

# Probation & Courts Forum

Highlights  
from  
meeting of  
March 2008

## Magistrates' Court Reports

*Sara Robinson, Assistant Chief Officer – Courts & OASys, reported:*

The London Criminal Justice Board (LCJB) monthly performance data regarding Court Report timeliness has been circulated to Probation and Courts Forum (PCF) members. The January 2008 data and the cumulative data April 2007 – January 2008 shows that performance on the 15 day target dipped slightly in January. The data has been reviewed and it was found that the Christmas period impacted on the length of court adjournments.

It was recently announced by the LCJB Performance Group Chair that the target for the percentage of reports completed within 15 days has been amended to 90%. This is in line with London Probation's Service Level Agreement with the Regional Offender Manager. (Note: from 1 April 2008, the London Regional Offender Manager has been replaced with the new role of Director of Offender Management.)

It is important to ensure that the sentencing proposals reflect the offending-related needs of the individual and the risks they pose to the community. In 2008-09, London Probation will be working with report writers to improve the quality and appropriate targeting of their proposals.

There is an inevitable tension between the judicial process of sentencing and access to resources in order to deliver that sentence. Active dialogue regarding this tension is required, to ensure that London Probation is able to be effective and efficient in reducing the longer terms risks of re-offending. London Probation has a finite capacity to deliver a range of services and must focus its resources on what is proven to be effective with offenders who pose the most risk (assessed as medium risk and above) in terms of the impact of harm and re-offending on victims and local communities.

## Crown Court Reports

*Mary McFeely, Director of London South & Courts, reported:*

There have been some concerns expressed by local courts, regarding the increase in non-reports. In response to this, we have reviewed the data to ensure all necessary steps have been taken to manage this problem.

In January 2008, London Probation were required to produce 812 Crown Court reports. 703 were delivered successfully. Of those cases which were delivered as non-reports, 15 (2%) were due to the fact that probation staff were unable to secure a video link to the prison to conduct the interview. This issue has been raised with the Prison Service, and we are jointly looking at ways to improve access to offenders in custody.

89 offenders did not attend their interview (11%). This contributed to the largest percentage of non-reports. London Probation will be promoting the further use of SMS texting to offenders to remind them to attend their appointments.

The number of non-reports due to them not being allocated was 5 (less than 1%). There is already clear policy regarding the priority of allocating Crown Court reports.

London Probation is continuing to promote the use of Fast Delivery Reports and Oral Reports at Crown Courts to make efficient use of resources and sentencing processes in appropriate cases.

## Discussion: Pre-Sentence Reports – Unpaid Work

The Forum discussed whether it should always be necessary to request a report from Probation before making an Unpaid Work order.

London Probation considers it essential that before an Unpaid Work requirement is imposed by a court, a professional assessment should be undertaken by probation staff to consider the suitability and motivation of the offender and to address any other issues which could affect the viability of such a sentence. This assessment could be undertaken by means of an oral report, a fast delivery report or a standard delivery report depending on the complexity of the case.

London Probation considers that such assessments require skilled analysis by trained staff to ensure accuracy of the assessment.

This position is necessary to minimise the number of Unpaid Work requirements that are made where the offender fails to co-operate from the start of the order, resulting in enforcement proceedings.

To help achieve this aim, London Probation is committed to improving the availability of Stand Down and Fast Delivery Reports in the Crown Court.

Forum members indicated their support for this position.

### Current Issues

**The Forum is committed to influencing key areas of concern to both sentencers and probation. Please send us your comments on the following issues:**

**1.** “The Probation Service does not know with any certainty how many community orders it has the potential capacity to deliver within its resources, nor has it determined the full cost of delivering community orders. Since the potential capacity of the Service and local Areas is undetermined, the impact of any future changes in, for example, policy or sentencing trends is difficult to estimate and therefore manage.” (‘The Supervision of Community Orders in England and Wales’, National Audit Office, 31 January 2008.)

Have sentencers become aware that this is a problem when considering sentencing options? Should NOMS be developing a capacity model as a matter of urgency?

**2.** Justice Minister David Hanson announced on 11 March 2008 that the National Probation Service is to receive £40 million of additional funding to provide alternatives to short prison sentences. London Probation will receive over £6 million of the allocation.

Justice Secretary Jack Straw commented: “It is of course vital we ensure there are prison places for those serious and dangerous offenders who ought to be in prison but there are people in prison who would be better rehabilitated elsewhere. We need to make sure we make the best use of sentencing options that will best reduce reoffending and rehabilitate offenders.”

- Which offenders should short prison sentences be used for?
- How can London Probation best engage sentencers in developing a strategy for effective use of the additional resource to reduce the need for short-term custody and free up prison spaces for dangerous offenders?

**3.** The Forum encourages Magistrates’ Courts across London to develop liaison with local Probation offices, either through a Probation Liaison Committee style arrangement, or through some other means that meets local needs.

Is there support for this approach and are there any suggestions for common objectives?

Please send any comments you may have on the above to London Probation’s new sentencer feedback mailbox:  
[sentencer\\_enquiry@london.probation.gsi.gov.uk](mailto:sentencer_enquiry@london.probation.gsi.gov.uk)

Thank you,  
Basil Tyson, Chair of the  
Probation and Courts Forum