

SFJ EA3

Develop proposals and prepare reports to inform sentencing



Overview

This standard is about developing proposals and preparing reports to inform decisions. Proposals address requirements for punishment, the reduction of offending behaviour, the protection of the public and the preparation of reports.

In working with offenders you are expected to consistently display the skills of pro-social modelling, offender engagement and professional judgment to encourage offenders to desist from their offending behaviour and to reduce the risk of re-offending.

There are two elements

- 1 Develop proposals for sentences
- 2 Prepare reports to inform sentencing

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Performance criteria

Develop proposals for sentences

You must be able to:

- P1 progress the gathering of information necessary for the proposals, in line with agreed priorities and your organisation's requirements and timescales
- P2 identify the options available for sentencing which are consistent with the assessment of the individual and their offending behaviour, and the risk of harm
- P3 discuss possible options with individuals in a manner which promotes understanding, co-operation and compliance
- P4 discuss possible options with others who might be affected by the choice or who may have a role in putting the option into effect
- P5 structure information in ways which allow others to use it readily, including partnership arrangements
- P6 seek advice and support when team discussion and supervision are appropriate
- P7 select options which are most likely to be effective in managing risk, and meet the concerns of victims
- P8 determine the efficient use of available resources
- P9 structure proposals which are suitable for the individual given their history of previous responses to sentences and demonstrate evidence of effective practice and appropriate theoretical frameworks
- P10 provide your proposal, including all relevant information, to the relevant person(s)
- P11 maintain the confidentiality of information, in line with your organisation's requirements

Prepare reports to inform sentencing

You must be able to:

- P12 check with appropriate organisations whether there is any additional relevant information which relates to the individual
- P13 write reports in plain language, and summarise accurately at the start of the report the information contained within in it
- P14 give a balanced picture of:
 - P14.1 the individual's personal circumstances
 - P14.2 the context and history of the individual's offending
 - P14.3 any actions which the individual has taken to address their offending
 - P14.4 any identified risk of re-offending
- P15 state the risk of harm and re-offending which the individual poses to:
 - P15.1 the actual and potential victims of the crime
 - P15.2 people significant to the individual
 - P15.3 people working with the individual
 - P15.4 the individual him/herself

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- P15.5 any children involved
- P16 provide a valid and justifiable assessment of the offence and
 - P16.1 identify the context in which the offence occurred
 - P16.2 any related offences
 - P16.3 include the seriousness of the offence including its effect on victims
 - P16.4 include the individual's attitude to victims and the offence
- P17 identify the responsibility which the individual takes for their offending behaviour and the degree of premeditation
- P18 identify whether there are any special circumstances which are directly relevant to the offending and their implications
- P19 assess whether there is any specific feature of the offence which conforms to a pattern and could be relevant to the seriousness of the risks posed by the offender
- P20 make proposals for:
 - P20.1 managing risk of harm
 - P20.2 meeting the concerns of victims
 - P20.3 reducing re-offending
 - P20.4 enabling the individual to successfully complete the proposed option
- P21 check that proposals are consistent with sentencing guidelines, make efficient use of available resources, and conform to partnership arrangements
- P22 allow individuals to see a copy of the report and explain to them who may have the right of access to it
- P23 send reports to the courts in the required timescales for the hearing

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Knowledge and understanding

You need to know and understand:

Legislative, regulatory and organisational requirements

- K1 legal and organisational requirements which relate to developing proposals and preparing reports to inform sentencing, and their impact for your area of operations
- K2 legislation, policies and procedures relating to data protection, health and safety, diversity and their impact for your area of operations
- K3 the role of your organisation and the services which it provides in the preparation of proposals and reports to inform sentencing
- K4 the organisation's policy and procedures regarding confidentiality of information and the disclosure of information to third parties, and the specific circumstances under which disclosure may be made
- K5 the limits of your authority and responsibility, and the actions to take if these are exceeded

Working within the community justice sector

You need to know and understand:

- K6 the impact of crime on victims and their need for protection, respect, recognition and information
- K7 the ways in which the physical, social, psychological and emotional development and functioning of individuals affects their behaviour and its associated patterns
- K8 relevant research into the relationship between known factors which influence offending behaviour and evidence of effective practice in tackling these factors
- K9 current definitions of risk and the purpose of risk assessment and management
- K10 the ways in which stereotyping and discrimination might affect risk assessment and how to guard against this
- K11 issues involved in risk identification and prediction, including the use of different predictive methods and the agency's risk assessment tools
- K12 high risk of serious harm case registration, management and multi-agency public protection arrangements
- K13 the ways in which it is necessary to alter communication when working with different individuals and representatives of different organisations
- K14 methods of encouraging the effective involvement of the individual in the assessment
- K15 the reasoning processes followed during information gathering and assessment
- K16 the range of sentencing options, both in the community and custodial, and the reasoning processes used in determining the most appropriate options for the individual concerned
- K17 methods of handling situations where there is the potential for conflict

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