

**Sentencing Council meeting:**  
**Paper number:**

**Lead Council member:**  
**Lead official:**

**21 October 2022**  
**SC(22)OCT07 – Business Plan In Year  
Update**  
**N/A**  
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## **1 ISSUE**

1.1 Publishing an in-year update to the Council's 2022-23 Business Plan.

## **2 RECOMMENDATIONS**

2.1 That Council agrees the in-year update to the Business Plan attached at **Annex A**.

## **3 CONSIDERATION**

3.1 The [2022/23 business plan](#) published earlier in the year, like previous business plans, commits us to “review the plan in the autumn and publish updates, as appropriate, on our website.” We believe enough changes have been made to our planned timescales to merit an update this year.

3.2 As with previous in-year updates, the proposed update consists of a one-page summary of what has changed since publication of the full business plan (and why) and an updated version of the guideline workplan.

3.3 There are a variety of reasons why the timelines for some of the guidelines and other projects have moved this year. There were some changes to consultation publication dates early in the year to avoid there being too many publications at once, which have had a knock on effect on consultation response times and publication of definitive guidelines. The underage sale of knives guidelines is an example of a consultation which has thrown up complex issues which will require further time to consider.

3.4 The motoring guidelines publication date has moved back by a month as the planned timescales for post-consultation consideration have become clearer, and we are planning to tie publication of the revised child cruelty guidelines with this year's miscellaneous amendments, which has adjusted the publication date for those. The Totality revision was delayed by the period of National Mourning and will now close after Christmas.

3.5 With all these changes, even a small delay to one part of the process can result in in-force dates being put back, as we align these with common commencement dates (1 January, 1 April, 1 July and 1 October) and will generally want a decent period of time (six weeks to two months at least) to elapse between publication and coming into force.

3.6 Although research publications and projects are not mentioned in the workplan, there are various publications which have been delayed by resource issues in the team, and the draft update mentions the delay to the data collection which has been caused by the Bar strike.

3.7 We do not expect any adverse reaction to the publication. We have discussed the content in general terms at official level with the MoJ and will share a copy of the update with them shortly ahead of publication.

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

## **Business Plan 2022/23: Mid-year update**

The Sentencing Council's Business Plan includes a commitment to review the indicative timeline for preparation and publication of guidelines on a bi-annual basis and to publish updates as appropriate. While there are no major changes to the work plan, the timing of some projects has changed.

Due to a high volume of publications in Spring 2022, some of the planned start dates for consultations early in the period were postponed. This has had a consequential effect on the planned dates for publication of definitive guidelines/revisions and their coming into force:

- the consultation for revised Animal Cruelty guidelines was launched in May rather than April. It closed in August and we now expect to publish the definitive revision in April 2023. These are planned to come into force in July 2023.
- the consultation on new guidelines for the Underage Sale of Knives was launched in June rather than May. This, and the complexity of the issues raised in responses, has resulted in a revised expected publication date for the definitive guidelines of January 2023. These would come into force on 1 April 2023.

There are some further changes to the published timetable for 2022/23 as planned timescales have become clearer:

- the definitive revised guidelines for motoring offences are now expected to be published in April 2023 rather than March: because of the need to ensure sentencers are familiar with the extensive updates to these guidelines before they come into effect, this would mean they come into force in July 2023;
- subject to consultation responses, the revisions to the child cruelty guidelines which follow on from the increased maximum penalties introduced by the Police, Crime, Sentencing and Courts Act 2022, will be published and come into force alongside the annual miscellaneous amendments to guidelines (publication in March 2023, and in force in April 2023);
- the consultation dates for the revision to the Totality guideline are now confirmed as October 2022 to January 2023, having been slightly delayed by the period of National Mourning and extended to allow for the Christmas period. This means we expect publication of the definitive revisions in May 2023 rather than March.

The provisional timetable for other projects remains subject to change dependent on factors such as the available resources, unforeseen complexities, consequential delays from other projects and legislative changes. The revised indicative dates are included in the table below.

The Business Plan provided target dates for publication of research and evaluation findings. Some of these publications have been delayed due to resourcing issues. Due to the action by criminal barristers, the data collection in courts has been delayed until early 2023.

## Sentencing Council Guideline Work Plan (at 1 November 2022)<sup>1</sup>

Guideline	Consultation period	Publish definitive guideline	Definitive guideline in force <sup>2</sup>
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
Animal Cruelty	<del>April</del> May 2022 to <del>June</del> August 2022	<del>January</del> April 2023	1 <del>April</del> July 2023
Underage Sale of Knives	<del>May</del> June 2022 to <del>July</del> August 2022	<del>November</del> January 2023	1 <del>January</del> April 2023
Motoring offences	July 2022 to <del>October</del> September 2022	<del>March</del> April 2023	1 <del>April</del> July 2023
Child Cruelty (partial revision)	August 2022 to October 2022	March 2023	<del>TBC</del> 1 April 2023
Annual miscellaneous amendments <sup>3</sup>	September 2022 – November 2022	March 2023 – publication of response to consultation	Amendments will come into force annually on 1 April
Totality revision	<del>Quarter 2 2022/23</del> October 2022 – January 2023	<del>March</del> May 2023	1 <del>April</del> July 2023

<b>Guideline</b>	<b>Consultation period</b>	<b>Publish definitive guideline</b>	<b>Definitive guideline in force<sup>2</sup></b>
Aggravated vehicle taking	Quarter 4 2022/23	TBC	TBC
Immigration offences	Quarter 4 2022/23	TBC	TBC

<sup>1</sup> The dates shown in this work plan are indicative.

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

