**PSR Pilot FAQ**

**Q. What are the pilot's objectives?**

A. The PSR pilot will test an Alternative Delivery Model (ADM) which is designed to increase the delivery of quality and timely PSRs for certain offenders in magistrates’ courts. The PSR pilot project team believe this model will:

1. Improve offender outcomes. More informed PSRs will provide sentencers with a more complete picture of the offender’s circumstances, their needs and risks. In turn, this will enable more tailored sentencing recommendations and ensure offenders receive the most appropriate sentence in sentencing decisions- even if a custodial sentence is deemed the most suitable.
2. Improve sentencers’ confidence in PSRs. Improving the quality of PSRs should provide sentencers with greater confidence in the suitability and deliverability of the recommendation(s) which NPS provides.
3. Improve the administration of justice. The ADM should ensure NPS have greater time to generate a quality PSR, and through early planning, could increase court efficiency, overcome timeliness concerns and increase sentence management efficiency.

**Q. What is the rationale behind the priority cohorts?**

A: The government’s female offender strategy recently led to a review by Lord Farmer which highlighted the value of PSRs for female service users because they typically have complex needs which require more time to address.

Minister Frazer and the Lord Chancellor have a keen interest in preventing young adults (aged 18 – 25 years) from entering the custodial estate where possible and of course without risk to public protection. Moreover, there is the added complexity of understanding a young person’s maturity which can also impact the recommendations from NPS. These are the primary reasons for requesting additional time to produce the PSR.

We are seeking prioritised adjournments for those service users on the cusp of custody (up to 3 months custodial sentence) because there is significant evidence which demonstrates the detrimental impact that short custodial sentences can have by either exacerbating risk factors or removing protective factors which disrupt an individual’s desistance journey.

**Q. What criteria was used for the female priority cohort?**

A: The government’s female offender strategy recently led to a review by Lord Farmer which highlighted the value of PSRs for female service users because they typically have complex needs which require more time to address. For instance, women tend to have a higher prevalence of mental health problems than male service users as well as a higher prevalence of experience of abuse during their childhood and/or adulthood. Binge drinking and Class A drug use are risk factors more strongly associated with reoffending for women than they are for men.

**Q. What criteria was used for 18-24 year olds?**

A: For young adults (aged 18-24), there is the added complexity of understanding a young person’s maturity. They are likely to have specific issues and needs as a result of their maturity levels. Ensuring that the sentencer is cognisant of the specific needs of a younger service user is the primary reason for requesting additional time to produce the PSR.

**Q. What criteria was used for risk of custody?**

A: Evidence demonstrates that short custodial sentences can exacerbate the risk of reoffending and can reduce the impact of positive protective factors which disrupt an individual’s desistance journey. We hope to test whether a written PSR has any impact on whether sentences for this cohort of people are custodial or community and the subsequent engagement with their respective sentence.

**Q. Why have Black, Asian, minority ethnic offenders not been selected as a priority cohort group?**

A: Black, Asian minority ethnic service users will make up a proportion of all three priority cohorts (female service users, service users between 18-24 years and those at risk of custody). - Whilst BAME service users are not a specific priority cohort, the evaluation will collect data to inform whether short format written reports lead to better outcomes for this cohort of service users.

**Q. What is the wider stakeholder engagement plan?**

A: We have been engaging with senior leaders across the criminal justice sector to disseminate communications about the pilot to relevant teams. This includes NPS, HMCTS, the Judiciary, Defence, NHS Liaison & Diversion Services, CSTR sites, The voluntary sector, Police custody suites, and where relevant Bail Information Officers. We will be continuing to engage throughout the next 12 months, both with operations and senior leaders to ensure that updates and progress are shared at key meetings and via communications.

**Q. Will magistrates still be able to direct PSR writers to look at specific matters we think are important?**

A: Probation will take the decision from the court. What the PSR pilot is trying to do, is to present information which may challenge the initial thinking of the court. It should not negate any thinking/direction from the court. But, as happens now, probation may go away with an unpaid work order but then may come back with a different proposal after working with the service user more. The ambition is just that complex cases have more time to provide a higher quality report which can feed into the sentencing decision.

**Q. What does success look like for the pilot?**

A: There are 3 objectives which will come from increased numbers of PSRs and higher quality of PSRs: Improved offender outcomes, improving sentencer confidence, Improve administration of justice. Should produce PSRs for potential guilty pleas ahead of 1st hearing, provide more detailed reports for priority cohorts, and improved quality of on-the-day reports. We are also hoping for improved relationships between probation and the judiciary as well as improved confidence in community disposals. Within probation this means improved transparency regarding community disposals, i.e., what service users will be doing and what's available locally.

**Q. How will you be gathering feedback on the pilot?**

A: We will be collecting data on the pilot from March 2021 and will continue to collate these insights until May 2023. We will be collecting quantitative data including: No of PSRs completed, No of Community Sentences being returned to the court for being unsuitable, Concordance tracking, No of PSRs using PSR before plea protocol. We will also be collecting qualitative data by analysts conducting interviews and observations in September and October 2021 and March-June 2022. This will focus on exploring sentencer confidence in PSRs, sentencers views on the value of PSR, exploring sentencers decision making processes and the effectiveness of the PSR before plea protocol.

**Q. Is there a danger that 'real' sentencing decisions will be pretty much in place before the hearing and magistrates will therefore be reduced to 'rubber-stamping' what Probation and defence have agreed?**

A: The PSR pilot is clear that the sentencing decision rests with the Judiciary. The PSR provides additional relevant information and offers a sentencing proposal. It will then be a matter for the Judiciary to consider whether that information/proposal should inform the sentencing decision. From a practical perspective the report should be made available on court store, the legal advisor would then notify the judiciary that there is a PSR available; however, it is up to the judiciary to decide whether or not to read and consider this report. Additionally, the PSR before plea protocol highlights to the defence legal representative that they need to inform their defendant that the court will decide whether or not to consider the report and may decide to sentence without a PSR if they feel it is unnecessary.

**Q. Should probation ask for a PSR for someone who is in one of the cohorts but a PSR has not been requested, i.e., cases where a fine is the only possible sentence/cases where service users have not passed the community sentence threshold?**

A: Probation should not be asking for a PSR for all defendants of the cohorts unless the court has decided a PSR is necessary because the community threshold has been passed. If this threshold has not been passed the court cannot legally impose a community sentence even if it thinks the defendant may benefit from rehabilitation.