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SC(22)APR04 – Business Plan
N/A
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1 ISSUE

1.1 The Council's 2022-23 Business Plan and a review of the risk register.

2 RECOMMENDATIONS

2.1 That Council:

- signs off the draft of the Business Plan attached at **Annex A**;
- notes the current risk register at **Annex C**, alongside the summary below; and
- continues delegating risk to the Governance sub-group but is given the chance to review it in April each year.

3 CONSIDERATION

Business plan

3.1 The annual business plan, published towards the start of the financial year, sets out the planned activities for the forthcoming year. This will be the Council's ninth and follows a "double edition" last year which, due to the pandemic, covered the year 2020-21 retrospectively and looked ahead to 2021-22.

3.2 This year's business plan follows a very similar format to previous years, with a narrative introduction by the Chair providing a taste of what has been achieved in 2021-22 (though not in so much detail as to render the Annual Report redundant) and looking ahead to the guidelines, research and communications activities for 2022-23.

3.3 There is also standard information about the Council and how it operates. We include details about the Council's members, staffing of the office and budget, as well as how we work, particularly on developing guidelines. We are providing a little more information this year about sub-groups, which replicates information we already provide in the annual report.

We have updated the criteria for prioritising guidelines, after the refresh of these last year following the 'What next for the Sentencing Council?' consultation.

3.4 However, we are taking a different approach to setting out our objectives this year. There was a risk of confusing our previous overarching objectives with the strategic objectives we have agreed and published for 2021-2026. We have therefore reworked this section (pages 7-8) to set out our main statutory duties (what we need to do), which then serve to introduce the five-year strategic objectives (how we will do it). This includes a link to a web page documenting current progress against the strategic objectives that we will publish simultaneously with the Business Plan in May (see **Annex B**).

3.5 Table 1, the timeline and Annex C to the plan then provide more line-by-line detail on the guidelines and analytical and research publications planned for the coming year in the usual way.

Question 1: are you content with the draft 2022-23 business plan at Annex A?

Risk register

3.6 Although Council considers risk and handling issues in the course of any guideline or publication, it has been a long time since full Council has considered risk in the round.

3.7 Risk is something which in practice the Council delegates to the Governance sub-group. It reviews risk at each of its meetings (which now take place quarterly) and the other sub-groups (analysis and research, and communications and confidence) and the equality and diversity working group consider and adjust the risks relevant to them to feed into that overall consideration. The office Senior Management Team (SMT) also review the risk register (current version at **Annex C**) every other month and provide updates, so there is an almost continual process of review.

3.8 Recently, deep dives have been held in the relevant sub-groups on some risks which were felt to be persistently high, or very high. These were:

- i) loss of support/confidence in the Council by Public/Media;
- ii) criticism that guidelines do not take account of specific minority groups and protected characteristics in relation to both victims and offenders, as relevant to sentencing guidelines;

3.9 As a result of these deep dives, these have been updated with the latter being split into two distinct risks (one related to the actual risk guidelines contributing to disparities between different groups, and the other being the lack of data to be able to tell). On review, the levels for these risks have been reduced to 'Medium'.

3.10 This means that the top four highest risks, according to the risk register are now:

- i) risk 1: guidelines have impacts that cannot be assessed or are not anticipated or intended;
- ii) risk 8: insufficient resources to deliver statutory and business plan priorities;
- iii) risk 12: guidelines cause, or fail to address existing disparities in sentencing between different groups; and
- iv) risk 13: inability to assess if guidelines are leading to disparities within sentencing.

3.11 The risk register sets out the actions that are being taken to mitigate these and all the risks, although it is important to maintain a realistic sense of what risk tolerance the Council is prepared to carry. For example, there will always be a risk of external criticism, or the risk of decreased resources. Some of the response to that will be within our gift, but to some degree the impact and likelihood are beyond our control. Taking that approach means that some risks, like risk 5 (Sentencers interpret guidelines inconsistently) and risk 6 (Loss of support/confidence in the Council by Public/Media), even though at medium, are on track.

3.12 Some risks (such as those just mentioned) will be permanent, and subject to ongoing mitigation and periodic review. Others, such as risk 9 (Covid 19 impact upon staff resources and Council workplan) will likely be time limited and can be closed at some point, or wrapped up within other risks. Linked with that, it is important to have an honest sense of when it is achievable to get other risks on target. For example, risks 1, 12 and 13 are long-term risks which all to some degree rely on improved data and long-term mitigating actions. These are set for 2024.

3.13 The risk register is very much a living document. Some of the risks it sets out have been there since the Council's inception and the coming year will provide an opportunity for a thoroughgoing review of whether they are the right ones for the Council in 2022. The current process where risk management is delegated to the Governance sub-group, supported both by the other sub-groups and by regular updates from SMT seems effective and proportionate. However, I would propose that in future Council is given the opportunity for an annual overview at the start of the financial year, alongside the draft business plan.

Question 2: do you have any observations on the risks as set out in the current risk register?

Question 3: do you agree to an annual review of risk in full Council, with continued delegation to the Governance sub-group?

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Sentencing Council

Business Plan **Financial year 2022/23**

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Sentencing Council

Chairman's introduction

I am pleased to present the Sentencing Council's ninth business plan, setting out the Council's aims for the financial year 2022/23.



The past year has continued to be unusual, with meetings of the Council happening remotely due to the pandemic, but this has not affected the pace and quality of delivery of the Council's output. Indeed, in November 2021 I was proud to launch our five-year strategy, which was informed by responses to our 2020 consultation 'What next for the Sentencing Council?' This consists of [five strategic objectives](#), which set out our priorities for the coming years. Alongside the Sentencing Council's overarching objectives, these strategic objectives inform this business plan and will inform future business plans.

We have delivered successfully against our plans for 2021/22 which were set out in last year's business plan. We have published definitive guidelines for assault and attempted murder, unauthorised use of a trademark, modern slavery, and firearms importation. We have consulted on revised burglary guidelines, revisions to the sexual offences guidelines, and on revisions to our terrorism guidelines following changes to legislation. In the last year we have also published research on judges' attitudes to sentencing guidelines, the impacts of guidelines on sentencing severity and prison places, consistency in sentencing, and sentencers' views on the totality guideline.

In the coming year, we will launch:

- revisions to the sexual offences guidelines to take account of case law;
- a new guideline for sexual communication with a child;
- revised burglary guidelines;
- revised terrorism guidelines; and
- new guidelines for perverting the course of justice and witness intimidation.

We will also develop and consult on several further guidelines during the course of the year:

- new and updated guidelines for motoring offences and aggravated vehicle taking offences;
- new guidelines for underage sale of knives;
- a new animal cruelty guideline and revisions to the existing one; and
- new guidelines for immigration offences.

Consultation is a vital aspect of the Council's work, and one which we take very seriously. 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, and who help us to make improvements before publishing definitive guidelines.

In addition to publishing guidelines, the Council is required to monitor and evaluate their operation and effect. In the coming year we will undertake another data collection exercise – this time in all magistrates' courts and Crown Court centres – to collect data to support the evaluation of a number of our guidelines. We will also be publishing the outcome of evaluation work on our guidelines on bladed articles and offensive weapons offences, breach offences, and our Imposition of Community and Custodial Sentences guideline. We also plan to start work on evaluating the expanded explanations which were introduced to the general guideline and offence-specific guidelines in 2018, reviewing the way in which we conduct our resource assessments, and exploring ways in which we might access more data to support our work in the future.

We will also be publishing research that we commissioned in 2021 to explore the risk of the Council's work inadvertently to cause disparity in sentencing across demographic groups. This is part of wider work across the Council to ensure that relevant issues of equality and diversity are explored and considered across the whole range of our work, something that was placed at the heart of our actions in our five-year strategy.

In setting out our [strategic objectives for 2021 to 2026](#), the Council has restated our commitment to promoting confidence in sentencing. We have set ourselves an objective to strengthen public confidence by "improving public knowledge and understanding of sentencing, including among victims, witnesses and offenders, as well as the general public" and outlined the actions we will take to meet this objective.

One major project we will be undertaking this year is the development of You be the Judge, an online, interactive guide to sentencing. You be the Judge will use video stories to show the public how sentencing works in the magistrates' courts and Crown Court. We are developing the tool in partnership with the Judicial Office and will be promoting it to teachers for use in schools and public audiences of all ages.

Throughout the year, we will continue to inform public audiences, including victims, witnesses, offenders and their families, about sentencing and sentencing guidelines by developing content for our website designed to reach non-expert audiences, seeking coverage in the mainstream and specialist media relating to key Council activities and working with partner organisations that can help us reach a wider public.

In 2018 the Council commissioned research into public confidence in the criminal justice system, which was published the following year.¹ Following a re-run of the survey on which this research was based, we will be publishing a report this year exploring whether there have been any changes over time in the public's knowledge of sentencing and what drives their confidence in the criminal justice system.

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. We have a statutory duty to consider requests from the Lord Chancellor 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.

Notably, the Police, Crime, Sentencing and Courts Act 2022 received Royal Assent on **xxxxx** and contains a number of provisions relating to sentencing which have an impact on the work of the Council. Some of these (for example the increase in maximum penalties for causing death by dangerous driving and causing death by careless driving under the influence) will be picked up as part of the work already underway on new and revised guidelines. Others will require amendment to the guidelines as a result of changes to the law (for example, the guidelines for child cruelty offences where the maximum penalties have been increased), and some may form part of our annual consultation on miscellaneous amendments to guidelines.

Subject to other matters arising which may affect our priorities, the current workplan can be seen at Annex C. We will review the plan in the autumn and publish updates, as appropriate, on our website.

In August 2021 Mike Fanning was appointed a Circuit Judge. I would like to congratulate Mike on his appointment, wish him well for the future and thank him for his service since 2019 as a District Judge representative on the Council. [We are in the process of appointing Mike's successor/I am pleased to welcome **XXXXXXXXXX** as Mike's successor].

I would also like to pay tribute to the staff of the Office of the Sentencing Council. They are the Council's most valuable resource and I am very proud of the high quality of the work which they produce, even in exceptional times such as the present. We operate within a limited budget and it is testament to the staff's ability and dedication that the Council continues to have the success that it does.



April 2022

¹ [Public Knowledge of and Confidence in the Criminal Justice System and Sentencing](#)

Background and membership

The Sentencing Council is an independent, non-departmental public body (NDPB) of the Ministry of Justice (MoJ). The Council 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. Our 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 generally meets 10 times a year; minutes are published on our 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 March 2022 is as follows:

Members

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

Chair: 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 from 2012 to 2015. In October 2017 he was appointed a Lord Justice of Appeal. He was appointed to the Sentencing Council on 6 April 2015 and appointed as Chairman on 1 August 2018.

Vice-Chair: The Right Honourable Lord Justice Fulford

Adrian Fulford was appointed to the Court of Appeal in 2013 and was appointed Vice President of the Court of Appeal Criminal Division on 20 October 2019. He was appointed to the Sentencing Council with effect from the same date.

Rosina Cottage QC

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

The Honourable Mrs Justice McGowan DBE

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 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 Rebecca Crane

Rebecca Crane was appointed as a Deputy District Judge (Magistrates’ Courts) and Crown Court Recorder in 2009, a District Judge (Magistrates’ Courts) in 2011 and was then appointed as a Crown Court Judge in 2019. She was appointed to the Sentencing Council on 1 April 2017.

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.

Dr Alpa Parmar

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

Beverley Thompson OBE

Beverley Thompson has spent over 30 years working in the criminal justice sector initially as a probation officer in London. She was Director for Race, Prisons and Resettlement Services at NACRO for 10 years. She was appointed to the Sentencing Council on 15 June 2018.

Max Hill QC

Max Hill is the Director of Public Prosecutions and head of the Crown Prosecution Service. He was appointed to the Sentencing Council on 1 November 2018.

Diana Fawcett

Diana Fawcett is Chief Executive of Victim Support. She joined the charity as Director of Operations in February 2015 and became Chief Executive in January 2018.

Diana was appointed to the Council on 5 April 2019 and has specific responsibility for promoting the welfare of victims of crime.

Nick Ephgrave QPM

Nick Ephgrave is Assistant Commissioner for Frontline Policing in the Metropolitan Police (Met). He was appointed to that post in March 2020, having previously served as AC for Met Operations and, prior to that, as Chief Constable of Surrey Police. Nick was appointed to the Sentencing Council on 26 May 2020.

Jo King JP

Jo King was appointed to the Sussex Central Bench in 2002. She is currently the lead magistrate on Reform and co-chair of the Magistrates' Engagement Group. She is a member of the Surrey and Sussex Advisory Committee, the South East Region Conduct Committee and Judicial Conduct and Investigations Office disciplinary panels. Jo was appointed to the Sentencing Council on 8 October 2020.

The Honourable Mrs Justice May DBE

Juliet May was called to the Bar by the Inner Temple in 1988, becoming a bencher in 2010. She was appointed a recorder in 2001 and took Silk in 2008, being appointed to the Circuit Bench later the same year. She was appointed to the High Court (Queen's Bench Division) in 2015. From 2016-2020 she was a Presiding Judge on the Western Circuit. Dame Juliet was appointed to the Sentencing Council on 8 October 2020.

[Vacant – District Judge post]

Sub-groups

The Council has sub-groups to provide oversight in three areas: analysis and research, confidence and communication and governance. The sub-groups' roles are mandated by the Council, their membership reflects a broad range of judicial and non-judicial members, and all key decisions are made by the full membership.

Analysis and research: this group advises and steers the analysis and research strategy, including identifying research priorities so that it aligns with the Council's statutory commitments and work plan. Chaired by: Dr Alpa Parmar.

Confidence and communication: this group advises on and steers the work programme for the Communication team so that it aligns with the Council's statutory commitments and work plan. Chaired by: Her Honour Judge Rosa Dean.

Governance: the Governance sub-group supports the Council in responsibilities for issues of risk, control and governance, by reviewing the comprehensiveness and reliability of assurances on governance, risk management, the control environment and the integrity of financial statements. Independent member: Elaine Lorimer, Chief Executive, Revenue Scotland. Chaired by: Beverley Thompson OBE.

The Council has also established a working group to advise on matters relating to equality and diversity and make sure that the full range of protected characteristics are considered in our work. The group also considers ways in which the Council could engage more effectively with, and take account of the views and perspectives of, representatives of people with protected characteristics, and with offenders and victims.

Where necessary, the Council sets up working groups to consider particular aspects of the development of a guideline or specific areas of business. It also sometimes invites contributions from people who are not members of the Council but who have particular experience and expertise in fields of relevance to the guidelines.

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.

Statutory duties

The Council's objectives are informed by our statutory duties under the Act, including:

(Section 120) Publishing draft guidelines and consulting when preparing them (including consulting the Lord Chancellor and Justice Select Committee); publishing definitive guidelines after making necessary amendments.

In preparing guidelines, having regard to:

- the sentences imposed by courts;
- the need to promote consistency;
- the impact of sentencing on victims;
- the need to promote public confidence in the Criminal Justice System;
- the cost of different sentences and their relative effectiveness in preventing re-offending; and
- the results of monitoring.

Under section 124 the Council may be asked to prepare guidelines by the Lord Chancellor or the Court of Appeal and when this happens it should consider whether to do so.

(Section 127) Preparing and publishing resource assessments for both draft and definitive guidelines. These resource assessments should assess the resources required for the provision of prison places, probation provision and youth justice services.

(Section 128) Monitoring the operation of guidelines and considering what conclusions can be drawn, including:

- the frequency with which, and extent to which, courts depart from sentencing guidelines;
- factors which influence the sentences imposed by the courts;
- the effect of guidelines in promoting consistency; and
- the effect of guidelines on the promotion of public confidence in the criminal justice system

(section 119) Publishing a report on the exercise of the Council's functions during the year.

Under section.129 the Council may also promote awareness of matters in relation to the sentencing of offenders, in particular the sentences imposed, the costs of different sentences and their relative effectiveness in preventing reoffending, and the operation and effect of guidelines

Under section 132, the Council has a duty to assess the effect, and prepare a report, where the Lord Chancellor refers any government policy or proposals likely to have a significant effect on resources for prison, probation or youth justice services

The activities for 2022/23 to deliver these statutory duties are outlined in **Table 1**.

Strategic objectives 2021-2026

Following the Council's consultation on our future priorities, coinciding with our tenth anniversary in 2020, the Council has set strategic objectives to help shape our work from 2021 to 2026. These objectives set out how we plan to deliver our statutory duties as set out above, and outline specific actions that the Council will take during the period and from which the activities for the year covered by this business plan flow:

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

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

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

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

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

For more information about these strategic objectives and how we intend to meet them, you can visit [Sentencing Council strategic objectives 2021-2026](#). Alongside this business plan we are publishing an update on the actions under each strategic objective as set out on pages 7 to 14 of the document [\[provide link\]](#).

The Office of the Sentencing Council.

In addition to the Council's statutory duties and strategic objectives, as with any successful organisation the Council depends on highly-skilled and well-motivated staff. To that end there are a number of specific objectives focussed on our people, with the goal of:

- delivering our objectives within the budget we are allocated;
- ensuring that the Office has a motivated and collaborative team who feel valued and engaged, and have the necessary capability and autonomy to deliver clear objectives; and
- working together to identify and implement more efficient ways of working and to ensure value for money.

These objectives are set out in section 3 of **Table 1**.

Delivering the Sentencing Council's work

The Council approaches the delivery of our guideline-related 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/amending the guideline

Annex A outlines the Council's rationale for prioritising which guidelines to produce (or which existing guidelines to amend), after which options for the actual guideline are considered. The work undertaken at this point 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 or Court of Appeal or evidence of a sentencing-related issue is presented to us by an interested organisation, this would also be given due consideration.

As part of the work that emerged from the anniversary consultation, we have revised our criteria for developing or revising guidelines. The revised criteria are [published on our website](#) and at Annex A of this business plan.

Developing/amending the draft guideline

Once the Council has decided that a new guideline will be produced, or an existing one amended, 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. We may discuss relevant issues with experts in the field, and

will always consider when preparing or revising a guideline whether to seek formal advice from experts. 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 draft 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. We promote our consultations on our website, via our email bulletin and on social media, and 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. Consultations are usually open for 12 weeks, to allow those who wish to provide a response the chance to do so.

Revising the draft guideline and implementing the definitive guideline

Further work is 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.

The guideline is published online on the Council's website. A response to the consultation is also published at this point explaining what changes have been made as a result of the responses we have received. Updated data on sentencing practice and a new resource assessment to reflect the final guideline are published at the same time, and a link to the guideline is sent electronically to stakeholders. The media are briefed, and we use a range of channels 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 before the guideline comes into effect to allow for awareness-raising and any training to take place. In most instances we aim to bring definitive guidelines into force quarterly, on 1 January, 1 April, 1 July and 1 October.

Monitoring and assessing the guideline

The Council adopts a targeted, bespoke and proportionate approach to assessing each guideline's impact and implementation. This work involves an assessment of whether the guidelines are having any impact on sentencing outcomes or incurring any implementation issues. This information will be set against our resource assessments for the guideline to examine whether there was likely to have been an impact on correctional resources, as well as the Council's intention for a particular guideline.

We use a range of different methods for evaluations, drawing on analysis of existing data on sentencing trends over time, collection of data from sentencers on the factors that influence their sentencing of different offences, surveys, interviews and focus groups, and content analysis of Crown Court sentencing transcripts; if possible data will be collected "before" the guideline comes into force as well as "after" in order to provide a comparison between the two time periods.

We use a variety of different methods of data collection and analysis, both quantitative and qualitative, as necessary.

Gathering and reviewing evidence

The outcomes of monitoring and evaluation, along with any stakeholder or media feedback, are assessed and considered by the Council. Following this assessment, the guideline cycle moves back into the phase of **making the case for developing/amending the guideline**, this time addressing the potential 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 our rolling work programme. The plan will be subject to bi-annual review and updates will be published, as appropriate, on the Sentencing Council website.

Cross-cutting work

The plan also includes timescales for more cross-cutting work that the Council undertakes in support of the whole range of its statutory duties. This includes, for example, publication of data related to sentencing, research on perceptions of guidelines, analysis of the risk that guidelines have unintended impacts on different groups, and ongoing work to maintain public confidence in sentencing.

Table 1: The main activities to deliver our statutory duties and planned timescales are as follows:

Work area	Key planned deliverables	Target (end of quarter)
SECTION 1: GUIDELINES		
Sexual offences	Publication of revised definitive guidelines, consultation response and updated resource assessment	Quarter 1 2022/23
Burglary	Publication of revised definitive guideline, consultation response, and resource assessment	Quarter 1 2022/23
Underage sale of knives	Publication of consultation, resource assessment and statistical bulletin	Quarter 1 2022/23
	Publication of definitive guideline, consultation response, and resource assessment	Quarter 3 2022/23
Totality	Publication of consultation	Quarter 1 2022/23
	Publication of revised guideline, consultation response, and resource assessment	Quarter 4 2022/23
Animal cruelty	Publication of consultation, resource assessment and statistical bulletin	Quarter 1 2022/23
	Publication of definitive guideline, consultation response, and resource assessment	Quarter 4 2022/23
Motoring	Publication of consultation, resource assessment and statistical bulletin	Quarter 2 2022/23
	Publication of definitive guideline, consultation response, and resource assessment	Quarter 4 2022/23
Terrorism	Publication of definitive guideline, consultation response, and resource assessment	Quarter 2 2022/23
Child cruelty	Publication of consultation, resource assessment and statistical bulletin	Quarter 2 2022/23

	Publication of definitive guideline, consultation response, and resource assessment	Quarter 4 2022/23
Evaluation of Imposition of Community and Custodial Sentences guideline	Publication of findings from guideline evaluation	Quarter 2 2022/23
Evaluation of Breach guidelines	Publication of findings from guideline evaluation	Quarter 2 2022/23
Miscellaneous amendments to guidelines	Publication of consultation	Quarter 2 2022/23
Evaluation of bladed articles and offensive weapons guidelines	Publication of findings from guideline evaluation	Quarter 3 2022/23
Evaluation of Intimidatory guidelines	Publication of findings from guideline evaluation	Quarter 3 2022/23
Aggravated vehicle taking	Publication of consultation	Quarter 3 2022/23
Immigration offences	Publication of consultation	Quarter 4 2022/23
Perverting the course of justice and witness intimidation	Publication of definitive guideline, consultation response, and resource assessment	Quarter 4 2022/23
SECTION 2: CROSS-CUTTING WORK		
Business Plan and Strategic objectives	Publish 2021-22 Business Plan and update on progress on strategic objectives 2021-2026	Quarter 1 2022/23
Annual Report	Publish 2021-22 Annual Report	Quarter 2 2022/23
Digitisation of guidelines	Continue to maintain, refine and support online and offline versions of sentencing guidelines for magistrates (MCSG)	Ongoing
	Continue to maintain, refine and support online versions of sentencing guidelines for Crown Court Judges	Ongoing

Literature review on the effectiveness of sentencing	Publication of literature review	Quarter 2 2022/23
Data collection in courts	Plan and undertake data collection in courts; publish datasets used to inform the evaluation of guidelines, including drugs and robbery offences	Ongoing throughout 2022/23
Public confidence survey research	Publish survey findings	Quarter 3 2022/23
Research on the potential for the Council's work inadvertently to cause disparity in sentencing across demographic groups	Publish research findings	Quarter 3 2022/23
You Be the Judge – online tool	Revise and relaunch 'You Be the Judge' – interactive sentencing tool on the Sentencing Council website	Quarter 2 2022/23
References received from Lord Chancellor or Court of Appeal under section 124	Respond as required	Reactive only
External representation	Council members and office staff speak at external events throughout the year targeting the judiciary, criminal justice practitioners, academics and special interest groups.	Ongoing
	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
	Promote public confidence in sentencing by tailoring and targeting our external communications, developing relationships with key advocates such as the police service, working with partner organisations and developing the public-facing content of our website.	Ongoing

	Provide assistance to foreign jurisdictions via visits, advice and support work.	Ongoing
SECTION 3: EFFICIENCY AND OUR PEOPLE		
Efficiency	<p>Publishing all guidelines and other documents online, with the exception of the annual report.</p> <p>Ensure value for money in the procurement of goods and services, making savings where possible 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>	Review quarterly
Capability	<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>	Touchpoint meetings every 2 months
Engagement	Implement an action plan arising from the findings of the people survey, based on priorities identified by staff.	Quarter 2 2022/23

TIMELINE OF PUBLICATIONS AND GUIDELINE EFFECTIVE DATES 2022 to 2023		
April 2022	Miscellaneous amendments to guidelines	Revisions in effect
April 2022	Animal cruelty (revision)	Launch of consultation
May 2022	Business Plan	Publication of business plan
May 2022	Sexual offences (revisions)	Publication of revisions to definitive guidelines
May 2022	Sexual offences (revisions)	Revisions to definitive guidelines in effect
April 2022	Sexual communication with a child	Publication of definitive guideline
May 2022	Burglary	Publication of revised definitive guideline
May 2022	Underage sale of knives	Launch of consultation
June 2022	Motoring	Launch of consultation
June 2022	Totality (revision)	Launch of consultation
July 2022	Sexual communication with a child	Definitive guideline in effect
July 2022	Burglary	Revised definitive guideline in effect
July 2022	Terrorism (revision)	Publication of revised definitive guideline
July 2022	Annual report and accounts	Publication of statutory annual report to the Lord Chancellor
August 2022	Imposition of Community and Custodial sentences guideline	Publication of evaluation report
August 2022	Breach	Publication of evaluation report
September 2022	Miscellaneous amendments to guidelines	Launch of consultation
TBC Q2 2022/23	Child cruelty (revision)	Launch of consultation
October 2022	Terrorism (revision)	Revised definitive guidelines in effect
October 2022	Bladed articles and offensive weapons	Publication of evaluation report
November 2022	Underage sale of knives	Publication of definitive guideline
TBC Q3 2022/23	Aggravated vehicle taking	Launch of consultation
December 2022	Intimidatory offences	Publication of evaluation report
January 2023	Animal cruelty (revision)	Publication of revised definitive guidelines

January 2023	Underage sale of knives	Definitive guideline in effect
February 2023	Totality (revision)	Publication of revised definitive guideline
March 2023	Motoring	Publication of definitive guidelines
March 2023	Perverting the course of justice and witness intimidation	Publication of definitive guidelines
TBC Q4 2022/23	Child cruelty (revision)	Publication of revised definitive guideline
TBC Q4 2022/23	Immigration offences	Launch of consultation

Resources

Staff headcount (as at 1 April 2022)

Area of activity	FTE ²
Head of Office and support	2
Policy	4.6
Analysis and research	8.5
Legal	1
Communications	3
Total	20.1

Budget

Summary of budget and resource allocation

	2021/22 (actual) £000s	2022/23 (budget) £000s
Total funding allocation	1,745	tbc
Staff costs	1,172	tbc
Non staff costs	573	tbc

² FTE: full-time equivalents

Total expenditure	1,745	tbc
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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 73 of the Sentencing Code (reduction in sentences for guilty plea);³ and
 - the application of any rule of law as to the totality of sentences.⁴

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 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 the Court of Appeal formally requests the review of sentencing for a particular offence, category of offence or category of offender and the Council considers that the production or revision of one or more guidelines is justified.
- Existing guideline(s) have become significantly out of date because of amendments to legislation or other external factors.
- New legislation or other external factors have created a demand for new guideline(s) among court users, and the Council considers that the necessary evidence is available to develop such guideline(s).
- There is evidence (from the Council's own research or evaluations, interested groups or other sources) of issues relating to sentencing that the Council considers could be addressed by the development or revision of one or more guidelines. Such issues may include but are not limited to:
 - evidence of inconsistency in the sentencing of an offence or group of offences;
 - evidence of inequality in sentencing between different demographic groups;
 - evidence of sentencing being too high or too low for a category of offence or category of offender; and/ or
 - evidence relating to the effectiveness of different sentences.

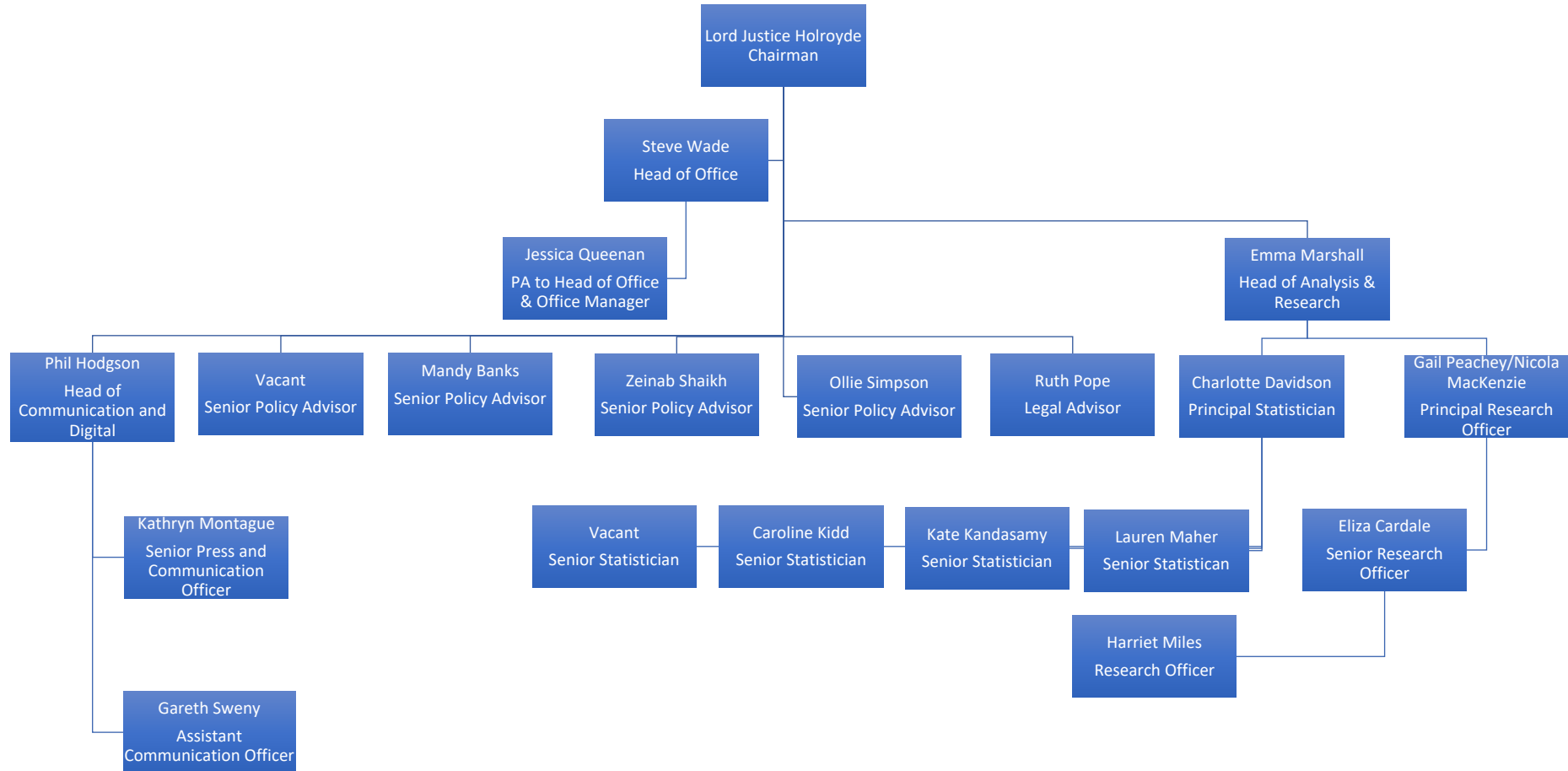
A further factor that the Council will take into account in all cases is the resource available to produce or revise guidelines. The Council is unlikely to undertake the development or revision of a guideline at a time when legislative changes that would affect that guideline are pending.

³ s.120 (3)(a)

⁴ s.120 (3)(b)

Annex B: The Office of the Sentencing Council as at 1 April 2022

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



Annex C: Sentencing Council Guideline Work Plan – 2022-2023¹ (as at 1 April 2022)

Guideline	Consultation period	Publish definitive guideline	Definitive guideline in force²
Sexual Offences (partial revision)	May 2021 – August 2021	May 2022	1 July 2022
Terrorism: revision of SC guideline	October 2021 – January 2022	July 2022	1 October 2022
Burglary: revision of SC guideline	June 2021 to September 2021	May 2022	1 July 2022
Perverting the course of justice etc	March 2022 to June 2022	March 2023	1 April 2023
Motoring offences	June 2022 to August 2022	March 2023	1 April 2023
Underage Sale of Knives	May 2022 to July 2022	November 2022	1 January 2023
Animal Cruelty	April 2022 to June 2022	January 2023	1 April 2023
Totality revision	June 2022	February 2023	1 April 2023
Child Cruelty (partial revision)	Quarter 2 2022/23	Quarter 4 2022/23	TBC
Aggravated vehicle taking	Quarter 3 2022/23	TBC	TBC
Immigration offences ²	Quarter 4 2022/23	TBC	TBC

Guideline	Consultation period	Publish definitive guideline	Definitive guideline in force²
Annual miscellaneous amendments	September – December 2022	March 2023 – publication of response to consultation	Amendments will come into force annually on 1 April

¹ The dates shown in this work plan are indicative.

² In most instances we aim to bring definitive guidelines into force quarterly, on 1 January, 1 April, 1 July and 1 October.

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. ¹
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.

¹Links 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. ² 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

² 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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Sentencing Council **Risk and Issue Register**

Owner: Lisa Frost
Last Updated: August 2018 [v1.00]

Risk Scoring

Likelihood Scores					
Likelihood Score					
Scale	0 – 5 %	6 – 20 %	21 – 50 %	51 – 80 %	81 – 99 %
Risk Register Value	1	2	3	4	5
Likelihood Level	Very Low	Low	Medium	High	Very High

Impact Scores					
	Very Low (1)	Low (2)	Medium (3)	High (4)	Very High (5)
Objective Level	Minor and containable impact	Affects short term goals within objective without impact to long term goals	Significant short term damage and important to outcome of long term goals	Significant detrimental effect on achievement of objective	Prevents achievement of objective
Cost	Less than 0.5 % of the of total estimated project cost	0.6 – 1 % of the total estimated project cost	1 – 2.5 % of total estimated project cost	2.6 – 5 % of total estimated project cost	Greater than 5 % of estimated project cost
Time	Delays that are less than 2 weeks	Delays that are likely to be in the region of more than 2, and less than 4 weeks	Delays that are likely to be in the region of more than 4, and less than 6 weeks	Delays that are likely to be in the region of more than 6, and less than 8 weeks	Greater than 8 weeks delay
Operational	Very minor operational impact	Minor operational impact	Some operational impact	Major operational impact	Severe and large scale operational impact
Reputation	Very minor reputational impact	Minor reputational impact	Some reputational impact	Major reputational impact	Sever reputational impact

Issue Scoring

The issue score relates to the priority of the need for the issue to be successfully resolved. This criteria should be applied to all issues at programme and project level.

Priority Score	
Qualitative Measure	Severity Score
Highly Problematic – Requires urgent action	5 – Very High
	4 – High
Problematic – Requires actions, some urgent	3 – Medium
Mixed – Some aspects need attention	2 – Low
Good – on track	1 – Very Low

[Programme/ Project Name] Risk Register																																
Objective / Business Unit:																																
Risk ID	Date Identified	Risk (Event)	Cause(s)	Effect(s)	Risk Type	Risk Status	Proximity	Last Review	Controls: In Place and Active	Action Owner	Due Date	Impact	Likelihood	BRAG score	Risk Trend	Comments/Notes	Next Review	Target Impact	Target Likelihood	Target Score (IxL)	Target Score (IxL)	Target Date	Date Closed	Risk Owner	Risk Cost (£)							
PRJ-001		<p>Shortage of qualified staff</p> <p>Bold headline title of the risk description</p> <p>Full description of the risk. This should be as clear & descriptive as possible.</p> <p>Date the risk was placed on the register</p> <p>Date the risk was placed on the register</p> <p>Next two steps:</p>	<p>The risk is caused by:</p> <p>Provide a list of causes of the risk.</p>	<p>If the risk occurred the effects would be:</p> <p>State clearly the effects on the project if the risk occurs.</p> <p>Risk Types are divided into 5 categories: External, Internal, Financial, People & Process. Select the most appropriate for the risk.</p> <p>Risk Status set to: Open; if the risk is still active,</p>	E	O	I		<p>1-001: Control Measure / Action</p> <p>2-001: Control Measure / Action</p> <p>3-001: -Control Measure / Action</p> <p>Mitigating actions/controls should be identified that address the causes. The mitigating actions should have the ability to reduce the impact, the probability or both. Ideally they should be SMART: Specific, Measurable, Achievable, Realistic & Time bound. There can be multiple mitigating actions, each with different action owners if that is appropriate.</p> <p>For ease of identification, each action should have its own number and be identified with the specific risk i.e.</p> <p>1 (First action) - 001 (related to risk number 001)</p> <p>2 (Second action) - 001 (still related to risk number 001)</p> <p>If needed should include details of contingencies</p>	Action Owner Action Owner Action Owner	xx/xx/xx xx/xx/xx xx/xx/xx	3	4	High	<p>E.g. Update 12/06/2010: Reviewed the risk with Owner & it has been raised from a Amber to Red</p> <p>E.g. Update 18/03/2010: Met with owner of action 1.001. Action still progressing. Due date agreed to be delayed by 1 month. Now due 01/01/2011</p> <p>This section allows you to keep a 'commentary' regarding the ongoing management of the risk. It helps to keep others informed of past & current progress in your absence & can act as an audit trail.</p>	Set date (maximum 1 month ahead)	2	2	4	Low												
									<p>Proximity is the date the risk is likely to occur: Imminent (I) = risk can occur within 1 month Close (C) = Risk is 2-4 months away from occurring Approaching (A) = Risk is 5-11 months away from occurring Distant (D) = Risk is 12 months or more away from occurring</p>							<p>Identify what level of impact you wish the risk to be reduced to (over the next few weeks/months). The same principle applies to the target likelihood.</p>																
EXP 001		<p>Project delays due to planning/external interventions</p> <p>Full description</p>	<p>The cause of this risk is:</p> <p>Planning not approved, or external authority interventions (e.g. English Heritage)</p>	<p>The effect of this risk occurring is:</p> <p>Delays in the start of construction, leading to slippage in planned opening dates of new capacity.</p> <p>Operational capacity, local and national population pressure increased due to delay of new accommodation coming online</p>	E	O	C		<p>1-001 Undertake early engagement with Planning Department at Heritage sites. OWNER: DUE: Project Inception & monthly update reports thereafter</p> <p>2-001 Ensure that the Business Case process recognises planning requirements and timescales needed as part of planning process. OWNER: Project Sponsor DUE: Project Inception</p> <p>3-001 Project plans to reflect planning in delivery timescales. OWNER: Project Sponsor DUE: Project Inception</p>	Action Owner Action Owner Action Owner					<p>The BRAG score will then</p> <p>xx/xx/xx xx/xx/xx</p>																	

[Programme/ Project Name] Risk Register

Objective / Business Unit:																										
Risk ID	Date Identified	Risk (Event)	Cause(s)	Effect(s)	Risk Type	Risk Status	Proximity	Last Review	Controls: In Place and Active	Action Owner	Due Date	Impact	Likelihood	Score (RAG score)	Risk Trend	Comments/Notes	Next Review	Target Impact	Target Likelihood	Target Score (IXL)	Target Score (XL)	Target Date	Date Closed	Risk Owner	Risk Cost (£)	
1		Guidelines have impacts that cannot be assessed or are not anticipated or intended	1) Lack of data available from courts to predict and assess the resource impact of guideline. 2) Difficulty in measuring and assessing impact of guidelines after implementation 3) Insufficient volumes of data to look at impacts on different groups	1) Do not effectively fulfil statutory remit 2) Reputational risk in producing guidelines without accurate assessment of impact 3) Unforecast resource impact on prisons and probation services 4) guidelines are implemented that have a different impact than intended	I	O	A	01/03/2022	1) Bespoke data collections undertaken in courts 2) Road testing 3) Working with MOJ colleagues working on the Common Platform to explore collecting more, and more robust, data in the future; 4) a data collection exercise in all magistrates courts and the Crown Court will take place from October 2022 5) The Council's workplan includes as many evaluations of guidelines as resources permit 6) Work to review our approaches to resource assessments is being undertaken to identify any areas for improvement and we hope to obtain some academic input to that.	Emma Marshall	Ongoing	4	3	12	High	↔	Further controls/action to be considered on guideline by guideline basis - e.g. some guidelines may have significant data issues. We have met with the Common Platform team to emphasise the importance of our data and are now taking forward these discussions; we have also had a positive meeting with the Magistrates Engagement Group, Judicial Engagement Group and the Judicial Working Group and are now arranging a further meeting with HMCTS colleagues. Our next (final data collection) has now obtained SPJ approval and we are awaiting HMCTS DAP approval. Evaluation work on Intimidatory offences, Bladed articles and offensive weapons, Breach offences and the Imposition guideline is underway. We are also planning to commission an evaluation of the overarching guideline on Domestic abuse on the forthcoming months.	01-Oct-22	3	2	6	Medium	01/04/2024		Emma Marshall	200k
2		Criticism that Sentencing Council guidelines are inflating the prison population	1) Guidelines actually have had inflationary impact 2) Cannot ascertain we have had an impact 3) No evidence available to assess 4) lack of external audience awareness or understanding of actual impact in RA	1) Government abolish SC or revise statutory remit 2) SC pressurised to revise approach to guidelines and independence undermined 3) General reputational risk 4) lack of confidence by senior political stakeholders	E	O	C	01/03/2022	1) Work undertaken on exploring cross cutting issues to understand structural impact on guidelines 2) Programme of stakeholder engagement planned to raise awareness and understanding particularly in anniversary year as far as possible and these questions specifically asked in vision consultation to understand what we could / should be doing in this space. 3) A&R team ongoing work as under risk 1 4) Lessons learned from earlier work meaning policy now involved at a much earlier stage of evaluations	Steve Wade	Next Governance meeting	2	2	4	Low	↓	1) Working group to consider how conclusions from cross cutting work can be fed into approach. 2) Comms/ public confidence research to feed in to strategy for anniversary year although COVID has meant plans have had to be reduced somewhat. Continue to plan for some form of event in 2021 and identify opportunities for further work as a result of the ongoing vision consultation analysis. 3) see risk 1. 4) Given change in SoS, minister, Perm Sec, DG and SCS working level lead and lack of interest from MoJ we consider this closed unless MoJ were to resurface it at some point. Vision responses may well point to more work that would be useful in this area. 5) Recent JSC report did not find guidelines are predominant inflationary and our own cumulative impacts work shows a range of different effects. Anniversary work will also demonstrate Council impacts beyond purely increase/decrease in sentencing severity. 6) Need to ensure that way we frame our reports / evaluations does not (inadvertently) contribute to incorrect narratives on sentence increases	01-Oct-22	2	2	4	Low	n/a		Steve Wade	-
3		Government policy changes lead to guidelines requiring amendment or being ineffective	1) Legislative changes or wider CJS changes 2) Government changes sentencing approach	1) Guidelines become out of date and not useful to sentencers 2) wasted resources developing guidelines which become obsolete prior to or immediately after publication 3) SC look out of touch or slow to respond to CJS direction 4) Entire work programme undeliverable.	E	O	A	01/03/2022	1) Engagement with MoJ senior officials on regular basis to horizon scan 2) Engagement with individual departments in relation to specific guidelines as and when required 3) MoJ sponsoring director asked for regular updates at Council meetings 4) Continue to put driving offences on hold until legislation brought in. Changes to new legislation now before Parliament. OSC tracking what may need to be done but currently looks manageable. Driving offences now commenced	Steve Wade	Next Governance meeting	3	2	6	Medium	↓	Current legislation before Parliament and appears to have manageable impacts for SC but continue to monitor. Generally shift towards greater legislation means we may need to reconsider. Major sentencing change secured via PCSC Bill, although there remains the possibility of changes to the penalties for individual offences.	01-Oct-22	2	3	6	Medium	01/03/2022		Steve Wade	300k
4		Sentencers do not use guidelines	1) High volume of guidelines/complexity to digest 2) Unwillingness of sentencers to familiarise selves with overarching topics 3) Lack of awareness of guidelines 4) Guidelines and other material not accessible to users 5) Sentencers slow to keep themselves informed 6) Poor uptake of digital guidelines in Crown Court	1) Reputational risk to SC among sentencers 2) Digital transition deemed unsuccessful 3) SC under pressure to reduce number of offence-specific and/or overarching guidelines produced	E	O	I	01/03/2022	1) Participation in work-programme planning 2) Routine assessment and review of communication messages and channels 3) Relationship building with sentencers 4) User engagement and testing, and continuous assessment and review of digital solutions; 5) Analysis is underway of responses to vision consultation re sentencers use of guidelines and users' views on volume and complexity; 6) Survey of magistrates to be conducted following laptop roll-out re using guidelines and devices used	Phil Hodgson	Ongoing; (5) revised schedule; (6) to Nov 2021; (7) November	4	2	8	Medium	↔	Risk adjusted to reflect positive findings of survey of Crown Court users in June 2019 (70% of judges usually or always using the digital guidelines; only 4% not using them). Need to consider how best to evaluate/assess overarching complexity and volume. Magistrates' Digital Lead has agreed to conduct survey on our behalf re magistrates' use of guidelines on new laptops and what range of other devices being used. Plan for future survey (Summer-Autumn 2022) to assess level of use. Note possibility for difference between offence-specific guidelines and overarching, or some guidelines being used more than others.	01-Oct-22	3	1	3	Low	01/04/2023		Phil Hodgson	
5		Sentencers interpret guidelines inconsistently	1) Inadequate testing of guidelines 2) Testing of guidelines does not flag issues 3) Road Testing issues not properly understood 4) Insufficient weight given to road testing findings 5) the impact of the move to a digital format not fully considered	1) Impact of guideline differs to resource assessment 2) Intended impact of guideline not realised 3) sentencers lack understanding of how to use guidelines 4) Guidelines need to be revised	I	O	A	01/03/2022	1) Build rigorous analysis and testing exercises into our work 2) Ensure A&R have sufficient resources (time and money) to test guidelines and then evaluate them after implementation 3) Ensure A&R have opportunity to explain and share findings with Council and that they are embedded in policy development; 4) potential work from vision consultation on how guidelines are used and interpreted in practice. 5) Work to assess any implications of the language/structure used in guidelines, particularly in relation to protected characteristics is being completed. 6) Work on user testing - due to be externally commissioned over the next few months - will help to indicate how guidelines are being used in practice. 7) An evaluation of the expanded explanations is due to start in Spring 2022.	Emma Marshall/Policy	Ongoing	3	2	6	Medium	↓	The Vision work has several areas of work included that will feed into this (e.g. prioritisation of road testing exercises, an evaluation of the expanded explanations, guideline evaluations, user testing etc). Procurement of new projects takes some time and so findings will not be available until some time after we start procuring. The user testing work has been on hold due to delays with recruiting a digital member of staff but we plan to start a procurement exercise for external contractors to undertake this work over the next few months. Methodologies will ensure that work can take place despite Covid (e.g. remotely if possible). It is important to note that training on guidelines falls within the remit of the Judicial College: the Council feeds into this where it falls within its remit and will consider whether it can do any more in this area.	01-Oct-22	3	2	6	Medium	31/10/2022		Emma Marshall/Policy	
6		Loss of support/confidence in SC by Public/Media	1) Media misreporting re sentencing and remit of SC 2) lack of awareness of sentencing and sentencing practice 3) lack of awareness of benefit of guidelines 4) Inaccurate/damaging reporting of guidelines in relation to government legislation and changes to release provisions	1) Increasing government scrutiny and independence compromised 2) Parliamentary and public opinion negative re sentencing and impacts upon statutory objective re confidence in sentencing	E	O	I	19/01/2022	1) Continuous evaluation and review of confidence and communication strategy 2) Routine stakeholder mapping and relationship building (incl media) 3) Internal and external work to assess impact of Council 4) Remaking of You be the Judge public facing tool with JO 5) Media monitoring and pre-emptive preparation of rebuttal lines. 6) Broaden the range of representative voices in consultations; 7) Review of the purpose, objectives and practices of Council's press function 8) Establish routine engagement with Parliamentarians via the JSC	Phil Hodgson	(1,2) Ongoing; (3) Q1 2021; (4) Q1 2022; (5) Ongoing; (6) Ongoing (7) In progress	4	2	8	Medium	↓	Confidence and communication strategy and work programme is reviewed annually, and revised for 2022 to reflect 2021-26 Vision. Development of more-detailed strategies and project plans to support overarching strategy. Development and maintenance of core script to allow swift responses/rebuttals with key messages. Project to revise You be the Judge underway, working with Judicial Office. Project to extend the reach of our consultations commissioned by Equality and Diversity Working Group. Review of Council's press function to (re)consider its objectives and whether it is meeting them (scoping)	01-Jun-22	4	2	8	Medium	01/04/2022		Phil Hodgson	