
PRE-SENTENCE REPORTS

A review of policy, practice and research

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EXECUTIVE SUMMARY

- In order for courts to craft and impose appropriate and effective sentences, sentencers need an adequate amount of information about the offender and his or her personal circumstances. The advocate's submission on sentencing will supply some of this material. The most important source of information, however, is the pre-sentence report (PSR). The provision of PSRs is the responsibility of the Probation Service for England and Wales and contemporary Probation Service guidance states that the purpose of a 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' (HMPPS 2021, para. 1.5).
- Section 30 of the Sentencing Act 2020 specifies that for offenders aged 18 or over, a PSR should be obtained unless the court considers it unnecessary, thus providing considerable room for discretion. Sentencing Council guidance reinforces this discretion, suggesting that a PSR should be obtained where a court is considering imposing a community sentence or a sentence of imprisonment (including suspended sentence orders), 'unless the court considers a report to be unnecessary' (Sentencing Council 2017).
- In recent years there has been a significant shift away from written PSRs towards oral reports. There are several reasons for this trend, the most significant being the drive to enhance the efficiency of criminal justice processes and to speed up the disposal of criminal cases, as articulated in *Transforming Summary Justice* and *Better Case Management* programmes. The move toward the speedier delivery of PSRs, and the associated eclipse of the 'traditional' written Standard Delivery Reports, has prompted questions and concerns about the quality of contemporary PSRs, particularly in the magistrates' courts where oral reports now dominate (e.g. du Mont and Redgrave 2017; Napo 2016; HMIP 2017; Centre for Justice Innovation 2018).
- An inspection of *Race Equality in Probation* (HMIP 2021) 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 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' (HMIP 2021, p. 29). The same report also observed considerable variance between different geographical areas in the proportion of ethnic minority service users who had been sentenced without the benefit of a PSR.
- Taken together, the findings of recent research suggest that the drive towards speed in the provision of PSRs has had advantages, particularly from the point of view of sentencers. However, it may also have resulted in both a reduction in requests for PSRs and (in some cases) a reduction in the quality of information available to guide decisions both at sentencing and at the start of a community sentence.

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1. INTRODUCTION

In order for courts to craft and impose appropriate and effective sentences, sentencers need an adequate amount of information about the offender and his or her personal circumstances. The advocate's submission on sentencing will supply some of this material. The most important source of information, however, is the pre-sentence report (PSR).

The provision of information and advice to courts to inform decisions at sentencing is a traditional role of probation services in many jurisdictions. In England and Wales, this practice can be traced back to the work of the Police Court Missionaries of the late 19th century (Gelsthorpe et al. 2010). In the course of the 20th century, pre-sentence reports (as they are known today) evolved considerably, from the pleas for leniency of the evangelical and temperance bodies of the early part of the century, through the biographical and welfare-oriented 'social enquiry' reports of the middle part of the century, to the more offence-focused reports of today, with their emphasis on the assessment of risk and criminogenic (offending-related) needs (Gelsthorpe et al. 2010).

Today, the provision of PSRs is the responsibility of the Probation Service for England and Wales, which was reunified in 2021 after several years during which some probation services were contracted out to Community Rehabilitation Companies and services to courts were provided by a National Probation Service. PSRs are prepared and delivered by specialist court teams in each of 12 probation regions, and these teams also conduct enforcement work. This model of provision by specialist court teams was established under the National Probation Service between 2014 and 2021. Contemporary Probation Service guidance states that the purpose of a 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' (HMPPS 2021, para. 1.5). In 2019 (prior to the imposition of Covid-19 restrictions), the National Probation Service produced 103,000 PSRs, three-quarters of which were prepared for the magistrates' courts (Ministry of Justice 2020a).

As well as informing sentencing decisions, PSRs can also play an important role in informing sentence planning for those who receive community or custodial sentences. Assessments of risk and need that are presented in PSRs can act as a useful starting point for discussions with service users about the appropriate content of interventions which could reduce risk and/or address needs.

2. THE LEGISLATIVE FRAMEWORK AND TYPES OF PSR

The legislative framework for PSRs is contained in sections 30 to 34 of the Sentencing Act 2020. Section 31 of the Act defines the main purpose of the report as the provision of advice to the court to assist in determining the most suitable method of dealing with an offender.

Section 30 of the Act sets out the circumstances in which a report should be requested. It specifies that for offenders aged 18 or over, a PSR should be obtained unless the court considers it unnecessary, thus providing considerable room for discretion. Sentencing Council guidance reinforces this discretion, suggesting that a PSR should be obtained where a court is considering imposing a community sentence or a sentence of imprisonment (including suspended sentence orders), 'unless the court considers a report to be unnecessary' (Sentencing Council 2017).

The Act does not prescribe the format or the length of time required to prepare a PSR. There are currently three types of PSR, which differ in terms of the amount and complexity of information they include, the time required to prepare them, and their mode of delivery.

- Standard Delivery Reports (SDRs) are the 'traditional' and most comprehensive type of PSR. SDRs are usually prepared during an adjournment of around 15 working days and are produced in written form.
- Fast Delivery Reports (FDRs) are another type of written report, but these are produced in a much shorter timescale of up to five days.
- Oral (or 'stand-down') PSRs are generally prepared on the day of request, and can be produced in as little as one hour. These reports tend to be less detailed than either FDRs or SDRs.

All of the above types of PSR involve the collection of relevant information from the defendant and from other sources (e.g., information about the current offence and any previous convictions from the police/Crown Prosecution Service; safeguarding information from social services). All PSR formats are informed by structured risk assessment tools, which provide an indication of the statistical likelihood of reoffending. Reports prepared on adjournment may also be informed by a more detailed, structured assessment of risk and needs using the Offender Assessment System (OAsys) (Gelsthorpe et al. 2010; Robinson 2017).

For a number of years, court teams responsible for preparing PSRs have been provided with instructions and 'decision tools' to help guide decisions about the appropriate type of report in a given case. Current advice is set out in Probation Instruction 04/2016, which was updated in 2021 when the Probation Service was reunified. This guidance specifies that:

'The requirement remains to complete court reports within the timescale requested by the court, to maximise the number of court reports delivered on the day of request and to ensure that the assessment and analysis undertaken is sufficient and of good quality to provide appropriate sentencing proposals' (HMPPS 2021a, para. 1.4).

The same guidance indicates that a PSR should contain the following, as a minimum:

- offence analysis and pattern of offending beyond a restating of the facts of the case;¹
- relevant circumstances of the defendant with links to offending behaviour highlighted, as either a contributing factor or a protective factor;
- risk of serious harm and likelihood of reoffending analysis, based on static predictors and clinical judgement;
- the outcome of pre-sentence checks with other agencies or providers of probation services, including if any checks are still outstanding;
- addressing any queries raised by the court;
- sentence proposals which are commensurate with the seriousness of the offence and will address the defendant's assessed risk and needs;
- an assessment of maturity in the case of young adult males (aged 18-25 years of age);
- consideration of individual and particular vulnerabilities, domestic arrangements and caring responsibilities as well as the impact of any sentence upon those children or vulnerable adults cared for by the service-user (including pregnancy);
- the impact of sentencing on dependents (and unborn children in the case of pregnancy).

(HMPPS 2021a, para. 2.4)

The ability of the PSR author to address all of the above in a report will be a function of their experience, the availability of information from relevant sources, and the time available to prepare the report.

3. TRENDS IN USE AND THE CHANGING POLICY CONTEXT

In recent years there has been a significant shift away from written PSRs towards oral reports. As a result, written reports (FDRs and SDRs) are now in the minority. This trend has been most evident in the magistrates' courts where today (and since 2016) more than half of all PSRs are delivered orally. In the Crown Court, FDRs have been the dominant form of report since 2013.²

There are several reasons for this trend, the most significant being the drive to enhance the efficiency of criminal justice processes and to speed up the disposal of criminal cases, as articulated in *Transforming Summary Justice* and *Better Case Management* programmes. Because SDRs require an adjournment of up to three weeks, they are associated with delays that can be avoided if alternative report formats are used in their place: oral reports (and potentially FDRs) can be

¹ The offence analysis puts the current offence into context, considering matters such as the offender's account in relation to statements available in police records; harm caused to victims and the offender's victim awareness; the degree to which the offender accepts responsibility for their offending; and whether the offence forms part of a pattern of offending (and if so the time that has elapsed since the most recent conviction, and any escalation/de-escalation of offence seriousness).

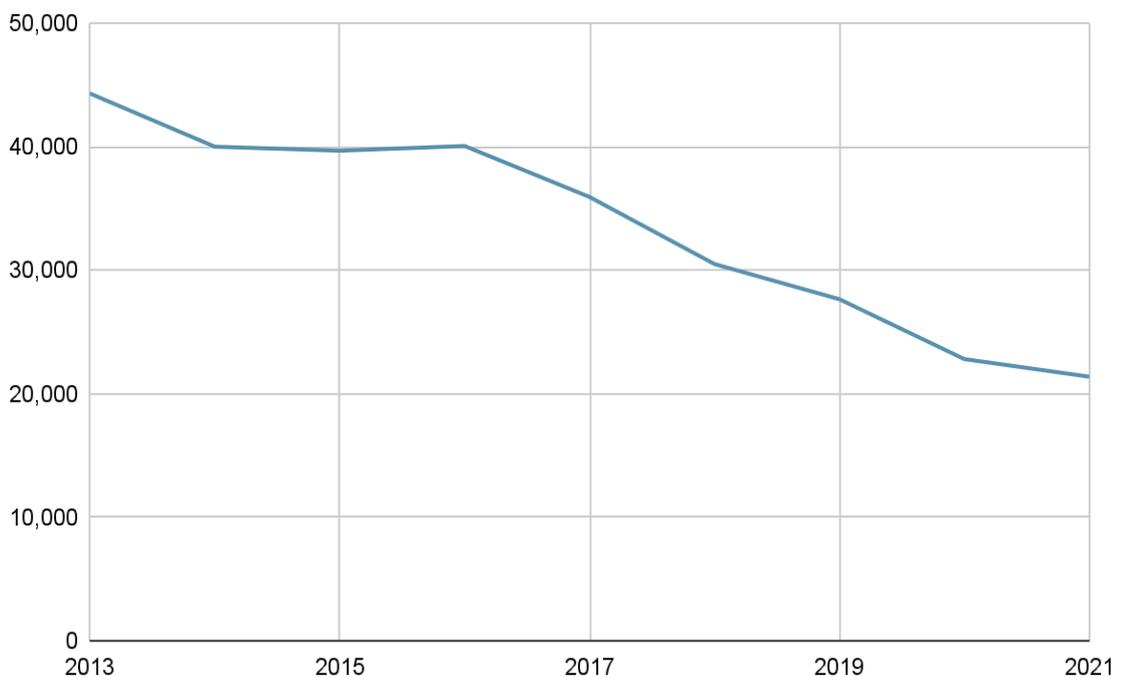
² All statistics on PSRs are derived from the *Offender Management Statistics Quarterly* publications (various).

delivered on the day of request by ‘standing down’ the case for a limited period of time. In his 2015 review of *Efficiency in Criminal Proceedings*, Sir Brian Leveson suggested that: ‘time and resources are frequently being wasted as a consequence of the practice of adjourning the sentencing hearing so that the Probation Service can prepare a pre-sentence report (‘PSR’) for cases that do not require a PSR or when an oral report would suffice’ (para. 152).

The challenge to deliver speedier justice prompted the Probation Service to encourage the use of oral and fast delivery reports by setting specific targets for court probation teams. In 2016, targets specified a desired increase in the use of oral reports from 27% to 60%; a decrease in the use of FDRs from 50% to 30%; and in SDRs from 22% to 10%. Official statistics subsequently showed that by the beginning of 2019, the oral report had become the dominant type (56% of reports), whilst the use of the SDR had declined even more than envisaged by the Probation Service target, to just 3% (Ministry of Justice 2019, Table 10).

The imperative to enhance efficiency in the criminal courts has also been associated with a reduction in courts’ demand for PSRs *per se* (see Figure 1). Leveson (2015) argued that ‘greater use can and should be made of the discretion to dispense with reports, and [there should be] an increased use of oral (“stand down”) or previous reports’ (para. 154, emphasis added). Furthermore, ‘consideration should be given to providing Judges with greater flexibility not to order reports’ (para. 154). Leveson recommended that legislative changes be considered to support a reduction in the number of requests for PSRs (para. 156).

Figure 1: Number of PSRs produced in the first quarter of each year (2013-2021)



Source: Ministry of Justice *Offender Management Caseload Statistics* (Probation Tables)

Following Leveson’s remarks, guidance issued to probation court teams encouraged them to re-use PSRs that were less than a year old, accompanied wherever possible by an oral update to the court (HMPPS 2016). Subsequently, research by the Centre for Justice Innovation (2018) found that some court teams had adopted a practice of pre-screening court lists to identify defendants with recent PSRs on file, and seeking updates from probation colleagues working with those individuals on current community orders. Interviews with probation court staff for this study also found that a significant minority feared that sentencers were ‘foregoing the option of requesting a PSR due to a combination of resource shortages and an increased demand to meet court processing timeliness’ (Centre for Justice Innovation 2018, p. 8). Thus, if a practitioner was not immediately available to produce a report, a reluctance to delay proceedings could mean sentencing without the benefit of a PSR. The Centre for Justice Innovation concluded that sentencers currently have too much discretion to decide that a report is not needed and recommended that the Sentencing Council and Probation Service should ‘bring forward clear guidelines on when a PSR is required, to ensure that expert advice is available in all cases where it can be helpful’ (2018, p. iv).

4. EVALUATING THE QUALITY OF PSRs: APPROACHES AND KEY FINDINGS

The move toward the speedier delivery of PSRs, and the associated eclipse of the ‘traditional’ written SDR, has prompted questions and concerns about the quality of contemporary PSRs, particularly in the magistrates’ courts where oral reports now dominate (e.g. du Mont and Redgrave 2017; Napo 2016; HMIP 2017; Centre for Justice Innovation 2018). However, concerns about the quality of PSRs are not new: notably, changes to PSRs heralded by the 1991 Criminal Justice Act prompted the Home Office to commission a piece of research to examine the quality of reports written to shorter and longer timescales (Gelsthorpe and Raynor 1992; 1995). The researchers in this study assessed a sample of 142 reports made up of 21 that were completed on the same day; 35 completed in up to seven days; 58 completed in 8-21 days; and 28 completed in 22+ days.

The main finding of this research was that although the reports examined were of variable quality, this was not attributable to the speed of their production: the average quality of short-notice reports did not differ significantly from that of the reports which had taken longer to prepare. Faster reports did, however, tend to be less thorough in their discussions of offending behaviour; to be less likely to incorporate information obtained from third parties; and when a community sentence was recommended, the faster reports were less likely to suggest packages of intervention involving additional requirements. The researchers suggested that these were all issues which would generally require more time, to re-interview the offender or liaise with others (Gelsthorpe and Raynor 1995, p. 193). Gelsthorpe and Raynor took a particular approach to the construction and measurement of quality, which involved the development of a quality appraisal instrument with 42 variables and quality ratings scored from one (poor) to four (good), producing an overall score for each report ranging from five to 20. This was subsequently refined and made available to probation areas to assist with internal quality control (Raynor et al. 1995).

Another approach to thinking about the quality of PSRs has been to consider their impact on sentencing outcomes. One such method has involved the analysis of concordance rates: that is, the frequency with which the proposals outlined in reports are actually adopted by sentencers disposing of the case. Data on concordance rates is published by the Ministry of Justice in its quarterly *Offender Management Statistics*. In the year to June 2019, for example,³ recommendations for fines, community orders, suspended sentence orders and immediate custody were accepted in 70%, 60%, 66% and 89% of cases respectively (Ministry of Justice 2019, Table 4.11).

It has, however, been noted that high concordance rates on their own may tell us more about the ability of report writers to anticipate sentencers' decisions, rather than the quality or persuasiveness of their proposals. Furthermore, where proposals for higher tariff sentences are concerned, they may also be indicative of sentencers being persuaded (by PSRs) to pass disproportionate sentences (e.g., see Gelsthorpe and Raynor 1995). With these issues in mind, Gelsthorpe and Raynor took an interesting approach in their research, examining the relationship between their own assessments of quality and sentencing outcomes. They found that the reports rated more highly on quality were 'more successful in enabling sentencers to pass community sentences with confidence and to rely correspondingly less on imprisonment' (1995, p. 197).

Gelsthorpe and Raynor also incorporated the views of sentencers into their research. In an exercise designed to compare sentencers' assessments of a sample of the reports which the researchers had rated for quality, they found that 'there was remarkably little difference in the respective assessments of their quality' (Gelsthorpe and Raynor 1995, p. 197). 'Good' reports, for sentencers, were those:

'which identified sources of information, were reasonably concise, calendar dated, logical and consistent as well as having paid attention to layout. [They] also contained background information on defendants where this was seen as relevant to an understanding of offences and moved beyond the defendant's version of events [...] Good reports were also ones which managed to convey to the sentencer something about the defendant as a person' (1995, pp. 195-6).

It is now more than 25 years since Gelsthorpe and Raynor's research was conducted and, as we have seen, much has changed about and around the production of PSRs since the 1990s. Their study is worthy of attention today because it sheds light on the different ways in which quality may be, and has been, constructed in relation to PSRs. However, it is important to think critically about the appropriateness of the different sorts of measures that have been used in the past in today's context. For example, the quality assessment framework developed by Gelsthorpe and Raynor was not used - nor intended to be used - in relation to oral reports, which are the dominant PSR format today.

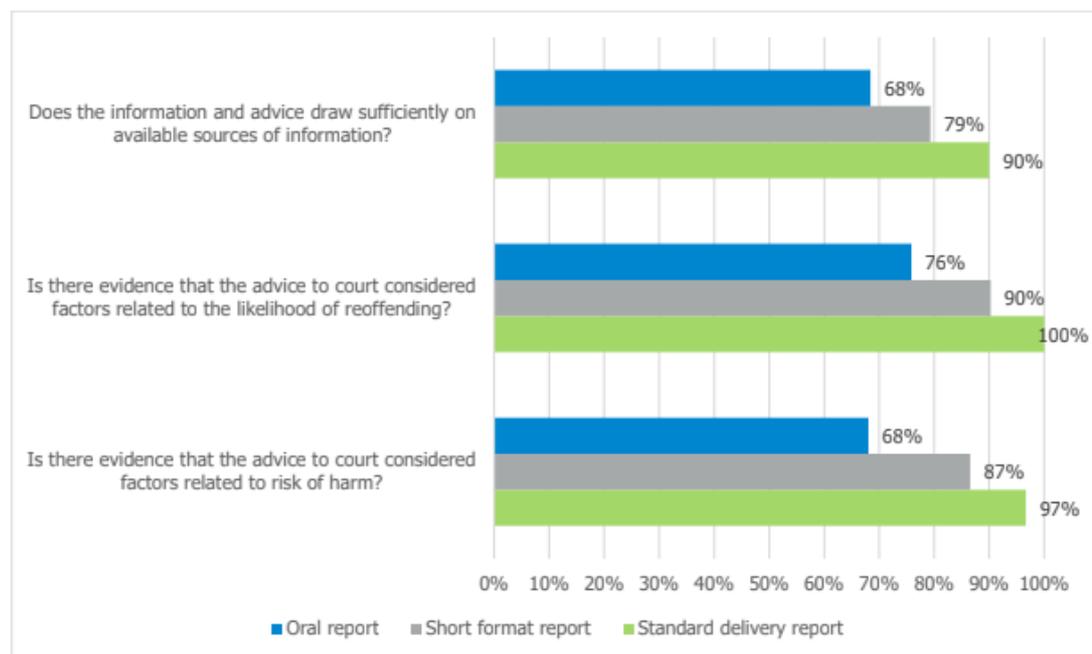
That being said, a similar approach to the measurement of quality can be found in contemporary frameworks for inspecting PSRs, including oral reports, developed by HM Inspectorate of Probation (HMIP) (e.g., HMIP 2017; 2020; 2021). For example, in a recent report on *The Quality of Pre-Sentence Information and Advice Provided to Courts*, inspectors assessed a sample of PSRs using a framework with nine distinct criteria which acted as prompts to inform an overall judgement about whether the PSR was 'sufficiently analytical and personalised to the service user, supporting the court's

³ Data from the most recent year unaffected by Covid-19 has been chosen for illustrative purposes.

decision-making’ (HMIP 2020, p. 7). They inspected 802 reports completed in 2018-19, including oral reports (67%), FDRs (30%) and SDRs (4%). The proportion of reports assessed as sufficiently analytical and personalised varied by report type: 97% of SDRs, 82% of FDRs and 65% of oral reports were judged to be of sufficient quality. Further analysis of the more detailed ratings suggested that there were three main drivers of quality, which related to whether the report had (i) drawn appropriately on available sources of information; (ii) considered factors related to risk of harm; and (iii) considered factors related to the likelihood of reoffending.

Figure 2 compares evaluations of the three kinds of PSR on a number of dimensions. As can be seen, the SDR attracted the most positive ratings. Across all three of these criteria, a positive response was least likely for oral reports (see Figure 2). The report concluded that: ‘Our inspectors found that information from other agencies could not always be shared in the time necessary to be included in the reports, and there was less time for report authors to consider and reflect upon the information which was available. The drive towards speedier reports had thus had an impact upon quality’ (HMIP 2020, p. 12).

Figure 2: The main drivers of quality in a study by HMIP (2020)⁴



More recently, an inspection of *Race Equality in Probation* (HMIP 2021) found that the quality of PSRs prepared in cases of Black, Asian and Minority Ethnic (BAME) service users was ‘insufficient in too many cases’ and that not enough attention was paid to diversity. Of 51 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’ (HMIP 2021, p. 29). The same report also observed considerable variance between different geographical areas in the proportion of ethnic minority service users who had been

⁴ Reproduced from HMIP (2020, p. 13) under the Open Government Licence v3.0.

sentenced without the benefit of a PSR. In the South East and Eastern National Probation Service division in 2019-20, this ranged from 38% in Bedfordshire to 71% in Kent. This is concerning in light of the Lammy Review into the treatment of BAME individuals in the criminal justice system, which observed that PSRs may be particularly valuable in shedding light on individuals from social classes and ethnic backgrounds that are less likely to be familiar to magistrates and judges (Lammy 2017, p. 34).

5. THE VIEWS OF STAKEHOLDERS SINCE THE TRANSFORMING REHABILITATION REFORMS

The views of stakeholders - including sentencers and probation practitioners - in relation to probation work in courts and the quality of PSRs have been sought in a small number of studies conducted since the implementation of the *Transforming Rehabilitation* reforms. These reforms, implemented in 2014-15, created a split between the parts of the probation service with responsibility for providing services to courts (the National Probation Service) and the Community Rehabilitation Companies with responsibility for the supervision of the majority of the offenders (low and medium risk) made subject to community orders. It should be noted, however, that none of these studies has achieved large or representative samples of respondents.

As part of a wider enquiry into the impact of *Transforming Rehabilitation* on sentencers, the Magistrates' Association conducted three surveys (in 2015 and 2016) which touched upon perceptions of PSR quality. Overall, these surveys revealed that magistrates were broadly satisfied with PSRs, and a 'mild improvement' in perceptions of PSR quality was found between 2015 and 2016 (Dowell 2018, p. 30). However, concerns were raised about the quality of information provided in reports about the specific content of community sentences that would be provided by Community Rehabilitation Companies which themselves had no input into the PSR preparation process.

In HMIP's 2017 thematic inspection of *The Work of Probation Services in Courts*, the views of magistrates were sought in respect of a sample of oral reports (n=56) which inspectors had observed being prepared and delivered. Inspectors were able to elicit the views of magistrates' benches in just over half of these cases. They found that in all but one of the cases, 'the benches were approving of the advice given [and] magistrates welcomed the increased availability of oral reports' (HMIP 2017, p. 24).⁵ Research by the Centre for Justice Innovation (2018) similarly found that sentencers generally welcomed oral reports, but added that: 'some sentencers suggested that PSRs were less useful than had previously been the case either due to the increased number of reports being

⁵ It is interesting to note that inspectors rated the oral reports in this sample more highly than either the SDRs or the FDRs they assessed: 91%, 80% and 71% of oral reports, SDRs and FDRs (respectively) were assessed as being of sufficient quality to assist the sentencing process. These findings are in contrast to those reported in HMIP (2020), considered above. However, different assessment criteria were used in the two inspections and the sample analysed in HMIP (2020) was larger.

written by less qualified Probation Service Officers (PSOs) or the move to less comprehensive oral reports' (2018, p. 9).

Studies by Crest Advisory (du Mont and Redgrave 2017) and the Centre for Justice Innovation (2018) both elicited views of probation staff. In the first study, focus group research with staff in one Community Rehabilitation Company revealed concerns about the impact of speedier reports on the quality and detail of offender assessments, which could result in recommendations for community sentence requirements that would not address the causes of offending. In the second study, probation practitioners suggested that oral reports, whilst generally adequate for sentencing purposes, did not always support effective sentence planning at the start of a period of supervision. This meant that time saved in preparing the report had to be spent later on by the supervising officer conducting a full assessment once an order was made. Concerns were also raised about how the reduced scope for fuller, written reports (SDRs) (as specified in National Probation Service targets) meant that serious and/or complex cases were increasingly being sentenced with FDRs produced in much less time. Despite the publication of 'decision tools' to help guide decisions about the appropriate type of report in a given case, the practitioners interviewed in the Centre for Justice Innovation study said that they were not aware of these, or that they did not feel they were able to exercise their discretion in this way (2018, p. 10). Members of court teams interviewed in a study by Robinson (2019a) similarly reported that they did not always feel supported to suggest an alternative type of report to sentencers, who they felt had become accustomed to the immediacy of faster reports and did not always appreciate the benefit of investing more time in the assessment of individuals in more complex or serious cases.

6. CURRENT DEVELOPMENTS IN POLICY AND PRACTICE

Taken together, the findings of recent research suggest that the drive towards speed in the provision of PSRs has had advantages, particularly from the point of view of sentencers. However, it may also have resulted in both a reduction in requests for PSRs and (in some cases) a reduction in the quality of information available to guide decisions both at sentencing and at the start of a community sentence. One recent report has further suggested a link between the decline in requests for PSRs and the longstanding decline in the use of community sentences (Centre for Justice Innovation 2018). In response to these concerns, we are witnessing a phase of reflection at the policy level, and some rebalancing of priorities around speed and quality in the production of PSRs.

The White Paper, *A Smarter Approach to Sentencing*, appears to have recognised (or, perhaps more accurately, to have rediscovered) the crucial role that PSRs, underpinned by a sound assessment of the individual, can play in breaking the cycle of offending - particularly for those with complex needs. It includes a commitment to improve their provision, starting with more investment in probation court teams and the piloting of a number of initiatives to explore both new ways to identify

offenders who would benefit from a PSR, and the use of ‘fuller’ PSRs for cohorts of offenders who typically have more complex needs (Ministry of Justice 2020b).

The PSR pilot promised by the White Paper was launched in March 2021 and by May 2021 it was operational across 15 magistrates’ courts (Ministry of Justice 2021). The *Alternative Delivery Model* (ADM) being piloted seeks to deliver improvements in sentencer confidence, the administration of justice and outcomes for offenders. It has three elements.

The first element builds upon the existing *National Pre-Sentence Report Before Plea Protocol* which was introduced during the Covid-19 pandemic to help alleviate pressures on magistrates’ courts (see Law Society 2021). Its aim is to prevent the need for adjourning cases in order for a PSR to be completed by instead ensuring more reports are produced prior to an offender’s first hearing.⁶ The ADM will reinforce the implementation of the protocol across the 15 pilot sites and measure the impact this is having on numbers of PSRs completed before plea.

The second element of the ADM will target specific groups of offenders who typically have complex needs for a written report (FDR). Where a report cannot be produced on the day, magistrates will be asked to adjourn these cases for up to five days. The identified target groups are women, young adults aged 18-24, and those at risk of custody. Although BAME offenders are a surprising omission from the identified groups, Her Majesty’s Prison & Probation Service (HMPPS) has stated that it expects BAME offenders will be over-represented in the specified groups, the assumption being that they do not need to be targeted separately.

The third element of the ADM is more general, aiming to contribute to the overall improvement of the quality of PSRs via the provision of additional training for staff in court teams. Staff at the pilot sites will receive a package of training, delivered via online learning and virtual workshops, which will include a focus on building communication and advocacy skills, tackling racial disparities in the criminal justice system and learning how to become trauma informed and responsive to better support offenders. This element of the ADR is consistent with a recent position paper on *Probation Court Work* published by the Probation Institute (2021b), which emphasises the wide range of skills, knowledge and experience that underpin effective probation work in courts - including the confidence and good communication skills required to make the case for an adjournment when a fuller assessment is appropriate. Similar observations about the skills required of an effective court team member, and the need for ongoing training provision, have been made in recent research by Robinson (2018; 2019b).

The pilot is the subject of an ongoing evaluation which is due to be completed in 2023.

⁶ Historically, the preparation of PSRs in these circumstances has been resisted by the Probation Service, due to the perceived risk of putting pressure on defendants to plead guilty in the hope of a lesser sentence. The Probation Institute (2021a) has therefore suggested that the protocol should be used cautiously.

7. RESEARCH GAPS

The impact(s) of dispensing with a PSR

Since the 2015 Leveson Review called for more discretion for sentencers to dispense with PSRs, the question of how the absence of a PSR might impact on (and potentially disadvantage) individuals at sentencing has become a pressing one (e.g. HMIP 2020, p. 17; Centre for Justice Innovation 2018). This however is a difficult question for researchers to address, because of the need to be able to control for a wide range of relevant offender/offence variables. It would ideally require an experimental study using randomised controlled trials (RCTs), but this type of study presents ethical issues in criminal justice settings.

The views and experiences of offenders subject to PSRs

To date, almost no research has been conducted on how those who are the subjects of PSRs experience the process (for example, in terms of perceptions of procedural justice, and/or the perceived advantages and disadvantages of reports prepared on the day or on adjournment). Although the Probation Inspectorate has sought the views of some defendants about PSRs prepared in their case (e.g. HMIP 2017, p. 25), there is much more scope to explore the criteria against which defendants tend to evaluate their experiences as the subjects of reports, in respect of both processes and outcomes.

The impact of probation reunification

It is clear that at least some of the recent issues with the provision and quality of PSRs have been attributable to the splitting of probation services under the *Transforming Rehabilitation* reforms. These reforms created resourcing problems for court teams and barriers between courts and the Community Rehabilitation Companies responsible for delivering the majority of community sentences, which both court teams and sentencers found frustrating. The *Target Operating Model* for the future of Probation Services in England and Wales estimates an £8 million annual increase to strengthen probation's effectiveness in court (HMPPS 2021b). This additional investment, coupled with expected improvements in information flows, should (in principle) have a positive impact on the quality of services that court teams are able to provide, over and above the *Alternative Delivery Model* currently being piloted. The impact of probation reunification is therefore another potential avenue for future research.

8. CONCLUSION

The provision of Pre-Sentence Reports is a longstanding role of the Probation Service in England and Wales. These reports make a valuable contribution to sentencing decisions and sentence planning. Under a number of policy influences, recent years have seen some dramatic changes in the provision of PSRs, with a move away from written reports in favour of oral reports, and toward much faster delivery. There has also been a reduction in demand for PSRs from sentencers. These changes have prompted questions about the appropriate balance between speed and quality; about the circumstances in which a report should be requested; and about the types of cases in which a more detailed, written report (and an adjournment) is appropriate. An ongoing pilot study of PSRs will go some way toward answering these questions.

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