

# Sentencing Council

**Sentencing Council meeting:**  
**Paper number:**  
**Lead official:**

**18 December 2015**  
**SC(15)DEC07 – Work Plan update**  
**Claire Fielder 020 7071 5779**

## **1 ISSUE**

- 1.1 To update the Council following its recent decisions about the work plan, in order to inform work in preparing the business plan.

## **2 RECOMMENDATION**

- 2.1 That the Council:
- Confirms that this paper reflects the recent decisions taken by the Council about its priorities; and
  - Notes the revised timetable for discussions by the Council.

## **3 CONSIDERATION**

- 3.1 In November, the Council decided to postpone work on the **assault** guideline, in light of the Law Commission report on Offences against the Person, a lack of evidence of serious problems with the 2011 guideline, and the need to prioritise limited resources to the most important projects in a time of increasing financial constraint.
- 3.2 It agreed that the timetable for the **manslaughter** guideline would remain as planned, coming to the Council for the first time next April.
- 3.3 The Council was further invited to confirm that work to revise both the **Overarching Principles on Assaults on Children and Cruelty to a Child** and also the **Overarching Principles on Domestic Violence** should be undertaken as freestanding projects. The Council had agreed in April 2015 that replacement of SGC guidelines remained a strategic priority for its three year work plan. It therefore decided to proceed with both projects, updating the DV principles to refer to domestic abuse.
- 3.4 The Council had previously indicated that it would like to explore the possibility of prioritising work on offences such as **disclosing private sexual photographs and films with intent to cause distress (“revenge porn”)**,

**harassment and stalking**, including online, over the planned work on **public order**. For ease of reference, we are referring to this group of offences as “interpersonal offences” at this early stage of the work. “Revenge porn” was also identified as a priority by the MCSG working group. At its October meeting, the Council decided that this offence should not be dealt with as part of the MCSG project because it is not a summary only offence.

3.5 We have reviewed the plan and brought forward work to scope all of these projects. Decisions on scope will in turn affect the scope of the **MCSG project**, where the MCSG contains guidelines for the relevant offences.

***Question 1: Is the Council content that this is an accurate reflection of the decisions it took at the October and November meetings?***

3.6 As explained at the November meeting, the decision to postpone assault does not mean we can simply insert a new guideline to the plan and produce it to the same timetable. Extensive analysis had already been conducted for assault and the necessary preparatory work for the other guidelines is not so far advanced. However, it does mean that we can start work on updating the domestic violence overarching principles and on the “interpersonal offences” guideline earlier than originally planned. The work on the **imposition of custodial sentences and community orders** guideline, a late addition to the work plan, has meant a consequential delay to the work on **public order**, but some research has been conducted and work done to scope the project, so we propose continuing with this in parallel to the other newer projects. If the public order work were stopped entirely, the scope of the MCSG revision would need to be expanded to cover those public order offenses already within the MCSG.

3.7 Subject to further scoping work over the coming month, the provisional timetable for bringing the new guidelines to the Council is as follows:

<b>Guideline</b>	<b>First discussion by the Council</b>
Knife / bladed article offences	January
Manslaughter	April
Child cruelty OPs	April
Public Order	May
Domestic abuse OPs	May
“Interpersonal offences”	May

**Question 2: Is the Council content with this plan?**

**Question 3: Do members have any questions or comments about the work plan over the coming months?**

3.8 In light of the busy guideline publication schedule over the next three months, members may also wish to note the following dates for their diaries:

<b>Month</b>	<b>Consultation</b>	<b>Guideline launch</b>	<b>Guideline in force</b>
<b>January</b>	15 <sup>th</sup> : Imposition	28 <sup>th</sup> : Robbery	
<b>February</b>	11 <sup>th</sup> : Guilty plea		1 <sup>st</sup> : Theft 1 <sup>st</sup> : Health and Safety
<b>March</b>		22 <sup>nd</sup> : Dangerous Dogs	1 <sup>st</sup> : Allocation

**4 IMPACT**

4.1 As noted above, the changes to the work plan do have some impact on the pace of work. However, the impact is minimal and it remains the case that the Council has had an extremely productive year, with another busy year forecast for 2016/17.

**5 RISK**

5.1 There is no real risk of reputational damage as a result of the decision to postpone revision of the assault guideline.

5.2 In light of current restrictions on spending and recruitment, it may be necessary to slow down or stop work on certain guidelines in the event of staff leaving or ongoing restrictions on externally commissioned research. At the moment, however, the policy team is at full strength and we therefore have sufficient resource to start work on a number of new guidelines, even if consultations may have to be postponed or prioritised next year to take account of resource constraints on the analytical side.

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