



HM Inspectorate
of Probation

The quality of pre-sentence information and advice provided to courts – 2022 to 2023 inspections

HM Inspectorate of Probation

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Contents

Executive summary.....	3
1. Introduction.....	5
2. Findings.....	9
2.1 Overall quality of court reports.....	9
2.2 Variations in quality of court reports.....	12
2.3 Drivers in quality of court reports.....	14
2.4 Changes from our analysis of 2018 to 2019 court reports.....	15
3. Conclusion.....	19
References.....	22
Annex A: Methodology.....	24
Annex B: Analysis outputs.....	26

HM Inspectorate of Probation is committed to reviewing, developing and promoting the evidence base for high-quality probation and youth justice services. Our *Research & Analysis Bulletins* are aimed at all those with an interest in the quality of these services, presenting key findings to assist with informed debate and help drive improvement where it is required. The findings are used within HM Inspectorate of Probation to develop our inspection programmes, guidance and position statements.

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We would like to thank all those who participated in any way in our inspections. Without their help and cooperation, the collation of inspection data would not have been possible.

Executive summary

Context

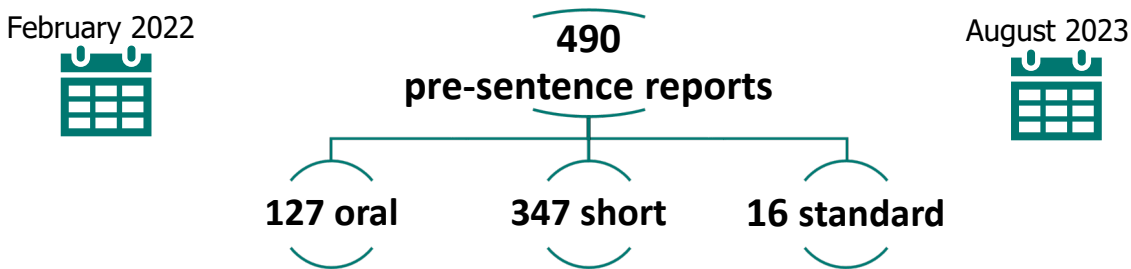
It is the responsibility of the Probation Service to deliver pre-sentence reports (PSRs), providing advice and information to help judges and magistrates in their sentencing decisions. The focus in this bulletin is upon the extent to which the Probation Service have been able to provide courts with advice which is sufficiently analytical, personalised to the individual, and supports the court’s decision making.

‘The purpose of a pre-sentence report (PSR) is to facilitate the administration of justice, to reduce an offender’s likelihood of re-offending and to protect the public and/or victim(s) from further harm.’ (HM Prison & Probation Service, 2024)

We previously looked at the work to deliver PSRs in 2020 using inspection data gathered between 2018 and 2019. Since that report, probation services have been restructured, bringing the private Community Rehabilitation Companies (CRCs) and the National Probation Service (NPS) together into a single public sector service.¹ The justice system has also been impacted by the Covid-19 pandemic which created a large backlog in cases that HM Court and Tribunal Services (HMCTS) have been working to reduce. It is therefore timely to look at how the unified Probation Service is delivering PSRs both through its new structure, and within the current HMTCS environment, and comparing that delivery to the performance we set out four years ago.

Approach

The findings are based upon data collected from our inspections of 26 probation delivery units (PDUs) completed between February 2022 and August 2023. Across these inspections we examined 490 PSRs, the vast majority of which were short format written reports or oral reports.



Key findings and implications

- Less than half of all inspected court reports were deemed to be sufficiently analytical and personalised to the individual, supporting the court’s decision making.
- There were notable differences in quality between the types of court report, with oral reports meeting our overall quality judgement in about four out of 10 cases, short format reports in half of the cases, and standard delivery reports in more than

¹ During this time, the NPS had responsibility for the provision of court reports.

six out of 10 cases. Allowing sufficient time for high-quality reports has advantages in allowing report authors to build a sufficiently complete picture of an individual, supporting judges and magistrates to make well-informed and tailored sentencing decisions, as well as laying the foundations for effective post-sentence delivery. Allowing sufficient time can also help to minimise the potential for error and bias, which is critical for maintaining sentencer confidence in the reports and potentially impacting their views regarding the credibility of probation more generally.

- Court reports for those individuals from a Black, Asian or minority ethnicity background were less likely to be deemed sufficiently analytical and personalised, supporting the court's decision making. To help improve the quality of such reports, practitioners should be encouraged and assisted to develop cultural competence and to overcome any reluctance and anxiety in discussing issues of race, culture, faith, and experiences of racism. At the organisational level, it needs to be ensured that policies, procedures and tools are unbiased and fit for purpose, with appropriate quality assurance, monitoring and training in place.
- Comparing the data in this bulletin with the findings from our 2020 report, it is striking that the specific area where our inspectors' judgements on quality had deteriorated was in relation to the information and advice drawing sufficiently on all available sources of information, including child safeguarding and domestic abuse information. This area of work was also the main driver of our inspectors' overall quality judgements, reflecting the fact that it was not being done well enough in a significant number of cases; enquiries were made with the police domestic abuse unit and with children's services in only half of those cases when they should have been and before the report was presented to the court.
- The focus upon information exchange at the court report stage has increased over recent years, following concerns that insufficient attention was being given to indicators of risk of harm and that critical information to address safety concerns and support rehabilitative outcomes was being missed. We thus clarified our requirements for our inspections from October 2021 onwards, and it is clear that progress in relation to accessing and utilising key sources of information could facilitate improved ratings for this standard in future inspections. Probation services should thus intensify their efforts to establish and maintain strong collaborative working arrangements with other key agencies to facilitate the necessary flows and exchanging of information.

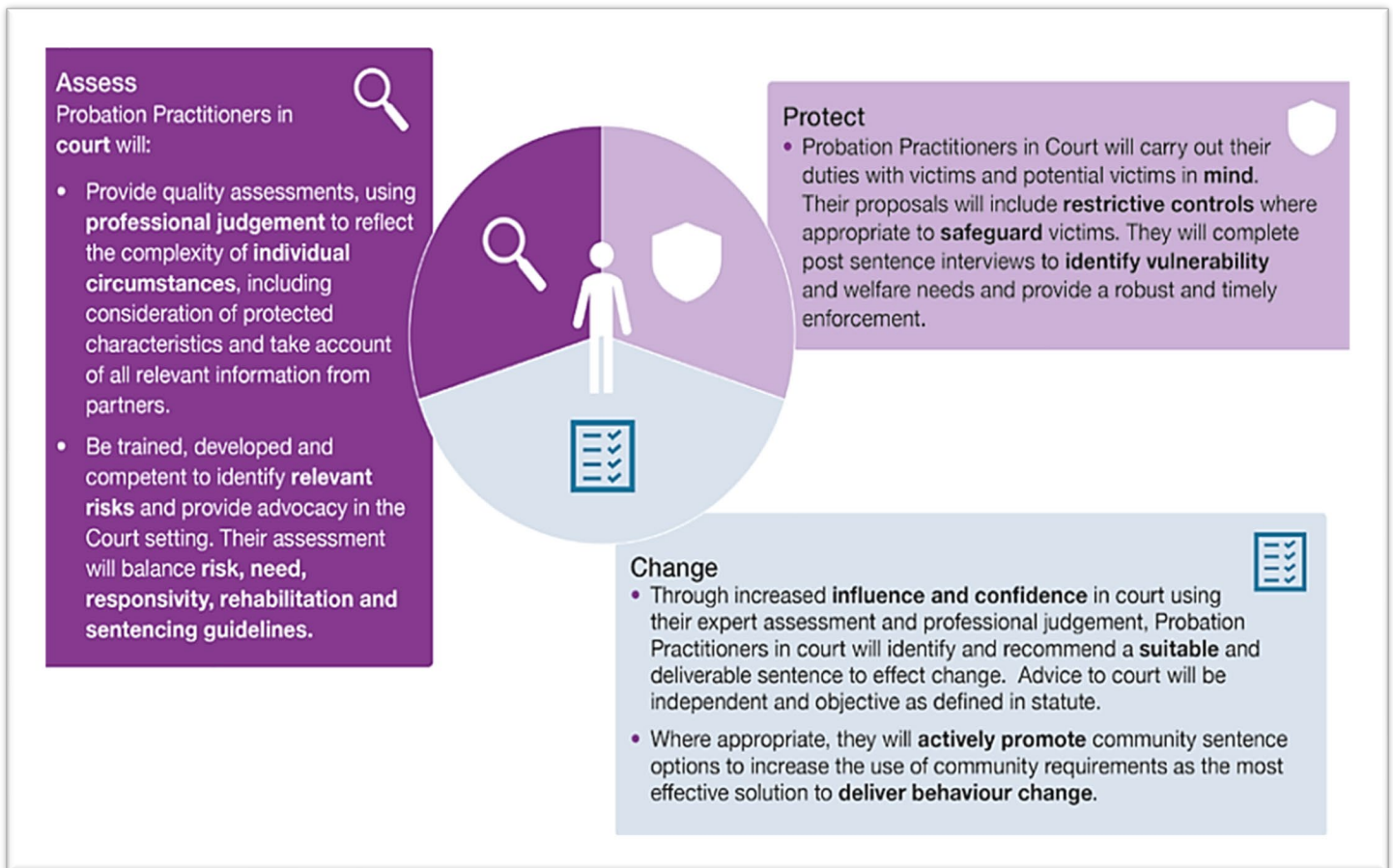
1. Introduction

The provision of pre-sentence reports (PSRs) has been a key part of the Probation Service's work since its very earliest days, providing advice and information to help judges and magistrates decide upon the appropriate sentences for those appearing before the courts. The importance of this work has been highlighted as follows:

'it can be argued that the provision of reports for the courts is – in some ways – the most significant task. Pre-sentence reports (PSRs) are the primary point of contact for sentencers, who are the main customers for probation work.' (Mair, 2016)

Probation practitioners in court consider the objectives of public protection and rehabilitation and aim to advise on safe sentencing options which enable the court to set the best possible conditions for a successful rehabilitative journey. The HMPPS 2021 Target Operating Model for probation services states that the core role is to 'Assess, Protect, Change', with Figure 1 indicating what this means in terms of court work.

Figure 1: Applying 'Assess, Protect, Change' to court work



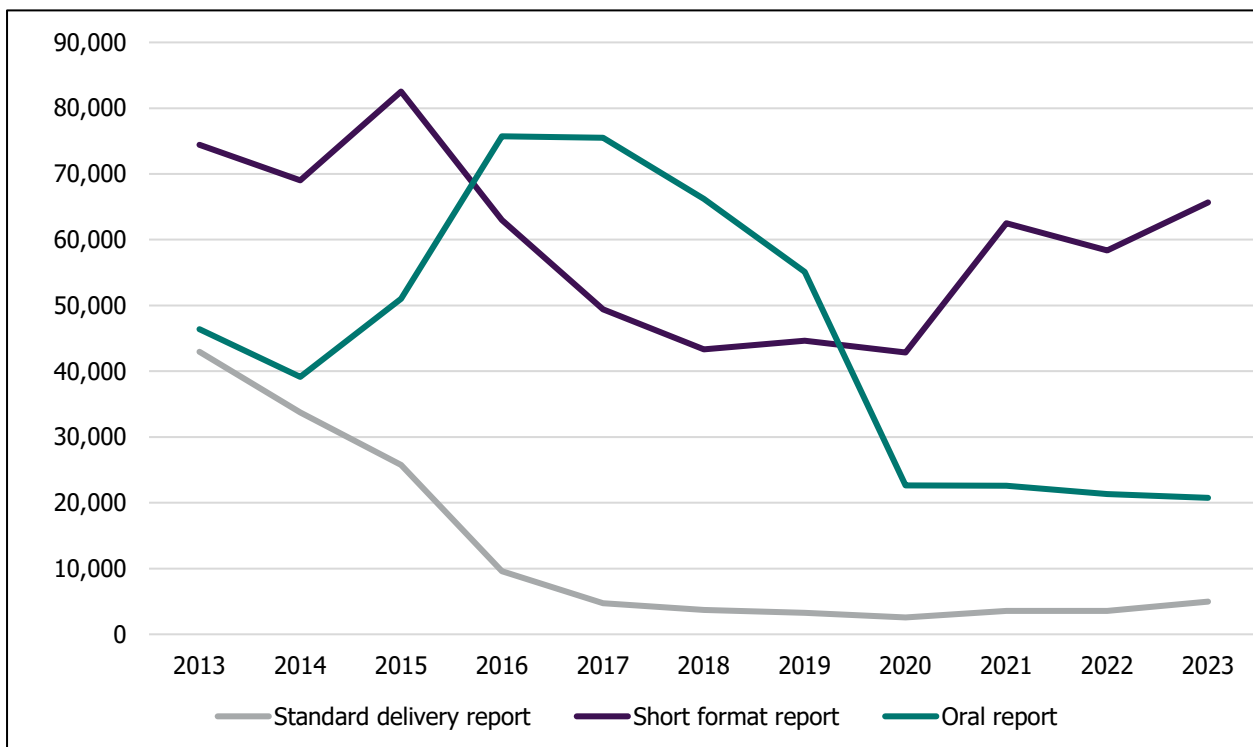
Source: HM Prison & Probation Service, 2021

There is clear alignment here with the blended approach of *protective integration* outlined by Kemshall (2021a) which aims to promote safety for all, while supporting desistance from offending and antisocial behaviour. Through this approach, there is a focus on both protecting the individual from further failure, isolation and stigma, and on protecting the community from further harm. The key task for practitioners is to seek an appropriate balance in each individual case between risk and rights, protection and integration, desistance supportive work and control.



Over the last decade, under the *Transforming Summary Justice* and *Better Case Management* efficiency programmes, and in line with long-standing efforts to reduce the length of the court process, there has been a move away from the more thorough and detailed standard delivery reports (with their typical turnaround of up to 15 working days) and towards fast delivery reports, first towards oral reports (which can often be delivered on the day of request or within 24 hours) and later to short format written reports (turnaround time of around five working days). Following concerns about the numbers of people being sentenced without any form of PSR, there has most recently been a focus on reversing this downward trend, particularly for cases where a community order was most likely; in 2014, 85 per cent of community orders had involved a PSR, which had reduced to 45 per cent by 2019. Research shows that, at least for community sentences, completion of the sentence is more likely when a PSR has been requested and provided than where it has not (Ministry of Justice, 2023).

Figure 2: Numbers of PSRs from 2013 to 2023²



² Offender Management Statistics: October to December 2023. Probation: 2023, Table A6_24.

The measures set out in the 2021 Target Operating Model for probation services aim to increase both the number of cases that receive PSRs and the quality of those reports, leading to increased sentencer confidence in the probation service and potentially helping to reverse the recent decline in the use of accredited programmes (HM Inspectorate of Probation, 2024). High-quality PSRs also have a positive impact in terms of supporting well-informed, analytical, and personalised post-sentence assessment and sentence planning, which is the starting point of the well-established and recognised ASPIRE model for case supervision.³

Probation practitioners working in courts now use the Effective Proposal Framework (EPF) digital tool to ensure that 'interventions recommendations and licence conditions address risk and need, are in line with policy and sentencing guidelines and supports consistency of practice, proportionality and the reduction of bias' (HM Prison & Probation Service, 2021). The EPF tool contains a list of all available interventions and their eligibility criteria. Court officers can input the details of the individual before the court, such as risk levels, gender, age, geographical location and offence details, and the EPF provides a shortlist of interventions that are suitable and available to that individual.

In the [Inspectorate's Annual Report 2022/2023](#), based on 22 PDU inspections, we highlighted 'some major concerns' around court work, noting that, in a majority of cases, our inspectors had judged that the pre-sentence information and advice were not sufficiently analytical and personalised to support the court's decision-making. Particular concern was raised in relation to the lack of a comprehensive risk assessment at the court report stage.

'If the initial risk assessment at court (or at the start of sentence) is wrong, that error feeds through into poor plans and poor case management, as our serious further offence reports have found ... The performance of many court teams was adversely affected by under-staffing. However, where our inspectors found good performance and high levels of sentencer satisfaction, these tended to be as a result of good strategic planning.'

This bulletin analyses our 2022/2023 data in further detail, examining whether the Probation Service court teams are considering all the evidence when making their recommendations to the court and whether those recommendations are sufficiently analytical, personalised to the individual, and supporting the court's decision making.

³ See <https://www.justiceinspectors.gov.uk/hmiprobation/research/the-evidence-base-probation/supervision-of-service-users/>.

Inspection standards

Our current inspections of probation services are underpinned by standards which are grounded in evidence, learning and experience. In developing the standards, we worked constructively with providers and others to build a common view of high-quality probation services and what should be expected.

Within the standards framework, court work is inspected at a regional level. We make judgments on the quality of that work against the following key question and prompts.⁴

R 2.3 The pre-sentence information and advice provided to court supports its decision-making.

R 2.3.1 Is the pre-sentence information and advice provided to court sufficiently analytical and personalised to the individual, supporting the court's decision making?

- a) Does the information and advice draw sufficiently on available sources of information, including child safeguarding and domestic abuse information?
- b) Is the individual involved meaningfully in the preparation of the report, and are their views considered?
- c) Does the advice consider factors related to the likelihood of reoffending?
- d) Does the advice consider factors related to risk of harm?
- e) Does the advice consider the individual's motivation and readiness to change?
- f) Does the advice consider the individual's diversity and personal circumstances?
- g) Does the advice consider the impact of the offence on known or identifiable victims?
- h) Is an appropriate proposal made to court?
- i) Is there a sufficient record of the advice given, and the reasons for it?

⁴ The full standards framework can be found here: <https://www.justiceinspectorates.gov.uk/hmiprobation/about-our-work/our-standards-and-ratings/>.

2. Findings

The findings presented in this bulletin are based upon court work data from our inspections of PDUs between February 2022 and August 2023. We looked at 490 reports, broken down as follows:

- 16 (three per cent) standard delivery reports, 347 (71 per cent) short format reports, and 127 (26 per cent) oral reports
- 394 (80 per cent) reports for males, and 82 (17 per cent) for females
- 340 (69 per cent) low risk of reoffending cases, 93 (19 per cent) medium risk of reoffending cases, and 46 (nine per cent) high or very high risk of reoffending cases
- 94 (19 per cent) low risk of serious harm cases, 347 (71 per cent) medium risk of serious harm cases, and 30 (six per cent) high or very high risk of harm cases.

We set out the overall quality of the pre-sentence information and advice provided to court (section 2.1) and then examine variations in quality (section 2.2), considering the person on probation's demographics (age, gender and ethnicity), risk levels (both likelihood of reoffending⁵ and risk of serious harm), and the type of PSR. We consider which of our prompt questions were the main drivers of the overall quality judgements (section 2.3), before comparing our findings to those published in our [Research & Analysis Bulletin 2020/04](#) (section 2.4).

Logistic regression was used within the analysis to examine which differences were significant when accounting for the relationships between variables – it is these differences which are highlighted in the relevant sections. Inspectors also recorded rationales for their judgements, and this information was analysed and used to produce the practice examples included in section 2.4. Further information on our inspection data and the analysis undertaken can be found in Annex A. The analysis would have benefitted from more standard delivery reports, but the small number reflects the decline in the use of this more detailed type of report.

2.1 Overall quality of court reports

'[I]nvestigation is the foundation, without which no superstructure can safely be erected' (Le Mesurier, 1935)

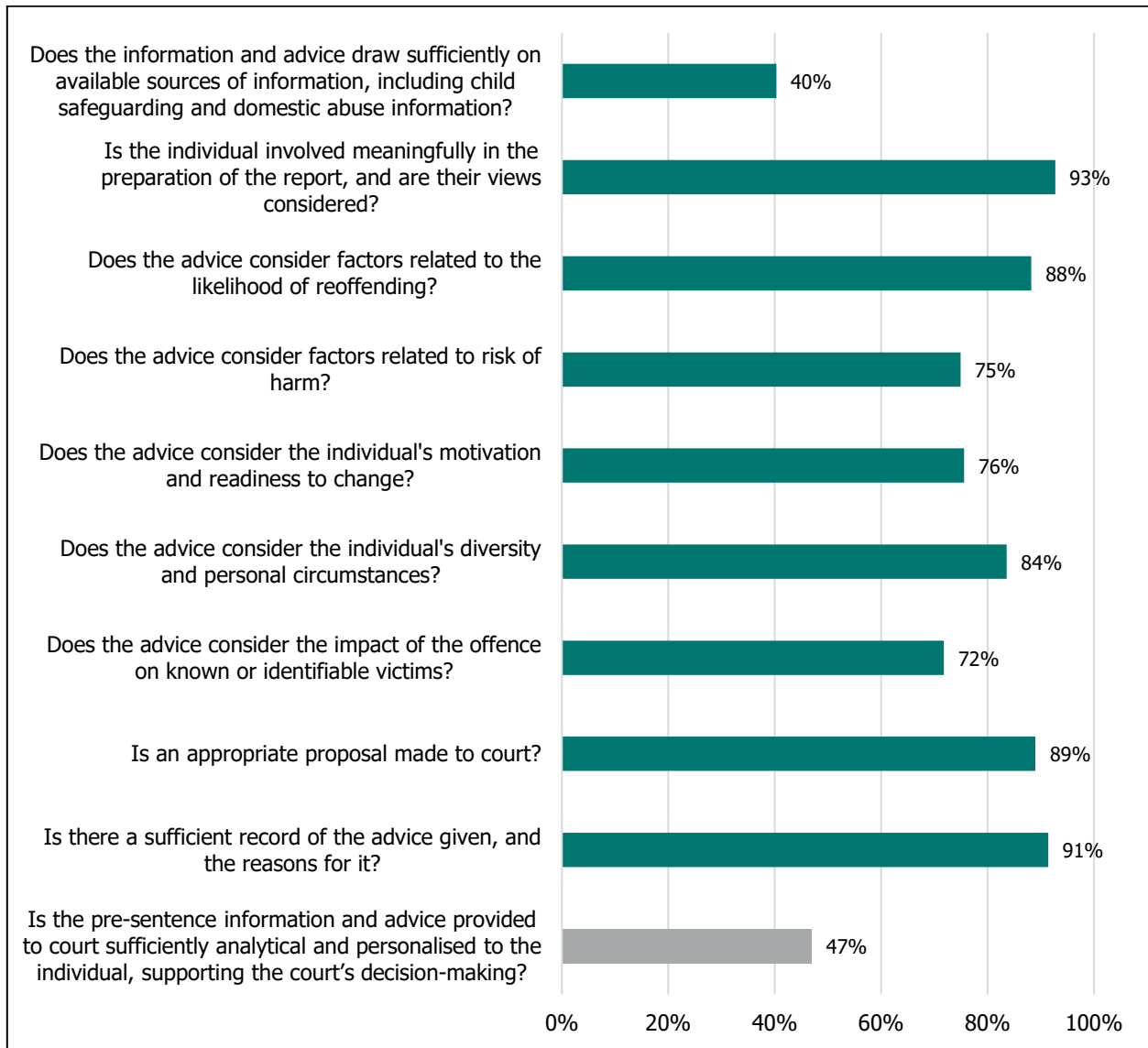
Across all the inspected cases, our inspectors considered various questions relating to the quality of the pre-sentence information and advice provided to court. These questions are set out in Figure 3, alongside the higher-level summary question: *'Is the pre-sentence information and advice provided to court sufficiently analytical and personalised to the individual, supporting the court's decision-making?'*

Positive responses to this summary question were disappointingly low, with less than half (47 per cent) of the inspected reports deemed to have met the required standard. For our regional inspections, a positive response rate below 50 per cent equates to a rating of inadequate, with a good rating requiring positive judgements in at least 65 per cent of cases and an outstanding rating requiring positive judgements in at least 80 per cent of cases.

Responses to the prompt questions varied considerably but were mostly much higher than for the summary question. The notable exception was for the prompt about the information and advice drawing sufficiently upon all available sources of information; the inspectors' judgement was positive in just two out of five cases (40 per cent). Positive responses to the remaining prompts ranged from 72 per cent to 93 per cent of the cases.

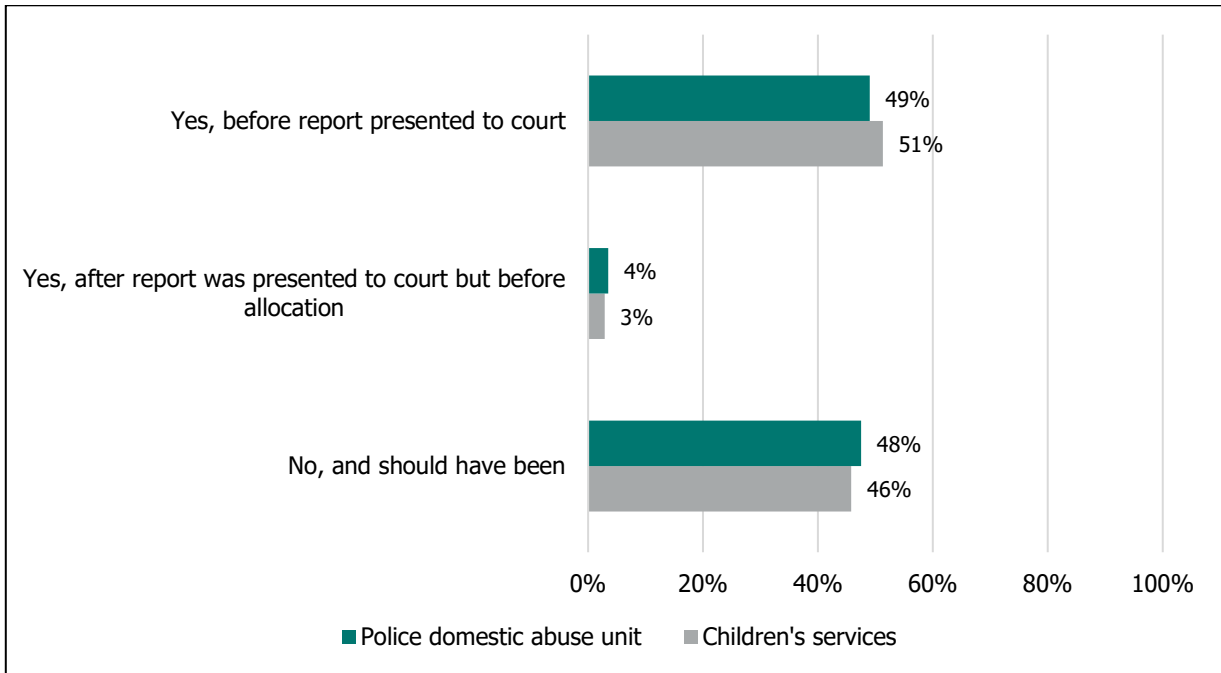
⁵ Based upon the Offender Group Reconviction Scale (OGRS) score.

Figure 3: Inspector judgements on the quality of pre-sentence information and advice



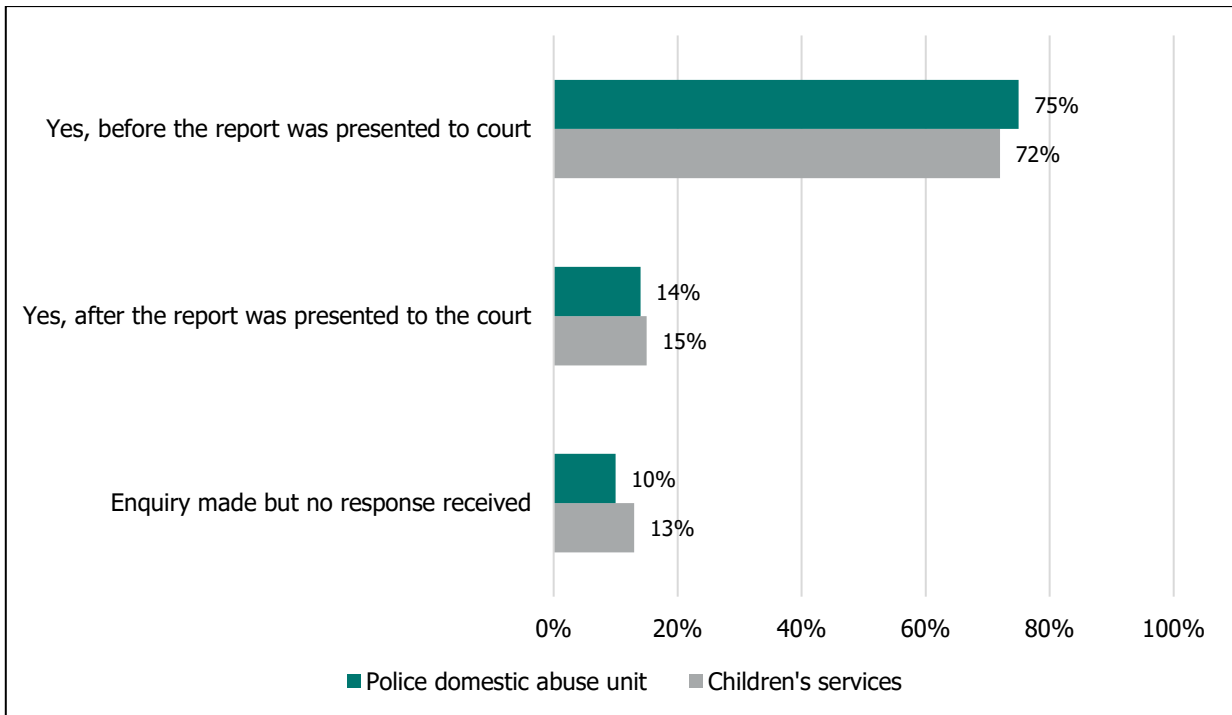
The more detailed supplementary questions about sources of information indicate that enquiries were made with the police domestic abuse unit and with children's services in only half of those cases when they should have been and before the report was presented to the court (see Figure 4). For both police domestic abuse unit checks and children's services checks, there were a further three to four per cent of cases where the enquiries had been made after the report had been presented to the court, which was too late to support the court's decision making.

Figure 4: Were enquiries made to partner agencies when they should have been?



Where enquiries had been made to partner agencies, the majority were answered before the report was presented to the court – responses had been received from the police domestic abuse unit in 75 per cent of cases and children’s services in 72 per cent of cases (see Figure 5). In about one in ten cases, no response had been received, and in the remaining cases, the response was received after the report had been presented to the court.

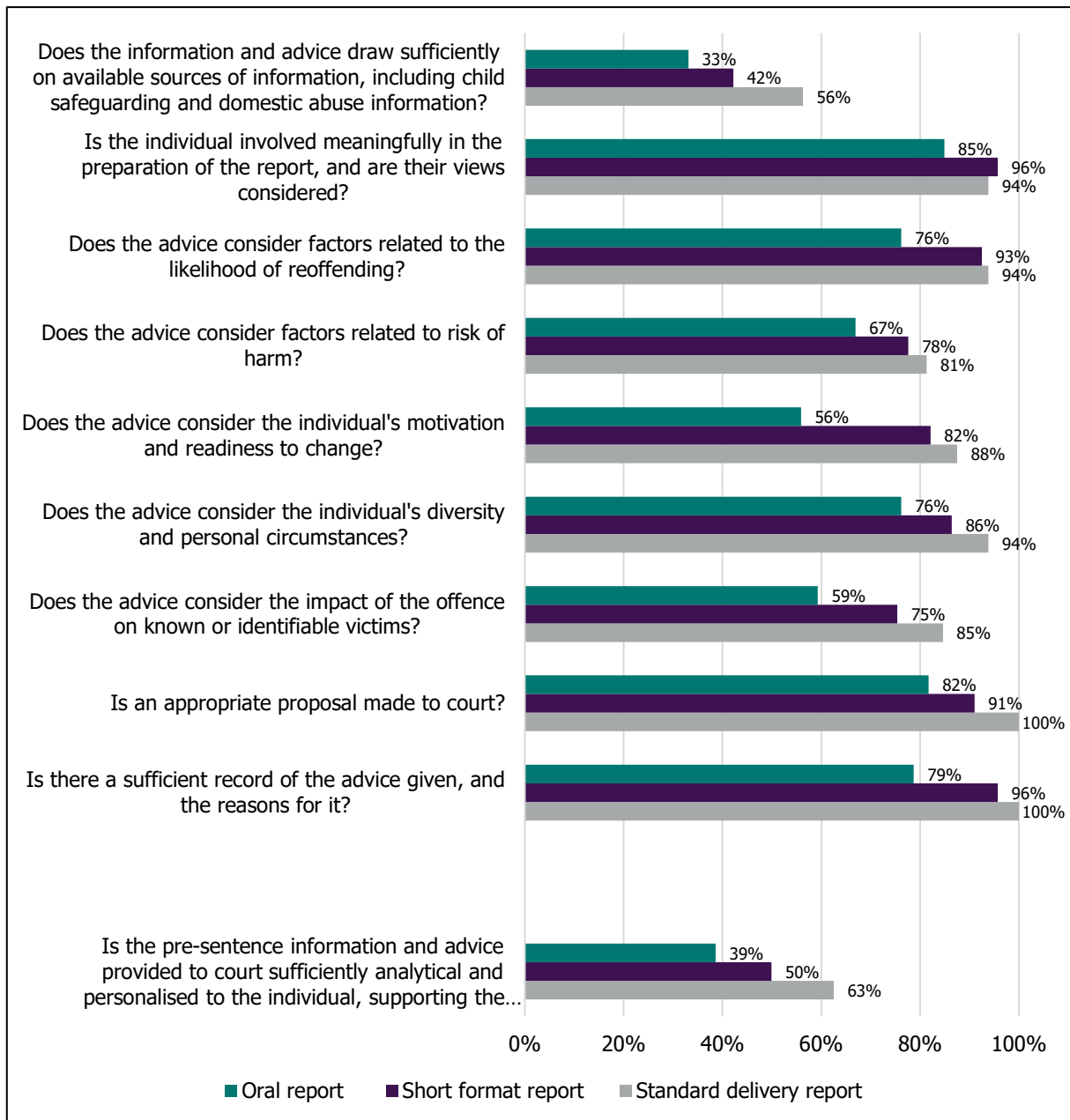
Figure 5: Were responses received from partner agencies?



2.2 Variations in quality of court reports

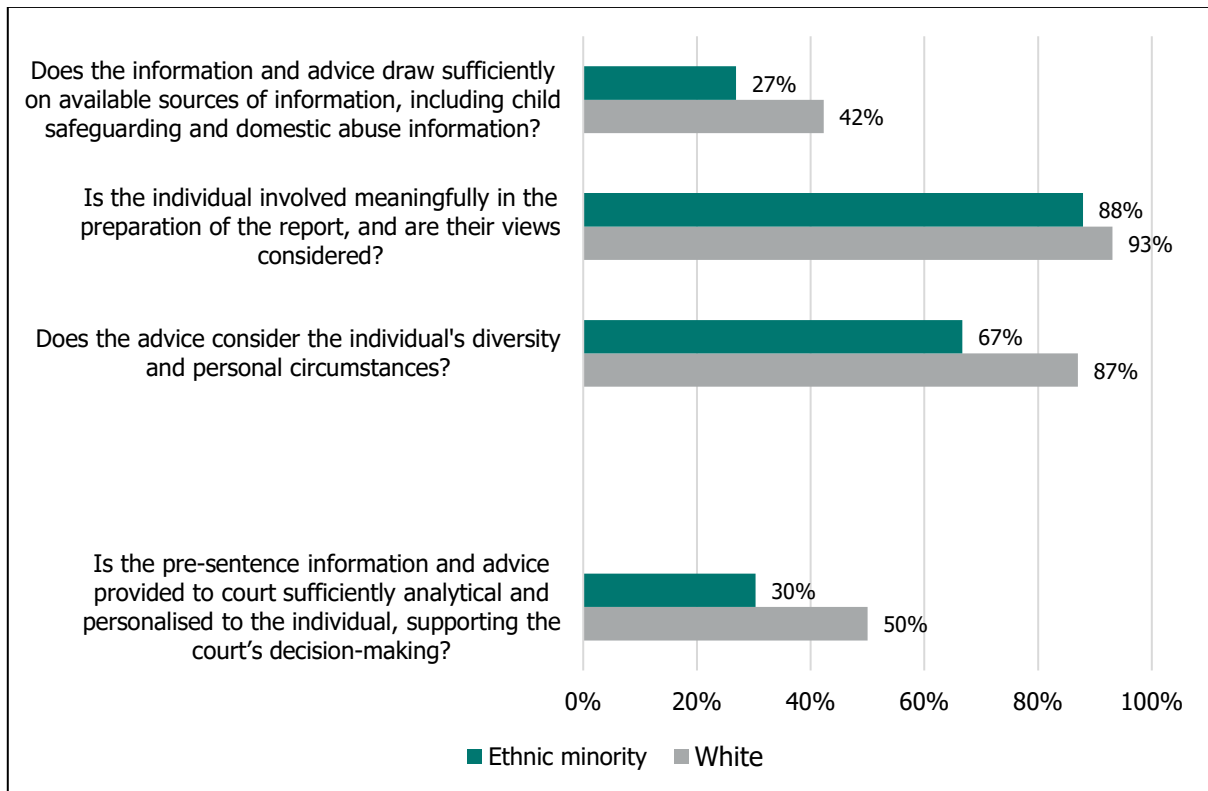
There were differences in quality across the types of court report, with positive responses to our overall summary judgement for almost two-thirds (63 per cent) of the standard delivery reports, compared to half (50 per cent) of the short format reports and 39 per cent of the oral reports (see Figure 6). Looking at the underpinning prompt questions, we found significant differences in quality between short format and oral reports across all nine prompts, with short format reports consistently outperforming oral reports. While the responses to the prompts for the standard delivery reports were generally positive, there was an insufficient number of these reports in our sample for detecting further statistically significant differences.

Figure 6: Inspector judgements on the quality of pre-sentence information and advice by type of court report



The quality of pre-sentence information and advice also varied significantly in relation to the ethnic background of the person on probation (see Figure 7), with the report less likely to be judged sufficiently analytical and personalised for those people from an ethnic minority background (taking into account the relationships with other personal/case characteristics). Looking at the underpinning prompt questions, there was also a significant difference in quality across three of the prompts: whether the report drew sufficiently on available sources of information; whether the individual was sufficiently involved in the preparation of the report and had their views considered; and whether the report considered the individual's diversity and personal circumstances. We were unable to conduct further analysis of more discrete ethnic minority groups due to small case numbers.

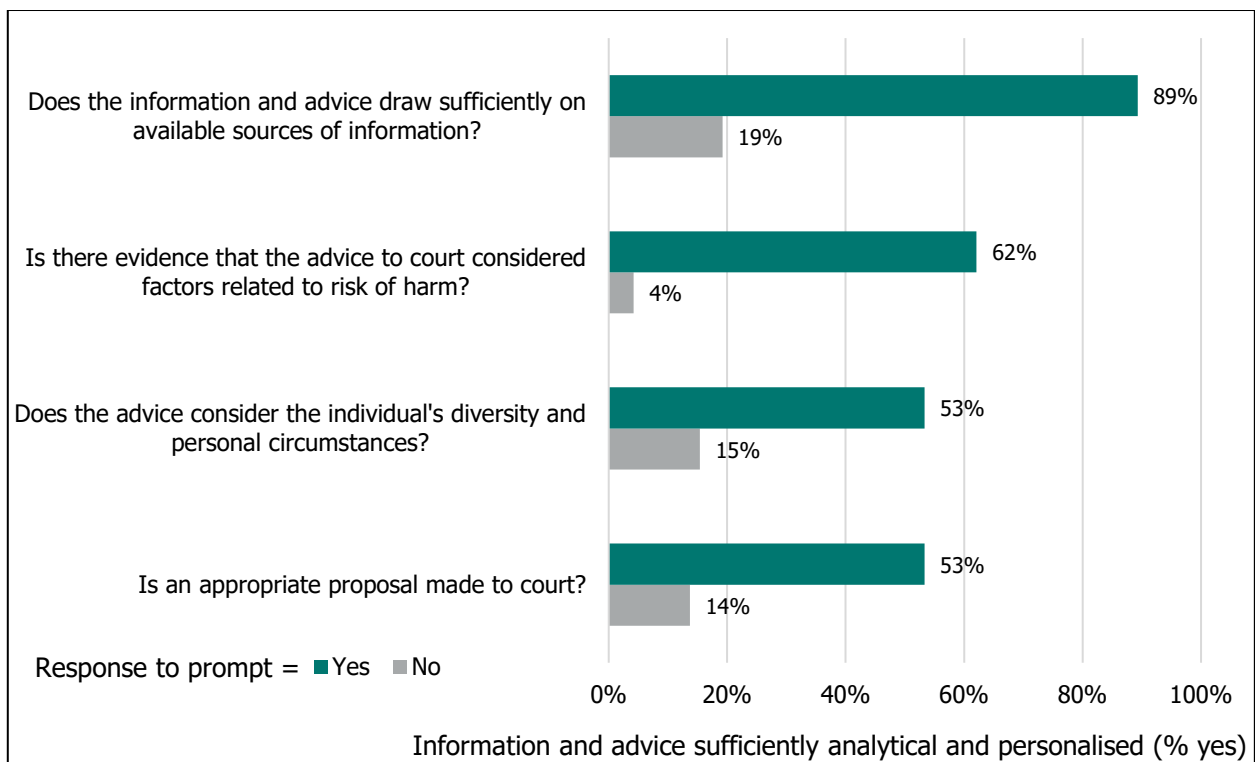
Figure 7: Inspector judgements on the quality of pre-sentence information and advice by individual's ethnic background



2.3 Drivers in quality of court reports

As set out previously, nine prompt questions underpin the inspectors' overall judgement regarding the quality of the pre-sentence information and advice. Four of these prompts, set out in Figure 8, were found to be driving the inspectors' overall judgements (taking into account the relationships between the prompts).⁶ The response to the prompt – 'Does the information and advice draw sufficiently on available sources of information?' – had a notably strong influence upon the overall quality judgement, with the regression analysis indicating an odds ratio of 20 for this prompt, more than twice the odds ratio for any other prompt.⁷ As set out in section 2.1, the positive response rate for this prompt was much lower than for all the other prompts.

Figure 8: Inspector judgements on whether the information and advice provided to court was sufficiently analytical and personalised to the individual, supporting the court's decision-making, by responses to prompt questions



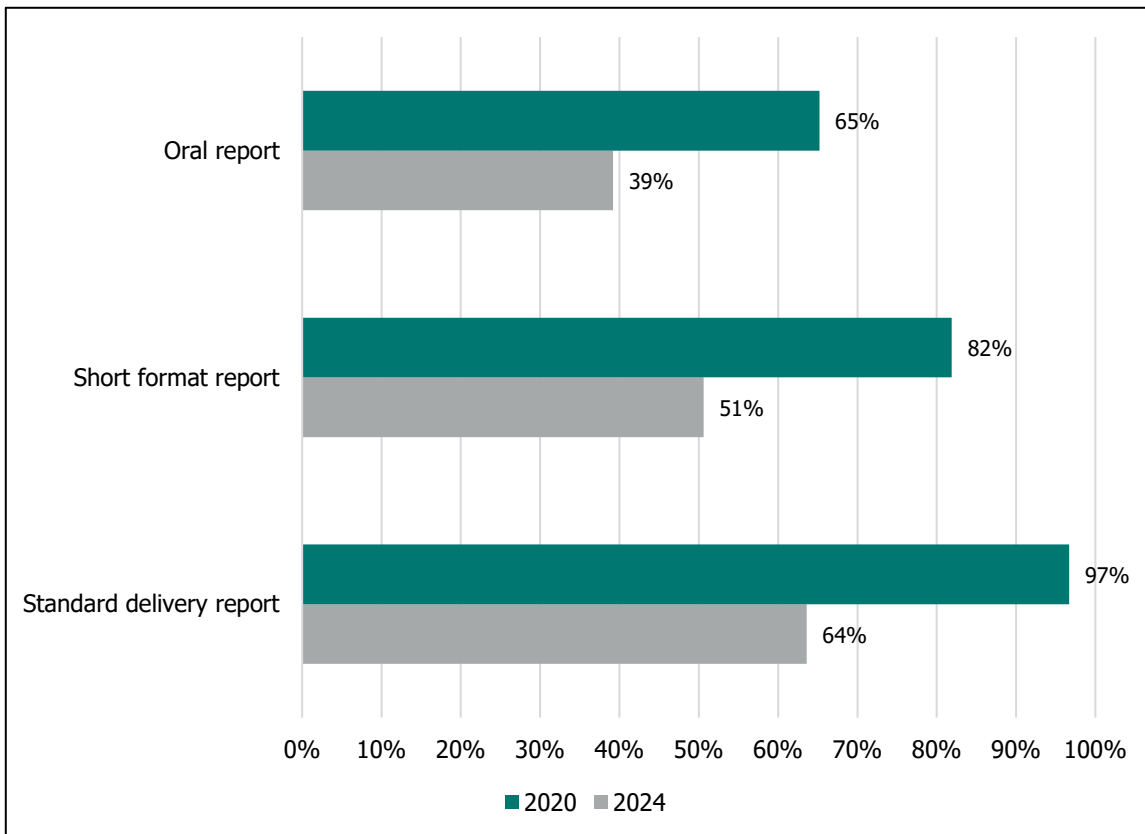
⁶ To avoid losing cases from the analysis, the prompt relating to the advice considering the impact of the offence on known or identifiable victims was not included in the logistic regression model – this prompt was only answered yes/no where there were known/identifiable victims.

⁷ The odds ratio is an indication of effect size, comparing: (i) the odds of a positive response to the summary question when the response to the prompt question was positive; with (ii) the odds of a positive response to the summary question when the response to the prompt question was negative.

2.4 Changes from our analysis of 2018 to 2019 court reports

In 2020, we published an equivalent report looking at the quality of pre-sentence information and advice provided to the courts, using data from our 2018 to 2019 inspections.⁸ Across these inspections, our inspectors assessed that the pre-sentence information and advice provided to court was sufficiently analytical and personalised to the individual, supporting the court's decision-making, in a much higher proportion of cases; 71 per cent of cases, compared to the 47 per cent of cases in this new analysis. As set out in Figure 9, the fall in our overall quality judgement is evident across all three types of court report.

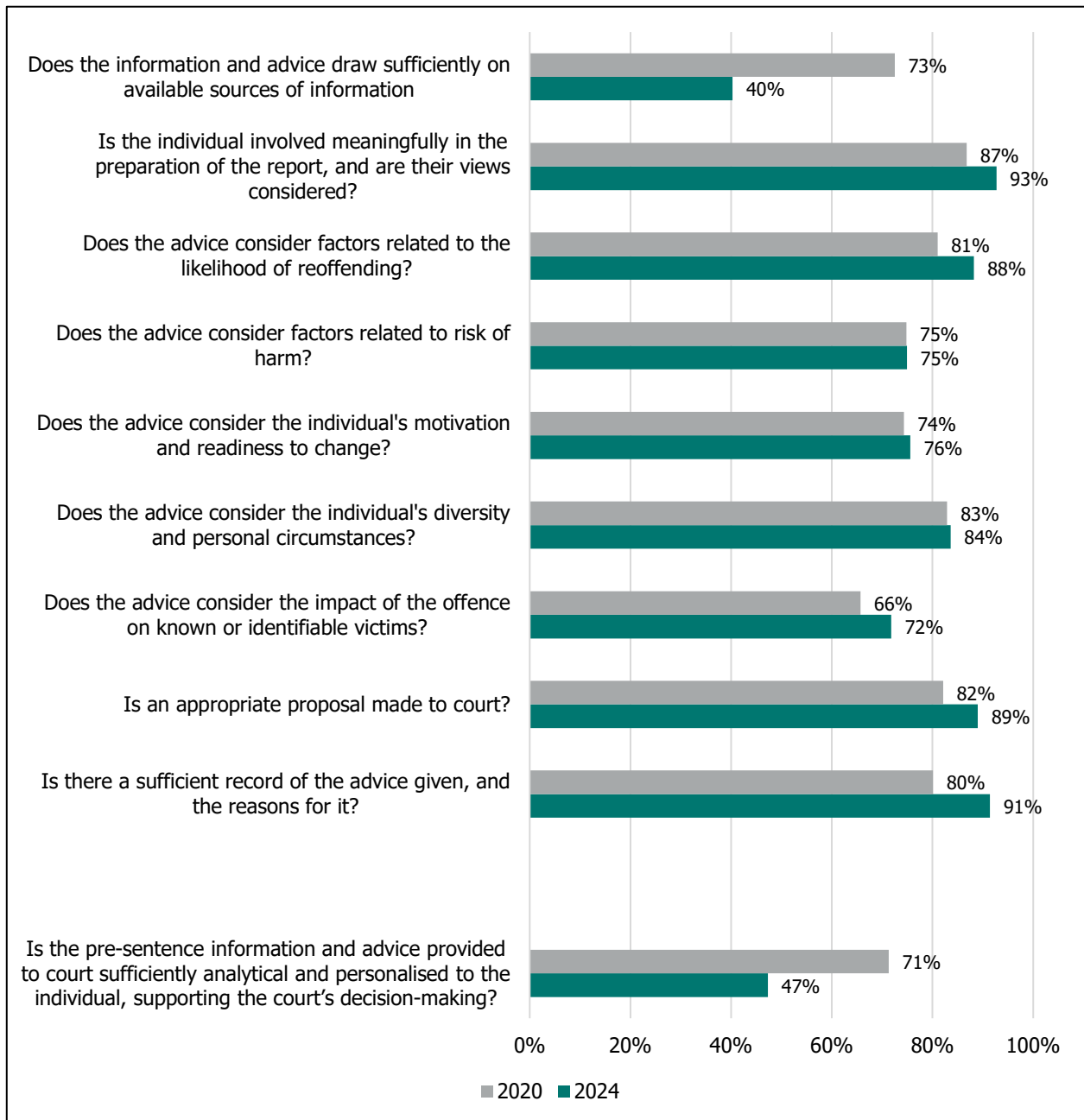
Figure 9: Inspector judgements on the quality of pre-sentence information and advice by type of court report; 2020 vs 2024



However, when we look at the underpinning prompts, nearly all the positive responses rates are similar or have increased between the two time periods (see Figure 10). The notable exception is for the prompt: 'Does the information and advice draw sufficiently on available sources of information, including child safeguarding and domestic abuse information?'

⁸ The report is available here: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/08/2020.04-Blue-quality-of-pre-sentence-information-and-advice-provided-to-courts.pdf>

Figure 10: Inspector judgements on the quality of pre-sentence information and advice; 2020 vs 2024

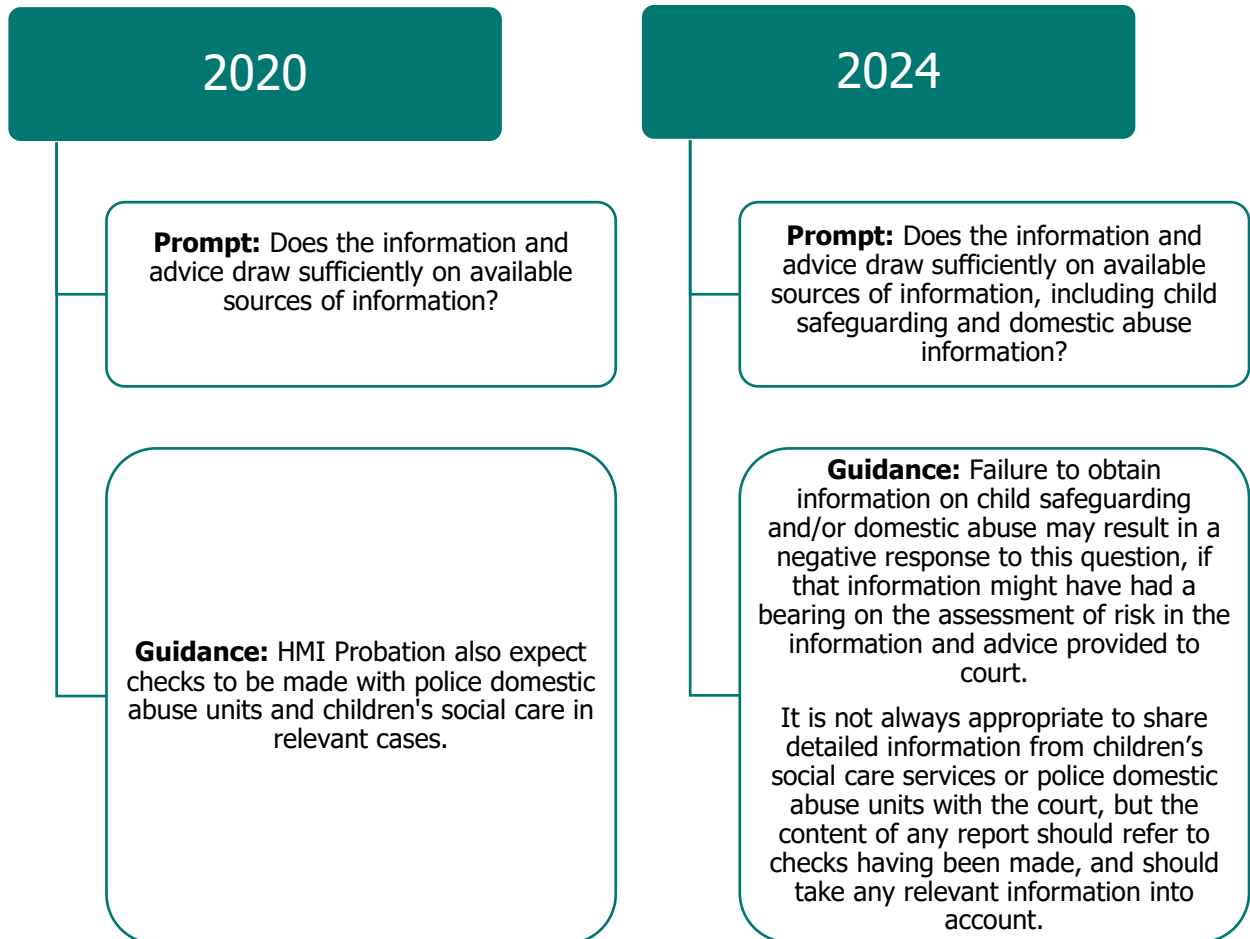


The focus upon information exchange at the court report stage has increased over recent years. Concerns were raised from our inspections of arrangements following the *Transforming Rehabilitation* reforms that insufficient attention was being given to indicators of risk of harm (such as violence against a partner) and that information from police domestic abuse units and children’s services was not being incorporated, potentially missing critical information and exposing partners and children to danger.

Consequently, for the inspections from October 2021 onwards (under the unified model of probation), the prompt on drawing on available sources of information was updated to reflect

the recent concerns, as was the accompanying guidance to inspectors (see Figure 11). It is clear from our 2022 to 2023 inspections that probation services have struggled to meet the clarified expectations and that this has had a notable impact upon our overall judgements regarding the quality of the information and advice provided to courts.

Figure 11: Changes in the prompt and guidance relating to drawing on available sources of information; 2020 vs 2024



The following positive and negative case practice examples, recorded by inspectors, all refer to the importance of the necessary information exchange prior to the court report advice and proposals.

Positive practice example – drawing on sources of information

This short format report is full and comprehensive. It provides a good offence analysis around this domestic violence assault and checks were undertaken with both the police and children's services. The PSR author has taken into account previous domestic violence incidents with a previous partner and concluded that the individual poses a medium level of risk. The report contains personalised information and documents the trauma he

experienced as a child, witnessing domestic violence and subject to neglect. Both his parents had significant drug and alcohol problems.

The individual had been on remand for this offence and the PSR provided a robust alternative to custody with a proposal for a Community Order with RAR days (Skills for Relationship Toolkit and Building Better Relationships programmes) and an Unpaid Work requirement. The court agreed with this proposal.

Positive practice example – diversity and personal circumstances

In preparation for the report, both domestic abuse and child safeguarding checks were evidenced. The author engaged the individual in the process, considering relevant diversity information including details of physical health issues (including a back injury), mental health issues (OCD, anxiety, depression, and previous suicidal thoughts), and his experience of trauma of both being victim to physical and emotional abuse and witnessing this abuse perpetrated against his mother as a child. These factors alongside factors identified as contributing towards the risk of reoffending and risk of harm were included to assist with sentencing. This ensured the recommendation was personalised and provided a sentence to reduce the risks posed to known or identifiable victims.

Negative practice example – drawing on sources of information

Although the level of analysis could have been developed, the report provided sufficient detail regarding offending-related factors and diversity considerations to inform sentencing. However, despite the individual describing ongoing difficulties in his relationship with his ex-partner, no police domestic violence checks were undertaken. Similarly, despite the context to the index offences involving threats and possession of a knife whilst under the influence of alcohol with his children present, no checks were made with children's services, and he was assessed as posing a low risk of harm to children.

Negative practice example – risk of harm

Although there is relevant information available within the report, other risks have not been assessed. There is a lack of analysis regarding previous offending behaviour and a lack of safeguarding information returned. Although there are currently no children in the individual's life (as far as the service knew at that point), anyone who poses a risk to children should have their name cross referenced with children's services to see if they are linked to any vulnerable children. This was not completed, and the potential risk to children was not identified. A previous OASys assessment comments on how the individual has previously had thoughts of harming women and babies. There was also concern of domestic abuse within a previous relationship, exacerbated by his poor mental health when experiencing an episode, due to his diagnosis of paranoid schizophrenia.

3. Conclusion

“Speed is irrelevant if you are going in the wrong direction.” (Mahatma Gandhi)

As part of the reforms encouraging faster resolution and greater efficiency for criminal cases, programmes such as *Transforming Summary Justice* and *Better Case Management* encouraged an increase in PSRs with shorter turnaround times. This led to a decrease in the use of standard delivery reports, with their typical turnaround of up to 15 working days, and a move to fast delivery reports (turnaround time of around five working days) and oral reports (which can often be delivered on the day of request or within 24 hours). Initially, there was a large increase in the use of oral reports, but concerns about their quality and their overuse led more recently to an increase in fast delivery reports. It is likely not a coincidence that the drop in the use of oral reports coincided with the Covid-19 pandemic and the necessary changes to court practice to accommodate social distancing rules. However, the use of oral reports has remained stable since that time, indicating a more sustained change in practice.

There have been concerns about the relative quality of oral reports, and to a lesser extent, fast delivery reports for some years. Indeed, concerns over their ability to draw on external sources of information were raised as far back as 1992 (Gelsthorpe and Raynor, 1992), and more recently by Robinson in 2017 and through the inspectorate annual report of 2022/2023. In our 2020 report on the quality of PSRs, we highlighted how the findings ‘clearly demonstrate that the focus upon speed and timeliness has had an impact upon quality’. The findings in this 2024 report only reinforce this message, with considerable gaps in quality by report type, with the oral reports with the shortest turnarounds less likely to be judged to be sufficiently analytical, personalised to the individual, and supporting the court’s decision making. Furthermore, the difficulty of receiving information from other agencies was not the only issue with shorter turnaround PSRs – oral reports performed worse across all aspects of quality inspected.

It is vital that reports incorporate all available sources of information, considering each individual’s characteristics and circumstances to build a sufficiently complete picture, supporting judges and magistrates in their sentencing decisions (bearing in mind the range of sentences and sentence requirements available to them), as well as laying the foundations for effective post-sentence delivery. We do not want to see ‘one size fits all’ reports or proposals, and in its recent consultation on the *imposition of community and custodial sentences* guideline, the Sentencing Council highlight the benefits to be gained from allowing time for high-quality reports:

‘Noting the importance of a PSR in determining suitability of different sentences or requirements, and risk assessments (including risk to the victim), the Council believes it is important that sentencers adjourn for pre-sentence reports where an adjournment is necessary to collect the information needed for a quality report. There are a significant number of assessments that Probation must complete as part of the PSR process and this is influenced by the offender’s individual needs. Without these assessments in some cases, the sentencer may not have the most informed view of the offender’s circumstances and risks as is possible, or a complete assessment of the offender’s suitability for a particular requirement. This risks a sentence that is unsuitable for the offender and their needs, and/or the failure of that sentence not being completed.’ (Sentencing Council, 2023)

Allowing sufficient time for reports can also help to minimise error and bias, which is critical for maintaining sentencer confidence in the reports and potentially impacting their views regarding the credibility of probation more generally. A wide range of potential sources of error and bias have been identified, and to address them and help ensure that conclusions and recommendations are balanced, reasoned and well-evidenced, Kemshall (2021b) has highlighted the importance of practitioners being able to seek and critically appraise information, and then adopt an open, honest and reflective approach.

Comparing the data in this bulletin with the findings from our 2020 report, it is striking that the specific area where our inspectors' judgements on quality had deteriorated was in relation to the information and advice drawing sufficiently on all available sources of information. This area of work was also the main driver of our inspectors' overall judgements regarding the quality of the pre-sentence information and advice, reflecting the fact that it was not being done well enough in a significant number of cases.

The focus upon information exchange at the court report stage has increased over recent years, following concerns that insufficient attention was being given to indicators of risk of harm and that information from police domestic abuse units and children's services was not being incorporated, potentially missing critical information for sentencers in terms of addressing safety concerns and supporting rehabilitative outcomes. We thus clarified our requirements for our inspections from October 2021 onwards, and it is clear that progress in relation to accessing and utilising key sources of information could facilitate improved ratings for this standard in future inspections. Probation services should thus intensify their efforts to establish and maintain strong collaborative working arrangements with other key agencies to facilitate the necessary flows and exchanging of information.

All people on probation should receive a high-quality, personalised service, irrespective of their background or individual characteristics and circumstances. The context for an individual's offending and their own lived experiences should always be considered, and for ethnic minority people on probation, understanding the additional challenges, disadvantages, and adversities that they may have faced can enrich the information and advice provided to courts. However, in our 2021 and 2023 thematic inspections of race equality in probation, concerns were raised about the provision of court reports to those from an ethnic minority background. While this report cannot address issues about the disproportionate provision of PSRs to this group, it does corroborate concerns about the quality of those PSRs, with reports less likely to be judged sufficiently analytical and personalised.

Looking at the underpinning prompt questions, there was a significant difference in quality between reports for those from a White or ethnic minority background across three of the prompts; whether the report drew sufficiently on available sources of information; whether the individual was sufficiently involved in the preparation of the report and had their views considered; and whether the report considered the individual's diversity and personal circumstances. To help improve the quality of reports for those from an ethnic minority background, practitioners should be supported to develop cultural competence – the ability to understand, appreciate and interact with people from cultures different from one's own – and helped to overcome any reluctance and anxiety in discussing issues of race, culture, faith, and experiences of racism (HM Inspectorate of Probation, 2023b). At the organisational level, it needs to be ensured that policies, procedures and tools (e.g. the EPF digital tool) are unbiased and fit for purpose, with appropriate quality assurance, monitoring and training in place.

'Experiences of racism are an important part of some individuals' circumstances, which cannot be omitted from a report without losing key insights. Yet how such matters are dealt with calls for considerable professional skill – and for courage, both from authors and defendants.' (Canton and Dominey, 2018)

Further conclusions about the quality of court reports for more discrete ethnic minority groups cannot be made in this report (due to small case numbers), and this remains an area where further research would clearly be beneficial. Considering the extent to which the key elements of procedural justice – voice, neutrality, respect, and trust – are being met for differing ethnic minority groups would be beneficial (Ball, Singh and Worsfold, 2022), with research findings from different settings (including probation) showing how procedural justice influences people's respect for, and compliance with, rules and authority, and can help to increase organisational legitimacy. More generally, there is clear scope for up-to-date research on the views of both sentencers and those who are the subject of court reports.

References

- Ball, K., Singh, A. and Worsfold, T. (2022). 'Race Equality in Probation Services in England and Wales: A Procedural Justice Perspective', *British Journal of Community Justice*, 19(1), pp. 17-35.
- Canton, R. and Dominey, J. (2018). *Probation*. Abingdon: Routledge.
- Gelsthorpe, L. and Raynor, P. (1995). 'Quality and effectiveness in probation officers' reports to sentencers', *British Journal of Criminology*, 35(2), pp. 188–200.
- Gelsthorpe, L., Raynor, P. and Robinson, G. (2010). 'Pre-sentence reports in England and Wales: changing discourses of risk, need and quality', in McNeill, F., Raynor, P. and Trotter, C. (eds.) *Offender Supervision, new directions in theory, research and practice*. Cullompton: Willan.
- Gray, K., Finn, R., Gent, J. and Huttleston, K. (2023). *The impact of oral and fast delivery pre-sentence reports (PSRs) on the completion of court orders*. London: Ministry of Justice.
- HM Inspectorate of Probation (2017). *The work of probation services in courts*. Manchester: HM Inspectorate of Probation.
- HM Inspectorate of Probation (2018). *The quality of service user assessment (probation services)*, Research & Analysis Bulletin 2018/01. Manchester: HM Inspectorate of Probation.
- HM Inspectorate of Probation (2019). *2018/2019 inspections of probation services: summary report*. Manchester: HM Inspectorate of Probation.
- HM Inspectorate of Probation (2020). *The quality of pre-sentence information and advice provided to courts*, Research & Analysis Bulletin 2020/04. Manchester: HM Inspectorate of Probation.
- HM Inspectorate of Probation (2021). *Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff*. Manchester: HM Inspectorate of Probation.
- HM Inspectorate of Probation (2023a). *HM Inspectorate of Probation Annual Report 2022/2023*. Manchester: HM Inspectorate of Probation.
- HM Inspectorate of Probation (2023b). *Race equality in probation follow-up: A work in progress*. Manchester: HM Inspectorate of Probation.
- HM Inspectorate of Probation (2024). *The interventions landscape for probation services: delivery, challenges, and opportunities*, Research & Analysis Bulletin 2024/02. Manchester: HM Inspectorate of Probation.
- HM Prison & Probation Service (2021). *The Target Operating Model for probation services in England and Wales: Probation Reform Programme*. London: HM Prison & Probation Service.
- HM Prison & Probation Service (2024). *Determining Pre-Sentence reports*, PI 4/2016. Available at: <https://www.gov.uk/government/publications/determining-pre-sentence-reports-pi-042016> (Accessed: 17 July 2024).
- Kemshall, H. (2021a). *Risk and Desistance: A Blended Approach to Risk Management*, HM Inspectorate of Probation Academic Insights 2021/07. Manchester: HM Inspectorate of Probation.

- Kemshall, H. (2021b). *Bias and error in risk assessment and management*, HM Inspectorate of Probation Academic Insights 2021/14. Manchester: HM Inspectorate of Probation.
- Le Mesurier, L. (1935). *A handbook of probation and social work of the courts*. London: National Association of Probation Officers.
- Leveson, B. (2015). *Review of Efficiency in Criminal Proceedings*. London: Courts and Tribunals Judiciary.
- Maguire, N. (2020). 'Pre-sentence reports: Constructing the subject of punishment and rehabilitation', in Ugwudike, P., Graham, H., McNeill, F., Raynor, P., Taxman, F.S. and Trotter, C. (eds.) *The Routledge Companion to Rehabilitative Work in Criminal Justice*. Abingdon: Routledge.
- Mair, G. (2016). 'What is the Impact of Probation in Advising Sentencing and Promoting Community Sanctions and Measures', in McNeill, F., Durnescu, I. and Butter, R. (eds.) *Probation: 12 Essential Questions*. London: Palgrave Macmillan.
- Robinson, G. (2017). 'Stand down and deliver: Pre-sentence reports, quality and the new culture of speed', *Probation Journal*, 64(4), pp. 337-353.
- Robinson, G. (2018). 'Delivering McJustice? The probation factory at the Magistrates' Court', *Criminology and Criminal Justice*, 19(5), pp. 605-621.
- Robinson, G. (2022). *Pre-Sentence Reports: A review of policy, practice and research*. London: Sentencing Academy.
- Robinson, G., Halsall, P. and Nixon, M. (2023). 'Court work and assessment: Laying the foundations for effective probation practice', in Burke, L., Carr, N., Cluley, E., Collett, S. and McNeill, F. (eds.) *Reimagining Probation Practice: Re-forming Rehabilitation in an Age of Penal Excess*. Abingdon: Routledge.
- Sentencing Council (2023). *The Imposition of community and custodial sentences guideline: Consultation*. London: Sentencing Council.

Annex A: Methodology

Probation inspections

The inspection findings presented in this bulletin are mainly based on data from 26 inspections of probation services completed between October 2021 and May 2023 (fieldwork weeks). The 26 PDUs were spread across 11 of the 12 probation regions (England and Wales).

Table A1: Inspections of probation services, October 2021 – May 2023

Probation Delivery Unit	Month of report publication
Gwent	February 2022
Swansea and Neath Port Talbot	January 2022
West Kent	May 2022
West Sussex	May 2022
Essex North	May 2022
Northamptonshire	May 2022
Birmingham North, East and Solihull	August 2022
Staffordshire and Stoke	August 2022
Warwickshire	August 2022
Hammersmith, Fulham, Kensington, Chelsea and Westminster	October 2022
Ealing and Hillingdon	October 2022
South Tyneside and Gateshead	December 2022
Derby City	February 2023
Leicester, Leicestershire and Rutland	February 2023
Kirklees	March 2023
Sheffield	March 2023
Hull and East Riding of Yorkshire	March 2023
North and North-East Lancashire	March 2023
Tameside	May 2023
Wigan	May 2023
Blackburn and Darwen	June 2023
Cumbria	July 2023
Portsmouth and the Isle of Wight	July 2023
Somerset	August 2023
Dorset (includes Bournemouth, Christchurch and Poole)	August 2023
Bristol and South Gloucestershire	August 2023

A total of 490 cases with an eligible PSR were inspected – which included community sentences (community orders and suspended sentence orders) that had a rehabilitation activity or accredited programme requirement, and cases starting post-release supervision. A cohort approach was used across the inspections, examining cases drawn from two separate weeks in the period between 27 and 32 weeks before the fieldwork, including all cases commenced (or released from custody) in each of those weeks – the associated PSRs had been prepared in the 12 months before the fieldwork date. There were some potential case exclusions which were as follows:

- cases where the same person had more than one sentence in the eligible period
- cases where the order or licence had terminated within seven days of commencement
- cases where there was a current serious further offence (SFO) investigation, serious case review, child practice review, or other similar investigation.

All selected cases were allocated to individual inspectors, who examined the relevant records. To support the reliability and validity of their judgements against our standards framework, all cases were examined using standardised case assessment forms, underpinned by rules and guidance, and further reinforced through training and quality assurance activities.

Analysis

In this bulletin, the percentages presented in the tables and charts relate to the inspectors' judgements within their case assessments. Binary logistic regression was used to analyse which variables predicted inspectors' judgements on the quality of court reports.⁹ Our main dependent variable was the key question for the court work standard: 'Is the pre-sentence information and advice provided to court sufficiently analytical and personalised to the individual, supporting the court's decision making?' For this dependent variable, we ran two regression models:

- in the first model, the independent variables consisted of the person on probation's demographics (age, sex and ethnicity), risk levels (both likelihood of reoffending and risk of serious harm), and report type (oral, fast delivery, or standard delivery) (see Annex B, Table B1 for the frequencies and significant variables/values)
- in the second model, the independent variables were the prompt questions¹⁰ which underpin the overall quality judgement (see Annex B, Table B2 for the frequencies and significant variables).

To further examine differences by personal and case characteristics, we also ran the first model using the nine prompts as dependent variables, with one model for each prompt.

Within all the regression models, a forced entry method was used, entering all relevant independent variables in the same step. This method identifies the unique effect of each independent variable on the prediction of the dependent variable after taking into consideration the effect of all other variables in the model. The associations highlighted in the bulletin are those which were found to be statistically significant within the regression models; the significance level used was five per cent ($p < 0.05$), meaning that there is a 95 per cent certainty that the difference did not occur randomly or by chance.

⁹ The number of cases contributing to each model will differ according to any missing data across any of the variables included.

¹⁰ To avoid losing too many cases from the analysis, the prompt relating to the advice considering the impact of the offence on known or identifiable victims was not included in the logistic regression model – this prompt was only answered yes/no where there were known/identifiable victims.

Annex B: Analysis outputs

Table B1: Quality of pre-sentence information and advice by personal and case characteristics

		N	Pre-sentence information and advice sufficiently analytical and personalised to the service user? (Yes)	
			n	%
All cases		490	232	47.3%
Age group	18-24	79	35	44.3%
	25-29	68	36	52.9%
	30-39	166	78	47.0%
	40-59	156	71	45.5%
	60+	17	9	52.9%
Sex	Male	394	182	46.2%
	Female	82	46	56.1%
Ethnicity	White	402	201	50.0%
	Ethnic minority	66	20	30.3%
Likelihood of reoffending	Low	340	171	50.3%
	Medium	93	39	41.9%
	High/very high	46	17	37.0%
Risk of serious harm	Low	94	44	46.8%
	Medium	347	162	46.7%
	High/very high	30	18	60.0%
Type of PSR	Standard delivery	16	10	62.5%
	Short format	347	173	49.9%
	Oral	127	49	38.6%

N.B. Shaded cells indicate statistically significant relationships between the independent variables/values (i.e. personal/case characteristics) and the key question ($p < 0.05$; based upon logistic regression analysis).

Table B2: Quality of pre-sentence information and advice by inspection prompts

		N	Pre-sentence information and advice sufficiently analytical and personalised to the service user? (Yes)	
			n	%
All cases		490	232	47.3%
Does the information and advice draw sufficiently on available sources of information, including child safeguarding and domestic abuse information?	Yes	197	176	89.3%
	No	292	56	19.2%
Is the individual involved meaningfully in the preparation of the report, and are their views considered?	Yes	454	232	51.1%
	No	35	0	0.0%
Does the advice consider factors related to the likelihood of reoffending?	Yes	431	227	52.7%
	No	57	3	5.3%
Does the advice consider factors related to risk of harm?	Yes	354	220	62.1%
	No	118	5	4.2%
Does the advice consider the individual's motivation and readiness to change?	Yes	370	202	54.6%
	No	120	30	25.0%
Does the advice consider the individual's diversity and personal circumstances?	Yes	409	218	53.3%
	No	78	12	15.4%
Does the advice consider the impact of the offence on known or identifiable victims?	Yes	273	158	57.9%
	No	106	19	17.9%
Is an appropriate proposal made to court?	Yes	411	223	54.3%
	No	51	7	13.7%
Is there a sufficient record of the advice given, and the reasons for it?	Yes	447	230	51.5%
	No	42	1	2.4%

N.B. Shaded cells indicate statistically significant relationships between the independent variables (i.e. inspection prompts) and the key question ($p < 0.05$; based upon logistic regression analysis).

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