

## Sentencing Council strategic objectives and actions 2021-2026: Update on progress (May 2022)

### Strategic objective 1: The Council will promote consistency and transparency in sentencing through the development and revision of sentencing guidelines

Action	Provisional timing stated in the Council's strategy document	Progress to date
Support consistent and transparent sentencing by continuing to produce and revise guidelines in accordance with published criteria. Specific guidelines produced or revised will be a result of the Council's annual discussions on priorities and will be included in annual business plans.	Ongoing	Ongoing
Ensure that all relevant issues are taken into account when considering guidelines for development, or evaluation, by reviewing and updating our guideline development/ revision criteria	Completed; published in August 2021	Completed and published. <sup>1</sup>
Review the Totality guideline in the light of research findings and make any necessary changes.	Consult on draft guideline by October 2022	Research was published in September 2021; this has been reviewed and the Council has decided to make changes to the current guideline. A consultation on the changes will be issued in 2022.
Ensure that we draw fully on all relevant perspectives by formally considering at the outset of each guideline project whether to bring in additional external expertise to support a guideline's development.	Ongoing from June 2021	Ongoing; since issuing the strategy document in November 2021, we have engaged with relevant stakeholders, for example Trading Standards on the guideline on Underage Sale of Knives, and the RSPCA on the animal cruelty guidelines.
Ensure guidelines remain relevant and up to date by undertaking an annual consultation on cross-cutting and/ or minor revisions to guidelines.	Consultation to be issued annually from September 2021	Completed for 2021.

<sup>1</sup>Links to relevant documents will be added in when this table is published on the Sentencing Council's website.

Ensure minor uncontentious amendments to guidelines, that do not require consultation, are clear and transparent to all users by publishing a log of these.	Published as changes are made	The log is being updated as necessary
Enable users to feedback on guidelines by providing a mechanism to report errors or difficulties.	Completed; feedback function available from September 2021	Completed; as of 30 April 2022 we have had xxx queries submitted via this route. <sup>2</sup> Several have resulted in minor corrections to guidelines, others have been noted as requests for guidelines or for consideration in the next round of miscellaneous amendments.

**Strategic objective 2: The Council will ensure that all our work is evidence based and will work to enhance and strengthen the data and evidence that underpins it**

Action	Provisional timing stated in the Council's strategy document	Progress to date
Support the development and evaluation of guidelines by continuing to access and analyse sentencing data - including on impacts and resources - and ensure this is understood and informs Council decision-making.	Ongoing	Ongoing
Provide evidence and analysis to support the Council's work across all of its statutory duties.	Ongoing	Ongoing
Finalise approach as to how we might access a greater volume of data via the Common Platform and explore whether this might bring about efficiencies in the way in which we currently collect data from the courts.	By September 2022	This work is in progress. We have now met with colleagues working on the Common Platform, engaged with relevant judicial working groups and are continuing discussions in this area.
Consider whether enhancements can be made to the way in which we measure and interpret the impact of our guidelines and our	By June 2022	An initial review of data sources has been undertaken and we issued an Invitation to Tender for a small piece of academic work

<sup>2</sup> We plan to publish this table alongside the business plan in early May and will insert the relevant figures at that point.

approaches to resource assessments by undertaking a review of our current practice.		to support this in January 2021. We unfortunately did not receive any bids for the work. We plan to revisit the specification and reissue it during spring 2022.
Explore how the Council's expanded explanations are being interpreted and applied by sentencers in practice by undertaking an evaluation of these.	Start by March 2022	Internal discussions on the scope and approach to such work are underway.
Inform development of the Totality guideline by undertaking a small research study with sentencers.	Completed; published in September 2021	Completed and published.
Explore the impact and implementation of the intimidatory offences guidelines by undertaking an evaluation	Start by March 2022	Internal work on this has started.
Explore the impact and implementation of the domestic abuse overarching guideline by undertaking an evaluation	Start by March 2022	We are in the process of developing a specification to procure external work for an evaluation in this area.
Ensure the views of all relevant parties are fully considered in the development and revision of guidelines by considering, on a case-by-case basis, whether additional specific qualitative research is required.	Ongoing from June 2021	Ongoing. For example, the social research team are currently planning four pieces of qualitative research with sentencers and an internal evaluation of the Breach guideline will draw on the views of probation officers.
Collate the relevant evidence on issues related to effectiveness of sentencing and consider this as part of work to develop and revise guidelines by undertaking and publishing a review of the relevant evidence.	Biennially from September 2022	We commissioned external academics to conduct a literature review in this area in February 2022.
Consider what further work in the area of consistency of sentencing is needed by reviewing the updated evidence in this area.	By September 2022	We plan to start reviewing this in the summer.
Consider how best to make use of local area data in our work by undertaking a review of options.	By March 2022	An initial review has been undertaken on this and discussed with the Analysis and Research subgroup. A note on the Council's decision on this area is published alongside this update document.
Permit access to data collected by the Council by preparing and publishing our drugs data collection.	By June 2022	We are currently on track to publish this data by June.

Permit access to data collected by the Council by preparing and publishing our robbery offences data collection.	By September 2022	We are currently on track to publish this data by September.
Continue to broaden the range of analytical work we can contribute to and draw on by seeking opportunities to collaborate with academics and external organisations.	Ongoing from June 2021	This is ongoing. For example, an advertisement for a research fellow to work with the Council on analysis in the area of race and other protected characteristics was published in January 2022. We have also commissioned external academics to undertake work on equality and diversity and effectiveness in sentencing.

**Strategic objective 3: The Council will explore and consider issues of equality and diversity relevant to our work and take any necessary action in response within our remit**

Action	Provisional timing stated in the Council's strategy document	Progress to date
Explore the potential impact of sentencing guidelines on different demographic groups and groups with protected characteristics by collecting, analysing and publishing data, where this is available, and undertaking more in-depth analytical work.	Ongoing from December 2020	Ongoing; we now routinely publish sentencing breakdowns by age, sex and ethnicity alongside guidelines and consultations and are exploring what more we can do in this area in the future (e.g. we plan to collect case identifiers in our forthcoming data collection to enable us to link to data on ethnicity, there may be more data available in the future via the Common Platform and the research fellowship that was advertised at the start of the year will focus on potential opportunities for enhancing access to relevant data).

Draw attention to any relevant issues relating to disparities in sentencing by providing tailored references to relevant information, to the Equal Treatment Bench Book, and to the need to apply guidelines fairly across all groups of offenders after reviewing evidence on disparity in sentencing for each guideline being developed or revised.	Ongoing from December 2020	Ongoing; the relevant data is considered for all guidelines. The content within the Equality & Diversity chapter in consultation documents has been reviewed and rewritten. There is a new emphasis on trying to explore consultees' views on these matters within each draft guideline.
Explore the potential for the Council's work inadvertently to cause disparity in sentencing across demographic groups by commissioning independent external contractors to undertake a project to review a sample of key guidelines and processes.	By December 2021	Work on this has been completed and the Council is currently considering the findings and recommendations.
Ensure any evidence of disparity in sentencing between different demographic groups is taken into account when deciding whether to develop or review a guideline by including this as a consideration in the Council's criteria for developing and revising guidelines.	Completed; published August 2021	Completed; text has been added to the Council's updated criteria.
Consider whether separate guidance is needed for female offenders or young adults by conducting an evaluation of the relevant expanded explanations and, if so, add this to our workplan.	To be considered as part of the evaluation of expanded explanations	Internal discussions on the scope and approach to such work are underway.

**Strategic objective 4: The Council will consider and collate evidence on effectiveness of sentencing and seek to enhance the ways in which we raise awareness of the relevant issues**

Action	Provisional timing stated in the Council's strategy document	Progress to date
Ensure the Council continues to be informed on issues related to effectiveness of sentencing by publishing a research review of the relevant evidence.	Biennially from September 2022	We commissioned external academics to conduct a literature review in this area in February 2022.
Consider the possibility of future work with offenders to understand which elements of their sentence may have influenced their rehabilitation by undertaking a scoping exercise in this area.	By September 2022	We plan to start scoping work in this area during the summer.
Consider whether any changes are required to highlight to sentencers the need to consider issues relating to effectiveness of	From September 2022	An evaluation of the Imposition guideline is underway and when this is completed we

sentencing as a result of research work in this area and any work undertaken on the Imposition guideline.		will consider the relevance of this to the area of effectiveness.
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**Strategic objective 5: The Council will 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**

Action	Provisional timing stated in the Council's strategy document	Progress to date
Ensure sentencers and other practitioners have easy and immediate access to sentencing guidelines by continuing to develop digital tools that meet their needs.	Ongoing	Ongoing. The SentencingACE tool for use in the Crown Court has been launched on the Council's website, as well as a pronouncement-card builder for use in magistrates' courts. The card builder and a drink-drive calculator have also been published on the magistrates' courts sentencing guidelines app. An Android version of the app is in development.
Inform public audiences, including victims, witnesses and offenders, about sentencing and sentencing guidelines by continuing to develop content for our website and seek media coverage relating to key Council activities.	Ongoing	Ongoing. We have refined our media strategy to reflect the five strategic objectives. In addition to publicising guideline and consultation launches, we have placed an interview with the Chairman in the Times Law Pages and another with AC Nick Ephgrave, policing member of the Council, with Police Oracle, and are actively pursuing other interview and feature opportunities. We have developed and published a series of short videos to illustrate content on our website and make it more accessible to the public.
Support the effective development of guidelines by continuing to promote Council consultations to practitioners who use the	Ongoing	Ongoing, as consultations are launched.

guidelines and individuals and groups who could potentially be affected by the guidelines.		
Elicit a broader and more representative body of consultation responses to inform the development of guidelines by undertaking a review of our target audiences and how we reach them.	By December 2021	Work has been commissioned by the Equality and Diversity working group to extend our field of potential consultees and the ways in which they can contribute is ongoing.
Teach young people about sentencing by developing sentencing-related materials for use by organisations such as Young Citizens who already engage extensively with schools.	Ongoing	Working in collaboration with Young Citizens and Judicial Office, we have developed content for Key Stage 1 and 2 (primary) teaching resource, 'What happens when laws are broken?' The resource supports Citizenship and PHSE (Personal, Health, Social and Economic education).
Improve our ability to inform the public about sentencing by identifying relevant organisations willing to help us engage with their stakeholders.	Ongoing	Ongoing.
Make our consultations more easily accessible to the Council's public audiences by developing a template for more simplified introductions to consultation documents and embedding this within the Council's processes.	Completed May 2021	Completed; all consultations are now accompanied on our website with introductory material written specifically for public audiences.
Illustrate for our audiences the range of issues considered by the Council when developing and revising guidelines and the extent to which guidelines are influenced by consultation responses, by publishing information about the Council's processes and procedures on our website.	By March 2022	The content has been developed and will shortly be published on the website.
Maintain an up-to-date insight into public confidence in the criminal justice system and its drivers, and explore whether there have been any changes over time, by re-running our previous survey questions and comparing findings to our previous research.	By September 2022	We commissioned an external survey company to undertake this work. The Council are currently considering the findings from this work.
Increase parliamentarians' knowledge and understanding of our work including by discussing how best to establish regular evidence sessions with the Justice Committee.	Ongoing by December 2021	The Chairman attended a closed meeting of the JSC in December 2021 where he spoke about the work of the Council and sentencing more generally. We are

		continuing to liaise with the Committee about a more formal evidence session in the first half of 2022 but no date or topic has been set yet.
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