

FX0X 04 (EA3) Develop Proposals and Prepare Reports to Inform Sentencing

Elements of competence

- EA3.1 Develop proposals for sentences
- EA3.2 Prepare reports to inform sentencing

About this Unit

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

Evidence Requirements for the Unit

It is essential that you adhere to the Evidence Requirements for this Unit — please see details overleaf.

SPECIFIC EVIDENCE REQUIREMENTS FOR THIS UNIT
Simulation:
◆ Simulation is permitted for this Unit.
The following forms of evidence ARE mandatory:
<ul style="list-style-type: none"> ◆ Direct observation: Your assessor or expert witness must observe you in real work activities that provide a significant amount of the performance criteria for most of the elements in this Unit. For example your assessor may see you obtaining and verifying information from the offender and/or others involved. The information may be needed for risk assessment, pre-sentence reports, decisions relating to bail, planning and reviewing community and custodial sentences. ◆ Reflective account/Professional discussion: These will be an explanation or a description of your practice in particular situations based on current working practices. For example an account of a meeting with the offender and/or others involved. An account of how you have gained and from whom you have obtained this information, the communication skills used and the process of evaluating the information. You should also demonstrate knowledge of your agency's policies and procedures in relation to the information gathered and their purpose.
Competence of performance and knowledge could also be demonstrated using a variety of evidence from the following:
<ul style="list-style-type: none"> ◆ Questioning/Professional discussion: May be used to provide evidence of knowledge, legislation, policies and procedures that cannot be fully evidenced through direct observation or reflective accounts. In addition the assessor/expert witness may also ask questions to clarify aspects of your practice. ◆ Expert witness: A designated expert witness may provide direct observation of practice, questioning, undertaking a professional discussion or providing feedback on a reflective account. Working with offending behaviour can pose a number of challenges for direct observation of practice by assessors not based in the Workplace and it is vital that expert witnesses are identified at the planning stage as they will be require to work closely with your assessor in the evidence gathering process. ◆ Witness testimony: Can be a confirmation or authentication of the activities described in your evidence that your assessor has not seen. A work colleague or another key person could provide this. It is NOT appropriate to use witness testimony from any offenders/member of their family or circle of friends. ◆ Products: These can be records and reports you have produced for, eg pre-sentence reports, breach reports, through-care sentence planning, licence arrangements and conditions, and supervision plans and reviews, risk assessments, incident records and/or any agency approved forms and records. ◆ Due to the nature of this Unit considerable care should be given to the inclusion of any anonymised records in your portfolio. They should remain where they are normally stored and checked for their authenticity by your Assessor as well as occasionally by your verifier. Where records are included great care should be taken to ensure they are anonymised to ensure confidentiality.

GENERAL GUIDANCE

- ◆ Prior to commencing this Unit you should agree and complete an assessment plan with your assessor which details the assessment methods (including potential products) and the tasks you will be undertaking to demonstrate your competence.
- ◆ Evidence must be provided for ALL of the performance criteria ALL of the knowledge and parts of the range/scope that are relevant to your job.
- ◆ Candidates and assessors should ensure that knowledge evidence should be integrated into the reflective accounts, direct observations and if appropriate in professional discussions. Care should be taken to avoid assessment of knowledge through set or banks of questions as they generally do not reflect real work practice.
- ◆ The evidence must reflect the policies and procedures of your workplace and be linked to the current legislation, values and principles of best practice within the Community Justice sector and in particular those staff working with offenders.
- ◆ ALL evidence must relate to your own work practice.

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KNOWLEDGE SPECIFICATION FOR THIS UNIT

Competent practice is a combination of the application of skills and knowledge informed by values and ethics. This specification details the knowledge and understanding required to carry out competent practice in the performance described in this Unit.

When using this specification **it is important to read the knowledge requirements in relation to expectations and requirements of your job role.**

You need to provide evidence for ALL knowledge points listed below. There are a variety of ways this can be achieved so it is essential that you read the ‘knowledge evidence’ section of the Assessment Guidance.

You need to show that you know, understand and can apply in practice:	Enter Evidence Numbers
<i>Legislative, regulatory and organisational requirements</i>	
1 Legal and organisational requirements which relate to developing proposals and preparing reports to inform sentencing, and their impact for your area of operations.	
2 Legislation, policies and procedures relating to data protection, health and safety, diversity and their impact for your area of operations.	
3 The role of your organisation and the services which it provides in the preparation of proposals and reports to inform sentencing.	
4 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.	
5 The limits of your authority and responsibility, and the actions to take if these are exceeded.	
<i>Working within the community justice sector</i>	
6 The impact of crime on victims and their need for protection, respect, recognition and information.	
7 The ways in which the physical, social, psychological and emotional development and functioning of individuals affects their behaviour and its associated patterns.	
8 Relevant research into the relationship between known factors which influence offending behaviour and evidence of effective practice in tackling these factors.	
9 Current definitions of risk and the purpose of risk assessment and management.	
10 The ways in which stereotyping and discrimination might affect risk assessment and how to guard against this.	
11 Issues involved in risk identification and prediction, including the use of different predictive methods and the agency’s risk assessment tools.	

FX0X 04 (EA3) Develop Proposals and Prepare Reports to Inform Sentencing

You need to show that you know, understand and can apply in practice:	Enter Evidence Numbers
<i>Working within the community justice sector (cont)</i>	
12 High risk of serious harm case registration, management and multi-agency public protection arrangements.	
13 The ways in which it is necessary to alter communication when working with different individuals and representatives of different organisations.	
14 Methods of encouraging the effective involvement of the individual in the assessment.	
15 The reasoning processes followed during information gathering and assessment.	
16 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.	
17 Methods of handling situations where there is the potential for conflict.	

FX0X 04 (EA3) Develop Proposals and Prepare Reports to Inform Sentencing

EA3.1 Develop proposals for sentences

Performance Criteria		DO	RA	EW	Q	P	WT
1	Progress the gathering of information necessary for the proposals promptly, in line with agreed priorities and your organisation's requirements and timescales.						
2	Identify the options available for sentencing which are consistent with the assessment of the individual and their offending behaviour, and the risk of harm.						
3	Discuss possible options with individuals in a manner which promotes understanding, co-operation and compliance.						
4	Discuss possible options with others who might be affected by the choice or who may have a role in putting the option into effect.						
5	Structure information in ways which allow others to use it readily, including partnership arrangements.						
6	Seek advice and support promptly when team discussion and supervision are appropriate.						
7	Select those options which are most likely to be effective in managing risk, and meet the concerns of victims.						
8	Determine the efficient use of available resources.						
9	Structure proposals which demonstrate evidence of effective practice and appropriate theoretical frameworks, such that these are suitable for the individual given their history of previous responses to sentences.						
10	Provide your proposal, including all relevant information, promptly to the relevant person(s).						
11	Maintain the confidentiality of information, in line with your organisation's requirements.						

DO = Direct Observation
EW = Expert Witness

RA = Reflective Account
P = Product (Work)

Q = Questions
WT = Witness Testimony

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EA3.2 Prepare reports to inform sentencing

Performance Criteria		DO	RA	EW	Q	P	WT
1	Check with appropriate organisations whether there is any additional relevant information which relates to the individual.						
2	Write reports in plain language, summarising clearly and accurately at the start of the report all of the information contained within in it.						
3	Give a balanced picture, which is free from discrimination, of the individual's personal circumstances, the context and history of the individual's offending, and include any actions which the individual has taken to address their offending, explaining any identified risk of re-offending.						
4	State clearly the risk of harm and re-offending which the individual poses to the actual and potential victims of the crime, including people significant to the individual, people working with the individual, the individual him/herself, and any children involved.						
5	Provide a valid and justifiable assessment of the offence, identifying the context in which the offence occurred and any related offences, the seriousness of the offence including its effect on victims, and the individual's attitude to victims and the offence.						
6	Identify the responsibility which the individual takes for their offending behaviour and the degree of premeditation.						
7	Identify whether there are any special circumstances which were directly relevant to the offending, and the implications, where relevant.						
8	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.						

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Performance Criteria		DO	RA	EW	Q	P	WT
9	Make proposals which are most likely to be effective in managing risk of harm, meeting the concerns of victims, reducing re-offending, and enabling the individual to successfully complete the proposed option.						
10	Ensure proposals are consistent with sentencing guidelines, make efficient use of available resources, and conform to partnership arrangements.						
11	Conclude the report in a manner which flows logically and directly from its contents.						
12	Allow individuals to see a copy of the report and explain to them who may have the right of access to it.						
13	Send reports to the courts in sufficient time for the hearing.						

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To be completed by the candidate

I SUBMIT THIS AS A COMPLETE UNIT

Candidate's name:

Candidate's signature:

Date:

To be completed by the assessor

It is a shared responsibility of both the candidate and assessor to claim evidence, however, it is the responsibility of the assessor to ensure the accuracy/validity of each evidence claim and make the final decision.

I CERTIFY THAT SUFFICIENT EVIDENCE HAS BEEN PRODUCED TO MEET ALL THE ELEMENTS, PCS AND KNOWLEDGE OF THIS UNIT.

Assessor's name:

Assessor's signature:

Date:

Assessor/Internal verifier feedback

To be completed by the internal verifier if applicable

This section only needs to be completed if the Unit is sampled by the internal verifier

Internal verifier's name:

Internal verifier's signature:

Date: