

# Sentencing Council

## FINAL RESOURCE ASSESSMENT: ALLOCATION

### 1 INTRODUCTION

1.1 This document fulfils the Council's statutory duty to consider the likely effect of its guidelines on the resources required for the provision of prison places, probation and youth justice services.<sup>1</sup> This resource assessment relates to the Allocation definitive guideline.

### 2 RATIONALE AND OBJECTIVES FOR THE NEW GUIDELINE

2.1 The most important objective of the guideline is to ensure, insofar as it is possible, that all cases are heard in the most suitable court. In relation to allocation decisions, the Council wishes to encourage a consistent approach in the magistrates' court in line with statute and best practice. The Council has amended the former Allocation guideline to bring it up-to-date, to improve clarity and to include all the guidance currently available in one document.

### 3 SCOPE

3.1 As stipulated by section 127 of the Coroners and Justice Act 2009, this assessment considers the resource impact of the Allocation definitive guideline on the prison service, probation service and youth justice services. Any resource impacts which may fall elsewhere are therefore not included in this assessment.

### 4 DATA

4.1 An allocation decision must be made in all cases which are triable either way. Ministry of Justice figures<sup>2</sup> show that the number of adult offenders (aged 18 or over) proceeded against in such cases has generally been decreasing over the last five years, from around 353,000 in 2010 to 304,000 in 2014.<sup>3</sup>

4.2 In 2014, 23 per cent of adult defendants proceeded against in triable either way cases (70,000 defendants) were committed for trial in the Crown Court.

---

<sup>1</sup> Coroners and Justice Act 2009 section 127.

<sup>2</sup> Magistrates' court data tool, Criminal Justice Statistics 2014  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/428944/magistrates-court-data-tool.xls](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/428944/magistrates-court-data-tool.xls)

<sup>3</sup> These cover offenders proceeded against, rather than offenders sentenced. They cover only adult offenders (aged 18 or over).

4.3 In the same year, around 16,000 adult defendants in triable either way cases were committed for sentence at the Crown Court.

## **5 RESOURCE IMPACT**

5.1 The Allocation definitive guideline is not expected to affect the average severity of sentences – only the venue in which the case is heard. As such, it is expected that average custodial sentence lengths, and the proportion of offenders receiving the various disposal types, will not change.

5.2 The central estimate is therefore that the guideline will have no resource impact on the prison, probation or youth justice services.

## **6 RISKS**

6.1 Allocation decisions apply to around 300,000 of the 1.5 million defendants proceeded against each year.<sup>4</sup>

6.2 The aims of the Allocation definitive guideline are set out in section 2, above. These aims do not include any intention to affect the average severity of sentencing, and as such, no resource effect is expected. Furthermore the guideline has no direct effect on sentences imposed in individual cases. However, since the guideline applies to such large numbers of cases, if any changes do occur, they have the potential to have a substantial resource effect.

6.3 It is not possible to fully anticipate how sentencing behaviour will change as a result of the definitive guideline, and hence there is uncertainty surrounding the central estimate that the guideline will have no resource impact. Any change to the guidance given to courts may have unintended consequences, and could cause shifts in the average severity of sentencing, with associated resource effects.

---

<sup>4</sup> Table Q3.1, Criminal Justice Statistics 2014  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/430482/overview-tables.xls](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/430482/overview-tables.xls)