women cohort

Staff across all stakeholder groups were largely supportive of including women as a priority cohort, as they felt it was important to understanding complex histories and addressing gender-specific needs.

“I find focusing on trauma and neuro-diverse issues, as well as gender specific needs has improved the Court's views of this cohort and thus making better sentencing decisions” – Court E, PO 7

Further, as mentioned below, there were reports from all stakeholder groups that adjourning for women defendants was a valuable use of resource, as it was felt to lead to more detailed analysis and to more personalised support that was tailored to the individual

needs and background of the defendant. This was linked to potentially reducing the likelihood of reoffending.

“So we might have gone for, I don't know, community service on a female but actually we've adjourned, we've done that in-depth assessment, we know more about trauma. And so then we come out of that meeting and think, okay, we need to put this person on probation. That's arguably a better outcome because that individual has got more support” – Court D, PDU Head 1

However, this cohort was sometimes reported to cause unnecessary, additional work as it was felt that not every woman needs a written PSR. When this was the case, adjourning was felt to cause avoidable delays. This is discussed further in ‘Limitations’.

“When I've interviewed [women] and it's a full report and it might have previously been done on the day I might feel at the end of it like, oh, I've done a really good report. So much is there, all the trauma's in there, all the rest of it. I'm not sure that the recommendation ever comes out that differently. So I can't – I'm never totally convinced by the adjournment.” – Court L, PSO 1

Risk of short-term custody cohort

This cohort was consistently viewed more negatively than the other two cohorts across all stakeholder groups. Confusion amongst some of the courts regarding the criteria for the cohort was one of the reasons for this. Some participants reported that they had previously understood the risk of custody cohort to include any cases where an all-options report was being requested, rather than it being based on the defendants' Offender Group Reconviction Scale (OGRs) score.

“I think initially there was a lot of confusion about the cohorts, not so much identifying who was in those cohorts but we were told that basically ... anybody the court asked for all options had to be adjourned. I think because it said if they were at risk of custody which when they say all options they are technically still at risk of custody. So they were all being adjourned and that's when we started having this massive backlog of adjourned reports and we had to start it with three-week adjournments for them because we couldn't fit them all in, in five days. So I think

that maybe a bit more clarification on when we can do an on-the-day and when we can't because if I'm honest I'm still not 100% sure." – Court J, PSO 7

Other participants across probation and HMCTS roles felt that the criteria were too broad and would therefore apply to an impractical number of defendants.

"it feels like it's basically everybody else who's not in the first two categories." – Court G, Senior Legal Manager 2

Several participants outlined that they had not been applying the risk of custody cohort in their courts, this may have been due to the concerns and confusion discussed above. Some staff suggested that there were other groups that would be more appropriate to have included in the cohort approach instead of risk of custody.

"I don't get the at risk of custody. I don't understand that. I think that should have been replaced with BAME because our BAME are the ones that are at risk of custody. There is, you know, we cannot ignore kind of what the research is telling us" – Court M, SPO 5

Limitations of cohorts

Some participants reported that the targeted approach to the three priority cohorts could feel prescriptive, where not all individuals that fell into these groups would require the more comprehensive written report. Other concerns were raised about possible negative impacts, such as the additional burden that adjourning for a written report may have on defendants in terms of organising travel to court for another hearing, arranging childcare and the emotional impact of reattending court. In particular, this was raised in relation to the women cohort.

Further, probation raised that the initial blanket approach could sometimes be felt to undermine their professional judgement. In these cases, probation staff felt that using a case-by-case approach would be more effective.

"I don't have any issue with any of the groups identified, I just feel if you've got experienced staff in a court there should be some trust in the decision making process that we have." – Court B, PSO 4

To address these concerns, the project team rolled-out an oral screening tool with the aim of allowing probation staff to provide an oral PSR rather than a written one if certain criteria were met by defendants that fell into the priority cohorts. However, most feedback from probation participants on this tool was negative. Some of the concerns around the oral screening tool referred to probation staff reporting that they would not be able to answer the questions it asks until carrying out a full interview with the defendant.

Probation reported feeling that the tool increased confusion around the pilot with the perceived inconsistencies of who required a written PSR under the pilot and who did not. This was felt to undermine the engagement work probation staff had been doing to encourage the awareness and application of the ADM. Consequently, this was felt to add to frustration felt by the judiciary where there was already concern about impact on adjournments and court backlogs.

“All we’ve been doing is hammering home the message to our magistrates is, this is a pilot case, we need to adjourn, you know. We’ve been singing that song. Then all of a sudden it’s like, oh, it is a pilot case but we think we can do it on the day. Well, they’ll be like, I know what they’ll be saying, well, why? What’s this difference?” –

Court M, SPO 5

Further work in consultation with probation colleagues would help to develop the oral screener further and the associated communications around it.

5. Conclusions

This process evaluation sought to explore how the pilot was being implemented, using a mixed methods approach. The evaluation sought to answer the following objectives:

1. To gather evidence about how PSRs are developed, used, and valued
2. To identify facilitators and barriers to the implementation of the PSR pilot, and examples of good practice and any lessons learned to inform any future policy
3. To identify perceived impacts on judicial confidence and administration of justice

Multiple stakeholders fed into the fieldwork through interviews, surveys and workshops. Monitoring information was also used to understand performance at court level.

5.1 How are PSRs developed, used and valued?

The process of developing a PSR varies by its type, with written reports often requiring probation staff to carry out more information gathering from third parties, due to higher levels of complexity regarding a specific case. The efficiency of these information sharing processes plays a significant role in how quickly a comprehensive and high-quality report can be produced.

The primary purpose of a PSR that was identified by participants was to aid and support the judiciary to make an informed decision through identifying suitable sentencing options. This is achieved through a comprehensive overview of contextual and relevant historical information relating to the defendant and the offence. Probation also cited the importance PSRs have in post-sentence offender management.

5.2 How was the PSR pilot implemented? What examples are there of good practice and any lessons learned to inform any future rollout?

The perception of the ADM appears mixed between the three key stakeholders. The Probation Service was far more engaged with the pilot, and as such appeared to be relied upon by the other stakeholders to ensure implementation of the ADM in the day-to-day running of the courts. The Probation Service was more regularly engaged by the pilot team, through monthly meetings with the SPOs from the courts, which may have contributed to this difference between stakeholders. Further engagement activity in this vein would likely improve awareness and buy-in from judiciary and HMCTS.

The limited application of the Before Plea Protocol made it difficult to draw any substantial conclusions, although participants suggested a range of barriers in its implementation. These included service users not knowing how the system works, a lack of buy-in from defence solicitors and the worry it could risk wasting probation resource if the defendant changed their plea after work had started on the PSR.

The provision of probation staff training was the most positively viewed element of the ADM. Probation staff felt that it was beneficial to have training which specifically related to their court-based roles. The Trauma Informed training and Unconscious Bias training tended to be described the most positively, while views on the Communication and Presentation Skills training were mixed. Challenges lay in probation staff finding time to complete the training and then also to implement the learning. Challenges with high workloads, influenced by Covid-19 recovery, the recent changes in probation unification, as well as chronic understaffing are likely to have influenced how well this, and wider elements of the pilot, were implemented. Ongoing provision of training to probation staff focused on the court-setting would be desirable and allow for more flexible attendance, especially in the context of staff turnover and high workloads.

There was support for the selected three priority cohorts, particularly 18 to 24-year-olds and women, as it was acknowledged that these groups have different needs relating to maturity and gender. Meanwhile, the risk of custody cohort was largely felt to be too broad and there were also some reports that confusion in what 'risk of custody' could mean led to

an inconsistent interpretation and implementation of this element of the ADM. More broadly, the initial blanket push to provide a written PSR on all priority cohorts was challenged by participants as inappropriate and could at times feel undermining to probation staff knowledge. This ultimately led to a change in the ADM with the introduction of the oral screener tool, although staff raised concerns that this had, at least temporarily, on messaging around the pilot. Engagement with the probation staff in the pilot courts to identify and share existing examples of good practice might help in these instances.

5.3 To identify perceived impacts on judicial confidence and administration of justice

Although some members of the judiciary reported seeing an improvement in the quality of PSRs, the key finding was that most members of the judiciary already held the quality of PSRs in high regard and had not experienced any significant change in quality since the introduction of the pilot. The majority of judicial participants value the expertise of the probation staff who produce these reports and reported having high concordance rates and levels of confidence in the reports they see.

Overall, the way in which the ADM was implemented varied across court sites, time, and staff roles. However, there was a general trend across the pilot courts of higher proportions of in-court disposals having PSRs, compared to non-pilot court sites. Further, there appeared across most of the lifetime of the pilot to have been higher proportions of written fast delivery reports compared to oral reports amongst the three selected priority cohort groups. Whilst the impact of PSRs was not explored in this evaluation, a separate report exploring the impact of PSRs on sentence outcomes found that those who received a PSR oral or PSR fast delivery in 2016 were more likely to successfully complete their court order (Gray et al., 2023).

There were concerns raised about the impact the pilot had on workloads within the court setting. Interventions were put in place, such as the provision of the Virtual Hub and the altered approach to the priority cohorts, to reduce or avoid burden, and it is important these concerns be taken into consideration. Despite positive indicators of progress and delivery from the monitoring information, the perception of the pilot's impact on staff workload should be addressed.

6. Lessons learned

- While buy-in was provided at senior levels to identify and select volunteer pilot sites, explicitly including operational HMCTS and judicial staff is beneficial. Implementation of the pilot was more embedded in sites where there was buy-in from all stakeholder groups and levels.
- Regular engagement between the project team and Senior Probation Officers (SPOs) was an effective form of communication. Maintaining this ongoing engagement with other stakeholder groups would be beneficial. Collaborative working between the stakeholder groups at the start of the day to identify when cases can be dealt with was perceived as a desirable approach towards more joined-up working.
- Advice should be sought from court stakeholders across all staff levels, including frontline practitioners. This is to ensure that the expertise from the ground level and up is utilised and to increase buy-in of the ADM.
- Communication can easily be lost in busy inboxes, and this can be compounded where members of the judiciary do not sit often. Short succinct emails and communications should be used to explain when pilot ADM processes change, or key staff members change to reduce levels of confusion. Short emails with bullets of the implications of decisions, rather than detail on rationale, may enable quicker pick-up.
- In 2019 the option to propose Suspended Sentence Orders in PSRs was removed, as agreed by the National Probation Service, Judicial Office and the Sentencing Council. However, there appeared to be a lack of awareness of this among some judicial participants, and probation staff identified this as potentially reducing judicial confidence. This may be improved through additional communication.

- Training was positively received by probation staff and continuing the training offer probation staff based in courts would be beneficial. It is important to recognise that due to staff pressures and turnover, training may need to be run on a regular/flexible basis. The virtual nature of the training should help facilitate this.
- The risk of short-term custody cohort had the least support and application of it was mixed across pilot sites. This may have been due to confusion around its definition, as well as concern that its scope may be too broad. Therefore, a clear and specific definition should be communicated to ensure consistent understanding.
- Some practitioners suggested that there were other groups that would be more appropriate to have included in the cohort approach instead of risk of short-term custody, such as ethnic minorities. Further exploration of groups to target in the priority cohorts should be considered.
- As a result of the relatively low uptake in the use of the PSR Before Plea Protocol, it may be beneficial to explore other methods to improve the efficiency of PSR production.

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[The Better Case Management Revival Handbook \(2003\)](#)

Appendix A

Sampling tables

Table A.1: Interview sites and participants

Row Labels	Judiciary	Probation	HMCTS	Total
Court L	1	4	2	7
Court J	1	3	1	5
Court B	1	3	1	5
Court A	1	3	3*	4
Court K	1	3	0	4
Court N	0	4	1*	4
Court G	2	1	1	4
Court M	0	3	0	3
Court I	1			1
Court D		1		1
Court E			1*	
Total	8	25	10	43

*Completed in-depth survey that mirrored interview questions.

Table A.2: Survey respondents by court site

Court	Judiciary	Probation	HMCTS	Administrators	Total
Court A	8	6	5	5	24
Court B	13	4	3	2	22
Court C	11	6	0	2	19
Court D	7	6	3	1	17
Court E	5	5	2	4	16
Court F	6	5	0	4	15
Court G	8	4	0	1	13
Court H	1	8	0	3	12
Court I	5	2	3	1	11
Court J	4	4	1	1	10
Court K	1	5	2	1	9
Court L	0	4	3	2	9
Court M	1	5	0	1	7
Court N	0	3	0	1	4
Unknown	1	0	0	0	1
Total	71	67	22	29	189

Table A.3: Workshop participants by court site

Court	Judiciary	HMCTS	Probation	Total
Court H	1	1	1	3
Court L	1	1	1	3
Court G	1		1	2
Court N	1	1		2
Court D		1*	1	2
Court C				1
Court F	1	1*		2
Court E	1			2
Court A				1
Court I				1
Court M				1
Court J	1			1
Total participants	9	5	5	19




*Court site was represented by a participant who covers multiple court sites

Table A.4: Stakeholders represented by court site

Court	Judiciary	Probation	HMCTS	Administrators
Court A	Yes	Yes	Yes	Yes
Court B	Yes	Yes	Yes	Yes
Court C	Yes	Yes	Yes	Yes
Court D	Yes	Yes	Yes	Yes
Court E	Yes	Yes	Yes	Yes
Court F	Yes	Yes	Yes	Yes
Court G	Yes	Yes	Yes	Yes
Court H	Yes	Yes	Yes	Yes
Court I	Yes	Yes	Yes	Yes
Court J	Yes	Yes	Yes	Yes
Court K	Yes	Yes	Yes	Yes
Court L	Yes	Yes	Yes	Yes
Court M	Yes	Yes	No	Yes
Court N	Yes	Yes	Yes	Yes
Total	15	15	14	15

Appendix B

Interview and survey topics

 Probation	 ACOs/HOS	 Magistrates & District Judges	 Legal Advisors	 Admin Staff
Introduction, consents	Introduction, consents	Introduction, consents	Introduction, consents	Introduction, consents
Roles and experience in court	Roles and experience in court	Roles and experience in court	Roles and experience in court	Roles and experience in court
Views on PSRs generally	Views on PSRs generally	Views on PSRs generally	Views on PSRs generally	Views on PSRs generally
Familiarity with the Pilot	Familiarity with the Pilot	Familiarity with the Pilot	Familiarity with the Pilot	Familiarity with the Pilot
Views on each element in turn:	Views on each element in turn:	Views on each element in turn:	Views on each element in turn:	Views on each element in turn:
Target Cohort	Target Cohort	Target Cohort	Target Cohort	Target Cohort
Oral Screening Tool				Ways of Working
Training	Training	Training	Training	Training
PSR Before Plea Protocol	PSR Before Plea Protocol	PSR Before Plea Protocol	PSR Before Plea Protocol	PSR Before Plea Protocol
Virtual Hub	Virtual Hub			Virtual Hub
Perceived Changes	Perceived Changes	Perceived Changes	Perceived Changes	Perceived Changes
Sustainability	Sustainability		Sustainability	

Appendix C

Survey responses for questions included in this report

Table C.1: Awareness of the PSR pilot amongst colleagues

Statement: There is a general awareness of the PSR Pilot amongst my colleagues.					
	No response	Don't know	Disagree	Neither agree nor disagree	Agree
Probation (n = 67)	0% (n = 0)	1% (n = 1)	3% (n = 2)	13% (n = 9)	82% (n = 55)
HMCTS (n = 22)	0% (n = 0)	0% (n = 0)	14% (n = 3)	23% (n = 5)	64% (n = 14)
Judiciary (n = 71)	6% (n = 4)	13% (n = 9)	25% (n = 18)	23% (n = 16)	34% (n = 24)
Admin (n = 29)	3% (n = 1)	0% (n = 0)	3% (n = 1)	28% (n = 8)	66% (n = 19)

Table C.2: The extent to which participants understood the PSR pilot objectives

Statement: I understand the objectives of the PSR Pilot.					
	No response	Don't know	Disagree	Neither agree nor disagree	Agree
Probation (n = 67)	0% (n = 0)	0% (n = 0)	3% (n = 2)	10% (n = 7)	87% (n = 58)
HMCTS (n = 22)	0% (n = 0)	0% (n = 0)	9% (n = 2)	14% (n = 3)	77% (n = 17)
Judiciary (n = 71)	0% (n = 0)	0% (n = 0)	13% (n = 9)	10% (n = 7)	77% (n = 55)
Admin (n = 29)	0% (n = 0)	3% (n = 1)	3% (n = 1)	24% (n = 7)	69% (n = 20)

Table C.3: Perceived change in PSR quality since introduction of the pilot

Statement: Since the introduction of the PSR pilot I believe the quality of the PSRs has improved.					
	No response	Don't know	Disagree	Neither agree nor disagree	Agree
Judiciary (n = 71)	4% (n = 3)	3% (n = 2)	15% (n = 11)	44% (n = 31)	34% (n = 24)

Table C.4: Percentage of stakeholder groups who were aware of the PSR Before Plea Protocol

Statement: I am aware of the PSR Before Plea Protocol					
	No response	Don't know	Disagree	Neither agree nor disagree	Agree
Probation (n = 67)	0% (n = 0)	0% (n = 0)	7% (n = 5)	7% (n = 5)	85% (n = 57)
HMCTS (n = 22)	0% (n = 0)	0% (n = 0)	9% (n = 2)	5% (n = 1)	86% (n = 19)
Judiciary (n = 71)	0% (n = 0)	1% (n = 1)	17% (n = 12)	4% (n = 3)	77% (n = 55)
Admin (n = 29)	0% (n = 0)	0% (n = 0)	17% (n = 5)	28% (n = 8)	55% (n = 16)

Table C.5: Number of times involved with a PSR Before Plea

Question: Since its launch in March 2021, approximately how many times have you worked with/produced a PSR Before Plea?						
	Don't know	Never	1 to 2	3 to 5	6 to 10	Over 10
Probation (n = 67)	4% (n = 3)	55% (n = 37)	24% (n = 16)	10% (n = 7)	4% (n = 3)	1% (n = 1)
HMCTS (n = 22)	0% (n = 0)	64% (n = 14)	27% (n = 6)	5% (n = 1)	0% (n = 0)	5% (n = 1)
Judiciary (n = 71)	8% (n = 6)	54% (n = 38)	14% (n = 10)	18% (n = 13)	1% (n = 1)	4% (n = 3)

Table C.6: Probation training attendance from survey respondents

Question: Have you completed any of the following training sessions? Please tick all that apply.		
	Attended	Not Attended
Improving Advocacy, Communication and Presentation Skills in the Courtroom	52% (n = 35)	48% (n = 32)
Becoming Trauma Informed	87% (n = 58)	13% (n = 9)
Unconscious Bias and Racial Disproportionality	88% (n = 59)	12% (n = 8)

Table C.7: Reported completion of e-learning modules from probation survey respondents

'Have you completed any of the following e-training sessions?'

Question: Have you completed any of the following e-training sessions?				
E-Training	No Answer	Not started	Partially completed	All modules completed
Inclusive Risk Assessments	7% (n = 5)	27% (n = 18)	13% (n = 9)	52% (n = 35)
Listen & Learn	9% (n = 6)	31% (n = 21)	12% (n = 8)	48% (n = 32)
Problem solving & PSRs	6% (n = 4)	30% (n = 20)	6% (n = 4)	58% (n = 39)
Refresher on Maturity Guidance for PSR writers	9% (n = 6)	27% (n = 18)	10% (n = 7)	54% (n = 36)
Your Guide to piloting changes for the Effective Practice Framework (EPF)	7% (n = 5)	40% (n = 27)	7% (n = 5)	45% (n = 30)

Table C.8: Perceived impact training has had on PSR quality

Statement: Since receiving training, overall I believe the quality of my PSRs has improved.					
	No response	Don't know	Disagree	Neither agree nor disagree	Agree
Probation (n = 67)	3% (n = 2)	3% (n = 2)	7% (n = 5)	49% (n = 33)	37% (n = 25)

Table C.9: Awareness of the priority cohorts

Statement: I understand who the three priority cohorts are.					
	No response	Don't know	Disagree	Neither agree nor disagree	Agree

Statement: I understand who the three priority cohorts are.					
Probation (n = 67)	0% (n = 0)	0% (n = 0)	3% (n = 2)	4% (n = 3)	93% (n = 62)
HMCTS (n = 22)	0% (n = 0)	0% (n = 0)	14% (n = 3)	18% (n = 4)	68% (n = 15)
Judiciary (n = 71)	1% (n = 1)	7% (n = 5)	27% (n = 19)	11% (n = 8)	54% (n = 38)
Admin (n = 29)	3% (n = 1)	10% (n = 3)	17% (n = 5)	24% (n = 7)	45% (n = 13)

Appendix D

Monitoring information

Figure 13: The average number of women offenders receiving PSRs in the pilot sites compared to non-pilot sites, broken down by oral and fast reports

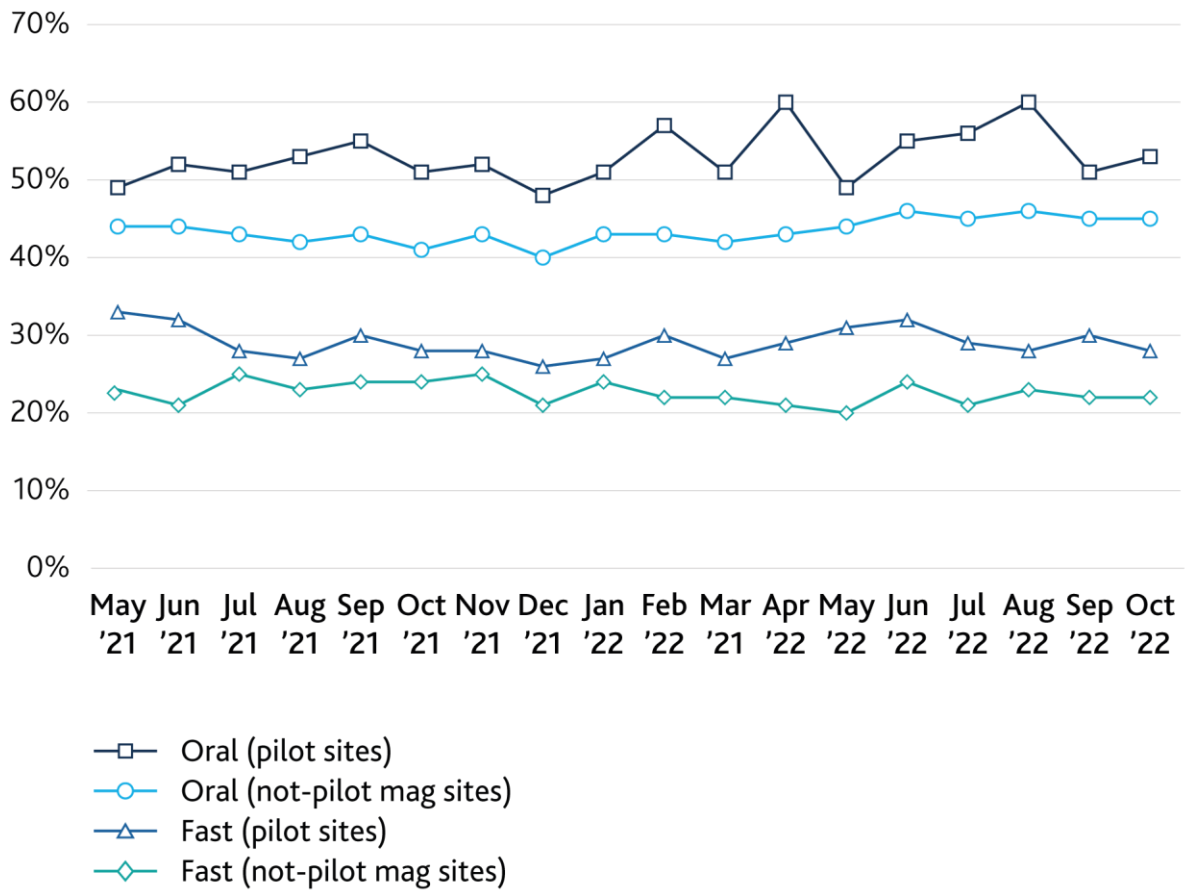


Figure 14: The average number of young adult offenders receiving PSRs in the pilot sites compared to non-pilot sites, broken down by oral and fast reports

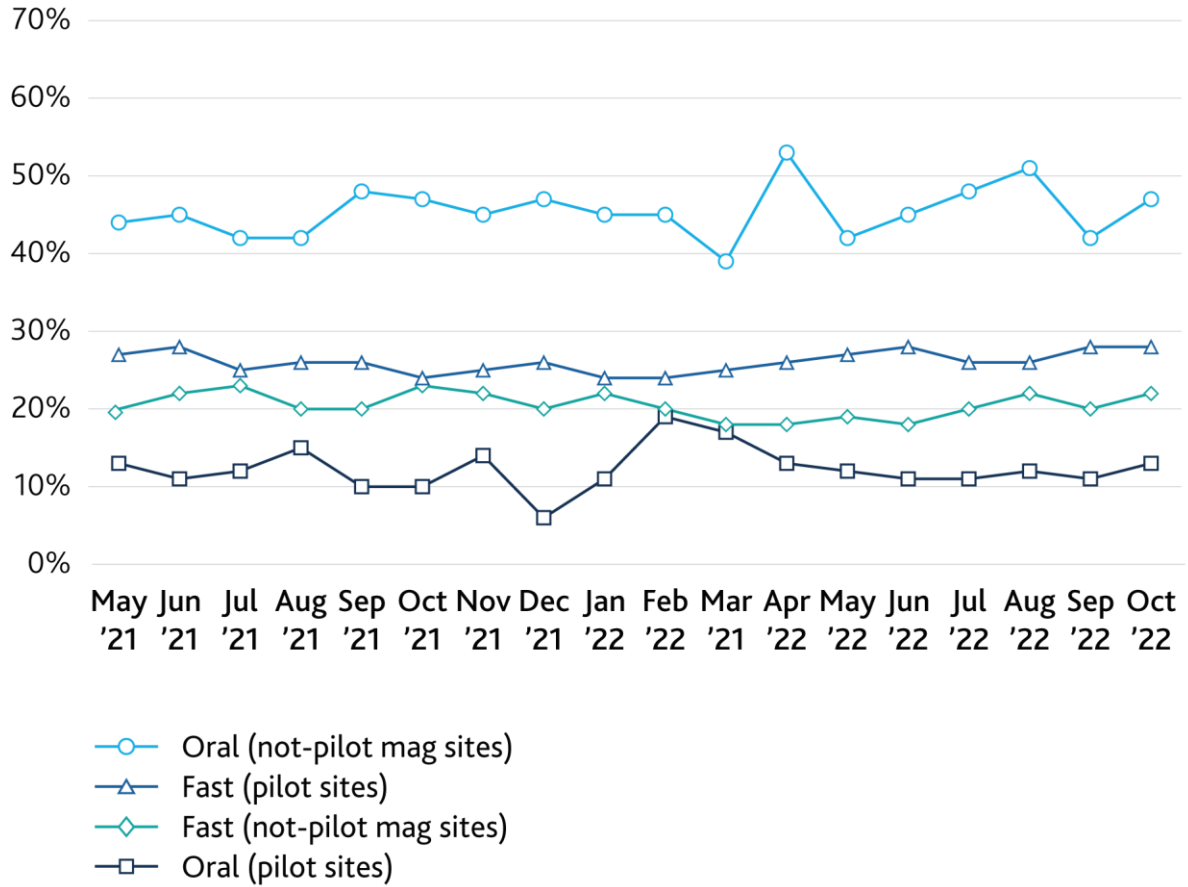
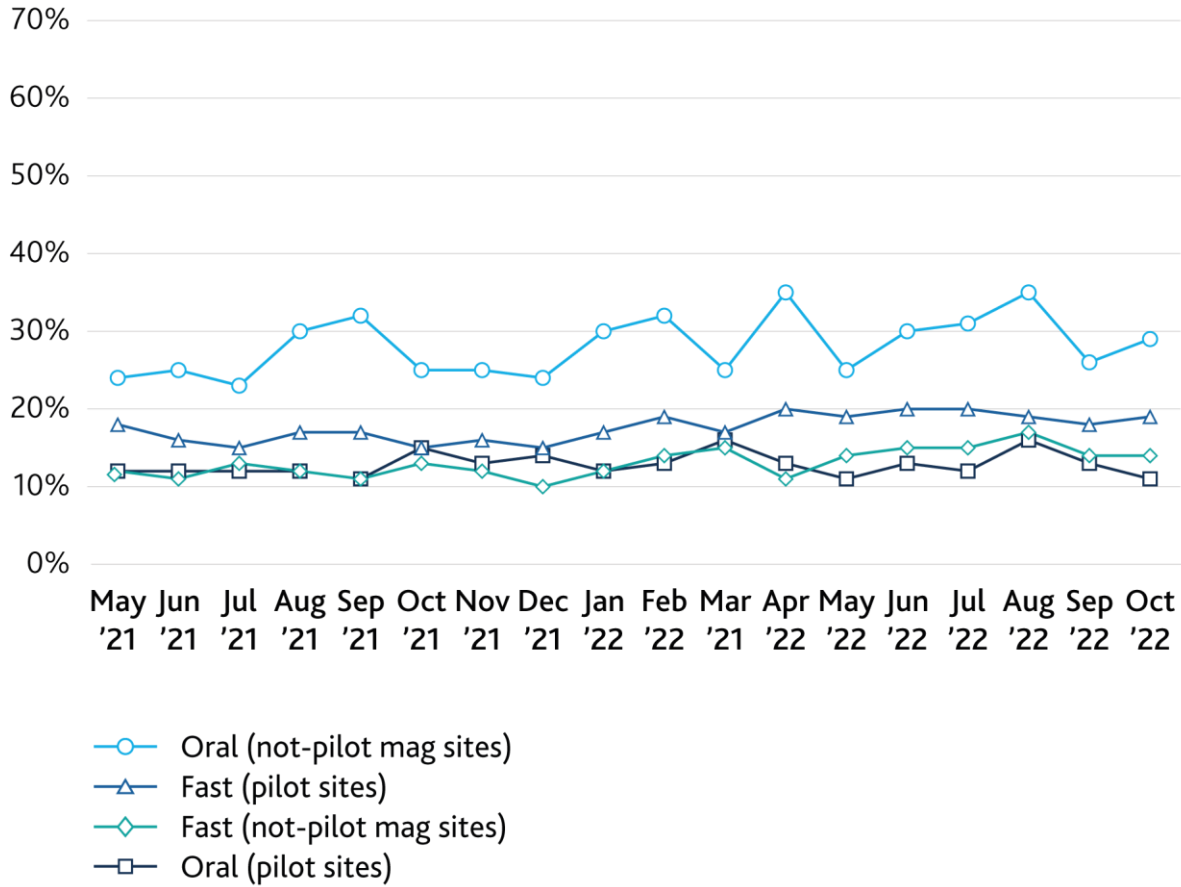


Figure 15: The average number of offenders at risk of short-term custody receiving PSRs in the pilot sites compared to non-pilot sites, broken down by oral and fast reports



Appendix E

Training courses

The pilot created a new learning and development package for probation court teams in pilot sites. This package is split between online e-learning and virtual workshops, and include topics such as building communications and advocacy skills, tackling racial disparities in the criminal justice system and learning how to become trauma informed and responsive to better support offenders.

The e-learning has been made available to probation staff on a platform called 'Articulate'. This e-learning package contains a mix of refresher material on, for example, working with female service users, and new material, such as the trauma-related podcasts. It also contains core learning which is recommended for staff to undertake at the start of the pilot, and then a section per month for probation court teams to complete, up to a couple of hours per month. This package is designed for flexibility, where SPOs and their court teams can decide together the best way to complete each monthly set of modules - whether a dedicated space is set aside once a month to complete it in one go or if it is split across the month.

The virtual training workshops are being delivered by three external companies

- Wipers has been commissioned to deliver training on 'Tackling Racial Disparity in the Criminal Justice System'. The aim of this is to improve knowledge and understanding of racial disparities within the Criminal Justice System, develop confidence in persuading a court to order a report and to develop skills to ask uncomfortable questions that will help formulate more informed assessments
- One Small Thing has been commissioned to deliver training on 'Becoming Trauma Informed'. The aim of this training is to train staff to develop an understanding of the dynamics and processes of trauma, to inform practice and system change.

- Pinnacle has been commissioned to deliver training on ‘Impactful and Engaging Communication and Presentation Skills for Probation Staff’. The aim of this training is to master the art of interpersonal communication, manage difficult conversations, influence stakeholders and advocate with confidence and credibility.

Table E.1: E-learning package content on Articulate Platform

	Module title	Recommendation for completing module
Core training	Meet the PSR pilot team	Can be completed independently
Core training	PSR pilot objectives	Can be completed independently
Core training	The PSR Alternative Delivery Model (ADM)	Can be completed independently - however we recommend SPOs check in with team members to ensure it has been fully understood
Core training	Oral PSRs refresher	Can be completed independently
Core training	De-bunking the QDT	Can be completed independently but there is an opportunity for peer / team discussion
Core training	Inclusive risk assessments - an introduction	Can be completed independently
Core training	Piloting changes for the EPF	Can be completed independently
Core training	Refresher on working with female service users	Can be completed independently but there is an opportunity for peer / team discussion
Core training	Refresher on Maturity Guidance Part 1	Can be completed independently
Core training	Refresher on Maturity Guidance Part 2	Can be completed independently
Monthly modules	Problem solving & PSRs modules	Ideally completed with a peer / in small groups but if not possible can be completed as an independent activity
Monthly modules	Inclusive risk assessment modules	Ideally completed with a peer / in small groups but if not possible can be completed as an independent activity

	Module title	Recommendation for completing module
Monthly modules	Podcasts on trauma by One Small Thing	Can be completed independently but highly recommend colleagues exchanging their thoughts on each podcast when they have the opportunity to do so
Optional modules	Knife Crime Practitioner & Manager Resource Pack	Can be completed independently but highly recommend SPOs to review and point staff to relevant chapters inside the pack if it is decided that this pack is relevant for their team.