

# **Exploring the production and utilisation of pre- sentence reports (PSRs) in the youth justice system**

**Report for Youth Justice Board**

**May 2024**

Ipsos UK and Manchester Metropolitan University (MMU)





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# 1 Overview of research

## Background

Ipsos and Manchester Metropolitan University (MMU) were commissioned by the Youth Justice Board (YJB) to conduct research into Pre-Sentence Reports (PSRs). PSRs bring together important information about the child to help inform the court's sentencing decision.

The research was exploratory and the primary research objectives were to: **Understand commonalities and differences in PSR reports** associated with custodial or community outcomes for Black children compared with White children; and **Develop learning around the processes and decision-making** involved in producing and utilising PSRs in these cases, including the perceived purpose of PSRs. This work builds on previous research which showed that Black children were more likely to receive harsher sentencing outcome after controlling for other factors.

Methods included two components: **quantitative analysis of a random sample of 95 PSRs** from five Youth Justice Services (YJSs). These PSRs were analysed and scored for quality and a subset were selected for further linguistic analysis. This analysis was supplemented by **qualitative research with 18 participants who produce and utilise PSRs** (YJS staff in three locations and court stakeholders incl. sentencers). Qualitative fieldwork took place online across January and February 2024. The findings for the study need to be treated with caution given the relatively small samples for all aspects.

## Key findings

**Purpose:** The perceived purpose of PSRs was found to be two-fold: developing a more detailed and holistic understanding of the child and their background; and proposing recommended sentencing outcomes. All audiences interviewed felt that PSRs provide valuable input into the court proceedings in both aspects but was just one piece of information the court considered among several.

**Challenges:** There were challenges identified in writing PSRs, such as accessing the necessary information from professionals (e.g. schools). This in turn created some perceived limitations around the use of the PSR in court due to the lack of completeness of information. Participants referenced the fact that sentencing proposals could, at times, be based on unrealistic representation of local provision. There was also a perceived tension in PSRs as both advocating for the child and needing to provide a balanced picture as the foundation for the sentencing proposal.

**PSR quality scores:** The PSR analysis did not show any consistent differences in quality between PSRs for Black and White children when considering the extent to which YJB guidance had been followed. Two dimensions of the reports were less consistently high quality based on the agreed scoring system – 'Assessment of Child' and 'Conclusions' - but that this was the case for both groups (Black and White children). However, concordance analysis showed that for Black children, higher scores were associated with the sentence outcome being more lenient; but for White children higher quality scores were associated with the sentence outcome being more severe.

**Linguistic analysis:** The linguistic analysis identified a number of differences between the PSRs for Black and White children, including the type of language used and the way the evidence was presented. There were multiple features identified that appeared in the White children's PSRs which might have made the sentencer view the child more favourably, such as the use of the term co-accused instead of co-defendants.

## 2 Executive Summary

### Background

Ipsos, in partnership with Manchester Metropolitan University (MMU), were commissioned by the Youth Justice Board (YJB) to conduct mixed methods research on pre-sentence reports (PSRs). The primary research objectives were to:

- **Understand commonalities and differences in PSR reports** associated with custodial or community outcomes for Black children compared with White children.
- **Develop learning around the processes and decision-making** involved in producing and utilising PSRs in these cases, including the perceived purpose of PSRs.

The methodology included two components:

- **Quantitative analysis of a sample of 95 PSRs** collected from five Youth Justice Services (YJSs) from different regions of England. Each PSR was given a quality score based on the presence or absence of different components described in the 2019 PSR guidance. Additionally linguistic analysis was undertaken on a sample of 12 of the PSRs.
- **Qualitative research, including interviews and a discussion group**, carried out on a virtual platform between 17<sup>th</sup> January and 20<sup>th</sup> February 2024. Interviews were carried out with: eight YJS staff involved in producing and quality assuring PSRs from three locations in England and Wales; and seven court stakeholders utilising PSRs (including sentencers from crown and youth courts, solicitors and one referral order panel member). In addition, three magistrates took part in a mini discussion group.

### Findings: PSR processes and decision-making

Participants were clear on the threshold for requesting a PSR. This was based on seriousness of the offence and the Sentencing Guidelines, but potential welfare vulnerabilities might also prompt a PSR being requested.

Writers noted they would usually engage with the child at multiple points which helped to build rapport and ensure the child felt comfortable. However, the importance of critically assessing the information provided by the child was highlighted across audiences, with court stakeholders saying it reassured them when it was clear this had happened.

Having professionals – such as nurses or a victim worker – embedded in the YJS, or multi-agency meetings, were useful means for writers to collect and discuss the information. Challenges were noted around gathering information on education, with schools and colleges not responding or being hesitant to share information without the child's consent.

The structure followed in each YJS varied, but following a specific structure gave writers a clear sense of what to include and made the process more efficient. Participants did caution against working towards too much consistency between reports for different children if it moved away from an individualised approach.

Writers reported that some sections of the PSR were more challenging to draft than others. This included the offence analysis and the sentencing proposal. Panel meetings were held in some areas to support with the proposal, and participants felt that these added a layer of accountability, and ultimately credibility to the proposal.

There were different approaches for establishing the final options linked to a proposal; either based solely on the resources available or considering the perceived views of specific sentencers.

Sentencers said that they often had limited time to review the PSR, which was challenging considering the length of report and the need to read it alongside a wealth of other material. Specific barriers existed relating to use of the HMCTS Common platform for sharing PSRs.

PSRs were seen to have an important and valuable role in court, ensuring sentencers have a holistic and individualistic understanding of the child and grounding the sentencing proposal in that understanding. However, sentencers said that PSRs can be presented or written as if the writer is an advocate for the child; when seen in this way it potentially limits a balanced picture – based on the legal framework and considering the impact on the victim and community – being used as the foundation for the sentencing proposal.

Overall, sentencers valued the sentencing proposal but were clear that the purpose was not to direct the court in the sentencing outcome, but to help shape it. Court stakeholders also outlined limitations with the sentencing proposal around; the level of information on local level provision – which could vary by area – and how realistic this was; and the perceived lack of detail on the education elements.

Challenges to maximising the value of the PSR in court included the member of YJS staff in court, their relationship or ‘distance’ from the child and their particular skills and familiarity with the court process.

### **Findings: The contents and variability of PSRs**

The 95 PSRs included in this analysis were generally of good quality – i.e. they broadly reflected the requirements of the YJB Guidance (2019) on writing PSRs. In the qualitative research, sentencers substantiated this finding, reflecting that the quality of children’s PSRs was typically good in their experience, and of better quality than adult PSRs.

Analysis of total scores for quality<sup>1</sup> and means by ethnicity provided limited insight into any differences in quality. However, there were some differences in the quality of specific dimensions<sup>2</sup>:

For the ‘Conclusion of PSR’ dimension within this sample, White children’s PSRs were scored slightly higher in quality than Black children’s PSRs.

The scores for the Black children’s PSRs in our sample were higher on average than those for White children’s for the ‘Assessment of Child’ dimension. In the qualitative research, report writers thought that this was a relatively easy section to write, but the PSR analysis shows writers are not consistently including all the factors described in the guidance.

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<sup>1</sup> The score given to each PSR based on the presence or absence of elements set out in the PSR guidance

<sup>2</sup> Note that due to the small sample size, these differences were not statistically significant unless stated

PSR writers consulted did not anticipate that there would be differences between the reports for Black and White children in the PSR analysis. However, the linguistic analysis revealed some differences in the sample including:

- Differences in number of quotations included from the child themselves (more common for White children) and from victims/witnesses (more common for Black children).
- White children's PSRs included a wider range of reporting verbs and included more assurances and admissions than the Black children's PSRs. They also were more likely to include consideration of the child's health, life experiences and traumas. They also included more commentary in the form of 'unfortunately' and contained more personal opinion from the report writer.
- Black children's PSRs were more likely to refer to co-defendants, while White children's PSRs referred more frequently to co-accused. Additionally, Black children's PSRs more frequently referred to negative peer influences.

It is important to note that these differences were identified in the sample, but due to the small number of PSRs reviewed these findings are not statistically significant. However, they do indicate that further research might be useful.

Concordance analysis<sup>3</sup> showed that for Black children higher quality scores for four dimensions were associated with the sentenced outcome being more lenient (than the PSR recommendation); but for White children higher quality scores were associated with the outcome being more severe.

None of the 95 PSRs were able to adhere to the YJB guidance that they should be no more than 4 pages - due to the complexity and detail needed to 'do justice' to each case. They ranged in length from five to 17 pages in total with an average length of nine pages. In around two thirds of cases the quality assessment evaluated the length as appropriate. The analysis also showed the average reading ability of a 15- to 16-year-old was required to understand the PSRs.

## Recommendations

The findings from the research led to numerous reflections and recommendations on the guidance produced by the YJB or on further research. The recommendations are based on the qualitative research and the PSR analysis. Note that the PSRs which were analysed would largely have been produced following the previous guidance and therefore some of these recommendations might be somewhat addressed in more recent PSRs. However, the interviews demonstrated that not all PSR writers were aware of either set of guidance and as such it is possible that some of these issues will persist. Equally, there is no evidence yet about how well the new guidance has addressed the observed issues. Examples of our reflections include recommending that the YJB:

- Establishes a clear perspective on the potential tension between the PSR writer being seen as aiming to advocate for the child and the PSR providing a rounded, balanced and realistic picture to recommend sentencing options.

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<sup>3</sup> Concordance analysis compares the recommended sentencing outcome in the PSR to the sentence given by the court.



- Revises the guidance on report length, font size and spacing with the purpose of ensuring sufficient (and necessary) information is provided and aiding readability.
- Carry out an inclusion and diversity assessment of the guidance, once updated, reviewing best practice on how to remove unconscious bias in drafting PSRs and wider decision-making, and adapting the guidance accordingly.
- Work with HMCTS and other relevant organisations to carry out further research on the barriers to use of Common Platform. Support and guidance on how to use the platform at each stage of the process could then be provided.

Additionally, the sample for the analysis identified some interesting findings, but due to the small sample size the main recommendation is that extra research is conducted to verify these findings before making changes. Examples of further research and analysis which could be commissioned by the sector include:

- Carry out a whole population concordance analysis, drawing on data from all YJSs in England and Wales over a fixed period to examine any differences in concordance by ethnicity, other characteristics, and type of PSR.
- Conduct research to understand: a) the extent to which PSR authors are asking Black children about their health and life experiences, their responses and the extent to which these are then recorded in the PSR report<sup>4</sup>; b) the relevance of asking about place of birth, the reporting of negative peer influences, and any differences in exposure to negative peer influences and joint enterprise between White and Black children; and c) better understand the techniques and skills required to conduct effective interviews with children to elicit the information required for PSRs.

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<sup>4</sup> Note that the updated guidance includes explicit advice about how to consider Race within PSR reporting.

## 3 Introduction

### 3.1 Background

It is widely acknowledged by Government that custody should always be the last resort for children<sup>5</sup>. The most recent Youth Justice Statistics<sup>6</sup> reported an average of 440 children in custody at any one time between April 2022 and March 2023; this reflects a notable fall over time, with the average being 1,544<sup>7</sup> ten years early in 2012/13<sup>8</sup>. That said, while the numbers being sentenced to custody have fallen over the last ten years, the 2022-2023 figures represented an 8% increase compared with the previous year, and the remanded population has remained relatively static in the same time frame.

#### Key points from the Sentencing Council guidelines for sentencing children<sup>9</sup>

In determining whether an offence has crossed the custody threshold the court will need to assess the seriousness of the offence, in particular the level of harm that was caused, or was likely to have been caused, by the offence. The risk of serious harm in the future must also be assessed.

In most cases, when considering the appropriate reduction from the adult sentence the emotional and developmental age and maturity of the child or young person is of at least equal importance as their chronological age. This reduction should be applied before any reduction for a plea of guilty. The individual factors relating to the offence and the child or young person are of the greatest importance and may present good reason to impose a sentence outside of this range. The court should bear in mind the negative effects a short custodial sentence.

While numbers have reduced, disparity in both remand and sentencing has been highlighted. Notably, research commissioned by the Youth Justice Board (YJB)<sup>10</sup> found that:

*“Children were more likely to receive custodial sentences if they were: male, older, non-local residents, committed more serious or knife-involved offences, or had more previous orders or higher likelihood of reoffending...Compared to White children, in almost all cases, Black, Asian and Mixed ethnic groups were more likely to receive harsher sentences.”*

In addition, the research found that, even when demographics and offence related factors are controlled for, Black children were between two and eight percentage points more likely to receive harsher outcomes, and one potential factor could be practitioner assessments of risk and vulnerability.

The potential role of practitioner assessments in disproportionate outcomes, was echoed in a recent Ministry of Justice report focused on remand<sup>11</sup> which found differences between ethnicities in practitioner assessments, particularly around risk and wellbeing of Mixed Ethnicity and Black children.

Pre-Sentence Reports (PSRs) are one form of practitioner assessment, that feed into sentencing decisions, either following a trial or a guilty plea. These reports are also produced in the adult justice

<sup>5</sup> <https://www.gov.uk/government/publications/review-of-custodial-remand-for-children>

<sup>6</sup> [Youth Justice Statistics 2022-23.pdf \(publishing.service.gov.uk\)](#)

<sup>7</sup> [Youth Justice Statistics 2012/13 - England and Wales \(publishing.service.gov.uk\)](#)

<sup>8</sup> [Youth Justice Statistics 2012/13 - England and Wales \(publishing.service.gov.uk\)](#)

<sup>9</sup> [Sentencing Children and Young People – Sentencing Council \(2017\)](#)

<sup>10</sup> [Microsoft Word - BAME research report final v4.docx \(publishing.service.gov.uk\)](#)

<sup>11</sup> [Review of Custodial Remand for Children January 2022 \(publishing.service.gov.uk\)](#)

system and recent His Majesty's Inspectorate of Probation (HMIP) research<sup>12</sup> found that the quality of PSRs prepared in cases of Black, Asian and Minority Ethnic service users was 'insufficient in too many cases' and that not enough attention was paid to diversity. Of 51 adult reports inspected, the quality of only 58% was judged to be sufficient. Inspectors concluded that 'Poorer quality reports that fail to consider all relevant factors run the risk of service users receiving more punitive sentences.'

In youth justice, the PSR is written by the Youth Justice Service (YJS) and submitted to the court to assist them in determining the most appropriate outcome for the child. Assessment of risk is just one aspect of PSRs in youth justice; the reports are intended to contribute to a holistic picture of children's needs, ensure that these are communicated and that this understanding underpins decision making. Ultimately, they should form part of a 'child first' focused YJS where use of custody minimised.

The YJB provide guidance on case management and the production of PSRs. National guidance was issued in 2019 and updated more recently in 2022 to reflect Section 30 of the Sentencing Act 2020.

### The latest case management guidance from the YJB on PSRs:<sup>13</sup>

Section 30 of the Sentencing Act 2020 contains the legislative provisions to produce a PSR. A PSR is always required when a custodial sentence is under consideration and for community sentences which require YJS supervision, to explain the suitability of the order (for the child) and any conditions which may be attached.

The PSR contains information on:

- The child's background and circumstances (the court is obliged to consider their welfare in determining the sentencing outcome)
- Previous convictions
- Responses to previous penalties imposed by the court
- Aggravating and mitigating factors
- Public protection concerns
- Concerns about the safety and well-being of the child.
- Positive factors, including information about any agencies involved with the child and how they can support the child's safety and well-being and public protection

The report should conclude with an explanation of the options available and a clear single sentencing proposal for the court to consider.

The court may also request that a 'dangerousness assessment' is undertaken if it considers there is 'a significant risk of serious harm to the public or the commission of further offences' (as set out in schedule 15 of the Criminal Justice Act 2003).

## 3.2 The research objectives

Based on the background outlined above, the YJB commissioned Ipsos and Manchester Metropolitan University (MMU) to carry out research to explore PSRs in more detail, including the relationship to custodial outcomes for Black children compared with White children.

<sup>12</sup> <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/03/Race-Equality-in-Probation-thematic-inspection-report-v1.0.pdf>

<sup>13</sup> Extract from [Case management guidance - How to use reports - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101111/case-management-guidance-how-to-use-reports-guidance.pdf)

The two overarching objectives for the research were to:

- **Understand commonalities and differences in PSR reports** associated with custodial or community outcomes for Black children compared with White children.
- **Develop learning around the processes and decision-making** involved in producing and utilising PSRs in these cases, including the perceived purpose of PSRs.

These were refined and developed collaboratively with the YJB in the early stages of the research. A scoping meeting with the YJB's Advisory Group of key stakeholders for the research resulted in a long-list of questions and priorities – for example, stakeholders were interested in focusing on outcomes based on ethnicity, for looked after children and for Gypsy Roma Traveller children. Other questions revolved around potential regional differences and looking across urban and rural areas. Such breadth of questions and interests reflects the complexity of factors that make children vulnerable to contact with the criminal justice system (CJS), which in turn is linked to future negative outcomes, and the diversity across the YJSs.

Based on the rationale and background outlined in section 3.1, the YJB decided to focus on understanding the production and utilisation of PSRs more generally, as well starting to understand differences around sentencing outcomes for Black children and White children.

Given the complexity of subject area and wide-ranging questions of interest it is intended that this research is a first exploratory step in a longer programme of work. Therefore, a final objective of the research was to make clear recommendations based on current learning and for any future research.

## 4 Overview of the methodology

This chapter provides an overview of the methodology with more detail on key aspects provided in a Technical Annex under separate cover.

The methodology included two elements: quantitative analysis of a sample of PSRs collected from five Youth Justice Services (YJSs), and qualitative interviews with people involved in producing and utilising PSRs. The PSR analysis mainly focussed on understanding the commonalities and differences in PSR reports, while the qualitative research mainly sought to develop learning on the processes and decision-making. However, there was some overlap, and therefore the findings from both methodologies are used thematically in the remainder of this report.

### 4.1 PSR quality analysis

#### 4.1.1 Sampling

A total of 96 PSRs were sampled across five YJSs which included at least one YJS from the YJB designated English regions of: London; Midlands, North-West; and South and East.

The sampled YJSs were drawn from a long list of 33 YJSs, stratified by English region. The YJSs which were included in the long list had at least 60 cases in the sentenced cohort for Black children and for White children over a four-year period from 2018-19 to 2021-22, based on data provided by the YJB. None of the YJSs in Wales met this sampling threshold.

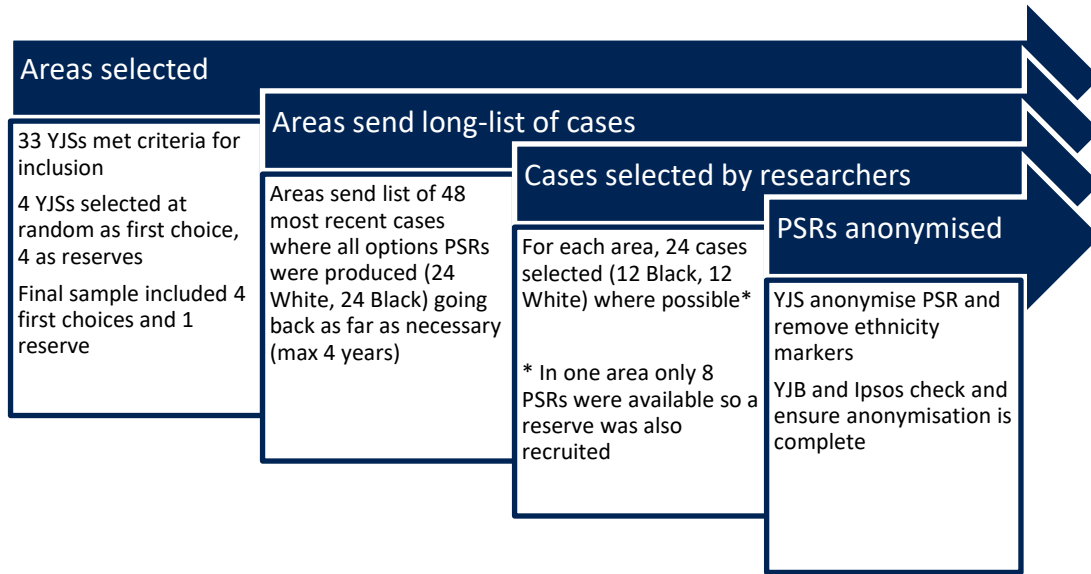
Where there were 24 written all options PSRs for Black children and White children available in a selected YJS<sup>14</sup>, the Ipsos research team sampled PSRs at random. Therefore, for each YJS there were up to 12 PSRs for Black children and 12 PSRs for White children. The PSR went through three levels of anonymisation and removal of indicators of ethnicity to ensure that the PSRs were reviewed blind by the MMU researchers – the YJS did the first sweep, YJB did a second sweep and Ipsos did a final sweep.

Figure 4.1 below gives an overview of the selection process, and full information is included in the Technical Annex.

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<sup>14</sup> In some areas there were not 24 written PSRs per ethnic group within the required dates. Where this occurred, PSRs were randomly selected from the PSRs available if there were more than 12. In the area where fewer than 12 were available, all the available PSRs were included in the sample (ensuring equal numbers of PSRs for White and Black children from each area)

**Figure 4.1: Sampling process**



**4.1.2 Analysis of score data**

The approach to analysing the PSRs based on quality criteria was informed by the approach adopted by Raynor, Gelsthorpe and Tisi’s (1995) in a study which reported the development of a tool to assess the quality of probation PSRs; and the research team’s past experience of developing and using a tool to assess the quality of PSRs for intensive community orders for adults on probation.

The MMU research team developed an assessment tool using the quality criteria set out in the YJB’s 2019 Guidance on producing PSR reports. This was used to accommodate the time span over which the sampled PSRs were drawn from, i.e. 2019 to early 2023.<sup>15</sup> Table 4.1 shows the nine dimensions of the tool, the number of questions / areas for each dimension and the maximum score for each dimension. The starred\* dimensions in the Table (dangerousness assessment and nearing 18) did not apply to all PSRs. The minimum score was always zero. The full list of the nine dimensions used, and how they map to the guidance, is included in the Technical Annex.

**Table 4.1: Assessment tool potential scores**

Dimension	Number of scored questions / areas										Max Score	
Structure and Quality											11	22
Seriousness	1											2
Sources of Information						6						12
Offence Analysis					5							10
Risk Assessment						6						12
Dangerousness*					5							10
Assessment of Child							7					14
Nearing 18*		2										4
Conclusion					5							10

<sup>15</sup> Revised YJB guidance on PSR writing was published in October 2022. This provided further elaboration on the 2019 guidance but was not substantially different. More importantly, as the qualitative research demonstrates, there was limited awareness among some YJS staff that the 2022 updated guidance has been published.

Based on the information provided in the PSR a score was given for each question within the nine dimensions using the scoring key set out in Table 4.2 below.

**Table 4.2: Scoring key**

	<b>Score</b>
Yes – where the question/area was fully met by the PSR	2
Partial - where the question/area was partially met by the PSR	1
N/A – where the question/area was not applicable	1
No - where the question/area was not met	0

The 96 PSRs were assessed and scored by a team of three MMU researchers. Inter-rater reliability<sup>16</sup> testing was conducted on a sample of PSR assessments undertaken by the research team. There was general consistency in scores between the researchers. Further details are provided in the Technical Annex.

Scores from 95 PSRs were included in the score data analysis. One PSR (of the 96) was excluded from the analysis of score data because it was incomplete and therefore an outlier. The 'meta-data' on demographics and concordance was provided to the research team after the assessments had been completed to facilitate the analysis of the PSR assessment score data.

Given the structure of the PSR assessment data, it was agreed that the research team would use a Qualitative Comparative Analysis (QCA) method to analyse the PSR assessment total scores and individual dimension scores. Using this approach, the assessment score data was explored in order to find 'the configurations of conditions that lead to specific outcomes' (Hanckel 2021), i.e. how the scores for individual questions produced overall scores for each of the quality dimensions. This analysis method was deployed to discern (where these emerged) patterns of the type indicated by the questions below.

- Is there a pattern to the extent to which reports adhere to the quality criteria set out in the YJB guidance on PSR writing?
- Is there a pattern with regards to how any recommendations in the PSR concord with the sentencing outcome, or is this different?
- Are there patterns in relation to the level of detail or 'effort' (if this can be discerned) in the production of reports?
- What information is included or not included – are there aspects that should be there but are not?

Taking each dimension of the PSR Quality Assessment tool in turn (based on the different worksheets in the tool) the extent to which there was / was not variation in quality was examined, by reporting:

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<sup>16</sup> An assessment of the extent to which there was consistency in the way in which the researchers analysed the PSRs using the assessment tool.

- The score distributions for PSRs for Black children and White children; and
- The mean scores, standard deviation and variance.

Additionally, the research team undertook an assessment for each scored question / area within the dimensions, calculating the percentage of the PSRs that were complete ('Yes' as opposed to 'Partial' or 'No').

Significance testing was undertaken to examine if the means and distributions for each dimension showed strong evidence of a relationship. The limitation of this, based on sample size, and implications are outlined in section 4.1.4 below.

#### 4.1.3 Concordance analysis and quality

Concordance<sup>17</sup> analysis on data for 95 PSRs was undertaken to determine whether or not the sentenced outcome was the same as the proposed outcome set out in the PSRs. Three concordance outcomes were considered:

- Concordance – where the sentenced outcome was the same as the proposed outcome;
- Non-concordance:
  - Sentenced outcome was *less severe* than the proposed outcome e.g.: shorter sentence; community sentence instead of custodial sentence.
  - Sentenced outcome was *more severe* than the proposed outcome, e.g.: longer sentence; custodial sentence instead of a community sentence.

The concordance outcomes were assessed with the quality of the PSRs and the ethnicity of the children.

#### 4.1.4 Interpretation of the PSR quality analysis

As stated in the introduction, this was an exploratory study with the PSR analysis designed to understand the commonalities and differences in PSRs associated with custodial or community outcomes for Black children compared with White children. The intention was not to produce 'clinching evidence' (Hough 2010), rather to provide a nuanced understanding of commonalities and differences in PSRs through: the assessment process based on quality (as per the YJB 2019 guidance); and through analysis of language, comprehensibility and meaning. Where commonalities and differences were discerned this resulted in reflections and recommendations.

The findings and reflections should be understood against the backdrop of the limitations of the methodology which, as with all research, ultimately is constrained by both budget and the data available. It should be noted that, even with these limitations, being able to triangulate the findings of the quality analysis with interviews and the linguistic analysis (outlined in section 4.2 below) helped to build a picture of the variation in quality of PSRs.

Specific limitations for the quality analysis include:

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<sup>17</sup> This is sometimes termed 'congruence'.



- **Sample size:** The available budget and the exploratory nature of the work limited the number of PSRs it was possible to include. As such, the analytical framework primarily sought to discern any patterns in the data to identify any potential implications for practice that are worthy of further investigation. It should be noted that, equal numbers of Black and White PSRs were included from each area to maximise the opportunity for finding statistical differences and tests were run. However, as anticipated, few of these tests reported statistical significance, and, as such, relationships identified in this report could be due to chance. The patterns overall still provide a necessary and important starting point on the issue.
- **Sampling of YJSs:** It was not possible to obtain a fully representative sample of YJSs. Nevertheless, the five sampled YJSs included those which covered: a primarily urban area; an urban and rural area; unitary and a two-tier authority. The YJSs which were sampled had caseloads which included larger numbers of Black and White children with sentenced outcomes – a caseload composition that is representative of some but clearly not all YJSs in England and Wales.
- **Sampling of PSRs:** The PSRs were sampled from five YJSs, therefore the findings are inevitably specific to the PSRs examined and the YJSs. Furthermore, it should be noted that the 96 PSRs were of a specific type - written all options reports requested by sentencers. The findings may not be applicable to other written or verbal reports. That said, there is useful learning from the findings (from the analysis) for the YJB and YJSs. However, caution should be exercised in generalising the findings to all PSRs.
- **Understanding ‘ground truth’:** The findings and learning that we report in later sections are derived solely from the PSRs. It was not possible to contextualise these with other information such as the availability and quality of reports by other agencies, the nature and extent of information provided by carers/parents and the child – all of which would have contributed to the content, writing and quality of the PSRs. Equally, there was no way to verify whether information about a specific case, that could have been valuable, was omitted, except where a whole section of a PSR was missing or incomplete.

## 4.2 PSR linguistic analysis

### 4.2.1 Sampling

Twelve PSRs were sampled (from 96 PSRs) for a readability assessment (e.g. how easy it is to read the documents) and analysis of the discourse (i.e. how language is used in the PSRs). To ensure comparability between the PSRs, twelve PSRs were selected which could be considered of ‘average’ quality, as defined by the scoring outlined in section 4.1 above. Four of the five YJSs had provided at least three PSRs from a mixture of Black and White children that fell within the ‘average’ range. For each of these four areas, three texts were selected which fell closest to the mean quality score, balanced for ethnicity, as in Table 4.3.

**Table 4.3: 12 PSRs selected for in-depth linguistic analysis**

	YJS 1	YJS 1	YJS 2	YJS 2	YJS 3	YJS 3	YJS 4	YJS 4
	<i>Quality Score</i>	<i>Ethnicity</i>	<i>Quality Score</i>	<i>Ethnicity</i>	<i>Quality Score</i>	<i>Ethnicity</i>	<i>Quality Score</i>	<i>Ethnicity</i>
<b>PSR 1</b>	63	Black	64	White	65	Black	64	White
<b>PSR 2</b>	63	White	67	Black	67	Black	66	Black
<b>PSR 3</b>	64	Black	67	White	67	White	67	White

All 96 PSRs were used for corpus analysis as outlined below.

#### 4.2.2 Readability and discourse analysis

The twelve selected PSRs were subjected to readability and discourse analysis.

For the readability assessment (i.e. how easily the PSRs can be read), the statistical tools in Microsoft Word were used. These establish the level of education typically required in order to understand the text.

A discourse analytical approach was adopted to establish potentially (dis)similar features based on ethnicity. Discourse analysis is a broad approach to the study of language which focuses on how texts are constructed and how they create meaning in our social world. It can be used to explore which words are used, and how they are used to say something, do something, and express something about the author, which may in turn influence the audience in a particular way.

Specifically, each of the 12 PSRs in the sample were read in-depth numerous times, to gain an understanding of the genre and lexical conventions. With this insight, features of interest began to emerge, focussing on the way that quotation was used, how children's accounts were integrated into the PSRs through reporting verbs, the extent to which the PSR author was given—and gave—assurances, and finally, the extent to which admissions were made by the child. Each of the PSRs was coded for these features so that (dis)similarities could be explored.

#### 4.2.3 Corpus analysis

The strict genre conventions governing PSR writing were exacerbated from a small sample. Therefore, corpus analysis (an automated approach which reveals patterns in language) was carried out on the complete set of 96 PSRs. The software *LancsBox* (version 6.0) was used for this purpose. The benefit is that large bodies of texts can rapidly be searched for features, which can then be quantified for comparison.

#### 4.2.4 Interpretation of the PSR linguistic analysis

The use of forensic linguistic techniques to assess language, comprehensibility and meaning is an original approach to assessing PSRs which (in the experience of the research team) has not been used before. Again, we have set out above the disciplinary rigour of this approach.

Nonetheless, there are also some notable limitations to the linguistic analysis conducted:

- **Small sample size:** The sample size for the linguistic analysis was also constrained by available budget and resource. While the research design allowed selection of PSRs of a similar quality for Black and White children, nonetheless a larger sample would have helped reduce the level of variability that may be attributed to chance. While the corpus analysis sought to mitigate this limitation to some extent, this form of analysis is not as in-depth.
- **Variability in authorship and style:** Although PSRs are tightly constrained by genre conventions, there is still scope for individual idiosyncrasy in terms of how the PSRs are written, and for PSR writers to largely copy sections of reports into later reports. The linguistic analysis sought to reveal the ways in which the PSRs vary—at the level of language—based on the ethnicity of the child being described. However, information about the report's authors and the extent to which reports are 'reused' was not collected, and so the extent to which an individual author may have contributed more or less to the sample cannot be ascertained.

## 4.3 Qualitative research

### 4.3.1 Recruitment

A range of participants involved in the production and utilisation of PSRs were engaged in the qualitative research. This included YJS staff, such as PSR writers and YJS managers, and court stakeholders, including magistrates, judges, a defence solicitor and a youth referral order panel member.

YJS staff were recruited from the five YJS regions from which PSR reports were drawn: London; Midlands, North-West; and South and East. These were supplemented with additional interviews with staff in Wales, who were identified with the help of YJB.

For the staff interviews, each team lead offered the opportunity to their team and team members opted in to be interviewed.

Court stakeholders were recruited through a range of channels after permission was granted by the Judicial Office. This included through the Magistrates' Association, through the YJSs involved in the research, and through other YJB contacts.

### 4.3.2 Profile of participants

Purposive sampling was used to achieve a mix of participants across different types.

One mini group<sup>18</sup> was carried out with magistrates, and was arranged by the Magistrate Association, and Ipsos arranged interviews with:

- Three managers of YJS teams writing PSRs (two in England, one in Wales).
- Five PSR writers (four in England, one in Wales).
- Three district judges.
- One crown court judge.
- One magistrate (in addition to the three who joined the mini group).
- One defence solicitor.
- One youth referral order panel representative.

The English sample included participants from both inside and outside greater London.

Fieldwork took place virtually using Microsoft Teams between 17<sup>th</sup> January and the 20<sup>th</sup> February 2024.

Interviews and groups were conducted using a semi-structured discussion guide (see Technical Annex). This was adapted during the research depending on the number of participants and their experiences and knowledge.

### 4.3.3 Analysis and reporting

All the interviews were audio recorded and transcribed. The research took a thematic approach to analysis. The team held an analysis session to develop hypotheses to test in the analysis process (a deductive approach whereby the key themes are developed first and then the data is used to test whether they are correct). The team then used transcripts to review the data and the extent to which the hypotheses developed were correct. Where necessary, an inductive approach was used (i.e. a bottom-

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<sup>18</sup> An online group, lasting 90 minutes, with 3 participants from across England who opted to take part in a group rather than an interview.

up strategy where themes are identified by reading through the data) to add themes that appeared in the data, but which were not identified during the analysis session. Once the key themes were agreed these were written into the report with verbatim quotes added to illustrate key points.

#### 4.3.4 Interpretation of the qualitative analysis

The qualitative aspect of the research was designed to be exploratory and to provide an insight into the perceptions, feelings and behaviours of people involved in producing and using PSRs in their work.

The sample was designed to reflect a range of viewpoints, but the purposive approach to recruitment approach to recruitment means it is not possible to generalise to the whole population. Also, the sample size was very small, with only a few interviews with each audience of interest. This makes it even more important that the findings are not generalised. While there was consistency in the views expressed, it would be valuable to conduct more interviews in order to reveal any differences between different audiences.

The approach to recruitment means participants were likely to be people with a particular interest in the research objectives and as such might not reflect the views of everyone involved in producing and using PSRs.

It is important to remember that, although the perceptions expressed through the qualitative interviews may not always be factually accurate, they represent the truth to those who relay them. Where there were differences in opinion, this is reflected in the report.

Quotes from participants are used across this report – they are designed to be illustrative of specific points and do not necessarily reflect the views of all participants. Quotes are attributed to ‘YJS staff, writer’, ‘YJS, manager’, or ‘Court stakeholder’. Court stakeholders covers sentencers of all types, defence solicitor and youth referral order panel member and is used to ensure anonymity.

It should be noted that the PSR analysis was carried out on reports across a four-year period from 2018-19 to 2021-22. The qualitative interviews took place in 2024 and participants spoke about the current processes that they had in place. YJB guidance changed in the time period between the time the reports were taken from and present day. However, the influence of this change was explored in the interviews and taken into account in triangulating the data.

## 5 PSR processes and decision-making

### Key findings

Participants were clear on the threshold for requesting a PSR. This was based on seriousness of the offence and the Sentencing Guidelines, but potential welfare vulnerabilities might also prompt a PSR being requested.

Writers noted they would usually engage with the child at multiple points which helped to build rapport and ensure the child felt comfortable enough to open up and ask questions. However, the importance of critically assessing the information provided by the child was highlighted across audiences, with court stakeholders saying it reassured them when it was clear this had happened.

Having professionals – such as nurses or a victim worker – embedded in the YJS, or multi-agency meetings were useful means for writers to collect and discuss the information. Challenges were noted around gathering information on education, with schools and colleges not responding or being hesitant to share information without the child's consent.

The structure followed in each YJS varied. Where the YJB guidance on leading with the assessment of the child was not followed, YJB staff noted the advantages of taking a child first approach but were not aware of the newer guidance.

Following a specific structure gave writers a clear sense of what to include and made the process more efficient. Participants did caution against working towards too much consistency between reports for different children if it moved away from an individualised approach.

Writers reported that some sections of the PSR were more challenging to draft than others. This included the offence analysis and the sentencing proposal. Panel meetings were held in some areas to support with this, and participants felt that these added a layer of accountability, and ultimately credibility to the proposal.

There were different approaches for establishing the final options linked to a proposal; either based solely on the resources available or considering the perceived views of specific sentencers.

Sentencers said that they often had limited time to review the PSR, which was challenging considering the length of report and the need to read it alongside a wealth of other material. Ideally, court stakeholders would receive the report earlier, but administrative barriers were thought to stop this happening.

PSRs were seen to have an important and valuable role in court, ensuring sentencers have a holistic and individualistic understanding of the child and grounding the sentencing proposal in that understanding. However, sentencers said that PSRs can be presented or written as if the writer is an advocate for the child; when seen in this way it potentially limits a balanced picture – based on the legal framework and considering the impact on the victim and community – being used as the foundation for the sentencing proposal.

Overall, sentencers valued the sentencing proposal but were clear that the purpose was not to direct the court in the sentencing outcome, but to help shape it. Court stakeholders also outlined limitations with the sentencing proposal around; the level of information on local level provision – which could vary by area – and how realistic this was; and the perceived lack of detail on the education elements.

Challenges to maximising the value of the PSR in court included the member of YJS staff in court, their relationship or 'distance' from the child and their particular skills and familiarity with the court process.

This chapter outlines findings from the qualitative research on the processes and decision-making involved in the production and utilisation of PSRs. It covers the different stages involved from the court requesting a PSR, to the production process and how it is used in court, providing context for the analysis on the perceived quality and variation in PSRs presented in Chapter 6.

## 5.1 Requesting a PSR

The research explored the circumstances under which a PSR is requested by the court; the first step in the process of production.

All audiences outlined that the decision was primarily based on a clear threshold underpinned by the Sentencing Guidelines. This was based on the seriousness of the offence, considering culpability and harm. Where cases cross the threshold an ‘all options’ PSR was said to be commonly requested.

Alongside seriousness, sentencers said that a PSR might also be requested for cases where they could see potential welfare vulnerabilities, even where they didn’t cross the threshold. For example, they may have questions about whether a child had been, or was being, exploited, but this was not explicitly known at this stage. As such, they would request a PSR to understand more about the child and help facilitate a child first approach.

When requested, the purpose of the PSR was seen to be two-fold:

1. Developing more detailed and holistic understanding of the child and their background.
2. Proposing recommended sentencing outcomes.

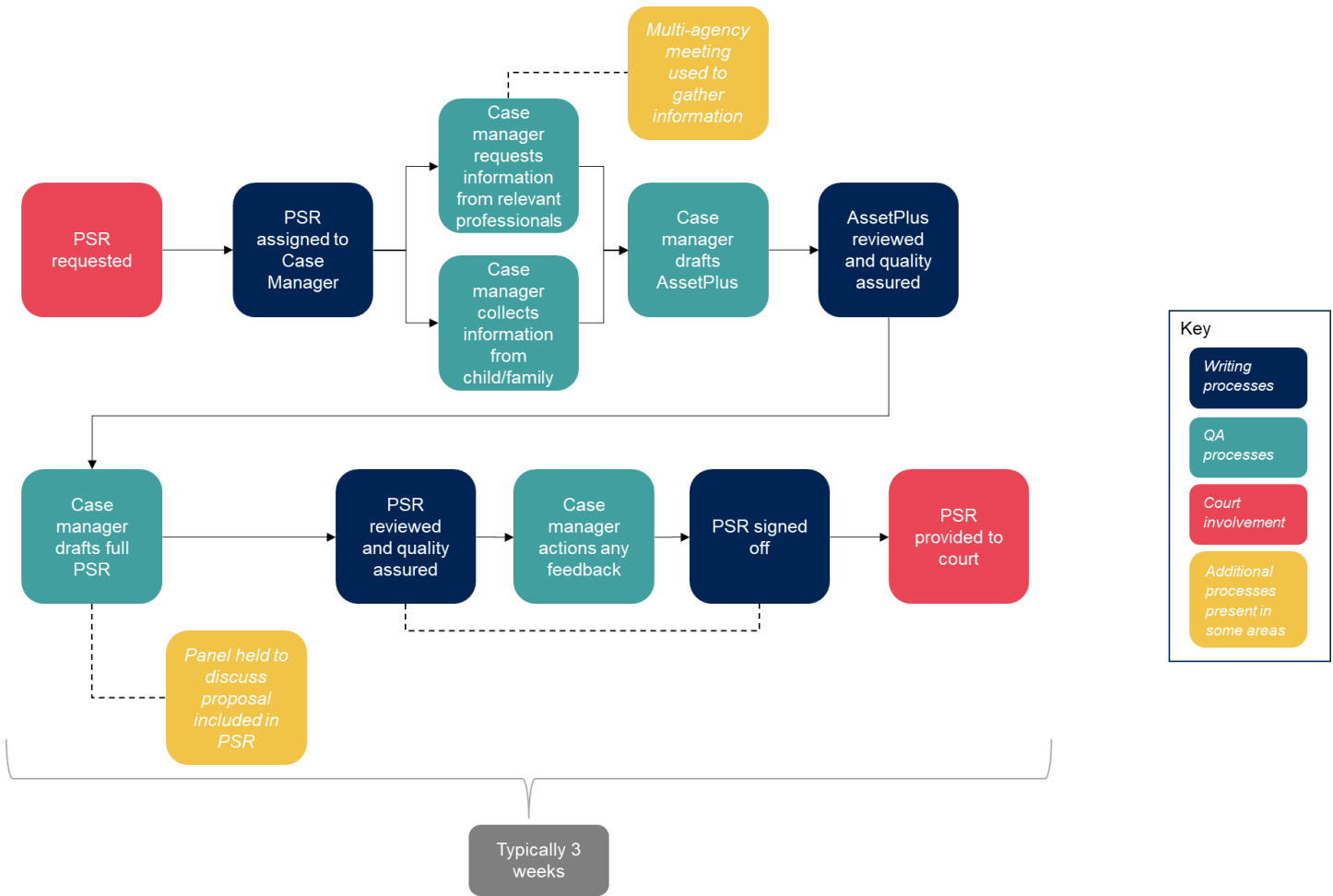
These are explored more in Section 5.4 on the role and purpose of PSRs in court.

## 5.2 Overview of process of writing a PSR

An indication of the steps that YJS staff told us that they take to produce a PSR is given in Figure 5.1 below. This process overall was generally consistent across areas included in the research, but it should be noted that the order could differ at times, additional steps included in some areas, and the approach may not be the same across other YJSs outside of this research.

Across audiences the typical time said to be available to produce the report was around three weeks. However, in the case of sexual offences this could increase to eight weeks. The typical three-week period was generally seen as sufficient by YJS staff, although there could be challenges to this when capacity was low as was said to be the case when there were staff vacancies or periods of high workload.

Figure 5.1: Illustrative process for producing a PSR in a YJS



### 5.2.2 Assigning a writer and gathering information

Once a PSR is requested by the court, YJS staff said that the first stage is to assign a writer. Participants noted that, typically, this is the case manager who has previously worked with a particular child for continuity purposes. Participants said that the case manager / writer would ideally be matched to the child based on characteristics, such as gender.

However, it was reported that in reality, capacity issues – due to staff vacancies and general case load – meant that reports were often assigned based on where resources were available. This was also the case where the child was not previously known to the YJS.

**“[Assigning a PSR is] inevitably...just based on a capacity basis, especially if we're short staffed, which we are at the moment.” (YJS staff, manager)**

Completing a PSR was generally considered easier where a writer was familiar with the child and had worked with them before. However, staff noted that it was still important that fresh information was collected in case circumstances had changed to ensure the assessment was accurate and comprehensive.

**“It's easier I think because you just know that young person, so you don't need to go and do all of the fact finding. But you still have to talk to people because situations change don't they? So you can't just think that you know everything that's going on.”**  
(YJS staff, manager)

Once the report has been assigned, participants said that the writer carried out two main activities to gather information on the child: interviews and conversations with the child (and family / carers as appropriate); and collecting information from professionals. They did not report difficulties with this process, except where there were language barriers which could make it challenging to collect the information needed within the timeframe.

On the first of these, writers noted they would usually engage with children at multiple points over the course of the drafting process. One manager noted they would aim for three contact points, while staff in other areas did not indicate any specific targets. Engaging with the child at different points in time was seen as important to build trust and ensure the child felt comfortable sharing information with the writer, as well as providing further opportunity to ask questions and compare any information provided by professionals.

**“I have ongoing contact through [the whole process] just to gather extra information in the questions that come up when you're assessing and obviously, just keep them involved in the process.”** (YJS staff, writer)

The findings outlined in Chapter 6 on keywords used in the PSRs analysed in this research, raise a question on whether PSR writers engage with Black children in the same way as White children in relation to health and life experiences.

The importance of critically assessing the information provided by the child was highlighted across audiences, and court stakeholders said it was reassuring when there was evidence that this had happened; the absence of this suggested that the report might not be as robust.

**“I do have concerns on some occasions that the author of the report is too gullible in accepting explanations... [a good report would say] I didn't find his account, her account to be credible for example. Or 'when asked to explain further, the young person wasn't able to offer further details.'”** (Court stakeholder)

Staff spoke less about speaking to parents and carers as part of the process of writing PSRs, but this was referenced and could be done alongside the child or at different points. There were some challenges outlined in speaking to families and carers, including families being 'guarded' due to previous experiences of speaking to other professionals. One person also said that language barriers can sometimes make it difficult to interview parents. Staff said that taking time to build rapport, working with defence solicitors where possible, and taking into account cultural considerations in the process could help.

The extent to which engagement with children and families was apparent in the 96 PSRs analysed for this research is covered in Chapter 6 on the content of PSRs.

When thinking about collecting information from professionals, YJS staff broadly felt that they were able to gather what they needed to inform the PSR. Where professionals – such as nurses – were embedded into the YJS this was seen to facilitate this process, allowing staff to access the information quickly.



**“We have the youth justice nurses [who ensure] that we’ve got all of that information because they can do checks...There was one where the nurse was able to give me information about attendance at the emergency department for some concerning injuries.”** (YJS staff, writer)

In addition, some areas had established regular multi-agency meetings that were seen as a useful vehicle through which to collect information to inform the completion of AssetPlus assessments and PSR.

Writers also noted needing to collect information on victim impact to include as part of the offence analysis. This was seen as important in ensuring the accuracy of the report and the appropriateness of any proposal. In one area, staff noted the lack of a dedicated victim worker, and the subsequent challenge in gaining access to victim impact statements without this role in post.

**“We don’t have a victim worker at the moment so we don’t always get access to the victim impact statements which can be the difference between whether the judge goes with what you’re proposing.”** (YJS staff, manager)

There were challenges noted in collecting information from some professionals. This could include where professionals may have left the role which makes access information difficult and frustrating.

Gathering information on education from schools or colleges was identified as particularly challenging. For example, writers said that they struggled to access information quickly or at all, especially during school holidays. They were also met with some reluctance from schools to provide personal information without the child’s explicit consent.

**“It is difficult sometimes if we’re struggling to get information from a certain professional. But generally, people are really forthcoming with information, so we don’t tend to have many problems.”** (YJS staff, manager)

In addition, one court stakeholder questioned the extent to which information from professional databases – such as those used by social services, or the HMCTS Common Platform for case management – is critically assessed by writers. They felt that writers should discuss any information collected with the child or families to assess it and provide a robust assessment.

**“I think they just accept what’s on the social services computer or on CAMHS computer as fact. Something that needs to be discussed with the young person. So, they might discuss their background and why there was this intervention or did-, but they don’t say social services are saying this, or CAMHS are saying this, do you agree with that? I think they should.”** (Court stakeholder)

### 5.2.3 Writing and reviewing the PSR

Once information was gathered, writers said that they then typically complete the AssetPlus assessment for the child. This information could then be used as a basis for the full PSR.

This was seen as a useful step by both writers and quality assurers; by reviewing the AssetPlus, quality assurers became familiar with the details of a certain child, preparing them to review and quality assure the full PSR. This helped to streamline the process, which was often condensed into a short space of time, although staff noted that writers were not always able to wait until AssetPlus is completed to start writing the full report, due to time constraints and capacity.

**“Time scales though sometimes, competing pressures, not every case manager will get the chance to do the assessment prior but that is something that we're trying to, kind of, knuckle down on.”** (YJS staff, manager)

Following the completion of the AssetPlus, writers said that they then draft the full PSR for review and sign off.

Writers across areas included in the research reported that they follow a specific structure for all PSRs, and this gave them a clear sense of what to include. However, the actual structure followed in each area varied. For example, staff in one area said that they use a structure based on the most recent YJB guidance (2022), so reports lead with information about the child, rather than the offence analysis, to reflect the child first approach. In other areas, the structure still led with the offence analysis. In the areas that led with the offence analysis, PSR writers and reviewers noted the advantages of taking a child first approach but were not aware of the newer guidance.

**“We recognise that we're not very child first talking about the offence first. We should be talking about the child. We're aware of the fact that our reports do focus...on the offence first and then it's about the child. So we have spoken about how we stop to put the child first but nothing has really taken off from that.”** (YJS staff, writer)

For staff, the use of a template also meant that, over time, writing became a more efficient process as various sections could be mirrored based on previous work. However, all audiences cautioned against too much structure and repetition across reports, as this could increase the risk of reports being generic or not sufficiently individualised.

**“[Each report] needs to be more individualised for the child. You know, we can't be churning out the same reports all the time. So that's my biggest critique a lot of the time.”** (YJS staff, manager)

Writers reported that some sections of the PSR were more challenging to draft than others. For example, the offence analysis was seen as a particularly difficult section, as it varied between each report and required analysis as well as description.

**“I know that a lot of people really struggle with the offence analysis...what people tend to do is they get into a description really of what's happened and they're not really then analysing”** (YJS staff, manager)

**“The only thing that you can't really mirror is the offence analysis, because everyone's going to have different offences”** (YJS staff, writer)

The proposal for sentencing was also felt to be challenging.

Staff emphasised the importance of writers ensuring familiarity with the Sentencing Guidelines to ensure that the proposal was realistic in the eyes of the court.

In order to help with this, in some areas, panel meetings were held bringing together the PSR writer and members of the YJS management team to discuss the proposal included in the report. YJS staff felt these panels added a layer of accountability, and ultimately credibility to the proposal which made them more confident in their recommendations.

**“What I like with the panel is that that proposal would get the seal of approval from management. Or it might get amended under recommendation from management. But what I like about that is the kind of consistency... but then it also gives [writers] confidence when they're bringing a proposal and it's agreed with by the panel.”** (YJS staff, manager)

There were differences in the approach when establishing the final options linked to a proposal. There were writers who believed it should be based solely on the resources available, providing options that were credible in that context. Others took into account the perceived view of the sentencer; where a custodial outcome was considered particularly likely, they might adapt options to mitigate the sentencer's concerns.

Participants indicated that producing PSRs was a skill that was developed over time, with more experienced staff feeling that they had become more skilled and efficient during their careers.

**“I would say over time, yes, practice makes perfect.”** (YJS staff, writer)

However, participants also reported that they had clear quality assurance processes which ensured robustness across reports, and court stakeholders also valued this stage.

The factors shaping the overall quality of the report are covered in more detail in Chapter 6.

### 5.3 Court stakeholders receiving and reviewing the PSR

Across audiences, participants said that PSRs were predominantly provided in written format to the court, often on the day of (or not long before) the trial or sentencing.

This meant that sentencers often had limited time to review the PSR, which was challenging considering the length of report and the need to read it alongside a wealth of other material for a case. One participant said that they may only have 20 minutes to read all documents, including the PSR.

Time constraints were also said to limit the time legal representatives could discuss the report with the family of the child. As noted above, court stakeholders questioned the extent to which PSR writers made a critical assessment of the information from professionals and time constraints meant there was little time to explore instances where the family might disagree with the information in the report at this stage.

While the length of PSRs was said to make the review practically challenging, the level of detail in reports was generally seen as necessary and useful, even if improvements could be made. The main process improvement suggested was ensuring those involved in the case, including stakeholders, were able to review the PSR sometime prior to the case being in court.

Participants presumed administrative barriers were in the way of this happening. In particular, the HMCTS tool 'Common Platform' is designed to upload, access and edit necessary information and participants said this should allow for earlier sight of the PSR, but this was not happening. The research did not explore the uses of Common Platform in detail and participants were generally unaware of exactly why it was not always being used as intended but assumed potential barriers in the usability of the platform and awareness of it across everyone involved in the process.

Sentencers noted that they reviewed PSRs alongside other information to support the trial (if applicable) and sentencing. The range of other sources of information that were also said to shape the process and outcome included, but were not limited to:

- The Sentencing Guidelines, including specific and distinct guidelines for sexual offences, robbery and possession of a bladed article.
- The Assessment Intervention and Moving on (AIM) assessment, which is an assessment carried out when children have committed sexual offences.
- The statement from the victim.
- Other papers on the case from the Crown Prosecution Service (CPS).
- Reports or letters from forensic psychologists or psychiatrists. This could, for example, focus on the psychological impacts of traumas experienced, building on the information in the PSR.
- Reports from intermediaries or social workers.
- Other locally available information such as ‘child passports’ with information on – for example, communication or mental health.

Alongside documentation, the discussions in the court during trial (where applicable) were also part of the decision-making process. This included discussions with the child, the families of the child or the youth justice service.

## 5.4 The overall role of PSRs in the court proceedings

### 5.4.1 Maximising the role of the PSR

Across audiences, PSRs were seen to have an important and valuable role in court. It should be noted that participants were not sampled on their perceptions of PSRs, and opinions could differ in other areas or among other stakeholders. However, the importance of the PSR and its role in court was felt across all audiences in this research, including among those who outlined challenges and improvements.

Outside the court, one participant working with referral orders highlighted that it was valuable when PSRs were requested as it placed additional focus and resource on creating the referral order contract. As a result, this participant thought that the PSR process complemented the upstream focus of referral orders and facilitated buy-in among children in these cases.

In court, the value of the PSR was said to be ensuring sentencers have a holistic and individualistic understanding of the child and grounding the sentencing proposal in that understanding.

Where the sentencer was not involved in the trial stages (or there was not trial as the child entered a guilty plea), or where the child was less known to local YJS staff, the report provided vital information about the background of the child that was harder to establish in other ways. That said, where the sentencer was involved in the trial and sentencing, and where relationships were established between the court and the local YJS, the trust and value placed in the PSR was seen to be further maximised.

Participants suggested that relationships were less likely to exist between the YJS and the Crown Court, given most cases went to trial and sentence in the youth court. This ‘distance’ was furthered in some ways by the very different day-to-day focus of the Crown Court on adult cases and emphasis on punishment. Sentencers working in Crown Courts highlighted the challenges around this, and the value in moving towards closer relationships, which would in turn maximise the value of the PSR.

**“And I just wonder whether that's because in the Crown Court, the YOT work, you know, we don't have that relationship with them. My probation officer...if she told me someone was dangerous, I believed her. Because she was so good, and she was so thorough. But I never know from one day-, I see the YOT report, I've hardly ever met them before. I'm unlikely to have ever met them before, I've absolutely got no sense of their judgment, who they are. As far as I know, this could be their first report.”** (Court stakeholder)

YJS staff and court stakeholders highlighted the importance of having a representative from the YJS who was familiar with the detail of the PSR in court. Some felt that the PSR writer would be the ideal representative given their understanding of and relationship with the child. Participants said that this meant, where questions arose, it was easier to explore them in the court. However, this ideal was also not seen to be practically possible, given it would require YJS resources to align to sometimes unpredictable court timetables.

This meant that other staff from the same YJS could be in court. This was not seen to necessarily form a notable issue as, their relationship with the writer, meant that they could phone or email them and ask questions relatively quickly. Further, it was suggested that YJS staff who specifically have the role of going to court have a stronger understanding of the court and skills associated with this and noted that they could actually be best placed, as long as they were sufficiently familiar with the PSR and had quick access to the writer to pass on any further queries.

However, in other examples given, the YJS staff in court could be from a completely different area that the same court might cover, which could add a layer of complexity and distance. A reduction or combination of courts over time was said to exacerbate this.

**“I think back in the glory days, the report writer would be in court. That's not the case necessarily now. So, if you do have a question about something in the report, it's a bonus if it's the same youth justice service borough. It's a double bonus if they happen to be the report writer but you could end up with not the right borough, not the report writer.”** (Court stakeholder)

Other challenges in ensuring the value of the PSR was realised included delays in court meaning information became out of date. While an addendum could be requested, this was seen to have limitations as a great deal could have changed for the child in that time.

Finally, the weight sentencers placed on different elements of the PSR varied slightly depending on the context. For example, where a sentencer had been involved in the trial, they did not gain as much insight from the analysis of the offence, whereas those only involved in sentencing (for example, where a child pleaded guilty) placed greater importance on this. The specific content of the PSR is covered further in Chapter 6.

#### 5.4.2 Developing more detailed and holistic understanding of the child and their background

Sections of the PSR detailing the child's circumstances and background were said to facilitate sentencers in taking the more individualistic approach that was needed when sentencing children compared with adults. The focus on prevention in the youth court – through rehabilitation and encouraging desistance – necessitated a different approach to adult cases. In this respect, the PSR helped sentencers get to know the child in detail and as an individual and familiarised them with any mitigating factors that they may consider in their sentencing decision making.

### **'Its about understanding the young person before you and why they are before you' (PSR court stakeholder)**

**“The purpose of the pre-sentence of the report in essence, to put it short it's to be able to provide the sentencing judge or magistrates with as much information about the young person and their circumstances, lived experiences and risks prior to giving sentence.” (YJS Staff, Manager)**

Participants gave specific examples of what this meant for court proceedings. Firstly, sentencers said that the PSR gave them an understanding of important life experiences, including trauma that children may have experienced. This not only helped shape decision-making, but how they engaged with the child. For example, one stakeholder noted an instance where a child's parent had passed away. In this instance, the sentencer ensured that they directly referred to this experience with the child to show understanding and compassion during court proceedings.

A second example regarded the information in PSRs on neurodiversity and communication, which also helped sentencers adapt the courtroom experience for the child. In one instance a child with ADHD was comforted by having their hood up in the court, and so the sentencer allowed this to happen where they may not generally do so.

Further, sentencers highlighted taking into account information on exploitation included in the PSR. This information gave sentencers a multi-agency perspective or a complex issue that the child themselves may not be aware is relevant and therefore had not raised overtly through other processes and touchpoints.

Overall, insights provided as a result of PSRs were said to be vitally important in supporting sentencers in making their decision in a child first way and in line with the sentencing guidelines.

**“[You see the prosecution papers] and you just think immediately, 'Well they need to go to detention.' And then you get the Pre-Sentence Report which says, 'They were the victim of an assault. Parents abandoned them. They've been passed from pillar to post from various homes but now are trying to engage. They're actually trying to make something come out of the cycle of-', it gives you the whole story behind it, rather than just the bold facts of the terrible thing they may have done. And so I think it is exceptionally important and can be the decisive factor really in deciding what you're going to do.” (Court stakeholder)**

#### 5.4.3 Proposing recommended sentencing outcomes

On the whole, sentencers found the proposal included in PSRs useful in helping them to make their sentencing decision. However, they were clear that the purpose of the PSR was not to direct the court in the sentencing outcome, but to facilitate them in the complex task of making a decision; it was seen as one piece of the jigsaw.

While some sentencers would use the conclusions as a starting point for discussion, others would read it in advance, but would develop their own views on sentencing independently of what was written.

The qualitative research highlighted a potential tension in the perceived dual purpose of PSRs that is relevant here. Sentencers said that PSRs can be presented or written as if the writer is an advocate for the child. They said that, when seen in this way it limits the potential for a balanced picture – based on the legal framework and taking into account the impact on the victim and community – as the foundation for the sentencing proposal.

This was reflected in the views of court stakeholders on sentencing proposals in PSRs; they felt that these did not always achieve the balance needed and could be too lenient (in terms of sentence length, rather than community instead of custody). It should be noted that participants were keen to highlight that they had also seen examples of the opposite happening where they perceived a proposal to be overly punitive.

As such, those interviewed did not expect complete congruence at an overall level between the proposal in the PSR and the sentencing outcome in the PSR analysis carried out in this research. The findings in the PSR analysis suggested that sentencers were more likely to increase the sentence than decrease the sentence, but that both occurred in the sample. There is more information about concordance in Chapter 6.

Overall, this may reflect the tension in the role of the writer, especially when combined with the view among court stakeholders that YJS staff did not necessarily always have a full grasp of the legal framework and what was possible in different circumstances. Court stakeholders outlined that a clear review process or panel, which were in place in some areas, could help with this.

**“They'd say, 'We recommend this because this will work, and these won't.' Sort of, thing. We did challenge them because they seemed to be asking to repeat something that hadn't worked before. So, the question was, 'Why are you recommending something that fundamentally failed?' And they were able to explain that in court to us. So, we can question something. We don't just accept them at face value.”** (Court stakeholder)

These findings reflect some of the challenges staff faced in drafting this section of the report, as explored above. For example, where they had difficulty accessing the victim statement, achieving a more rounded picture to inform proposals was harder. Further insight is provided in Chapter 6 on the content of the report and particularly on the conclusions.

Other limitations identified in the sentencing proposal of some PSRs, which were said to potentially undermine the credibility of the proposal, included:

- The level of information on local level provision – which could vary by area – with potentially unrealistic requirements proposed.
- The perceived lack of detail on the education elements. One example given was a report saying a child is in education, but that this lacked further information. On reading the PSR the sentencer thought this meant full-time education or near this, but in the court the child said that this was just one hour a week, and they often did not attend. To some extent, this could reflect the challenges staff identified in gathering information on education.

The proposal is also grounded in other aspects of the PSR such as the offence analysis and risk assessment. Again, the content of the PSR, and potential variability in this, is covered more in Chapter 6.

# 6 The contents and variability of PSRs

## Key findings

The 95 PSRs included in this analysis were generally of good quality – i.e. they broadly reflected the requirements of the YJB Guidance (2019) on writing PSRs. In the qualitative research, sentencers substantiated this finding, reflecting that the quality of children's PSRs was typically good in their experience, and of better quality than adult PSRs.

Analysis of total scores and means by ethnicity provided limited insight into any differences in quality. However, there were differences in the quality of specific dimensions.

For the 'Conclusion of PSR' dimension within this sample, White children's PSRs were scored slightly higher in quality than Black children's PSRs.

The scores for the Black children's PSRs in our sample were higher on average than those for White children's for the 'Assessment of Child' dimension. In the qualitative research, report writers thought that this was a relatively easy section to write, but the PSR analysis shows writers are not consistently including all the factors described in the guidance.

PSR writers consulted did not anticipate that there would be differences between the reports for Black and White children in the PSR analysis. However, the linguistic analysis revealed some differences including:

- CO

- White children's PSRs included a wider range of reporting verbs and included more assurances and admissions than the Black children's PSRs. They also were more likely to include consideration of the child's health, life experiences and traumas. They also included more commentary in the form of 'unfortunately' and contained more personal opinion from the report writer.

- Black children's PSRs were more likely to refer to co-defendants, while White children's PSRs referred more frequently to co-accused. Additionally, Black children's PSRs more frequently referred to negative peer influences.

Concordance analysis showed that for Black children higher quality scores for four dimensions were associated with the sentenced outcome being more lenient; but for White children higher quality scores were associated with the sentenced outcome being more severe.

None of the 95 PSRs were able to adhere to the YJB guidance that they should be no more than 4 pages - due to the complexity and detail needed to 'do justice' to each case. They ranged in length from five to 17 pages in total with an average length of nine pages. In around two thirds of cases the quality assessment evaluated the length as appropriate. The analysis also showed the average reading ability of a 15- to 16-year-old was required to understand the PSRs.

This chapter is based on the analysis of 96 PSRs. Relevant findings from the qualitative interviews these have been included throughout. They have been clearly indicated so that it is clear they are reflections of participants.

## 6.1 Overview of Quality analysis

As described in Section 4.2, 96 PSRs were scored for quality using the assessment tool developed by the MMU research team. However, only 95 PSRs were included in the analysis of assessment scores, as one PSR was incomplete and was removed.



The total number of PSRs and the number of those which included/did not include particular dimensions, for all children and by ethnicity, are shown below in Table 6.1. Six of the seven PSRs which included dangerousness assessments were for Black children. 17 of the 30 PSRs which included a nearing 18 assessment were for White children compared to 13 for Black children. The two PSRs which included both a dangerousness assessment and a nearing 18 assessment were for Black children. Given the relatively small sample of PSRs (96 PSRs) any differences in the inclusion/non-inclusion of dangerousness assessments and nearing 18 are an artefact of the sample and are provided solely as description of the sample.

**Table 6.1: Numbers of PSRs including/not including dangerousness and nearing 18 by ethnicity**

	<i>All</i>	<i>Black children</i>	<i>White children</i>
<b>All PSRs</b>	95	48	47
<b>Not including dangerousness assessment &amp; nearing 18</b>	60	31	29
<b>Including dangerousness assessment</b>	5	4	1
<b>Including nearing 18</b>	28	11	17
<b>Including dangerousness assessment and nearing 18</b>	2	2	0

The maximum possible quality score varied depending on whether these additional sections were included. As most PSRs did not include these sections the best way to compare them is to exclude these scores. Comparing actual totals for all children: 78 (maximum); 51 (minimum) and mean of 65.2; with the total maximum score of 84 which could be achieved suggests that the 95 PSRs were generally of good quality, in that broadly they appear to reflect the requirements of the YJB Guidance (2019) on writing PSRs (see shaded row in Table 6.2).

**Table 6.2: Potential and actual total assessment scores by ethnicity**

	Possible		All children			Black children			White children		
	MAX	MIN	MAX	MIN	Mean	MAX	MIN	Mean	MAX	MIN	Mean
<b>Total not including Dangerousness and Nearing 18</b>	84	0	78	51	65.2	78	54	64.8	77	51	65.5
<b>Total including Dangerousness</b>	94	0	78*	51	65.6	78	54	65.7	77	51	65.6
<b>Total including nearing 18</b>	88	0	79	51	65.7	78	54	65.4	79	51	66.1
<b>Total including all dimensions</b>	98	0	79	51	66.2	78	54	66.2	79	51	66.3

\*The maximum score did not change with the inclusion of dangerousness scores

The mean scores and range of scores overall provide limited insight into any differences in the quality PSRs by ethnicity. Examining the scores for individual dimensions is more useful – see section 6.2, and the linguistic analysis (see 6.4) also implies that there is more variation than appears in the high level quality scores.

In the qualitative research, court stakeholders, including different types of sentencers, thought that the quality of PSRs was mostly good, and that the ones they received for young people were generally quite consistent in terms of quality and content. Those who worked in both youth and adult courts thought that the quality of children’s PSRs was much higher, with the more individualistic and child first approach in youth justice being seen to drive this difference.

**“They’re generally very detailed, very good, give you all the relevant information, all the background and they obviously do a lot of work. And in comparison to what you get for adults, they’re vastly superior.”** (Court stakeholder)

Sentencers and YJS staff thought that a key driver of quality was the individual report writer – their experience writing PSRs, their knowledge of the law and justice, and their relationship with the child – and that these factors would drive most of the variation in quality observed. Occasionally sentencers noticed copy and paste errors (e.g. the wrong name or the child’s pronoun changes) but this is considered rare in children’s PSRs.

**“It depends on the experience and expertise of the report writer. Inevitably the more experienced, I'd say general will provide better reports.”** (Court stakeholder)

**“I would think the biggest difference is going to be between cases who have been open and are known to the service, known to the writer will be a lot different in general from one where it's a first-time entrant or not been close to the service for years.”** (YJS staff, writer)

**“Really good, really thorough, really sort of balanced and thoughtful and detailed and robust. You do feel confident in them, I wouldn't say I necessarily agree with them always, but I have confidence that it is a really thorough and balanced and measured approach is my experience of them recently.”** (Court stakeholder)

## 6.2 Which components of a PSR are most variable in quality?

This section looks at the quality score data in more depth. Taking each dimension of the PSR Quality Assessment tool in turn (based on the different worksheets in the tool) it examines the extent to which there was or was not variation in quality. It should be noted that due to the small sample size, few of the following differences are statistically significant. That is, these relationships could be due to chance, nevertheless patterns within the data can be discerned which may have potential implications for practice and are worthy of further investigation.

As shown Table 6.3 below, on average, PSRs scored higher on some dimensions than others. The dimensions with the lowest quality according to the tool were the assessment of the child and the conclusion.

**Table 6.3: Analysis of quality by dimension**

	<b>Max score possible</b>	<b>Average score in the sample</b>	<b>Average as % of max score</b>
<b>Structure and Quality</b>	22	19.7	90%
<b>Sources of Information</b>	12	9.5	79%
<b>Seriousness</b>	2	1.9	95%
<b>Offence Analysis</b>	10	8.5	85%
<b>Risk Assessment</b>	12	9.6	80%
<b>Dangerousness*</b>	10	N/A (base too small)	
<b>Assessment of Child</b>	14	9.1	65%
<b>Nearing 18*</b>	4	N/A (base too small)	
<b>Conclusion</b>	10	6.8	68%

### 6.2.2 Structure & Quality

Structure & quality had a maximum score of 22. Sections of the form were assessed to establish the score (Front Sheet, Sources of Information, Offence Analysis, Assessment of Child, Assessment of Risk, Conclusion / proposal for sentencing). Additional questions asked to establish the score included:

- Has an assessment of need for parenting support, including suitability for a Parenting Order, been undertaken?

- Is the length of report appropriate?
- Is the report written in a way that is understandable to a child, parent / carer?
- Is the language used plain, jargon and acronym free?
- Is report focused, analytical rather than descriptive, and logically structured?

All of the PSRs scored highly – between 15 and 22 – with 22 as the maximum score for the structure and quality dimension – demonstrating that this dimension was comprehensively covered in the PSRs (see Table 7.1 and figure 7.1 in Appendix A).

As outlined in Chapter 5, in the qualitative research, report writers described generally following a template which may explain why most PSRs typically contained the information required by the guidance, despite low awareness of the guidance itself.

The analysis found little difference in the average scores for Structure and Quality for Black children compared to White children. However, this dimension was more likely to be scored in the lower band for Black children, with more of the sample scoring below 19 here.

Under this dimension the scored questions were complete in 90+% of PSRs, excepting *parenting assessment* (77%), *appropriate length* (61%) and *jargon-free* (5%).

None of the 95 PSRs were able to adhere to the guidance that these should be no more than four pages. The complexity and detail of information that PSR authors needed to provide to meet the guidance and 'do justice' to the circumstances of the case of each child meant that all exceeded this. They ranged in length from five to 17 pages in total with an average length of nine pages. In around two thirds of cases the quality assessment evaluated the length as appropriate.

The analysts noted that some PSRs appeared to include too much information – for example one PSR appeared to list every place that the child had lived – which may have conveyed a negative impression, for example, that of a chaotic background which may negatively influence the view of the sentencer.

In the qualitative research with PSR writers and their managers, there was limited awareness of the guidance on the length of reports. They felt it was important to keep the PSR to an appropriate length without too much detail, but with sufficient information to help the sentencers make a decision. A manager involved in quality assurance noted that summarising appropriately, ensuring that the PSR is analytical rather than including a full history, is important and that some writers could struggle with this.

From the sentencer perspective, they generally described the PSRs as comprehensive and they valued the detail, as long as it was pertinent and tailored to the specific case. They thought that some writers were better at selecting the relevant information than others.

**“They’re very detailed, and they all tend to follow the same pattern. And I’m not complaining about that, because I do think they do need to be an awful lot more detailed than for an adult. Because, you know, there’s so much more to say, and they are, you know, very difficult sentences.”** (Court stakeholder)

**“It’s not the length, it’s the relevance of it. If they think a child is at risk of reoffending, then we want quite a lot of information about why they think that. If they think they’re low risk of reoffending, well, we’ll pretty much take that at face value if that’s what they think.”** (Court stakeholder)

Overall, in the qualitative research, court stakeholders thought the structure and quality of PSRs that they saw were generally consistent, and they thought overall the quality (in terms of insight provided / useful information) was good.

They assumed that reports were generally quality assured by a senior member of staff at the YJS and that this resulted in quality and consistency. They did note that some PSRs included less information; in these cases, they assumed the person producing them was less experienced or the quality assurance processes in the YJS may not have happened. However, this was not their experience in the main.

The readability of the PSRs is addressed in more detail in Section 6.4 below.

### 6.2.3 Sources of Information

Sources of information had a maximum score of 12. The following were reviewed to establish this score:

- Contact points with child and parent/carer
- CPS documents about case
- AssetPlus and any additional specialist assessments (incl. experience of trauma or exploitation)
- Reports of other professionals (including child's school)
- Victim statements and views

The analysis suggests that across the 95 PSRs this dimension was adequately to comprehensively covered. The PSRs scored between 5 and 12 – against a maximum score of 12 for the sources of information dimension (see Table 7.2 and figure 7.2 in appendix A).

Again, there is a little difference in the mean scores for Black children’s PSRs compared with White children’s PSRs for the sources of information dimension. However, as before, there were more PSRs for Black children scoring below 7 than those for White children.

Under this dimension, the scored questions were complete in 90+% of PSRs, excepting *two interviews with child* (50%), *discussion with parent* (82%), *AssetPlus* (86%) and *victim statements* where applicable (36%).

As noted in Chapter 5, in the qualitative research, when reflecting on the production of PSRs, writers would emphasise the importance of speaking to the child on several occasions – especially if the child was new to the YJS and/or did not have a pre-existing relationship with the PSR writer.

Staff said that this could be challenging, but these figures suggest either it is potentially more challenging than they reported, or that the PSRs do not necessarily clearly indicate whether multiple interviews have taken place. Managers also emphasised how important they thought it was to achieve more than one interview with the child, and said they always make this clear to the people they manage. One participant suggested there might be variation depending on the tenacity and creativity of the report writer – with some trying harder than others to make sure they reached the required people. For example, some might reach out to the defence solicitor to see if they could help build the relationship.

As noted in Chapter 5, PSR writers spoke less about efforts to engage with parents and carers. Equally, few mentioned speaking to victims, except with the support of victim officers where available.

Some YJS staff mentioned how high turnover in social services, or difficulties finding someone at a school who could provide information in a timely manner, could pose difficulties for a report writer trying to get a holistic view of the child.

Sentencers did not discuss the presence or absence of different sources of information in the reports, although, as discussed below, sometimes they perceived PSRs to be over-reliant on the child's perspective.

**“I think they all try and access the same material, but some make more efforts than others.”** (Court stakeholder)

#### 6.2.4 Seriousness

Seriousness had a maximum score of two, based on whether or not the PSR includes the level of seriousness of offence.

92 PSRs received the maximum score of two for seriousness, with the remaining three receiving zero. This dimension captures whether or not the PSR includes the level of seriousness of offence as indicated by the court requesting the PSR.

This suggests that the overwhelming majority of PSRs included this information – as specified in YJB guidance (2019, 2022). Only a very few did not, and they did not come from the same YJS. No data was available to explain this absence in these PSRs.

In the qualitative research, sentencers and solicitors suggested that sometimes the PSRs assessment of seriousness of the offence may not align with the view of the court, and that this could potentially undermine confidence in the PSR. They suggested that areas with better quality assurance by more experienced individuals could help reduce the risk of this occurring.

#### 6.2.5 Offence Analysis

Offence Analysis had a maximum score of 10, based on five questions:

- Is there a clear indication of any Aggravating Factors relating to the offence (including whether offence committed on bail or while serving any other court order)?
- Is there a clear indication of any Mitigating Factors relating to the offence (including extent to which child exploited by others)?

- Is there a clear explanation surrounding the context of the offence (including any pattern of offending, level of premeditation / planning)?
- Is there a clear assessment of child's culpability (e.g. maturity, mental health, learning difficulties, communication needs)?
- Is there a clear explanation of the child's perspective of offence (including attitude to any victim / offence / consequences, acceptance / minimisation of responsibility, desire / action to make amends, denial)?

There was a wider range of scores for the offence analysis dimension compared to the previous two dimensions (see Table 7.3 and figure 7.3 in appendix A). The scores ranged between 2 and 10 (with 10 being the maximum possible). However, nearly all of the PSRs scored between 5 and 10 and therefore the analysis suggests that this dimension was adequately to comprehensively covered in our sample.

Again, there was little difference in the average score for Black children's PSRs over those for White children.

In nearly all the cases our analysis showed a clear explanation of the context of the offence was included. However, under this dimension, none of the scored questions were complete in greater than 90% of PSRs. *Aggravating factors* (71%), *mitigating factors* (68%), and *culpability* (73%) were least frequently included.

In the qualitative research, report writers often described the offence analysis as one of the most difficult sections to write and those involved in quality assurance also thought that it could require close review. This was because they were keen to ensure that it was genuinely an analysis of the offence and not just repetition of the information provided by the CPS, augmented with the child's response. Writers comment that, unlike other parts of the PSR, each PSR will require a completely unique offence analysis, whereas for other sections they can use previous PSRs to inspire them.

**“It's getting people to analyse information rather than just presenting it and just saying this is what's-, and it's like okay, but why are you telling me this? What does that mean? Why are you putting this into the report?”** (YJS staff, manager)

Sentencers had mixed views on the quality and value of this section of the PSR. For those who were familiar with the offence it was rarely seen to add much, and some thought that it was not always an accurate description.

**“And I don't very often need offence analysis, and I'm finding too much offence analysis, often which is inaccurate...So just for example, the author of the report relied on what the defendant and his family were saying had happened, and obviously hadn't read the prosecution case properly, and left out an awful lot of the aggravating features of the case.”** (Court stakeholder)

However, others found it interesting to read about the wider context and factors that could have influenced the child. In other cases, where sentencers had not tried the case, so were coming to it cold, they described the description of the offence as invaluable, because it was much richer than that provided by the CPS.

**“I appreciate they have to do that [offence analysis], but I don't necessarily need them to go back over what the offence is and sometimes it's quite a lot of time spent explaining what the offence is and what they've pleaded guilty to. I know that because I've already been dealing with it.”** (Court stakeholder)

**“We get all the papers on the original offence, but police statements are rather flat... because possession of a bladed article can cover all sorts of things.. It happened to be found as he carried it down their trousers, he wasn't wielding... it's a different picture to chasing somebody onto a bus and smashing against the bus windows.”** (Court stakeholder)

## 6.2.6 Assessment of Child

Assessment of Child had a maximum score of 14, based on seven questions:

- Does the report clearly provide further information on why the child committed their offence?
- Does the PSR clearly explain whether the child is being exploited into criminal behaviour?
- Does the PSR include a clear assessment of the influence of the child's parents / carers and any associated interventions?
- Does the PSR clearly show evidence of responding to factors of difference (disability, race, class, religion, etc.) or a consideration of this?
- Does the PSR clearly include a consideration of contextual safeguarding issues (affiliation to gangs / territorial conflict / other conflict / attitudes that impact on safety)?
- Does the PSR include a clear explanation of how the child spends their leisure time; who they associate with, activities they engage in, and any future goals and aspirations?
- Does the PSR clearly discuss their physical and / or emotional maturity?

The assessment of child dimension was adequately but not comprehensively covered by the majority of PSRs. Overall, 24 (out of 95) PSRs scored 7 or less out of a maximum score of 14 (see Table 7.4 and figure 7.4 in appendix A).

Again, there was little difference in the mean score for PSRs for Black children against those for White children. The PSRs for White children were more likely to score below 9.

Under this dimension, the scored questions of *Whether exploitation* was only addressed in full in 41% of PSRs, *factors of difference* in full in 23% of cases, *contextual safeguarding* in full in 58% of cases, *leisure time* in full in 38% of cases, and *maturity* in full in 41% of cases.

In the qualitative research, YJS staff typically said they found this section relatively easy to write, especially if they were already familiar with the child. However, they noted that they would always seek to update their knowledge of the child for a PSR, even if they had a good knowledge of their general circumstances. Some described difficulties knowing exactly what should be included and what to omit given how much information they might have about the child.



**“Assessment of the child ... is some of the vaguest box of any report. That's the opportunity to write everything about their whole life of whatever they've given you just to try and give some context, I suppose.”** (YJS staff, writer)

As covered in Chapter 5, the sentencers in the qualitative research largely felt that this section added value because it covered things about the child that they would not otherwise be aware of. It could give them a much better sense of the child and what else was going on in their life that could be relevant to understanding the crime.

In the interviews, sentencers also observed that some children can present very differently in court to when they are with their solicitor or YJS staff. They felt that the PSR could mitigate against this by giving a fuller picture of the child.

**“We're more likely to make a poor decision if we didn't have a PSR. We might read a child completely wrong because obviously, they can present beautifully in court, their mums sobbing, everyone says lovely things about them, let them out and off they go to do something terrible. So, I think they are invaluable.”** (Court stakeholder)

**“When the court are speaking to them they just grunt or scoff, like, they don't really lift their head up and speak clearly. There could be reasons for that and we can have that within that PSR as well, especially if they're trauma informed.”** (YJS staff, manager)

However, one interviewee cautioned that there can be variation in how well YJS staff can break down barriers with the children, meaning that their assessments might be overly critical where a child finds trusting YJS staff more challenging. Equally, they were concerned that sometimes PSRs would take information from Social Services and other professionals at face value, when in fact it might not be a fair representation of what had happened.

**“When you've got people with things like oppositional defiant disorder and things like that, they can be quite unpleasant... I feel some youth justice workers aren't sufficiently trained in understanding that doesn't mean a person is a bad person.”** (Court stakeholder)

The dissonance between the views of the writers that this section is easy to complete, and the quality analysis which demonstrates that many of the PSRs reviewed did not cover off all the factors that the guidance recommends, is likely to be an artifact of the fact that writers are using templates with the section headings but are not necessarily aware of the guidance. As such, because the title is very broad, there is a high level of variability in what they choose to include. From this research it is not possible to assess whether the high level of variability is appropriate given the unique circumstances of each child.

### 6.2.7 Risk Assessments

Risk Assessments had a maximum score of 12, based on six questions:

- Is there a clear assessment of the risk that child will commit further offences?
- Is there a clear assessment of the risk to the public?
- Is there a clear explanation of the positive factors which, if built upon, could support desistance?
- Is there a clear explanation of the child's safety and wellbeing (e.g. personal mental health, self-harming, suicidal ideation / ideas, risk taking behaviour including substance misuse and sexual promiscuity)?
- Is there a clear explanation of the potential impact of the sentence on the child?

- Is there a clear explanation of positive and protective factors which YOS can use to support desistance?

The scores ranged from 6 to 12 (with 12 the potential maximum) for the risk assessment dimension. This suggests that risk assessments were adequately to comprehensively covered (see Table 7.5 and figure 7.5 in appendix A).

Again, there is little difference between the mean scores for this dimension between Black children's PSRs and those of White children. White children have a higher chance of a risk assessment scoring less than 9. Higher scores reflect greater detail in the PSR for this dimension. However, it is important to recognise that while risk assessments may be equally detailed (and scored accordingly), the nature of the detail may vary. For one PSR the detail may relate to risk of harm to the person or others; while another, to the factors that increase risk; against a third which detail factors that reduce risk. Which of these is being focused on (or not) in the PSR is not part of the overall assessment.

Under this dimension three scored questions were addressed in full in over 80% of PSRs, but others were addressed less fully. *Positive factors for desistance* were present in full in 46% of PSRs, the *impact of the sentence on the child* in 49% of PSRs, and *positive and protective factors* present in full in 40% of PSRs. Risks to public were more present than risks to child.

In the qualitative research, views varied significantly about the risk assessments. They were rarely mentioned by the YJS staff but were frequently mentioned by sentencers.

One sentencer questioned whether an algorithm is used to produce the risk assessment as they suggested it could sometimes feel a bit removed compared with other parts of the PSR. Also, they raised a concern that writers may potentially overstate the risk in order to cover themselves, in case the child went on to offend again. While the sentencer did not know the algorithm in detail, this may refer to the Youth Offender Group Reconviction Scale (YOGRS), an adapted version of the adult criminal justice system Offender Group Reconviction Scale (OGRS). The YOGRS is part of the AssetPlus assessment.

**“I struggle with [Risk assessments] in some ways. I don't know if they're the same as the probation risk assessments... Where they put in their age, their previous offending history, drug user or whatever the other key indicators are of the data they put in. And then the computer spits out serious risk or medium risk. I think Youth Justice Service may have something similar.”** (Court stakeholder)

Another sentencer thought that the risk assessments could be too reliant on what the child and their family said, and might miss pertinent facts, leading them to distrust the analysis.

**“...There was no proper risk assessment, because so much was just brushed under the carpet. It's incredibly frustrating, actually.”** (Court stakeholder)

However, for another sentencer who specifically dealt with sexual cases, the AIM assessment information was seen as thorough, high quality and really important to help them decide the appropriate sentence.

**“I think [one of] the things that are really absolute screams out for you is the risk assessment section and the reasons for that level of risk assessment, and about their individual circumstances and their background, because it is so important in youth sentencing... I might look at a case and think this sounds really risky, then there's some explanation for why it's a lower risk than I thought it was”** (Court stakeholder)

### 6.2.8 Dangerousness

Very few of the 95 PSRs included a section on dangerousness. Six Black children's PSRs included this compared to only one PSR for one White child.

The sentencers in the interviews who mentioned dangerousness thought that it would only be relevant in rare circumstances and as such it would be unlikely to feature in most PSRs.

**“I just can't see that there'd be a need for a separate heading, 'Dangerousness doesn't apply,' because that's going to be the answer in most cases.”** (Court stakeholder)

However, for those in the Crown Court the value was clear. While there are clear criteria set on dangerousness and the threshold of risk, which means not all PSRs – including not all in the Crown Court – will have an assessment of dangerousness, sentencers still outlined that there were times they thought it should be included and was not.

**“I've had it a couple of times, where the first thing it says is, 'We don't really know what the purpose of this report is.' Well...the District Judge has committed it to the Crown Court for sentence, the only reason they could have done that was because it was so serious, of course, they needed a dangerousness assessment. And there has been none.”** (Court stakeholder)

### 6.2.9 Nearing 18

Few of the PSRs had a section on the child nearing 18: 17 White children's PSRs included this; and 13 PSRs for Black children had this.

### 6.2.10 Conclusion of PSR

The Conclusion dimension of the PSR had a maximum score of 10, based on five questions:

- Is a clear range of sentencing options provided?
- Is there a clear single proposal for sentencing?
- Does the PSR indicate a clearly proposed frequency of supervision appointments based on the desistance needs and risk of serious harm to others?
- Do the sentencing options clearly indicate whether they would reduce / increase offending behaviour?
- Do the sentencing options clearly indicate broader positive outcomes for the child?

The conclusion dimension had the widest range of scores, from 1 to 10, with 10 being the maximum possible (see Table 7.6 and figure 7.6 in appendix A). Most PSRs were adequately completed, but not comprehensive. There is a slightly larger difference between the mean scores for Conclusion between the PSRs for Black children, and those for White children, although still small. The probability of this score being in the top band of 9-10 was higher for PSRs for White children.

Under this dimension, the scored question for *Sentencing* was covered in full in 90% of PSRs, but *proposed frequency of supervision for needs/risk* only covered in full in 38% of PSRs. *Assessment of reduce/increase offending* only fully covered in 41% of PSRs, and *options for broader positive outcomes* only fully covered in 38% of PSRs.

In the qualitative research, while sentencers utilised the proposals, there were mixed reports on the quality and perceived overall weight it would carry. As noted in Chapter 5, QA processes and panels were in place in some YJS teams to ensure proposals were realistic and grounded in knowledge of the Sentencing Guidelines.

Sometimes YJS staff said that they need to exclude options because they are not feasible within their budget, and, as outlined in Chapter 5, sentencers recognise that this can happen. This was said to be frustrating for staff and sentencers, especially when trying to avoid custodial sentences.

**“I think we don’t always have the resource to offer ISS when it is all options. So we do tend to, kind of, ‘beef up’ a YRO to make it sound a lot more stringent to mimic an ISS...but because we haven’t got the resources for ISS.”** (YJS staff, manager)

Also in the qualitative research, sentencers noted that there can be a tension where the proposal for sentencing was not aligned with the sentencing guidelines for the offence. They recognised that youth sentencing can be complex but felt that in a high quality PSR the sentencing advice might be the only part of the report which could be improved. A specific example given was the legislation that sets a minimum custody term for a second knife offence.

**“It’s in the recommendations really, where you can see that they don’t necessarily know what they’re talking about. Either with recommendations not actually being lawful... or with them just being unrealistic.”** (Court stakeholder)

Sentencers commented that sometimes there could be a notable mismatch between the sentencing proposal and the seriousness of crime, or the track-record of the child in responding to previous interventions. While they recognised this could be due to resource limitations, they felt this could undermine the credibility of the report.

**“...[They were] a very high-risk offender. And I think the recommendation was for some sort of community order, with the child living in a sort of semi-independent accommodation. And it was just completely unrealistic.”** (Court stakeholder)

These findings should be considered in the context of the revised YJB guidance for 2022 onwards that outlines that an ISS must be offered as an alternative to custody – with limited resources not being deemed a suitable rationale not to offer this. In addition, the NPCC Child Gravity Matrix<sup>19</sup>, a triage tool based on the range of options available to the decision maker, was also updated in 2023.

### 6.3 Concordance analysis

This section presents findings which compared the quality of PSRs by ethnicity of the child with concordance, i.e. whether or not the sentenced outcome was the same as the proposed outcome set out in the PSR.

<sup>19</sup> [The NPCC Child Gravity Matrix: Key changes \(vjlc.uk\)](https://www.vjlc.uk/).

### 6.3.1 Overview of concordance analysis

Table 6.4 shows concordance/non-concordance mapped against the mean scores for the quality dimensions that were scored for all 95 PSRs, namely: structure and quality; sources of information; offence analysis; assessment of child; risk assessment; and conclusion.

The majority of cases (65 of 95) were concordant. In 10 cases the sentencing outcome was less severe than the PSR proposed outcome and for 20 cases the sentencing outcome was more severe than the PSR proposed outcome.

There is no overall pattern, and as shown in Table 6.10, concordance is not always associated with the best quality PSRs. For example, in relation to Assessment of Child, the mean score where the sentenced outcome was more lenient than the PSR proposed outcome (10.6) was higher than for concordance (8.7) and a more severe sentenced outcome (9.6). However, caution needs to be exercised, given the small numbers of cases in the concordance categories.

**Table 6.4: Concordance and mean scores for quality dimensions**

	Score		
	<i>Sentence less severe than proposal</i>	<i>Concordant</i>	<i>Sentence more severe than proposal</i>
n	10	65	20
<b>Structure &amp; Quality</b>	18.8	19.8	19.9
<b>Sources of Information</b>	9.4	9.6	9.2
<b>Offence Analysis</b>	8.3	8.5	8.7
<b>Assessment of Child</b>	10.6	8.7	9.6
<b>Risk Assessments</b>	10.1	9.5	9.9
<b>Conclusion</b>	7.2	6.7	7.1

The people we spoke to in the qualitative research were not actively monitoring concordance although YJS staff each had an example of where a sentence had differed from their recommendations, for reasons they did not understand. Magistrates suggested that notable differences like these are discussed but are relatively infrequent. Lack of concordance was perceived by YJS staff to be more common when the child was sentenced outside of the youth court by a District Judge or in the Crown Court. In general, they thought that sentences would mostly be in line with what was proposed.

In the qualitative research with sentencers none mentioned actively monitoring concordance, and for some it was a matter of principle that they had to make their own decision.

As noted in Chapter 5, sentencers suggested there may be a level of non-concordance because the YJSs were, by nature of their function, perceived to be balanced towards the defence. They saw this as more likely than variation due to quality concerns.

**“The common complaint from my colleagues is that the reports often seem like pleas of mitigation. They don't feel independent... They're there as advocates on behalf of the young person ... And the danger about that, of course, is the sentencing judge doesn't get the assistance, and then will often ignore the recommendations, because they'll think they're wishy-washy.”** (Court stakeholder)

For these interviewees, the role of the sentencer was seen to be balancing the recommendations in the PSR with the impact on victims and serving justice and each would bring their personal insight to the judgement alongside the information provided and the sentencing guidelines.

**“We cannot take the advice of the youth justice service, but we would probably have to give our reasons why, particularly if we were going to up the sentence, we would have to say why we were increasing it.”** (Court stakeholder)

They felt that the PSR might sometimes be ‘pitched too low’ compared with what the complainant might expect. Participants said that this difference in priorities could typically impact the length of sentence – which would likely be longer as a result – rather than type of sentence (community vs custody).

**“I will make my own decision as to where I think the risk lies. I'll make my own decision about what form of order should be imposed, but then I know I'm doing so with the benefit of having a very robust risk assessment having been done by the Youth Justice Service.”** (Court stakeholder)

Sentencers reflected that it was not uncommon for them to consider additional options not included in the PSR – for example parenting orders or restorative elements which might be added to the sentence. They also mentioned that sometimes the recommendations can place too much emphasis on the risk and not enough on the severity of the offence, leading to an overly severe recommendation.

**“Other times, it can be that they've made an overly severe recommendation, classed them as high risk, they're recommending a really restrictive order...even though they're looking to stop future offending, you still can't punish somebody more heavily than the level of seriousness of the offence.”** (Court stakeholder)

### 6.3.2 Relationship between Quality and Concordance

It was theorised that some factors may change concordance in the case of Black children, but not in the case of White children, or that some factors make no difference until in combination with another. As with the previous quantitative analysis, the results were not consistent enough to provide a robust relationship: the data was too ‘messy’.<sup>20</sup> However, it did reveal that for some quality dimensions, higher scores are associated with less severe sentences than proposed for Black children, and more severe sentences than proposed for White children.

Further analysis showed that for four quality dimensions – Sources of Information, Offence Analysis, Risk Assessments and Conclusion – the association between highest mean score and concordance appears to reverse with ethnicity. That is, for Black children higher PSR quality scores are associated with the sentenced outcome being more lenient, but for White children higher PSR quality scores are associated with the sentenced outcome being more severe. However, it is important to note that the numbers of PSRs included in this analysis are very small, and this could be an artefact of the sample.

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<sup>20</sup> Note, this analysis was undertaken using a Qualitative Comparative Analysis (QCA) approach, as this case-based approach can help uncover combinations of factors that have causal relationships, where each factor on its own does not effect any change.

In the qualitative research with YJS staff, some speculated that one reason Black children might be getting longer sentences is because they can appear older and more mature than White children of the same age. Staff mentioned that the PSR had a role in undoing unconscious bias to some extent; while causation was not explored in this research, one hypothesis might be that better quality PSRs can help to challenge unconscious bias and work to reduce the anticipated sentence. In contrast, it might be the case that for White children a comprehensive PSR may demonstrate that the child may require a tougher sentence than originally anticipated.

## 6.4 Linguistic analysis – readability

The findings from the readability analysis are presented in this section based on the 12 sampled PSRs comparing those for Black children (6 PSRs) with White children (6 PSRs). Details of the sampling process are provided in 4.1.4.

The 12 PSRs were profiled to establish (dis)similarities in the number of words, sentences and paragraphs used, along with the average number of characters per word, words per sentence, and sentences per paragraph. These metrics give an overall indication of the length and structure of the texts, as well as informing readability scores. The full results are presented in the Technical Annex.

The results, using two measures—the Flesch Reading Ease and the Flesch-Kincaid Grade Level—indicate that there do not appear to be any notable differences in PSR readability based on the ethnicity of the child. However, the results indicate that a reader would need the typical education level of a 15–18 year old to be able to read and understand the PSRs. This makes them fairly difficult texts to read. Given the lower levels of literacy of individuals in the criminal justice system, and particularly the higher level of undiagnosed speech, language and communication disorders (e.g. dyslexia) among this population, it is likely that children would struggle to understand the content of these reports.

In the qualitative research, participants who had explained PSRs to children in their current or past roles agreed with the analysis that PSRs are typically not very accessible for children. They are too long and the language can be too complex. However, as outlined above, they felt that the documents largely met the needs of sentencers which was important and therefore they were unsure how to manage this, except by ensuring that somebody would help the child to read and interpret the content of their PSR.

## 6.5 Linguistic analysis - discourse

In this section we present findings from the discourse analysis focusing on the use of:

- Direct quotations;
- Reporting verbs;
- Assurance and variations of this word; and
- Admission and variations of this word.

### 6.5.1 Direct quotations

Across the sample of 12 PSRs, direct quotation of the child's own words were used a total of 22 times across five of the PSRs (see Appendix B, Table 7.7).

Children's words were quoted in two sections of the PSRs: the 'Offence Analysis' and 'Assessment of Child or Young Person' sections. Although direct quotation is used in three of the PSRs for Black children compared to two of the PSRs for White children, it is clear that the length of those quotations

differ dramatically: two of the PSRs for Black children each contained only one instance of direct quotation, while the third contained three direct quotations.

Across the three PSRs for Black children there were a total of 29 directly quoted words, whereas the PSRs for White children contained 17 instances of direct quotation totalling 120 words. The impact of direct quotation on the sentencer—and indeed the rationale for a PSR author including quotation is not known. However, this finding, whether positive or negative, indicates that White children’s voices were given far more prominence than Black children’s voices in this particular sample.

The underrepresentation of Black children’s voices is further compounded by the foregrounding of other voices, through the direct quotation of the victims. The PSRs for White children contain no instances of quotation from victims/witness statements. However, two of the PSRs for Black children contain victim quotations, totalling 110 words, in each case highlighting the negative impacts of the crime upon them. In this way, the voices of the victims are given more prominence than the voices of these Black children.

In the qualitative research, one member of YJS staff explicitly discussed including quotations. Their perspective was that including them was often not helpful because the child may not be particularly eloquent. Also, including ‘he said’ and ‘she said’ could make the report longer and could be seen as a less analytical reporting style which brings together the sources to draw a robust conclusion. Similarly, one of the sentencers mentioned that they preferred to see a report which did not appear to take what they had heard at face value without interrogating it further.

### 6.5.2 Reporting verbs

Reporting verbs are those verbs which tell someone what someone else said (e.g. told, said, shouted). A total of 239 reporting verbs were identified across the 12 PSRs (Black=130; White=109). Although the overall frequency of reporting verbs is higher in PSRs for Black children (see Appendix B Table 7.8 and 7.9), the variation is greater in PSRs for White children. PSRs for Black children contain 16 different reporting verbs, whereas White PSRs contain 33.

PSRs for Black children appear to be written more neutrally, noting that stated (and its variants) is the most frequently used reporting verb (n=50) followed by said (n=22). Within the PSRs for White children, although stated and said are likewise the most frequent (n=18 and n=16, respectively), there is more overall linguistic creativity, with a wider choice of reporting verbs being used.

### 6.5.3 Assurances

The level of assurances (as expressed through the specific word) given to, or by the PSR authors appear to be different between the PSRs for Black and White children. The PSRs for White Children contain 10 instances of assurance <sup>21</sup>:

- Three instances where the child assured the report’s author on some relevant fact (e.g. he assures me that he returned to the unit at some point during the day after being reported missing).

<sup>21</sup> Some instances of *assurance* have already been highlighted as a reporting verb (i.e. a verb which relates something being said to the PSR author), with three examples being identified in Table 6.13. The additional instances here are where some form of the verb *assure* is used, but not exclusively to introduce what someone else said. The difference is exemplified through *he assures me that he returned to the unit* (reporting verb) and *I cannot be assured that* (which provides an assurance, but not based on something that was said to the PSR author).



- Two instances where the report's author either does or does not give an assurance directly to the Court (e.g. I cannot be assured that G will be able to fully appreciate the intensity of this order and The Court can be assured that any breaches will be returned to them to action accordingly).
- One assurance from the child to comply with orders (e.g. [child] assures me that she is willing to take part in all intervention necessary to yield changes in her behaviour).

By contrast, there are only three instances of such explicit assurance in the PSRs for Black children: one assurance directly to the court from the PSR author, and two instances where someone else was assured of a relevant fact (e.g. *[child] has assured his mother that he will no longer associate with his co-defendants*). Importantly, there are no assurances regarding compliance with Court orders.

#### 6.5.4 Admissions

There appears to be a difference in the number of admissions that the children make in the PSRs. There are 12 instances<sup>22</sup> in the PSRs for Black children where admissions by the child are recorded. For example:

- [child] has admitted to smoking cannabis on occasion
- This is something he openly admitted in interview
- By his own admission [child] was heavily intoxicated at the time

The PSRs for White children contain only three instances:

- [Child] admits he is “a stubborn person”
- He admits that he caused the offence
- He admits his role in the offences

## 6.6 Linguistic analysis - corpus analysis

The findings in this section are based on electronic text processing of the complete sample of 96 PSRs. The top 100 keywords were calculated: these are the words that occur statistically more frequently in one set of PSRs compared to the other, as measured using the Log Likelihood Ratio. The full lists are available in Appendix B Tables 7.10 and 7.11.

Since both sets of lists show which words occurred most frequently, it is possible to gain an overview of what topics and features are most significant and whether the PSRs, based on ethnicity, appear to be different.

### 6.6.1 References to Crimes

Specific keywords in the Black children's PSRs highlight the types of crimes most frequently described in this sample:

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<sup>22</sup> As with *assurances*, this consideration of *admits* relates to the wider use of the verb, rather than only those instances which introduce reported speech as identified in Table 6.13.

- knife
- robberies
- bladed
- article
- pwits [possession with intent to supply]
- ammunition
- possession
- affray

Black children's PSRs are predominantly related to knife crimes, drug crimes and affray. It should also be noted that 'gang' and 'gangs' are significantly more likely to occur in Black children's PSRs, along with 'lines', relating to a consideration of whether the child has been exploited into County Lines drug dealing.

In contrast, the White children's PSRs are concerned with different types of crimes:

- sexual
- aggression
- driving
- theft
- stealing

### 6.6.2 Health, Addiction and Trauma

The White children's PSRs contain a number of keywords which relate to health, addiction and trauma:

- alcohol
- hsb [harmful sexualised behaviour]
- health
- abuse
- emotional
- trauma
- cse [child sexual exploitation]
- camhs [child and adolescent mental health services]
- suicide
- undiagnosed
- mental
- csc [Children Social Care]

The fact that these words are keywords for White children's PSRs and not Black children's PSRs indicates that they are not considered as frequently in Black children's PSRs, and further research is required in order to understand why this may be the case.

### 6.6.3 How the child is described / positioned

The way that the children themselves are positioned in relation to the crime also appears to be different. The word 'co-defendants' appears significantly more frequently in the Black children's PSRs. However, the word 'co-accused' occurs more frequently in the White children's PSRs. This suggests (i) that mention of other people involved in the offences is far more likely to occur in the Black children's PSRs overall, and (ii) when there is mention of other people involved in the offences, White children's PSRs

are more likely to refer to those people as co-accused. However, the higher frequency of co-accused across fewer texts may be indicative of an authorial preference.

Similarly, the word 'influences' occurs more frequently in the Black children's PSRs, with the majority of references to other influences being to negative peer influences. The word 'born' occurs more frequently in the Black children's PSRs. This indicates that making reference to where the child is born is a significant feature of the Black children's PSRs compared to the White children's PSRs.

#### 6.6.4 PSR Author's Stance

The word 'unfortunately' is used significantly more frequently in the White children's PSRs than the Black children's PSRs. No similar adverb is a keyword in the Black PSRs. This indicates that the authors of White children's PSRs foreground their own personal stance in evaluating the situation. Furthermore, since 'unlucky' is a near-synonym of 'unfortunately', the White children's PSR report authors potentially shift some of the blame away from White children themselves, particularly when considered in light of the findings above relating to health and trauma.

The personal pronoun 'I' occurs more frequently in the White children's PSRs, potentially suggesting that the report writer inserts their personal voice more than in the Black children's PSRs (e.g. 'I am concerned', 'I am informed', 'I am of the view', 'I assess that', 'I believe that'). When combined with the previous finding that White children's voices are given more space in the reports, the overall effect may potentially be that White children's PSRs are more personal and authentic in tone than the Black children's PSRs which may be more remote and detached, due to their lack of emphasis on the child's voice and the report writer's explicit personal opinion.

In the qualitative research, sentencers suggested that reflective comments, (e.g. sentences which demonstrate that the writer noticed something the child did not say or observing that information was missing from an account), could be an indicator of quality of the overall report.

#### 6.6.5 Familial Terms

Familial terms differ between the two sets of PSRs, with White children receiving mention of a wider variety of family members and partners than Black children. Occurring significantly more frequently in the White children's PSRs are:

- girlfriend
- stepfather
- mum
- grandmothers'
- mothers
- parents

By contrast, only one familial term occurs in the Black children's PSRs: 'sister'. This may on one hand suggest there is wider consideration of family relationships for White children than Black children by the PSR authors. Alternatively, it may simply be a feature of this sample that family members other than sisters simply do not have much of a role to play in the lives of these particular Black children. The exception is the word 'grandmothers' which appears to be an anomaly in the list owing to incorrect use of the possessive apostrophe by PSR writers (see Technical Annex for further discussion).

# 7 Reflections

This chapter outlines reflections based on the findings across this report and subsequent recommendations. This includes ways in which the YJB could update the guidance on PSRs and clarify expectations, as well as future research that could be carried out. Recommendations are bolded in the text but should be read alongside the reflections.

As stated in the introduction this research is exploratory, with small and in some instances very small sample sizes for the quality analysis and forensic linguistic analysis, therefore caution needs to be exercised as to the extent to which the findings can be generalised beyond the samples.

The recommendations therefore reflect the tentative nature of the findings and the confidence that can be derived from them. It should be noted that there are a number of reflections which recommend further research. While these reflections are based on findings from a YJB study, it is possible that other organisations in the sector might be better placed to take forward the research.

## 7.1 The production and utilisation of PSRs

### 7.1.1 Clarifying the overall role of the PSR writer

PSRs were generally seen to have a dual purpose. Notably, the information on the background of the child was seen to be vital in the court proceedings, and the sentencing proposal a useful piece of information to help inform the sentencing decision.

However, there were challenges in utilising PSRs, a key one of which was the potential tension between the PSR writer being seen as an aiming to advocate for the child and the PSR providing a rounded and realistic picture to recommend sentencing options.

**It is recommended that the YJB clarify a perspective on the role of the PSR (whether it should advocate for the child or present a rounded picture) and update the guidance as needed. It could also be helpful to communicate this information to sentencers so that they are clear on the intended positioning.**

### 7.1.2 Providing guidance on where there are gaps

The findings suggest that writers may present a slightly unrealistic picture of local provision in their proposals in various ways.

**The YJB could review and communicate current guidance on how to present gaps in local provision in PSRs, and how to present where they were unable to contact local stakeholders (such as education).**

### 7.1.3 Supporting more detailed education information

The research found that PSR writers faced challenges in getting the necessary information from local education providers, and, at the same time, sentencers felt that the parts of the report covering education were sometimes limited or possibly misleading.

**The YJB could support YJSs to:**

- **Work with education colleagues in the YJS who may hold relationships with education providers through the Education, Training and Employment (ETE) assessment processes, to then utilise these relationships to improve provision of information for PSRs.**
- **Review the profile of schools and education providers they have requested information from over a period of time, to seek to build relationships and provide reassurances, again, to improve provision of information for PSR.**

**These may be unrealistic for some YJSs - e.g. in larger areas - and it should be noted that education providers can change and be out of the local area. The YJB could work with DfE to provide comms to all education providers alongside the above to both mitigate these risks and reinforce efforts made by YJSs to build relationships and reduce concerns about data sharing.**

#### 7.1.4 Encouraging consistency across YJS

While audiences were cautious about losing an individualised approach to the content of the PSR, it was suggested that consistency in the format of PSRs nationally would be beneficial. Where Quality Assurance (QA) processes were in place this was perceived to enhance the quality of and trust in PSRs.

The typography of PSRs did not form a dimension for assessing PSR quality. However, the researchers who undertook the quality assessments observed that some PSR formats were typographically messy. This made them less readable and may inadvertently impact on sentencers' assessments of quality and credibility. However, it was unclear whether or not this 'messiness' was an inadvertent artefact of the redaction process.

**It is recommended that the YJB encourage consistency in PSRs across YJSs, providing an example, or examples of templates that could be used. It is recommended that the YJB should review the non-redacted PSRs and consider the benefits of prescribing a standard format as a way of facilitating consistency in readability.**

Additional recommendations on the format and length are in section 7.2 below.

#### 7.1.5 Ensuring consistent quality through the QA process

**It is also recommended that consistency in QA processes is established and the YJB set out clear expectations of this.** One part of this could be the panel approach used in areas engaged in this research. Panels could be made up of experienced YJS staff who have a very strong grounding in the Sentencing Guidelines and general legal framework that sentencers make decisions within. The panel can then raise questions and challenge that the court may ultimately raise to revise the PSR before it is handed up.

Having a more robust and defined QA process could help address concerns raised in this report including:

- ensuring that sentencing recommendations included in the PSR are appropriate and specifically that it is clear that the PSR has considered how their recommendation fits with the sentencing guidelines
- ensuring that the proposed interventions are deliverable by the YJS.

- avoiding a perceived mismatch between the recommended sentence and the seriousness of the crime or consideration of the child's previous history of engaging with support.

The QA process would do this in two ways – firstly by ensuring that the advice is fit for purpose, and secondly by ensuring that the advice is well justified in the document itself, especially if the PSR recommends something different from what the sentencer might expect.

**Updated guidance and training could be provided by the YJB on the role of the panel, the templates, and to ensure the necessary knowledge and expertise in PSR writers.**

#### 7.1.6 Understanding the barriers to using Common Platform

Court stakeholders needed to review PSRs quickly during a trial or sentencing – often alongside many other documents. This provided a practical challenge and meant the value of PSRs was not always maximised. The HMCTS Common Platform provides a potential and intended solution for this but staff and sentencers spoke about it not being used in this way. At the same time information was being drawn down from the platform to support the development of the PSR and it was highlighted that this could be out of date.

Therefore, **we recommend that there is further research on the barriers to using the HMCTS platform to understand the issues in more detail so they can be addressed.** Support and guidance on how to use the platform at each stage of the process could then be provided, jointly by the YJB and HMCTS.

## 7.2 Quality and structure of PSRs

The quality analysis of PSRs found that the sampled PSRs were generally of good quality and broadly reflected the requirements of the YJB Guidance (2019, 2022).

However, caution needs to be exercised with this finding given the relatively small sample of PSRs and that the PSRs were sampled from 5 YJSs. Clearly, the sampled PSRs cannot be necessarily considered to be representative of all written PSRs from across all YJSs in England and Wales.

That said, they provide useful insight for the YJB and YJSs in England and Wales into the extent to which the YJB guidance (2019) on writing PSRs is adhered to and operationalised by the PSR authors from the sampled YJSs.

### 7.2.1 'Missing' information in PSRs

Where information in a PSR was 'missing', for example on the exploitation of the child, it was unclear if this was because it was not an issue for the child or because the PSR authors had not considered it. Current YJB guidance is unclear about whether PSR authors should report on the issue, even if it is not pertinent to the child to ensure that the sentencer is clear that it has been considered.

**It is recommended that the YJB guidance should be revised to clarify how PSR writers should deal with 'missing information', i.e. sentencers may expect to read commentary about an issue which may not be pertinent to the child under consideration. However, see the cautionary point in section 7.2.2 immediately below.**

### 7.2.2 Limited information about the child

Some PSRs provided limited information about the views and perceptions of the child - which may have the potential for the child to be viewed less sympathetically by sentencers.

For some PSRs the aspirations of the child were clearly stated – for example, one child wanted to be an accountant, another wanted to obtain a construction card. This provided an impression of hope and future for the specific child and their potential to refrain from further offending. Very few PSRs recorded that the child had been asked about their aspiration, but it had not been possible to ascertain this from the child.

**It is recommended that more research is conducted to establish how best to encourage PSR authors to provide more information on the views, perceptions and aspirations of the child – and where it was not possible to provide this – whether or not to record this explicitly as part of the PSR.**

The rationale for caution is that requiring PSR authors to record that ‘it was not possible to obtain this information from the child’ could have the unintended consequence of disincentivising the PSR authors from making every effort to engage with the child to understand their aspirations and how they spend their leisure time. Further, this could potentially create an impression of lack of co-operation from the child when, for example, it may be more reflective of the interviewing skills of the PSR author.

### 7.2.3 Too much information

Some PSRs appeared to include too much information which may convey a negative impression. Additionally, having too much information could make it more difficult for the sentencer to follow the PSR and could negatively dispose the sentencer to the child. However, sentencers also value some details in order to help shape their views.

More information about mitigating factors might provide the impression of a child who may be more ‘risky to others’. No information could indicate denial. There is therefore a (difficult) balance to be struck in the level of information which PSR authors provide.

More information as an indicator of better quality may have unintended consequences as suggested by the findings from the quality and concordance analysis. See 7.3 below and related recommendations. However, on this point, **it is recommended that further research is undertaken to better understand the optimum balance of information from the point of view of sentencers.**

### 7.2.4 Length of PSRs

The YJB guidance states that reports should not exceed 4 pages. PSRs assessed (by the research team) invariably (and necessarily) exceeded 4 pages. “All sentence” reports take up a lot of space because of the number of options to be presented; similarly, the child’s circumstances were often complex and lengthy to describe. Further, specifying a maximum length of 4 pages is redundant if there is no specification of standard font size/spacing etc.

**It is recommended that the YJB should revise the guidance on report length, font size and spacing with the purpose of ensuring sufficient (and necessary) information is provided and aiding readability.**

### 7.2.5 More research required into PSR quality and concordance for Black and White children

For White children in the sample, a higher quality PSR was associated with a more severe sentence whereas for Black children a higher quality PSR was associated with a less severe sentence. This relationship occurred for the quality dimensions (and YJB guidance) of: Sources of Information, Offence Analysis, Risk Assessments and Conclusion.

The authoring of a PSR, and the reading of a PSR by a decision maker should not be viewed in a vacuum, outside the beliefs and motives of everyone involved. Do authors and decision makers unconsciously incorporate some prior expectations? This could include both assumptions about racism in society and knowledge of racist outcomes and a desire to try to be unbiased. Is it possible that more detail for a Black child's PSR helps to create a more rounded view as opposed to a criminal stereotype, whereas more detail in a White child's PSR generates a threat to a 'good kid led astray' stereotype?

**It is recommended that a whole population concordance analysis is undertaken**, drawing on data from all YJSs in England and Wales over a fixed time period to examine any differences in concordance by ethnicity, other characteristics and type of PSR.

**It is also recommended that the YJB carry out an inclusion and diversity assessment of the guidance, once updated, reviewing best practice on how to remove unconscious bias in drafting PSRs and wider decision-making and adapting the guidance accordingly.** The YJB may want to work with other stakeholders in the decision-making process as part of this review to situate it in a whole system view.

### 7.3 Use of language in PSRs for Black and White children

The reflections and recommendations in this section are drawn from the findings from the linguistic analysis. As stated earlier, the findings need to be treated with caution given the very small sample size for the readability and discourse analysis and the small sample size for the corpus analysis.

Nevertheless, the findings provide useful insight into the detailed use of language in the PSRs and in particular, the variations between those for Black and White children.

#### 7.3.1 Readability

The average reading ability of a 15-16 year old is required to understand the PSRs. This may make it difficult for children and their families to understand the reports.

Some UK population assessments indicate the average reading age of the general public is 9 years old, which may be taken as being a standard for accessible public literature/documents. Whether or not PSRs should be written to this standard is questionable. Arguably, perhaps it should be accepted that PSRs are professional documents written for sentencers as the primary audience.

Adopting this rationale, it follows that greater emphasis is therefore needed to ensure that the contents and implications of PSRs are communicated to children and their families and to ensure that these are fully understood.

One further point: if lay sentencers are fully representative of the general population, this might suggest that not all potential lay sentencers will be able to read PSRs given their current reading age of 15-16 (as assessed in this research). The extent to which this may be an impediment to such individuals becoming lay sentencers may merit further consideration by the Ministry of Justice.

**It is recommended that research is undertaken to: a) explore the extent to which children and their families can actually engage with the written reports, as required by the YJB guidance; b) identify ways in which defence solicitors and youth justice staff are encouraged to ensure that the contents and implications of PSRs are fully communicated and understood by them, including, for example, a child friendly summary.**



### 7.3.2 Use of reporting verbs, 'assurance', 'admission and quotations'

The wider range of reporting verbs, more explicit assurances, more frequent admissions, and more quotations from the children themselves in the White children's PSRs could be perceived by sentencers as suggesting White children are more engaged and forthcoming in the process (of providing information for PSRs) compared to Black children, thereby providing a different perception of the child.

Additionally, the impact of more reporting verbs in the White children's PSRs may be that: (a) sentencers may generally be more engaged in the report due to elegant variation (i.e. the reduction of repetition); and (b) the child may vicariously be perceived to be more articulate and/or intelligent.

In terms of giving assurances, it may be the case that the promises and undertakings of Black children are not being conveyed to sentencers in the same way as for White children. It is also noticeable that in providing their own assurances, the report writers themselves offer the Court a level of professional confidence that is largely missing in Black children's PSRs.

Similarly, with the PSR reporting White children's admissions more frequently than Black children's, a higher number of admissions could potentially signal to sentencers that the child takes ownership of their offences. Phrases such as "by his own admission" would serve to support this position, reinforcing to sentencers that the child should be commended for making admissions, which may factor into sentencing decisions.

**It is recommended that further research should be undertaken to: a) establish that these findings hold across larger samples than was used for this research; and if the findings do hold for b) research to understand the impact of elegant variation, the inclusion of assurances and admissions and the use of child quotations on the sentencers, and why it may be that PSR authors appear to convey the words of Black children in a more neutral way than White children. Once more is known, the YJB should focus on ways to address differences, which could include training or revising Quality Assurance processes.**

### 7.3.3 Differences in the inclusion child details and PSR author commentary for Black and White children's PSRs

For the sample of 96 PSRs, Black children's PSRs included: more references to co-defendants; child's place of birth; and negative peer influences. Contrastingly, White children's PSRs included more references to: co-accused; child's health and life experiences and traumas; more evaluative commentary such as 'unfortunately' and more personal opinion from the PSR author.

It may simply be the case that in this particular sample of PSRs, the majority of offences carried out by Black children were as part of a group in which others were facing trial, while the majority of White children committed offences individually. However, it may also be the case that in writing the PSRs, the report authors are more predisposed to make reference to 'co-defendants' when writing about Black children and 'co-accused' when writing about White children. The semantic difference—and therefore potential influence on the sentencers—is clear: 'co-defendant' arguably connotes that the child has done something wrong which they must defend, while 'co-accused' arguably connotes only that an accusation has been lodged against the child. The difference is potentially important when considering the burden of proof (i.e. that the Crown must prove its case and that the child does not have to defend themselves). A more systematic approach to PSR writing may seek to standardise the preferred term.

Making reference to the Black children's place of birth may be indicative of the fact that identity and belonging are more readily highlighted—or invoked—in Black children's PSRs. Alternatively, it is

possible that there is good cause to describe the Black Children's place of birth (e.g. describing in which country the child was born where the child was not born in England and Wales).

The fact that negative peer influences are considered more frequently in Black children's PSRs may be a consequence of the offences committed and the individual child offenders, but further research is warranted to ensure that report writers are not skewed towards considering negative peer influences in Black children more so than White children.

The fact that words related to health, life experiences and trauma are keywords for White children's PSRs and not Black children's PSRs indicates that they are not considered as frequently in Black children's PSRs, and further research is required in order to understand why this may be the case. The likely impact is that sentencers, as a result of reading these PSRs, will have a wider understanding of White children's upbringing, life experiences and traumas—which may impact on sentencing in mitigation—than for Black children.

**It is recommended that these differences are examined through further research to: a) understand the extent to which PSR authors are asking Black children about their health and life experiences, their responses and the extent to which these are then recorded in the PSR report; b) the relevance of asking about place of birth, the reporting of negative peer influences, and any differences in exposure to negative peer influences and joint enterprise between White and Black children; and c) better understand the techniques and skills required to conduct effective interviews with children to elicit the information required for PSRs.**

## 7.4 Summary

The following recommendations are based on the qualitative research and the PSR analysis. Note that the PSRs which were analysed would largely have been produced following the previous guidance and therefore some of these recommendations might be somewhat addressed in more recent PSRs. However, the interviews demonstrated that not all PSR writers were aware of either set of guidance and as such it is possible that some of these issues will persist. Equally, we do not have evidence about how well the new guidance has addressed the observed issues.

### 7.4.1 The production and use of PSRs

- It is recommended that the YJB clarify a perspective on the role of the PSR (whether it should advocate for the child or present a rounded picture) and update the guidance as needed.
- The YJB could review and communicate current guidance on how to present gaps in local provision in PSRs, and how to present where they were unable to contact local stakeholders (such as education).
- The YJB could support YJSs to build better relationships with local education providers.
- The YJB should encourage consistency in PSRs across YJSs, providing an example, or examples of templates that could be used. It is also recommended that a consistent QA process for PSRs is established, and the YJB set out clear expectations of this to help mitigate against common issues.
- Further research on the barriers to use of the HMCTS Common platform should be carried out. Support and guidance on how to use the platform at each stage of the process could then be provided.

## 7.4.2 Quality and structure of PSRs

- YJB guidance should be revised to clarify how PSR writers should deal with ‘missing information’, i.e. sentencers may expect to read commentary about an issue which may not be pertinent to the child under consideration.
- Research is recommended on how best to encourage PSR authors to provide more information on the views, perceptions and aspirations of the child – and where it was not possible to provide this – whether or not to record this explicitly as part of the PSR.
- Further research should be undertaken to better understand the optimum balance of information from the point of view of sentencers (ie striking a balance between giving sufficient detail without overwhelming the reader).
- It is also recommended that the YJB should revise the guidance on report length, font size and spacing with the purpose of ensuring sufficient (and necessary) information is provided and aiding readability.
- It is recommended that a whole population concordance analysis is undertaken.
- It is also recommended that the YJB carry out an inclusion and diversity assessment of the guidance, once updated, reviewing best practice on how to remove unconscious bias in drafting PSRs and wider decision-making and adapting the guidance accordingly.

## 7.4.3 Use of language in PSRs for Black and White children

- The sample for the linguistic analysis identified some interesting findings, but due to the small sample size the main recommendation is that extra research is conducted to verify these findings before making changes.
- Additional research which our findings indicate could be beneficial includes:
  - the extent to which children and their families can actually engage with the written reports, as required by the YJB guidance;
  - ways in which defence solicitors and youth justice staff are encouraged to ensure that the contents and implications of PSRs are fully communicated and understood by them, including, for example, a child friendly summary;
  - if emerging findings are replicated in larger studies, follow-up research to understand the impact of elegant variation, the inclusion of assurances and admissions and the use of child quotations on the sentencers, and why it may be that PSR authors appear to convey the words of Black children in a more neutral way than White children;
  - understand the extent to which PSR authors are asking Black children about their health and life experiences, their responses and the extent to which these are then recorded in the PSR report;
  - the relevance of asking about place of birth, the reporting of negative peer influences, and any differences in exposure to negative peer influences and joint enterprise between White and Black children;

- better understand the techniques and skills required to conduct effective interviews with children to elicit the information required for PSRs;
- Once more is known, the YJB should focus on ways to address differences, which could include training or revising Quality Assurance processes.

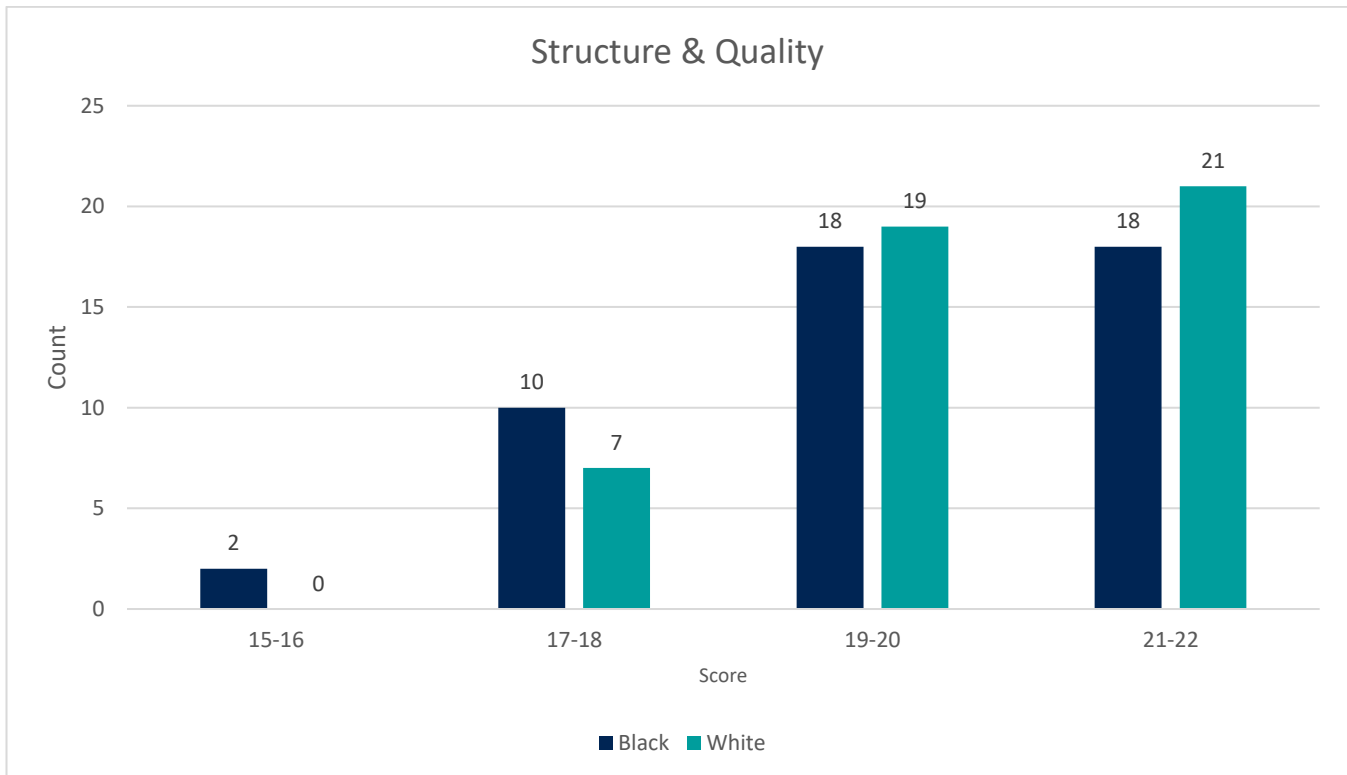
# Appendix A – Outputs from the quantitative analysis

The main body of this report outlines the key findings from the quantitative analysis. The tables and charts below present the underlying data.

**Table 7.1: Structure and quality: scores and variation by ethnicity**

	Scores		
	<i>All children</i>	<i>Black children</i>	<i>White children</i>
<b>Max</b>	22	22	22
<b>Min</b>	15	15	17
<b>Mean</b>	19.7	19.5	19.9
<b>Standard deviation</b>	1.4	1.6	1.3
<b>Variance</b>	2.1	<b>2.5</b>	<b>1.7</b>

**Figure 7.1: Structure and quality: score distribution by ethnicity**

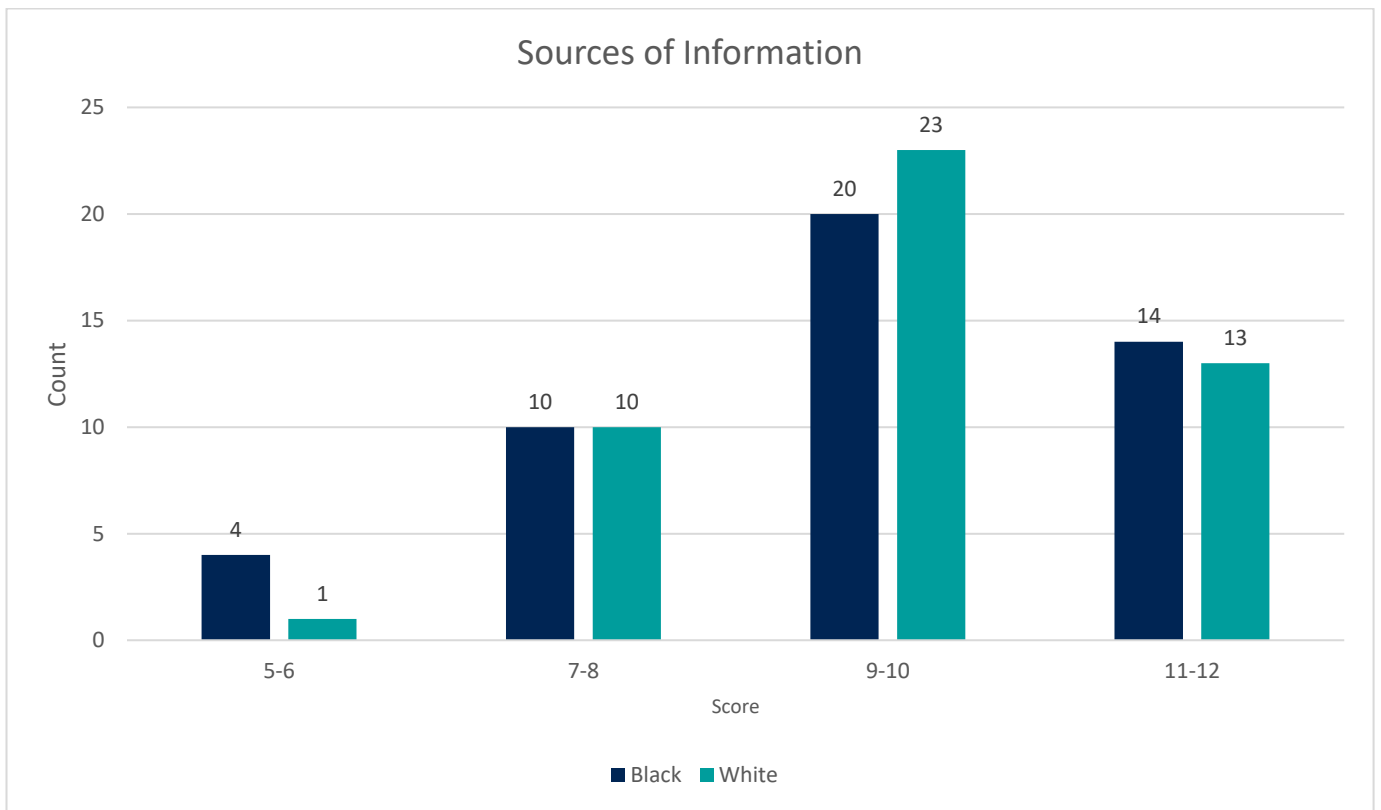


Base: 95 PSRs included in analysis (chart shows actual number of PSRs receiving each score)

**Table 7.2: Sources of information: scores and variation by ethnicity**

	Scores		
	<i>All children</i>	<i>Black children</i>	<i>White children</i>
<b>Max</b>	12	12	12
<b>Min</b>	5	5	6
<b>Mean</b>	9.5	9.4	9.6
<b>Standard deviation</b>	1.7	1.8	1.6
<b>Variance</b>	3.0	3.4	2.6

**Figure 7.2: Source of information - score distribution by ethnicity**

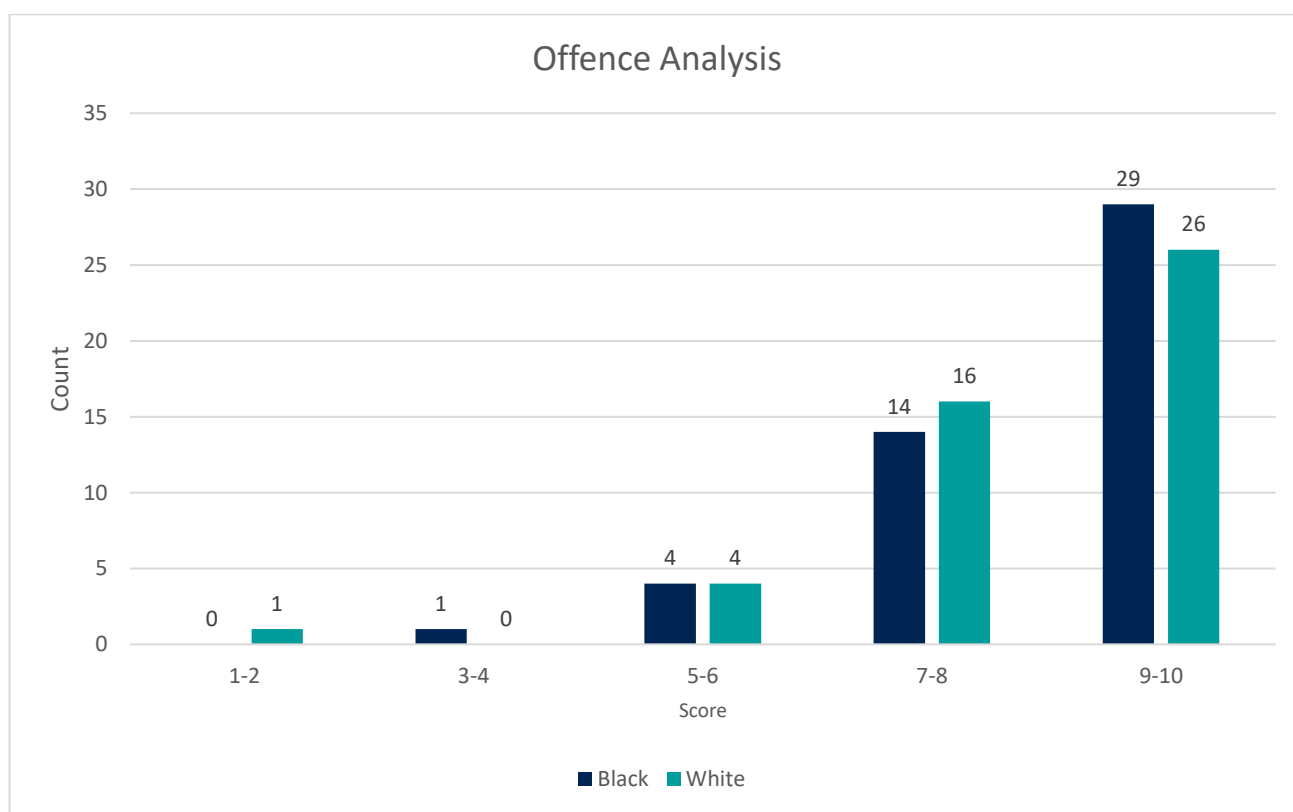


Base: 95 PSRs included in analysis (chart shows actual number of PSRs receiving each score)

**Table 7.3: Offence analysis: scores and variation by ethnicity**

	Scores		
	<i>All children</i>	<i>Black children</i>	<i>White children</i>
<b>Max</b>	10	10	10
<b>Min</b>	2	4	2
<b>Mean</b>	8.5	8.6	8.4
<b>Standard deviation</b>	1.6	1.6	1.7
<b>Variance</b>	2.7	<b>2.5</b>	<b>2.9</b>

**Figure 7.3: Offence analysis- score distribution by ethnicity**

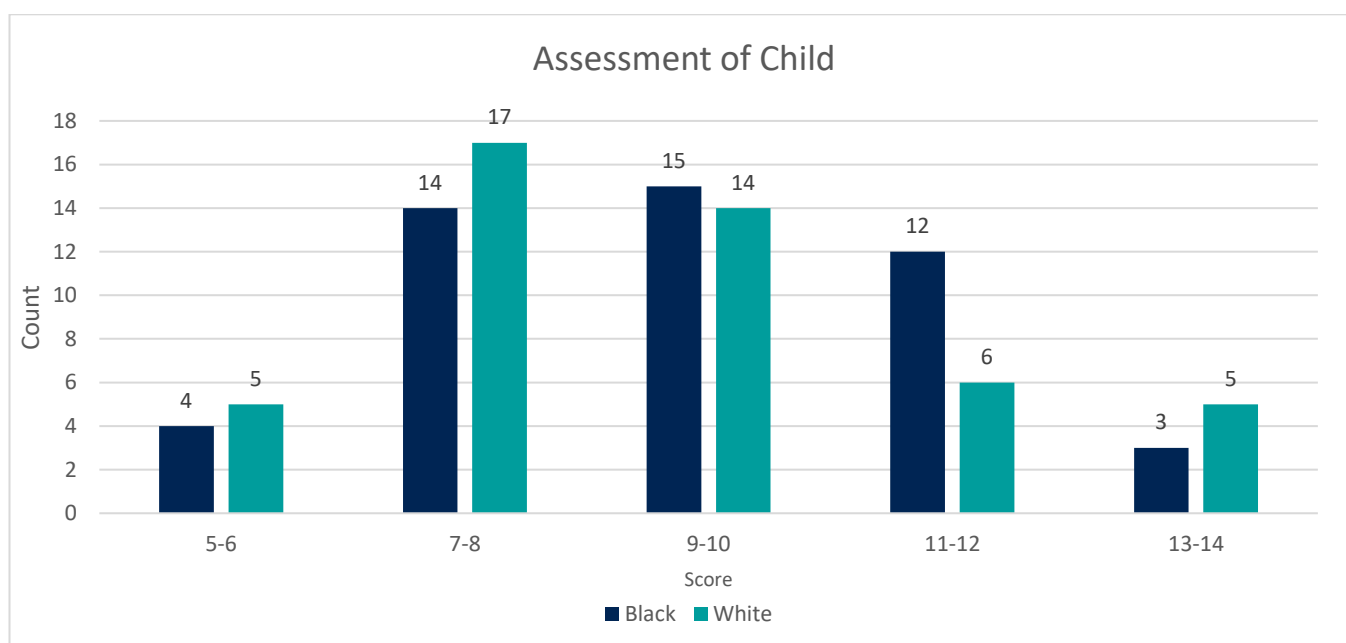


Base: 95 PSRs included in analysis (chart shows actual number of PSRs receiving each score)

**Table 7.4: Assessment of child: scores and variation by ethnicity**

	Scores		
	<i>All children</i>	<i>Black children</i>	<i>White children</i>
<b>Max</b>	14	14	14
<b>Min</b>	5	5	5
<b>Mean</b>	9.1	9.2	8.9
<b>Standard deviation</b>	2.2	2.1	2.3
<b>Variance</b>	4.7	<b>4.4</b>	<b>5.1</b>

**Figure 7.4: Assessment of child: score distribution by ethnicity**



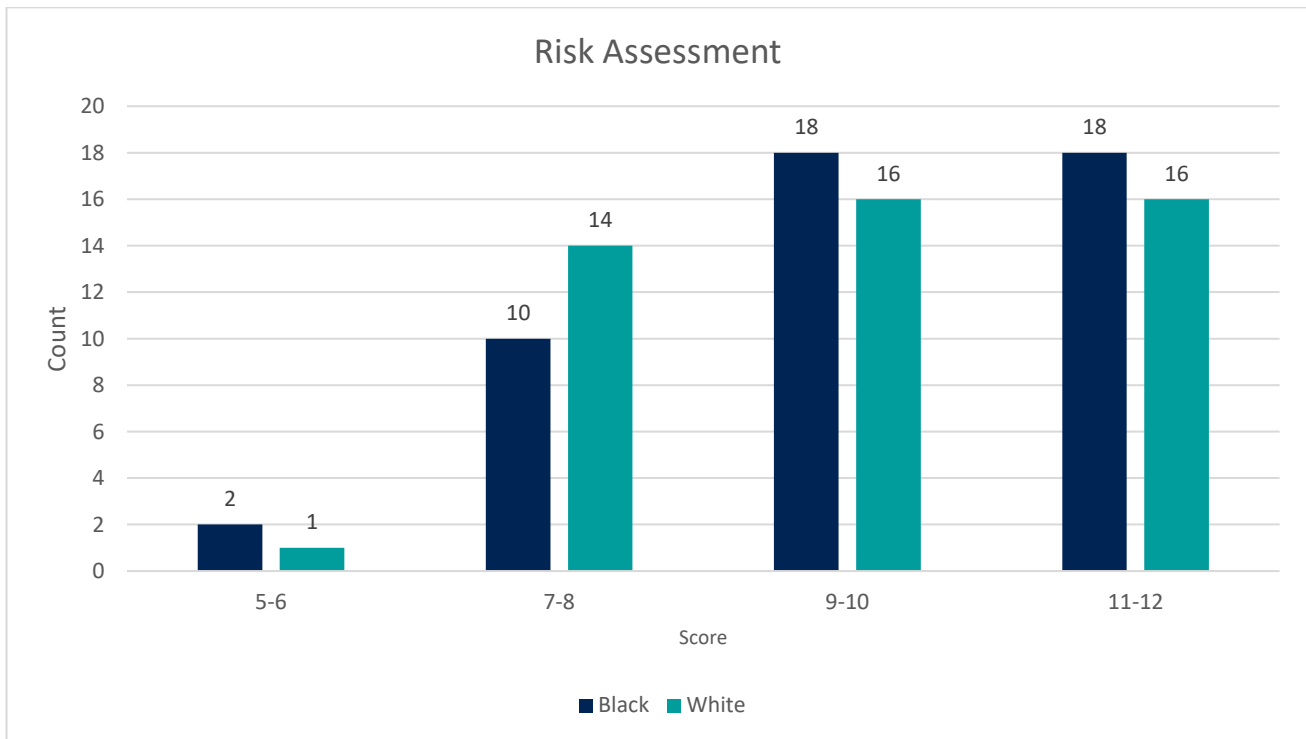
Base: 95 PSRs included in analysis (chart shows actual number of PSRs receiving each score)



**Table 7.5: Risk assessment: scores and variation by ethnicity**

	Scores		
	All children	Black children	White children
<b>Max</b>	12	12	12
<b>Min</b>	6	6	6
<b>Mean</b>	9.6	9.7	9.5
<b>Standard deviation</b>	1.8	1.7	1.8
<b>Variance</b>	3.2	<b>3.0</b>	<b>3.4</b>

**Figure 7.5: Risk assessment: score distribution by ethnicity**

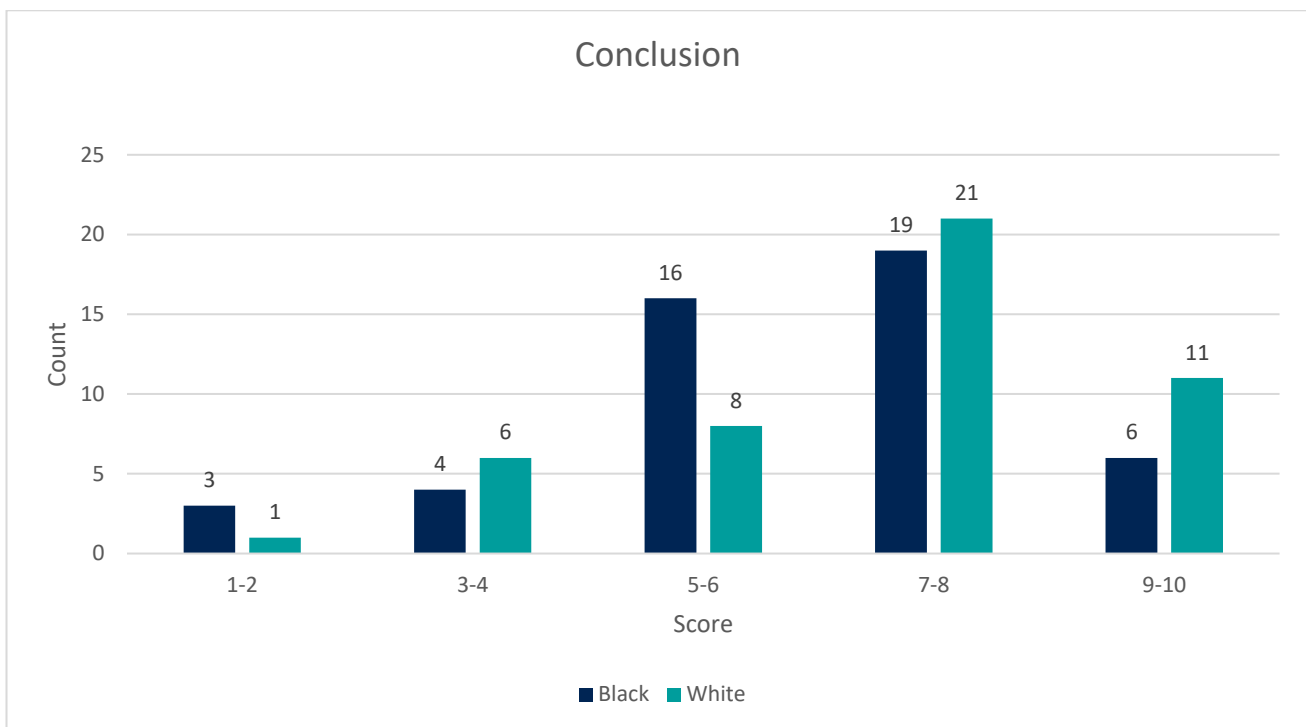


Base: 95 PSRs included in analysis (chart shows actual number of PSRs receiving each score)

**Table 7.6: Conclusion of PSR: scores and variation by ethnicity**

	Scores		
	<i>All children</i>	<i>Black children</i>	<i>White children</i>
<b>Max</b>	10	10	10
<b>Min</b>	1	1	2
<b>Mean</b>	6.8	6.5	7.1
<b>Standard deviation</b>	2.1	2.1	2.1
<b>Variance</b>	4.4	<b>4.4</b>	<b>4.3</b>

**Figure 7.6: Conclusion of PSR: score distribution by ethnicity**



Base: 95 PSRs included in analysis (chart shows actual number of PSRs receiving each score)

# Appendix B - Outputs from linguistic analysis

The main body of this report outlines the key findings from the linguistic analysis. The tables below include the data used to write the narrative report.

## Readability scores

The 12 PSRs were profiled to establish (dis)similarities in the number of words, sentences and paragraphs used, along with the average number of characters per word, words per sentence, and sentences per paragraph. These metrics give an overall indication of the length and structure of the texts, as well as informing readability scores. Details of each of the 12 PSRs are included in the Table.

**Table Appx1: Readability scores across all 12 PSRs Grouped According to Ethnicity**

YJS / PSR Number	Ethnicity	Words	Characters per Word	Sentences	Paragraphs	Words per Sentence	Sentences per Paragraph	Flesch Reading Ease	Flesch-Kincaid Grade Level
YJS 1 (1)	Black	3,260	4.7	174	135	16.5	2.1	55.2	9.4
YJS 1 (3)	Black	3,610	4.8	171	83	20.4	3.4	49.6	11.2
YJS 2 (2)	Black	3,740	4.5	152	80	22.7	5.2	61.3	9.5
YJS 3 (1)	Black	3,768	4.6	175	95	20.1	3.4	53.5	10.7
YJS 3 (2)	Black	4,958	4.7	204	100	22.4	4.0	49.0	11.8
YJS 4 (2)	Black	2,706	4.9	147	92	17.5	2.6	52	10.3
YJS 1 (2)	White	3,552	4.5	154	100	22.4	2.2	53.4	11.3
YJS 2 (1)	White	3,587	4.6	150	79	22.1	4.1	52.8	11.3
YJS 2 (3)	White	4,047	4.6	214	82	17.9	4.7	58.4	9.5
YJS 3 (3)	White	3,374	4.7	161	83	19.5	3.8	53.7	10.6
YJS 4 (1)	White	2,968	4.9	152	102	18.3	2.8	46.6	11.2
YJS 4 (3)	White	4,802	4.7	257	136	17.8	3.5	52.3	10.3

The average overall length of the PSRs was 3,698 words (Black children=3,674; White children =3,722), consisting of an overall average of 4.68 characters per word (Black children =4.7; White children=4.6), 176 sentences (Black children=171; White children=181), and 97 paragraphs (Black children=96; White children=97). There was an average of 19.8 words per sentence (Black children=19.9; White children=19.7), and 3.5 sentences per paragraph (Black children=3.4; White children=3.5).

The PSRs for White children in this sample are slightly longer in words and sentences than the PSRs for Black children. However, this is likely only an effect of the sampling since the Black sample contains both the shortest and longest PSRs (2,706 words and 4,958 words respectively) and the general level of variability among both samples is high. The number of characters per word is the same for both groups suggesting—at a purely metric level—that neither shorter nor longer words are used when describing Black or White children. In terms of simply descriptive statistics, there are no apparent differences between the PSRs based on ethnicity.

Turning to the readability statistics, two scores were calculated: Flesch Reading Ease and Flesch-Kincaid Grade Level (see section 4.2.2).

In terms of the Flesch Reading Ease, the lowest reading ease score (ie the hardest to read) was 46.6 from the White sample, which equates to US College level and would be considered difficult to read. The highest reading ease score (i.e. the easiest to read) was 61.3, which just passes the threshold (of 60) into 8<sup>th</sup>—9<sup>th</sup> grade level, meaning it is largely written in plain English and would be easily understood by 13—15 year old students. The average Flesch Reading Ease for the PSRs was 53.15 (Black children=53.4; White children=52.8). On average, the PSRs fall within the '10<sup>th</sup>—12<sup>th</sup> Grade' level (equivalent to Years 11 – 13 in the England and Wales system i.e. 15-18 years old) and are fairly difficult to read.

A similar picture emerges for the Flesch-Kincaid Grade Level. The overall average Flesch-Kincaid Grade Level is 10.6 (Black children=10.5; White children=10.7). Grade 10 in the American system equates to Year 11 in the England and Wales system. The PSRs therefore require their audience to have the average reading ability of a 15- to 16-year-old.

### Discourse Analysis

The 12 PSRs were analysed to see how quotation was used between the two sub-sets, along with any variation in reporting verbs.

### Quotation

Table 7.7 shows how many quotations were identified and their length in words:

**Table 7.7: Direct Quotation in the PSRs**

	Number of PSRs Containing Quotations	Number of Quotations	Length of Quotations (Words)
<b>Black PSRs</b>	3	5	29
<b>White PSRs</b>	2	17	120

### Reporting Verbs

The reporting verbs (in the tables) are presented alphabetically, include the lemmatised forms of words i.e. the base form without grammatical inflection, indicated by an asterisk. For example, the lemma *stat*\* includes *state*, *states*, *stating*, *stated* and the lemma *report*\* includes *report*, *reports*, *reporting*, *reported*.

The shading shows words that are common across PSRs for Black and White children.

**Table 7.8: Frequency and variation of reporting verbs in PSRs for Black children**

PSRs for Black children	
Verb	Frequency
adds	1
advise*	4

cited	2
claim*	3
commented	2
describe*	5
explain*	6
expressed	2
inform*	7
report*	14
said	22
says	1
stat*	50
suggests	1
tells	9
told	1

**Table 7.9: Frequency and variation of reporting verbs in PSRs for White children**

PSRs for White children			
Verb	Frequency	Verb	Frequency
according	2	inform*	4
acknowledge*	2	recites	1
admits	1	recognises	1
advised	1	regards	1
agrees	1	replied	1
allude*	2	report*	5
articulated	1	response	1
assures	3	said	16
believes	1	says	6
cites	1	share*	3
concurs	1	spoke	2
describe*	9	stat*	18
discuss*	2	suggests	1
explain*	3	tells	9
expresses*	2	told	5
Identified	1	voiced	1
Indicates	1		

## Keywords in PSRs

The findings in this section are based on corpus analysis of the complete sample of 96 PSRs. The top 100 keywords were calculated: these are the words that occur statistically more frequently in one set of PSRs compared to the other, as measured using the Log Likelihood Ratio. The lists of keywords were inspected and any erroneous results (e.g. anonymity codes) were removed, leaving a total of 73 keywords for the Black children's PSRs ranked according to most to least significant and 74 keywords for the White children's PSRs, ranked in the same way.

**Table 7.10: Top 73 Keywords in Black Children's PSRs**

Rank	Word	Rank	Word	Rank	Word	Rank	Word
1	group	19	Secure	37	born	55	package
2	location	20	Platform	38	electronic	56	conviction
3	knife	21	Relayed	39	attacked	57	very
4	centre	22	Rival	40	see	58	affecting
5	tram	23	Associates	41	evidenced	59	arrival
6	robberies	24	Possession	42	him	60	campus
7	co-defendants	25	Wearing	43	mentor	61	enhance
8	his	26	Different	44	about	62	faces
9	article	27	Hympyoi	45	influenced	63	proximity
10	country	28	Pin	46	inform	64	rented
11	shopping	29	rehabilitative	47	drama	65	prohibited
12	bladed	30	That	48	gcse	66	fear
13	the	31	Character	49	by	67	gangs
14	second	32	Them	50	sister	68	influences
15	pwits	33	Account	51	younger	69	lines
16	gang	34	Bus	52	affray	70	leg
17	ammunition	35	Know	53	when	71	speaking
18	year	36	Tells	54	park	72	noticed
						73	something

**Table 7.11: Top 74 Keywords in White children's PSRs**

Rank	Word	Rank	Word	Rank	Word	Rank	Word
1	she	20	speed	39	stealing	58	mental
2	her	21	properties	40	stepfather	59	appointed
3	I	22	behaviours	41	surrender	60	assures
4	alcohol	23	health	42	camhs	61	Enforcement
5	name	24	unfortunately	43	impacts	62	grandmother's
6	sexual	25	harmful	44	understand	63	Messages
7	moped	26	abuse	45	mum	64	Pedestrians

8	vehicle	27	interference	46	suicide	65	Recommending
9	motor	28	drinking	47	use	66	Refusal
10	herself	29	dwelling	48	dangerously	67	Virtue
11	hsb	30	bottle	49	residential	68	Mothers
12	domestic	31	emotional	50	undiagnosed	69	Our
13	aggression	32	trauma	51	relationship	70	Csc
14	driving	33	theft	52	breakdown	71	Insurance
15	broken	34	support	53	noted	72	Parents
16	girlfriend	35	impacted	54	cannabis	73	Days
17	disposal	36	domain	55	placement	74	co-accused
18	allegation	37	cheshire	56	kill		
19	childrens	38	cse	57	have		

In the main report, several keywords are highlight as being used differently between the Black and White subsets. Table X below provides the dispersion of these keywords across the total corpus of 96 texts:

Word	Occurrences Across 48 Black children's PSRs	Occurrences Across 48 White children's PSRs
co-defendants	71 across 15 PSRs	20 across 8 PSRs
co-accused	17 across 7 PSRs	37 across 4 PSRs
born	14 across 13 PSRs	1 across 1 PSR
influences	39 across 22 PSRs	14 across 11 PSRs
unfortunately	18 across 15 PSRs	46 across 23 PSRs

### Note on Familiar Terms

It was found that familial terms differed between the two sets of PSRs, with White children receiving mention of a wider variety of family members and partners than Black children. The word 'grandmothers' appears to be an anomaly in the Black children's keyword list owing to incorrect use of the possessive apostrophe by PSR writers. Although 'grandmothers' does occur more frequently in White children's PSRs (in each instance being an incorrect rendering of the possessive singular i.e. 'grandmother's'), searching the PSRs for the lemma 'grandmother\*' confirms a fairly even spread: 41 occurrences across 12 texts for Black children and 40 instances across 8 texts for White children suggesting no difference

for this particular word. The same apostrophe error occurs in 'mothers' (which requires the possessive apostrophe as in 'mother's'). However, the majority of instances of 'mothers' occur in the phrase 'Mothers name provided' i.e. it is a grammatical error introduced during the anonymity procedure. That said, there are no instances of the same anonymity code in the Black children's PSRs so the finding still holds that family members (including mothers but excluding grandmothers) appear to be mentioned more in White children's PSRs. On an additional point, the fact that 'she' and 'her' occur at ranks 1 and 2 respectively in the White children's PSRs is most likely related to the fact that there are more references to female family members (e.g. girlfriend, mum/mother).



# Appendix C: Ipsos standards and accreditations

Ipsos' standards and accreditations provide our clients with the peace of mind that they can always depend on us to deliver reliable, sustainable findings. Our focus on quality and continuous improvement means we have embedded a "right first time" approach throughout our organisation.



## ISO 20252

This is the international market research specific standard that supersedes BS 7911/MRQSA and incorporates IQCS (Interviewer Quality Control Scheme). It covers the five stages of a Market Research project. Ipsos was the first company in the world to gain this accreditation.



## Market Research Society (MRS) Company Partnership

By being an MRS Company Partner, Ipsos endorses and supports the core MRS brand values of professionalism, research excellence and business effectiveness, and commits to comply with the MRS Code of Conduct throughout the organisation. We were the first company to sign up to the requirements and self-regulation of the MRS Code. More than 350 companies have followed our lead.



## ISO 9001

This is the international general company standard with a focus on continual improvement through quality management systems. In 1994, we became one of the early adopters of the ISO 9001 business standard.



## ISO 27001

This is the international standard for information security, designed to ensure the selection of adequate and proportionate security controls. Ipsos was the first research company in the UK to be awarded this in August 2008.



## The UK General Data Protection Regulation (GDPR) and the UK Data Protection Act (DPA) 2018

Ipsos is required to comply with the UK GDPR and the UK DPA. It covers the processing of personal data and the protection of privacy.



## HMG Cyber Essentials

This is a government-backed Scheme and a key deliverable of the UK's National Cyber Security Programme. Ipsos was assessment-validated for Cyber Essentials certification in 2016. Cyber Essentials defines a set of controls which, when properly implemented, provide organisations with basic protection from the most prevalent forms of threat coming from the internet.



## Fair Data

Ipsos is signed up as a "Fair Data" company, agreeing to adhere to 10 core principles. The principles support and complement other standards such as ISOs, and the requirements of Data Protection legislation.

# For more information

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## About Ipsos Public Affairs

Ipsos Public Affairs works closely with national governments, local public services and the not-for-profit sector. Its c.200 research staff focus on public service and policy issues. Each has expertise in a particular part of the public sector, ensuring we have a detailed understanding of specific sectors and policy challenges. Combined with our methods and communications expertise, this helps ensure that our research makes a difference for decision makers and communities.

