

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

**18 May 2018**  
**SC(18)MAY07 – Business Plan**  
**Steve Wade**  
**020 – 7071 5779**

## **1 ISSUE**

1.1 To sign off the business plan for 2018-19 and agree the order of priorities for our forthcoming guidelines

## **2 RECOMMENDATION**

2.1 That the Council agrees:

- to the ordering of priorities as outlined in Annex D of the proposed Business Plan
- to publish the Business Plan subject to final proof-checking and designing

## **3 CONSIDERATION**

### *Background information*

3.1 Business plans are generally published early in the new Financial Year, setting out the organisation's priorities for the forthcoming year. The annual report then outlines to what extent the objectives set out in the business plan have been met and other significant achievements or activities that have happened within the year.

3.2 Over the last few years the publication of the two documents has moved slightly out of sync with the standard reporting cycle (annual reports moving to October or November and the business plan to September). This year we are seeking to realign our timetables with that cycle and wish to publish our business plan in May and annual report in July in line with the rest of the business areas within MoJ.

3.3 Much of the content of the business plan is standard content – for example the lists of members, the budgetary information, the setting out of our guideline development cycle. The two areas that form the main points of substance are the Chairman's foreword and the listing of, and ordering of, priorities.

3.4 It should be pointed out that, at the time of drafting we still have yet to receive our financial settlement for the year but it may be necessary to reconsider the workplan if our settlement is significantly lower than our current expectation.

***Question 1: Is the Council content to retain this basic structure and approach?***

## *Discussion*

3.5 The focus of today's discussion is primarily on the ordering of our priorities. The content of the report has been shared with the Governance sub-committee and this version will reflect any comments received. Information, including the list of members should be correct as of 1 May 2018. Subject to any amendments that may be necessary as a result of the discussion on priorities below, comments are invited from the Council on the content of the report.

### ***Question 2: Is the Council content with the content of the report as drafted (subject to any amendments as a result of the discussion on priorities)?***

3.6 Annex D sets out our proposed order of priorities for the guidelines for the coming 2 years. Members will note that some of the dates within Table 1 differ from those in Annex D but these will be updated to reflect the ordering of priorities in Annex D following today's discussion. The ordering of priorities in Annex DT is based on the following considerations:

- previous discussions at Council on priorities for the coming year;
- the need to consider the impact on analytical resource across guidelines and ensure a balance between new guidelines that are greater or lesser resource-intensive;
- the need to deliver against the Council's 2020 ambition to have revised all its predecessor body's guidelines, and to have produced guidelines for all the highest volume offences by its 10<sup>th</sup> anniversary; and
- emerging issues that have arisen since the last Council discussion on priorities.

3.7 Previously the Council had indicated that its next priorities were to begin work on the revision of our assault guideline and a new overarching guideline on Mental Health. Both of these guidelines are now in progress and have their first consideration at this meeting.

3.8 After this, Council had indicated that it wished to revisit the Burglary guideline as its next priority, followed by firearms, and then immigration and modern slavery (as two separate guidelines but to be done simultaneously given the potential cross-over in some areas). However, we propose two main changes to this approach.

3.9 First, we propose moving revision of our drugs guideline up the agenda. On our previous business plan, we had not envisaged looking at drugs again until post 2020. However, when Council considered the drugs evaluation in October 2017 it agreed that it would need to be revisited subject to other priorities. Since that point, the Council is aware of a number of emerging issues within drug offending (so called 'cuckooing' and associated with this, so called 'county lines', where a group establishes a network to supply drugs between an

urban hub and a county location, often exploiting vulnerable young people who act as couriers; and the emergence of new drugs – Fentanyl as an example – that are not adequately covered by existing guidelines). We therefore suggest picking up revision of the Drugs guideline as our next priority.

3.10 Second, we propose pushing Burglary back. Early indications from revising Assault suggest that the analytical input for such a revision is substantial – and far in excess of that required for a new guideline or indeed, for drugs. Picking up burglary straight after Assault would place too great a pressure on the Analysis and Research team. We therefore suggest starting burglary later once the bulk of the analytical work on Assault has been completed.

3.11 These changes will still enable us to remain on track to have met our 2020 goals with the possible exception of Motoring offences, which remains due to start at some point in late 2019 / early 2020 dependant on a clear indication from Government on its intentions for legislating in this area.

***Question 4: Is the Council content with the proposed re-ordering of priorities as per Annex D?***

***Question 5: Subject to any amendments as a result of the above discussion and a final proofread and fact-check of the document, is the Council content for us to publish the workplan towards the end of May?***

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# Sentencing Council

## **Business Plan** **Financial year 2018/19**

# Contents

<a href="#">Chairman’s introduction</a> .....	3
<a href="#">Background and membership</a> .....	6
<a href="#">Objectives</a> .....	9
<a href="#">Resources</a> .....	17
<a href="#">Annex A: Rationale for the prioritisation of guidelines</a> .....	18
<a href="#">Annex B: Criteria for assessing/ evaluating guidelines</a> .....	19
<a href="#">Annex C: The Office of the Sentencing Council as at 1 May 2017</a> .....	21
<a href="#">Annex D: Sentencing Council guideline work plan – 2017-2020<sup>1</sup></a> .....	22

# Sentencing Council

## Chairman's introduction



I am pleased to introduce the Sentencing Council's sixth annual business plan, which sets out our aims, objectives and priorities for the financial year 2018/19.

This year the Council will launch six definitive guidelines: Breach Offences, Intimidatory Offences (including stalking, as well as the new offences of controlling or coercive behaviour and disclosing private sexual images), Manslaughter, Child Cruelty, **Seriousness [DN: to reflect actual title once decided]** and Public Order Offences.

During the course of the year we are also continuing work to prepare, and consult upon, four further proposed guidelines. Two of these will be new guidelines: Arson and Criminal Damage and an overarching guideline on Mental Health. Two will be revisiting guidelines that the Council has previously produced: Assault (within which it is proposed to include attempted murder) and Burglary.

Consultation is a vital aspect of the Council's work. For guidelines to succeed they must be informed by the knowledge and expertise of those people who have legal or practical experience in the area we are examining, and by the views of those with an interest in our work or in the operation of the wider criminal justice system. We are always grateful to the people and organisations who give their valuable time to contribute to our consultations.

In addition to publishing guidelines, the Council is required to monitor and evaluate their operation and effect. During this year we will be publishing evaluations of several guidelines including the offences of robbery, drugs, theft, sexual offences, and fraud. The work to revisit our Assault and Burglary guidelines will be informed by the results of our assessment of their impact and implementation, which have previously been published.

We have also been working this year to take forward a number of themes arising from a review of how best the Council can exercise its statutory functions. The review was conducted by Sir Anthony Bottoms, Emeritus Professor at the Institute of Criminology, University of Cambridge, at the Council's request. I am extremely grateful for the work

undertaken by Professor Bottoms and his colleague, Dr Jo Parsons, which you can find at [XXXXXX \[DN: add weblink\]](#)

Professor Bottoms' review outlines areas in which the Council has been successful since its inception in 2010, but there are also recommendations that are designed to help the Council take forward its work and agree its future priorities as it approaches its tenth anniversary. We have published a response to the Review alongside the full document in which we outline which areas we plan to take forward.

The purpose of publishing our business plan is to make sure that everyone who has an interest in our work is kept informed of developments. The Council's priorities can, and do, change throughout the year and from one year to the next. For example, we are statutorily bound to consider requests from the Lord Chancellor<sup>1</sup> and the Court of Appeal to review the sentencing of particular offences. We may also need to consider amending our work plan if we are required to undertake work on new or particularly complex areas of sentencing. This may have an impact on our budget, where things are either brought forward or pushed back to accommodate new requests.

We will continue to review the plan during the year and publish updates, as appropriate, on our website.

The Council's website continues to support sentencers and criminal justice professionals by making the sentencing guidelines and supporting information accessible to them, as well as to the public, victims, witnesses, offenders, researchers and journalists. In 2017/18 we conducted a comprehensive review of the website and considered the ways in which it could more effectively meet the needs of the Sentencing Council and our many stakeholders. In particular, we considered to what extent the website helps the Council in improving public confidence in sentencing. We expect to develop the website in line with the recommendations of this review during the year.

This year we will also continue our programme of digital development with the digitisation of sentencing guidelines for the Crown Court. We expect to test the digital guidelines with users in late spring, with a view to launching in the summer. Development of the online guidelines has been informed by initial research with an advisory group of Crown Court judges, as well as the extensive consultation we did last year to support our redevelopment of the Magistrates' Court Sentencing Guidelines. We are most grateful to everyone who has helped us in this work.

In the last year we made good progress against the goals set out in our 2017/18 business plan. We published the Bladed Articles and Offensive Weapons guideline; a new guideline on Domestic Abuse; and we consulted on, and published, a guideline covering Terrorism offences. In addition, we consulted on Child Cruelty offences and completed consultations on Intimidatory and Domestic Abuse offences. We also worked with magistrates in a sample of courts to collect the data needed to support future evaluations of guidelines. I am very grateful to them for their support with this.

We have also made progress in our work to raise the Council's profile and build relationships across the criminal justice system, with Council members and staff from the Office of the Sentencing Council giving more than 30 speeches or presentations during the year. Our audiences included magistrates, judges, police, academics, NGOs, solicitors and barristers.

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<sup>1</sup> s.124 Coroners and Justice Act 2009



Since our last business plan five new members have joined the Council. I would like to take this opportunity to welcome District Judge Rebecca Crane, Rob Butler JP, HHJ Rosa Dean and Dr Alpa Parmar. I would like to acknowledge the contribution of District Judge Richard Williams, Jill Gramann JP and Dr Julian Roberts who have left the Council since the last Business Plan.

As is traditional, I would also like to pay tribute to the staff of the Office of the Sentencing Council. I have said before that they are the Council's most valuable resource and I am remain very proud of the high quality work that the team produces. In monetary terms our budget is very limited and it is testament to the staff's ability and dedication that the Council continues to have the success that it does.

A handwritten signature in black ink that reads "Colman Treacy". The signature is written in a cursive style. Below the signature is a long, thin, slightly curved horizontal line.

Colman Treacy

May 2018

## Background and membership

The Sentencing Council is an independent, non-departmental public body (NDPB) of the Ministry of Justice (MoJ). It was set up by Part 4 of the Coroners and Justice Act 2009 (“the Act”) to promote greater transparency and consistency in sentencing, whilst maintaining the independence of the judiciary. Its primary role is to issue guidelines, which the courts must follow unless it is in the interests of justice not to do so. The Council meets 10 times a year; minutes are published on its website.

### Appointments to the Council

The Lord Chief Justice, the Right Honourable Lord Burnett of Maldon is President of the Council. In this role he oversees Council business and appoints judicial members.

The Lord Chancellor and Secretary of State for Justice appoints non-judicial members.

All appointments are for a period of three years, with the possibility of extending up to a maximum of 10 years. Membership of the Council as of 1 May 2018 is as follows:

### Members

The Council comprises eight judicial and six non-judicial members.

#### ***Chair: The Right Honourable Lord Justice Treacy***

Colman Treacy was appointed to the Court of Appeal in 2012. He has been Chairman of the Sentencing Council since November 2013 and a member of the Council since April 2010.

#### ***Vice-Chair: The Right Honourable Lady Justice Hallett DBE***

Heather Hallett was appointed to the Court of Appeal in 2005 and has been Vice President of the Court of Appeal Criminal Division since 2013. She was appointed to the Sentencing Council on 27 November 2013.

#### ***Simon Byrne QPM***

Simon Byrne has been Chief Constable with Cheshire Constabulary since June 2014. In 2015 he became the National Police Chiefs Council (NPCC) lead for the National Police Air Service. He was appointed to the Sentencing Council on 1 September 2016.

#### ***Mark Castle***

Mark Castle is Chief Executive of Victim Support. He was appointed to the Sentencing Council on 17 July 2015.

#### ***Rosina Cottage QC***

Rosina Cottage has been a barrister since 1988, practicing in criminal law, and is a Tenant at the Chambers of Max Hill QC, Red Lion Chambers. She was appointed Queen’s Counsel in 2011 and appointed Crown Court Recorder in 2012. She was appointed to the Sentencing Council on 18 July 2016.

#### ***District Judge (Magistrates’ Court) Rebecca Crane***

Rebecca Crane has been a District Judge since 2011 and is currently based in Birmingham. She was appointed to the Sentencing Council on 1 April 2017.

### ***The Honourable Mr Justice Goose***

Julian Goose is the Resident Judge and Honorary Recorder of Sheffield. In October 2017, he was appointed to the High Court, assigned to the Queen's Bench Division. He was appointed to the Sentencing Council on 26 June 2014.

### ***Martin Graham***

Martin Graham was Chief Executive of the Norfolk and Suffolk Community Rehabilitation Company until April 2016. He was appointed to the Sentencing Council on 1 June 2015.

### ***Rob Butler JP***

Rob Butler has sat as a magistrate since 2007, as a presiding justice in the adult court since 2012, and joined the youth panel in 2010. He was appointed to the Sentencing Council on 6 April 2018.

### ***Her Honour Judge Rosa Dean***

Rosa Dean was called to the bar in 1993, she was appointed as a district judge (Magistrates' Courts) in 2006, a recorder in 2009 and a Circuit Judge in 2011. She was appointed to the Sentencing Council on 6 April 2018

### ***The Right Honourable Lord Justice Holroyde***

Tim Holroyde was appointed as a High Court Judge in January 2009 and was a Presiding Judge on the Northern Circuit until December 2015. In October 2017 he was appointed as a Lord Justice of Appeal. He was appointed to the Sentencing Council on 6 April 2015.

### ***The Honourable Mrs Justice McGowan***

Maura McGowan was called to the Bar by the Middle Temple in 1980 and took Silk in 2001. She was appointed an Assistant Recorder in 1997 and as a Recorder in 2000. She was appointed as a High Court Judge in 2014. She was appointed to the Sentencing Council on 2 January 2017.

### ***Her Honour Judge Sarah Munro QC***

Sarah Munro was appointed as a Circuit Judge based at Portsmouth Crown Court in 2011 In July 2017 she was appointed as a Senior Circuit Judge at the Central Criminal Court.

She was appointed to the Sentencing Council on 6 April 2013.

### ***Dr Alpa Parmar***

Alpa Parmar is a departmental lecturer in criminology, in the Faculty of Law at Oxford University. She was appointed to the Sentencing Council on the 6 April 2018

### ***Alison Saunders***

Alison Saunders is the Director of Public Prosecutions and head of the Crown Prosecution Service. She was appointed to the Sentencing Council on 1 November 2013.

## **Sub-groups**

The Council has sub-groups to provide oversight in three areas: analysis and research, confidence and communications and governance. The sub-groups' roles are mandated by the Council and all key decisions are made by the full membership. The sub-groups are internal rather than public-facing.

# Objectives

## Statement of Purpose

The Sentencing Council for England and Wales promotes a clear, fair and consistent approach to sentencing through the publication of sentencing guidelines, which provide clear structure and processes for judges and magistrates, and victims, witnesses, offenders and the public.

## Objectives

The Council's objectives are informed by its statutory duties under the Act.

We will:

- 1. Prepare sentencing guidelines that meet their stated aims, with particular regard to the likely impact on prison, probation and youth justice services, the need to consider the impact on victims and to promote consistency and public confidence**

This will be met by: developing evidence-based guidelines, fully considering the policy, legal and resource implications; publishing consultations which clearly set out the rationale for the approach and likely resource implications; taking into account responses and research to make improvements before publication of definitive guidelines; and engaging with stakeholders, practitioners, the media and others to explain the implications of guidelines.

- 2. Monitor and evaluate the operation and effect of our guidelines and draw conclusions**

This will be met by: putting in place bespoke, targeted evaluations and assessments of the impact and/or implementation of guidelines and collecting the necessary monitoring data; and by using evaluation evidence to review and if necessary, amend guidelines.

- 3. Promote awareness of sentencing and sentencing practice**

This will be met by: making effective use of consultation events, proactive engagement of the media, and maximising the Council's digital capability and online presence to promote awareness and to improve and strengthen engagement with stakeholders; and by publishing relevant material, in particular evaluations of guidelines and an annual report of the Council's activities.

- 4. Deliver efficiencies, while ensuring that the Council continues to be supported by high-performing and engaged staff**

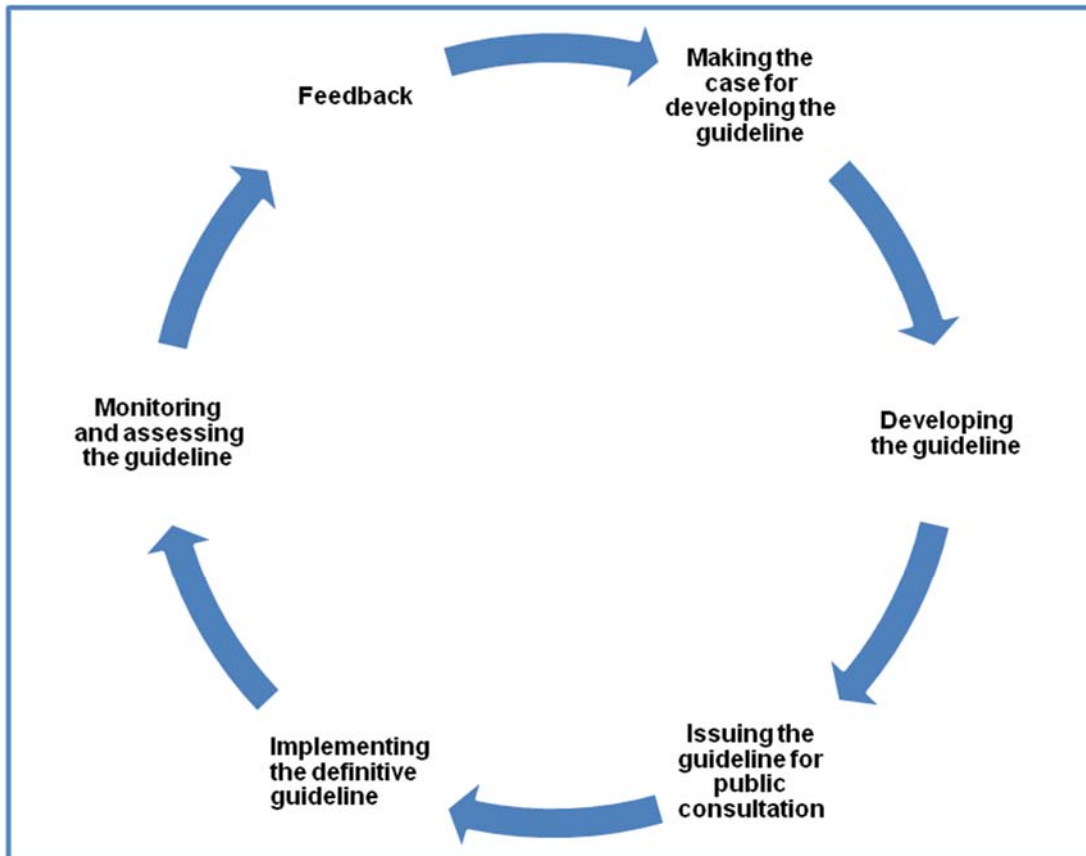
This will be met by: delivering our objectives within the budget we are allocated, while ensuring that the Office has a motivated and collaborative team who feel valued and challenged and has the necessary capability and autonomy to deliver clear, tangible and outcome-focused objectives, and work together to identify and implement more efficient ways of working and ensure value for money.

The activities for 2018/19 that will deliver these objectives are outlined in **Table 1**.

## Delivering the Sentencing Council's objectives

The Council approaches the delivery of its objectives by adopting a guideline development cycle. This is based on the policy cycle set out by HM Treasury in the *Green Book on Appraisal and Evaluation in Central Government (2003)* and allows a culture of continuous improvement to be embedded within the development process.

Following this cycle, there are several key stages within the development of a sentencing guideline:



### ***Making the case for developing the guideline***

Annex A outlines the Council's rationale for prioritising which guidelines to produce, after which options for the actual guideline are considered. This may include conducting research, assessing options for the scope and remit of a guideline, its objectives, or whether there is in fact a need for the guideline. If the guideline has been requested by the Lord Chancellor, Lord Chief Justice, Court of Appeal or external bodies or stakeholders, this would also be considered.

### ***Developing the guideline***

Once the Council has decided that a guideline will be produced and has agreed the objectives, work is undertaken to produce a draft guideline that will be issued for consultation. This involves a variety of different activities including consideration of relevant case law and existing sentencing guidelines or guidance; analysis of current sentencing practice; research and analysis to assess any practical, behavioural or resource implications of draft guideline proposals; stakeholder mapping and engagement and analysis of media reports. The guideline proceeds through a number of iterations of drafting in order to ensure

that different options are fully considered. A monitoring and evaluation strategy is also drawn up to ensure that the guideline can be assessed and evaluated after implementation.

### ***Issuing the guideline for public consultation***

A draft guideline is issued for public consultation, alongside the analysis and research that supported its development and an assessment of its resource implications and any equality impact. The media and stakeholders are briefed about the main issues and the purpose of the consultation, in order to bring it to the attention of a wide audience and encourage responses. Events are held with stakeholders to ensure that those with particular interest in the guideline are aware of the consultation and able to provide their input.

Further work is then undertaken after the consultation to revise the guideline to take account of the responses received; and to review and if necessary test changes to the guideline.

### ***Publishing and implementing the definitive guideline***

The guideline is published. Updated data on sentencing practice and a new resource assessment to reflect the final guideline are published at the same time. The guideline is distributed to stakeholders and events may be held. The media are also briefed, and a range of channels, including social media, are used to ensure that the public is informed and that all key parties are aware of and able to access the guideline.

The Council works with the Judicial College to help facilitate training for sentencers on using the guideline. There will generally be an implementation period of approximately three months before the guideline comes into effect to allow for awareness-raising and any training to take place.

### ***Monitoring and assessing the guideline***

Annex B outlines the Council's approach to monitoring and evaluating its guidelines. This adopts a targeted, bespoke and proportionate approach to assessing each guideline's impact and implementation, based on the likely impact of unanticipated consequences having a significant effect on correctional resources, whether the Council intended to change sentencing practice, and whether any informal evidence suggests the guideline may not have had its intended effect. It also takes into account the data and resources available. A variety of different methods of data collection may therefore be utilised, as necessary.

### ***Feedback***

The outcomes of the monitoring and evaluation, along with any stakeholder or media feedback will then be assessed and considered by the Council. On the basis of this, the guideline cycle moves back into the phase of **making the case for developing the guideline**, this time addressing the need to review the guideline and make improvements. If this is found to be necessary, the cycle begins again. The timescale for this process will vary, depending on a number of factors including the extent of monitoring and evaluation and the urgency for taking any action.

### ***Timing and prioritisation***

The Business Plan sets out an indicative timeline for preparation and publication of guidelines based on the Council's current priorities and its three-year rolling work programme. The plan will be subject to bi-annual review and updates will be published, as appropriate, on the Sentencing Council website.

**Table 1: The main activities to deliver our objectives and planned timescales are as follows:**

<b>Work area</b>	<b>Objectives addressed</b>	<b>Key planned deliverables</b>	<b>Target (end of quarter)</b>
<b>SECTION 1: GUIDELINES</b>			
<b>Assault including Attempt murder</b>	1, 2, 3	Publication of consultation, resource assessment and statistical bulletin	March 2019
<b>Arson and criminal damage</b>	1, 2, 3	Consideration of consultation responses and preparation of definitive guideline	March 2019
<b>Bladed article/ offensive weapon possession</b>	1, 3	Guideline in force	June 2018
<b>Breach Offences</b>	1, 2, 3	Publication of definitive guideline, consultation response, and resource assessment	June 2018
<b>Burglary</b>	1, 2, 3	Publication of consultation, resource assessment and statistical bulletin	March 2019
<b>Child cruelty</b>	1, 2, 3	Publication of definitive guideline, consultation response and updated resource assessment	December 2018
		Guideline in force	March 2019
<b>Domestic abuse</b>	1, 3	Guideline in force	June 2018
<b>Drugs</b>	2, 3	Publication of findings from guideline assessment	June 2018
<b>Fraud</b>	2, 3	Publication of findings from guideline assessment	June 2018
<b>Firearms offences</b>	1, 2, 3	Publication of consultation, resource assessment and statistical bulletin	March 2019
<b>Intimidatory offences</b>	1, 2, 3	Publication of definitive guideline, consultation response and updated resource assessment	September 2018



		Guideline in force	December 2018
<b>Manslaughter</b>	1, 2, 3	Publication of definitive guideline, consultation response and updated resource assessment	September 2018
		Guideline in force	December 2018
<b>Mental Health</b>	1, 2, 3	Publication of consultation and resource assessment	March 2019
<b>Public Order</b>	1, 2, 3	Publication of consultation, resource assessment and statistical bulletin	June 2018
		Publication of definitive guideline, consultation response and updated resource assessment	March 2019
<b>Robbery</b>	2,3	Publication of findings from guideline assessment	September 2018
<b>Seriousness - [DN - To be renamed and will need to split out to reflect Council's decision to do in two parts.]</b>	1, 2, 3	Publication of consultation, resource assessment and statistical bulletin	June 2018
		Publication of definitive guideline, consultation response and updated resource assessment	March 2019
<b>Sexual Offences</b>	2,3	Publication of findings from guideline assessment	September 2018
<b>Theft</b>	2,3	Publication of findings from guideline assessment	December 2018
<b>Terrorism</b>	1, 3	Guideline in force	June 2018
<b>SECTION 2: CROSS-CUTTING WORK</b>			
<b>Digitisation of guidelines</b>	3	Maintain, support and promote online and offline sentencing guidelines for magistrates (MCSG)	Ongoing
	3	Test, deliver, promote and refine online and offline sentencing guidelines for Crown Court judges	June 2018

	3	Redevelop the Sentencing Council website	March 2019
<b>Annual Report</b>	3	Publish Annual Report	June 2018
<b>Business Plan</b>	3	Review progress and publish update	December 2018 (tbc)
<b>References received from Lord Chancellor or Court of Appeal under section 124</b>	1, 2, 3	Respond as required	Reactive only
<b>External representation</b>	1, 3	Council members and office staff speak at a minimum of 20 external events targeting the judiciary, criminal justice practitioners, academics and special interest groups	Ongoing
	3	Promote sentencing guidelines and the Council using all channels, including via proactive and positive engagement with the media, to engage with Government, its Arm's Length Bodies, the Judicial College and organisations with an interest in criminal justice and sentencing.	Ongoing
	3	Promote public confidence in sentencing by tailoring and targeting our external communications, developing relationships with key advocates such as the police service and developing the public-facing content of our website.	Ongoing
	3	Provide assistance to foreign jurisdictions via visits, advice and support work	Ongoing
<b>SECTION 3: EFFICIENCY AND OUR PEOPLE</b>			
<b>Efficiency</b>	4	Assess need for publication of hard copy documents on case by case basis, publishing online unless not appropriate.	

		<p>Ensure value for money in the procurement of goods and services, making savings where possible, in particular from printing costs and complying with departmental finance, procurement and contract management rules.</p> <p>Learn from lessons of each project, making improvements to future guidelines as a result; and improving efficiency on the basis of experience of what works.</p>	Ongoing; review quarterly
<b>Capability</b>	4	<p>Enable the Council to operate digitally, through development and support of secure online members' area, digital Council papers and online collaboration tools.</p> <p>Ensure all staff undertake at least five days of targeted learning and development to develop skills, capability and career.</p> <p>Hold lunchtime seminars for staff to share knowledge and expertise about the work of the Council, the criminal justice system and Whitehall/ Government.</p>	
<b>Engagement</b>	4	<p>Implement an action plan arising from the findings of the people survey, based on priorities identified by staff.</p>	

<b>TIMELINE OF PUBLICATIONS AND GUIDELINE EFFECTIVE DATES 2018/2019</b>		
April	Terrorism	Definitive guideline in force
April	Drugs	Publication of evaluation report
April	Research to Advise on how the Sentencing Council can best Exercise its Statutory Functions	Publication of report
May	Public Order	Launch of consultation
May	Breach	Publication of definitive guideline
May	Domestic Abuse	Definitive guideline in force
May	Fraud	Publication of evaluation report
June	Seriousness	Launch of consultation
July	Intimidatory offences	Publication of definitive guideline
August	Sexual offences	Publication of evaluation report
September	Manslaughter	Publication of definitive guideline
September	Robbery	Publication of evaluation report
October	Child Cruelty	Publication of definitive guideline
December	Manslaughter	Definitive guideline in force
	Mental Health	Launch of consultation
	Theft	Publication of evaluation report
January	Assault (including attempted murder)	Launch of consultation
	Burglary	Launch of consultation
	Child Cruelty	Definitive guideline in force
March	Public order	Publication of definitive guideline
	Seriousness [DN - Reword plus split into two]	Publication of definitive guideline

## Resources

### Staff headcount (as at 1 April 2018)

Area of activity	FTE <sup>2</sup>
Head of Office and support	2
Policy	3.9
Analysis and research	7.3
Legal	1
Communications	3
<b>Total</b>	<b>17.2</b>

### Budget

Summary of budget and resource allocation

	2017/18 (actual) <sup>3</sup> £000s	2018/19 (budget) £000s
<b>Total funding allocation</b>	1,455	---
<b>Staff costs</b>	1,116	---
<b>Non staff costs</b>	323	---
<b>Total expenditure</b>	1,439	---

<sup>2</sup> FTE: full-time equivalents

<sup>3</sup> 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.

## Annex A: Rationale for the prioritisation of guidelines

Under section 120 of the Coroners and Justice Act 2009 the Sentencing Council must prepare sentencing guidelines on:

- the discharge of a court's duty under section 144 of the Criminal Justice Act 2003 (c. 44) (reduction in sentences for guilty pleas);<sup>4</sup> and
- the application of any rule of law as to the totality of sentences.<sup>5</sup>

Section 120(4) provides that the Council may prepare sentencing guidelines about any other matter.

The overarching aim of the Council in publishing guidelines is to promote a clear, fair and consistent approach to sentencing. In agreeing its three-year rolling work plan, the Council will prioritise the publication of guidelines that will fulfil that aim.

The Sentencing Council will schedule guideline production on the basis of one or more of the following factors:

- The Lord Chancellor or Lord Chief Justice formally requests the review of sentencing for a particular offence, particular category of offence or particular category of offender and the production of a guideline;
- New legislation requires supporting sentencing guidelines;
- Guidelines issued by the Sentencing Guidelines Council require conversion into the Council's step by step approach to sentencing or current guidelines are out of date or incomplete;
- A substantial body of interested parties request a guideline to be issued for a particular area of sentencing;
- Sentencing data suggests that there may be inconsistency in sentencing for a particular offence, particular category of offence or particular category of offender;
- Evidence suggests that the guideline would have a significant effect on sentencing practice, for example, the potential range of available sentences is wide and/or the number of offences sentenced is significant; and
- The resource required to produce a guideline and other work pressures.

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<sup>4</sup> s.120 (3)(a)

<sup>5</sup> s.120 (3)(b)

## Annex B: Criteria for assessing/ evaluating guidelines

### Aim

To assess whether guidelines are having any impact on sentencing outcomes (type, length and severity) and/ or incurring any implementation issues. A two stage process of decision-making will be undertaken:

#### **Stage 1: Consider the need to assess the guideline**

This will take account of changes forecast in the resource assessment (impact assessment) or the sentencing process set out in the guideline (implementation assessment). It will take account of whether:

- The offence is high volume and any incorrect assumptions in the resource assessment may have a significant impact;
- The Council had a stated intention of changing sentencing practice;
- Informal evidence suggests the guideline is not having its intended impact (e.g. feedback from sentencers); and
- External bodies have an interest in the impact of the guideline.

If none of the above apply, the Council will be advised not to evaluate formally at this stage.

#### **Stage 2: Evaluation/ assessment**

##### **a) Initial evaluation**

If any of the above criteria apply, initial work will be undertaken using MoJ Court Proceedings Database<sup>6</sup> (CPD) sentencing data for the magistrates' and Crown Court, to determine the feasibility, need and scale of further work.

If initial analysis of sentencing volumes, outcomes and average custodial length indicate any marked and/ or unintended changes after the guideline was introduced, further work will be considered. If it does not, this information would be fed back and no further analytical work at this stage would be advised.

##### **b) Further evaluation**

If further work is deemed useful, feasibility of the work will be assessed. This would consider:

- Whether offence volumes are large enough to use MoJ data and to enable appropriate statistical analysis to be undertaken using a forecast of what would have happened if the guideline had not been introduced;
- What other information can be collated (qualitative information, media reports, stakeholder feedback, etc).

The best approach to evaluation would be assessed, considering, as appropriate:

- Statistical work involving time series analysis using the MoJ CPD;

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<sup>6</sup> The CPD is derived from the LIBRA case management system, which holds the magistrates' court records, and the Crown Court's CREST system which holds the trial and sentencing data.

- Analysis of sentencing factor information using Crown Court Sentencing Survey<sup>7</sup> and other court data (if available);
- Further bespoke quantitative or qualitative data collection and analysis to support the evaluation.

Where bespoke data collection is initiated, this should preferably involve a “before” and “after” sample, covering at least a three-month period before publication of a consultation guideline and at least three months after the guideline comes into force.

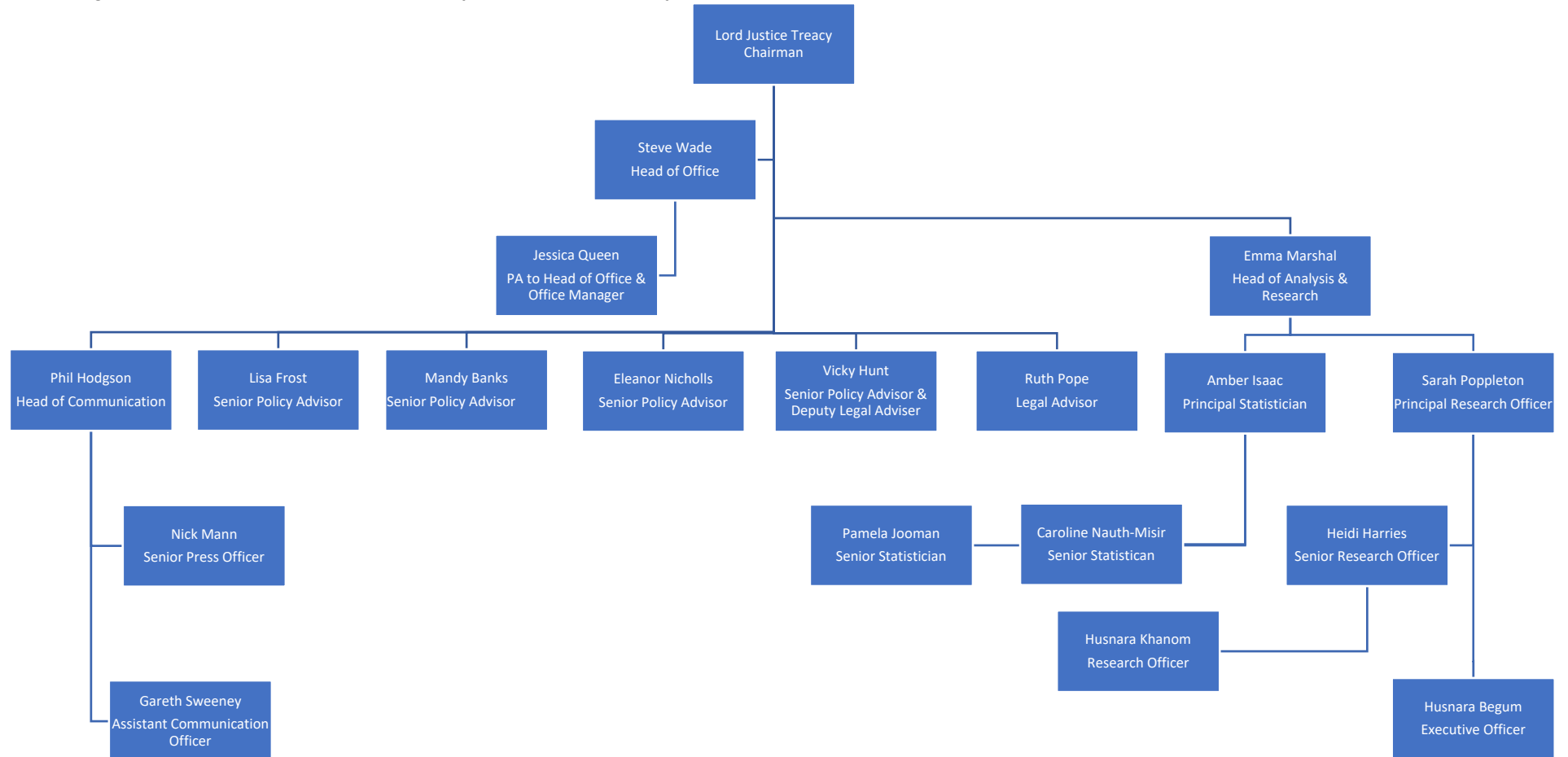
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<sup>7</sup> Between 1 October 2010 and 31 March 2015 the Council conducted a data collection exercise called the Crown Court Sentencing Survey. The paper-based survey was completed by the sentencing judge (or other sentencer) in the Crown Court. It collected information on the factors taken into account by the judge in working out the appropriate sentence for an offender and the final sentence given. It was designed to assist the Sentencing Council with fulfilling its duties under section 128 of the Coroners and Justice Act 2009.



## Annex C: The Office of the Sentencing Council as at 1 May 2018

The Sentencing Council is supported in its work by a multi-disciplinary team of civil servants, as shown below.



## Annex D: Sentencing Council Guideline Work Plan – 2018-2020<sup>1</sup>

<b>Guideline</b>	<b>Consultation period</b>	<b>Publish definitive guideline</b>	<b>Definitive guideline in force<sup>2</sup></b>
Breach	25 October 2016 – 25 January 2017	7 June 2018	October 2018 (tbc)
Intimidatory offences	30 March 2017 – 30 June 2017	5 July 2018	October 2018
Manslaughter (including SGC provocation guideline)	4 July 2017 – 10 October 2017	2 August 2018	January 2019
Child Cruelty	13 June 2017 – 13 September 2017	4 September 2018	January 2019
Arson and Criminal damage	27 March 2018 – 26 June 2018	March 2019	July 2019
Public order	9 May – 8 August 2018	March 2019	July 2019
Updating the SGC Seriousness guideline – generic guideline	June 2018 - Sept 2018	March 2019	July 2019
Updating the SGC Seriousness guideline - additional info for offence specific guidelines	December 2018 – March 2019	November 2019	January 2020
Revision of SC assault and SGC attempt murder guidelines	January 2019 - April 2019	February 2020	May 2020
Overarching guideline on mental health	December 2018 – March 2019	December 2019	February 2020
Drugs – revision of SC guideline	March 2019 – June 2019	March 2020	June 2020
Firearms offences	April 2019 – July 2019	April 2020	July 2020

<b>Guideline</b>	<b>Consultation period</b>	<b>Publish definitive guideline</b>	<b>Definitive guideline in force<sup>2</sup></b>
Immigration/ modern slavery	June 2019 – October 2019	Spring 2020	2020
Burglary revision of SC guideline	Autumn 2019	Autumn 2020	2020
Motoring offences <sup>3</sup>	2019 – 2020	2020	2020

In addition, the Council will aim to update any remaining either way offences from the Magistrates' Court Sentencing Guidelines, not covered by any guideline above by 2020.

<sup>1</sup> The dates shown in this work plan are indicative and may be subject to change

<sup>2</sup> Currently in most instances we allow a three month implementation period between publication and the definitive guideline coming into force

<sup>3</sup> Timetable provisional dependent on outcome of Government review

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