

Draft Policy for Making changes to digital guidelines on the Sentencing Council website or app

1 Typographical errors in guidelines

1.1 Where it comes to the attention of the Council that there is an error in a definitive sentencing guideline on the Sentencing Council website which is the result of text being incorrectly entered, the error will be corrected as soon as possible and the correction will be noted on a log of changes accessible on the website.

1.2 Where the change has the potential to have a material effect on sentencing, a news item will be published on the website drawing attention to the correction and communications will be sent to relevant stakeholders (e.g. magistrates, judiciary, prosecutors, probation etc).

2 Substantive errors in guidelines

2.1 Where it comes to the attention of the Council that there is a substantive error, omission or lack of clarity in a guideline which is due to an oversight by the Council, the issue will be discussed by the Council at the earliest opportunity and the views of relevant stakeholders sought as to the preferred remedy.

2.2 Where the Council is satisfied that the error can be corrected in a manner which gives effect to the Council's original intention (which has already been subject to consultation) the correction will be made, noted on the log of changes, a news item will be published on the website drawing attention to the correction and communications will be sent to relevant stakeholders.

2.3 Where Council considers that the error cannot be corrected without a substantive change to the guideline that was not contemplated at the consultation stage, it will consult on the proposed amendment in accordance with the requirements in section 120 of the Coroners and Justice Act 2009. This requires at a minimum consultation with the Lord Chancellor and the Justice Select Committee of the House of Commons, but in practice would involve consultation with other key stakeholders (and would be likely to include those who responded to the original consultation on that guideline). The length of the consultation will depend on the nature and complexity of the proposed change and the urgency of correcting the error. The Council may issue a temporary note to highlight the error pending correction.

3 External changes that make part of a guideline inaccurate, incomplete or misleading

3.1 Where changes to legislation or other external changes necessitate amendment to guidelines, the Council will consider the options for updating the relevant guidelines and then seek the views of relevant stakeholders as to the preferred remedy.

3.2 Where the required change is mandated by legislation and will not have wider implications for the guideline, the Council will make the minimum change required to bring the guideline in line with legislation, note it on the log of changes, publish a news item on the website drawing attention to the correction and send communications to relevant stakeholders.

3.3 Where the change is merely to update information or terminology in a guideline and will not have wider implications for the guideline, the Council will make the minimum change required to bring the guideline up to date, note it on the log of changes and, as appropriate, publish a news item on the website drawing attention to the correction and/or send communications to relevant stakeholders.

3.4 Where there are different options for addressing the change, which may make a substantive change to guideline(s) the Council will consult on the proposed amendment as at paragraph 2.3 above.

3.5 Where changes to legislation necessitate wholesale changes to a guideline, the Council will add the review of the relevant guideline(s) to its workplan and conduct a full consultation of the proposed revised guideline in the normal course of its work. In such situations, the Council may issue a note to highlight the limitations of the existing guideline while the review is being carried out.

4 Urgent cases

4.1 Section 123 of the Coroners and Justice Act 2009 gives the Council the power to issue or amend guidelines without consulting on a draft guideline where the urgency of the case makes it impractical to do so. While it reserves the right to rely on section 123 the Council does not envisage a situation where it would do so.