

Sentencing Council meeting:
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Lead Council member:
Lead official:

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SC(23)MAY09 – Business Plan
N/A
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1 ISSUE

1.1 The Council's 2023-24 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**; and
- notes the current risk register at **Annex C**, alongside the summary below;

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 tenth and follows a very similar format to previous years, with a narrative introduction by the Chair providing a taste of what has been achieved in 2022-23 and looking ahead to the guidelines, research and communications activities for 2023-24.

3.2 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 also now provide information about sub-groups, which replicates information we already provide in the annual report, and the criteria for prioritising guidelines, following the 'What next for the Sentencing Council?' consultation.

3.3 There is a section (pages 8 to 12) which sets out our main statutory duties (what we need to do), which then serves 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 now publish simultaneously with the Business Plan (see **Annex B**).

3.4 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 2023-24 business plan at Annex A?

Risk register

3.5 Council agreed last year that it would be proportionate to consider the risk register on an annual basis. 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.

3.6 In the last year we have overhauled many of the longstanding risks which had appeared in previous risk registers and which the Council considered in April 2022. Some of these older entries had been on the register since the formation of the Council and we thought that they were outdated considering the risks facing the Council today. We have also tried to ensure that the risks themselves are linked to delivery of the Council's statutory duties and strategic objectives. In an organisation of the Council's size, however, the risk register does also need to reflect more practical matters such as corporate fraud, health and safety and data protection.

3.7 The top five highest risks, according to the risk register are now:

- i) risk 4: Council members not appointed;
- ii) risk 2: insufficient financial resource;
- iii) risk 11: guidelines cause, or fail to address existing disparities in sentencing between different groups;
- iv) risk 1: insufficient staff/capability; and
- v) risk 3: guidelines not informed by evidence, and impact of guidelines unknown

3.8 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

risk 5 (loss of support/confidence in the Council by Public/Media), even though at medium, is listed as being on track.

3.9 Some of the risk levels for these risks are subject to review shortly: for example, we should be able to assess better the level of risk for financial resource in July, a few months into the new financial year. Others have been given relatively distant target dates (i.e. the time when we aim for the risk to be at its target level). For example, risk 3 (guidelines not informed by evidence) and risk 11 (guidelines cause, or fail to address existing disparities) both have target dates in 2026. This reflects the fact that these are longstanding risks, unlikely to be resolved in the short term, which require longer term actions.

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

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Sentencing Council

Business Plan **Financial year 2023/24**

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Sentencing Council

Chairman's introduction

I am pleased to present the Sentencing Council's 10th business plan, setting out the Council's aims for the financial year 2023/24.



This is my first business plan as chairman of the Sentencing Council, a role I took over in August 2022. I would firstly like to pay tribute to my predecessor Lord Justice Holroyde, who was chairman of the Council from 2018 until his appointment as Vice President of the Court of Appeal Criminal Division last year. Under his stewardship the Council has continued to embed sentencing guidelines as a central feature of the criminal justice system. Virtually all major offences seen regularly by the courts now have dedicated guidelines and, with the publication of revised Motoring offence guidelines later this year, all the guidelines produced by the predecessor body, the Sentencing Guidelines Council, will have been updated. Lord Justice Holroyde has also set the Council on a clear direction for the coming years in producing the Council's strategy for 2021-26, which guides the priorities set out in this year's business plan.

In the year 2022/23 we have successfully carried out the projects which were set out in last year's business plan. We have published revisions to the Council's existing guidelines for burglary, terrorism, and sexual offences, and consulted on and published new definitive guidelines for underage sale of knives and revised child cruelty guidelines. We have also consulted on and published the second tranche of annual miscellaneous amendments to guidelines, resulting from updates to the law and feedback on how guidelines are operating.

We have consulted on guidelines for perverting the course of justice and witness intimidation, revised Animal cruelty guidelines, new and revised guidelines for motoring offences, and on a revised overarching guideline for totality. In the last year we have also published research on public perceptions of sentencing, a review of the available research on the effectiveness of different sentencing disposals, sentencing data related to drugs offences, and on equality and diversity in the work of the Sentencing Council.

In the coming year, we will:

- publish definitive revisions to animal cruelty guidelines
- publish new and revised guidelines for motoring offences
- consult on revised guidelines for aggravated vehicle taking
- publish definitive guidelines on perverting the course of justice and witness intimidation

- consult on a revised overarching Imposition guideline
- develop new guidelines for immigration offences and
- consult on guidelines for blackmail and threats to disclose private sexual images, kidnap and false imprisonment 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 January 2023 we launched a data collection exercise in all magistrates' courts and all locations of the Crown Court. This six-month study covered 13 specific offences. Any data collection exercise of this kind is an imposition on magistrates and judges. It became apparent as the exercise progressed that it was placing too great a burden on sentencers. Consequently we reduced the number of offences to which the data collection applied. We remain grateful to all those magistrates and judges who provide data in relation their sentences. It is of critical importance to all aspects of the Council's work.

In the coming year we will also continue our evaluation work which will cover looking at guidelines covering bladed articles and offensive weapons, intimidatory offences and breach offences. We will also publish findings from an assessment of the impact of the Imposition guideline and undertake work to review the expanded explanations that accompany some of the guideline factors. This review of the expanded explanations will supplement external work being undertaken on user testing of the guidelines and which will explore how sentencers use and access guidelines in practice.

We will continue this year to develop 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 magistrates' courts and the 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 to 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 other organisations that can help us reach a wider public.

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

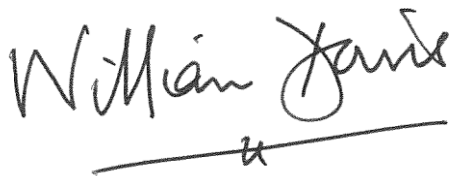
amending our work plan if we are required to undertake work on new or particularly complex areas of sentencing, for example as a result of new legislation.

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.

There have been a number of changes in personnel on the Council throughout 2022/23. In July 2022, Rosina Cottage KC's tenure on the Council came to an end after two terms. Dr Alpa Parmar served as an academic member on the Council between 2019 and 2022. Maura McGowan KC and HHJ Rebecca Crane left the Council in the first part of 2023, both having served two terms. I would like to thank them all for their service to the Sentencing Council over the years and wish them the very best for the future.

In May 2022, we welcomed Stephen Leake as the district judge representative on the Council, and in July Dr Elaine Freer joined the Council as an academic representative. In August 2022 Richard Wright KC joined the Council to provide the defence community's perspective. Most recently, at the start of 2023 we welcomed Mr Justice Wall as a High Court judge on the Council.

Finally, I would 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. 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.

A handwritten signature in black ink that reads "William James". Below the signature is a horizontal line with a small mark in the center, likely a flourish or a signature element.

April 2023

Background and membership (as at 1 April 2023)

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, with the agreement of the Lord Chancellor.

The Lord Chancellor and Secretary of State for Justice appoints non-judicial members, with the agreement of the Lord Chief Justice.

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 April 2023 is as follows:

Members

The Council comprises eight judicial and six non-judicial members, although there is currently a vacancy for a judicial member following Rebecca Crane’s departure.

Chair: The Right Honourable Lord Justice William Davis

William Davis was appointed as Chairman of the Sentencing Council by the Lord Chief Justice, with the agreement of the Lord Chancellor, with effect from 1 August 2022. He was formerly a judicial member of the Sentencing Council between 2012 and 2015.

William was called to the Bar in 1976. He was appointed an Assistant Recorder in 1992, a Recorder in 1995 and QC in 1998. He was appointed to the Circuit Bench in 2008. During 2009 he was appointed a Deputy High Court Judge (QBD and Admin), a Senior Circuit Judge and Recorder of Birmingham. He was appointed to the High Court Bench in May 2014 and was a Presiding Judge of the Northern Circuit from 2016 to 2019. William was appointed to the Court of Appeal in October 2021.

The Right Honourable Lord Justice Holroyde

Tim Holroyde is a Lord Justice of Appeal and Vice-President of the Court of Appeal (Criminal Division). For many years he practised as a barrister on the Northern Circuit taking silk in 1996. In 2009 he was appointed as a High Court judge, covering a wide range of work including serious criminal cases. He was Course Director of the Judicial College’s Serious Crime Seminar from 2011 to 2015, and judge in charge of the list of terrorism offences from 2016 to 2017, when he was appointed to the Court of Appeal.

He became a member of the Sentencing Council for England and Wales in 2015, and was Chairman between 2018 and 2022.

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.

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 KC

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 currently posted to the National Police Chiefs' Council and was previously 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 Judicial Conduct and Investigations Office disciplinary panels and the Magistrates' Association Board of Trustees. Jo was appointed to the Sentencing Council as the magistrate member 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 2017-2020 she was a Presiding Judge on the Western Circuit. Dame Juliet was appointed to the Sentencing Council as a High Court member on 8 October 2020.

District Judge (Magistrates' Courts) Stephen Leake

Stephen Leake was called to the Bar by the Middle Temple in 2002 and practiced mainly in criminal law. He was appointed as a Deputy District Judge (Magistrates' Courts) in 2019 and as a District Judge (Magistrates' Courts) in 2021. He is based at Medway Magistrates' Court. Stephen was appointed to the Council as the District Judge member on 23 May 2022.

Dr Elaine Freer

Elaine Freer is a Fellow and College Teaching Officer in law at Robinson College in the University of Cambridge, where she teaches Criminal Law, Criminal Procedure and Evidence, and Criminology, Sentencing and the Penal System, and writes on topics in those areas. She is also a practising barrister at 5 Paper Buildings, where she prosecutes and defends in criminal cases. In 2019 she worked as a Lawyer on the Criminal Team at the Law Commission of England and Wales, involved in the project to reform hate crime laws. Elaine joined the Council as the academic member on 1 July 2022.

Richard Wright KC

Richard Wright was called to the Bar in 1998 and took silk in 2013. He has practised from 6 Park Square in Leeds since 1998 where he has been Head of Chambers since 2013.

Since 2020 he has been Leader of the North Eastern Circuit, leading the professions' response to the Covid-19 emergency and, in 2022, was invited to join the legal team of the UK Covid-19 Inquiry.

Richard was appointed Deputy District Judge (Magistrates' Courts) in 2006, Recorder of the Crown Court in 2012 and Deputy High Court Judge in January 2023. He has been the defence representative on the Sentencing Council since 1 August 2022.

The Honourable Mr Justice Wall

Mark Wall was appointed a High Court Judge in October 2020 having previously been a Circuit Judge based at Birmingham Crown Court. Prior to his appointment to the circuit bench he was a Recorder and Deputy High Court Judge. He was called to the Bar in 1985 and took silk in 2006. He was leader of the Midland Circuit between 2011 and 2014. Mark was appointed to the Sentencing Council as a High Court member on 2 January 2023.

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 Elaine Freer

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. Chaired by: Juliet May.

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 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 detailed 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:

- promote consistency and transparency in sentencing through the development and revision of sentencing guidelines
- ensure that all our work is evidence-based and will work to enhance and strengthen the data and evidence that underpins it
- explore and consider issues of equality and diversity relevant to our work and take any necessary action in response within our remit
- consider and collate evidence on effectiveness of sentencing and seek to enhance the ways in which we raise awareness of the relevant issues
- 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 are meeting them, you can visit Sentencing Council strategic objectives 2021-2026 [\[LINK\]](#). Alongside this business plan we are publishing an update on the actions under each strategic objective as set out on pages [x to x](#) of the document [\[LINK\]](#).

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:

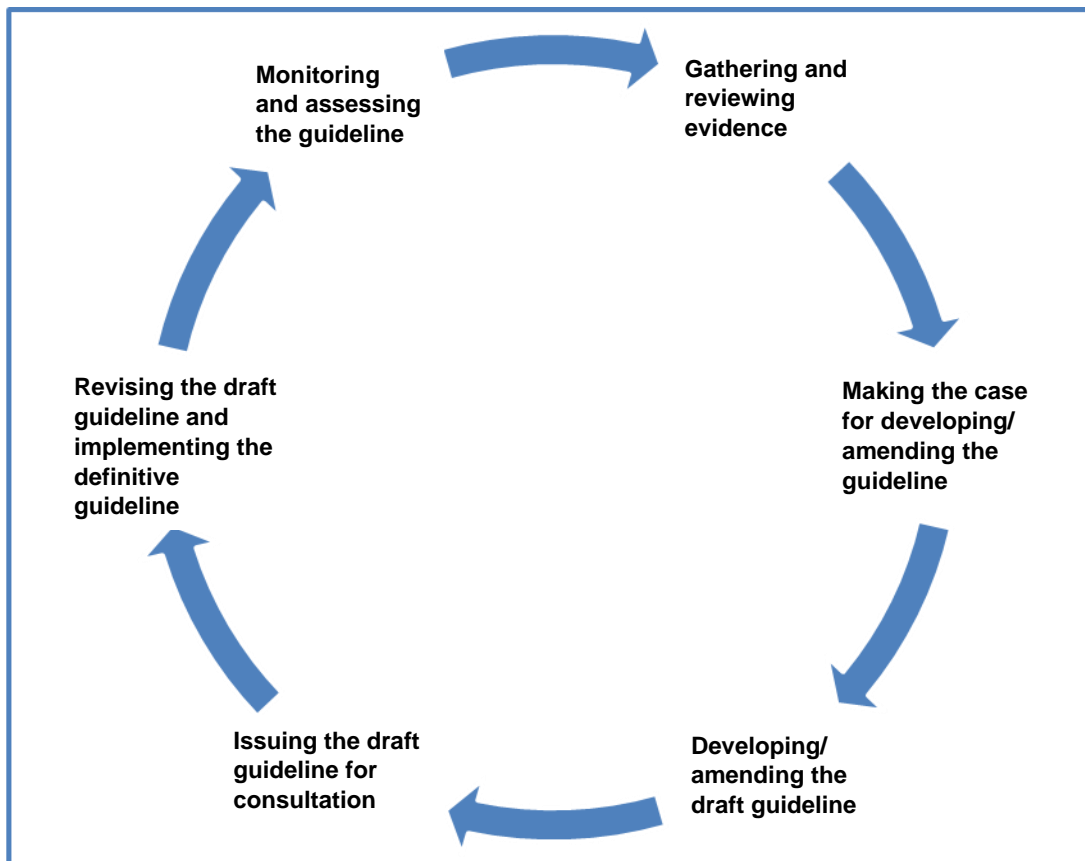
- delivering our objectives within the budget we are allocated;
- ensuring that the Office has a motivated and collaborative team who feel valued and engaged, and have the necessary capability and autonomy to deliver clear objectives; and
- working together to identify and implement more efficient ways 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 an adaptation of the ROAMEF policy cycle set out by HM Treasury in the 2022 Green Book) 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.

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 emailed 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.

Since 2021, the Council has also begun consulting annually on miscellaneous amendments to guidelines. The Council has built up a large body of sentencing guidelines that are in use in courts throughout England and Wales and there are inevitably issues that arise with existing guidelines over time. The annual consultation seeks views on a range of amendments which address those issues.

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, user testing of guidelines 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		
Animal cruelty (revision)	Publication of definitive guideline, consultation response, and resource assessment	Quarter 1 2023/24
Totality (revision)	Publication of definitive guideline, consultation response, and resource assessment	Quarter 1 2023/24
Perverting the course of justice and witness intimidation	Publication of definitive guideline, consultation response, and resource assessment	Quarter 2 2023/24
Blackmail and threats to disclose private sexual images, kidnap and false imprisonment	Publication of consultation, resource assessment and statistical bulletin	Quarter 3 2023/24
Aggravated vehicle taking	Publication of consultation, resource assessment and statistical bulletin	Quarter 3 2023/24
Imposition (revision)	Publication of consultation and resource assessment	Quarter 3 2023/24
Miscellaneous amendments to guidelines	Publication of consultation	Quarter 3 2023/24
	Publication of revised guidelines and consultation response	Quarter 4 2023/24
Immigration	Publication of consultation, resource assessment and statistical bulletin	Quarter 3 2023/24
Bladed articles and offensive weapons	Publication of findings from guideline evaluation	Quarter 3 2023/24

Breach	Publication of findings from guideline evaluation	Quarter 3 2023/24
Expanded explanations	Publication of findings from guideline evaluation	Quarter 3 2023/24
Intimidatory offences	Publication of findings from guideline evaluation	Quarter 4 2023/24
SECTION 2: CROSS-CUTTING WORK		
Business Plan and Strategic objectives	Publish 2023-24 Business Plan and update on progress on strategic objectives 2021-2026	Quarter 1 2023/24
Annual Report	Publish 2022-23 Annual Report	Quarter 2 2023/24
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
	Guidelines user testing project – publish findings of independent review team	Quarter 2 2023/24
You Be the Judge – online tool	Revise and relaunch ‘You Be the Judge’ – interactive sentencing tool on the Sentencing Council website	Quarter 4 2023/24
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	Ongoing

	engage with Government, its Arm's Length Bodies, the Judicial College and organisations with an interest in criminal justice and sentencing.	
	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>	Touchpoint meetings every 2 months

	Hold lunchtime seminars for staff to share knowledge and expertise about the work of the Council, the criminal justice system and Whitehall/ Government.	
Engagement	Implement an action plan arising from the findings of the people survey, based on priorities identified by staff.	Quarter 2 2023/24

TIMELINE OF PUBLICATIONS AND GUIDELINE EFFECTIVE DATES 2023 to 2024		
April 2023	Miscellaneous amendments to guidelines	Revisions in effect
April 2023	Child cruelty (revision)	Revised definitive guideline in effect
April 2023	Underage sale of knives	Definitive guideline in effect
April 2023	Animal cruelty (revision)	Publication of revised definitive guideline
May 2023	Business Plan	Publication of Business Plan
May 2023	Totality (revision)	Publication of revised definitive guideline
June 2023	Motoring offences	Publication of new and revised definitive guidelines
July 2023	Animal cruelty (revision)	Revised definitive guideline in effect
July 2023	Totality (revision)	Revised definitive guideline in effect
July 2023	Motoring offences	New and revised definitive guidelines in effect
July 2023	Perverting the course of justice and witness intimidation	Publication of definitive guideline
July 2023	Annual report and accounts	Publication of statutory annual report to the Lord Chancellor
September 2023	Miscellaneous amendments to guidelines	Launch of consultation
October 2023	Perverting the course of justice and witness intimidation	Definitive guideline in effect
October 2023	Blackmail, kidnap, false imprisonment and threats to disclose	Launch of consultation

Resources

Staff headcount (as at 1 April 2023)

Area of activity	FTE ¹
Head of Office and support	2
Policy	3.6
Analysis and research	8.7
Legal	1
Communications	3
Total	18.4

Budget

Summary of budget and resource allocation

	2022/23 (actual) £000s	2023/24 (budget) £000s
Total funding allocation	1,789	1,885
Staff costs	1,436	1,546
Non staff costs	224	339
Total expenditure	1,660	1,885

¹ FTE: full-time equivalents

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);² and
 - the application of any rule of law as to the totality of sentences.³

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.

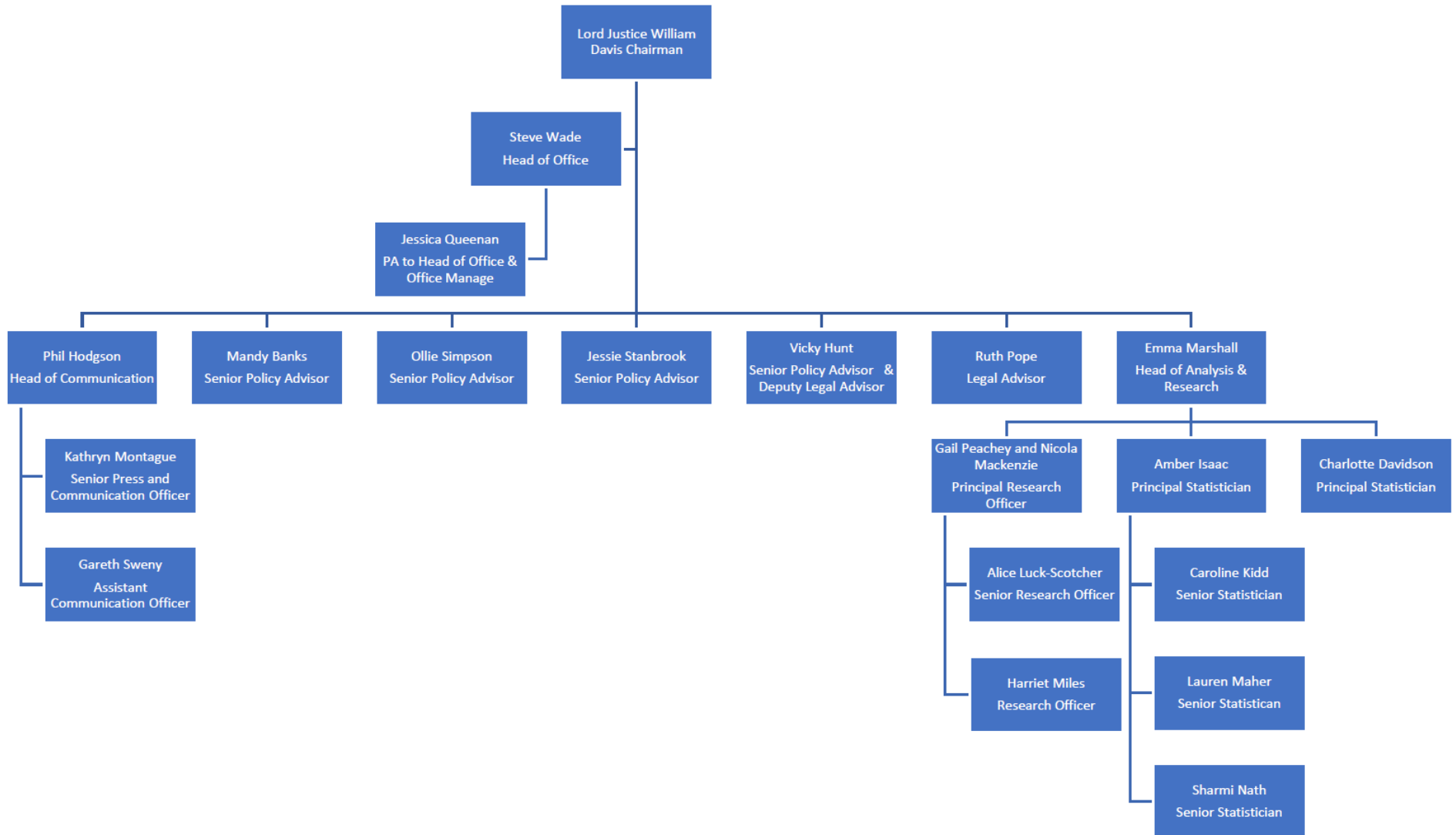
A further factor that the Council will take into account in all cases is the resource available to produce or revise guidelines. The Council is unlikely to undertake the development or revision of a guideline at a time when legislative changes that would affect that guideline are pending.

² s.120 (3)(a)

³ s.120 (3)(b)

Annex B: The Office of the Sentencing Council as at 1 April 2023

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 – 2023-2024¹ (as at 1 April 2023)

Guideline	Consultation period	Publish definitive guideline	Definitive guideline in force ²
Animal Cruelty	May 2022 to August 2022	April 2023	1 July 2023
Totality revision	October 2022 to January 2023	May 2023	1 July 2023
Motoring offences	July 2022 to September 2022	June 2023	1 July 2023
Perverting the course of justice and witness intimidation	March 2022 – June 2022	July 2023	October 2023
Annual miscellaneous amendments ³	September 2023 – November 2023	March 2024 – publication of response to consultation	Amendments will come into force annually on 1 April
Imposition	Late 2023	2024	2024
Aggravated vehicle taking	Late 2023	2024	2024
Blackmail, Threats to disclose private sexual images, Kidnap and false imprisonment	Late 2023	2024	2024
Immigration	Late 2023/early 2024	TBC	TBC

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.

³This is an annual rolling programme of updates and corrections to guidelines the content of which will vary from year to year

Sentencing Council strategic objectives and actions 2021-2026: Update on progress (XXXXX 2023)

Note that relevant dates and links to documents will be added at the time of publication

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.
Review the Totality guideline in the light of research findings and make any necessary changes.	Consult on draft guideline by October 2022	The consultation has taken place and a revised guideline was published on 31 May to come into force on 1 July 2023. This draws on research published in September 2021
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 guidelines on sale of knives etc by retailers to persons under 18, 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 2022. Consideration of the 2023 amendments has begun.

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 and published regularly.
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 xxx we have had xxx queries submitted via this route. 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. We have submitted an application to potentially collect data from the Common Platform in the future.
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

approaches to resource assessments by undertaking a review of our current practice.		Tender (ITT) for a small piece of academic work to support this in January 2021. We unfortunately did not receive any bids for the work and so are continuing to consider refinements to our approach internally.
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	Qualitative work to explore with sentencers their interpretation and application of selected expanded explanations started in March 2023. This was delayed in order to ensure that the work was able to include relevant factors that were highlighted in the Council's research on equality and diversity which was published in January 2023.
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 is progressing and we plan to publish a report before the end of the financial year.
Explore the impact and implementation of the domestic abuse overarching guideline by undertaking an evaluation	Start by March 2022	We previously issued an ITT for a small piece of academic work to support this in December 2021. We unfortunately did not receive any bids for this. We are now, however, considering what type of work we might be able to do in this area in the future
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. The social research team are continuing to undertake qualitative research with sentencers and an internal evaluation of the Breach guideline has drawn 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. This was published in September 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 are currently considering what more can be done in this area.
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 Council's Analysis and Research subgroup. A note on the Council's decision on this area has been published on our website.
Permit access to data collected by the Council by preparing and publishing our drugs data collection.	By June 2022	This was published in July 2022.
Permit access to data collected by the Council by preparing and publishing our robbery offences data collection.	By September 2022	Staffing issues internally have necessitated a slight delay to this work; we have now resumed the work and hope to publish this data by late summer 2023.
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. We commissioned external academics and organisations to undertake work on equality and diversity, public confidence, and effectiveness in sentencing and continue to endorse academic work for funding where relevant. We held a one day seminar in January 2023 in conjunction with the Sentencing Academy and City Law School where a number of academics presented work, and we continue to attend and contribute to relevant events (e.g. an academic symposium on sentencing disparities in March 2023). We also attended a symposium on disparities held by the Empirical Research on Sentencing Network (ERoS) in March 2023.

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 are collecting case identifiers in our current data collection to enable us to link to data on ethnicity, and there may be more data available in the future via the Common Platform).
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 and 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. We also include specific questions on equality and diversity in all of our research with sentencers when developing and evaluating guidelines.
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	A report on this work, alongside a response from the Council, was published in January 2023.
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	The evaluation of the expanded explanations is now underway. Once this is completed the Council will consider the need for separate guidance for sentencing female offenders and/or young adults.
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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. This was published in September 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 have started preliminary work to consider if, and what, the Council might do in this area.
Consider whether any changes are required to highlight to sentencers the need to consider issues relating to effectiveness of sentencing as a result of research work in this area and any work undertaken on the Imposition guideline.	From September 2022	A review of trend analysis of the Imposition guideline was published in March 2023 which will be considered more widely as part of the revision of the Imposition of Community and Custodial Sentences guidelines and future work in the area of effectiveness of sentencing.

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. We have also commissioned an external organisation to undertake user testing of the to explore how sentencers access, navigate and use the guidelines on the Council's website and whether this could be improved.
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. We continue to publicise guideline and consultation launches, making best use of all available channels to reach our intended audiences. We have developed and published a series of short videos to explain how sentencing works and to make it more accessible to the public.
Support the effective development of guidelines by continuing to promote Council consultations to practitioners who use the guidelines and individuals and groups who could potentially be affected by the guidelines.	Ongoing	Ongoing, as consultations are launched.

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). We also continue to provide content for Young Citizens' national mock trial competitions.
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 has been 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 and a report was published in December 2022.
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 Justice Select Committee in December 2021 where he spoke about the work of the Council and sentencing more

		generally. In December 2022, the Chairman gave evidence on public understanding of sentencing and in early 2023 the Council assisted the Committee with a project exploring these issues.
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Ministry
of Justice

Sentencing Council Risk Register

Owner: Ollie Simpson
Last Updated: May 2023

[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

Risk ID	Risk (Event)	Cause(s)	Effect(s)	Last Review	Controls: In Place and Active	Impact	Likelihood	Score (I x P)	BRAG	Risk Trend	Actions to be taken	Action Owner	Due Date	Target Impact	Target Likelihood	Target Score (I x L)	Next Review Target Date	Risk Owner	Risk Cost (£)	
1	Insufficient staff/capability	Reduced budget; Turnover and non retention of talent; Illness and absence (including Covid-19 related); Recruitment controls put in place; Inability to attract talent	Analysis and assessments not undertaken, or completed more slowly; Guidelines not produced/ revised, or produced/ revised more slowly; Statutory requirements not met	01/10/2022	Recruit new staff when vacancies arise Project/guideline priority regularly reviewed to ensure effective focus of Council and office activity Covid ways of working effective and workload being managed accordingly Business continuity plan assesses impact of lack of staff resource Liaison with MoJ to obtain staff as needed	4	2	8	Medium	↓				2	3	6	01/10/2023	01/04/2024	Steve Wade	
2	Insufficient financial resource	Lower budget allocation because of broader government spending decisions; Lower budget allocation because of underspend in previous years; Delayed budget decisions; Overexpenditure in particular areas;	Reduced staffing levels (a cause of Risk 1); Guidelines not produced/ revised, or produced/ revised more slowly; Analytical work not undertaken, or delayed (also a cause of Risk 3); Communications work not undertaken or delayed; Reduction in public confidence and failure to meet statutory requirements.	01/10/2022	Regular engagement with finance colleagues to understand and feed into financial planning process Financial implications of reduced budget made clear to MoJ MoJ providing information as early as possible on budget settlements Engagement with JSC to ensure they speak on our behalf	4	3	12	High	↔	2-1 Review processes for managing and monitoring budget to ensure they're robust 2-2 Identify areas where spend could more easily be stopped 2-3 Explore alternative ways to deliver through others	2-1 Lauren Maher 2-2 Steve Wade 2-3 Phil Hodgson/Emma Marshall	2-1 01/07/2023 2-2 01/07/2023 2-3 01/07/2023	3	3	9	01/07/2023	01/07/2023	Steve Wade	
3	Guidelines not informed by evidence, and impact of guidelines unknown	Poor quality data collected at source; Inability to access better data sources; Lack of resources (see risks 1 and 2); Inconclusive datasets;	Guidelines have unanticipated impact; Lower quality guidelines not based on evidence; Unable to meet statutory requirements (or know whether we are meeting them)	01/10/2022	Evaluations of guidelines in Council workplan Bespoke data collections undertaken in courts, including in relation to ethnicity data Road testing	2	4	8	Medium	↔	3-1 Data collection in all magistrates courts and the Crown Court 3-2 Discussions with MoJ/HMCTS on collection of more robust data, including demographic data, via the Common Platform and other means 3-3 Evaluations of Imposition, Breach, Bladed Articles, Intimidatory offences and expanded explanations	3-1 Harriet Miles 3-2 Emma Marshall 3-3 Emma Marshall	3-1 01/07/2023 3-2 01/07/2023 3-3 01/07/2023	2	3	6	01/01/2024	01/01/2026	Emma Marshall	
4	Council members not appointed	Appointments not made/agreed; Appointments delayed because of internal Government processes; Recruitment fails to secure suitable members	Council unable to make fully informed, quality decisions; Corporate member declines; Questions over legitimacy of decisions if not properly quorate; Inability to operate subgroups; Decline in varied comms	01/10/2022	Dedicated OSC lead on appointments Forecasting to know when vacancies will arise and preparations in advance to fill them when they do Regular discussions with MoJ appointments team	4	4	16	Very High	↔	4-1 Agree with MoJ approach for interim cover for police roles 4-2 Explore alternative approaches internally to appointing non-judicial roles	4-1 Steve Wade 4-2 Steve Wade	4-1 01/04/2023 4-2 01/10/2023	4	2	8	01/07/2023	01/01/2024	Steve Wade	
5	Lack of confidence in sentencing and the work of the Council	Inaccurate and misleading reporting Work of the Council not explained clearly Dissatisfaction with broader sentencing framework and criminal justice system Press team unexpectedly unable to respond to queries	Judiciary less prepared to follow guidelines Increased criticism of Council's work Intensified political interest in sentencing Legislation used instead of guidelines (eg minimum sentences)	01/10/2022	Communications strategy Corrections and clarifications Periodic evidence sessions with the Justice Select Committee Monitor public confidence and inform communications strategy with research Monitor news, social media and Hansard. Business continuity plan when press team unavailable	3	2	6	Medium	↔	5-1 You Be the Judge revamp 5-2 Engagement with schools 5-3 Periodically revisit equality and diversity and public confidence research 5-4 Revision of comms strategy to reflect E&D and Public Confidence research 5-5 Development of crisis communication plan	5-1 to 5-5 Phil Hodgson	5-1 01/04/2024 5-2 Ongoing, regular review of relationships and materials 5-3 Next research commissions 2025 - tbc 5-4 Due for C&C meeting, May 2023 5-5 Due for C&C meeting, May 2023	3	2	6	01/10/2023	n/a	Phil Hodgson	
6	Corporate fraud	Financial risks - inflated T&S claims; misuse of GPC card; Risk of staff bribery/corruption to influence content of guidelines; Lack of guidance and training on fraud	Reputational risks; Financial loss to OSC; Biased and inconsistent guidelines	01/10/2022	T&S fraud risk mitigated by internal process within Shared Services, spot checks conducted on claims. GPC card - sign off and checking/controls and recorded. Staff undertake mandatory fraud training, including modules on bribery and corruption. OSC staff security cleared to at least CRB level. Interns limited role, no influence over content of work. Decision making process involves Head of Office and Council, broad membership of senior members of criminal justice system. Staff discuss conflicts of interest with line managers annually	3	1	3	Low	↔	6-1 Monitor adherence to counter fraud policies	6-1 Ruth Pope	6-1 01/04/2023	3	1	3	01/10/2023	n/a	Steve Wade	

Risk ID	Risk (Event)	Cause(s)	Effect(s)	Last Review	Controls: In Place and Active	Impact	Likelihood	Score (I x P)	BRAG	Risk Trend	Actions to be taken	Action Owner	Due Date	Target Impact	Target Likelihood	Target Score (I x L)	Target Score (I x L)	Next Review Target Date	Risk Owner	Risk Cost (£)	
7	Health and safety breach	Unsafe working environment	Staff incapacitated; Office unable to be used	01/10/2022	See OSC H&S returns to MoJ, HMCTS and RCJ See OSC wellbeing policy	2	2	4	Low	↔	See OSC H&S returns to MoJ, HMCTS and RCJ See OSC wellbeing policy	See OSC H&S returns to MoJ, HMCTS and RCJ See OSC wellbeing policy	See OSC H&S returns to MoJ, HMCTS and RCJ See OSC wellbeing policy	2	1	2	Low	01/07/2023	n/a	Steve Wade	
8	Data protection breach	IT failure; Human error (leaving files on train, disclosing information to the wrong people etc); Failures in training	Loss of privacy; Fining/administrative action from ICO; Loss of confidence in SC, people refusing to provide data or take part in data collection exercises etc	01/10/2022	All staff undertake mandatory data handling and protection training. Council members are reminded of their duties in this area. Any data passed to contractors or MoJ are subject to signed data protection agreements. Retention policy in place to ensure information is only kept for a specified period of time. Privacy policy on website provides details about the type of information we collect and how we handle and store this.	3	1	3	Low	↔	8-1 GDPR issues to be included in induction packs for Council members	8-1 Emma Marshall	8-1 01/02/2023	3	1	3	Low	01/10/2023	n/a	Emma Marshall	
9	Loss of access to IT systems	Servers down (at departmental level or wider); Individual IT failures; Individual wifi failures	Staff unable to carry out core functions; Work delayed, objectives and statutory requirements missed; Queries to OSC unanswered	01/10/2022	Business Continuity Plan in place	4	1	4	Low	↔				4	1	4	Low	01/07/2023	n/a	Phil Hodgson	
10	Definitive guidelines not available to the courts	Website failure; IT failure in courts National grid power cuts affecting Bang servers	Unjust, disproportionate and unlawful sentences imposed; Loss of confidence in the Sentencing Council	01/10/2022	Agreements in place with website provider for backup App available offline Implementation of Business Continuity Plan (i.e. liaison with Bang)	4	1	4	Low	↔				4	1	4	Low	01/10/2023	n/a	Phil Hodgson	
11	Guidelines cause, or fail to address existing disparities in sentencing between different groups	Guidelines constructed in such a way (e.g by the language used or the culpability and harm factors listed) that they cause or contribute to sentencing disparities, e.g by reflecting possible unconscious bias; Guidelines constructed in such a way that they do not reduce (in a way appropriate for guidelines) or remove existing disparities in sentencing; Insufficient knowledge to be able to take effective action	Criticism of Sentencing Council; Failure to meet duties under Equality Act - judicial review of guidelines Unfair/unintended sentencing outcomes between different groups; Undermined public confidence in sentencing and the wider CJS	01/10/2022	Specific Council time dedicated to this work in E&D working group. Issues considered at the start of the guideline development processes (a flag has been added to PID documents); Evidence on disproportionality flagged when relevant in guidelines Breakdowns in relation to ethnicity in all statistical bulletins (where possible) We endorse academic work in this area and collaborate where relevant; Sentencers asked to provide a URN as part of data collections to facilitate linking with MoJ data on ethnicity	3	3	9	Medium	↔	11-1 Relevant actions from the Council's response to the Hertfordshire research to be taken forward 11-2 Review of OSC core mailing list to ensure representative organisations are consulted	11-1 Emma Marshall 11-2 Phil Hodgson	11-1 01/02/2023 11-2 01/07/23	2	2	4	Low	01/04/2023	01/01/2026	Steve Wade	