

**ANALYSIS AND RESEARCH SUBGROUP MEETING  
26 JANUARY 2022  
MINUTES**

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Members present: Tim Holroyde  
Rebecca Crane  
Jo King  
Maura McGowan  
Alpa Parmar

Members of Office  
In attendance: Eliza Cardale  
Charlotte Davidson  
Jenna Downs  
Nic Mackenzie  
Emma Marshall  
Harriet Miles  
Kate Kandasamy  
Caroline Kidd  
Gail Peachey

## **1. WORK UPDATES**

### **Statistics team**

1.1 Charlotte Davidson (CD) updated the subgroup on work of the team regarding guideline development: work is well underway on draft guidelines for animal cruelty, underage sale of knives, and motoring offences. We are also currently working with MoJ and the UCL CAPE project team on a fellowship in the area of equality and diversity - applications for this are due to be submitted by the end of February.

1.2 Evaluations are underway on the guidelines for Imposition, Bladed articles and offensive weapons, and Intimidatory offences. Looking forward, we are close to signing off statistical work on the Burglary, Perverting the course of justice and witness intimidation, and Sexual offences guidelines. We are also starting work on publishing the dataset from our bespoke data collection for drugs offences and robbery offences, as we did with theft from a shop or stall. The team is also exploring possibilities of making further improvements to the way we automate the production of our data tables.

1.3 On staffing, since the last subgroup meeting, the team has welcomed Lauren Maher as a new Senior Statistical Officer. Jenna Downs will be taking a career break for 18 months, from the end of March.

### **Social Research**

1.4 Nic Mackenzie (NM) updated the subgroup on our externally commissioned work by the University of Hertfordshire on equality and diversity in the work of the Council. This is reviewing any potential for the Council's work to cause disparity in sentencing across demographic groups. Work is progressing well: the first set of roundtable meetings with a range of stakeholders took place before Christmas; textual analysis of four guidelines has been conducted; and initial regression analysis has been completed. The second set of roundtable meetings are now taking place and a date is being secured to present the findings to the Equality and Diversity subgroup, ahead of the final report which is due at the end of March.

1.5 The Terrorism road testing has been completed and the Breach evaluation is underway. Looking forward, road testing is planned in the following guideline areas: Animal welfare; Perverting the course of justice and witness intimidation; Underage sale of knives; and Motoring offences.

1.6 Gail Peachey (GP) outlined work to explore how the Common Platform might be used for future data collections. The team has presented to the Judicial Engagement Group, Magistrates' Engagement Group and Judicial Working Group, and following their feedback, collaboration is underway with Common Platform colleagues to discuss where links to future data collection forms might best be placed on the platform.

1.7 We are also moving ahead some of the work from the 'Vision' strategy, some of which it has been decided to externally commission. This includes a literature review on effectiveness of sentencing (tenders are due on 7 February 2022) and survey work on public attitudes to sentencing (this has now been commissioned to Savanta Comres). We also endeavoured to commission some exploratory work on the Overarching principles: Domestic Abuse guideline, but failed to find a suitable contractor for this. The work is now on hold, whilst we await budget details for the financial year 2022-23.

1.8 From 31<sup>st</sup> January, the team will be joined by an intern (Nikita Grabher-Mayer) for a period of three months. Nikita will work across the social research and statistical sides of the team.

## **2. DATA COLLECTION**

2.1 Harriet Miles (HM) gave an update on preparations for the next data collection which will run in all magistrates' courts and all locations of the Crown Court between 3<sup>rd</sup> October 2022 and 31<sup>st</sup> March 2023. Data will be collected on selected offences from the Assault, Burglary, Drugs, Motoring, Theft, and Robbery guidelines.

2.2 The exercise has been approved by the Senior Presiding Judge and an application to the Data Access Panel at HMCTS is currently underway. One key difference with this collection is that the team plans to collect the Unique Reference Number for each case to enable the data to be linked with MoJ data on ethnicity. HM asked about magistrates' access to the URN in court – Jo King (JK) offered to review this in court and feed back regarding how easily the URN can be identified and copied/ pasted by magistrates. CD suggested there might be other identifiers we could use if the URN was difficult to identify.

**Action: JK to feed back regarding how easily the URN can be identified and copied/ pasted by magistrates (now completed).**

### **3. FORWARD LOOK**

3.1 The team is starting to action work from the Council's 2021-2026 strategy. This includes commissioning out the three pieces of social research detailed in the team update: the public attitudes survey, the effectiveness of sentencing literature review and the exploratory work for the evaluation of the Domestic abuse overarching principles guideline. We are also starting to consider an evaluation of Expanded Explanations and have a meeting scheduled in February to discuss approaches. This will not be a straightforward area to evaluate because it cuts across many guidelines and so we need to consider a range of different approaches/ data.

3.2 We will also be considering whether we need to undertake further work on consistency during the summer. However, it is important to bear in mind that the report on this was only published relatively recently and there is unlikely to be much in the way of new evidence. In addition, we will start to think about the action regarding scoping out research with offenders to understand which aspects they believe best helps with rehabilitation. This work will feed into our understanding around the effectiveness of sentencing.

### **4. RISK REGISTER AND BUDGET**

4.1 Emma Marshall (EM) talked the group through the Analysis & Research risk register, noting that the first risk (*'Guidelines have impact on correctional resources that cannot be assessed or the RA does not anticipate'*) has been updated slightly, but that the risk rating has not changed.

4.2 EM explained that there was no change to the risk rating for risk 5 (*'Sentencers interpret guidelines incorrectly'*), but the comments have been tweaked slightly (user testing has been paused until the next financial year, due to delays recruiting a digital officer). Maura McGowan (MM) queried whether the meaning of risk 5 is that the Council has not made the guidelines clear enough, or if instead it means that sentencers might misinterpret a guideline based on their own understanding. If it is intended to be the latter, concerns were raised about how the Council would be able to mitigate against this. The subgroup agreed that we need to ensure the wording on this is as accurate and clear enough as possible. EM agreed to raise this issue at the next SMT meeting in the office and to discuss the overall wording of the risk.

**Action: EM to feed this back at the next risk register discussion at SMT.**

### **5. LOCAL AREA PAPER**

5.1 CD recapped the decision made at the October subgroup to keep this work on hold due to resource issues and data limitations, and to publish a note to this effect. She presented draft text for the note which the subgroup agreed to, subject to considering some small amendments: clarifying the meaning of 'type of area' and the difference between this and caseload (adding 'urban/ rural' as an example so that it is clearer it differs from caseload); making it clear that we are often dependant on data that other people collect; and that some of the information we draw on does not contain some important information (e.g. the seriousness of the case).

5.2 The subgroup agreed publish the note in May 2022 alongside an update on progress on all strategy/ Vision actions and to review this action again at the half-way point of the strategy period.

***Action: CD to update the note and to circulate it to the group for final approval.***

## **6. REVIEW OF RESOURCE ASSESSMENTS**

6.1 Jenna Downs (JD) has begun investigating data sources that might help to improve our resource assessments but has found that data is limited. The Common Platform might provide more information for these in the future, but the roll-out has been slow. It is also not yet known what data would be available through the platform, and what quality this will be, so we will need to wait until the platform is more established to take this forward in more detail. Given this, JD explained that the best use of time currently would be to review the methodology for the assessments.

6.2 JD recommended to the subgroup that we commission an external academic to undertake this review of methodology and to provide an independent view on this. We would want them to start this work as soon as possible as the action was noted in our 'Vision' document and we would want the cost to come out of this year's (2021-22) budget. The subgroup agreed with this recommendation.

***Action: the A&R team to issue a specification for this work and invite academics to bid for the work (update: this was issued and we unfortunately received no bids).***