

# Sentencing Council



## Sentencing Council Annual report

2023/24



Sentencing Council  
Annual report  
2023/24

The Sentencing Council is an independent,  
non-departmental public body of the Ministry of Justice

This report is presented to Parliament pursuant to  
Section 119(2) of the Coroners and Justice Act 2009



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ISBN 978-1-5286-4898-1

E03127175 09/24

Printed on paper containing 40% recycled fibre content minimum.

Printed in the UK by HH Associates Ltd on behalf of the Controller of His Majesty's Stationery Office.

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# Foreword

## by the Chairman



I am pleased to introduce the Sentencing Council's annual report for 2023/24. It is the Council's 14th report and my second as Chairman.

### **Developing and revising guidelines**

In the course of the year we published sentencing guidelines for animal cruelty, motoring offences, perverting the course of justice and witness intimidation. In addition we published a revised overarching guideline relating to totality, namely the approach to be taken when sentencing an offender for more than one offence or an offender who is already serving a sentence. A variety of changes to existing guidelines were introduced as a result of last year's consultation on miscellaneous amendments to sentencing guidelines.

The guideline on motoring offences was particularly significant. The previous guideline, published in 2008 by our predecessor body, for some time had been considered to be lacking in clear guidance for sentencers. The changes to the maximum sentences for offences of causing death by driving only accentuated the problem. Sentencing such cases often raises the most difficulties in any exercise undertaken by sentencers. We hope that the new guideline will provide clarity and encourage consistency.

We opened consultations on new and revised sentencing guidelines for blackmail, kidnap, false imprisonment, immigration, aggravated vehicle taking and other motoring related offences, as well as holding the third annual consultation on miscellaneous amendments to sentencing guidelines.

We also opened a consultation on a comprehensive review of the overarching guideline, Imposition of community and custodial sentences. The consultation, which ran from November 2023 to February 2024, proposed revisions to the existing Imposition guideline to reflect changes in legislation, developments in case law, recent sentencing research, feedback from criminal justice practitioners and evidence about sentencing of particular groups of offenders.

The proposed revisions are designed to encourage courts to bear in mind the widest range of circumstances when considering the full range of sentencing options available to them, in order to make sure that the most appropriate sentence, tailored to the individual offender and offence, can be imposed.

The proposals include providing the courts with more guidance on the circumstances in which it may be necessary to request a pre-sentence report, new information on evidence regarding the effectiveness of rehabilitation when compared with short custodial sentences and new sections on sentencing young adult offenders and female offenders.

The proposed new section on sentencing female offenders directs sentencers' attention to the potentially harmful impact of custody on both the pregnant offender and the child, considerations that are particularly relevant when the offender is on the cusp of custody. There has been considerable public debate about imprisoning pregnant offenders. We have already taken steps to respond to that debate. One of the miscellaneous amendments introduced following the third annual consultation was the introduction of a new mitigating factor, 'Pregnancy, childbirth and post-natal care'.

This new mitigating factor was generally welcomed. The same cannot be said of two other mitigating factors introduced at the same time, 'Difficult and/or deprived background or personal circumstances' and 'Prospects of or in work, training or education'. In the consultation process there was substantial support for these

factors including from the Justice Committee. One response from judges who did not favour the new factors said that, where relevant, they were already taken into consideration by sentencers. The view of the Council was that including the factors across all offence specific sentencing guidelines with accompanying expanded explanations would lead to sentencers taking a consistent approach.

### **Understanding the Council's impact**

The changes we have made to mitigating factors and their expanded explanations are the result of research we conducted last year into how expanded explanations in guidelines are interpreted and applied by sentencers in practice. We published our report of the research in March 2024. This followed on from findings from research on equality and diversity in the work of the Sentencing Council. This project was commissioned from the University of Hertfordshire as part of our strategic objective to explore the potential for the Council's work to inadvertently cause disparity in sentencing across demographic groups.

In addition to publishing guidelines, the Council is required to monitor and evaluate their operation and effect. Where possible, we collect data both before and after a new guideline has come into effect. Analysis of these data helps us examine what might be influencing outcomes and understand how the guideline has been implemented in practice. Between 9 January and 30 June 2023 we ran a data-collection exercise in all magistrates' courts and all locations of the Crown Court. This



six-month study covered a number of offences and asked sentencers to collect information on a range of factors relevant to the sentencing decision, including harm and culpability factors, aggravating and mitigating factors, guilty plea reductions and sentence outcomes.

We appreciate that any data-collection exercise of this kind is an imposition on sentencers. We are most grateful to all the judges and magistrates who took part. The information data collections and our other research provides us with is of critical importance to all aspects of the Council's work. In September 2023, we launched a recruitment drive for our research pool in the hope of encouraging more members of the judiciary to work with our analysis and research team to help the Council understand the impact and outcomes of sentencing guidelines.

In 2023/24 we published data covering the sentences and factors taken into account by the courts when sentencing adult offenders for robbery as part of our effort to make sentencing data available to academics and other researchers. This material was collected from the Crown Court during 2016 and 2017. It was used to evaluate the effect and operation of the Council's Robbery guideline, which came into effect in April 2016.

The Council also undertakes research and analysis to support some of our wider statutory duties, to provide further information in specific areas or to fill gaps in existing data. During 2023/24, this work has included commissioning research to examine issues related to effectiveness in sentencing. The study will update our 2022 report with new evidence, further explore the

effectiveness of sentencing as a form of deterrent to offending and consider public, offender, victim and sentencer perceptions of what makes a sentence effective. Alongside this, the analysis and research team commissioned academics at Nottingham Trent University to review how the Council's definitive guideline, *Overarching principles: domestic abuse* (which identifies the principles relevant to the sentencing of cases involving domestic abuse) is used in sentencing. We expect to publish both pieces of work later in 2024.

The analysis and research team also led on a project this year investigating how sentencers and other legal professionals use the online sentencing guidelines. The work was undertaken during 2022 and 2023 by the Council and by the Behavioural Insights Team. We published the findings on 8 November 2023. This has led to a series of improvements to the website that are designed to help users find and work with the online guidelines and other sentencing-related content. More information on this work can be found on pages 49-50.

There is more information on the Council's analysis and research work in chapter 2 and elsewhere throughout this report.

## **Informing and responding to decision-makers**

How criminal justice bodies can collect, analyse and present data in meaningful ways to aid public understanding was a central theme of the Justice Committee report, *Public opinion and understanding of sentencing*, which was published in October 2023. The Council provided written evidence to the Committee and I had given oral evidence during the course of the inquiry. In November 2023 the Committee held a launch event for its report. I attended and spoke at the event. We responded formally to the report's recommendations in January 2024 (see page 45).

In May 2023 I gave oral evidence to the House of Lords Justice and Home Affairs Committee inquiry, *Cutting crime: better community sentences*. The purpose of the inquiry was to consider practical aspects related to the use and delivery of community sentences. My evidence to the Committee was informed in part by our 2022 externally commissioned review of current literature on effectiveness of sentencing.

On 7 September 2023 we published the Council's response to the Domestic Homicide Sentencing Review. The Review, which had been undertaken for the government by Clare Wade KC, made several recommendations relating to Council guidelines. In response, we consulted on proposed changes to the manslaughter guidelines. Those changes, including the introduction of a new aggravating factor, 'Use of strangulation, suffocation or asphyxiation', came into effect on 1 April 2024.

## **Promoting public confidence in sentencing**

When people know about sentencing guidelines and understand how sentencing works, they tend to have more confidence in sentencing and the criminal justice system.

Throughout the year, we have been working in partnership with the Judicial Office to develop *You be the Judge*, an interactive sentencing tool designed to engage users on the issue of sentencing and to challenge misconceptions about its leniency and fairness. *You be the Judge* shows how sentencing works via six short, filmed sentencing hearings.

We launched *You be the Judge* in July 2024, promoting it to teachers for use in schools and to public audiences of all ages, and we will report on its first year of operation in our next annual report.

## **The people behind the guidelines**

There have been a number of changes of personnel in relation to the Council over the past year, notably the appointment on 1 October of The Right Honourable the Baroness Carr of Walton-on-the-Hill as Lady Chief Justice of England and Wales and President of the Sentencing Council. We were delighted to welcome Baroness Carr as an observer at the meeting of the Sentencing Council on 1 March 2024.

The Council was also pleased to welcome a number of new members. On 12 June 2023 His Honour Judge Simon Drew KC joined the Council as a judicial member. He has many years' experience of sentencing in the criminal courts. He has also been a criminal-course director in the Judicial College for the last ten years.

Johanna Robinson joined the Council on 5 October 2023 as the member with responsibility for promoting the welfare of victims of crime. Johanna has served as the National Adviser to the Welsh Government on Violence against Women, Domestic Abuse and Sexual Violence since 2022 and brings a wealth of experience of the criminal justice system and the perspective of victims.

Stephen Parkinson joined the Council as a non-judicial member on 1 November 2023 when he took up the position of Director of Public Prosecutions (DPP). On 1 December we welcomed Chief Constable Rob Nixon QPM as the member with experience of policing. Rob is the crime and justice lead on the National Police Chief's Council and a member of the Criminal Procedures Rule Committee. I would like to thank him for having served on the Council on an interim basis since May, pending formal confirmation of his appointment.

I would like to thank: Stephen Parkinson's predecessor, Max Hill, who served on the Council during his tenure as DPP; Diana Fawcett, who served as the Council member representing victims between 2019 and 2023; and Her Honour Judge Rosa Dean, who left the Council on 6 April 2024, having served two terms. Rosa led on a number of significant guidelines as well as sitting on both the Governance and Confidence and Communication Subgroups. All three made important contributions to the work of the Council and I wish them well for the future.

Finally, I would like to pay tribute to the staff of the Office of the Sentencing Council (OSC). They are the Council's

most valuable resource. I continue to be greatly impressed by their expertise, professionalism and dedication.

A handwritten signature in black ink that reads "William Davis". The signature is written in a cursive style and is positioned above a horizontal line.

**Lord Justice William Davis  
Chairman**

September 2024

# Introduction

The Sentencing Council is an independent, non-departmental public body of the Ministry of Justice (MoJ). It was set up by Part 4 of the Coroners and Justice Act 2009 to promote greater transparency and consistency in sentencing, while maintaining the independence of the judiciary.

The aims of the Sentencing Council are to:

- promote a clear, fair and consistent approach to sentencing
- produce analysis and research on sentencing, and
- work to improve public confidence in sentencing

On 4 November 2021, the Council published a five-year strategy and supporting work plan, which were developed following a public consultation held to mark the Council's 10th anniversary in 2020. The strategy commits the Council to five objectives:

- To promote consistency and transparency in sentencing through the development and revision of sentencing guidelines
- To ensure that all our work is evidence-based and to enhance and strengthen the data and evidence that underpin it

- To explore and consider issues of equality and diversity relevant to our work and take any necessary action in response within our remit
- To consider and collate evidence on effectiveness of sentencing and seek to enhance the ways in which we raise awareness of the relevant issues
- To work to strengthen confidence in sentencing by improving public knowledge and understanding of sentencing, including among victims, witnesses and offenders, as well as the general public

This annual report documents the work undertaken by the Council between 1 April 2023 and 31 March 2024 in the context of the five strategic objectives.

Also included, in accordance with the Coroners and Justice Act 2009, are two reports considering the impact of sentencing factors (pages 53-9) and non-sentencing factors (pages 61-4) on the resources required in the prison, probation and youth justice services to give effect to sentences imposed by the courts in England and Wales.

For information on past Sentencing Council activity, please refer to our earlier annual reports, which are available on our website at: [sentencingcouncil.org.uk](https://www.sentencingcouncil.org.uk)

# Key events 2023/24

2023		
<b>April</b>	1	Child cruelty offences and sale of knives etc to persons under 18 sentencing guidelines and miscellaneous amendments to sentencing guidelines came into effect
<b>May</b>	9	Animal cruelty offences data tables published
	10	Animal cruelty sentencing guidelines, final resource assessment and response to consultation published
	12	Minutes of Sentencing Council meeting 12 May 2023 published
	19	Interim appointment to the Council of Chief Constable Rob Nixon QPM announced
	23	Chairman gave evidence to the House of Lords Justice and Home Affairs Committee inquiry, Cutting crime: better community sentences
	31	Sentencing Council business plan 2023/24 published
<b>June</b>	1	Totality overarching guideline, final resource assessment and response to consultation published
	12	Appointment to the Council of His Honour Judge Simon Drew KC
	14	Motoring offences data tables published
	15	Motoring offences sentencing guidelines, final resource assessment and response to consultation published
	16	Minutes of Sentencing Council meeting 16 June 2023 published
<b>July</b>	1	Animal cruelty, motoring and totality sentencing guidelines came into effect

	11	Perverting the course of justice and witness intimidation data tables published
	12	Perverting the course of justice and witness intimidation sentencing guidelines, final resource assessment and response to consultation published
	12	Sentencing Council annual report 2022/23 laid in Parliament and published
	21	Minutes of Sentencing Council meeting 21 July 2023 published
<b>September</b>	7	Sentencing Council response to the Domestic Homicide Sentencing Review published
	7	Miscellaneous amendments to sentencing guidelines consultation 2023 opened
	18	Analysis and research at the Sentencing Council roundup published
	22	Minutes of Sentencing Council meeting 22 September 2023 published
<b>October</b>	1	Appointment of The Right Honourable the Baroness Carr of Walton-on-the-Hill as Lady Chief Justice of England and Wales and President of the Sentencing Council
	1	Perverting the course of justice and witness intimidation sentencing guidelines came into effect
	4	Data on sentencing robbery: factors and outcomes released
	5	Appointment of Johanna Robinson as non-judicial member of the Council
	20	Minutes of Sentencing Council meeting 20 October 2023 published
<b>November</b>	1	Appointment to the Council of Stephen Parkinson, Director of Public Prosecutions
	8	User testing of sentencing guidelines findings published
	15	Sentencing Council business plan 2023/24 update published

	17	Minutes of Sentencing Council meeting 17 November 2023 published
	29	Imposition of community and custodial sentences guideline consultation opened: consultation paper and draft resource assessment published
<b>December</b>	1	Appointment to the Council as full member of Chief Constable Rob Nixon QPM announced
	15	Minutes of Sentencing Council meeting 15 December 2023 published
<b>2024</b>		
<b>January</b>	18	Response to the Justice Committee report, Public opinion and understanding of sentencing, published
	26	Minutes of Sentencing Council meeting 26 January 2024 published
	30	Blackmail, kidnap and false imprisonment offences statistical bulletin published
	31	Blackmail, kidnap and false imprisonment offences consultation opened: consultation paper and draft resource assessment published
<b>February</b>	20	Aggravated vehicle taking offences guidelines and other motoring related matters statistical bulletin published
	21	Aggravated vehicle taking offences guidelines and other motoring related matters consultation opened: consultation paper and draft resource assessment published
<b>March</b>	6	Aggravating and mitigating factors in sentencing guidelines and their expanded explanations research findings published
	18	Miscellaneous amendments to sentencing guidelines response to third annual consultation published
	19	Immigration offences statistical bulletin published
	20	Immigration offences consultation opened: consultation paper and draft resource assessment published

# Strategic objective 1:

Promoting consistency and transparency in sentencing through the development and revision of sentencing guidelines



The purpose of the Sentencing Council for England and Wales is to promote a clear, fair and consistent approach to sentencing by issuing sentencing guidelines that provide clear structures and processes for judges and magistrates to use in court.

This purpose is underpinned by the statutory duties for the Council that are set out in the Coroners and Justice Act 2009.

Responses to the 10th anniversary consultation held by the Council in 2020 provided broad support for our view that the production and revision of guidelines should remain our key focus.

The sentencing guidelines are intended to help ensure a consistent approach to sentencing, while preserving judicial discretion. Under the Sentencing Act 2020, a court must follow relevant sentencing guidelines unless satisfied in a particular case that it would be contrary to the interests of justice to do so.

When developing guidelines, the Council has a statutory duty to publish a draft for consultation. At the launch of a consultation, we will seek publicity via mainstream and specialist media, as well as promoting it via social media and on the Sentencing Council website. We make a particular effort to reach relevant professional organisations and representative bodies, especially those representing the judiciary and criminal justice professionals, but also others with an interest in a particular offence or group of offenders.

Many of the responses come from organisations representing large groups so the number of replies does not fully reflect the comprehensive nature of the contributions, all of which are given full consideration by the Council.

The work conducted on all guidelines during the period from 1 April 2023 to 31 March 2024 is set out in this chapter. To clarify what stage of production a guideline has reached, reports of our work fall under one or more of four key stages:

1. Development
2. Consultation
3. Post-consultation
4. Evaluation and monitoring

The table at Appendix C sets out the production stages of all sentencing guidelines.

## Aggravated vehicle taking, vehicle registration fraud and other motoring related matters

The current sentencing guidelines for aggravated vehicle taking offences involving accident causing injury, dangerous driving and causing damage to vehicle/property were published in 2008 by the Sentencing Guidelines Council. These apply in the magistrates' courts but there are no guidelines for the Crown Court. Similarly, a guideline for vehicle licence and registration fraud dates back to 2008 but is now to a large extent obsolete following the abolition of physical tax discs.

## Development

We developed the draft aggravated vehicle taking guidelines alongside a wider package of motoring guidelines relating to dangerous and careless driving offences (see page 23) but waited to consult on the former to allow us to include in our proposals any changes stemming from consultation on the wider package. The guidelines are consistent with those for dangerous and careless driving offences, while the vehicle registration fraud guideline was drafted taking into account current sentencing practice, drawing on the existing guideline (but putting it into the stepped format now familiar to sentencers), with elements of fraud-related guidelines also factored in.

Following responses to our 2022 consultation on motoring guidelines, the Council also considered what further guidance we could give to sentencers to assist in imposing driver disqualifications. We were also aware of various issues relating to motoring guidelines, many of which arose from suggestions and queries from guideline users.

## Consultation

In February 2024, the Council launched a consultation on proposals for six new and revised sentencing guidelines covering:

- Aggravated vehicle taking – injury caused (Theft Act 1968, section 12A(2)(b))
- Aggravated vehicle taking – dangerous driving (Theft Act 1968, section 12A(2)(a))
- Aggravated vehicle taking – vehicle/property damage caused (Theft Act 1968, section 12A(2)(c) and (d))
- Aggravated vehicle taking – death caused (Theft Act 1968, section 12A(2)(b))
- Vehicle registration fraud (Vehicle Excise and Registration Act 1994, section 44)

We also put forward for consultation a draft overarching guideline on driver disqualification. This brought together the Council's existing guidance on disqualification and set out the principles the courts should follow when setting the length of a disqualification. We consulted on various minor and technical amendments, including an increase in the starting point fine for use of a mobile phone while driving. To support the consultation, we tested the guidelines with sentencers, completing qualitative interviews with seven magistrates and four Crown Court judges.

## Post-consultation

The consultation closed on 22 May 2024. The Council is currently considering responses with the intention of publishing definitive guidelines towards the end of this year. We will provide details of the outcomes of the consultation in next year's annual report.

### Media coverage

This consultation was covered in Solicitors' Journal and Police Professional.

## Ancillary orders

The Sentencing Council currently provides guidance on ancillary orders in various places on our website as well as within offence specific guidelines, usually at step six or seven.

### Development

The Council has committed to carry out more work on ancillary orders to improve the consistency, accessibility and presentation of the current information and provide more detailed guidance.

We have commenced development work on this project and intend to consult on draft proposals later in 2024. We will provide details of this consultation exercise and the outcome in next year's annual report.

## Animal cruelty

In 2021, the Animal Welfare (Sentencing) Bill received Royal Assent. The Act increased the maximum penalty from six months' to five years' imprisonment for a number of animal cruelty offences, including causing unnecessary suffering, tail docking and involvement in an animal fight.

### Post-consultation

Council consulted on two draft guidelines between 10 May and 1 August 2022: Animal cruelty and Failure to ensure animal welfare. We received 104 responses, which were considered alongside results from small-scale research we conducted with seven magistrates and seven Crown Court judges to test the guideline. Respondents were broadly supportive of the Council's

proposals but many also offered suggestions to improve the guidelines further. In light of the responses received, we made changes to the draft guidelines:

- increasing the highest sentence in the Animal cruelty guideline from three years' custody (as was proposed at consultation) to three years six months
- adding a new high culpability factor of 'involved through coercion, intimidation or exploitation' to both guidelines
- changing the phrase 'ear clipping' to 'ear cropping' in the harm factors of the Animal cruelty guideline because this is now the more commonly used term for this type of animal mutilation, and
- adding an additional aggravating factor for offending motivated by significant financial gain to both guidelines

The definitive guidelines were published in May 2023 and came into effect on 1 July 2023. They were accompanied by a final resource assessment and data tables presenting current sentencing practice for the relevant offences.

### Media coverage

Publication of the animal cruelty guidelines was covered in the Law Society Gazette and New Law Journal, as well as in two publications for veterinary professionals, Vet Times and Veterinary Practice.

“Blackmail, kidnap and false imprisonment are serious offences, and there are currently no guidelines for courts. The offences cover a wide range of offending and, in some of the cases, victims suffer substantial harm at the hands of the offenders.

“The draft guidelines aim to reflect the considerable impact these cases can have on victims, promote consistency of approach in this area of sentencing and bring together information that will assist the courts to pass appropriate sentences when dealing with these offenders.”

The Honourable Mrs Justice May, on the launch of the consultation for sentencing guidelines for blackmail, kidnap and false imprisonment offences, 31 January 2024



Officials from the Office of the Sentencing Council

## Blackmail, kidnap and false imprisonment

There are currently no guidelines for blackmail, kidnap or false imprisonment offences. These are serious offences: the maximum penalty for kidnap and false imprisonment is life imprisonment; for blackmail, it is 14 years' custody.

### Consultation

The consultation on draft guidelines for blackmail, kidnap and false imprisonment offences ran between 31 January and 24 April 2024. Alongside the consultation we produced a resource assessment and statistical bulletin showing current sentencing practices for the offences included. During the consultation, we also conducted a short survey and qualitative interviews with 14 Crown Court judges to help us understand more about how the proposed guidelines might be applied and used in practice.

The results of the consultation will be discussed in next year's annual report.

### Media coverage

Both the Law Society Gazette and Solicitors Journal included news bulletins on the launch of this consultation.

## Bladed articles and offensive weapons

The guidelines for sentencing offenders convicted of possessing or threatening with a bladed article or offensive weapon came into effect on 1 June 2018.

### Evaluation and monitoring

Over two five-month periods in 2017/18 and mid-2019, we collected data on how cases of possession of a bladed article or offensive weapon were being sentenced across all magistrates' courts, both before and after the guidelines came into effect.

We have been using these data along with other sources of evidence to help us assess the impact and implementation of the bladed articles and offensive weapons definitive guidelines, which also include the guideline for sentencing children and young people for these offences. We expect to publish this evaluation in summer 2024.

## Breach offences

In 2018, the Council issued guidelines to assist the courts in sentencing offenders who have not complied with 11 specific types of court order, including suspended sentence orders, community orders, restraining orders and sexual harm prevention orders. The guidelines came into effect on 1 October 2018.

### Evaluation and monitoring

This year, we have continued our evaluation to help us assess the impact and implementation of seven of the sentencing guidelines for breach offences:

- Breach of protective orders
- Breach of sexual harm prevention orders
- Breach of criminal behaviours orders
- Breach of community orders
- Failure to surrender to bail
- Fail to comply with notification requirement
- Breach of suspended sentence orders

We have analysed the information we gathered from our 2019 data collection in magistrates' courts, data up to 2020 from the MoJ Court Proceedings Database and a sample of Crown Court sentencing transcripts to observe any changes to the factors relevant to sentencing and in the type of disposals being imposed. We also conducted small-scale survey research with sentencers and probation practitioners to understand their experiences of using the guidelines.

We plan to publish our evaluation in due course.

## Domestic abuse

The Council's Overarching principles: domestic abuse definitive guideline identifies the principles relevant to the sentencing of cases involving domestic abuse. It came into effect on 24 May 2018.

### Evaluation and monitoring

To assess how the overarching guideline on domestic abuse is used in sentencing we commissioned academics at Nottingham Trent University to conduct a research review. The review was conducted via a survey and interviews with sentencers as well as analysis of transcripts and data obtained from our court exercises. It focused on sentencers' understanding, interpretation, implementation, application and thoughts of the current guideline as well as the impact of the presence of domestic abuse on the sentence. We expect to publish the research later in 2024.

## Hare coursing

The Police, Crime, Sentencing and Courts Act 2022 introduced increased penalties for offences related to hare coursing, as well as two new offences of trespass with intent to search for or to pursue hares with dogs and being equipped for that activity. The legislation came in response to longstanding concerns that a fine was insufficient to deal with the harm caused by hare coursing activity, which can include damage, harassment and violence.

## Development

The Council agreed that a guideline would be helpful, given the new powers available to the courts of custodial sentences up to six months and the possibility of community orders.

We began considering the scope of a hate coursing guideline in late 2023. An early draft is underway, informed by discussions with rural crime stakeholders, the Crown Prosecution Service, rural magistrates and others. We expect to consult on a draft guideline later in 2024.

## Housing offences

### Development

The Council has given preliminary approval for the development of a guideline covering nine offences of unlawful eviction and harassment under the Protection from Eviction Act 1977, in recognition of the serious nature of the offence and the harm caused to victims. The Council is also considering developing a separate guideline for the offence of using violence to secure entry under the Criminal Law Act 1977.

Further housing related offences will be considered in greater detail in due course, including various offences under the Housing Act 2004, for example related to houses in multiple occupation.

## Immigration offences

There are currently no guidelines for immigration offences. There are, however, a large number of separate immigration offences of varying levels of seriousness carrying penalties up to a maximum term of life imprisonment. The Council has chosen to prepare six guidelines covering eight of the higher volume, more serious offences.

The Council has been unable to produce guidelines for these offences before now due to significant changes in this area of law brought about by both the UK's withdrawal from the European Union and changes in legislation brought about by the Nationality and Borders Act 2022.

### Consultation

We consulted on the six draft guidelines between 20 March and 12 June 2024. To support the consultation, we also produced a draft resource assessment and statistical bulletin.

During the consultation period we conducted a small number of qualitative interviews with Crown Court judges and magistrates to help us understand more about how the guidelines might be used and applied in practice.

### Media coverage

The immigration offences consultation was covered in the Solicitors' Journal and New Law Journal, as well as in the Daily Express. The coverage was neutral.

“The Imposition guideline in its current form is one of the most important of all the guidelines the Council has produced...

“The revised guideline updates and extends the current guidance. It reflects new information and research in relation to young adult and female offenders and findings from research on the effectiveness of sentencing. We hope that judges and magistrates will find the guideline clearer and easier to use than its predecessor.”

Lord Justice William Davis, Chairman, on the launch of the consultation for the Imposition of community and custodial sentencing guideline, 29 November 2023

## Imposition of community and custodial sentences

The definitive guideline, Imposition of community and custodial sentences, provides guidance to the courts on the approach they should follow when deciding whether offenders should be given community or custodial sentences. It came into effect on 1 February 2017.

### Evaluation and monitoring

Following a review of trend analysis of the guideline, which was published in March 2023 and reported in last year's annual report, and in light of, among other developments, changes

to legislation, case law and case-management guidance and evidence about the experiences of individual offender groups, the Council agreed to undertake a significant revision of the Imposition guideline.

We proposed substantial changes to the content of the guideline, adding several new sections, and a restructure so that the guideline would align better with the chronological order in which a sentencing court would follow it.

The aim of the proposed revisions was to provide more comprehensive information around the process through which courts should consider the imposition of a community or custodial sentence. The



revisions were also designed to make sure the courts:

- have the most comprehensive information available to them about the circumstances of the offence and the offender and the range of sentencing options available, and
- are clear about the importance of tailoring the sentence to the individual offender and their circumstances and considering the full breadth of options when deciding the sentence.

## Consultation

Our consultation ran from 29 November 2023 to 21 February 2024.

To support the development of the guideline and mitigate the risk of the guideline having any unintended impacts, some small-scale research involving interviews and focus groups with judges and magistrates was also conducted during the consultation stage. We attended a closed, round-table session of the Justice Committee to assist the Committee in shaping their response to the consultation and, in February 2024, participated in an academic roundtable discussion lead by the Sentencing Academy.

Alongside the consultation, we published a resource assessment to set out the draft estimated impact of the revisions to the guideline. We also asked for feedback on this assessment as part of the consultation.

## Post-consultation

The Council is currently considering the over 150 responses we received from, among others, sentencers and legal practitioners, Parliamentarians, charities, voluntary and campaigning organisations, professional and membership associations, academics and individual members of the public.

### Media coverage

This consultation was covered by BBC Online and a number of the BBC's broadcast channels, including BBC Radio 4 Today, BBC News, BBC Radio 5, BBC Radio London. There was further broadcast coverage on LBC, GB News and Heart FM. Print and online coverage included The Telegraph, the Daily Mail, London Daily and Solicitors' Journal. The majority of coverage focused on the proposals relating to pregnant women, women undergoing menopause and young adults.

## Intimate images

The Online Safety Act came into force on 31 January 2024, creating two new offences:

- Sending etc photograph or film of genitals ('cyber flashing')
- Sharing or threatening to share intimate photograph or film

### Development

Following an initial scoping exercise conducted in early 2024, the Council has agreed to make developing guidelines for these offences and any further new related offences a priority. The Council will commence work as soon as it becomes clear if there will be further related offences enacted or not.

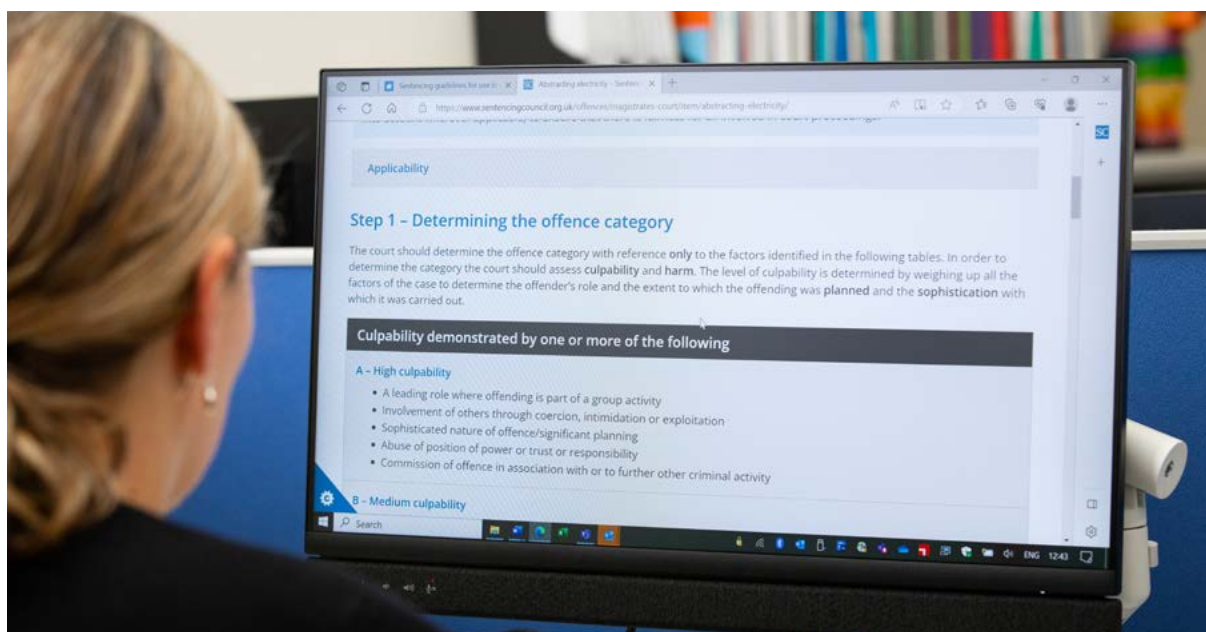
## Intimidatory offences

The Council's definitive guidelines for sentencing intimidatory offences came into effect on 1 October 2018. The guidelines cover offences of harassment, stalking, disclosing private sexual images, controlling or coercive behaviour, and threats to kill.

### Evaluating and monitoring

This year, work on the intimidatory offences guideline evaluation has continued. We have continued to analyse data from the data collections that ran across magistrates' courts during 2017/18 and 2019, where sentencers were asked to provide details of the factors they took into account and the sentence they imposed when sentencing harassment and stalking offences. We have also analysed data up to 2022 from MoJ's Court Proceedings Database and transcripts of judges' sentencing remarks.

The evaluation will be published by the end of this reporting period.



Official from the Office of the Sentencing Council

## Miscellaneous amendments to sentencing guidelines

Since the Council's inception in 2010, we have built up a large body of sentencing guidelines and accompanying materials. In order to be able to address any issues that arise with guidelines, the Council holds an annual consultation on miscellaneous amendments to guidelines and the materials that accompany them.

### Development

We began work on compiling the third miscellaneous amendments consultation in April 2023. The issues covered were drawn from feedback from guideline users (often received via the feedback function embedded in the online guidelines), requests from stakeholders and recommendations in the Domestic Homicide Sentencing Review conducted by Clare Wade KC, which was published in March 2023.

### Consultation

We held the consultation between 7 September and 30 November 2023, asking consultees for views on the following proposals.

Matters relevant primarily to magistrates' courts:

- in the Allocation and Sentencing children and young people guidelines, adding a factor relating to waiting time to the non-exhaustive list of factors to be considered when deciding whether it is in the interests of justice to send a child jointly charged with an adult to the Crown Court for trial

Matters relevant to magistrates' courts and the Crown Court:

- adding an aggravating factor relating to the supply of drugs to children to the guideline, Supplying or offering to supply a controlled drug/ Possession of a controlled drug with intent to supply it to another
- amending the Fraud guideline to address perceptions that non-financial impact is not given sufficient weight and to cater for situations where there is no or minimal pecuniary loss
- adding breach of a stalking protection order and breach of a domestic abuse prevention order to the Breach of a protective order (restraining and non-molestation orders) guideline
- amending the guideline, Individuals: Unauthorised or harmful deposit, treatment or disposal etc of waste/ Illegal discharges to air, land and water, to give greater emphasis to community orders over fines
- amending or adding mitigating factors and the associated expanded explanations. These changes were proposed to address issues relating to equality and diversity in sentencing referenced in both an externally conducted research project and a subsequent review of the use and application of aggravating and mitigating factors and expanded explanations:

- Remorse
- Good character and/or exemplary conduct
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour
- Age and/or lack of maturity
- New factors: Difficult and/or deprived background or personal circumstances and Prospects of or in work, training or education
- New factor: Pregnancy and maternity

Matters relevant only to the Crown Court:

- changes to the loss of control, diminished responsibility, unlawful act and gross negligence manslaughter guidelines relating to:
  - strangulation, suffocation or asphyxiation
  - coercive or controlling behaviour

### **Post-consultation**

There were 87 responses to the consultation. The majority of responses were broadly supportive of the proposals to which they responded but there were a number of critical responses and many suggestions for changes.

The Council considered the responses and made some changes to the proposals.

We published a response to the consultation on 18 March 2024. The amended guidelines were published on our website on 1 April 2024 and came into effect on publication.

There is more information on some of the amendments made as a result of this consultation on pages 30-32 and on the research behind the proposals on pages 38-9.

### **Media coverage**

There was a good deal of media interest in the 2024 miscellaneous amendments, with stories appearing in national, regional, specialist and trade/industry titles. The initial focus was on the new pregnancy and maternity mitigating factor and the positive response from campaign groups.

Following publication, commentary critical of the two new mitigating factors: Difficult and/or deprived background or personal circumstances and Prospects of or in work, training or education, appeared in The Telegraph, Daily Mail, Express and GB News. Balance was provided by an article in the Spectator and a letter from the Chairman published in The Telegraph.

“Drivers who commit motoring offences that result in death, injury or damage to property in vehicles they do not have permission to drive, can cause anguish and inconvenience both to the vehicle owner and to victims affected by their driving.

“Victims can suffer serious consequences including death or life-changing injuries or serious damage to property including to the vehicles that were used without permission. The guidelines we are proposing today will allow courts to take a consistent approach to sentencing these offences.”

Simon Drew KC, on the launch of the consultation for sentencing guidelines for aggravated vehicle taking and other motoring offences, 21 February 2024

## Motoring offences

Sentencing guidelines for offences under the Road Traffic Act 1988 had been in use since their publication by the Sentencing Guidelines Council in 2008. The Police, Crime, Sentencing and Courts Act 2022 raised the maximum penalties for causing death by dangerous driving and causing death by careless driving while under the influence of drink or drugs from 14 years' custody to life imprisonment, and created a new offence of causing serious injury by careless driving.

In 2022, the Council consulted on new and revised guidelines to reflect these legislative provisions and other changes and take into account developments in sentencing trends. Alongside the consultation, we conducted qualitative interviews with 22 magistrates and 22 Crown Court judges to test how the guidelines might work in practice.

## Post-consultation

Following consultation, the Council made various amendments to the culpability factors related to dangerous driving, as well as changes to the aggravating and mitigating factors common across most of the guidelines. Also following respondents' comments, we adjusted downwards the sentence levels for causing serious injury by careless driving, causing injury by wanton or furious driving and dangerous driving. We made a number of technical amendments to the guidelines related to drugs and drink in line with expert feedback from consultees. The Council agreed to look further into the issue of disqualification, as this was a common theme across many of the responses we received.

The new and revised guidelines were published on 15 June 2023 and came into effect on 1 July 2023, accompanied by a final resource assessment and data tables.

To support our evaluation of the motoring guidelines, the Council's data collection, which we ran between January and June 2023, collected data on sentencing motoring offences before the new and revised guidelines came into effect. We will collect further data for comparison once the guidelines have been in effect for some time.

## Media coverage

The publication of our motoring offences guidelines was covered in The Telegraph, The Sun and the Daily Mail. Specialist publications covering the launch included Police Oracle, Cycling UK and Fleet World, which is the industry publication for fleet managers.

## Non-fatal strangulation and suffocation

Section 70(1) of the Domestic Abuse Act 2021 created an offence of non-fatal strangulation and a separate offence of non-fatal suffocation. The offences were introduced as part of the Government's Violence against women and girls strategy 2021 and came into force on 7 June 2022.

## Development

The Council commenced development work on a draft guideline in the autumn of 2023. The draft guideline was finalised in the spring of 2024, and we opened a consultation on our proposals in May. During the consultation we will be conducting a small number of interviews with Crown Court judges to test the guideline. We will provide details of this consultation exercise and the outcome in next year's annual report.

## Perverting the course of justice and witness intimidation

Perverting the course of justice offences are serious offences with a maximum of life imprisonment.

Prior to 2023, there were no guidelines for this range of offences and limited guidance for witness intimidation offences in the magistrates' courts only. The Council agreed to develop new guidelines for perverting the course of justice offences and to revise the guideline for witness intimidation offences for use in all courts.

### Post-consultation

We received 48 responses to the consultation for these guidelines, which ran between March and June 2022. The responses were broadly supportive of the draft guidelines, with some making suggestions for other amendments. They were considered alongside results from small-scale research we conducted with 24 Crown Court judges to test the guidelines.

As a result of suggestions made by respondents to the consultation a new high culpability factor of 'Breach of trust or abuse of position or office' was added to the perverting the course of justice guideline. If the offence is connected to the offender's position or office, this culpability factor may apply. It may make the offending more serious if the offender holds a position within the justice system for example.

In the witness intimidation guideline 'workplace' was added to one of the category one harm factors, making it: 'Contact made at or in vicinity of victim's home and/or workplace'. This change followed respondents' suggestions that contact at a victim's workplace is common and can be very distressing for victims.

The new definitive sentencing guideline for perverting the course of justice and revised guideline for witness intimidation, final resource assessment and response to consultation were published on 12 July 2023. The guidelines came into effect on 1 October 2023.

### Media coverage

Solicitors' Journal, New Law Journal, Police Professional and Law Society Gazette all carried news bulletins on the launch of these two guidelines.

## Public order offences (2)

The Government introduced a number of new offences to address disruptive activity by protestors causing public nuisance in 2022, and additional offences were created in 2023.

### Development

The Council agreed which offences should be within the scope of the guideline in January 2024 and has since been gathering evidence to inform the development of draft guidelines. We will aim to consult on draft guidelines in 2025 and a further update will be included in the next annual report.

## Totality

Our first Totality guideline came into effect on 11 June 2012. The guideline provided the courts with guidance on how to arrive at a total sentence when sentencing an offender for multiple offences or when sentencing an offender who is already serving an existing sentence.

In September 2021, the Council published a report on research exploring sentencers' views of the 2012 Totality guideline that showed that sentencers generally found the guideline to be useful and clear and a practical help in sentencing, although some requested improvements to its format. Having considered the findings from the research, the Council decided to consult on a revised guideline, focusing on bringing it up to date without changing the essence of the content.

## Post-consultation

We received 25 responses to the consultation, which ran from October 2022 to January 2023. The Council considered these responses, and we published the revised definitive guideline alongside our response to the consultation and the final resource assessment on 31 May 2023. The revised guideline came into effect on 1 July 2023.



Plymouth Combined Court





## Strategic objective 2:

Ensuring that all our work is evidence-based, and working to enhance and strengthen the data and evidence that underpin it

The Council carries out analysis and research into sentencing to enable us to meet the statutory duties set out in the Coroners and Justice Act 2009. Our analysis and research work is an integral part of guideline development: it contributes to all stages of the process and ensures the Council develops guidelines that meet our aims and objectives. We draw on a range of different data sources, both quantitative and qualitative, as well as undertaking our own research, to inform our work.

## Undertaking research and analysis to support the development of guidelines and other statutory duties

The Council regularly carries out social research and analysis that aims to augment the evidence base underpinning guidelines, making sure, in particular, that guidelines are informed by the views and experiences of those who sentence. We conduct primary research with users of the guidelines, principally Crown Court judges, district judges and magistrates. We use a range of methods, including surveys, interviews and group discussions. Our researchers also review sentencing literature and analyse transcripts of Crown Court sentencing remarks. This work helps to inform the content of the guidelines at an early stage of development and explore any behavioural implications. At times, and where relevant, we also conduct research with victims, offenders and members of the public.

This year, to support further the development of guidelines, we published a research project to explore the use, interpretation and application of the expanded explanations that accompany some of the guideline factors (see also page 38-9). This research helped us identify whether any of the guidance contained within these explanations needs revisiting or whether any new factors, such as those recommended in our research on equality and diversity, might be needed.

During the development of draft guidelines, we also draw on a range of data sources, where available, to produce statistical information about current sentencing practice, including offence volumes, average custodial sentence lengths and breakdowns by age, sex and ethnicity. We use this information to understand the parameters of current sentencing practice, consider potential issues of disparity and fulfil the Council's public sector equality duty (see pages 68-9). In some instances, however, data are not available so there are limits to the analysis we can undertake.

When required, the Council also undertakes research and analysis to support some of our wider statutory duties, to provide further information in specific areas or to fill gaps in existing data. We are also continuing to seek opportunities to collaborate with academics and external organisations. During 2023/24, this work has included further research to examine issues related to effectiveness in sentencing.

## Making miscellaneous amendments to sentencing guidelines

In September 2023 the Council held the third annual consultation on miscellaneous amendments to sentencing guidelines. We use this annual consultation to consider proposed changes prompted by feedback from users, developments in case law or new legislation that would be significant enough to warrant consultation but not so substantial that they would require new guidelines to be drafted.

The changes made as a result of this consultation came into effect on 1 April 2024.

### Overarching guidelines

The Allocation and Sentencing children and young people guidelines include a non-exhaustive list of factors to be considered when deciding whether it is in the interests of justice to send a child jointly charged with an adult to the Crown Court for trial. Recognising that the disadvantages of delay in sending young people to trial may outweigh any injustice of separate trials, the Council proposed adding a new factor to the list of considerations: 'The likely waiting time in trying the youth in the Crown Court as compared to the youth court'. The majority of respondents who commented on this proposal were fully in favour.

### Offence specific guidelines

**Supplying or offering to supply a controlled drug** – to make explicit to court users and the public that supplying controlled drugs to children is a serious matter, the Council has created a new aggravating factor: 'Offender supplies or offers to supply a drug to a person under the age of 18'.

**Fraud** – to provide additional guidance in circumstances where there is no or minimal pecuniary loss, we have amended the Fraud guideline to address perceptions that non-financial impact is not given sufficient weight.

**Breach of a protective order (restraining and non-molestation orders)** – in response to a request from the Suzy Lamplugh Trust, the Council has added two offences to our existing guideline for Breach of a protective order: Breach of a stalking protection order and Breach of a domestic abuse prevention order.

**Individuals: Unauthorised or harmful deposit, treatment or disposal etc of waste** – following representations from organisations concerned with prosecuting fly-tipping offences that fines imposed by the courts are insufficient to deter offending, we have amended this guideline to give greater emphasis to community orders over fines.

## **Aggravating and mitigating factors and expanded explanations**

This year's miscellaneous amendments included changes to a number of mitigating factors and their associated expanded explanations and the introduction of three new mitigating factors. We included these changes in the consultation in response to recommendations made in the 2023 research report *Equality and diversity in the work of the Sentencing Council*.

**Remorse** – including learning disability and communication difficulties as influential factors in the evaluation of remorse and a reminder to sentencers to consider issues covered by the *Equal Treatment Bench Book*.

**Good character and/or exemplary conduct** – changing the wording and removing the example 'charitable work' to clarify the factor's intention and reduce confusion with 'previous convictions' and the potential for bias.

**Determination and/or demonstration of steps having been taken to address addiction or offending behaviour** – making it clearer that the factor should be applied where support has been sought but not received.

**Age and/or lack of maturity** – clarifying the age range to which this factor typically applies to improve consistency of application.

**Difficult and/or deprived background or personal circumstances and Prospects of or in work, training or education** – introducing two new mitigating factors to help the courts take a consistent approach when considering whether there are factors in the offender's background or current personal circumstances that may be relevant.

**Pregnancy, childbirth and post-natal care** – replacing existing guidance with a new, dedicated mitigating factor setting out what the courts may consider when sentencing pregnant offenders and new mothers.

## Manslaughter and domestic homicide

The Council proposed two changes to the loss of control, diminished responsibility, unlawful act and gross negligence manslaughter guidelines in response to recommendations made in the 2023 Domestic Homicide Sentencing Review:

- adding references to coercive or controlling behaviour to existing aggravating factors to reflect up-to-date terminology and demonstrate to court users and the public that violence and abuse can include these behaviours, and
- introducing a new aggravating factor: 'Use of strangulation, suffocation or asphyxiation', to ensure that the seriousness of strangulation is not overlooked in sentencing and make the guidelines more consistent with those for assault.

The majority of responses to these proposals were supportive and the changes were introduced on 1 April.



Officials from the Office of the Sentencing Council

## Assessing the resource implications of guidelines

The Council has a statutory duty to produce a resource assessment to accompany each sentencing guideline that estimates the effects of the guideline on the resource requirements of the prison, probation and youth justice services. This assessment enables the Council and our stakeholders to understand better the consequences of the guidelines in terms of impact on correctional resources. The work that goes into resource assessments also results in wider benefits for the Council.

The process involves close scrutiny of current sentencing practice, including consideration of the factors that influence sentences. This analysis provides a 'point of departure' for the Council when we are considering the appropriate sentencing ranges for a guideline.

Where the Council intends a guideline to improve consistency, while causing no change to the overall severity of sentencing, the guideline sentencing ranges will aim to reflect current sentencing practice, as identified from the analysis. Where we intend a guideline to effect changes in the severity of sentencing for an offence, the Council may set sentencing ranges higher or lower than those indicated by current sentencing practice.

We publish resource assessments to accompany our consultations and our definitive guidelines. Alongside our draft guidelines for consultation we also publish a bulletin summarising the statistical information that has helped inform their development.

## Monitoring the operation and effect of guidelines and drawing conclusions

The real impact of a guideline on sentencing and consequently on resources is assessed through monitoring and evaluation after the guideline has been implemented. To achieve this, we use a range of different approaches and types of analysis. These include bespoke, targeted data collections in courts, where we collect information on a range of factors relevant to the sentencing decision, including harm and culpability factors, aggravating and mitigating factors, guilty plea reductions and sentence outcomes.

The most recent of these data collections ran between 9 January and 30 June 2023 in all magistrates' courts and locations of the Crown Court. Data was collected for selected offences and the information collected will help us assess whether guidelines are having any impact on sentencing outcomes and whether there have been any issues with their implementation.

While the initial response to the data collection was encouraging, the volume of responses overall was lower than predicted, despite our removing some offences from the exercise to reduce the burden on sentencers. It is possible that the low response might affect the scope of the analysis we are able to carry out.

We also conduct qualitative interviews and surveys with sentencers, analyse sentencing transcripts and undertake statistical analysis of administrative data. This work is largely conducted in-house but we may commission external contractors to undertake some of this work. For example, this year we commissioned academics at Nottingham Trent University to assess how the overarching guideline on domestic abuse is used in sentencing.

## Publishing Sentencing Council research

We publish our research, data and statistical outputs on the analysis and research pages of our website.

Between 1 October 2010 and 31 March 2015 the Council collected sentencing data from judges in the Crown Court. The data from the Crown Court Sentencing Survey (CCSS) is published on our website, as well as more recent data collected from magistrates' courts on theft from a shop or stall, drug offences and robbery offences. We will publish data from other such targeted data collections in due course.

More information about the analysis and research we have undertaken to support the development of new guidelines or evaluate existing guidelines is included throughout chapter 1 of this report.

## Reporting on sentencing and non-sentencing factors

The Council has a statutory duty to produce sentencing factors and non-sentencing factors reports. These reports can be found on pages 53-64.





CROWN AND COUNTY COURTS

Entrance

## Strategic objective 3:

Exploring and considering issues of equality and diversity relevant to our work and taking any necessary action in response within our remit

It is the Council's long-held view that equality and diversity should be fully and properly considered throughout the entire guideline development process. As part of the five-year plan we made in 2021, we set ourselves a strategic objective to: explore and consider issues of equality and diversity relevant to our work and take any necessary action in response within our remit.

We have established a dedicated working group to advise the Council on matters relating to equality and diversity and make sure that the full range of protected characteristics are considered in our work. Members also consider ways in which the Council could engage more effectively with, and take account of the views and perspectives of, representatives of people with protected characteristics, and with offenders and victims.

## Understanding the impact of sentencing guidelines

The Council's commitment to ensuring that sentencing guidelines apply fairly across all groups of offenders and do not cause or contribute to any potential disparity of outcome for different demographic groups is reflected throughout the development process.

We review any available evidence on disparity in sentencing for each guideline we develop or revise and, if the evidence suggests disparity, we highlight this as part of the consultation process. We place wording in the draft guideline to draw sentencers' attention to the disparities and, when we have examined the data for the offence and reviewed the consultation

responses, the Council will then consider whether similar wording should be retained in the published definitive guideline. We include in all definitive guidelines signposts to important information in the Equal Treatment Bench Book, which is compiled by the Judicial College, and remind sentencers of the need to apply guidelines fairly across all groups of offenders.

To enable the Council to explore fully the potential impact of sentencing guidelines on different demographic groups and groups with protected characteristics, we collect and analyse data, where available, and undertake in-depth analytical work. We now routinely publish sentencing breakdowns by age, sex and ethnicity alongside definitive guidelines and draft guidelines for consultation and are also exploring whether we can link to other MoJ data to facilitate more analysis in this area. As part of our research interviews, we also ask sentencers whether they think the sentencing of any groups may be particularly impacted by the draft guideline under discussion.

## Revising aggravating and mitigating factors and their expanded explanations

The Sentencing Council made a commitment, in our strategic objectives for 2021–2026, to explore how the expanded explanations in sentencing guidelines are being interpreted and applied by sentencers.

Expanded explanations are embedded in all offence specific guidelines. They provide additional guidance for the courts on what must be considered when aggravating and mitigating factors are applied, making it easier for sentencers to take a consistent approach and providing greater transparency for court users and the public.

On 6 March 2024 we published the findings of a study conducted by the Council's analysis and research team to explore how sentencers identify and interpret aggravating and mitigating factors and their accompanying expanded explanations. Our decision on which factors to explore was informed by the 2023 research on equality and diversity in the work of the Sentencing Council, and we conducted the research in two stages: the first used in-depth interviews and hypothetical sentencing scenarios with 20 judges and 20 magistrates to investigate sentencers' views on nine existing factors; the second used focus groups to gather perspectives from judges and magistrates on three proposed new mitigating factors and accompanying expanded explanations.

### **What we found**

The interviews suggest that sentencers generally found the expanded explanations clear and straightforward to understand but that some factors may be more straightforward than others to identify and/or interpret.

Five factors were broadly identified and interpreted as expected by the scenario design and related expanded explanation content:

- Previous convictions
- Commission of offence whilst under the influence of alcohol/drugs
- A leading role where offending is part of a group activity
- Victim is targeted due to a vulnerability (or perceived vulnerability)
- Sole or primary carer for dependent relatives

Four factors were not always identified or interpreted as expected. Differences in understanding were often due to assumptions being made about a factor's meaning based on its title alone, without reference to the associated expanded explanation:

- Offence committed in a domestic context
- Age and/or lack of maturity
- Remorse
- Good character and/or exemplary conduct

'Good character and/or exemplary conduct' was felt by some sentencers not to be straightforward. For the research, we had removed the example of charitable works from the expanded explanation because of its potential to create sentencing disparities. Some participants agreed with this approach, some felt it would be helpful to provide a more varied list of examples, and others preferred that interpretation of what might constitute good character or exemplary conduct should be left open-ended.

When asked about the three new proposed mitigating factors 'Pregnancy and maternity', 'Prospects of or in work, training or education' and 'Difficult background and/or difficult personal circumstances', focus group participants felt that, while the proposed content of their respective expanded explanations would be useful for sentencers to bear in mind, these factors were already being accounted for where appropriate and it was unnecessary to formally include them in sentencing guidelines.

Participants were also asked to consider whether they thought any aggravating or mitigating factors could create sentencing disparities. They did not feel guideline content itself created disparity but felt there could be other unconscious influences on sentencing such as the sex or background of the offender, as well as a judge's or magistrates' level of sentencing experience or training.

### **What we did**

Based on the findings of this research, we proposed amendments for a small number of factors and/or their accompanying expanded explanations and consulted on these proposals as part of the third annual consultation on miscellaneous amendments to guidelines. See pages 30-32 for the changes we have made to sentencing guidelines as a result.

## Learning from consultees' insight and experience

The potential for disparities in sentencing to arise from aspects of sentencing guidelines may not be obvious. Our consultation documents seek views from as wide an audience as possible on whether such potential exists, specifically asking consultees to consider whether there are:

- any aspects of the draft guidelines that they feel may cause or increase disparity in sentencing
- any existing disparities in sentencing of the offences covered in the guideline that they are aware of, which the draft guideline could and should address, and/or
- any other matters relating to equality and diversity that they consider the Council should be aware of and/or that we could and should address in the guideline

## Guarding against potential causes of disparity

The Council made a commitment, when agreeing our five strategic objectives in 2021, to examine whether there is any potential for our work, or the way in which we carry it out, inadvertently to cause disparity in sentencing across demographic groups.

In autumn 2021, we commissioned the University of Hertfordshire to look at equality and diversity in the work of the Council. The aims of the research were to identify and analyse any such potential and to recommend actions we might take to guard against it. A report on the research, its findings and the Council's response, are available on our website.

Following on from this work, the Council's analysis and research team undertook a review to explore some of the recommendations, specifically those relating to aggravating and mitigating factors and their expanded explanations. See pages 38-9 for information on the work we have done in this regard during 2023/24.

“The [miscellaneous] amendments cover a variety of issues. In part the intention is to improve clarity in guidelines and to reflect developments in case law and changes in legislation. The amendments also encompass recommendations in an independent report we commissioned into equality and diversity together with recommendations in the Wade Review of sentencing of domestic homicide.”

Lord Justice William Davis, Chairman, on publication of the Sentencing Council’s response to the miscellaneous amendments consultation 2023, 18 March 2024



Caernarfon Justice Centre

## Strategic objective 4:

Considering and collating evidence on effectiveness of sentencing and seeking to enhance the ways in which we raise awareness of the relevant issues



The Council's duty in relation to cost and effectiveness appears in two sections of the Coroners and Justice Act 2009. Section 120 states that the Council should have regard to the cost of different sentences and their relative effectiveness in preventing reoffending when preparing guidelines. Section 129 states that the Council may also promote awareness of these issues.

Prior to 2022 the approach taken to discharging this duty involved the consideration by Council members of an annual internal digest and review of current research and evidence of effectiveness. This supplemented Council members' significant existing expertise and experience in sentencing matters and was brought to bear in Council discussions when considering the development of guidelines.

When publishing our strategic objectives in November 2021, the Council responded to the views of respondents to our 10th anniversary consultation that the annual digest should be publicly available. We agreed to publish a review every two years that will outline the latest research evidence, allow the Council to be more transparent about the evidence we consider and help us promote knowledge and understanding of effectiveness among sentencers.

To meet this commitment, in September 2022, we published a literature review, **'The effectiveness of sentencing options on reoffending'**, written by a team of academics led by Dr Jay Gormley of the University of Strathclyde. The review considers in particular evidence relating to reoffending, reflecting the Council's statutory duty to have regard to the effectiveness of sentences in preventing reoffending. It also considers evidence on related areas such as the impact of sentencing on long-term desistance from offending, on deterrence, and on the cost-effectiveness of different sentences.

In line with the commitment to publish a review every two years, a second literature review is currently underway. This review will update the 2022 report with any new evidence, further explore the effectiveness of sentencing as a form of deterrent to offending and consider public, offender, victim and sentencer perceptions of what makes a sentence effective. The review will be published later in 2024.

## Strategic objective 5:

Working to strengthen confidence in sentencing by improving public knowledge and understanding of sentencing

The Sentencing Council has a statutory duty to have regard to the need to promote public confidence in the criminal justice system when developing sentencing guidelines and monitoring their impact. The Council has interpreted this duty more widely and we have set ourselves a specific objective to take direct steps to improve public confidence in sentencing.

## Understanding public attitudes

To meet our statutory duty and our strategic objective to improve public confidence, the Council must have a clear and detailed picture of current levels of understanding of sentencing among the public.

On 8 November 2023, the Chairman, the Head of Office and the Head of Communication and Digital attended an event in the House of Commons to mark the completion of the Justice Committee's inquiry into public opinion and understanding of sentencing. The Council had provided both written and oral evidence during the course of the inquiry, setting out our perspective on the issues facing sentencing, the barriers to improving public awareness of how sentencing works and why improving public knowledge leads to greater confidence.

The report included a number of recommendations for the Council, to which we responded on 18 January 2024, making commitments to continue to explore what additional data may become available via the Common Platform; to conduct, in the meantime, other

research exercises to gather sentencing information; and to consider what more we might do on our website to improve public access to current data on sentencing practice so that individual cases can be understood in their broader context.

## Making sentencing more accessible and easy to understand

Research indicates that being exposed to, and feeling informed about, the criminal justice system and sentencing helps people have more confidence in the effectiveness and fairness of both. The Council aims to help the public understand the principles and processes of sentencing by making them more transparent and accessible.

### Sentencing Council website

For many people, our website [sentencingcouncil.org.uk](https://www.sentencingcouncil.org.uk) is their first encounter with the Sentencing Council. The primary role of our website is to provide access to sentencing guidelines for criminal justice professionals, but other areas of the site are designed to promote a greater understanding of sentencing among our public and other non-specialist audiences.

Our website explains how sentencing works in accessible, plain language using text and video. It provides information on the purposes of sentencing, the types of sentences available and the decision-making that lies behind sentencing. It gives broad information on some often-sentenced offences and debunks common sentencing myths. The content of the site provides clear, helpful context

to the sentencing guidelines to improve the transparency of sentencing and make it more accessible to the public.

The blog pages on our website allow us to publish accessible content to help improve public understanding of how the sentencing decision-making process works and the array of factors that are taken into account. We use these pages to publish articles explaining various aspects of sentencing, which we promote via X (formerly Twitter). The blogs we have published this year include articles explaining the Imposition of community and custodial sentences guideline, what it is and how it works, as well as an article outlining the new mitigating factor, 'Pregnancy, childbirth and post-natal care'.

### **You be the Judge**

Throughout 2023/24 we have been developing an interactive sentencing website, You be the Judge, working in partnership with the Judicial Office, the independent body that supports the judiciary across the courts of England and Wales. You be the Judge is designed to give users an opportunity to experience the courts 'in action' and engage them in the considerations of sentencing. Users watch six dramatised scenarios, based on real examples, to do with burglary, fraud and assault, and possession of drugs, a knife and a firearm. Having heard the facts of the case and watched the judge or magistrates weigh up the aggravating and mitigating factors, they have an opportunity to decide what they think an appropriate sentence should be, which they can then compare to the actual sentence imposed.

The purpose of You be the Judge is to help people become better informed about how the courts work, understand the way in which judges and magistrates make decisions about sentencing and challenge misconceptions about its leniency and fairness.

At the time of writing, we expect to launch You be the Judge in early summer 2024. The website is aimed at users of all ages but will be of particular value as a teaching tool. Schools will be able to use it to educate young people about sentencing and the courts and help them understand that, whether as victims, witnesses or potential defendants, they can be confident that they will be treated consistently and fairly by the courts.

We will report on the launch and the first year of You be the Judge in next year's annual report.

### **Using the media**

The Council publicises its work via the mainstream and specialist media. Our aim is to make sure that sentencers and criminal justice practitioners are aware of what work the Council is undertaking and are kept informed about the publication of new guidelines and when they come into effect. We also use the media to make sure that practitioners and stakeholders with an interest in specialist topic areas are aware of our consultations so that they are able to respond and share their knowledge and expertise with the Council.

Achieving media coverage for the publication of new guidelines or consultations also provides us with opportunities to inform the wider public

about how sentencing works and the role played by the Council and the guidelines in enabling the courts to take a consistent, fair and transparent approach to sentencing.

The definitive guidelines and consultations published over the period of this annual report were supported by a programme of communication activities targeting the media, including criminal justice publications, national and regional print, online and broadcast channels and relevant specialist titles.

The work of the Council remained of significant interest to the media. Over the course of the year, there were 204 mentions of the Council in print media and 368 broadcast mentions.

We achieved coverage across a wide range of print and online outlets, including The Times, The Telegraph, Daily Mail, Mirror, Sun, Independent and leading regional titles such as the Newcastle Chronicle and The Northern Echo.

Trade media coverage appeared in Law Society Gazette, Solicitors' Journal, New Law Journal, Police Professional, Police Oracle and a range of subject-specific publications. The coverage we achieved throughout the year for individual guideline and consultation launches is set out in chapter 1 of this report.

## Reaching young people

The public confidence research we published in 2019 and 2022 told us that young people between school-leaving age and early 30s have greater confidence in the effectiveness and fairness of the criminal justice system than older people, and most say that hearing about the sentencing guidelines increases their levels of confidence. However, young people are less likely than any other age group to know about the guidelines.

To mitigate this lack of knowledge among the next generation of young adults, the Council has identified young people of school age as a priority audience. Our aim is to equip them with a knowledge and understanding of sentencing that will improve their confidence in the criminal justice system, whether they encounter it as victims, witnesses or defendants, and enable them to become critical readers of the media's reporting of sentencing.

We expect You be the Judge to be play a significant role in citizenship and PHSE (personal, health, social and economic) education. The Council also aims to continue to contribute to teaching activities that are run by our partners in the criminal justice system and other organisations who have far greater reach into schools than the Council could achieve alone.

In 2023/24 we continued our relationship with Young Citizens, an education charity that works in primary and secondary schools to help educate, inspire and motivate young people. We contribute content for the charity's key stage 1 and 2 (primary) teaching resource, 'What happens when laws are broken?'. The resource supports both citizenship and PHSE education and has the potential to reach more than 48,000 children.

Our website features a page of resources for teachers. This year we have worked on revising the teaching pack the Council has developed for schools to deliver as part of the citizenship curriculum for key stage 3 and 4 pupils and expect to publish the revised version in summer 2024. These resources help young people develop an understanding of how criminal sentencing works and give them the opportunity to try sentencing for themselves using scenarios and will continue to have a role to play in classrooms where You be the Judge is not available. The page also includes links to the teaching materials provided by Young Citizens to which we have contributed.

## Retaining the confidence of guideline users

It is vital that the criminal justice professionals who use sentencing guidelines have confidence in them and the body that produces them, not just to make sure that guidelines are implemented effectively but also because the Council wants those legal professionals to advocate for us with the public. For some members of the public, their first experience of sentencing guidelines will be through a defence lawyer or the Probation Service.

It is important that sentencers are confident not only that the substance of the guidelines is evidence based but also that the mechanisms of delivery are effective and have no adverse impact on their implementation. During 2023 research was undertaken to look into how sentencers access, navigate and use the guidelines and whether, and if so how, their experience could be improved. We published the report of this research on 8 November 2023. More information on the findings and the improvements we are making to the website as a result can be found on pages 49-50.

## Making the online guidelines easier to use

In the Sentencing Council's strategic objectives for 2021-2026 we made a commitment to explore how people access, use and interact with the sentencing guidelines on our website. To do this, we conducted research using a two-strand approach. The first strand of the research was carried out by survey conducted by the OSC that focused on sentencers' views on several areas of the website including the use of tools such as the calculators we provide to assist magistrates in working out fines and drink-driving related disqualification periods, as well as the offence specific and overarching guidelines. The second strand of research was conducted on our behalf by the Behavioural Insights Team to help us understand how professionals are using and navigating the digital guidelines.

The research identified areas where the usability of the tools, functions and guidelines available on the website, such as the search function, could be improved. In response to these findings, throughout the year we have made a series of improvements to the website, which include:

- making aggravating and mitigating factors within offence specific guidelines easier to identify and more consistent with other drop-down style functions on the website by refining their design and presentation
- helping users navigate long pages and move swiftly between guidelines by creating a 'back to the top' button at the bottom of every page
- allowing users to reach the magistrates' court search function page quickly and easily by redirecting the 'magistrates' court' link that appears on every page of the website, and
- making the navigation links to the magistrates' court and Crown Court search pages more visible by bringing the sentencing guidelines navigation bar to below the main website menu on every page

One clear theme that emerged from the research was the varying experiences users were having when trying to locate the correct guideline using the website's embedded search function. In response, we have launched a new search function on the magistrates' court guideline pages of the website. This new function uses smart searching capability, which provides additional search results based on words and phrases related to the search term and partial matches of search terms. Results are displayed in order of their relevance to the search term rather than the previous alphabetical order. Users are also now able to find guidelines by category using a drop-down tool similar to that already available on the Crown Court pages of the website.

We have also made it easier for users to find and use supplementary information (formerly known as 'explanatory materials'). We have achieved this by adding a new tab to the guideline search page for magistrates' courts and updating the structure of the supplementary information to make it easier to navigate.

We will continue to make improvements to the sentencing guideline pages of the website over the coming year.

## Developing relationships with stakeholders and supporters

To further our work to engage stakeholders and build relationships across the criminal justice system, Council members and officials from the OSC give talks and presentations and deliver webinars covering all aspects of sentencing and the Council's approach to developing and evaluating guidelines.

On 24 November 2023, Council members Rosa Dean, Jo King and Beverley Thompson, along with the Head of the OSC, a senior policy adviser and principal statistician from the Office attended the Scottish Sentencing Council's inaugural academic conference. The event featured discussions around three main topics: sentencing of children and, especially, young adults; sentencing and mental disorders; and the rehabilitation of offenders.

On 22 March 2024 the Head of the OSC and the Head of Analysis and Research attended a meeting of the Scottish Sentencing Council as observers. As well as strengthening our relationship with Council members and officials in Scotland, the purpose of the visit was

to learn about the ways in which the Scottish Council works and how their meetings are structured.

On 4 October 2023 members of the office took part in the Insight 2023 Festival, organised by HM Prison and Probation Service. The festival is an annual event that brings together colleagues from across the criminal justice system to connect and share insight and experiences. The online event, titled 'All you ever wanted to know about sentencing but were too afraid to ask', was attended by 70 delegates. Our aim in taking part was to increase public confidence in sentencing by improving the ability of frontline staff across the system to help their own service users understand sentencing and manage their expectations.

On 5 December a senior policy adviser spoke at the National Police Family Liaison Officer (FLO) Conference in Birmingham. This is an important audience for the Council. FLOs have direct contact with families bereaved by crime and are in a unique position to help them understand how sentencing works and to manage their expectations. Our aim in engaging with FLOs is to increase their knowledge and understanding of sentencing, particularly in relation to death by driving and manslaughter



offences, to enable them to have informed discussions with families.

Jo King and a senior policy adviser from the Office spoke at two magistrates' bench meetings in Wales on 18 October (North East Wales) and 25 October (Ceredigion and Pembrokeshire). They talked about the work of the Council and the process of developing and evaluating guidelines, with a particular focus on the recently published drug driving guidelines.

We spoke to magistrates again in January and March 2024 when senior policy advisers from OSC delivered webinars organised by the Magistrates' Association for their members. The purpose of these webinars was to support the Council's consultations on proposals for revising the imposition guideline and the aggravated vehicle taking, registration fraud and disqualification guidelines. Both seminars were attended by at least 100 magistrates and were well received.

The Council often hosts and meets visitors from overseas seeking to learn more about the Sentencing Council and understand how the guidelines are developed and used. These events allow us in turn to learn about the criminal justice systems of other nations and discover whether and how sentencing guidelines are used in other jurisdictions.

On 15 June 2023 we welcomed Judge Mori, a judge from the Tokyo District Court who has spent a year in the UK as part of the Japanese Exchange Programme. Judge Mori met the Chairman, the Head of OSC and the Head of Analysis and Research to hear about the Council's approach to

developing sentencing guidelines before joining the Council meeting on 16 June as an observer.

On 13 July the Head of Analysis and Research and a senior policy adviser hosted a group of visitors including academics from the China University of Political Science and Law and the Southwest University of Political Science and Law in China. The visit was part of a wider trip to learn about issues related to sentencing, with a particular focus on drug offences, and was facilitated by the Great Britain China Centre, an executive non-departmental public body of the Foreign, Commonwealth and Development Office.

On 3 October 2023 we hosted a visit from YB Ramkarpal Singh Karpal Singh, Deputy Minister (Law and Institutional Reforms) in the Prime Minister's Department of Malaysia, and officials from his office. The Deputy Minister and his colleagues wanted to hear about how the Council works and develops guidelines and, in particular, about our relationships with MoJ and Parliament.

In recent years, the Council has strengthened our commitment to build bridges with the academic community. We have set ourselves a specific objective to seek opportunities to collaborate with academics and external organisations in order to broaden the range of analytical work we can contribute to and draw on.

During the imposition consultation period, in February 2024, the policy lead and various members of the Office and the Council participated in an academic roundtable discussion lead by the Sentencing Academy. On 13 September 2023 we published a roundup summarising some of the work the analysis and research team has recently undertaken or commissioned, in particular research conducted with sentencers, which we have made available to academics and researchers via our website.



Reading Crown Court

# Sentencing and non-sentencing factors reports

## Sentencing factors report

In accordance with section 130 of the Coroners and Justice Act 2009, the Sentencing Council's annual report must contain a sentencing factors report. This report considers changes in the sentencing practice of courts and their possible effects on the resources required in the prison, probation and youth justice services.

Sentencing guidelines are a key driver of change in sentencing practice. Some guidelines aim to increase the consistency of approach to sentencing while maintaining the average severity of sentencing. Other guidelines explicitly aim to cause changes to the severity of sentencing.

Changes in sentencing practice can also occur in the absence of new sentencing guidelines and could be the result of many factors such as Court of Appeal guideline judgments, government legislation and changing attitudes towards different offences.

This report considers only changes in sentencing practice caused by changes in sentencing guidelines.

Between 1 April 2023 and 31 March 2024, the Council published definitive guidelines for sentencing offences related to:

- animal cruelty
- motoring
- perverting the course of justice, and
- witness intimidation

We also published a revised overarching guideline on totality and amendments stemming from the third annual consultation on miscellaneous amendments to sentencing guidelines.

“Animal cruelty is a serious offence and animals can experience untold suffering at the hands of people who they trust to look after them, including being left in appalling conditions or forced to fight each other for money.

“The new guidelines will guarantee that courts have the powers to deliver appropriate sentences to offenders who mistreat animals.”

Her Honour Judge Rosa Dean, on publication of the definitive sentencing guidelines for animal cruelty offences, 10 May 2023

### **Animal cruelty**

On 29 June 2021, the Animal Welfare (Sentencing) Act 2021 came into force, which increased the statutory maximum penalty from six months' to five years' imprisonment for a number of animal cruelty offences, including causing unnecessary suffering, tail docking and involvement in an animal fight.

In May 2023 the Council published two new definitive sentencing guidelines for use in England and Wales to cover animal cruelty offences. One, Animal cruelty, is for use in all courts and covers offences contrary to sections 4 to 8 of the Act, where the offences have been changed from being summary only to triable either way and the statutory maximum penalty increased. The

second, Failure to ensure animal welfare, applies only in the magistrates' courts. This guideline retains much of the pre-existing magistrates' court guideline for animal cruelty offences but has been revised to cover only the section 9 offence.

Discussions in Parliament show the rationale for increasing the statutory maximum under the Animal Welfare (Sentencing) Act 2021 to be to increase penalties for offences involving particularly sadistic behaviour and/or the involvement of organised criminality. Accordingly, the Council expects the new Animal cruelty guideline (sections 4 to 8) to increase sentences for these most serious cases while also providing a consistency of approach to sentencing a wider range of offences and ensuring

that sentences are proportionate to the offence committed and in relation to other offences. The Council does not expect this guideline will lead to a substantial impact on prison and probation resources because of the small volume of cases involved.

For the section 9 offence, since the guideline has been developed with current sentencing practice in mind and the statutory maximum remains unchanged, we do not anticipate this guideline will lead to a change in sentencing practice or have a notable impact on resources.

### **Motoring**

The resource impacts discussed here relate to both new and revised guidelines, covering a range of motoring offences under the Road Traffic Act 1988 and Offences against the Person Act 1861.

The offence of causing serious injury by careless or inconsiderate driving was created as part of the Police, Crime, Sentencing and Courts (PCSC) Act 2022. We were not able to estimate the impact of this guideline due to the fact that no sentencing data were yet available at the time of analysis.

Under the PCSC Act 2022, the statutory maximum sentence for causing death by dangerous driving and causing death by careless driving when under the influence of drugs increased from 14 years' custody to life imprisonment. The sentence levels in the definitive guidelines have therefore been increased to reflect the new statutory maximum sentences set by Parliament and ensure sentencing levels in these guidelines are proportionate to other offences.

In addition, under the PCSC Act 2022, some changes were also made to release provisions for these offences, which were taken into account in the analysis.

**Causing death by dangerous driving** – the analysis indicated there may be a shift in how offenders are categorised under the new guideline, because two factors within level 3 seriousness in the previous guideline have been moved into culpability B in the new guideline and, similarly, two factors within level 2 seriousness have been moved into culpability A.

The analysis also indicated that the definitive guidelines for causing death by dangerous driving and causing death by careless driving when under the influence of drugs are likely to result in an uplift in sentences due to an increase in sentence lengths for these offences, combined with the changes to culpability categorisation.

For causing death by dangerous driving, we estimate that the definitive guideline may result in a requirement for up to around 300 additional prison places per year. Of the 300 projected additional prison places, it is estimated that 100 of these are the result of the change to release provisions for this offence.

**Causing death by careless driving when under the influence of drink or drugs** – we estimate that the guideline may result in a requirement for up to around 10 additional prison places per year. Fewer than five of these additional prison places would be due to the change in release provisions for this offence.

**Causing death by careless or inconsiderate driving** – starting points and sentence ranges in the new guideline have been increased slightly in order to remain in step with the increased sentence levels in the guidelines for causing death by dangerous driving and causing death by careless driving when under the influence of drink or drugs. The Council estimates that, under the new guideline, some offenders receiving a community order under the previous guideline may receive a short custodial sentence instead, and the average custodial sentence length is likely to increase. We estimate that the new definitive guideline may result in a requirement for up to around 20 additional prison places.

**Causing death by driving whilst unlicensed or uninsured** – the sentencing table in the new guideline is the same as that in the previous guideline. Because the sentence starting points and ranges have not changed, along with the fact that these offences are very low volume, we anticipate that any impact of the definitive guideline will be negligible.

**Causing death by driving whilst disqualified** – increased starting points and ranges in the new guideline reflect the higher statutory maximum of 10 years' custody for this offence. However, given the extremely low number of offenders sentenced for this offence each year, we expect any impact of the definitive guideline on prison and probation resources to be negligible.

**Causing serious injury by dangerous driving** – the Council has set sentencing ranges in this guideline with a view to increasing current sentence levels slightly to reflect the increased sentence levels for causing death by dangerous driving. Analysis of sentencing remarks indicated that the new guideline is likely to result in an uplift in sentences for this offence. This is mainly due to an increase in the average custodial sentence length, but also because of a shift in sentencing outcomes, with some suspended sentence orders and a small number of community orders now becoming immediate custodial sentences. We therefore estimate that the definitive guideline may result in a requirement for up to around 130 additional prison places.

**Causing serious injury by driving whilst disqualified** – the intention of this new guideline is to promote consistency in sentencing for the offence, where there was previously no guidance available. Transcript analysis, although limited by sample size, did not offer any indication that the guideline would result in an increase in sentence levels. In addition, this offence is very low volume. We therefore anticipate that any impact of this guideline on resources is likely to be negligible.

**Dangerous driving** – the analysis for this offence suggested that some offenders who previously would have received a community order would be sentenced under the new guideline to immediate custody; this change would increase the need for prison places. However, the analysis also found that the new guideline is likely to result in a

decrease to the average final custodial sentence length of one month for immediate custodial sentences. Overall, the Council estimates that the net effect of these two changes will be balanced and result in a requirement for fewer than five prison places.

**Causing injury by wanton or furious driving** – for this offence, transcript analysis did not offer any indication that the guideline would result in an increase to sentence levels. Furthermore, because this is a low volume offence, we anticipate that any impact of the guideline on resources is likely to be negligible.

**Driving or attempting to drive with a specified drug above the specified limit and Being in charge of a motor vehicle with a specified drug above the specified limit** – the sentencing ranges for these offences have been set to be in line with current sentencing practice and consistent with other relevant guidelines. Given the low statutory maximum sentences for these offences (which are both within the range of suspension), it is anticipated that any impact of these guidelines on prison and probation resources is likely to be minimal.

“Perverting the course of justice and witness intimidation are serious offences that undermine the administration of justice by falsely accusing people or withholding crucial evidence thus potentially damaging police investigations and wasting courts’ time.

“Innocent people can suffer irreparable damage to their lives through loss of jobs, freedom or reputation while victims and witnesses can feel so frightened that they withdraw from proceedings, resulting in offenders avoiding trial and escaping punishment.”

The Honourable Mrs Justice May, on publication of the definitive sentencing guidelines for perverting the course of justice and witness intimidation, 12 July 2023

## **Perverting the course of justice and witness intimidation**

In July 2023, the Council published two new definitive sentencing guidelines covering the offences of perverting the course of justice contrary to Common Law and witness intimidation under sections 51(1) and 51(2) of the Criminal Justice and Public Order Act 1994. There was previously no guideline for perverting the course of justice and limited guidance only in the magistrates' courts for witness intimidation. The guidelines adopt the Council's standard stepped approach and aim to encourage consistency of sentencing.

Overall, for both perverting the course of justice and witness intimidation offences, it is difficult to estimate the impact of the guidelines due to a lack of detailed sentencing data. However, based on the evidence available, we anticipate that the guidelines will not lead to any notable changes in sentencing severity.

For perverting the course of justice, it is anticipated that at least some offenders previously receiving a fine or community order will receive a custodial sentence under the new guideline. However, this will affect only a small proportion of offenders. Additionally, eight of the nine categories in the guideline's sentence table have a starting point that is eligible for suspension. For immediate custodial sentences, the transcript analysis suggested that the average custodial sentence length will remain broadly similar under the new guideline. The Council therefore expects there to be a limited impact on prison and probation resources overall.

For witness intimidation, there is insufficient evidence to determine if there will be a shift in sentence outcomes for non-custodial sentences. However, only a small proportion of offenders receive non-custodial sentences for this offence, and we expect that any shift in sentence outcomes from non-custodial to custodial would therefore have a limited impact on prison and probation resources. Furthermore, based on the limited information provided within the transcripts, we anticipate that the average custodial sentence length will remain broadly stable. As such, it is expected that any impact the guideline has on prison or probation resources will be limited.

## **Totality**

The revisions we have made to the Totality guideline aim to bring the guideline up to date, provide further guidance and examples for the courts and to improve clarity. These aims do not include any intention to affect the average severity of sentencing. As such, it is expected that average custodial sentence lengths, and the proportion of offenders receiving the various disposal types, will not change.

## **Miscellaneous amendments to sentencing guidelines**

This year's miscellaneous amendments to sentencing guidelines include changes related to the environmental offences guideline for individuals, the Fraud guideline, the manslaughter guidelines and to mitigating factors across most guidelines.



In view of the nature of the amendments, we did not produce a separate resource assessment but instead included a brief discussion of the potential impact in each section of the consultation document and where responses addressed the issue in the consultation response document.

**Environmental offences guideline for individuals: Unauthorised or harmful deposit, treatment or disposal etc of waste** – the changes introduced into this guideline emphasise community orders over fines and, as such, are unlikely to result in an impact on prison resources. However, we do anticipate that the change may lead to an increase in the proportion of community orders imposed and a subsequent reduction in the proportion of fines.

**Fraud** – the changes we have made to the wording in this guideline place greater emphasis on victim impact and are designed to ensure the guideline works as originally intended. Evidence from an analysis of 15 cases appealed to the Court of Appeal indicates that courts are taking into account victim impact in assessing harm. The changes are likely, therefore, to have more of an impact on the perception of the guideline rather than sentencing practice. The addition of wording relating to the rare situations where there is no pecuniary loss could lead to higher sentences in this small number of cases.

**Manslaughter** – the changes made to the manslaughter guidelines introduce a new factor relating to strangulation and a reference to coercive and controlling behaviour to the existing factors relating to history of abuse.

Manslaughter cases vary considerably on their facts, and cases involving strangulation, suffocation and asphyxiation are rare. It is, therefore, not possible to say with certainty what the impact of the new factor will be. However, as manslaughter is a relatively low volume offence, along with the fact that it is likely this factor is already being taken into account, we do not anticipate any significant impact on sentence levels or on the need for prison places.

Regarding coercive or controlling behaviour, evidence suggests that the courts are already taking these factors into account in sentencing manslaughter. We, therefore, do not anticipate that this change will have a significant impact on sentence levels or on the need for prison places.

**Mitigating factors and expanded explanations** – the majority of the changes we have made to mitigating factors and their associated expanded explanations relate to factors that are present in almost all offence specific guidelines and therefore have the potential to affect a large number of cases. It is not possible to predict the number of cases that the changes will influence or whether the final sentence may be affected by any additional considerations of mitigation. However, our experience indicates that in many relevant cases sentencers are already considering these new or revised mitigating factors and applying them appropriately. Any impact would be to reduce the sentence imposed.

“The killing of a partner is always an extremely serious offence. The domestic abuse guideline sets out in detail why that is so. The Sentencing Council considers there may be greater potential for the manslaughter sentencing guidelines to give specific guidance as to how seriously the courts treat the impact of coercive control and the uniquely personal act of strangulation in domestic homicide. That is why we are consulting on changes to the manslaughter sentencing guidelines.”

Lord Justice William Davis, Chairman, on publication of the Sentencing Council’s response to the Domestic Homicide Sentencing Review, 7 September 2023



Thames Magistrates’ Court

## Non-sentencing factors report

The Council is required under the Coroners and Justice Act 2009 to prepare a report identifying the quantitative effect that non-sentencing factors are having, or are likely to have, on the resources needed or available to give effect to sentences imposed by courts in England and Wales.

In this report, we define non-sentencing factors and explain their importance to resource requirements in the criminal justice system. We then signpost the most recently published evidence on these factors.

### Definition of non-sentencing factors and their significance

The approach taken by the courts to sentencing offenders is a primary driver of requirements for correctional resources in the criminal justice system. We discuss this in our report on sentencing factors (see pages 53-9). However, non-sentencing factors also exert an important influence on requirements for correctional resources.

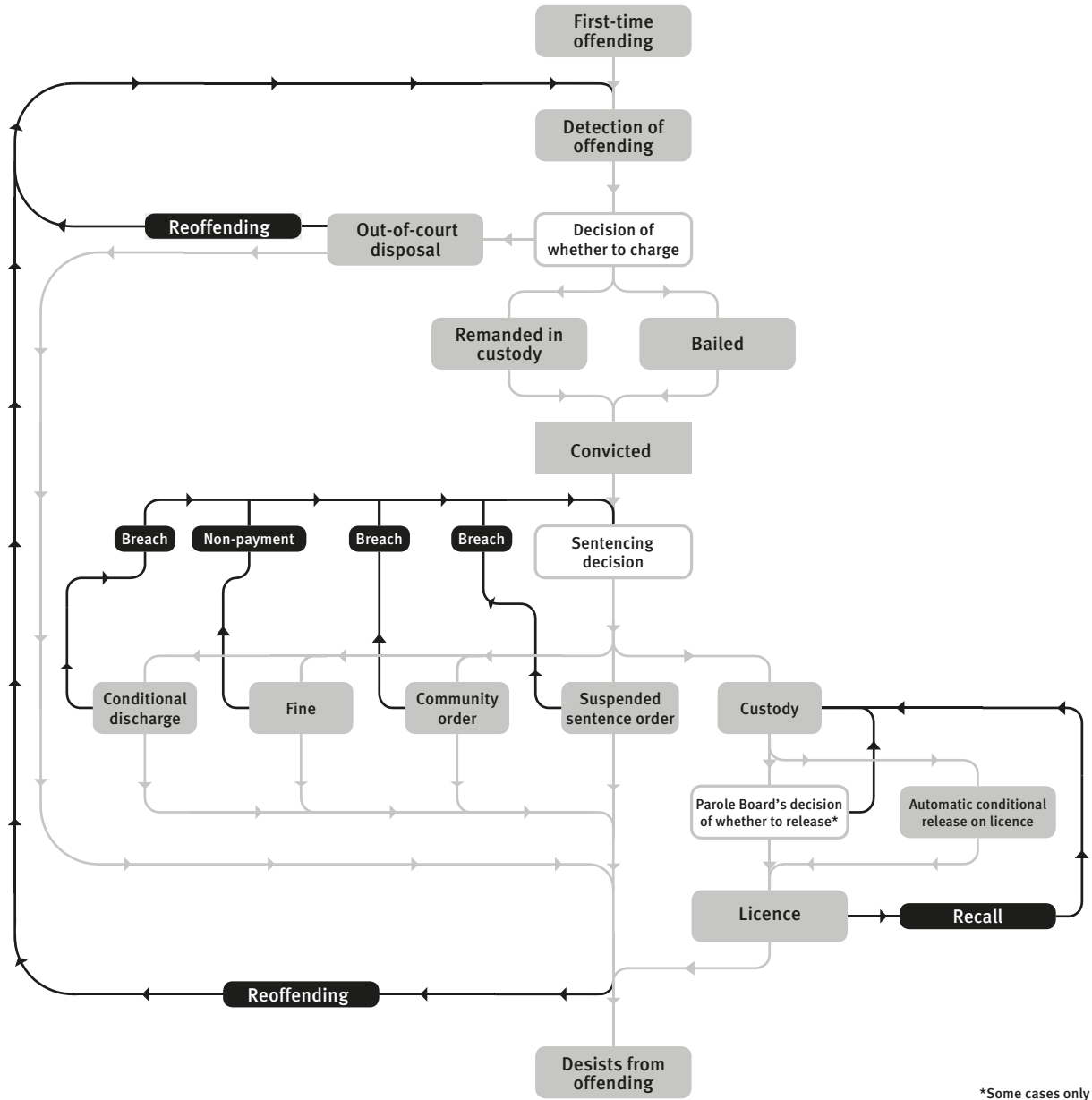
Non-sentencing factors are factors that do not relate to the sentencing practice of the courts but which may affect the resources required to give effect to sentences. For example, the volume of offenders coming before the courts is a non-sentencing factor: greater sentencing volumes lead to greater pressure on correctional resources, even if the courts' treatment of individual cases does not change.

Release provisions are another example: changes in the length of time spent in prison for a given custodial sentence have obvious resource consequences. For instance, the Police, Crime, Sentencing and Courts Act 2022 introduced provisions meaning those serving determinate custodial sentences for the most serious offences would serve two-thirds of their sentence in prison before being released automatically. The Act also gave the Secretary of State the power to refer high-risk offenders serving a determinate custodial sentence to the Parole Board to consider whether they can be released.

### Statistics on the effect of non-sentencing factors on resource requirements

It is relatively straightforward to analyse the available data on non-sentencing factors. However, it is extremely difficult to identify why changes have occurred and to isolate the effect on resources of any individual change to the system. This is because the criminal justice system is dynamic and its processes are interconnected. Figure 1 (page 62) shows a stylised representation of the flow of offenders through the criminal justice system. It demonstrates the interdependence of the system and how changes to any one aspect will have knock-on effects in many other parts.

Figure 1: Flow of offenders through the criminal justice system



\*Some cases only

## Volume of sentences and composition of offences coming before the courts

MoJ publishes 'Criminal justice system statistics quarterly' on GOV.UK, which reports on the volume of sentences and the offence types for which offenders are sentenced.

For the most detailed information on sentencing outcomes, follow the link on GOV.UK for Criminal justice system statistics quarterly: December 2023 to use the outcomes by offence tool and open the sentencing outcomes tab. The tool provides statistics on the total number of sentences passed and how this has changed through time. The statistics can be broken down by sex, age group, ethnicity, police force area and offence group.

## The rate of recall from licence

An offender is recalled to custody by the Secretary of State if they have been released from custody but then breach the conditions of their licence or appear to be at risk of doing so. Because time served in custody is considerably more costly than time spent on licence, recall decisions have a substantial resource cost. Statistics on recall from licence can be found in the MoJ publication, Offender management statistics quarterly via the link on GOV.UK. The tables concerning licence recalls, Table 5.1 to Table 5.12, can be found via the link for 'Licence recalls: October to December 2023'. For example, Table 5.1 contains a summary of the number of licence recalls since April 1999.



Caernarfon Crown Court, Caernarfon Justice Centre

## **Post-sentence supervision**

The Offender Rehabilitation Act 2014 expanded licence supervision, which means that since 1 February 2015, all offenders who receive a custodial sentence of less than two years are subject to compulsory post-sentence supervision on their release for 12 months. MoJ publishes statistics on the number of offenders under post-sentence supervision in Offender management statistics quarterly. Follow the link for 'Probation: October to December 2023' and see Table 4.6.

## **The rate at which court orders are breached**

If an offender breaches a court order, additional requirements may be made to their order or they may face resentencing that could involve custody. Breaches can therefore have significant resource implications. Statistics on breaches can also be found in Offender management statistics quarterly. Follow the link for 'Probation: October to December 2023' and see Table 4.9 for a breakdown of terminations of court orders by reason.

## **Patterns of reoffending**

MoJ publishes reoffending statistics in Proven reoffending statistics.

The frequency and severity of reoffending is an important driver of changes in requirements for criminal justice resources. Detailed statistics of how reoffending rates are changing through time can be found in the report. Additional statistics can be found in supplementary tables.

## **Release decisions by the Parole Board**

Many offenders are released from prison automatically under release provisions that are set by Parliament and MoJ (with any change to the point at which those provisions apply being in itself a factor that has an effect on the prison population). However, in a minority of cases, which are usually those of very high severity, the Parole Board makes release decisions.

Statistics on release rates for these cases can be found in the annual reports of the Parole Board for England and Wales, which are published on GOV.UK.

## **Remand**

Decisions to hold suspected offenders on remand in custody are a significant contributor to the prison population. The remand population can be broken down into the untried population and the convicted but yet to be sentenced population.

Statistics on the number of offenders in prison on remand can be found in MoJ's Offender management statistics quarterly. The prison population tables can be found via the link 'Prison population: 31 March 2024'. For example, Table 1.1 contains data on how the remand population has changed each month over the past year.

# Budget

## Financial report

### The cost of the Sentencing Council

The Sentencing Council's resources are made available through MoJ, and the Council is not required to produce its own audited accounts. However, the Council's expenditure is an integral part of MoJ's resource account, which is subject to audit. The summary below reflects expenses directly incurred by the Council and is shown on an accrual basis.

	2023/24 (actual) £000s*
Total funding allocation	1,918
Staff costs	1,598
Non-staff costs	239
Total expenditure	1,837

\* The total expenditure has been rounded to the nearest £1,000 independently from the constituent parts. Therefore, summing the parts may not equal the rounded total.

# Appendix A: About the Sentencing Council

The primary function of the Sentencing Council, as defined in section 120 of the Coroners and Justice Act (CJA) 2009, is to prepare sentencing guidelines, which the courts must follow unless it is contrary to the interests of justice to do so (section 59(1) Sentencing Code).

The Council also fulfils other statutory functions as set out in the CJA 2009:

- Publishing the resource implications in respect of draft guidelines
- Preparing a resource assessment to accompany new guidelines
- Monitoring the operation and effect of our sentencing guidelines, and drawing conclusions
- Consulting when preparing guidelines
- Promoting awareness of sentencing and sentencing practice
- Publishing a sentencing factors report
- Publishing a non-sentencing factors report
- Publishing an annual report

## Governance

The Council is an advisory non-departmental public body of MoJ. However, unlike most advisory non-departmental public bodies, our primary role is not to advise government ministers but to provide guidance to sentencers.

The Council is independent of the government and the judiciary with regard to the guidelines we issue to courts, our resource assessments, our publications, how we promote awareness of sentencing and our approach to delivering these duties.

The Council is accountable to Parliament for the delivery of our statutory remit set out in the CJA 2009. Under section 119 of the Act, the Council must make an annual report to the Lord Chancellor on how we have exercised our functions. The Lord Chancellor will lay a copy of the report before Parliament, and the Council will publish the report.

Ministers are ultimately accountable to Parliament for the Council's effectiveness and efficiency, for our use of public funds and for protecting our independence.

Section 133 of the 2009 Act states that the Lord Chancellor may provide the Council with such assistance as



we request in connection with the performance of our functions.

The Council is accountable to the Permanent Secretary at MoJ as Accounting Officer and to ministers for the efficient and proper use of public funds delegated to the Council, in accordance with MoJ systems and with the principles of governance and finance set out in *Managing Public Money*, and other relevant HM Treasury instructions and guidance.

The budget is delegated to the Head of the OSC from the Chief Finance Officer of MoJ. The Head of the OSC is responsible for the management and proper use of the budget.

The Chief Operating Officer of MoJ is accountable for ensuring that there are effective arrangements for oversight of the Council in our statutory functions and as one of MoJ's arm's-length bodies.

## How the Council operates

The Council is outward-facing, responsive and consultative. We draw on expertise from relevant fields where necessary while ensuring the legal sustainability of our work. The Council aims to bring clarity in sentencing matters, in a legally and politically complex environment.

The Council aims to foster close working relationships with judicial, governmental and non-governmental organisations and individuals while retaining our independence. These include:

MoJ, Attorney General's Office, College of Policing, Council of Her Majesty's Circuit Judges, Council of Her Majesty's District

Judges (Magistrates' Courts), Criminal Procedure Rules Committee, Crown Prosecution Service, Home Office, Judicial Office, Justices' Legal Advisers and Court Officers Service, Magistrates' Leadership Executive, Magistrates' Association, National Police Chiefs' Council and many academics in related fields.

The Council engages with the public on sentencing, providing information and improving knowledge of, and confidence in, sentencing.

The Council meets 10 times a year to discuss current work and agree how that work should be progressed. The minutes of these meetings are published on our website.

The Council has sub-groups to enable detailed work on three key areas of activity.

**Analysis and research** – to advise and steer the analysis and research strategy, including identifying research priorities, so that it aligns with the Council's statutory commitments and work plan. Chaired by: Dr Elaine Freer.

**Confidence and communication** – to advise on and steer the work programme for the communication team so that it aligns with the Council's statutory commitments and work plan. Chaired by: Her Honour Judge Rosa Dean (until 6 April 2024).

**Governance** – to support the Council in responsibilities for issues of risk, control and governance, by reviewing the comprehensiveness and reliability of assurances on governance, risk management, the control environment and the integrity of financial statements.

The sub-group comments on and recommends the business plan to Council for approval. Independent member: Elaine Lorimer, Chief Executive, Revenue Scotland. Chaired by: Beverley Thompson OBE.

The sub-groups' roles are mandated by the Council, and all key decisions are escalated to the full membership.

### **Equality and diversity working group**

We have established a working group to advise the Council on matters relating to equality and diversity and make sure that the full range of protected characteristics is considered in our work: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The group also considers ways in which the Council could engage more effectively with, and take account of the views and perspectives of, representatives of people with protected characteristics, and with offenders and victims.

### **Ad hoc working groups and contributions**

Where necessary, the Council sets up working groups to consider particular aspects of the development of a guideline or specific areas of business. We also sometimes invite contributions from people who are not members of the Council but who have particular expertise and experience, including lived experience, of relevance to the guidelines.

### **Public sector equality duty**

The Council is committed to meeting its obligations under the public sector equality duty ([www.gov.uk/government/publications/equality-act-2010-schedule-19-consolidated-april-2011](http://www.gov.uk/government/publications/equality-act-2010-schedule-19-consolidated-april-2011)).

The public sector equality duty is a legal duty that requires public authorities, when considering a new policy or operational proposal, to have due regard to three needs:

- to eliminate discrimination, harassment, victimisation and any other conduct prohibited under the 2010 Act
- to advance equality of opportunity between those who share a protected characteristic and those who do not, and
- to foster good relations between those who share a protected characteristic and those who do not

Protected characteristics under the public sector equality duty are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In developing guidelines, the Council considers the public sector equality duty in the context of the individual offences. Where there are offences that are aggravated by reasons of being related to a protected characteristic, this will be of particular relevance. Most guidelines include statutory aggravating factors at step two, relating to offences motivated by, or demonstrating hostility based on, protected characteristics. In addition, to assist sentencers in employing the

principles of fair treatment and equality, we have placed links in all the guidelines to the Equal Treatment Bench Book published by the Judicial College.

The Council also considers data in relation to offenders sentenced for individual offences, including data on volumes of offenders sentenced grouped by sex, ethnicity and age, and this is published alongside the draft and definitive guidelines. Consultations include a consideration of the issues raised by the data and seek views as to whether there are any other equality or diversity implications that the guideline has not considered. In all our communication, we actively seek to engage diverse audiences and ensure multiple voices and interests are represented, particularly in our consultations.

### **Relationship with Parliament**

The Council has a statutory requirement to consult Parliament, specifically the Justice Committee, which is the House of Commons select committee that examines the expenditure, administration and policy of MoJ and associated public bodies.

The Council informs all organisations and individuals who respond to our consultations that their responses may be shared with the Committee in order to facilitate its work.

### **The Office of the Sentencing Council**

The Council is supported in our work by the OSC, in particular in:

- preparing draft guidelines for consultation and publication, subject to approval from the Council
- ensuring that the analytical obligations under the Act are met
- providing legal advice to ensure that we exercise the Council's functions in a legally sound manner
- delivering communication activity to support the Council's business and objectives, and
- providing efficient and accurate budget management, with an emphasis on value for money

On 31 March 2024 there were 22 members of staff, including the Head of the OSC (19.9 FTE).

In the 2023 Civil Service People Survey, the OSC recorded a staff engagement index of 79 per cent. This places the Office 18 percentage points ahead of MoJ as a whole and 13 percentage points ahead of other MoJ arm's-length bodies.

Asked whether they understood the Sentencing Council's objectives and how their work contributes to those objectives, 100 per cent of OSC staff agreed, placing the Office 12 percentage points ahead of other MoJ arm's-length bodies.

## Senior management team

The work of the OSC is overseen by a senior management team comprising the Head of the OSC and senior staff. The role of the team is to:

- monitor and evaluate progress of the Council's workplan, as published in the business plan
- monitor and evaluate budget expenditure and make decisions regarding budget allocation
- undertake regular review of the risk register on behalf of the governance sub-group, with a view to ensuring that all information regarding delivery of the Council's objectives and mitigation of risks is current and updated, and
- consider and make decisions on any other issues relating to the work of the OSC as may be relevant

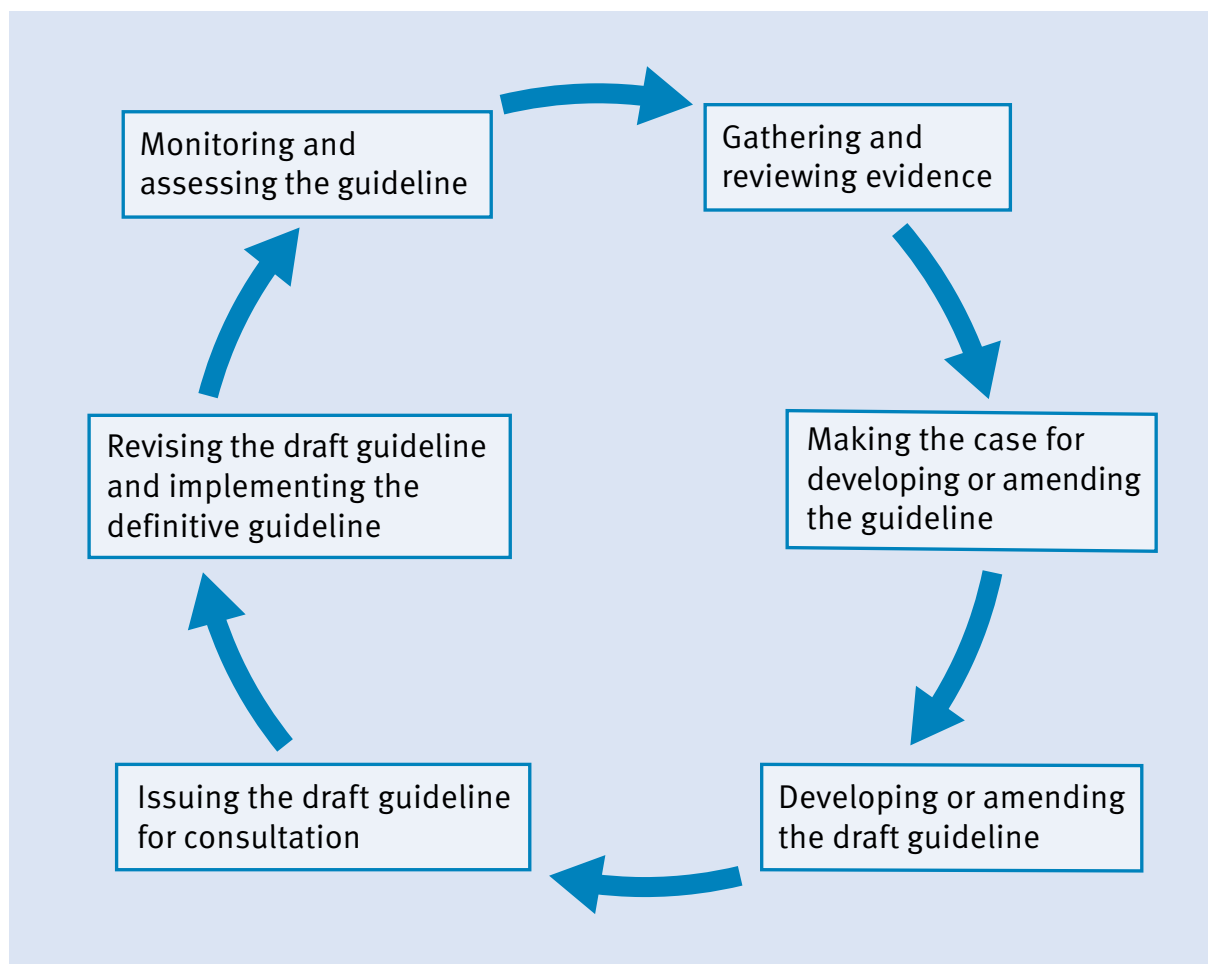
## Guideline development

The Council approaches the delivery of our objectives by adopting a guideline delivery cycle that is based on the policy cycle set out by HM Treasury in the Green Book: Central Government Guidance on Appraisal and Evaluation (2022) and allows a culture of continuous improvement to be embedded within the development process.

The process, from first consideration by the Council to publication of a definitive guideline, can extend to 18 months or more. However, if the Council believes there to be a pressing need, the process can be expedited. During this period, we will examine and discuss in fine detail all factors of the guidelines.

Figure 2 illustrates the guideline development cycle.

Figure 2



# Appendix B: Membership of the Sentencing Council

The Lady Chief Justice of England and Wales, The Right Honourable the Baroness Carr of Walton-on-the-Hill, is President of the Council. In this role she oversees Council business and appoints judicial members, with the agreement of the Lord Chancellor.

The Lord Chancellor and Secretary of State for Justice appoints non-judicial members, with the agreement of the Lady Chief Justice.

## Membership of the Council at 31 March 2024

### Judicial members

Chairman: the Right Honourable Lord Justice William Davis, appointed as Chairman 1 August 2022

In order of current appointment:

- Her Honour Judge Rosa Dean, 6 April 2018
- The Honourable Mrs Justice Juliet May, 8 October 2020
- Jo King JP, 8 October 2020

- District Judge (Magistrates' Courts) Stephen Leake, 23 May 2022
- The Right Honourable Lord Justice Tim Holroyde, 1 August 2022
- The Honourable Mr Justice Mark Wall, 2 January 2023
- His Honour Judge Simon Drew KC, 12 June 2023

### Non-judicial members

In order of appointment:

- Beverley Thompson OBE, criminal justice system consultant and former Chief Executive Officer of Northampton Probation Service, 15 June 2018
- Dr Elaine Freer, Fellow and College Teaching Officer in law, Robinson College, University of Cambridge, 1 July 2022
- Richard Wright KC, 1 August 2022
- Johanna Robinson, National Adviser to the Welsh Government on violence against women, domestic abuse and sexual violence, 5 October 2023

- Stephen Parkinson, Director of Public Prosecutions, 1 November 2023
- Chief Constable Rob Nixon QPM, 1 December 2023 (following interim appointment from 5 May 2023)

## Register of members' interests

On 31 March 2024, the following Council members had a personal or business interest to declare.

**Dr Elaine Freer** – is a self-employed barrister, a contributing author to Archbold Criminal Pleading, Evidence and Practice and a civilian volunteer at the City of London Police mounted branch.

**Jo King JP** – has been appointed an Independent Member of the Parole Board. Also, a close family member is a serving member of the Metropolitan Police.

**Beverley Thompson OBE** – is a trustee of the Butler Trust, which recognises outstanding practice by people working in prison, youth justice, probation, and criminal justice social work throughout the UK.



The Chairman and members at a meeting of the Sentencing Council, June 2023

# Appendix C:

## Sentencing guidelines production stages

\*Activities conducted during the reporting year.

Guideline	Production stage	Timing
Aggravated vehicle taking, vehicle registration fraud and other motoring related matters	*Development	Throughout 2023
	*Consultation	February to May 2024
	Post-consultation	
	Evaluation and monitoring	
Ancillary orders	*Development	Autumn 2023, throughout 2024
	Consultation	
	Post-consultation	
	Evaluation and monitoring	
Animal cruelty	Development	2021/22
	Consultation	May to August 2022
	*Post-consultation	Published 15 May 2023 Came into effect 1 July 2023
	Evaluation and monitoring	



<b>Guideline</b>	<b>Production stage</b>	<b>Timing</b>
Blackmail, kidnap and false imprisonment	*Development	Throughout 2022/23 and 2023/24
	*Consultation	January to April 2024
	Post-consultation	
	Evaluation and monitoring	
Bladed articles and offensive weapons	Development	Throughout 2015/16
	Consultation	October 2016 to January 2017
	Post-consultation	Published 1 March 2018 Came into effect 1 June 2018
	*Evaluation and monitoring	Data collection 2019. Evaluation in progress, due to be published summer 2024
Breach offences	Development	Throughout 2016/17
	Consultation	October 2016 to January 2017
	Post-consultation	Published 7 June 2018 Came into effect 1 October 2018
	*Evaluation and monitoring	Data collection 2019. Evaluation in progress

<b>Guideline</b>	<b>Production stage</b>	<b>Timing</b>
Child cruelty	Development	April to August 2022
	Consultation	August to October 2022
	*Post-consultation	Published 7 March 2023 Came into effect 1 April 2023
	Evaluation and monitoring	
Domestic abuse, overarching principles	Development	Throughout 2016/17
	Consultation	March to June 2017
	Post-consultation	Published 22 February 2018 Came into effect 24 May 2018
	*Evaluation and monitoring	October 2023 to summer 2024
Hare coursing	*Development	From autumn 2023
	Consultation	
	Post-consultation	
	Evaluation and monitoring	
Housing offences (unlawful eviction and harassment)	*Development	From late 2023
	Consultation	
	Post-consultation	
	Evaluation and monitoring	

<b>Guideline</b>	<b>Production stage</b>	<b>Timing</b>
Immigration offences	*Development	From January 2023
	*Consultation	March to June 2024
	Post-consultation	
	Evaluation and monitoring	
Imposition of community and custodial sentences (revised)	*Development	From July 2022
	*Consultation	November 2023 to February 2024
	Post-consultation	
	Evaluation and monitoring	
Intimate images	*Development	From early 2024
	Consultation	
	Post-consultation	
	Evaluation and monitoring	
Intimidatory offences	Development	Throughout 2016/17
	Consultation	March to June 2017
	Post-consultation	Published 5 July 2018 Came into effect 1 October 2018
	*Evaluation and monitoring	Data collection 2019. Evaluation in progress

Guideline	Production stage	Timing
Motoring offences	Development	From 2021 to 2023
	Consultation	July to September 2022
	*Post-consultation	Published 15 June 2023 Came into effect 1 July 2023
	Evaluation and monitoring	
Non-fatal strangulation and suffocation	*Development	From autumn 2023
	*Consultation	May to August 2024
	Post-consultation	
	Evaluation and monitoring	
Perverting the course of justice and witness intimidation	Development	2021/22
	Consultation	March to June 2022
	*Post-consultation	Published 12 July 2023 Came into effect 1 October 2023
	Evaluation and monitoring	
Public order offences (2)	*Development	Initial scoping 2024
	Consultation	
	Post-consultation	
	Evaluation and monitoring	

<b>Guideline</b>	<b>Production stage</b>	<b>Timing</b>
Sale of knives, etc to persons under 18	Development	2021/22
	Consultation	June to August 2022
	*Post-consultation	Published 15 February 2023 Came into effect 1 April 2023
	Evaluation and monitoring	
Totality (revised)	Development	From September 2021
	Consultation	October 2022 to January 2023
	*Post-consultation	Published 31 May 2023 Came into effect 1 July 2023
	Evaluation and monitoring	







Copies of this report may be downloaded from our website: [www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)

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E03127175  
ISBN 978-1-5286-4898-1