

Annex B: Summary of recommendations

| Number (from full report) | Recommendations |
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| 1; 2 | <p>Consider adding an extra step to the existing approach in adult guidelines. In this step, sentencers would review the sentence they have arrived at with mitigating factors and the offender's personal circumstances in mind.</p> <p>The Council could run a pilot project with selected courts where sentencers adopt this extra step.</p> |
| 3 | <p>Re-evaluate the potential impact of group affiliation as a sentencing factor in robbery cases by using more recent data, because there is a clear gap between co-production partners' perceptions and the findings of CCSS data analysis.</p> |
| 4 | <p>Extend the expanded explanation for 'remorse', and include 'learning disability, communication difficulties and cultural differences' as influential factors in the evaluation of remorse.</p> |
| 5 | <p>The Council might consider a qualitative study on the lived experience of offenders with mental health issues and chronic addictions. The findings might lead to a better understanding of how sentencing can be used to enable the desistance of offenders with multiple needs.</p> |
| 6 | <p>The Council considers guidance to increase the use of the notion of 'difficult/ deprived background' for robbery offences for children and young people, by adding it as a downward factor.</p> |
| 7 | <p>The Council might consider including 'difficult/ deprived backgrounds' in the mitigation lists of theft and robbery guidelines. These factors are highly relevant in crimes for financial gain.</p> |
| 8 | <p>The Council considers providing more inclusive examples of good character and/ or exemplary conduct, alongside existing examples.</p> |
| 9; 13; 17 | <p>The Council endeavours to collect a larger volume of data than is currently available in order to analyse for intersectionality effectively.</p> <p>The Council could obtain more recent data to evaluate the impact of 'use of weapon' and 'wearing a disguise' in robbery cases. A larger sample of ethnic minority defendants is also needed to test the hypotheses that these two upward factors affect children and young people from ethnic minority groups more than others.</p> <p>For stronger conclusions about racial or ethnic disparities, data that oversample ethnic minority groups should be collected, to ensure conclusions about ethnic minority groups are robust and that the disparity between co-production partners' perceptions and the results of regression analysis can be explored.</p> |
| 10 | <p>Consider commissioning a qualitative study on the application of upward factors in theft cases to address potential inconsistencies highlighted in the CCSS</p> |

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| | analysis (e.g., there are questions to be asked as to why 'previous convictions' seems to be important in some theft offences but not others; why 'group membership' is important in receiving stolen goods but not in other types of theft etc). |
| 11 | Consider including 'in work or training', and 'loss of job or reputation' in the mitigation lists of theft and robbery guidelines. These factors are highly relevant in crimes for financial gain. The Council might also consider whether it is necessary to include 'offender experiencing exceptional financial hardship' for more theft offences and in the robbery guideline. |
| 12 | Disparity is not always caused by the demographic characteristics of defendants; it might be caused by the characteristics of victims as well. The Council may wish to explore the relationship between sentencing outcomes and the demographic data of victims, as well as exploring the findings in relation to the impact of 'victim-related' aggravating factors from an EDI perspective. |
| 14 | Conduct further research into why some of the downward factors do not seem to have an impact on sentencing outcomes in robbery cases involving children and young people. |
| 15 | Further exploration of sentencers' attitudes about female offenders to understand the role their perception of equity has in sentencing. Specifically, further research could examine whether the leniency is applied equally to all women, or selectively, and whether factors such as a perception of blameworthiness, gender roles, and of the paternalistic role of the court influence the sentencing of women. |
| 16 | Specify pregnancy and maternity as a discrete phrase where medical conditions are referred to in the guidelines. |
| 18 | There should be more research exploring any potential bias against older offenders (for example over 60 years of age) and 'age and/ or lack of maturity' as a downward factor could be used more extensively for older offenders. |
| 19 | The Council could consider ways in which more guidance can be issued for sentencing young adults to improve consistency and precision in sentence reduction for young adults. |
| 20 | The Council could consider a downward factor based on dynamic spatiality, giving allowance for lateness and uncertainty in response and presence. |
| 21 | Consider changing the format of the display of expanded explanations on the webpage, for example by making them automatically displayed and continuous, below the factor. |
| 22; 23; 24; 26 | <p>Consider a more integrated approach to developing sentencing guidelines by assessing if there are better ways to communicate, engage and collaborate with the Probation Service, Youth Offending Teams, prosecutors and defence lawyers, all of whom participate and contribute to the decision making in sentencing.</p> <p>Increase the use of case studies in public communication and education; use these real-life cases to illustrate how guidelines are interpreted and applied at</p> |

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| | <p>court, and how they shape the outcome of sentencing through an adversarial procedure.</p> <p>Consider combining lived experience training with guideline training (it should however be noted that judicial training falls outside the Council's realm of responsibility).</p> <p>Further expands stakeholder engagement, through more diverse means, including more targeted consulting, through one-to-one meetings or targeted focus groups.</p> |
| 25 | <p>Clarify the standards for guideline evaluation. For example, what are the criteria for 'effective' guidelines? How does the Council determine whether a guideline is 'effective', particularly from the EDI perspective? These standards should be communicated more clearly to relevant CS organisations, minority groups, and members of the public. By doing so, greater transparency can be achieved, which is crucial for the good reputation of the Council and for improving confidence in the criminal justice system.</p> |
| 27 | <p>Consider more efficient ways of directing sentencers to the ETBB, which gives sentencers more specific guidance on how to ensure 'fair treatment' and avoid 'disparity' of outcomes for different groups.</p> |

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