

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

**13 July 2017, 09:00 – 09:50**

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

### **Agenda**

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

#### **Supporting effective implementation**

1. Update on improving the digital MCSG (PH, 7 mins) – paper 1
2. Update on Welsh-language MCSG (PH, 3 mins)
3. Update on development of Crown Court Sentencing Guidelines (PH, 3 mins)
4. Website statistics and online survey responses (GS, 4 mins)

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

5. Improving Police understanding of sentencing (NM, 10 mins) – paper 2
6. Response to Professor Bottoms' Review (PH, 10 mins) – paper 3

#### **Other actions from previous meeting and action log**

7. Actions from previous meeting (PH, 3 mins)
8. Review of action-log progress (PH, 4 mins)

#### **AOB**

9. Budget (PH, 2 mins)
11. Risk register, items 5 and 7 (PH, 2 mins)

**(50 minutes)**

**Sub-group meeting:** 13 July 2017

**Paper:** 1. Improving the digital MCSG

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

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

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

## Improving the MCSG

### 1. Issue

- 1.1 At the Confidence and Communication Sub-group meeting in March, members discussed a series of potential solutions to problems users were experiencing with the on- and offline MCSG.
- 1.2 The solutions were developed following a number of visits to magistrates' courts made with our digital developers. We observed how the digital guidelines were being used in the context of a busy court room and talked to bench chairs, magistrates, legal advisers and other professional users.
- 1.3 We have subsequently tested our proposed solutions with three focus groups, which included bench chairs, magistrates, legal advisers and a district judge, all of whom responded positively.
- 1.4 The principal changes we are making to the on- and offline MCSG and their benefits are outlined in Annex A.

### 2. Recommendation

- 2.1 It is recommended that Sub-group members consider and approve:
  - proposal for rolling out the enhancements to the app and changes to the online MCSG;
  - withdrawal of the single pdf version; and

- proposed next steps for further enhancing the digital MCSG.

### **3. Consideration**

#### **3.1 Rolling out the enhancements**

- 3.1.1 I expect to launch the enhanced app and the new “long pages” on the online MCSG on Monday 21 August.
- 3.1.2 Our digital agency will have completed work on the app by 28 July. To prepare users for the changes, I would like to make a video showing what is new and how the new features work. The video will:
- be no more than 2 or 3 minutes long;
  - have subtitles as well as audio so people can watch it anywhere;
  - be available via eJudiciary for magistrates and district judges and on the website for other users; and
  - be available for at least two weeks before the changes are launched.
- 3.1.3 We will alert magistrates and DJs to the forthcoming changes and provide them with a link to the video via:
- eJudiciary email
  - eJudiciary online alerts
  - Judicial intranet
  - internal cascade via Bench Chairs and Justices’ Clerks (via HMCTS)
- We will also be submitting a briefing on the changes and our future plans to the NBCF Executive for consideration at their meeting on 18 July.
- 3.1.4 We will be alerting other users via the MCSG homepage and updates pages on the website, as well as using internal channels where appropriate.
- 3.1.5 We will also be providing a Help Page in the enhanced app, providing users with guidance on what’s new and a link to the video.

#### **Question**

Do members approve the communication plan for supporting the roll out of the enhanced app?

## **3.2 Withdrawing the pdf**

3.2.1 At the March Confidence and Communication Sub-group members agreed that the single pdf version of the MCSG should be withdrawn at the end of July, three months after the revised guidelines came into force in April.

Concerned that magistrates would not have enough notice, the Head of the Office ask for withdrawal to be postponed.

3.2.2 The enhancements to the app will provide users with an experience that as closely as possible replicates what they most liked about using the single pdf:

- offences laid out as single, long pages;
- no need to click between pages;
- users will know at all times what guideline they are looking at;
- quick, simple bookmarking and an A to Z index.

3.2.3 I recommend we withdraw the single pdf two months after the launch of the enhanced app, ie on Friday 20 October.

3.2.4 Our communications about the changes to the app and website will include notice of the withdrawal of the pdf.

### ***Question***

Do members approve this approach to withdrawing the single, pdf version of the MCSG?

## **3.3 Continuing improvements**

3.3.1 The enhancements to the app will make it a much more user-friendly tool. However, during our research, users have suggested further improvements that could be made and other tools that they would find useful.

3.3.2 I would like to continue to do research with users of the on- and offline MCSG to identify potential for improvements, while prioritising the Crown Court digital guidelines project.

### ***Search and terminology***

3.3.3 We have provided solutions to the technical issues users were experiencing with the search function that related to slowness and the number of results displayed. We have also provided them with an A to Z index of offences.

3.3.4 However, several magistrates have said 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.

3.3.5 At the March Confidence and Communication Sub-group meeting we considered that this was potentially a training issue. However, it is clearly a major source of frustration to users of the app and website, and I would like to do some more work to understand exactly what the problem is.

### ***Question***

Do members agree that we should:

- continue to research and develop the on- and offline MCSG, while prioritising the Crown Court digital guidelines project; and
- include a strand relating to search terminology and behaviour in our next phase of user research?

<b>Sub-group meeting:</b>	<b>13 July 2017</b>
<b>Paper:</b>	<b>1. Improving the digital MCSG</b>
<b>Lead official:</b>	<b>Phil Hodgson 020 7071 5788</b>

## **Improving the MCSG: Annex A**

### **1. Principal changes to the MCSG**

#### **Seeing more of the guideline**

- 1.1 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.

#### **Offline app**

- 1.2 The existing app displays the guidelines in landscape format only, limiting the amount of content users can see on a single page.
- 1.3 In the enhanced app:
- guidelines are displayed on a single page, allowing users to scroll down rather than having to click through three pages;
  - users can choose to display the page in portrait and in “full screen”, again allowing them to see a great deal more of the guideline;
  - each page will have a “sticky” heading, which will remain at the top of page when users scroll up and down; and
  - the space used for navigation around the guideline has been vastly reduced, allowing us to devote more of the screen to displaying search results and guideline content.

## **Online MCSG**

- 1.4 We will also be using the long, single page guidelines on the website version of the MCSG. Magistrates I have spoken to are clear that they would prefer to scroll down a page rather than constantly switch between pages.

### **Retaining information across pages**

- 1.5 Users want to be able to keep track of the choices they make as they progress through the steps of the guideline.
- 1.6 **Solution:** In the enhanced app:
- users will be able to highlight parts of the text, which will allow them to identify choices easily when they scroll up and down the page;
  - users will also be able to turn off all highlighting in one step, so other users' highlighting can be cleared quickly at the start of each session.

### **Bookmarking and viewing more than one guideline**

- 1.7 Users told us that they want to be able to bookmark offences they will need to look at later, and they want to be able to see more than one guideline at a time for sentencing multiple offences.
- 1.8 In the existing app, bookmarking an offence opens a new page, taking users out of the offence they are currently looking at. This is causing frustration and confusion, particularly when users are trying to work quickly in court.
- 1.9 **Solution:** In the enhanced app, users can:
- bookmark any number of offences from the index without leaving their current page; and
  - access their list of bookmarks with one click.

We are not able to replicate the “multi tab” function of a website in the app but bookmarking provides a similar function.

### **Fines calculator**

- 1.10 Users wanted to be able to add more offences and make changes more easily.
- 1.11 The enhanced tool will be available on the app and the website.
- 1.12 **Solution:** The changes will
- simplify use, 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 make a handwritten note.

## 2. Second phase

2.1 We will follow the launch of the enhanced app with two new additions, which will be available on the website and the app.

### Drink-drive calculator

2.2 Using feedback from magistrates and justices' clerks we are in the process of developing a tool that will be available on the allow users to calculate:

- the date on which the offender can drive again (ie the day after the sentenced disqualification period is completed, ***without reduction***)
- the length in months/weeks of the reduction – default to the maximum, which is one quarter of the disqualification period, with option to manually amend
- the final length of the reduced disqualification period
- the date on which the offender can drive again (ie the day after the sentenced disqualification period is completed, ***with reduction***)
- the date by which the driving course must be completed (must be at least two months before the end of the reduced disqualification period)

### Simple calculator

2.3 Users also asked us to provide a simple calculator so they would not need to leave the app or online MCSG to do calculations.

# Sentencing Council

<b>Sub-group meeting:</b>	<b>13 July 2017</b>
<b>Paper:</b>	<b>2. Improving police understanding of sentencing</b>
<b>Lead official:</b>	<b>Nick Mann 020 7071 5792</b>

**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.

## Aims and objectives

Our overall aim is to improve knowledge of and confidence in sentencing among officers of all ranks.

The objectives are to ensure:

- officers of all ranks 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 share a more positive opinion of sentencing in general and in particular to the cases they investigate and advocate for sentencing as central actors in the CJS; and.
- specific groups can act as a conduit to sectors of 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;

## Work to date

Some indications from initial scoping and research were that a significant proportion of officers feel that sentencing is not perceived to be fair or consistent, that the CPS would be well placed to offer guidance to the police on sentencing matters and that most would welcome further guidance on sentencing guidelines. Further enquiries with criminal justice leads in the 43 police forces has indicated that there were no

significant concerns about sentencing and it was not perceived as a gap in information for which there was an appetite.

## **Target audiences**

A Council priority is that members of the police service at all ranks understand how sentencing works and have confidence that guidelines are effective in making the sentence fit the crime. The messages we want to communicate are:

- Sentencing is a fair and logical process that aims to give sentences that reflect the facts of the offence, but judges and magistrates must follow the law, and can only sentence according to the offence the offender is convicted of.
- Sentencing is about more than just punishment. Depending on the offence and the offender, judges and magistrates must also consider which of the other purposes of sentencing are most important to factor in. These purposes are to: reduce future crime, reform and rehabilitate offenders, protect the public and make the offender give something back.
- Sentencing guidelines set out a clear, structured approach to sentencing for a particular offence, taking into account all the relevant factors about the offence and the offender while still allowing for judicial discretion.
- This means a consistent approach to sentencing so that wherever in England and Wales a case is heard, it will be considered in the same way and allows for greater transparency in the sentencing decision.

The police as an audience comprise two basic groupings. As well as being a stakeholder audience in themselves, whose knowledge about sentencing we want to improve, the police can also act as advocates to other groups outside the police service.

### **Police as stakeholders**

While all members of the police are important stakeholders and representatives of the CJS, there will be some groups of officers for whom information will be of more interest than others. It has been highlighted for example, that for those who are at the front line of emergency response, sentencing information is unlikely to be a high priority. On the other hand, those with involvement later in the process may have greater interest, and senior officers may be a valuable audience in terms of acting as opinion formers and influencers.

Priority audiences are anticipated to be

- Those who are least confident in sentencing being fair and proportionate, who are therefore dissatisfied with how the courts sentence, which may be due to a lack of understanding about how sentencing works;
- Those who are influencers or advocates – who could influence other officers formally or informally; and
- Contacts at representative bodies who would be useful conduits to relevant groups of officers.

The next steps in relation to this overall audience is to confirm who are in priority roles, hone messaging in relation to them and ascertain what channels are best used to reach them.

### **Police as advocates to other groups**

The police are also a valuable channel for reaching particular groups outside the police service, such as victims, witnesses and the public, with information that would expand their knowledge of sentencing. In terms of such advocacy, some groups of officers will be of particular relevance, such as victims' services and family liaison officers. Other groups may have more interaction with the public at a stage in the process that is closer to sentencing and promoting their understanding or providing information may be a priority.

We therefore need to establish who these groups are, the best ways of reaching them and the kind of information that would be of use and relevance to them.

### **Next steps**

We will work with our police contacts to establish the best way to proceed in identifying priority groups from the two audience types, identifying:

- The best individuals, roles and groups to target;
- Their likely priorities; and
- The best ways to reach them, including internal channels such as committees and influential external channels such as publications like Police Professional, or organisations such as the Police Federation.

A specific plan of activity will then be drawn up.

### **Risks**

There are a number of risks in communicating with these audiences:

- There may be negative views of the way the courts treat offenders who commit offences against police officers, particularly assault.

- There may be indifference with some officers seeing sentencing as a subject of low priority to them. This could mean difficulty in getting information disseminated via police channels, or mean that information is not absorbed due to being perceived as low priority.
- While the heads of criminal justice may be able to provide insights and act as conduits to the most relevant audiences within their forces, we would want to avoid any fatigue among them in relation to this activity, and we may also need their input in the evaluation phase.

### **Success measures and evaluation**

While success measures will be linked to the overall objectives, precise measures and evaluation will be tied to specific strands of activity when these are decided.

### **Budget**

There is no formal budget for activity, and the anticipation would be that one would not be assigned, but depending on precise activities decided upon, there may be some minor sums required e.g. for printing materials.

### **Activities and timetable**

The initial time frame for activity is six months and over this period the expectation would be that a final plan and activity strands would have been finalised and that work on those strands would be well under way, and in some cases complete. However, a more precise timeframe will be drawn up once priority activities have been decided upon.

Police comms action log					
Line item	Action/comment	Objective	Comment/progress	Next action	Resp
1	Compile list of potential article/feature subjects for pitching to Police Professional and Police Federation	Raise awareness of how sentencing works, how guidelines work to achieve consistency of approach, and the benefits.	Pitch complete	Alex to approach PP/PF to get their views on whether a one off or series of articles is best	NM
2	Approach PP/PF regarding content about sentencing for publication	Raise awareness of how sentencing works, how guidelines work to achieve consistency of approach, and the benefits.	11-Jul		AM
3	Compile list of existing resources that could be of use in informing police audiences about sentencing	Identify gaps in existing provision	07-Jul		NM
4	Arrange for Julian Goose to speak at Criminal Justice 2025 conference	Reach senior officers. Encourage collaboration	Complete		AM/NM
5	Secure 'we cops' agreement to run a facilitated on-line discussion on the subject of sentencing	Raise awareness of how sentencing works, how guidelines work to achieve consistency of approach, and the benefits.	Complete	SC to decide on topic, a Council member to host and a proposed date.	AM
6	Secure go-ahead for content to appear on the POLKA site (Police Knowledge area)	Raise awareness of how sentencing works, how guidelines work to achieve consistency of approach, and the benefits.	Complete	SC to decide on best content to provide.	AM
	Make contact with FLO network to establish whether they are interested in information about sentencing.	Build knowledge and confidence among FLOs. Advocates.	Contact has been made and reply awaited		AM
7	Investigate whether FLO leaflets are still in circulation and being used, and if so, how widely.	Build knowledge and confidence among FLOs. Advocates.	Contact has been made and reply awaited		AM/NM
8	Make contact with police lead on victims and witnesses to discuss what we have to offer in terms of sentencing materials and support.		13-Jul		AM

<b>Sub-group meeting:</b>	<b>13 July 2017</b>
<b>Paper:</b>	<b>3. Response to Professor Bottoms' Review</b>
<b>Lead official:</b>	<b>Phil Hodgson 020 7071 5788</b>

## **Response to Professor Bottoms' Review**

### **1. Issue**

- 1.1 At the Sentencing Council meeting on 17 June 2017 Members of the Council were presented with a paper relating to the Review of the Council's Statutory Functions and Future Priorities recently conducted by Professor Anthony Bottoms.
- 1.2 The paper identified strands of work recommended by the Professor Bottoms that could fall under the remit of the Communication team.

### **2. This paper**

- 2.1 This paper considers potential strands of work identified by Professor Bottoms' Review, and:
  - makes recommendations for how three of the work strands might be approached: presentation of the Council's role; victims' views of sentencing and website review; and
  - updates Sub-group Members on existing that relate to two further strands of work: presentation of guidelines and stakeholder engagement.

### **3. Recommendation**

- 3.1 It is recommended that Sub-group members:
  - consider whether the Communication team should undertake the three strands of work as proposed; and

- consider whether the Confidence and Communication Strategy and work plan should be reprioritised.

## **4. Consideration**

### **4.1 Presentation of the Council's role**

4.1.1 Professor Bottoms suggests that the Council should make “a careful delineation and presentation of the Council's role, which can be used to answer any criticisms that are put forward and that can help counter any criticisms based on unrealistic expectations about the role and characteristics of the Council”.

4.1.2 This would not be an entirely new piece of work but it would be larger in scope and more complex than the review of key messages already in mind.

This project would allow us to explore questions such as:

- what does the Council do, what does it not do;
- why do we have a Sentencing Council; and
- what benefits does consistency of approach to sentencing bring: to offenders, victims, the courts, the public, society as a whole?

4.1.3 The outcome of this piece of work could be:

- a more clearly defined identity for the Council;
- a voice and tone that we could replicate across all our communication; and
- refreshed and updated key messages.

### **4.2 Victims' views of sentencing**

4.2.1 Professor Bottoms recommended that the Council should be “more familiar with research on victims' views of sentencing”.

4.2.2 A better knowledge of victims' views of sentencing would feed into the piece of work set out at 4.1. It would contribute to our understanding of the impact of the Council and the benefits of the guidelines and could well provide us with messages to include across all our communication, particularly in our media work.

4.2.3 We have an opportunity to do a review of existing literature during the summer to capture what victims say about sentencing.

### **4.3 Website review**

- 4.3.1 Professor Bottoms suggests that we should review our website to “ensure the language and layout is more easily comprehensible to members of the public”.
- 4.3.2 The Confidence and Communication Strategy has already identified a review of the website to be a priority.
- 4.3.3 Our website is an important channel for reaching the public and for promoting public confidence in sentencing. We can do a great deal on the website to explain to non-specialists how sentencing works and how the guidelines work to promote consistency.
- 4.3.4 The work identified in 4.1 above would inform a review of the language we use on our website and help us decide on some of the content. We already have feedback from the user survey that we would be able to draw on but further user research would be needed to help us consider the structure of the site and how the content is presented.

### **Questions**

Do Members of the Sub-group agree that we should pursue these three strands of work?

If so, do Members agree that the priorities identified in the Confidence and Communication Strategy and work plan should be reviewed, while retaining the Crown Court digital guidelines project as a priority?

## **5. Updates on ongoing work**

The remainder of this paper updates Members on ongoing work by the Communication team that relates to recommendations made in Professor Bottoms’ report.

### **5.1 Presentation of guidelines**

- 5.1.1 Professor Bottoms recommends that the Council review “the way in which guidelines are presented and the influence this may have on their implementation and comprehension”.
- 5.1.2 Some of the more fundamental questions raised by Professor Bottoms, such as whether mitigating factors should be presented in one or two groups, are beyond the scope of the Communication team.
- 5.1.3 As we develop digital guidelines for the Crown Court, the Communication team will, however, be considering the presentation of guidelines and the impact

presentation might have on comprehension and usefulness. To do this, we will draw on the expertise of our digital development agency and the digital information specialists in the Ministry of Justice.

- 5.1.4 There may be some scope later to consider the presentation of guidelines from the perspective of the psychology of decision making. A similar piece of work was conducted in the early days of the Council. This work might have helped to shape decisions about how Sentencing Council guidelines are presented but it is not clear.

## **5.2 Stakeholder engagement**

- 5.2.1 Professor Bottoms recommended that a review be done of the Council's stakeholders.
- 5.2.2 The Communication team has already led the Office in a stakeholder mapping exercise designed to identify our primary stakeholders and illustrate where some stakeholders might require more careful attention.
- 5.2.3 Following the mapping exercise, the stakeholder engagement grid was refined. The grid sets out a programme of stakeholder engagement, identifying individuals and organisations who are to be contacted by the Chief Executive and other senior members of the Office over the coming months.
- 5.2.4 This piece of work will also inform our public confidence and ongoing media work, helping us to identify key audiences and gaps where our presence could be stronger.

	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>#####</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>£151,346.40</b>
<b>Child cruelty</b>													
<i>Consultation paper design</i>													
Consultation paper print	£600.00												<b>£600.00</b>
Definitive guideline design												£2,000.00	<b>£2,000.00</b>
Definitive guideline print												£2,600.00	<b>£2,600.00</b>
<b>Manslaughter</b>													
<i>Consultation paper design</i>													
Consultation paper print				£600.00									<b>£600.00</b>
<b>Bladed articles</b>													
<i>Definitive guideline design</i>													
Definitive guideline print						£2,600.00							<b>£2,600.00</b>
<b>Public order</b>													
Consultation paper design						£2,000.00							<b>£2,000.00</b>
Consultation paper print						£600.00							<b>£600.00</b>
<b>Breach of order</b>													
Definitive guideline design							£2,000.00						<b>£2,000.00</b>
Definitive guideline print							£2,600.00						<b>£2,600.00</b>
<b>Arson and criminal damage</b>													
Consultation paper design								£2,000.00					<b>£2,000.00</b>
Consultation paper print								£600.00					<b>£600.00</b>
<b>Terrorism</b>													
Consultation paper design										£2,000.00			<b>£2,000.00</b>
Consultation paper print										£600.00			<b>£600.00</b>
<b>Intimidatory offences</b>													
Definitive guideline design												£2,000.00	<b>£2,000.00</b>
Definitive guideline print												£2,600.00	<b>£2,600.00</b>
<b>Domestic abuse</b>													
Definitive guideline design												£2,000.00	<b>£2,000.00</b>
Definitive guideline print												£2,600.00	<b>£2,600.00</b>
<b>Annual Report</b>													
Design							£2,000.00						<b>£2,000.00</b>
Print							£600.00						<b>£600.00</b>
<b>Production, print, distribution</b>													
Other misc printing, incl victim/witness info	£600.00			£600.00			£600.00			£600.00			<b>£2,400.00</b>
Kahootz database					£480.00								
<b>Press</b>													
Media training				£600.00		£600.00	£600.00	£600.00		£600.00		£1,200.00	<b>£4,200.00</b>
NLA licence												£1,598.40	<b>£1,598.40</b>
Media monitoring	£7,000.00												<b>£7,000.00</b>
<b>Website and digital guidelines</b>													
User research					£9,600.00								<b>£9,600.00</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	<b>£70,800.00</b>
Hosting	£5,388.00			£5,760.00			£5,760.00			£5,760.00			<b>£22,668.00</b>

incl VAT  
incl VAT

