



# HM Prison & Probation Service

OFFICIAL

## **Probation Reform Programme: Advice to Court Workstream Prepare a Case for Sentence Service Staff FAQ February 2021**

### **Probation Reform Programme background**

To support a more robust criminal justice system, we are implementing a sustainable long term model for probation services that provides public protection, visible and credible options for sentencers, deals effectively with individuals who have offended repeatedly and gives the right rehabilitative support to address offending behaviour. This will contribute to Her Majesty's Prisons and Probation Service's (HMPPS) strategic vision to protect the public and help people live law abiding and positive lives.

Over the next 10 years we need to transform our service delivery, including managing the sentence at court and in the community, while obtaining and securely accessing our central catalogue of interventions and services.

Whether an individual is sentenced to a custodial or a community sentence, probation services are key to ensuring that the orders of the court are delivered and enforced; that the public are protected; and that individuals are rehabilitated as well as punished. The probation system supervises more than 250,000 individuals at any time. That entails assessing, protecting them and the public, and changing behaviour by arranging relevant interventions for those on community sentences, short custodial sentences and approaching release from prison.

### **Probation Reform Programme: Advice to Court workstream background**

Sentence management is the core responsibility of the probation service and encompasses the effective delivery of the sentence of the court, ensuring that those subject to community / suspended sentence orders, licence and post sentence supervision are properly supervised; requirements are delivered; offending related needs are identified; risks are managed; and prompt enforcement action is taken after non compliance.

The design of advice to court will maximise the National Probation Service's (NPS) capacity to influence the court's sentencing determination, to ensure the effective and efficient administration of justice and our commitment to protecting the public and reducing reoffending.

Our role in providing an expert assessment and independent recommendation to the court supports the safe sentencing of offenders. HMPPS is committed to developing a future

delivery model for probation practitioners which enhances sentencer confidence in probation and enhances professional recognition of the NPS in courts.

To aid sentencing decisions, probation delivery partners will be required to provide a directory of services to the NPS which describes the range of placements available. The directory will be updated on a quarterly basis and will be used by NPS court practitioners supplying advice to court for sentencing. A range of placements are required to allow local delivery to meet the risk and needs of individuals subject to probation services.

## **Advice to Court functions**

Advice to Court functions will continue to sit alongside existing NPS responsibilities, which include the preparation of pre sentence reports, and review and enforcement proceedings for all offenders.

We are committed to improving the quality of our advice to court and pre sentence reports, to ensure proposals target specific interventions and treatment requirements that will facilitate reduced reoffending. We want to target fuller reports on more complex cases, including: individuals who have offended repeatedly; individuals subject to probation services; women; and black and Asian people and people of other minority ethnic groups. We will also focus on the needs of young people as a priority cohort.

We are reviewing the training for court staff to ensure that those who represent the NPS are confident in the advice they provide, thus increasing the confidence of sentencers in community sentence requirements known to be more effective at reducing reoffending. We aim to improve local and national court liaison arrangements so that sentencers are: confident about probation services and the delivery of community sentences; aware of the range of effective interventions being delivered or commissioned by probation; assured of the quality and effectiveness of those services.

Through increased influence and confidence in court, using their expert assessment and professional judgement, probation practitioners in court will identify and recommend a suitable and deliverable sentence to affect change. Advice to court will be independent and objective, as defined in statute.

Where appropriate, probation practitioners in court will actively promote community sentence options to increase the use of community requirements as the most effective solution to deliver behaviour change. They will work to enable the long term goal of individuals living positive, non offending lives in the community. They will refer to available specialist services and experts to ensure sentence delivery meets those risks and needs identified in the sentence plan in a timely way.

## **Future Advice to Court change**

By its nature, NPS court work has to be cognisant of wider impacts, including Her Majesty's Court and Tribunals Service (HMCTS) court reform, legislative planning and the commissioning of pilots to improve sentencing outcomes. The court work design principles and intended outcomes are focussed on delivering improvements to the NPS court service through the following high level areas of focus: improving the operating environment and capability for NPS court teams; **increasing the use and the quality of PSRs, including a more targeted approach**; maximising our influence by flexibly developing our approach to sentencer liaison; and the effective deployment of practitioners to influence outcomes.

The necessity to increase the influence of the NPS in the court setting has been a consistent objective of our reforms, heightened by our collaborative approach to enable the recovery of the criminal justice system caused by the impact of Covid-19 and to reduce delays in the criminal justice system. As such, we will continue to work closely with HMCTS to identify and progress how best to improve assessments, reports and confidence in the advice given and the services available to reduce further offending.

The reforms which are designed to increase PSR delivery, and the targeted application of the presence of the NPS in court and in direct liaison with sentencers, present opportunities to build and maintain a strong strategic and operational base to maximise the influence of the NPS. This ethos will serve to reaffirm and promote the standing of the NPS as a professional, expert and highly skilled workforce, positively influencing sentencing outcomes and a leading organisation in the criminal justice system.

### **Prepare a Case for Sentence Service Staff FAQ**

These FAQ provide staff with key information about the new Prepare a Case for Sentence service.

If your role is in scope to adopt this service, your Regional Probation Director will keep you informed about when it will be available to you. They will also ensure that you have the appropriate learning and development and support resources to support a smooth and successful transition.

If you have a question that isn't addressed in this document, please speak with your manager in the first instance.

#### **Service overview**

**Q. What is the Prepare a Case for Sentence service?**

A. Prepare a Case for Sentence is a new digital service for probation practitioners and administrators in magistrates' courts.

This service provides an overview of all defendants attending court on a given day, including their probation status and probation record, as well as information about any current orders, including offender manager details, requirements and attendance information.

By providing this information in a more accessible and usable format, staff will be able to provide better advice to the court with less effort and minimise avoidable adjournments.

**Q. What is the key feature of the service?**

A. The service automatically identifies if a defendant has an existing probation record and their probation status – current, previously known, or no record.

If a defendant is known to probation, the service links the probation record to the case and displays key information from NDelius and Libra, covering three key areas: case summary, probation record and risk register.

If the service finds the defendant's details match multiple NDelius records, or the details only partially match against an NDelius record, the service presents the user

with possible records and allows them to review and select the right record to link to the case.

**Q. What are the other features of the service?**

A. Other features include:

- Seven (7) working days of court listing information, including offence summary, listing and defendant details from the police
- Current and previous order information is displayed in the service, including start and end dates, requirements, licence and PSS conditions, offender manager contact details, details of the last PSR and OASys assessment and attendance information
- Defendants in breach of an order flagged on the case list and the ability to view breach notes and documents
- Active and inactive risks for a defendant, including notes
- Direct link to a defendant's nDelius contact log
- Ability to switch between case lists at different courts
- Ability to filter case lists by probation status, courtroom and session
- Same login details as nDelius username and password

**Q. How often are case lists updated?**

A. A case list first appears seven (7) working days in advance. The list is first updated 48 hours before the cases are due to be heard. The list is then updated twice on the day, once at about 8:30am and again at about 9:30am, to include any overnight cases.

The case lists highlight recently added and removed cases in separate tabs, so users can easily see any changes to the list since the last update.

## **Staff benefits**

**Q. What are the main benefits for court staff?**

A. The main benefits for staff include:

- Quick identification of potential probation cases of interest
- Time saved identifying defendants known to probation and gathering case information, such as offender manager details and current order information
- A significant reduction in the number of clicks, screens and systems staff have to move between when preparing cases

## **Trial and rollout**

**Q. Where is the service being trialled?**

A. This service is initially being trialled in North Tyneside and Sheffield. Assuming this trial is successful, the trial will expand to around 10 courts in January and February, including Hull, Highbury Corner and Cardiff.

**Q. When will the service be rolled out to all courts?**

A. Following the expanded trial in 10 courts, involving approximately 200 staff over three months, a rollout plan will be developed which will see the service gradually

introduced to all magistrates' courts across England and Wales. We expect all court staff to have adopted the service by the second half of 2021.

**Q. How will I find out about my region's trial or adoption of the Prepare a Case for Sentence service?**

A. Your regional operational leadership team is responsible for providing you with the operational communication to support your successful adoption of this new service. If you have any questions or concerns, please speak with your manager or team leader in the first instance.

**Q. What learning and support resources will be available to court staff to support their successful adoption of this new service?**

A. You will be provided with core information about the new Prepare a Case for Sentence service in a Regional Team Briefing (PowerPoint presentation from your manager or team leader), supported by these Staff FAQ and a guidance document. Additional learning, training and support resources will also be available.