

## ANALYSIS AND RESEARCH

### NOTE OF SUB-GROUP MEETING

18 November 2015

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Members present: Julian Roberts (Chair)  
Richard Williams

Apologies: Tim Holroyde  
John Saunders

In attendance: Emma Marshall (Head of Analysis and Research)  
Sarah Poppleton (Researcher)  
Caroline Nauth-Misir (Statistician)  
Lauren Bowes (Researcher)

#### 1. UPDATE ON SOCIAL RESEARCH WORK

1.1 Sarah Poppleton (SP) informed the group that the data collection exercise for the theft and drugs guidelines evaluation has began in 81 magistrates' courts and that data collection appears to be going well so far, with a number of courts having already requested additional forms from our contractor, RAND Europe. SP showed the group the two data collection forms that are being used for the evaluation. Data will be collected for five weeks pre-Christmas and for four weeks after the Christmas break (i.e. throughout January, before the definitive theft guideline comes into force on 1 February 2016).

1.2 SP updated the group on progress on our project to scope out the best way to collect data from the magistrates' courts in the future, which is currently being carried out by NatCen Social Research. By the end of this week, NatCen will have carried out six out of the seven planned visits to courts across the seven HMCTS regions and a survey of all courts will be disseminated via the justices' clerks during the week commencing 30 November. The project will report at the end of January.

1.3 SP informed group that in September/October the research team carried out a telephone survey with 60 participants (52 magistrates and eight district judges) on how they currently sentence possession of a bladed article/offensive weapon offences. The results of this survey (presented later at this meeting) will be combined with early feedback responses and analysis of Crown Court sentencing transcripts for presentation to the Council in January 2016.

1.4 Other ongoing work within the social research team is a content analysis of 154 manslaughter transcripts, which Lauren (LB) has begun in preparation for the manslaughter guideline. In terms of completed work, the health and safety research bulletin was also published earlier this month, alongside the definitive guideline.

## **2. UPDATE ON RESOURCE ASSESSMENTS AND STATISTICAL WORK**

2.1 Emma Marshall (EM) informed the group that the A&R team are working on a number of resource assessments for upcoming guidelines:

- the allocation resource assessment will be published alongside the definitive allocation guideline on the 10 December.
- Liz Whiting (LW) is currently working on the robbery resource assessment and it will be sent to the sub-group for review in December. Early indications show that we do not expect the guideline to push sentencing up overall, although for offences involving a knife there may be increases due to offences moving into the highest category of culpability.
- the guilty plea resource assessment is complete and will be discussed at Council on Friday 20 November. EM informed the group that there has been significant debate regarding how to present this information but a decision has been made to cover only the scenario of which we can be most certain, which is based on an assumption of no change to offender behaviour. It has been agreed that this is the only quantifiable approach.
- there will be a resource assessment for the draft imposition guideline, as a precursor to the breach guideline. EM stated this is likely to be a straightforward narrative resource assessment and expects there will not be any resource implications.
- the resource assessment for the definitive dangerous dogs guideline will be complete in March 2016.

2.2. Caroline Nauth-Misir (CNM) informed the group that LW has worked on analysing court volumes for theft and drug offences, to create a sample of magistrates' courts for the evaluation of these guidelines.

2.8 CNM updated the group that the statistics team has provided data to policy team members for their Council papers on dangerous dogs, youths and assault offences.

2.9 CNM notified the group that the A&R team are re-drafting the existing data sharing agreement with MoJ, in order to obtain record level data for both Crown Court and magistrates' court from their Court Proceedings Database (CPD). We also want to ensure that contractors are able to see and use extracts of the data from the database.

2.10 CNM advised the group that the team has carried out quality assurance work on a section of MoJ's bi-annual Race and the Criminal Justice System report, where they have used CCSS data on mitigating and aggravating factors relating to drug offences.

## **3. UPDATE ON BUDGET AND RISK REGISTER**

3.1 On budget, CNM advised that the A&R budget is likely to have a £67,000 underspend at the end of this financial year. This is because of the following reasons:

- a) the drugs and theft evaluation work has been delayed due to changes by the policy team, resulting in final payments shifting to the next financial year;
- b) both the magistrates' court data scoping project and the CCSS final payment have come in under budget;

- c) there has been a delay on breach research due to changes in the work plan;
- d) and proposed qualitative work on drugs has been removed from the work plan.

- 3.2 EM updated the group on the current spending and recruitment restrictions. These restrictions mean that there is a freeze on certain aspects of spending and that there can be no recruitment in any form, including awarding of work to contractors (although there may be some limited scope to extend contracts already in place and we are exploring this). EM noted that a business case needs to be made for all spending.
- 3.3 Richard Williams (RW) suggested that, in light of the restrictions and impact they will have on the work of the A&R team, the issue needs to be identified formally at Council at the earliest opportunity. Julian Roberts (JR) suggested there should be greater clarification on what is classified as business critical in relation to analysis and research. EM agreed to discuss the under-spend and MoJ's imposition of constraints on spending this with Claire, as well as reviewing the financial constraints guidance documents supplied by MoJ.

***Action: EM to explore the financial constraints issue further in relation to A&R work.***

#### **4. UPDATE ON RISK REGISTER**

- 4.1 On risks, it was decided that the risk relating to staff and financial resource should remain at the same level but that information should be added to the narrative to detail the restrictions on spending and recruitment and the implications these might have.

***Action: EM to update narrative on risk register and circulate to subgroup.***

#### **5. PLANS FOR WORK ON DEVELOPING AN ELECTRONIC DATA COLLECTION FORM**

- 5.1 SP informed the group that she recently had a meeting with Lee Hyde from MoJ technology to discuss the development of an electronic data collection form, for future guideline development and evaluation work in the courts. Lee said that progress on some elements of digitisation (e.g. the bench solution) may be slowed down because of the imposition of spending cuts.
- 5.2 SP explained that because not all magistrates and judges will be issued with i-Pads/laptops in the short to medium term, a totally digital solution to data collection will not be possible at the moment and paper-based forms will continue to be needed.
- 5.4 SP informed the group of the A&R team's intention to design a generic electronic data collection form that would be used alongside paper forms, going forward. It would have generic and tailored components and would have functionality for compulsory answers, routing and pop-up instructions. This would be a more efficient method for collecting data from those magistrates and judges who do use i-Pads and laptops in their work. In order to facilitate this work, the A&R team will explore the possibility for extending the contract for one of existing contractors (NatCen and Rand) – although this will depend on the outcome of reviewing the documents on the spending constraints – as well, as

possible use of MoJ Digital (who may offer a cheaper solution than a contractor).

- 5.5 RW enquired whether an online survey provider such as Survey Monkey could be used and SP informed the group that contracts are possible with online services, but are sometimes limited by scale. LB suggested the name of a company that offered online survey services on a large scale.

***Action: A&R team to explore possible options for contracting out the development of a generic, electronic form.***

## **6. Burglary guideline analysis and plans for publication**

- 6.1 Referring to the paper on burglary circulated in advance of the meeting, EM discussed options for analysis and publication of a report on whether the burglary guideline had impacted on sentencing.
- 6.2 The group agreed that these data should be updated for the latest ten years and that further work should be undertaken, particularly to explore the issues observed in the time trend with commercial burglary. A paper outlining the initial analysis will be circulated (in early December) prior to a decision being made on when it should be published (either early next year or when the further analysis has been undertaken).

***Action: LW to circulate updated analysis to subgroup in December.***

## **7. OUTCOMES FROM BLADED ARTICLE/OFFENSIVE WEAPONS ANALYSIS**

- 7.1 SP shared the results from 60 telephone interviews with magistrates and district judges on the bladed article/offensive weapon guideline. The results will help to inform the development of the new sentencing guideline, in particular starting points and sentence ranges, as well as mitigating and aggravating factors.
- 7.2 SP informed the group that the results from the telephone interviews as well as early feedback responses and Crown Court transcript analysis are likely to be presented to the Council in January, as part of the early consideration of the content of the new guideline.

## **8. COMMENTS ON RACE AND GENDER PAPER**

- 8.1 EM introduced the paper that was circulated prior to the meeting on race and gender, authored by Meng-Le Zhang. This uses detailed CCSS data, accessed by Meng-Le when he completed an internship at the Office of the Sentencing Council.
- 8.2 JR proposed that the Council should distance itself from the paper and noted that the paper represents the views of an independent academic. It was decided that no comments should be formally provided to Meng-Le by the A&R subgroup and that the author should make it explicit (in a revised footnote) that the paper represents his own view, and not that of the Council.
- 8.3 Independent of Council, Julian will send comments on the paper to Meng-Le in his capacity as a senior academic.

- 8.4 JR will update the Council at the next meeting (Friday 20 November) about the forthcoming submission of Meng-Le's paper to a peer-reviewed journal, noting the author's independence. It will be stressed that the Council will have no input into the final draft of the paper.

***Actions: JR to update Council on the paper; EM to feed back to the author that a footnote should be included to make it clear the paper represents the author's view, rather than that of the Council.***

## **9. 2016 MEETINGS**

- 9.1 EM informed the group that the meetings will remain on a Wednesday in 2016, since LW will now be able to attend on a Wednesday for some time going forward, and will circulate possible dates for 2016. It was suggested that the next meeting should occur in mid-January.
- 9.2 JR stated that it would be useful if members of the sub-group could join the meeting through virtual telephone or video links to avoid unnecessary time spent in travelling from courts to the RCJ.

***Action: EM to circulate provisional dates for 2016 meetings; EM to look into possibilities of video conferencing and teleconferencing for meetings.***

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