

Service	Assessment & Reports Pre-Sentence	Version	P3.1
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Ministry  
of Justice

## Service Specification for

# Assessment & Reports Pre-Sentence

## Service Specification Document

This document defines the service, including the required outcome(s) and outputs. As part of a SLA or Contract, the national minimum outputs in this document are mandatory for all providers. The document can also contain optional outputs that are available for Commissioners to commission.

### 1. Service Specification Document

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Version Control Table		
Version No.	Reason for Issue / Changes	Date Issued
P1.0	Preview Publication	01/10/2010
P2.0	Go-Live Publication	23/02/2011
P2.1	<p>Updated go-live version. Correction made to wording of output five: "determinate custodial assessment" amended to read: "determinate custodial sentence".</p> <p>Section 10 'Example Measurement/ Assurance Method for Commissioners' (page 6): Standard text updated in line with template changes to this section.</p> <p>Specification output table: reference to assurance method changed from 'NOMS Internal Audit' to more general term 'Audit', on the basis that there may be other more specific types of audits that could be carried out to provide assurance rather than internal audit only.</p>	04/04/2012
AFP1.0	<p>Available for Planning Purposes version. Prepared for MOJ website to assist with forward planning, following revisions to align with the Rehabilitation Programme.</p> <p>Key changes made:</p> <ul style="list-style-type: none"> <li>• Key outcomes for service: new outcome added: "Offenders are allocated to the appropriate offender management provider"</li> <li>• No changes to definition of service</li> <li>• Strategic context: Standard wording inserted about Transforming Justice programme, equalities and female offenders</li> <li>• Section 10 (example measurement methods): Standard wording inserted</li> <li>• New outputs 21 &amp; 22 added to reflect the introduction of the approved allocation tool assessment identifying appropriate OM provider</li> <li>• Outputs reordered to maintain a more logical progression</li> <li>• Original outputs 10, 11 and 12 relating to content of reports have been merged into single new overarching output (now output row 10: "The court receives a report containing a risk of serious harm, likelihood of reoffending and related needs assessment...") to ensure consistency and remove</li> </ul>	10/03/2014

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	<p>unnecessary process</p> <ul style="list-style-type: none"> <li>• Original outputs 16 (“Reports provided for the court are concise and meet a quality standard consistent with the specification.”) &amp; 21 (“In a proportion of cases where there is an assessed need, the offender is given a second appointment.”) deleted as they described a process rather than an output</li> <li>• Original output 6 (“Arrangements are made to enable areas to provide available information regarding the cost-effectiveness of sentencing options to sentencers”) deleted.</li> <li>• Output 7 (data collection): reworded to refer to ‘authority approved format’ in line with other specifications</li> <li>• Female offenders: references to non-mandatory instructions updated.</li> </ul>	
P3.0	Go-live version. No significant changes made. Mandatory/non-mandatory references updated where relevant (including reference added to ‘Working with Personality Disorder’, in terms of risk assessment, at output row 16).	03-06-2014
P 3.1	<p>MOJ Community Commissioner Review of Specification to refresh policy reference material. The following information has been removed:</p> <p>The Specification, Benchmarking and Costing Programme’s Early Priorities report recommended the proportion of FDRs could be increased from approximately 30% to 70% in order to achieve savings and to align the nature of the assessment with the complexity and seriousness of the case. This rebalancing has been monitored by the NOMS Performance and Information Analysis Group. PI 05/2011 Determining Pre-Sentence Report provided revised guidance for determining which format to use to ensure that full reports would not be prepared when those of a shorter format or provided orally would meet sentencers’ needs. In addition to cost savings, an additional driver was the Criminal Justice: Simple, Speedy, Summary (CJSSS), now Transforming Justice Programme, principles of concluding a case and beginning a sentence as soon as possible. Courts therefore welcomed the move towards leaner processes and resolving cases faster.</p>	26-10-2017.

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	<p>The following Probation Instructions have been removed and replaced with the most up to date PI:  PI 11/2011 replaced with an up dated PI 04/2016 – Determining Pre-Sentence Reports.</p> <p>Other policy statements or guidance documents replaced the following:  National Standards for the Management of Offenders updated to the 2015 version.  HM Government’s Statutory guidance for Working Together to Safeguard Children was updated in 2015 and this has been changed to reflect this. It appears that further work will take place later this year (2017) to further revise this guidance.</p> <p>The policy statements below have been added to the specification to provide details of expectations of NPS for safeguarding.</p> <ul style="list-style-type: none"> <li>• NPS Policy Statement: Safeguarding and Promoting the Welfare of Children (2017)</li> <li>• NPS Policy Statement: Safeguarding Adults at Risk (2016)</li> <li>• NPS Practice Guidance: Safeguarding Adults at Risk; Offenders in the Community with Care and Support Needs (2016)</li> </ul> <p>Updated:  Statutory guidance for Wales is Safeguarding Children: Working Together under the Children Act 2004 (2007) has been added, however this is also due for a revision later this year.  Legislative duties for Probation providers regarding safeguarding and promote the welfare of children in section 11 of the Children Act 2004 applies to England with the duty for Wales is in section 28 of the 2004 Act.</p> <p>For safeguarding adults, the relevant legislation is the Care Act 2014 and the Social Services and Well-being (Wales) Act 2014 with associated statutory guidance.  Reference to Transforming Summary Justice and the Better Case Management added as updates to the wider system.</p> <p>Other policy statements or guidance documents replaced the following:  The NOMS Domestic Abuse Strategy 2010 replaced with 2016 version</p>	
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	<p>The following guidance has been removed:  'Specific guidance for working with perpetrators is contained in 'Guidance to Support NPS Domestic Abuse Policy and Strategy: Assessing and Managing Risk of Harm and the Use of Interventions'(August 2008)'  Replaced with the following policy statements below to provide details of expectations of NPS for safeguarding adults.</p> <ul style="list-style-type: none"> <li>• NPS Policy Statement: Safeguarding Adults at Risk (2016)</li> <li>• NPS Practice Guidance: Safeguarding Adults at Risk; Offenders in the Community with Care and Support Needs (2016)</li> </ul> <p>Working with Personality Disordered Offenders. A Practitioners Guide January 2011 update with the NHS England, Second Edition September 2015.  Strategic Objective for Female Offenders (MoJ, March 2013) - replaced with an updated version March 2014.</p>	
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## Introduction to Assessment & Reports Pre-Sentence Specification

1.	<b><i>Service Name</i></b>	<b>Assessment &amp; Reports Pre-Sentence</b>
2.	<b><i>Key Outcome(s) for Service</i></b>	<p>A report is produced which assists sentencers in determining a means of dealing with the offender which:</p> <ul style="list-style-type: none"> <li>• Meets the purposes of sentencing as determined by the Criminal Justice Act 2003</li> <li>• Facilitates the management of risk</li> <li>• Is cost-effective and evidence informed. Offenders are allocated to the appropriate offender management provider.</li> </ul>
3.	<b><i>Definition of Service</i></b>	<p>The Criminal Justice Act 2003 (s.158) defines the Pre-Sentence Report (PSR) as “a report which, with a view to assisting the court in determining the most suitable method of dealing with an offender, is made and submitted by an appropriate officer and contains information presented in such a manner as may be prescribed by rules made by the Secretary of State.”</p> <p>The Act stipulates the report should include an assessment of the nature and seriousness of the offence and its impact on the victim. The information should be provided in an appropriate format commensurate with the seriousness and complexity of the offence.</p> <p>All offenders are assessed in the course of report preparation to determine their likelihood of reoffending and risk of causing serious harm. Specialist assessments are also undertaken. Some of these, such as mental health assessments, are requested by the court. Others are initiated by the PSR provider. These include assessments of domestic abuse, sexual offending and suitability for requirements of community orders.</p>
4.	<b><i>Service Elements In</i></b>	<ul style="list-style-type: none"> <li>• An appropriate response is made to the court’s request</li> </ul>

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	<b>Scope</b>	<ul style="list-style-type: none"> <li>Information is collated</li> <li>Offenders are assessed and information is shared to assist public protection</li> <li>The sentencing options provided to the court match the seriousness of the offence and provide public value</li> <li>Allocation to the offender management services provider</li> </ul>
5.	<b>Out of Scope</b>	<p>Court work is more generally covered in the 'Court Work other than Assessments &amp; Reports' service specification. The presentation of completed Standard/Fast Delivery Reports to the court is included in that specification. The presentation of the Oral Report is included in this specification because it is only after the report has been delivered orally in court by its writer that it is completed and the preparation process is at an end.</p> <p>Bail information, provided to the court at an early stage in the case about the availability of suitable bail accommodation is also out of scope for this service specification. This differs from bail assessment whereby an offender is bailed for assessment of their suitability for a particular disposal or requirement, such as alcohol or drug treatment. The latter falls within the scope of this specification.</p> <p>Support Delivery of Drug Rehabilitation Requirement reviews.</p> <p>Post Sentence Offender Assessment System (OASys) completion in custody or community.</p>
6.	<b>Dependent Service Elements</b>	<p>Court Work other than Assessments &amp; Reports service specification. Work is being undertaken by National Probation Service in courts in building constructive relationships with other, agencies and with sentencers. Through active participation in pre-court meetings, public sector staff can develop the confidence of other court users in shorter report formats and significantly influence demand.</p>
7.	<b>Strategic Context</b>	<p>The specification aligns with the Ministry of Justice (MOJ) <i>Transforming Rehabilitation: A Strategy for Reform</i> document published in May 2013. This outlines the services to be provided by the National Probation Service and prisons, and the services to be delivered by contracted providers.</p> <p>The National Probation Service holds responsibility for advice to courts, and offender management of MAPPA and high risk of serious harm and other public interest offenders. In regards to the low and medium risk of serious harm cases, expected to be managed by contracted providers, the National Probation Service must also respond to information from the these providers and staff working in prisons</p>

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	<p>that suggests that there may be a potential escalation to high risk of serious harm. A full risk review must then be undertaken and NPS are expected to take on the responsibility for the management of any cases in which risk of serious harm has become high.</p> <p>This specification requires effective working arrangements between the National Probation Service, prisons and providers of services.</p> <p>Prior to the implementation of the Criminal Justice Act 2003 in 2005, the National Probation Directorate took steps to reduce the resources devoted to PSR preparation through the introduction of the Specific Sentence Report, which was a limited enquiry into the suitability of a particular community sentence. This however, appeared to lead to an increase in reports requested and community orders made.</p> <p>At the point at which the relevant section of the Act was implemented, national guidance was provided for report writers with the aim of avoiding unnecessarily detailed assessment in relatively straightforward cases. The removal by the Act of the requirement for reports to be in a written format presented an opportunity to reduce resources. It set out a framework designed to ensure that the problem of increasing demand was not repeated with the new reports. The guidance defined three different formats:</p> <ul style="list-style-type: none"> <li>• <b>Oral Reports:</b> providing specific, concise information usually on the day it is requested</li> <li>• <b>Fast Delivery Reports (FDRs):</b> to be provided in less serious and complex cases within five working days (but in practice, often produced on the day)</li> <li>• <b>Standard Delivery Reports (SDRs):</b> to be used in the most serious and complex cases and normally provided within 15 working days</li> </ul> <p>PI 04/2016 Determining Pre-Sentence Report -Sentencing within the new framework, provides a revised guidance for determining the most appropriate format for providing information to courts, and builds on best practice achieved between the probation service and courts . In addition It supports the principles of Criminal Justice:</p> <p>Simple, Speedy, Summary (CJSSS), the Transforming Justice Programme and Better Case Management (BCM), principles of concluding a case and beginning a sentence as soon as possible. Courts have welcomed the move towards leaner processes and resolving cases in a shorter timeframe.</p> <p>The quality of reports remains an important issue for the National Probation Service, if they are going to</p>
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		<p>achieve their purpose of ensuring sentences passed reflect the offender's profile.</p> <p><b>Equalities</b></p> <p>Under the Equality Act 2010, the Ministry of Justice has an ongoing legal duty to pay 'due regard' to the need to: eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct; advance equality of opportunity between different groups (those who share a protected characteristic and those who do not); and, foster good relations between different groups. Providers are required to act in accordance with this duty, as well as the more general provisions of the Equality Act. Historically, there have been unequal patterns of outcomes, with some groups of offenders with shared protected characteristics faring better than others (see NOMS Equalities Annual Report 2011-12). The MOJ is committed to address this disproportionality.</p> <p><b>Female Offenders</b></p> <p>Female offenders are a minority grouping within the offender cohort and often exhibit complex needs which must be addressed if their risk of reoffending is to be reduced. The government published its Strategic Objectives for Female Offenders in March 2014, which is integral to the delivery of offender management services. Needs in relation to domestic violence, sexual violence, and abuse are highly prevalent among female offenders. The MOJ and NOMS continue to work with the Home Office on its Ending Violence Against Women and Girls annual action plan.</p>
8.	<b><i>Flexibility</i></b>	All the outputs in this specification are mandatory – referred to as the <b>National Minimum</b> .
9.	<b><i>Reference to Supporting Documents</i></b>	Supporting documents to be determined.
10.	<b><i>Example Measurement/ Assurance Method for Commissioners</i></b>	Delivery under this specification is subject to the requirements set out in the NPS Service Level Agreements'; the CRC Contract (Schedule 9 - Service Levels and Service Credits and Schedule 21 - Management Information); and Performance Reports. These documents include information about key performance measures, equalities data, management information, quality assurance and inspection activities.
11.	<b><i>References for Detailed Mandatory Instructions</i></b>	<ul style="list-style-type: none"> <li>• Probation Instruction (PI) 05/2014 &amp; PSI 14/2014 Case Allocation</li> </ul>

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		<ul style="list-style-type: none"> <li>• PI 04/2016 Determining Pre-Sentence Reports – Sentencing within the new framework</li> <li>• National Standards for the Management of Offenders 2015</li> <li>• Criminal Justice Act 2003, Section 158</li> <li>• Children Act 2004, Section 11</li> <li>• 'Working Together to Safeguard Children. A guide to inter-agency working to safeguard and promote the welfare of children' (HM Government, March 2015)</li> <li>• Sections 325–327 of the Criminal Justice Act 2003 create statutory duties in relation to Multi-Agency Public Protection Arrangements (MAPPA). The statutory duties are supported by successive issues of MAPPA Guidance: Chapter 11, the most recent of which was issued in 2012</li> <li>• Equality Act 2010</li> </ul>
12.	<b>References for Non-Mandatory Guidance</b>	<ul style="list-style-type: none"> <li>• OASys Manual</li> <li>• PI 04/2016 Determining Pre-Sentence Reports - Sentencing within the new framework</li> <li>• The NOMS Domestic Abuse Strategy 2016</li> <li>• Working with Personality Disordered Offenders. A Practitioners Guide (NHS England Second Edition September 2015)</li> <li>• <a href="#">The delivery of the Government's strategic objectives for female offenders (MOJ, March 2014)</a></li> </ul>
13.	<b>Review Cycle</b>	Review cycle to be determined.

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## Specification

### National Minimum

<b>Row No.</b>	<b>Service Elements</b>	<b>Outputs / Output Features</b>	<b>Applicable Offender Types</b>	<b>Policy Theme</b>	<b>Example Measurement / Assurance Method for Commissioners</b>	<b>References for Detailed Mandatory Instructions</b>	<b>References for Non-Mandatory Guidance</b>
1.	An appropriate response is made to the court's request	The court's request for information is recorded on authority approved information systems.	All Offenders		Contract Management and/or Audit		OASys Manual
2.	An appropriate response is made to the court's request	Information is provided within timescales agreed with the court.	All Offenders			Criminal Justice Act 2003; Section 158	
3.	An appropriate response is made to the court's request	Information is provided in a cost-effective format that reflects the seriousness, complexity and risk of the case and the stated sentencing purposes of the court.	All Offenders	Rebalancing of FDRs/ SDRs/Oral Reports	Contract Management and/or Audit		PI 04/2016

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<b>Row No.</b>	<b>Service Elements</b>	<b>Outputs / Output Features</b>	<b>Applicable Offender Types</b>	<b>Policy Theme</b>	<b>Example Measurement / Assurance Method for Commissioners</b>	<b>References for Detailed Mandatory Instructions</b>	<b>References for Non-Mandatory Guidance</b>
4.	An appropriate response is made to the court's request	The court receives relevant sentencing option information on the day unless: a written report is specifically requested, there is a risk of the offender causing serious harm, or previous history indicates the risk of reoffending is greater than that scored on the actuarial risk predictor.	All Offenders	Transforming Justice and Better Case Management	Contract Management and/or Audit	PI 04/2016	
5.	An appropriate response is made to the court's request	The Crown Court is offered a short report prepared on the day in all cases where a determinate custodial sentence is inevitable and a report has been requested.	All Offenders	Transforming Justice	Contract Management and/or Audit	Criminal Justice and Immigration Act 2008	

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6.	An appropriate response is made to the court's request	Report writers receive information relevant to offender management and rehabilitation services available to the Court as part of a community Sentence or Suspended Sentence Order.			Service Level Agreements	<b>PI 04/2016</b>	
7.	An appropriate response is made to the court's request	Data (including equalities data) is provided as required for performance monitoring and statistical returns in an authority approved format.	All Offenders		Contract Management and/or Audit & Service Level Agreements and Performance Information		
8.	An appropriate response is made to the court's request	Expedited reports are completed on offenders remanded in custody.	Offenders remanded in custody	Prison Population Management	Contract Management and/or Audit		
9.	Information is collated	Information is collated by a report writer who has been assessed as competent to provide	All Offenders		Contract Management and/or Audit	Criminal Justice Act 2003; Section 158	<b>PI04/2016</b>

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Row No.	Service Elements	Outputs / Output Features	Applicable Offender Types	Policy Theme	Example Measurement / Assurance Method for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
		reports to the court.					
10.	Information is collated	The court receives a report containing a risk of serious harm, likelihood of reoffending and related needs assessment and draw on a sufficient range of sources from within and outside the Criminal Justice System.	All Offenders	Public Protection Domestic Violence Safeguarding Children Victim Liaison	Contract Management and/or audit	Criminal Justice Act 2003; Section 158 National Standards 2015	NOMS Risk of Serious Harm Guidance (June 2009) The NOMS Domestic Abuse Strategy 2010
11.	Information is collated	Children and at risk adults are safeguarded through multi-agency working and contact with Local Safeguarding Children and Adult Safeguarding Boards.	Offenders who have committed offences against children or at-risk adults. Offenders who are at-risk adults	Safeguarding Children	Contract Management and/or Audit	Children Act, 2004: Section 11 Working Together to Safeguard Children (HM Government , 2013), Chapter 2 MAPPA Guidance (2012), Chapters 11	NPS Policy Statement: Safeguarding and Promoting the Welfare of Children (2017)  NPS Policy Statement: Safeguarding Adults at Risk (2016)  NPS Practice Guidance: Safeguarding Adults at Risk; Offenders in

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							the Community with Care and Support Needs (2016)
12.	Information is collated	The diverse needs of offenders are taken into account in planning the timing, location and conduct of contact (for example interpreters are provided where appropriate).	All Offenders		Contract Management and/or Audit		
13.	Information is collated	The court receives a report on the adjournment date in all cases where the offender has failed to attend for interview.	All Offenders		Contract Management and/or Audit		PI 04/2016
14.	Information is collated	Female offenders are offered the option of being interviewed by a female report writer.	Female Offenders	Strategic Objectives for Female Offenders	Contract Management and/or Audit	Equality Act 2010	Strategic Objectives for Female Offenders (MoJ, March 2013)
15.	Information is collated	Female offenders are offered the option of being interviewed in a female-only environment.	Female Offenders	Strategic Objectives for Female Offenders	Contract Management and/or Audit	Equality Act 2010	Strategic Objectives for Female Offenders (MoJ, March 2013)

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16.	Offenders are assessed and information is shared to assist public protection	The offender receives a risk of serious harm, likelihood of reoffending and related needs screening and these are recorded using an approved assessment criteria to assist sentencing decision making.	All Offenders		Contract Management and/or Audit	PI 05/2014 & PSI 14/2014 Case Allocation, especially para 3.1	OASys Working with Personality Disordered Offenders (DH, 2011)
17.	Offenders are assessed and information is shared to assist public protection	The offender receives a specialist assessment, where the report writer judges this to be necessary to assist sentencing decision making, to include: sexual offending, domestic abuse, mental health, alcohol and/or substance misuse, suitability for Requirements, interventions or Community based Orders.	All Offenders		Contract Management and/or Audit Other assurance activity SLA's and performance		

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18.	Offenders are assessed and information is shared to assist public protection	The offender is engaged as an active participant in the assessment and preparation of the report and motivated to comply with any order made.	All Offenders	Compliance	Contract Management and/or Audit	National Offender Management Model OASys Policy – use of self-assessment questionnaire	
19.	Offenders are assessed and information is shared to assist public protection	The report author acts appropriately upon receipt of information concerning risk of serious harm to the public and or victim issues, arising from the assessment and partner agencies are informed.	All Offenders	Public Protection	Contract Management and/or Audit	MAPPA Guidance (2012) Chapters 11 Victim Liaison Service Specification	
20.	The sentencing options provided to the court match the seriousness of the offence and provide public value	The report to court contains a proposal for sentence consistent with the seriousness of the offence and risks presented by the offender, which takes into account the cost-effective use of resources.	All Offenders	Public Value	Contract Management and/or Audit		PI 04/2016 1.34 & 1.35 - SGC Guideline – Overarching Principles: Seriousness 7 1.36 - SGC Guideline - Overarching Principles: Seriousness

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21.	Allocation to the offender management services provider	The report writer identifies the offender management provider for each offender using the approved allocation tool and records outcome on the authority approved information system.	All convicted offenders who have a completed report pre sentence			PI 05/2014 & PSI 14/2014 Case Allocation	
22.	Allocation to the offender management services provider	Where a report pre sentence has not been prepared, the National Probation Service will identify the offender management provider using the approved allocation tool and records outcome on the authority approved information system.	All convicted offenders who do not have a completed report pre sentence			PI 05/2014 & PSI 14/2014 Case Allocation; especially 3.14-3.18	