

# Sentencing Council

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

**19 December 2017, 09:00 – 09:50**

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

### **Agenda**

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

#### **Supporting effective implementation**

1. Programme of digital work, including Crown Court sentencing guidelines (PH, 15 mins) – paper 1
2. Update on Welsh-language MCSG (PH, 5 mins)
3. Website statistics and online survey responses (GS, 5 mins)

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

4. Update on our work with the Police Service and work to promote public confidence (NM, 10 mins)

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

5. Actions from previous meeting (PH, 2 mins)
6. Review of action-log progress (PH, 7 mins)

#### **AOB**

7. Budget and risk register (PH, 4 mins)

**(50 minutes)**

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**Sub-group meeting:** 19 December 2017

**Paper:** Programme of digital work

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

## Programme of digital work

### 1. Issue

- 1.1 In December 2016 the Sentencing Council commissioned Bang Communication Ltd to deliver a programme of digital work over a two-year period.
- 1.2 We are at the start of the second year of this contract, which offers us an opportunity to review our priorities.

### 2. This paper

- 2.1 This paper looks at the projects we aim to deliver under the development contract, including the digitisation of the crown court guidelines, and suggests which of those projects should be prioritised.
- 2.2 The paper first considers the mechanism that should be used to deliver the crown court guidelines. I am asking the sub-group to consider these issues together because decisions made about the delivery of the crown court guidelines will have implications for how we schedule the remainder of the programme of work.

### 3. Recommendation

- 3.1 It is recommended that sub-group members:
  - consider the proposed approach to delivering the crown court guidelines, and
  - consider whether the correct priorities have been identified for the programme of digital work.

## **4. Crown Court Sentencing Guidelines**

### **4.1 Issue**

- 4.1.1 The Sentencing Council has made a commitment to digitising all the sentencing guidelines. A decision must be made as to what mechanism should be used to deliver the guidelines to sentencers and other users in the crown court.

### **4.2 Context**

- 4.2.1 The Sentencing Council has committed to delivering the sentencing guidelines in a digital format and, in time, ceasing to produce printed guidelines. The move to digital will add value for users by giving them quick, easy access to supporting information and assurance that the guidelines are up to date. Once completed, the transition to digital will represent a significant saving to the Council in production, print, distribution and storage costs.
- 4.2.2 Digitisation of guidelines has already been completed for the Magistrates' Court.
- 4.2.3 The purpose of this project is to complete the transition to digital for the remaining guidelines that are used only in the crown court.

#### *Magistrates' courts*

- 4.2.4 The magistrates' court sentencing guidelines (MCSG) are available as a discrete area of the Sentencing Council website and on an app that works on the HMCTS iPads supplied for use by magistrates.
- 4.2.5 Magistrates have welcomed a recent redesign that presents the guidelines in a single page and allows users to scroll through the guidelines rather than click through a series of pages.

#### *Crown court*

- 4.2.6 Crown court judges are supplied with laptops, which they use in their rooms and take with them into court. The laptops use a Windows operating system and have access to the internet.
- 4.2.7 Currently, multiple copies of the printed guidelines are distributed to each crown court. We do not know what proportion of judges use the printed guidelines or how many view them in pdf. However, our user-research suggests that the majority are looking at the guidelines in pdf, and are often using their own iPads and other tablets to do so.

### **4.3 Proposed approach**

#### *Delivery mechanism*

- 4.3.1 We are proposing that the digital crown court guidelines should be integrated into the discrete MCSG area of the website to create a single source of sentencing guidelines.
- 4.3.2 When accessing the single source, users would select whether they want to see guidelines for use in the magistrates' courts or the crown court. Depending on which option they select, they would be presented with the appropriate collection of guidelines. The collection would be accessed through a landing page, which would also give users access or links to all the supporting materials they might require, for example Bench Books, Crown Court Compendium, explanatory materials, pronouncement cards and tools.
- 4.3.3 The alternative to this approach would be to create a second discrete area of the website similar to the MCSG but dedicated only to guidelines used in the crown court.
- 4.3.4 While this approach would remove the need for users to select a "collection", there is a risk that it would create a misleading and undesirable impression that the crown court guidelines are somehow different from those used in magistrates' courts. It would also involve duplication of content because many of the guidelines are used in both magistrates' and crown courts, which would create additional work and a long-term administrative burden for the Sentencing Council.

#### *Design*

- 4.3.5 Our research suggests that the way crown court judges use the guidelines does not differ in any significant way from magistrates that would require us to review the design or functionality of the MCSG pages.
- 4.3.6 However, we are concerned to make the transition to digital as seamless as possible. For this reason, and to make the guidelines more useful to other legal practitioners, we are planning to build a "print page/print to pdf" option into the guidelines. This would allow crown court judges to create pdfs of the guidelines they use most and view them as pdfs on their own iPads and tablets, as they do now.
- 4.3.7 This option carries the risk that users will not keep their guidelines up to date. This risk, however, exists already, with crown court judges loading pdfs onto their

own devices. We see this as a culture-change issue for the communication team to address.

- 4.3.8 Our wider aims and objectives for this project are set out in the project plan at Appendix A.

## **5. Priorities for digital development**

### **5.1 Issue**

- 5.1.1 The Council has completed the re-development of the Magistrates' Court Sentencing Guidelines app, which was launched on 5 December, and the development of a data collection function to help us with our research.
- 5.1.2 We are now facing the second year of our digital development plans with limited resources and a budget of £45,000. We have requested cost and resource estimates from the digital development agency for a number of digital projects we would like to complete. Armed with this information, and confidence on which projects should be prioritised, we will be able to design a programme of work.
- 5.1.3 We are asking the sub-group to consider which of the digital projects should be given priority.
- 5.1.4 To assist, we have suggested where the projects could potentially fall within three categories: essential, desirable and "nice to have".

### **5.2 Essential**

#### *Seriousness*

- 5.2.1 On 3 May 2018 the Council will be opening its Seriousness consultation. The content of Seriousness comes in two parts: an overarching guideline and additional information that will be appended to elements of the sentencing guidelines to clarify or amplify the Council's intentions.
- 5.2.2 For the consultation, we are expecting to include additional Seriousness information in almost every one of the existing sentencing guidelines. To achieve this, we will need all guidelines to be in a digital format and available to consultees online. This will involve:
- converting to digital the guidelines that are currently available only in print and pdf, and
  - making all digital guidelines available to consultees on a "mirror" website.

- 5.2.3 Much of this work will provide the basis for extending the digital guidelines to the crown court.

*Crown court guidelines*

- 5.2.4 This project is a priority for the Council.

The project will make available in digital format all the appropriate guidelines to sentencers in the crown court. The inclusion of a “print page/print to pdf” function will assist priority users as well as supporting the use of guidelines by other practitioners, for example defence advocates advising clients in the court cells.

*Website review*

- 5.2.5 We are in the process of commissioning a review of our website that will look at both the Council’s aims for the website and our users’ requirements. Depending on the outcome of the review, we may want to do a light-touch “refresh” of the website or a major overhaul. Both options would include a review of how we present our content and make best use of it to serve our different audiences. This decision will have budget implications and will need to be balanced against our other digital projects but we suggest that this work should be a high priority for the Council.

*Online consultation facility*

- 5.2.6 If the Council is to become fully digital, we should also be conducting our consultations online. We would like to either source or develop an online consultation facility that supports the way our consultees like to work. Moving to online consultation would mean considerable cost savings to the Council. The production, print and distribution of each consultation paper costs in the region of £2,600.

*MCSG tools*

- 5.2.7 Magistrates have asked us to include three tools in the MCSG: drink-drive dates, speeding fines and axle weights.

- 5.2.8 The user-research I have conducted with magistrates suggests that, having these tools available within the MCSG, would be of enormous benefit to them. These are calculations they make routinely and which can be complex and difficult to make accurately at speed.

- 5.2.9 Ideally, we would also like to include a pronouncement card builder in the MCSG app. However, the pronouncement cards are produced by the Judicial College

and we do not own the content. The project is also likely to be prohibitively expensive. We will continue to discuss this option with the Judicial College when we have an estimate from the developers.

### **5.3 *Desirable***

#### *Accessibility*

- 5.3.1 To make the online guidelines and MCSG app accessible to partially sighted users.

#### *MCSG*

- 5.3.2 Pronouncement card builder for on- and offline guidelines.

### **5.4 *“Nice to have”***

#### *Alternative formats*

- 5.4.1 Produce apps for Android and Windows devices. These apps would give all users offline access to all guidelines and would be useful, for example for lawyers advising clients in court cells. Again, we have asked for quotes from the developers but anticipate the work would be prohibitively expensive.

#### *MCSG app*

- 5.4.2 To incorporate native gestures in the MCSG app to allow users to magnify content. Related to accessibility.

- 5.4.3 Programme of continuing development, to include:

- Extending the search function to the whole app
- Close search/return to A-to-Z in single step
- “Clear all” function to allow users to clear bookmarks and highlights when opening the app.

#### *Data-capture forms*

- 5.4.4 Continuing programme of development.

**Sub-group meeting:** 19 December 2017  
**Paper:** Crown Court Sentencing Guidelines:  
project plan  
**Lead official:** Phil Hodgson 020 7071 5788

## **Crown Court digital guidelines – project development**

### **Context**

The Sentencing Council has made a commitment to deliver digital sentencing guidelines for the Crown Court (CCSG).

The guidelines will be designed based on user research and what we have already learned from the digital MCSG. We will engage with our end users throughout all phases of this project.

Delivery of the guidelines will depend to a high degree on other work that is being carried out within the HMCST IT reform programme. An important element of this project will be to build relationships with other areas of the justice system that are developing new digital systems and seek opportunities to integrate the CCSG into the common platform.

### **Objective**

To support the aim of the Sentencing Council to promote a clear, fair and consistent approach to sentencing in the Crown Court through:

- the effective implementation of sentencing guidelines that provide clear structure and processes for judges through the delivery of digital sentencing guidelines that are simple and intuitive to use.

### **Aims**

To:

- deliver digital sentencing guidelines that meet user needs and work effectively in the context of the Crown Court
- ensure the digital guidelines work within the context of CJS digital reform and are available within every Crown Court
- ensure sentencers and other practitioners in the Crown Court know about the guidelines and know how to use them prior to launch
- motivate sentencers and other practitioners in the Crown Court to adopt digital guidelines, and
- facilitate ongoing feedback and evaluation.

## **Audiences**

### ***Primary users***

High Court judges

Circuit judges

Recorders

### ***Secondary users***

Defence and prosecution representatives, incl CPS (and other prosecuting authorities)

Magistrates

District Judges and Deputy District Judges (magistrates' court)

## **Principal stakeholders**

Lord Chief Justice

Senior Presiding Judge

Judges' Engagement Group

Court of Appeal judiciary

Legal practitioners (eg Criminal Bar Association, Law Society)

Judicial College

Defendants, victims, witnesses

## **Key products**

Digitised Crown Court Sentencing Guidelines, either:

- incorporated within the existing Magistrates' Court Sentencing Guidelines, or
- as discrete, dedicated area on the Sentencing Council website.

To include:

- All relevant offence-specific guidelines
- Overarching principles
- Tools and calculators

Guidance for users

Guidance for trainers

## **Team/personnel**

Sentencing Council communication team

Bang Communications Ltd

Advisory user group

Judges' Engagement Group

Judicial College

eJudiciary team

## **Internal communication and engagement**

- Council Members, Confidence and Communication Sub-group members and Sentencing Council SMT will be provided with routine updates.
- Communication with sentencers and practitioners will be done via existing channels and with the assistance of the Judges' Engagement Group.
- Pilot launch will be supported by face-to-face engagement.
- Full launch will be supported by local champions, guidance and Judicial College training.

## **Delivery**

Four phases:

- User research
- Development and user testing
- Training and communication
- Delivery

## **Evaluation and review**

Evaluation against the measures set out in the project outlined below will be conducted throughout the project.

We will set up a process of ongoing evaluation and review designed to facilitate continuous improvement and refinement of the guidelines in line with user experience.

The completed project will be evaluated against the following success measures.

## **Project success measures**

- The digital guidelines work efficiently and effectively, and are readily available on court-issued IT.
- Crown Court judiciary have free access to the entire digital CCSG via their HMCTS-provided devices.
- Crown Court sentencers know how to use the digital CCSG and choose to use it.
- All practitioners working in the Crown Court, including CPS, have free access to the entire CCSG.
- Magistrates, other legal practitioners and the public have free access to a digital CCSG.

## **Interdependencies**

The CCSG will be delivered through the interface provided by eJudiciary.

We will need the support and co-operation of the Judges' Engagement Group.

While the CCSG is not in the scope of the common platform programme (CPP), we will be working against the backdrop of HMCTS IT reform and the development of the common platform. We will need to keep updated on developments, particularly any that might affect the delivery or use of the CCSG.

## Constraints

Limited resources.

The project will not be a priority for Crown Court judges, and may meet resistance from some.

We are out of the scope of the common platform programme so may not get support from HMCTS IT.

## Risks

<b><i>Risk</i></b>	<b><i>Mitigation</i></b>
Digital agency not able to deliver	Clear brief for agency Ongoing monitoring of work
Project goes over-budget	Agree spec up front with agency Weekly audit on project spend
Content/functionality is not what users want	Initial research Observe sentencing hearings and appeals Learn from MCSG insight Set up advisory user group
Product(s) do not work in digital environment	Regular contact with eJudiciary team and other CJS digital projects
Product(s) are not as specified	Routine audit of delivery
Potential users are hostile	Identify champions Engage Judicial College Regular communication with target users Training and opportunities to try available in advance of launch Clear information and guidance easily available at launch and onwards

## Project outline

Deliverables	Milestones	Action	Success measures
Project planning	Plan drafted Plan circulated to: <ul style="list-style-type: none"> <li>• Sentencing Council staff</li> <li>• C&amp;C Sub-group members</li> <li>• Bang Communications</li> </ul> Plan finalised Timetable and budget agreed with Bang	Draft plan Circulate for approval Draft timetable Identify phases and estimate budget	Project plan, timetable and budget agreed and signed off
Research	End-users identified Advisory user group engaged Research plan agreed Research conducted	<b>Live context</b> Observe sentencing hearings Observe Court of Appeal hearings on sentence <b>Digital context</b> Engage with eJudiciary, HMCTS IT Reform and Common Platform teams Identify and see demos of other CJS digital projects/reforms	Insight gathered is adequate to inform development of prototype
Specification for prototype	Specification drafted Specification circulated to: <ul style="list-style-type: none"> <li>• advisory user group</li> <li>• Sentencing Council staff</li> <li>• C&amp;C Sub-group members</li> </ul> Specification finalised and	<b>Define content</b> Identify all content to be included. <b>Define functionality</b> Which tools/calculators can we share with MCSG? Which need to be amended and which developed from scratch?	Advisory user group members are satisfied with the range and of sentencing-related materials and functionality specified. Advisory user group members are confident the CCSG as specified will support efficiency in the court room.

<b>Deliverables</b>	<b>Milestones</b>	<b>Action</b>	<b>Success measures</b>
	submitted to Bang		
Testing prototype	Deliver prototype SC review prototype and request amends Amended prototype tested with advisory user group Prototype further refined Prototype tested on eJudiciary Prototype tested with wider user group Local champions recruited	Design and schedule user-testing Identify wider user-testing group (via Judges' Engagement Group?) Agree testing phase with eJudiciary Agree delivery of CCSG through eJudiciary	Prototype tested with representative group of adequate size. Prototype refined in line with two phases of user feedback. Presentation of CCSG on eJudiciary agreed.
Pilot phase: supporting guidance	"How to" documentation published (on website and eJudiciary?) Pilot phase users and champions training delivered Helpline set up	Guidance documentation drafted and tested Identify, recruit and train local champions (via Judges' Engagement Group?) 1-2-1 training developed and assessed by Judicial College	Pilot phase users: <ul style="list-style-type: none"> <li>• have opportunities to see how the guidelines work prior to launch</li> <li>• are supported throughout pilot.</li> </ul> Local champions are fully equipped to support colleagues.
Supporting guidance and training	Revised "how to" documentation produced Quick-start document produced Training course established Demonstration video produced	Revise guidance documentation Draft and test quick-start document Design and agree training programme with Judicial College Demonstration video planned, costed and commissioned	End-users: <ul style="list-style-type: none"> <li>• have opportunities to see how the guidelines work prior to launch</li> <li>• have received the right level of information and training to adapt with ease to using the digital guidelines</li> <li>• have at least one direct learning opportunity within six months of launch.</li> </ul>

<b>Deliverables</b>	<b>Milestones</b>	<b>Action</b>	<b>Success measures</b>
Launch	<p>Advance notice of launch date communicated</p> <p>Online CCSG published on website</p> <p>Offline CCSG published App Store</p> <p>Appropriate content and links published on eJudiciary</p>	<p>Launch date agreed internally, with eJudiciary, champions and key stakeholders</p> <p>Communication plan agreed and implemented prior to launch</p>	<p>End users:</p> <ul style="list-style-type: none"> <li>• are aware of and ready for launch date</li> <li>• understand the benefits of digitisation</li> <li>• know what to do if they have difficulties using the guidelines.</li> </ul> <p>The digital guidelines work effectively and are readily available on court-issue IT.</p>
Evaluation and review		Design and implement evaluation and review cycle	



Action Log at December 2017										
Line item	RAG rating	Priority /urgency	Strategic objective	Area	Area 2	Action/comment	Comment/progress	Next action	Resp	Sub-grp sponsor
1	Green	2. Medium	Support implementation	Publish guidelines and materials	Public and victims	via media: publicise release of draft and definitive guidelines and when guidelines come into force.	Ongoing work to nurture relationships with key journalists and identify specialist channels.		NM	JIIIG
2	Green	2. Medium	Support implementation	Publish guidelines and materials	Working with partners	via practitioners: Maintain focus on implementation of guidelines. Issue summary briefing on new definitive guidelines for each agency and notification of coming into force.	All agencies receive and distribute articles via appropriate channels.	DGs: domestic abuse (Feb 18), knives, terrorism (Mar 18), breach (May 18); Consultations:public order (April18), arson (Mar 18), seriousness (May 18)	NM	JIIIG
3	Green	2. Medium	Support implementation	Publish guidelines and materials		Manage design, production, print and digital publication of published materials.	All publications available in print and digital formats by publication date.		GS	JIIIG
4	Green	2. Medium	Reinforce reputation	Publish guidelines and materials		Ensure effective launches of definitive guidelines, and appropriate participation in consultations	Design plan to evaluate launch and publicity activities, particularly impact on consultation responses	Format in place, will review after each guideline announcement.	PH/NM	MG
5	Orange	1. High	Support implementation	Digital capacity		Develop digital guidelines for Crown Court (CCSG)	Scope requirements. Draft project plan for agreement w SC SMT and C&C sub-grp. User research. Brief digital agency.	Circulate draft project plan. Contact Judge's Engagement Group and identify digital lead, if any. Engage with advisory group. Sit in on Crown Court proceedings.	PH	JulianG/JIIIG
6	Orange	2. Medium	Support implementation	Digital capacity		Create digital environment for successful implementation of CCSG	Key players in eJudiciary and other digital projects across CJS identified, demos seen. Press for "tile" and integrated content on eJudiciary.	Revisit eJudiciary re presentation and access via Bench Solution.	PH	JulianG/JIIIG
7	Green	1. High	Support implementation	Digital capacity		Continue to refine MCSG in line with user feedback, and enhance functionality.	Ongoing programme of engagement with advisory group and improvements.	Contact group for advice on development of outstanding tools.	PH	JIIIG
8	Orange	1. High	Support implementation	Digital capacity		Develop Welsh-language MCSG	Welsh Language Unit engaged. Mirror website created. Council paper re assurance panel.	Identify, recruit and brief assurance panel	PH	JIIIG
9	Green	1. High	Support implementation	Digital capacity		Refine and develop website - see separate entry for Members' area.	Build basic review requirements into new contract. Review content, language, structure.	Compile brief for reviewer. Put out to tender - closing date 3 Jan.	PH/GS	SB
10	Green	3. Low	Support implementation	Digital capacity		Refine and develop Members' area of website, particularly tool for online collaboration on documents	Review requirements included in new contract. Survey Members.	Develop user research. Analyse existing and new user feedback to inform development.	PH/GS	JIIIG
11	Red	2. Medium	Promote confidence	Digital capacity		Make creative and productive use of Twitter to reach audiences and key influencers	Review Council's use of Twitter. Revise plan for submission to C&C subgroup.	Revise Twitter strategy and policy. Trial with SMT. Identify influencers in CJS.	PH	SB
12	Green	1. High	Support implementation	Digital capacity		Design programme of digital work for 2018	Awaiting cost/resource assessments from Bang.	C&C group to consider priorities.		
13	Green	2. Medium	Reinforce reputation	Working with partners		Maintain constructive relationships with MoJ	Attend monthly Group Communication Board meeting. Inform MoJ News Planning of forthcoming activities. Ensure MoJ Press Office attend pre-launch "walk throughs".	Ongoing	PH/NM	MG
14	Green	2. Medium	Reinforce reputation	Working with partner orgs		Ensure stakeholder intelligence is managed well to support relationship building	Conduct stakeholder mapping exercise. Construct engagement grid for CEO. Embed use of stakeholder management tool within OSC	Work with Emma Marshall, deputy CEO, to engage with priority stakeholders	PH	MG
15	Orange	2. Medium	Promote confidence	Working with partner orgs		Ensure we meet our commitment to 20 activities/events in the 17/18 financial year. Promote use of OSC support for presentations. Promote new PowerPoint template.	2016/17 Members of the Sentencing Council and OSC spoke at 28 events.	Research potential audiences/events. Approach key stakeholders with the offer of a speaker. Inform Council members re new PowerPoint template.	PH/NM	JulianG
16	Orange	2. Medium	Promote confidence	Expert advice		Proactive work with mainstream, legal and specialist media, and identifying other opportunities to promote confidence and demonstrate expertise	Respond to media requests for expertise. Pitch ideas for articles, features, blogs, programmes, contributions, etc.	Draft policy for positioning Council as authority on sentencing.	NM	
17	Green	2. Medium	Promote confidence	Public and victims	Working with partners	Continued promotion of the victims materials - film, leaflets and tent cards - and info on website.	Evaluation of existing comms activities and exploration of future collaboration to be explored with WS. PH/NM met Head of Public Affairs, Victim Support 28/9.	Conduct evaluation of usage with WS, explore further usage, specifically London Mayor's victims' commissioner, court open days and magistrates in the community activities.	NM	MG
18	Orange	1. High	Promote confidence	Public and victims	Working with partners	Develop comms campaign to improve knowledge about sentencing among police officers	Strategy produced, actions being implemented	Activities planned with FLOs, Police Federation, Wecops.	NM	SB
19	Green	3. Low	Reinforce reputation	Working with partners		Be alert to opportunities in Parliament.	Facilitate meetings between Parliamentarians and Council Members. Brief the Chairman and other Council Members attending Justice Cttee meetings.	Monitor parliamentary activity, provide input to briefings for meetings and committee sessions. Brief Chairman for Justice Cttee session, Feb 2018.	PH	JulianG
20	Orange	2. Medium	Promote confidence	Public and victims		Educational materials for schools	Ongoing promotion to suitable channels e.g. MIC, have checked for accuracy sentencing scenarios and guideline materials produced by National Justice Museum for schools.	Evaluate existing materials, look for further channels for usage.	NM	MG
21	Green	3. Low	Promote confidence	Working with partners		Syndicate web-content on sentencing on partner websites.	Revised content now on CPS site with links to our site. Continue to review existing content on other partner sites including Open Justice (MoJ) and GOV.UK. Continue to press for "tile" on eJudiciary homepage.	Ongoing	NM	JIIIG