

## **Confidence and Communication Sub-group**

**21 March 2017, 09:00 – 09:45**

**By phone: Dial 08444 737373 PIN 021323**

### **Agenda**

#### **Introduction (JG, 2 mins)**

#### **Supporting effective implementation**

1. Confidence and Communication Strategy for 2017/18 (PH, 4 mins) – paper 1
2. Improving the on- and offline MCSG, and phasing out the MCSG pdf (PH, 8 mins) – paper 2
3. Developing a Welsh-language MCSG (PH, 7 mins) – paper 3
4. Update on development of Crown Court Sentencing Guidelines (PH, 3 mins)
5. Website statistics and online survey responses (GS, 3 mins)

#### **Promoting understanding and confidence**

6. Promoting public confidence (NM, 7 mins) – paper 4
7. Improving Police understanding of sentencing (NM, 7 mins) – paper 5

#### **Action log**

8. Review of progress (PH, 2 mins)

#### **AOB**

9. Budget (PH, 1 mins)
11. Risk register, items 5 and 7 (PH, 1 mins)

**Sub-group meeting:** 21 March 2017

**Paper:** Confidence and Communication Strategy 2017/18

**Lead official:** Phil Hodgson 020 7071 5788

## **1 Issue**

- 1.1 The team has made a commitment to review and update its communications strategy every two years with a minor refresh at the half way point. Last year (2016/17) saw a full review of the strategy. The Confidence and Communication Strategy has been refreshed for 2017/18 to give direction to our emphasis on developing the Council's digital capability and on building public confidence in sentencing.
- 1.2 Our recommended approach to building public confidence is outlined in paper 4: Approach to promoting public confidence.
- 1.3 In May the Sentencing Council will be reviewing the Council's work plan and discussing proposals for the new business plan. The Confidence and Communication Strategy will be reviewed at the same time to make sure its provisions still support the Council's direction and future plans.

## **2 Recommendation**

- 2.1 That the Sub-group reviews the draft strategy and members offer their views and insight so that we might agree priorities for the work programme.

## **3 Consideration**

- 3.1 Do members of the Sub-group agree that the strategy reflects the correct balance of priorities for work of the communication team?

# **Confidence and Communication Strategy 2017/18**

Commissioned by the Sentencing Council's Confidence and Communications sub-group  
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## Context

The Sentencing Council is an established organisation, having been in existence since 2010. The Council's objective is to have published definitive guidelines for all the most commonly sentenced offences by 2020. This is a challenging target but we are making excellent progress, with 15 definitive guidelines published to date, covering over 140 offences.

Feedback during research interviews and other interaction with judges and magistrates suggests that initial scepticism about guidelines has now turned into general support. This is supported by MoJ sentencing data and findings from the Crown Court Sentencing Survey on the assault guideline, which indicate a substantial degree of consistency in its application across Crown Court centres. Judges and magistrates refer to the guidelines in their sentencing remarks which help raise public awareness that they are following a consistent process.

The model adopted by the guidelines has become more sophisticated, setting out an approach for sentencing corporate as well as individual offenders, and a way in which to take into account risk of harm as well as actual harm.

Visibility of the work of the Council has been increased through broad coverage in mainstream national media, and there continues to be strong public interest in and political debate around sentencing. The Court of Appeal refers to sentencing guidelines when reaching its judgments. Media coverage is often critical if sentences appear to be unduly lenient. Publicity surrounding high-profile offences causes a greater degree of debate around release provisions and comparative sentences for similar offences.

In the summer, the Council will publish its fifth business plan setting out its aims, objectives and work plan for the year as well as its seventh annual report in autumn 2017. This confidence and communications strategy will cover the period from 1 April 2017 to 31 March 2018, in line with the business plan.

## **Aims and objectives**

The Council's aims and objectives are drawn from the Coroners and Justice Act 2009. The Statement of Purpose set out by the Council in its 2016/17 Business Plan says:

“The Sentencing Council for England and Wales promotes a clear, fair and consistent approach to sentencing by publishing sentencing guidelines which provide clear structure and processes for judges and magistrates to use in court and improve awareness and understanding of sentencing among victims, witnesses, offenders and the public.”

The strategic communication objectives of the communication team are to:

- support effective implementation of guidelines across the criminal justice community;
- promote among practitioners, victims, witnesses and the public awareness and understanding of, and confidence in, sentencing and the sentencing guidelines; and
- reinforce the reputation of the Sentencing Council and sentencing guidelines across the criminal justice system and with government, Parliament, the media and the public.

To achieve our objectives, we have identified five work strands:

- publish and distribute sentencing guidelines;
- develop the Council's digital capability;
- develop productive working relationships with partners and interested parties;
- work to engage the public and victims of crime; and
- provide expert advice.

To ensure our efforts are well targeted and resources used to best effect, we will evaluate and measure our communication activities throughout the life of this strategy.

## **Confidence and Communication Sub-group aspirations**

In support of the aims and objectives above, the confidence and communications sub-group has set out its aspiration that the approach to sentencing offenders is

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viewed as proportionate, fair and consistent by sentencers and other practitioners in the justice system, victims of crime and the general public.

In detail, that:

- judges, magistrates and other criminal justice practitioners have confidence in the guidelines and in the sentencing process which the guidelines promote;
- key players in the criminal justice system such as the police are advocates of the sentencing process, and use the guidelines as a touchstone to explain the sentencing process to victims and others involved; and
- victims and members of the public have access to information about the sentencing process which enables them to draw their own conclusions about whether sentencing is proportionate and fair both in cases in which they are involved and in high profile cases covered by the media.

## Communication approach

Building on the work undertaken last year, the following section outlines our planned approach covering our five strategic communications aims.

### 1. Publish and distribute sentencing guidelines

This year we will undertake to support the following guideline activities:

- issuing consultations on: child cruelty (May), manslaughter (July), public order (Oct), arson and criminal damage (Nov) and terrorism (Jan)
- publishing definitive guidelines on: bladed articles and offensive weapons (Oct), breach (Nov/Dec), intimidatory offences and domestic abuse (Mar) and child cruelty (Mar)
- bringing in to force definitive guidelines on: guilty pleas (June), children and young people (June), bladed articles and offensive weapons (Jan), breach (Mar/Apr)

Some of the Sentencing Council's guidelines have now been in force for a while and the Council is starting to evaluate their performance. We shall seek opportunities to promote the outcomes of these evaluations, where appropriate.

We will also continue to publish material from the Analysis and Research team such as research bulletins, resource assessments, equality impact assessments, data tables and any other materials.

### 2. Develop the Council's digital capability

All roles within the office of the Sentencing Council incorporate digital communications. Each team is responsible for their own areas of the website and staff on each team have received training and support in using our new content management system.

Key areas of work this year are:

#### ***Digital guidelines***

As part of our digital strategy we have developed on- and offline sentencing guidelines for magistrates (MCSG). We will continue to work to maintain and develop

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these guidelines and the tools within them, and to support the people who use them. During the year we will pilot and implement improvements to the design and functionality of the on- and offline MCSG, as well as conducting research with users to inform a continuing programme of refinement and development.

In September 2016, the Sentencing Council agreed to produce a Welsh-language version of the magistrates' court sentencing guidelines, which we will be taking forward this year with the assistance of HMCTS Welsh Language Services. The project will include establishing a quality assurance process to ensure the guidelines are both accurate and consistent.

In the latter part of the year, we will focus on developing digital guidelines for the Crown Court. The successful delivery of these digital guidelines will be dependent on the delivery of digital reforms across the criminal justice system. In preparation for this work, we will prioritise establishing relationships with other areas of the justice system that are developing new digital systems and gaining a thorough understanding of the digital context within which the guidelines will sit.

### ***Sentencing Council website***

The Sentencing Council's website is managed via the WordPress content management system, which enables us to enhance our content as we wish. Our work this year will focus on updating and enhancing the content to respond to user feedback and allow us to make better, more dynamic use of the site.

### ***Digital Council***

We have created an online secure space for Council business. All papers are circulated via this online space and many Council members now work from a laptop or tablet at Council meetings rather than printing papers. We have also created an online document store that allows Council members and staff to collaborate on shared documents. Activity this year will focus on understanding how this area is used to ensure it effectively serves the Council.

### ***Twitter and other social media***

A plan to increase the Council's use of Twitter was approved by the Confidence and Communications Sub-group in 2015. While the Council has since made greater use of the channel, tweeting around 14 times a month and gaining an additional 50

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followers per month, we are not fully exploiting its potential. A priority for this year will be to explore options for more effective use of social media to promote the Sentencing Council and meet our communication objectives.

### ***Consultation***

The Cabinet Office encourages the use of digital means to carry out 'open policy making'. This includes the use of online consultation tools. Our consultations can be complex and require lengthy, detailed responses. The online tool we are currently using, CitizenSpace, is not ideal for our consultations. We have included a requirement in the contract with our digital agency to explore alternative options, and we aim to work with them on this later in the year.

### ***Data capture***

In developing guidelines, the Sentencing Council relies on data from the magistrates' and Crown Courts, particularly relating to the reasons for sentencing decisions. This data is not always available in either the form or depth of detail that would be most useful to the Council. While our colleagues in the research team will be identifying and pursuing potential options within the HMCTS IT reform programme, we have included a requirement in the contract with our digital agency to explore options for creating a digital data capture mechanism within our website.

## **3. Develop productive working relationships with partners and interested parties**

This year we will continue to focus on ensuring that definitive guidelines are implemented effectively within the criminal justice community. All consultation papers and definitive guidelines will be distributed to magistrates and judges via official channels. In addition, all launches will be communicated to practitioners and other stakeholders either directly or via relevant organisations, for example:

- Lawyers via CPS, Law Society, Bar Council, Criminal Bar Association, Criminal Law Solicitors' Association
- Justices' Clerks and other court personnel via HMCTS
- Police via Home Office Communications news updates and the National Police Chief's Council

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- Prison officers via NOMS
- Probation staff via NOMS and Probation-Sentencer Liaison Network
- Community Rehabilitation Companies via NOMS
- Youth justice community via the YJB

We will continue to build our network of contacts and develop a good understanding of available channels to help us reach professional practitioner audiences.

While maintaining our independence, we will also continue to foster a close working relationship with MoJ Communication Directorate to ensure that they are informed and updated as well as more generally aware of our work. We will do this by:

- attending monthly MoJ meetings for heads of communication in arm's-length bodies
- keeping the MoJ news planning team informed of our planned media and campaign activities, and
- ensuring MoJ press officers attend the guideline 'walk-throughs' prior to any consultation launches or guideline publications.

In the 2016/17 financial year, we exceeded the target of speaking at 20 events. It is recognised that preparation for these events takes up considerable time but this is time well spent as we are reaching both good numbers and a broad range of audiences.

This year we will actively seek opportunities for the Chairman and Members of the Council to speak at public events, prioritising those that will help us raise awareness and understanding of, and promote confidence in, sentencing among key audiences.

There will continue to be a focus on Parliament and we remain open to facilitating meetings between interested parliamentarians and Council members. We will assist with briefing the Chairman and any other Council members who attend Justice Committee meetings.

A new stakeholder management tool has been introduced to allow the office to keep better records of all interactions and relationships with stakeholders, which will enable us to tailor our communications more appropriately for each audience. The tool has only recently been introduced and we will work this year to embed use of the tool in the Council's day-to-day working practices.

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#### **4. Work to engage the public and victims of crime**

We endeavour to be open to opportunities as they arise, for example working with offence-specific interest groups or other sectors of the general public as our work progresses. However, our primary focus will be with two specific audiences, as set out below.

##### ***Victims***

Victims should be at the heart of the criminal justice system, and providing information that helps explain the sentencing process to them is a priority for the Sentencing Council. Guidelines are increasingly explicit in terms of how judges and magistrates should consider the impact of crimes on the victim, not just physically but also emotionally, and we will reinforce this focus in our communication work.

We will continue to build on our relationships with staff at Victim Support and Citizens' Advice, who now manage witness services in England and Wales. We will evaluate the work we have already done with these two organisations as part of our strategy to promote confidence in sentencing.

##### ***The police***

We know from existing research that the public's views of sentencing are primarily shaped by the media, their friends and by frontline practitioners. The police especially hold a position of trust when it comes to victims of crime, their families and the wider public. For this reason, we are planning to continue our work to communicate with the police to ensure they are aware of how sentencing works, as well as to develop the Council's relationship with the National Police Chiefs' Council (NPCC), the College of Policing and other police bodies.

To inform this work, we propose to conduct a piece of research with the Heads of Criminal Justice in the 43 police forces to gain insight into prevailing attitudes towards sentencing among police officers. We are grateful to Inspector Alex McMillan of the Cheshire Police for his help with this project.

#### **5. Provide expert advice**

We have regular approaches from broadcasters and journalists asking us to explain or verify information and we will continue to maintain and build on these existing

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relationships with the media. We aim to be the most helpful and reliable source of official information on sentencing for the media to ensure that reported information and fictional portrayals are as accurate as possible.

## Key messages

To underpin our general communications the following is a list of core messages.

- Sentencing guidelines mean that all judges and magistrates in England and Wales take the same approach to sentencing offenders.
- Sentencing guidelines always take into account the impact on the victim.
- Sentencing guidelines do an important job in making sure the punishment fits the crime.
- The sentences you see in the headlines are there because they stand out from nearly 1.3m sentences handed out each year.
- Once people understand the full facts of a case and the reasoning of the judge or magistrate, they are likely to think sentencing is about right. Reports in the media only give a partial picture which can lead people to think sentencing is too lenient.
- The guidelines follow clear steps to determine the harm caused by the offence, including the extent of any harm caused to the victim; the offender's level of blame and any circumstances that may lead to a longer or shorter sentence.
- Sentence levels in guidelines are appropriate for the vast majority of cases but judges and magistrates can, and do, sentence outside the guidelines if it is in the interests of justice to do so but they must give their reasons.
- Sentencing guidelines can only go so far – they have to work within the law. Parliament sets maximum sentence lengths, the proportion of a sentence served in prison and the proportion served on licence in the community.
- It is the Sentencing Council's job to prepare guidelines, monitor their use, and help make sentencing easier to understand.
- We work with victims groups, judges, magistrates, lawyers, people working in criminal justice and experts to develop clear guidelines. We check with the public what they think about them.

## **Measurement and evaluation**

We are committed to evaluating our communications activity to ensure we are meeting our aims and objectives while making the best use of limited resources.

Evaluation activities are grouped under three broad headings below – guidelines and consultations, media and digital, and confidence.

### **Guidelines and consultations**

- While we will continue to measure the number of responses to consultations, we will also work with policy colleagues on our consultation approach to set metrics based on target audience and outcome desired.
- To date, we have concentrated on measuring the number of responses to each consultation. With the more complex offence types, such as sexual offences and fraud, it has become evident that it is as important to receive high quality, robust responses from key interested parties as to focus on the quantity of responses.
- We will identify a sample of practitioners and aim to set a benchmark regarding their awareness of and satisfaction with guidelines before and after communications and confidence activity. This may have to be a fairly small sample and may only occur once or twice in the year as we have limited resources available.

### **Media and digital**

- We have a media monitoring contract in place with Vuelio. This ensures that all broadcast, print, online and social media coverage will be captured for analysis.
- We will continue to monitor closely and report on media coverage associated with each consultation and the publication of definitive guidelines.
- We will work with policy colleagues to identify target media and interested parties for each guideline, set out our aims and monitor the outcomes.
- Our new stakeholder management tool will enable us to measure both quantities and quality of relationships.
- The most obvious metric regarding the website is that of visits/visitors to the site. However, one of our aims is to extend the reach of Sentencing Council

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materials, which can be done by measuring the reach of the partner websites (such as Victim Support's) as well as measuring views of linked-to materials, for example the videos on our YouTube account.

- We will monitor the number of Sentencing Council Twitter followers, tweets and re-tweets we achieve, and the reach (number of followers) of those who re-tweet. We will also track the number of influencers who follow our account.

## **Confidence**

It is not possible to measure the direct impact of communications activity on public attitudes in the broadest sense, but we will gauge the effectiveness of the projects we aim to deliver as follows:

- If we achieve television/radio coverage review the tone, accuracy of message, reach of coverage, if appropriate audience participation, partner endorsement, associated media.
- Where we are targeting a specific audience such as police, where possible we will set specific measures and test a sample of that target group. This could include levels of knowledge/confidence before and after exposure to materials, as well as user satisfaction in the quality and usability of the materials we provide.

## **Budget and resources**

It is anticipated that the budget for 2017/18 will be in the region of £140,000. The current spend is split between: digital work such as hosting and development of the website and digital guidelines; design and print of guidelines; and media monitoring and media training. The majority of the spend will be on digital work with anticipated reductions in print and distribution as more practitioners gain access to digital materials.

## **Risks**

With all communications work comes a certain element of risk. This may be associated with:

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- unpredictable (or even predictable) reactions from interested parties, including the media, professional bodies, academics and other audiences;
- uncosted elements of the strategy; or
- the evolving nature of many of the policy areas being worked in.

Communication-related risks are listed as a sub-section of the organisational risks in the risk log and are monitored by the Confidence and Communication Sub-group of the Sentencing Council.



<b>Sub-group meeting:</b>	<b>21 March 2017</b>
<b>Paper:</b>	<b>Part I: Improving the on- and offline MCSG Part II: Phasing out the MCSG pdf</b>
<b>Lead official:</b>	<b>Phil Hodgson 020 7071 5788</b>

**Strategic objective:** To support effective implementation of guidelines across the criminal justice community

**Work strand:** To develop the Council's digital capability

## **Part I**

### **1 Issue**

- 1.1 Since the launch of the digital magistrates' court sentencing guidelines (MCSG) as a separate area of the Council's website and as an app, the Council has received unsolicited feedback that suggests some magistrates, legal advisers and other users are encountering a number of frustrations when using both the on- and offline versions.

It was agreed at the Confidence and Communication sub-group meeting in December 2016 that we would identify these issues and suggest potential solutions.

I have visited five magistrates' courts to observe how the digital guidelines are used in the context of a busy court room. On these visits, I have talked to bench chairs, magistrates, legal advisers and a CPS prosecutor to understand their experience of using the guidelines.

It is clear from my conversations with magistrates that their overriding concern is not to be distracted by the complexity of using the digital guidelines. They are anxious that, if their eyes are not on the court and the defendant at all times, the defendant might believe they are not getting the magistrates' full attention and the process is, therefore, neither fair nor just. Magistrates also fear that they look unprofessional.

## **2 About this paper**

- 2.1 This paper relates to improving users' experience of the online MCSG and the Sentencing Council app as they appear on the court-supplied iPad.
- 2.2 We have assumed that magistrates are using the court-supplied iPads to view the guidelines, and this is what I have witnessed. Magistrates are able to use their own tablets and laptops in court, if they prefer to do so, but are not able to use these to access other sources of HMCTS information, for example the Court Store, so they must have the court-supplied iPad with them in any event.

## **3 Recommendation**

- 3.1 Potential solutions have been identified to the most pressing problems. All apply to the app; most translate across to the online MCSG. It is recommended that the Confidence and Communication Sub-group members consider the proposed solutions and approve the recommended approach to implementing improvements.

## **4 Consideration**

### **Scrolling and page orientation**

- 4.1 The most-cited frustration in using both the on- and offline MCSG has been the need for users to click between pages. The digital guidelines are set across three pages: harm and culpability; starting point and category range; and final steps, irrespective of the length of the guideline. This achieves consistency of presentation, saves users from having to scroll down very long pages, and helps them know where to find the different elements of a guideline.

### ***Offline app***

- 4.2 The app displays the guidelines in landscape format. This allows users to see more content without having to scroll down the page. However, the current design of the app uses a lot of the margin space at the top and left-hand side of the page, which reduces the "window" in which the guideline is displayed.
- 4.3 **Proposed solution:** The developers are working on a solution that would:
  - allow users to swipe between pages, rather than click – which would be quicker and more intuitive
  - reduce the amount of space used for navigation around the guideline on landscape pages, allowing users to see more content at one time, and

- allow users to choose to display the guidelines in portrait format, using the whole screen.

### **Online MCSG and app**

- 4.4 In addition, we will pilot an option that would display the guidelines as longer pages. This would reduce the need to click or swipe backwards and forwards between pages. It would, however, increase the use of scrolling but magistrates I have spoken to have said they would prefer to do this than constantly switch between pages. If the pages are displayed in portrait format, the need to scroll would, of course, be greatly reduced.

### **Retaining information across pages**

- 4.5 Users want to be able to keep track of the choices they make as they progress through the steps of the guideline. They have told us that, for example, when looking at factors increasing or reducing seriousness on page 2 of a guideline, they want to recall which of the culpability and harm characteristics they selected on page 1. When using a complex guideline such as Fraud, for example, users must remember what they selected from three levels of culpability, five categories of Harm A and three categories of Harm B.
- 4.6 **Proposed solution:** The developers are considering a number of solutions including:
- a “shopping basket” type function, which would allow users to save and display their selections as they progress through the guideline. This is likely to be technically complex, particularly on the app, and might not be achievable, and
  - a function to allow users to highlight their choices, which would allow them to identify choices easily when they flick back to the page.

### **Fines calculator**

- 4.7 The fines calculator is designed to follow the steps set out in the Sentencing Council’s explanatory materials on Fines and Financial Orders. Users thought that this was helpful for new and inexperienced magistrates but less useful for experienced users. Users also wanted to be able to add more offences and make changes more easily.
- 4.8 **Proposed solution:** The developers are exploring options that would:

- simplify the calculator, for example by introducing buttons rather than drop-down lists
- bring more of the calculation onto one page, reducing the need to go back to a previous page to add a new offence or make changes, and
- list all elements of the completed calculation in one place, allowing users to read the results to the offender in the correct order without having to scroll down the page or make a handwritten note.

### **Search and terminology**

4.9 Several magistrates have mentioned to me that the names we use for offences, while technically correct, do not match the names that appear on the court listing or which magistrates tend to use among themselves. One example would be Disorderly Behaviour (harassment, alarm or distress), Public Order Act 1986, s.5. To find this offence, a magistrate is likely to search for Public Order Section 5 or just Section 5.

4.10 We have tried to obtain the list of offence names from the HMCTS database on LIBRA but it is not possible for them to extract this for us.

#### **Proposed solutions:**

- We will identify a small group of magistrates and legal advisers to review our list of offences and suggest alternative search terms.
- We will also try to find an opportunity for our list of names to be compared with samples of court listings. Ideally, we would ask a court administrator to do this work but it may need to be done by a member of Sentencing Council staff.

### **Other refinements**

4.11 The users I spoke to recommended a number of other, smaller refinements that would help them use the guidelines more easily and more quickly. These included easier bookmarking, clearer table headings and a quicker search function. I have asked the developers to explore solutions for these potential improvements.

4.12 In response to user requests, we will also be developing a calculator for driving disqualification dates and a basic calculator.

## **5 Timetable and user testing**

5.1 Our digital agency will provide workable versions of the identified improvements for testing by the end of March.

I propose that, during April:

- the changes are tested initially with the magistrates, legal advisers and other users I have already spoken to, including those I have identified as an advisory group; and
- once any further refinements are made as a result of initial testing, we test the changes with a wider group of users before rolling them out across the system.

## **6 Questions**

Do members of the Sub-group consider that we are proposing:

- effective solutions to the problems identified by users, and
- a good approach to testing and rolling-out the improvements?

## **Part II – phasing out the MCSG pdf**

### **1 Issue**

- 1.1 The single pdf version of the magistrates' court sentencing guidelines now extends to over 470 pages. It is unstable and unwieldy. The Council has already made it clear publicly that it is no longer sustainable.
- 1.2 Keeping the pdf up to date involves a great deal of work from Gareth and the design team in MoJ, for which we pay. It has become unrealistic to continue to maintain it in its current form. More importantly, continuing to provide the guidelines as a separate pdf document would perpetuate the use of guidelines in this format, which is not in line with our move to digital and does not support the government's "digital by default" agenda.
- 1.3 We have said that we would maintain the pdf until wifi is installed in all courts. This has now been achieved, although the service is not always reliable, and magistrates can now use the app for offline access to the guidelines.
- 1.4 However, it has become clear in my conversations with magistrates and other users that many people are still dedicated to using the pdf rather than the digital guidelines. Until we are able to understand better why they prefer it to the digital formats and how they are using it, we cannot be sure our improvements to the MCSG will provide an adequate alternative.

### **2 Recommendation**

- 2.1 That Sub-group members agree we should continue to provide the pdf until we have conducted further research on the how it is being used.

<b>Sub-group meeting:</b>	<b>21 March 2017</b>
<b>Paper:</b>	<b>Welsh-language MCSG project</b>
<b>Lead official:</b>	<b>Phil Hodgson 020 7071 5788</b>

**Strategic objective:** To support effective implementation of the guidelines across the criminal justice community.

**Work strand:** To publish and distribute sentencing guidelines.

## **1 Issue**

- 1.1 At the September 2016 meeting of the Sentencing Council, it was agreed that the Council should develop a Welsh-language section of the website to host a translated MCSG (September 2016, item 6.1).
- 1.2 In order to deliver useful content to the Welsh courts as early as possible, we would like to take a phased approach to this project.

## **2 Recommendation**

- 2.1 It is recommended that the Confidence and Communication Sub-group members consider the proposal that this project should be conducted in phases, and reviews the proposed content for phase 1.
- 2.2 It is also suggested that the sub-group members take note of the current situation in regard to:
  - providing quality assurance for translation and use of terminology in the guidelines, and
  - establishing the legal status of Welsh-language guidelines.

### 3. Consideration

#### Phased approach

- 3.1 There is a great deal of content to be translated and quality assured in the MCSG. In addition to 98 offence-specific guidelines, we will need to translate the overarching principles, all the explanatory materials and the common content such as the band ranges and community orders tables, as well as the MCSG homepage and navigation labels on the website. At the same time, the Council will be continuing to develop new guidelines, tools and other content that we will need to ensure is brought into the scope of the project.
- 3.2 Ideally, we would want to deliver a Welsh-language version of the MCSG that precisely mirrors the English-language version at the time of publication. However, given the scale of the project, we would like to recommend that we deliver the Welsh guidelines in a phased programme of logical, family groups.
- 3.3 It is already public knowledge that we are planning to deliver Welsh sentencing guidelines and we know that there is an appetite for them. Early provision of a small but useful group of guidelines would demonstrate our commitment to delivery of the Welsh-language MCSG.

**Question:** Do members agree that we should take a phased approach?

#### Content for phase 1

- 3.4 In addition to the overarching guidelines and the relevant explanatory materials, we recommend that phase 1 of the Welsh-language project includes all the driving offences and TV licence evasion.
- 3.5 We know that TV licence evasion is the most-sentenced offence in the Welsh magistrates' courts and that five of the top 12 are driving offences. (See annex 1.)
- TV-licence evasion is a stand-alone offence within the MCSG. It does not sit within a family group of offences so it would not be remarkable to produce this offence on its own.
  - Driving-offence related guidelines have traditionally been presented as a discrete bundle within the MCSG. There would be a logic to treating them as a stand-alone, family group.

**Question:** If members agree with a phased approach, do you agree with the proposed content of phase 1?



### **Quality assuring the Welsh-language guidelines**

- 3.6 This project carries a significant risk, that the existence of dual-language guidelines becomes a source of dispute and, potentially, appeal. The latter is unlikely given the level of offence dealt with at magistrates' court. It is nonetheless a risk and would be hugely damaging to the Sentencing Council's reputation.
- 3.7 It will be crucial that the accuracy of the Welsh-language guidelines is quality assured through a formal process that is conducted at a senior judicial level. There are two issues that need to be considered:
- the accuracy of the translation, and
  - consistent use of terminology.

### **Approach**

- 3.8 The MCSG is being translated into Welsh by the Ministry of Justice Welsh Language Service (WLS). The team has experience of translating legal content into Welsh but they are not lawyers. We will need to establish a Welsh-speaking quality assurance panel which, ideally, would include at least two judges and one magistrate.
- 3.9 A panel could be an effective mechanism for quality assuring the accuracy of the translation. However, the use of legal terminology in Welsh is a wider issue and one that is already being explored elsewhere, including by the WLS and the Welsh Government.
- 3.10 The Lord Chief Justice has spoken publicly about the need for the Sentencing Council to ensure the terminology of the Welsh-language guidelines is correct (Legal Wales 2016, Shaping the Future). He has also discussed this and other similar Welsh-language projects with the sub-committee of the Judges' Council that relates to Wales.
- 3.11 We are awaiting advice from the Lord Chief's Senior Policy Adviser on whether a specific approach has been suggested and/or individual Welsh-speaking members of the judiciary have been approached to contribute to our project.

### **A note on the status of Welsh legislation**

- 3.12 In Welsh law, Welsh and English have equal status. There is nothing to privilege one language over the other. Lawyers must read both in parallel,

and give each equal weight. The official status of the Welsh language includes requirements that:

- the Welsh and English languages be treated on the basis of equality in the conduct of the proceedings of the National Assembly for Wales
- give equal standing to the Welsh and English texts of measures and acts of the National Assembly for Wales, and subordinate legislation; and
- confer a right to speak the Welsh language in legal proceedings in Wales.

3.13 We are also awaiting confirmation from the Lord Chief's office as to whether the issue of status has been discussed in relation to other Welsh-language projects.

**(3) Annex 1: Proposed content for phase 1 Welsh-language translation**

Content	Title	Source	Pages (A4 equivalent)	Type of content
Guideline: overarching	Allocation	pdf	3	Text
Guideline: overarching	Drug Driving Guidance	pdf	5	Text
Guideline: overarching	Imposition of Community and Custodial Sentences	pdf	11	Text, table, 1 flowchart
Guideline: overarching	Reduction in Sentence for a Guilty Plea	pdf	7	Text, 3 flowcharts
Guideline: overarching	Sentencing Children and Young People	pdf	30	Text, 3 flowcharts
Guideline: overarching	Totality and TICs	pdf	16	Text, table
Guideline: "droppable"	Band ranges	digital	1	Table
Guideline: "droppable"	Community Orders table	digital	1	Table
Guideline: "droppable"	Custodial sentences	digital	3	Text, table
Guideline: "droppable"	Drugs: Class A	digital	1	Table
Guideline: "droppable"	Drugs: Class B	digital	1	Table
Guideline: "droppable"	Drugs: Class C	digital	1	Table
Guideline: "droppable"	Organisations: Obtaining financial information	digital	1	Text
Guideline: "droppable"	Organisations: Large - Turnover or equivalent: £50 million and over	digital	1	Table
Guideline: "droppable"	Organisations: Medium - Turnover or equivalent: between £10 million and £50 million	digital	1	Table
Guideline: "droppable"	Organisations: Small - Turnover or equivalent: between £2 million and £10 million	digital	1	Table
Guideline: "droppable"	Organisations: Micro - Turnover or equivalent: not more than £2 million	digital	1	Table
Explanatory materials	Using the MCSG: Following these guidelines	digital	1	Text
Explanatory materials	Using the MCSG: Using pre-Sentencing Council guidelines	digital	3	Text
Explanatory materials	Using the MCSG: Using Sentencing Council Guidelines	digital	1	Text
Explanatory materials	Aggravating and mitigating factors	digital	1	Text
Explanatory materials	Ancillary Orders: Introduction to ancillary orders	digital	1	Text
Explanatory materials	Ancillary Orders: Anti-social behaviour orders	digital	1	Link
Explanatory materials	Ancillary Orders: Binding over orders	digital	1	Text
Explanatory materials	Ancillary Orders: Confiscation orders	digital	1	Text
Explanatory materials	Ancillary Orders: Criminal behaviour orders	digital	3	Text
Explanatory materials	Ancillary Orders: Deprivation orders	digital	1	Text
Explanatory materials	Ancillary Orders: Disqualification from driving – general power	digital	1	Text
Explanatory materials	Ancillary Orders: Additional note: Availability of ancillary orders	digital	3	Text
Explanatory materials	Community Orders: Imposition of Community Orders	digital	1	Link
Explanatory materials	Community Orders: Breach of a Community Order	digital	1	Link
Explanatory materials	Custodial sentences: Imposition of custodial sentences	digital	1	Link
Explanatory materials	Custodial sentences: Breach of a suspended sentence order	digital	1	Text
Explanatory materials	Deferred sentences	digital	1	Text
Explanatory materials	Fines and financial orders: approach to the assessment of fines: introduction	digital	1	Text
Explanatory materials	Fines and financial orders: approach: fine bands	digital	1	Table
Explanatory materials	Fines and financial orders: approach: definition of relevant weekly income	digital	1	Text
Explanatory materials	Fines and financial orders: approach: assessment of financial circumstances	digital	2	Text
Explanatory materials	Fines and financial orders: approach: approach to offenders on low income	digital	1	Text
Explanatory materials	Fines and financial orders: approach: reduction for a guilty plea	digital	1	Link
Explanatory materials	Fines and financial orders: approach: maximum fines	digital	1	Table
Explanatory materials	Fines and financial orders: approach: multiple offences	digital	1	Table
Explanatory materials	Fines and financial orders: approach: imposition of fines with custodial sentences	digital	1	Text
Explanatory materials	Fines and financial orders: approach: payment	digital	1	Text, table
Explanatory materials	Fines and financial orders: approach: collection orders	digital	1	Text
Explanatory materials	Fines and financial orders: Compensation: introduction	digital	2	Text
Explanatory materials	Fines and financial orders: Compensation: suggested starting points for physical and mental injury	digital	2	Table
Explanatory materials	Fines and financial orders: prosecution costs	digital	1	Text
Explanatory materials	Fines and financial orders: victim surcharge	digital	2	Text, table
Explanatory materials	Fines and financial orders: criminal courts charge	digital	1	Link
Explanatory materials	Hate crime: Racial or religious aggravation – statutory provisions	digital	1	Text
Explanatory materials	Hate crime: Aggravation related to disability, sexual orientation or transgender identity – statutory provisions	digital	1	Text
Explanatory materials	Hate crime: Approach to sentencing	digital	2	Text
Explanatory materials	Out of court disposals: Introduction	digital	1	Text
Explanatory materials	Out of court disposals: Cannabis or khat warning	digital	1	Text
Explanatory materials	Out of court disposals: Simple caution	digital	1	Text
Explanatory materials	Out of court disposals: Conditional caution	digital	1	Text
Explanatory materials	Out of court disposals: Penalty notices – fixed penalty notices and penalty notices for disorder	digital	1	Text
Explanatory materials	Out of court disposals: Community resolution	digital	1	Text
Explanatory materials	Out of court disposals: Offences for which penalty notices are available	digital	2	Table
Explanatory materials	Offences in a domestic context: Domestic violence definitions	digital	1	Text
Explanatory materials	Offences in a domestic context: General guidance – domestic context	digital	1	Text
Explanatory materials	Offences in a domestic context: Aggravating factors – domestic context	digital	1	Text
Explanatory materials	Road traffic offences – disqualification: Obligatory disqualification	digital	1	Text
Explanatory materials	Road traffic offences – disqualification: Special reasons	digital	1	Text
Explanatory materials	Road traffic offences – disqualification: 'Totting up' disqualification	digital	1	Text
Explanatory materials	Road traffic offences – disqualification: Discretionary disqualification	digital	1	Text
Explanatory materials	Road traffic offences – disqualification: Disqualification until a test is passed	digital	1	Text
Explanatory materials	Road traffic offences – disqualification: Reduced period of disqualification for completion of rehabilitation	digital	1	Text
Explanatory materials	Road traffic offences – disqualification: Disqualification in the offender's absence	digital	1	Text
Explanatory materials	Road traffic offences – disqualification: New drivers	digital	1	Text
Explanatory materials	Road traffic offences – disqualification: Extension period of disqualification from driving where a driver has been disqualified	digital	1	Text
Explanatory materials	Victims: victim personal statements	digital	1	Text
Explanatory materials	Victims: prevalence and community impact statements	digital	1	Text
Website content	MCSG homepage	digital	1	Text
Website content	Search page	digital	1	Text
Website content	Explanatory materials homepage	digital	1	Text
Website content	MCSG Updates (new content)	digital	1	Text
Tool: Fines calculator	Fines calculator	digital	1	Text, labels

Phase	Content	Title (all in force at Mon 24 April)	Source	Pages (A4 equivalent)
1	Guideline: offence-specific	TV licence payment evasion (Revised 2017)	digital	2
1	Guideline: offence-specific	Motoring offences appropriate for imposition of fine or discharge	digital	4
1	Guideline: offence-specific	Careless Driving (drive without due care and attention) (Revised 2017)	digital	2
1	Guideline: offence-specific	Causing death by careless or inconsiderate driving	digital	1
1	Guideline: offence-specific	Causing death by driving: unlicensed, disqualified or uninsured drivers	digital	2
1	Guideline: offence-specific	Dangerous driving	digital	2
1	Guideline: offence-specific	Drive whilst disqualified (Revised 2017)	digital	2
1	Guideline: offence-specific	Excess alcohol (drive/ attempt to drive) (Revised 2017)	digital	2
1	Guideline: offence-specific	Excess Alcohol (in charge) (Revised 2017)	digital	2
1	Guideline: offence-specific	Fail to stop/report road accident (Revised 2017)	digital	3
1	Guideline: offence-specific	Fail to provide specimen for analysis (drive/attempt to drive) (Revised 2017)	digital	3
1	Guideline: offence-specific	Fail to provide specimen for analysis (in charge) (Revised 2017)	digital	3
1	Guideline: offence-specific	No insurance (Revised 2017)	digital	2
1	Guideline: offence-specific	Speeding (Revised 2017)	digital	1
1	Guideline: offence-specific	Unfit through drink or drugs (drive/attempt to drive) (Revised 2017)	digital	3
1	Guideline: offence-specific	Unfit through drink or drugs (in charge) (Revised 2017)	digital	2
1	Guideline: offence-specific	Vehicle taking (aggravated). Dangerous driving or accident causing injury	digital	1

**Sub-group meeting:** 21 March 2017  
**Paper:** Promoting public confidence  
**Lead official:** Nick Mann 020 7071 5792

**Strategic objective:** To promote among practitioners, victims, witnesses and the public awareness and understanding of, and confidence in, sentencing and sentencing guidelines.

**Work strand:** To develop productive working relationships with partners and interested parties, and to work to engage the public and victims of crime.

## 1 Issue

- 1.1 The Sentencing Council has statutory obligations in relation to public confidence.
- 1.2 These primarily relate to considering the effect that production of guidelines will have, analysing what effect it does in fact have, with a further function to promote awareness about sentencing.
- 1.3 In promoting public confidence, the overall objectives are to ensure:
  - members of the public have access to information about sentencing so that they can develop an understanding of the basic principles while having common misconceptions cleared up, and are reached with information about sentencing guidelines;
  - victims and witnesses of crime have useful information about sentencing generally and sentencing guidelines specifically; and
  - key players in the criminal justice system such as the police are advocates of the sentencing process, can therefore improve the confidence of members of the public they come into contact with.

## **2 About this paper**

- 2.1 This paper sets out for consideration different audiences and channels that could be prioritised in promoting public confidence in sentencing. While there are a variety of opportunities, these will have to factor in the limited resources of the office that can be devoted to confidence projects.

## **3 Recommendation**

- 3.1 Some of the options set out in this paper will need further research and development. The paper seeks approval of the general aims and approach.
- 3.2 Members of the Sub-group are asked to consider whether:
- the audiences identified in this paper are the correct audiences to prioritise; and
  - the approaches set out in the paper are appropriate.

## **4 Consideration**

### **Public audiences**

- 4.1 The public generally are inevitably reached when announcements are made about guidelines, and could have their confidence affected positively or negatively as a result of media coverage.

### ***Media***

- 4.2 Given the normally large amount of media coverage that appears as a result of guideline announcements, the tone of this coverage will have an effect on the confidence of the public.

Broadcast coverage is particularly important, since interviews and accurate news bulletins are generally effective ways of getting the essential points across, while rebutting inaccurate points. It is therefore advisable to take up all interview opportunities that will promote confidence, and decline those that will not. The former are generally characterised by 1-1 interviews on programmes that do not have a populist brand and examples of the latter include discussions with other guests that are designed to spark conflict and disagreement.

- 4.3 Print media coverage is quite different with newspapers having more of an agenda or position on issues, which means that some media by their nature are likely to be critical and therefore have the potential to damage confidence.

Comms materials must therefore seek to provide media with interesting narratives that will give a valid angle that reflects the aims of the guideline while discouraging magnification of unrepresentative or misleading elements of a guideline or consultation. As well as trying to avoid confidence-damaging coverage, there will also be opportunities to try and correct inaccurate reporting, which may be in relation to Council announcements or sentencing matters in general.

4.4 Due to the confidence-damaging potential of coverage relating to Council guideline announcements, other proactive tactics via media should be considered. This could include:

- Producing “you be the judge” type features when there is a news hook that makes a sentencing issue topical, or initiating more general discussions about sentencing on broadcast channels. This has been done previously by running a series of scenarios with a local media partner, giving readers background about sentencing then trying out the scenarios.
- Generally seeking opportunities for our spokespeople to appear as experts on sentencing beyond just the guideline launches eg explaining principles of sentencing or clarifying particular areas such as mandatory life sentences etc.
- Pitching articles and ideas on aspects of sentencing to particular media.
- Contact with factual crime-related TV shows in advisory capacity or to provide information.

***Web material***

4.5 The website is an important location to place information about sentencing and the current content should be reviewed, but it is also important to ensure it is easy to find via search engine optimisation. A general review of Council website content is planned for later in the year, when more dynamic content will also be considered.

4.6 Much content is already syndicated on other websites, but this should also be reviewed to ensure content placement is optimised and material is still current.



### ***Speaking opportunities***

- 4.7 There is a target of undertaking 20 speaking events each year, and further activity could be considered to seek opportunities to widen the variety of audiences reached. This could include, for example, approaching the organisers of the National Police Chief's Council annual conference, Victim Support annual conference and Legal Wales.

### ***Research***

- 4.8 Research could be considered as a means of stimulating debate and raising public awareness of sentencing issues. This could include, for example, an interesting piece of yougov research leading to some analysis of sentencing and the public, perhaps with an international perspective/comparison.

### ***Review and revision of our social media strategy***

- 4.9 A drive to become more proactive and responsive on twitter could be considered, although the outlay in terms of time would need to be carefully assessed.

Within the overall public audience, there are segments that can be identified as being particularly significant.

### **Victims and witnesses**

- 4.10 Those who come into contact with the criminal justice system as victims or witnesses could have their confidence damaged in many ways, so it is important to ensure that they have access to information that will manage their expectations about sentencing.
- 4.11 This audience continues to be reached via existing materials being used primarily by the Witness Service, and to a lesser extent by Victim Support. Given that they have been in circulation for some time, they should be evaluated in order to assess current usage, attitudes toward them and whether further materials should be developed, and this should be a priority task.
- 4.12 However, it would also be advisable to re-examine what other organisations representing victims would be other valuable channels to reach them.

### **Young people**

- 4.13 Reaching young people with information about sentencing will enable them to understand the basics and therefore have a more informed opinion when

hearing or reading about sentencing or particular cases subsequently. This will hopefully allow a more critical evaluation of media coverage.

- 4.14 This audience is being reached with existing educational materials that have been developed in collaboration with educational organisations such as the Citizenship Foundation. These materials now need to be evaluated, and informed by that evaluation, existing materials may need to be adapted and new materials could potentially be developed.

### **Organisations that can act as conduits to the public**

- 4.15 Due to the Council's limited resources, working in partnership with other organisations is necessary to optimise the reach of any work, making use of resources and networks of third parties rather than limiting the scope of work to our own.

#### ***Police***

- 4.16 The police appear to be a valuable conduit to the public and the current research into police attitudes will be undertaken to examine the potential in promoting confidence via this audience.

#### ***Other organisations***

- 4.17 It should be investigated as to whether there are other organisations or bodies that would be valuable conduits to the public in promoting confidence.

## **5 Evaluation**

- 5.1 Any work undertaken needs to be evaluated. It is difficult to make clear links between the work of the Council and increases or decreases in overall public confidence. However, there are a number of ways in which attitudes among specific groups can be gauged, such as by conducting research with those sub-sections who we have developed specific information for, such as victims and witnesses. The Council's analysis and research team are an internal asset that may be used, and will be engaged, for example, in research into police attitudes to sentencing.
- 5.2 Analysing media coverage and its tone and reach can also be used as a barometer of promotion or negation of public confidence. Each guideline announcement can be analysed to assess the tone and reach of coverage and therefore consider the likely overall effect on attitudes.

**Sub-group meeting:** 21 March 2017

**Paper:** Improving police understanding of sentencing

**Lead official:** Nick Mann 020 7071 5792

**Strategic objective:** To promote among practitioners, victims, witnesses and the public awareness and understanding of, and confidence in, sentencing and the sentencing guidelines.

**Work strand:** To work to engage public and victims of crime.

## 1. Issue

- 1.1 Our aim in this exercise is to engage police audiences with a view to improving officers' knowledge about sentencing so that:
- they are better informed and able to manage their own expectations and the expectations of victims and other members of the public about sentencing outcomes;
  - they can act as a conduit to the public in improving the latter's understanding, becoming potential advocates of the CJS, thus helping meet the comms objective to promote confidence in sentencing;
  - they have a more positive opinion of sentencing in general and in particular to the cases they investigate.

## 2. Recommendation

The members of the sub-group consider and approve the research proposal.

### **3. Work to date**

- 3.1 Following the previous paper setting out the proposal that comms activity should be undertaken with police audiences since they are likely to be important in building confidence in sentencing, some initial scoping and research has been completed.
- 3.2 Alex McMillan, Simon Byrne's staff officer at Cheshire Police, produced a short questionnaire and conducted 1-1 interviews with 22 officers who were chosen based on the likelihood of them having regular contact with prosecution cases and exposure to sentencing outcomes.
- 3.3 The aim of this exercise was to establish a simple starting point for any further work in relation to police engagement and the key areas covered by the questions related to training, sense of fairness, contact with victims and access to information.
- 3.4 Some of the findings were:
- Very few of the officers had received any training relating to sentencing guidelines
  - Sentencing was not perceived by the majority to be fair, primarily due to inconsistency.
  - About half of those interviewed had accessed guidelines, but had primarily looked for maximum or minimum sentences.
  - About half felt that the CPS would be the most suitable organisation to offer guidance to the police on sentencing matters.
  - More than 90 per cent would welcome further guidance on sentencing guidelines.

The full list of questions and answers are provided in Annex 1.

- 3.5 Following this piece of research, Alex and Nick met to discuss the findings and next steps.
- 3.6 Contacts at the College of Policing were also asked about attitudes and avenues of research. They felt that officers are likely to be fairly well informed about sentencing, albeit their knowledge might be skewed by one-off exceptions. They thought that their views are likely to be based on what they see as the subsequent stages of the CJS 'letting them down' when they 'know' the suspect is guilty. This view may also apply the CPS, courts, juries,

etc. Sometimes their intelligence about a suspect will also extend beyond the specific of a case, so may feel that not all the 'facts' have been taken into account. They thought that some would also question the sentencing guidelines and would prefer that judges and magistrates could give out harsher penalties.

#### **4. Next steps**

4.1 From these discussions, it was felt that there is not yet enough information on which to develop a comms strategy and that a second phase of research should be developed.

4.2 The recommendation is that a short piece of research is undertaken with the heads of criminal justice in the 43 police forces to gain insights about attitudes towards sentencing in their forces. The aim would be to ascertain in an efficient way whether there is actually a significant need and appetite for information about sentencing, and if so, what this would comprise and how it would be best delivered. It would focus on areas such as:

- Whether they think officers in their force are confident that sentencing is fair and proportionate, and reasons either way.
- Whether they feel officers in their force have an adequate understanding of how sentencing works and the purposes of sentencing, along with the role of sentencing guidelines
- Whether they feel it is important that officers have a good understanding of how sentencing works in terms of their own work and in terms of their dealings with victims, witnesses and other relevant groups.
- Whether information about sentencing is required, and if so, how this would be best delivered in terms of channels, format and timing and whether there are specific issues, or particular groups of officers that need particular focus.

**Question 1:** Do you agree with the next steps above?

**Question 2:** Are there other areas that need covering as part of scoping the next stage of the project?

## Annex 1 – Cheshire Police initial research

### Question 1 - Have you ever received any form of training in respect of sentencing guidelines?

The vast majority of officers had not received any form of training or input during their careers with the exception of a small number of recently appointed detectives who had received some information during their detective training (within last 2 years). Interestingly, most of the officers had been given reasonably detailed training in relation to the subject of early guilty plea based discount.

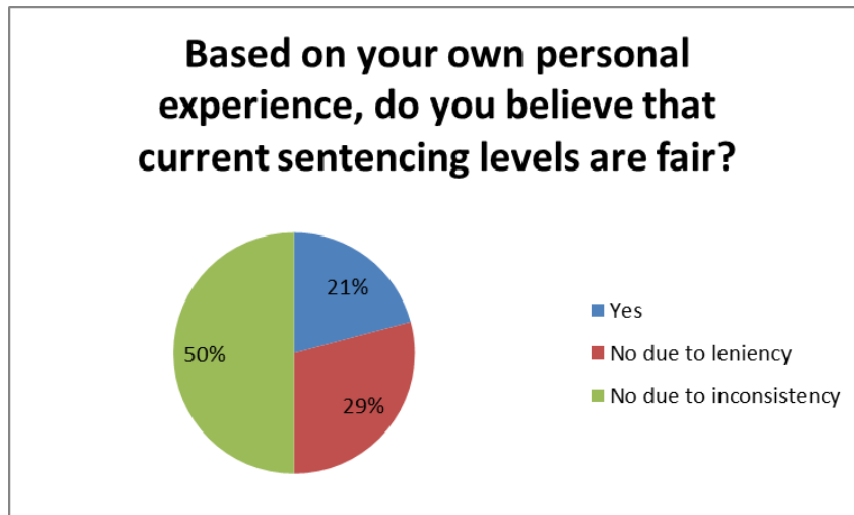


### Question 2 – Based on your own personal experience, do you believe that current sentencing levels are fair?

Whilst acknowledging that this question is extremely broad, it did promote some of the most animated discussion and detail. Most of those who answered 'yes' worked within the Economic Crime Unit where they had accessed guidelines.

Those who answered 'no due to leniency' tended to focus on their perception of high harm violent offences, domestic abuse and rape and compared what they believed were lenient sentences with those they perceived to be lower harm / impact offences where sentences were higher and disproportionate.

Those who answered 'no due to inconsistency' tended to be very experienced detectives who have operated in a particular area for a significant period of time and who, based on their exposure to sentencing, believe that they should be able to predict with any some sort of accuracy, likely levels or type of sentence. Most respondents cited examples they believed were unjust.



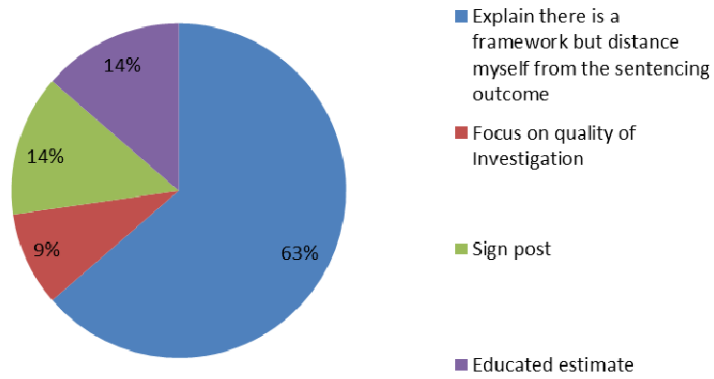
### **Question 3 – How do you normally deal with victims questions in relation to sentencing?**

The majority of respondents used the word 'distance' in their responses, describing a conversation style based on caution, this approach is underpinned by the notion that, despite their experience, it is too risky to offer an opinion in terms of the type / length / impact of any outcome.

Some focused on the standard of the investigation and reassure victims and witnesses that 'we have done everything we can' to secure justice

Those officers who 'sign-posted' directed their victims to either Witness Care or the CPS.

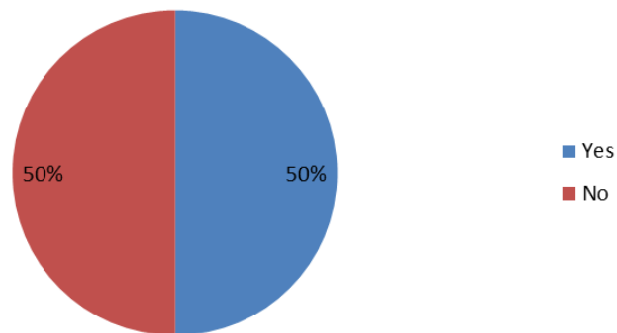
### How do you normally deal with victim's questions in relation to sentencing issues?



### Question 4 – Have you ever accessed guidelines?

Those who had researched guidelines had effectively focused on the minimum or maximum tariffs.

### Have you ever accessed guidelines?



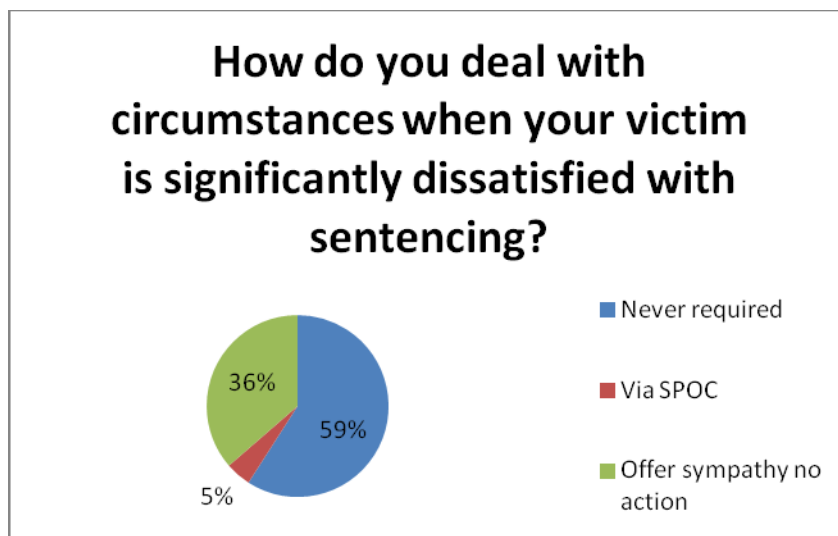


**Question 5 – How do you deal with circumstances when your victim is significantly dissatisfied with a sentencing outcome?**

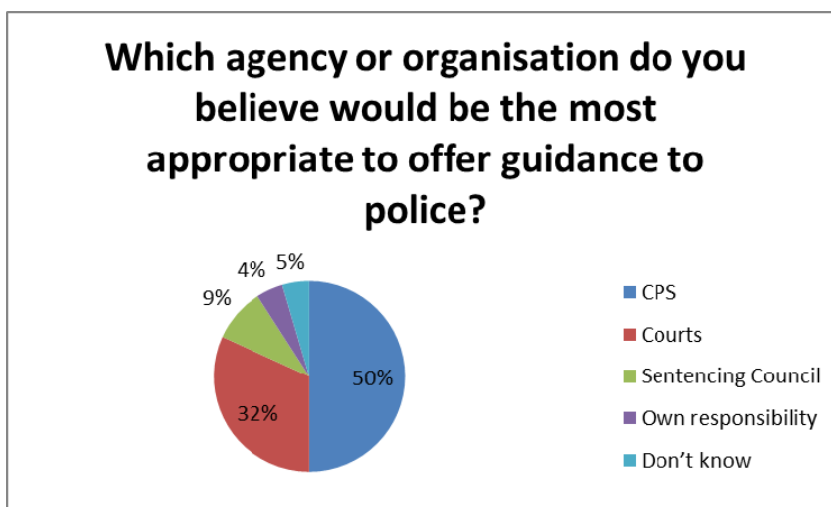
Those who had never had the need to challenge a sentencing outcome simply describe a process of carefully managing expectations throughout the investigation.

There are a number of SPOC's around the force who are carefully appointed to provide escalation and challenge, however they are rarely used.

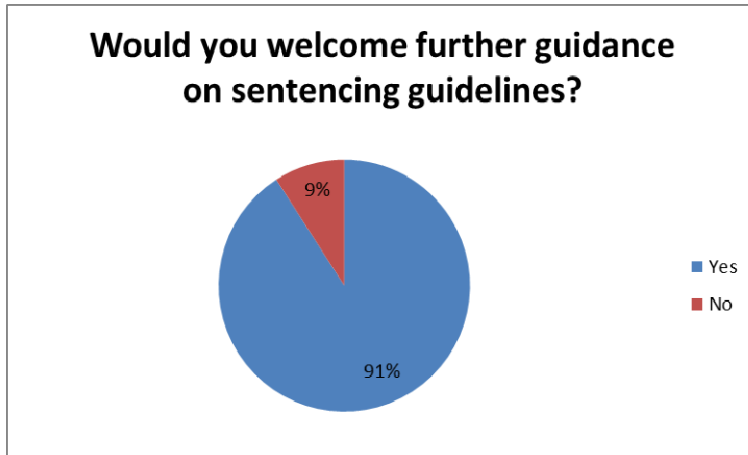
Many officers simple comfort their victim and try to rationalise what has happened.



**Question 6 - Which agency or organisation do you believe would be the most appropriate to offer guidance to police?**



**Question 7 - Would you welcome further guidance on sentencing guidelines?**



Action Log at December 2016											
Line item	RAG rating	Priority /urgency	Strategic objective	Area	Area 2	Action/comment	Comment/progress	Next action	Resp	Sub-grp sponsor	
1	Orange	1. High	Support implementation	Digital capability		Run tendering exercise and establish new contract to enable maintenance and development of digital capability	Develop requirements for tender exercise, to be agreed by SMT and C&C sub-group before submission to MoJ. Existing contract expires 3.2.17. Permission to procure has been given by MoJ. Tender exercise must be under way by mid-Dec. MoJ procurement business partner identified.	SMT reviewed requirements 11/11. Circulation to sub-group 15/11. Feedback incorporated into revised requirements. Submitted to MoJ 28/11.	PH	JulianG	
2	Green	3. Low	Support implementation	Publish guidelines and materials	Public and victims	via media: publicise release of draft and definitive guidelines and when guidelines come into force.	Ongoing work to nurture relationships with key journalists and identify specialist channels.	DGs: revised MCSG (Jan), guilty pleas (Feb/Mar), youths (Feb/Mar). Into force: imposition (Feb)	NM	JIII G	
3	Green	3. Low	Support implementation	Publish guidelines and materials	Working with partners	via practitioners: Maintain focus on implementation of guidelines. Issue summary briefing on new definitive guidelines for each agency and notification of coming into force.	All agencies receive and distribute articles via appropriate channels.	DGs: revised MCSG (Jan), guilty pleas (Feb/Mar), youths (Feb/Mar). Into force: imposition (Feb)	PH	JIII G	
4	Orange	1. High	Support implementation	Digital capacity		Develop on- and offline guidelines for Crown Court	Scope requirements and agree schedule. Review feedback on on- and offline MCSG. User testing, with digital provider.	Scope requirements. Work shadow magistrate/legal adviser. Sit in on Crown Court proceedings. Identify magistrates' digital lead.	PH	JulianG/JIII G	
5	Orange	1. High	Support implementation	Digital capacity		Create digital environment for successful implementation of CCSG	Identify key players in eJudiciary and other digital projects across CJS. Press for "tile" and integrated content on eJudiciary.	Map digital CJS landscape, research contacts. Source introduction to eJudiciary.	PH	JulianG/JIII G	
6	Orange	1. High	Support implementation	Digital capacity		Refine MCSG in line with user feedback - post launch of revised MCSG	Review existing and source additional user feedback. See how guidelines used in context. Establish routine feedback channel.	Arrange work shadowing for Hd of Comms. Assess status of Mag's engagement group and digital lead.	PH	JIII G	
	Green	3. Low	Support implementation	Digital capacity		Refine and develop website in line with user survey - see separate entry for Members' area.	Build basic review requirements into new contract.	Analyse user feedback from ongoing survey to inform development	PH/GS	SB	
7	Green	3. Low	Support implementation	Digital capacity		Refine and develop Members' area of website, particularly tool for online collaboration on documents	Build review requirements into new contract. Survey Members.	Develop user survey. Analyse existing and new user feedback to inform development.	PH/GS	JIII G	
8	Green	2. Medium	Promote confidence	Digital capacity		Make creative and productive use of Twitter to reach audiences and key influencers	Review Council's use of Twitter. Revise plan for submission to C&C subgroup.	Embed with Members and OSC.	PH	SB	
9	Green	3. Low	Support implementation	Digital capacity		Source alternative online consultation facility.	Incorporate work into the new digital contract.	New contract live from Feb 2017.	PH	SB	
10	Orange	3. Low	Reinforce reputation	Working with partners		Maintain constructive relationships with MoJ	Attend monthly Group Communication Board meeting. Inform MoJ News Planning of forthcoming activities. Ensure MoJ Press Office attend pre-launch "walk throughs".	Group Comms Board 15 Dec. PH meet Emily Tofield, MoJ Dir of Comms 15/12.	PH/NM	MG	
11	Orange	3. Low	Reinforce reputation	Working with partner orgs		Ensure stakeholder intelligence is managed well to support relationship building	Embed use of stakeholder management tool within OSC	Review benefits for the organisation and current practice.	PH	MG	
12	Green	3. Low	Promote confidence	Working with partner orgs		Ensure we meet our commitment to 20 activities/events in the 16/17 financial year. Promote use of OSC support for presentations. Develop new PowerPoint template.	By 9/12 Members of the Sentencing Council and OSC will have spoken at 28 events.	Plan for 17/18 by year end. Approach key stakeholders with the offer of a speaker. Plan for roll-out of new PowerPoint template.	PH	JulianG	
13	Green	2. Medium	Promote confidence	Public and victims	Working with partners	Continued promotion of the victims materials - film, leaflets and tent cards - and info on website.	Evaluation of existing comms activities and exploration of future collaboration to be explored with WS. PH/NM met Head of Public Affairs, Victim Support 28/9.	To evaluate effectiveness of comms activity to meet objectives. Arrange meeting with WS. Enhance information about VPSs on website and assess if further information is required.	NM	MG	
14	Orange	1. High	Promote confidence	Public and victims	Working with partners	Develop comms campaign to improve knowledge about sentencing among police officers	Development of initial plan for discussion.	Establish what existing research on police attitudes exist, draft research if necessary, scope potential of likely activities.	NM	SB	
15	Green	3. Low	Reinforce reputation	Working with partners		Be alert to opportunities in Parliament.	Facilitate meetings between Parliamentarians and Council Members. Brief the Chairman and other Council Members attending Justice Ctee meetings.	Monitor parliamentary activity, provide input to briefings for meetings and committee sessions	PH	JulianG	
16	Green	3. Low	Promote confidence	Public and victims		Educational materials for schools	There is ongoing activity with the Citizenship Foundation to develop materials. Evaluation is also ongoing - there have been 2800 page views and 1500 unique visitors looking at the materials on the SC site, and 624 downloads from the TES site. Feedback has been requested from CF and the Assoc for Citizenship Teaching, but too early for evaluation from CF due to delays in SmartLaw website development.	Evaluate existing materials	NM	MG	
17	Green	3. Low	Promote confidence	Digital capability		Syndicate web-content on sentencing on partner websites.	Revised content now on CPS site with links to our site. Continue to review existing content on other partner sites including Open Justice (MoJ) and GOV.UK. Continue to press for "tile" on eJudiciary homepage.	Ongoing	PH	JIII G	
18	Orange	2. Medium	Reinforce reputation	Publish guidelines and materials		Ensure effective launches of definitive guidelines, and appropriate participation in consultations	Design plan to evaluate launch and publicity activities, particularly impact on consultation responses	Plan in place for next consultations: manslaughter, April/May; Public Order, June/July	PH/NM	MG	

	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	Total
<b>(4) Communications</b>	<b>£13,588.00</b>	<b>£9,600.00</b>	<b>£3,600.00</b>	<b>£19,560.00</b>	<b>£0.00</b>	<b>£8,200.00</b>	<b>£26,160.00</b>	<b>£21,200.00</b>	<b>£7,200.00</b>	<b>£9,560.00</b>	<b>£0.00</b>	<b>£22,598.40</b>	<b>£141,266.40</b>
<b>Child cruelty</b>													
<i>Consultation paper design</i>													
Consultation paper print	£600.00												£600.00
Definitive guideline design												£2,000.00	£2,000.00
Definitive guideline print												£2,600.00	£2,600.00
<b>Manslaughter</b>													
<i>Consultation paper design</i>													
Consultation paper print				£600.00									£600.00
<b>Bladed articles</b>													
<i>Definitive guideline design</i>													
Definitive guideline print						£2,600.00							£2,600.00
<b>Public order</b>													
Consultation paper design						£2,000.00							£2,000.00
Consultation paper print						£600.00							£600.00
<b>Breach of order</b>													
Definitive guideline design							£2,000.00						£2,000.00
Definitive guideline print							£2,600.00						£2,600.00
<b>Arson and criminal damage</b>													
Consultation paper design								£2,000.00					£2,000.00
Consultation paper print								£600.00					£600.00
<b>Terrorism</b>													
Consultation paper design										£2,000.00			£2,000.00
Consultation paper print										£600.00			£600.00
<b>Intimidatory offences</b>													
Definitive guideline design												£2,000.00	£2,000.00
Definitive guideline print												£2,600.00	£2,600.00
<b>Domestic abuse</b>													
Definitive guideline design												£2,000.00	£2,000.00
Definitive guideline print												£2,600.00	£2,600.00
<b>Annual Report</b>													
Design							£2,000.00						£2,000.00
Print							£600.00						£600.00
<b>Production, print, distribution</b>													
Other misc printing, incl victim/witness info	£600.00			£600.00			£600.00			£600.00			£2,400.00
<b>Press</b>													
Media training				£600.00		£600.00	£600.00	£600.00		£600.00		£1,200.00	£4,200.00
NLA licence												£1,598.40	£1,598.40
Media monitoring	£7,000.00												£7,000.00
<b>Website and digital guidelines</b>													
Development		£9,600.00	£3,600	£12,000.00		£2,400.00	£12,000.00	£18,000.00	£7,200.00			£6,000.00	£70,800.00
Hosting	£5,388.00			£5,760.00			£5,760.00			£5,760.00			£22,668.00

incl VAT  
incl VAT

Office of the Sentencing Council Risk Register



Head of Office: Steve Wade

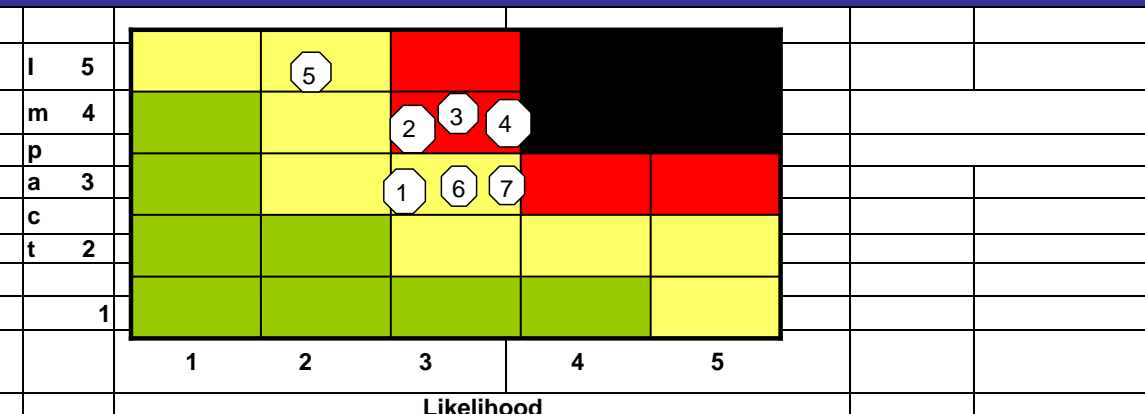
Action owners Last update

Steve Wade

Phil Hodgson

Emma Marshall 15.06.16

Vicky Hunt 21.02.17



ID	OWNER	DESCRIPTION	CAUSE	EFFECT	L	I	TOTAL SCORE	CONTINGENCY	MITIGATING ACTION	DIRECTION
1 (A&R sub-risk no. 1)	Emma Marshall	Impact of guidelines differs to resource assessment or inability to ascertain impact	1. Lack of staff/ expertise needed to look at impact; 2. A&R financial and human resources not focused on right areas; 3. insufficient data/robust data available on which to make forecasts or to monitor after implementation; 4. wider changes to CJS have unforeseen consequences for sentencing; sentencers do not follow guidelines.	1. Relationship and reputational damage; 2. Resource impact on probation and prisons	3	3	9	Realign resources to reflect priorities. Draw uncertainties / concerns to attention of Council at early stage; explore other sources of data.	Make early assessment of evidence needed to support resource assessments and to monitor guidelines; Undertake early and enough "road testing" and transcript work; ongoing close liaison between Office and MOJ (policy and ASD). Use short term secondments.	no change
2	Steve Wade	Insufficient resources to deliver statutory and Business Plan priorities	1. Departmental wide spending constraints. 2. Cuts to budget;3. high turnover of staff or ongoing vacancies; 4. resources not focussed in the right place at the right time.	1. Headcount and/ or budget reduced; 2. Pace of guideline production slowed; 3. Inability to revise guidelines following evaluations	3	4	12	Realign resources if unexpected departure of staff. Extend the period over which a guideline is formulated and issued or reduce number of guidelines worked on concurrently if cuts are imposed.	Liaison with MoJ by Head of Office and Chair. Better record keeping and succession planning. Regular workforce discussions to ensure that capabilities are used efficiently and effectively. Use of short term secondments. Close scrutiny of spend against for	No change (likelihood increased in January)
3	Steve Wade	External changes result in wholesale overhaul of Council's three year plan.	Major Government reforms to the structure of the CJS, courts and / or sentencing.	1. "Wasted" resource on multiple guidelines which become obsolete prior to or immediately after publication; 2. All guidelines become out of date at same time, providing inaccurate guidance to sentencers.	3	4	12	Establish strong working relationships with the policy team at MoJ, including the sentencing policy liaison. Establish contacts at the Home Office to ensure early involvement of any changes that may impact us. Bring forward scheduled reviews of Business plan by Council. Realign resources and revise work plan.	Ongoing regular and close liaison with MOJ and CJS agencies. Move to digital provision of guidelines.	no change
4 (A&R sub-risk 2)	Emma Marshall	Council's analytical strategy implemented but unable to meet Council's needs	Insufficient data to support available to support analytical needs; data lag leads to inability to evaluate guidelines at optimum time.	Risk that guidelines do not achieve their aims, have unintended consequences, or that we are unable to comment on this; inability to meet statutory duties; judges disengage with our analytical work; resources expended on work that is unable to assess impact or implementation of guidelines.	3	4	12	Engage with Council and policy to understand the highest priority needs and whether anything can be reprioritised; work with A&R subgroup to prioritise needs and plan work effectively; review balance of resource in team; engage with comms team to ensure effective dissemination of messages and information to the judiciary. A&R to liaise closely with MoJ on latest available data.	Implement new analytical strategy for scrutiny by subgroup and Council and understand highest priority analytical needs; actively engage with procurement to produce cost effective ways of implementing the strategy; engage with communications team to ensure effective dissemination of messages from the Council and information to the judiciary and their continued engagement. Monitor progress on work closely, have a clear plan in place and start planning work in advance to avoid data lag issues.	no change
5 (Comms sub-risk 2)	Phil Hodgson	Guidelines (and other materials) are not accessible to users.	1. Website fails or is compromised; 2. App fails or is compromised. 3. Digital guidelines (and other materials) unsuitable for all users' needs or unavailable to some users.	1. Sentencers unable to download or view guidelines in court and announcements delayed; 2. Resources diverted from priority guideline work; 3. Reduction in responses to consultations etc.	2	5	10	Establish process to inform affected individuals immediately, use other channels (e.g. Twitter, judicial intranet) to inform users of issue; provide guidelines in alternative format to digital for some users; make limited information available in Welsh, close liaison with WLU.	1. Deliver offline alternative to online guidelines; 2. Review policy on provision of material in Welsh and other formats.	No change (likelihood decreased in January)
6	Steve Wade	Underspend is significant creating a risk that our future budget may be cut inline with it	1. Loss of staff, and length of time it takes to replace them; 2. recruitment freeze; 3. new staff less expensive than the staff that have departed	1. Headcount and/ or budget reduced; 2. Pace of guideline production slowed.	3	3	9	Realign resources if needed. Amend workplan.Keep Council informed	Liaison with MoJ by Head of Office and Chair. Regular workforce discussions to ensure that capabilities are used efficiently and effectively. Think about ways we can outsource work to contractors	No change

Office of the Sentencing Council Risk Register



Head of Office:	Steve Wade	<table border="1"> <tr><td>5</td><td>5</td><td>5</td><td>5</td><td>5</td></tr> <tr><td>4</td><td>5</td><td>2 3 4</td><td>5</td><td>5</td></tr> <tr><td>3</td><td>5</td><td>1 6 7</td><td>5</td><td>5</td></tr> <tr><td>2</td><td>5</td><td>5</td><td>5</td><td>5</td></tr> <tr><td>1</td><td>5</td><td>5</td><td>5</td><td>5</td></tr> <tr><td colspan="5">Likelihood</td></tr> </table>	5	5	5	5	5	4	5	2 3 4	5	5	3	5	1 6 7	5	5	2	5	5	5	5	1	5	5	5	5	Likelihood				
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Likelihood											

ID	OWNER	DESCRIPTION	CAUSE	EFFECT	L	I	TOTAL SCORE	CONTINGENCY	MITIGATING ACTION	DIRECTION
7 (Comms sub risk 1)	Steve Wade/ Phil Hodgson	Loss of support / confidence among key stakeholders - MoJ/ Ministers; public/ media; judges/ magistrates.	1. Insufficient engagement with Govt; 2. negative or inaccurate media reporting; 3. insufficient/poorly targeted comms; 4. insufficient engagement with judges and magistrates; 5. failure or perceived failure to consult widely or respond to consultations;	1. loss of influence; 2. sentencers stop following guidelines; 3. budget cut; 4. statutory duties changed; 5. remit of Council reduced or Council abolished/ merged with other body.	3	3	9	1. Increase frequency of meetings between Ministers and Chair. 2,3&4. Refocus communications activity; 5. Increase publicity for consultations/ change approach.	Maintain regular communications with Government, judiciary and media; keep comms plan under review; ensure staff know and follow information assurance rules.	no change