

# Sentencing Council



The  
Royal  
Courts  
of  
Justice

Sentencing Council  
Annual Report 2015/16

# Sentencing Council

## **Sentencing Council Annual Report 2015/16**

The Sentencing Council is an independent, non-departmental public body of the Ministry of Justice

This report is presented to Parliament pursuant to Section 119(2) of the Coroners and Justice Act 2009



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# Foreword

## by the Chairman

I am pleased to introduce the Sentencing Council's annual report for 2015-16. This is the third annual report since I took up my post as Chairman and summarises a particularly busy and transformative year for the Council. I would like to take this opportunity to thank all of those who have contributed to the development and evaluation of our guidelines, in particular the judges, magistrates and district judges who use them. We are also grateful to the legal, criminal justice and police practitioners, charities, parliamentarians, and individuals, who take the time to consider and respond to our consultations, participate in interviews and research or complete surveys. This year we have placed considerable demands on our wide network of stakeholders and are immensely grateful for their ongoing support and interest. I would also like to pay tribute to my fellow Council members and to our staff, whose expertise and effort has enabled us to deliver our challenging objectives.

This year we published five definitive guidelines: a significant achievement for such a small organisation operating under financial constraints. These covered theft and robbery offences, ensuring that guidelines covering the majority of acquisitive crimes are now in force; dangerous dog offences, to respond to significant legislative change since the introduction of the guideline in 2012; health and safety, corporate manslaughter and food safety and hygiene, responding to demand for guidance in sentencing these complex and often unusual offences and complementing the environmental offences guideline; and allocation, in response to requests from the Lord Chancellor and Lord Chief Justice, as the Council's contribution to improve the efficiency of the criminal justice system following Sir Brian Leveson's review.

In addition to concluding work on these projects we launched consultations on two guidelines, which we hope will also make a significant contribution to the effective operation of the criminal justice system. The first of these, on imposition of community orders and custodial sentences, is a new project added to our work plan over the course of the year as a result of emerging evidence of inconsistency of

approach. The consultation attracted over 200 responses over a six week period, reflecting the importance of the issues and the need for clear, up to date guidance. A definitive guideline will be issued in October 2016. The second, on reduction in sentence for a guilty plea, has been in development for several years and put on hold twice due to the potential impact of other parallel reforms to the criminal justice system. We decided to consult on a draft guideline at this stage to complement these ongoing reforms. As expected, the proposals have proved controversial, attracting a wide range of divergent views and we are considering next steps with particular care.

We also continued to develop new guidelines on breach of orders and sentencing of youths, as well as a large number of offences dealt with in the magistrates' courts. Definitive guidelines will be published in the coming year. We commenced work on a number of other guidelines, conducting initial research to support development of guidelines on manslaughter; domestic abuse; public order; and stalking, harassment and the new offence of disclosing private sexual images. We will launch consultations on all of these over the coming year.

This report covers the first full year of the Sentencing Council's new analytical strategy, which takes a new approach to our monitoring and evaluation duties. We launched our first large-scale data collection exercise in magistrates' courts as part of an evaluation of the new theft guideline and were grateful for the engagement of the magistracy and courts staff in supporting this work: a high response rate is essential for evaluation to be of value. We also published reports on the implementation and impact of the assault and burglary definitive guidelines; in the light of the preliminary findings on burglary, we will conduct further evaluation. A year on, I remain convinced that this new strategy is the most effective way for the Council to meet its statutory analytical duties, and in particular to ensure that guidelines and resource assessments are based on robust evidence and that we are in a position to conduct meaningful evaluation once they have been implemented.

A significant achievement was the launch of the online Magistrates' Court Sentencing Guidelines, which involved producing a digital, navigable version of guidelines for well over 100 offences. In spite of understandable concerns about the intention to move away from printed guidelines, we are delighted with the enthusiastic take up of the digital guidelines, which are now being viewed around 60,000 times a month. I am proud of how far the Council has come in terms of transforming the way it works and interacts with the users

of the guidelines. Over the coming year, we will continue to improve and expand the digital tools available to magistrates, in response to feedback, and will continue working towards providing all of our guidelines digitally, including in the Crown Court.

In March, I was pleased to be invited to give evidence about the work of the Sentencing Council to the Justice Committee of the House of Commons. This was an important opportunity to talk about our work and answer the Committee's questions about our priorities and methods. As a statutory consultee, the Justice Committee is one of the Council's most important stakeholders and we welcome its input to our consultations and ongoing interest in our work. Our relationship with Government and its agencies and in particular with the Ministry of Justice remained constructive. I would like to thank the Environment Agency for its support in collecting data to support our work to monitor the environmental offences guideline.

We have developed close links with the Scottish Sentencing Council over the past year, hosting a visit from the secretariat and welcoming the Chairman to a Council meeting. We look forward to building on this relationship in the coming years. International interest in our work continues: Council members and staff also spoke to delegations of students and officials from the Caribbean, Bahrain and China, to explain the approach taken in England and Wales and we have had contacts from other jurisdictions.

Media interest in new guidelines remains high and Council members undertook extensive media interviews at the launches of the definitive guidelines on theft, health and safety and dangerous dogs. Guideline launches remain the most high profile of our public engagement and awareness-raising activities, but are not the only ones. We also launched educational material in conjunction with the Association of Citizenship Teachers and recorded legal training materials. Council members and staff spoke to a diverse range of audiences, including magistrates, judges, legal practitioners, police officers and probation staff, to raise awareness of the work of the Council and discuss individual guidelines. We have continued to work closely with the Judicial College, Justices' Clerks' Society, National Bench Chairs' Forum and the Magistrates' Association to raise awareness of new guidelines and are grateful for their ongoing support.

In 2015, we reviewed our strategy and agreed an ambition to have issued guidelines covering all of the most frequently sentenced either-way offences and replaced all guidance issued by our predecessor body by 2020, when the Sentencing Council will have been in existence for ten years. Alongside



this, we reviewed governance arrangements, to clarify the terms of reference of the three subgroups supporting our work and ensure that they provide the appropriate level of scrutiny and challenge, with decision-making reserved to the full Council.

The coming year will be equally busy and challenging, with plans to launch the highest ever number of consultations on new sentencing guidelines, as well as increasing the work to evaluate implemented guidelines and ambitious digital plans. The Council and the Office continue to attract talented individuals and I am confident that we remain well placed to meet our self-imposed, challenging objectives for the year ahead.

A handwritten signature in black ink that reads "Colman Treacy". The signature is written in a cursive style and is positioned above a long, thin horizontal line that extends to the right.

Colman Treacy

**The Right Honourable Lord Justice Treacy**

**October 2016**

# Introduction

The Sentencing Council is an independent, non-departmental public body of the Ministry of Justice. It was set up by Part 4 of the Coroners and Justice Act 2009 (the 2009 Act) to promote greater transparency and consistency in sentencing, whilst maintaining the independence of the judiciary.

The aims of the Sentencing Council are to:

- promote a clear, fair and consistent approach to sentencing;
- produce analysis and research on sentencing; and
- work to improve public confidence in sentencing.

This annual report covers the period from 1 April 2015 to 31 March 2016. For information on previous Sentencing Council activity, please refer to the 2013/14 and 2014/15 annual reports which are available on the website: [www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)

In 2015/16 the Council's work was aligned to the following five objectives:

- Objective 1: Prepare sentencing guidelines to help ensure a consistent approach to sentencing
- Objective 2: Publish the resource implications in respect of the guidelines it drafts and issues
- Objective 3: Monitor the operation and effect of its sentencing guidelines and draw conclusions
- Objective 4: Assess the impact of government and legislative proposals
- Objective 5: Promote awareness of sentencing and sentencing practice and work to improve public confidence in sentencing

The table below outlines achievements in relation to these objectives:

# Summary of achievements – timeline

<b>April 2015</b>	6	New Council members appointed: Jill Gramann and Tim Holroyde
<b>June 2015</b>	1	New Council member appointed: Martin Graham
	9	Dangerous dog offences consultation closes
	19	Allocation consultation opens
	25	Final CCSS findings published
<b>July 2015</b>	31	Consultation on allocation closes
<b>August 2015</b>	1	New Council member appointed: Mark Castle
<b>September 2015</b>	10	Online sentencing guidelines for magistrates launched
<b>October 2015</b>	6	Definitive theft guideline published
	22	Annual Report published
	25	Assessment of assault guideline published
<b>November 2015</b>	3	Definitive health and safety guideline published
	6	Update to the Business Plan published
<b>December 2015</b>	3	Speech at the Criminal Law Review Conference
	10	Definitive allocation guideline published
<b>January 2016</b>	14	Imposition consultation opens
	28	Definitive robbery guideline published
	21	Assessment of burglary guideline published
<b>February 2016</b>	1	Definitive theft and health and safety guidelines in force
	11	Guilty plea consultation opens
	25	Imposition of community and custodial sentences consultation closes
<b>March 2016</b>	1	Definitive allocation guideline in force
	1	Evidence taken by Justice Committee on the work of the Council
	17	Definitive dangerous dog offences guideline published

# Guidelines

Guidelines are intended to help ensure a consistent approach to sentencing, while preserving judicial discretion. If in any particular case the judge feels it is in the interests of justice to sentence outside the guideline, this is specifically allowed by the 2009 Act.

Consultations are not only a statutory duty but also a very valuable resource for the Council. They are publicised via mainstream and specialist media and on twitter and the Sentencing Council website. A particular effort is made to publicise them with relevant professional organisations and representative bodies, especially those representing the judiciary and criminal justice professionals, but also others with an interest in a particular offence or group of offenders. Many of the responses come from organisations representing large groups, so the number of replies does not fully reflect the comprehensive nature of the input.

The work conducted on all of the guidelines during the period from 1 April 2015 to 31 March 2016 is set out below, separated out into four key stages: development, consultation, post consultation, and evaluation and monitoring. As guidelines were at different stages of development during the year, reporting varies between guidelines.

## Allocation

### Development

The Council received a request from the Lord Chancellor in February 2015 to revise the allocation guideline in response to the recommendations in Sir Brian Leveson's Review of Efficiency in Criminal Proceedings. The Review recommended that an amended guideline should 'encourage the retention of jurisdiction in cases where a combination of lack of complexity and gravity point to the conclusion that summary trial is justified [...] even if [...] it becomes appropriate to commit for sentence.'

The Council agreed to expedite this work and produced a draft for consultation which gave effect to the recommendations.

### Consultation

The consultation ran for six weeks from 19 June to 31 July 2015. A draft resource assessment was published alongside the consultation. The consultation was shorter than is customary for the Council but as key stakeholders had already been consulted as part of the Review and the guideline was not of wide public interest, it was felt that those with direct interest in the guideline would have sufficient time to respond and the guideline could then be implemented as soon as possible. There were 48 responses to the consultation.

Communications activity for the launch of the consultation was focused on ensuring that stakeholder organisations were reached via direct contact and by briefing legal media.

## **Post Consultation**

Some respondents from the defence community raised concerns about the proposals, so the Council held a meeting on 24 September 2015 with those respondents and the Bar Council to discuss the issues raised. The Council discussed responses to the consultation in September and October 2015 and made amendments to the guideline in the light of these responses.

The definitive guideline was published on 10 December 2015 alongside a final resource assessment and came into effect on 1 March 2016.

Communications for the publication of the definitive guideline were primarily aimed at legal professional media and criminal justice stakeholders.

## **Evaluation and monitoring**

Evaluation and monitoring will commence after the guideline has been in effect for six months.

## **Assault**

### **Evaluation and monitoring**

An assessment of the impact and implementation of the assault guideline was undertaken and published in October 2015 alongside a more detailed report on qualitative discussions with sentencers and practitioners on the guideline.

This indicated some unintended impacts, as well as potential areas of the guideline that may need revision to address them.

As a result of the assessment, the Council has agreed in principle to revise the guideline; however the Council is awaiting the Government's response to the Law Commission's proposals for reform of offences against the person legislation before starting this work.

## **Breach of Orders**

### **Development**

During this reporting period the Council continued its work on the development of a guideline on breach of orders with a focus on identifying current sentencing practice and factors relevant to breach offences. The range of offences covered by the breach guideline is very broad and some offences within its scope are new. Case transcripts and data were examined to inform sentencing ranges where these were available, and a review of current sentencing statistics was undertaken. There were some difficulties in obtaining data in relation to new offences and because specific information required is not collected.

A number of forums with magistrates and probation officers and staff were therefore held to explore current sentencing practice. Attendees were invited to review a number of different scenarios, and provide feedback regarding the sentences they would recommend in the probation group, and the sentence they would impose in the magistrate groups.

These forums identified some inconsistency of sentencing practice when imposing community and custodial sentences. As a result, work on the development of the guideline was paused. Work commenced on a guideline on the imposition of community and custodial sentences, which is explained further in this report. The consultation on breach of orders is now planned to commence in Autumn 2016.

## Burglary

### Evaluation and monitoring

An assessment of the impact of the burglary guideline was undertaken and published in January 2016, which indicated some unintended impacts. The Council will therefore undertake further analysis in due course to explore potential reasons for the changes observed, before taking a decision about whether or not to revise the guideline.

## Child Cruelty

### Development

The Council started work to replace the Sentencing Guidelines Council guideline, *Overarching Principles: Assaults on Children and Cruelty to a Child*, published in 2008, which is now out of date.

Feedback on the existing guideline was obtained from 27 magistrates, district judges and Crown Court judges who are part of the Sentencing Council's "research pool". They were asked for their comments on using the current guideline and suggestions for areas the Council may want to take into

consideration for the new guideline. Three respondents then participated in a semi-structured telephone interview. These interviews delved deeper into the opinions on the current guideline.

In addition to this early work, 226 transcripts of sentencing remarks from the Crown Court were analysed and a review of current sentencing statistics was undertaken. The Council will consider a draft guideline in 2016.

## Dangerous Dogs

### Consultation

The Council consulted on the draft dangerous dog guideline for 12 weeks from 17 March to 9 June 2015. During this period the Council held a number of engagement events with interested parties. It received 70 consultation responses. A resource assessment of the anticipated impact of the guideline on correctional resources was published alongside the consultation, in addition to a statistical bulletin and an equality impact assessment.

### Post Consultation

Responses were broadly in support of the Council's proposals. Accordingly the general approach outlined in the consultation was maintained, with some small amendments reflecting points made by respondents on certain issues.

The definitive guideline was published on 17 March 2016. A final resource assessment, statistical bulletin and research bulletin were published alongside the definitive guideline.

The launch was covered in a wide range of national media including the Times, Independent, BBC News, Guardian, Daily Telegraph, Mirror, Daily Mail and Sky News, and Press Association copy was very widely reproduced. There was also coverage in publications for criminal justice professionals, dog interest groups and stakeholders such as the Communication Workers' Union. Council spokespeople gave interviews on national and regional radio and TV including BBC Breakfast and the Today programme and there were 22 broadcast items overall.

Most of the media reporting was positive and accurate, with quotes from the Magistrates' Association and Guide Dogs used in reports. There were around 65 tweets and four blog posts about the guideline.

### **Evaluation and monitoring**

The approach to evaluation and monitoring will be decided in the coming year, with a view to starting work in 2017.

## **Domestic Abuse**

### **Development**

The Council started work to replace the Sentencing Guidelines Council guideline, *Overarching Principles: Domestic Violence*, published in 2006, which is now out of date and does not reflect the changes in terminology and expert thinking around this important subject over the last 10 years. To support the early thinking, 129 sentencers from the Council's "research pool" provided views on the current guideline and suggestions for what the Council may want to take into

consideration for the new guideline. A small number of informal interviews with sentencers on the guideline was also conducted.

In addition, data from the Crown Court Sentencing Survey and the Crime Survey for England and Wales was used to obtain information on domestic abuse related offences. The Council will consider a draft guideline in 2016.

## **Drugs**

### **Evaluation and monitoring**

Data collection on selected drug offences covered by the Council's guideline commenced for a four month period in November 2015 in 81 magistrates' courts. This was the Council's first significant exercise to collect sentencing data from magistrates' courts. Analysis is still underway and will complement other work being undertaken in the coming year to collect sentence data from the Crown Court, which will be compared to previously collected Crown Court Sentencing Survey data.

## **Guilty Pleas**

### **Development**

The Council has a statutory duty to produce a guideline on reductions in sentence for a guilty plea. Work continued on the development of the guideline throughout this year. The aim was to construct a clear guideline that would produce consistent and fair outcomes.

To support development of the guideline, qualitative research with sentencers was carried out to examine the wording of the guideline to make sure it was clear and that they understood the content. Twenty interviews were conducted with Crown Court judges, district judges and magistrates.

Further qualitative research with defence advocates (both solicitors and barristers) is planned for the following year, to explore their attitudes to the guideline and how they think defendants may respond.

Extensive work was carried out to estimate the resource impact of the guideline, including modelling various scenarios.

## **Consultation**

The Council launched a 12 week consultation on this guideline on 11 February 2016. The consultation document was accompanied by a resource assessment. The launch of the consultation received high levels of coverage which was very varied in angle and tone.

It was covered by a range of national media, including the Financial Times, Guardian, Mirror, Times, Daily Mail, Daily Express, the BBC, the Press Association and in various legal publications. Council spokespeople gave 13 interviews, including the Today programme and Radio 5 Live. In total there were more than 70 broadcast items.

Most of the reporting reflected the Council's main messages, although as expected, some was more critical. There were around 100 tweets and several blog posts on legal websites. The Council ensured that criminal

justice system stakeholders received accurate and targeted communications via newsletters and intranets.

Work on the guideline will continue during 2016.

## **Health and Safety**

### **Post Consultation**

The definitive guideline was published on 3 November 2015 and came into force on 1 February 2016. Its publication was covered in more than 30 print and online news items including in the Daily Telegraph and the Guardian and in four interviews with Council spokespeople including the Today programme and Good Morning Britain.

Communications were targeted to ensure that professional and trade publications were reached, with a significant amount of coverage in specialist health and safety, construction, food trade, business and legal publications. There was significant interest on social media with the announcement leading to more than 300 tweets.

### **Evaluation and Monitoring**

The evaluation of the guideline will begin in 2017, a year after implementation.

## **Imposition of Community and Custodial Sentences**

### **Development**

The decision to produce this guideline came about during the development of the breach of orders guideline, when evidence of



inconsistency in the imposition of suspended sentences became apparent. The Council decided to address this prior to issuing a guideline for breach of these orders. Guidance for imposition of these sentences was contained within the Council's predecessor body the Sentencing Guidelines Council's guideline *New Sentences - Criminal Justice Act 2003*. This is very outdated and also contained guidance on many provisions which had never been commenced. More up to date Sentencing Council guidance already existed for magistrates in the Magistrates' Court Sentencing Guidelines (MCSG). Much of this guidance was therefore used as the basis for the new guideline, which will apply in all courts.

## Consultation

Due to the technical nature of the guideline a short consultation targeted at criminal justice professionals and agencies was held for six weeks from 14 January to 25 February 2016. The consultation document was accompanied by a resource assessment.

Communications were aimed at criminal justice professionals, with stakeholder organisations and legal media as the primary audiences.

A small number of discussions were carried out during the consultation period with magistrates, legal advisers and Crown Court judges to explore their opinions of the guideline.

246 responses were received to the consultation. The Justice Committee published a written response in its Fifth report of Session

2015-16. Both the responses and discussions with sentencers were analysed to inform potential amendments to the draft guideline.

## Interpersonal Offences

### Development

The Council decided to start work on a new guideline to incorporate updated guidance for harassment offences currently only provided in the MCSG and guidance for some newer offences, namely stalking, disclosing private photographs or films (so called 'revenge porn'), and the new offence of controlling or coercive behaviour in an intimate or family relationship. The Council will finalise the scope of this guideline in 2016, in particular whether it should include revised guidance for threats to kill.

To support development of the guideline, a review of current sentencing statistics has been undertaken for the offences under consideration.

## Knives and offensive weapons

### Development

The Council started work to develop adult and youth guidelines to cover a number of offences of possession of or threatening with a bladed article or offensive weapon. There is currently some guidance for adult offenders being sentenced in the magistrates' court, but no guidance for adult offenders being sentenced in the Crown Court or for young offenders.

In magistrates' courts the existing guidance; *Possession of bladed article/offensive weapon*, was produced by the Sentencing Guidelines Council and is contained within the MCSG. This guideline was produced in August 2008 alongside an additional note 'Sentencing for possession of a weapon - knife crime' which was produced to be read with the guideline.

Since then, a number of new offences have been introduced, many of which are subject to mandatory minimum sentences, and are not covered by any guidance. The new guidelines will provide sentencers across the Crown Court, magistrates' courts and youth court with guidance on all offences in one self contained document, which will assist in achieving our objective of consistent sentencing.

As part of the development of the guideline, a number of pieces of research were undertaken. Ninety one sentencers from the Council's "research pool" provided comments on the current guideline and suggestions for what the Council may want to take into consideration for the new guideline.

A telephone survey was also conducted with 52 magistrates and 8 district judges, which explored sentencing behaviours and attitudes. Scenarios were used in this exercise to gauge how the guideline may be used in practice.

A content analysis of 110 transcripts of Crown Court sentencing remarks was undertaken for the offences of possession of a bladed article or offensive weapon, and threatening with a bladed article or offensive weapon. In addition, a review of current sentencing

statistics has been undertaken for the offences under consideration. Work will continue with a view to consultation on a draft guideline in 2016.

## Magistrates' Court Sentencing Guidelines (MCSG)

### Development

The Council decided to revise the existing guidelines for summary offences issued by the Sentencing Guidelines Council which were last fully updated in 2008. It was not the intention of the Council to change sentencing practice or increase sentence levels, but to convert them into the step by step Sentencing Council format thereby achieving a consistent approach to sentencing in magistrates' courts.

The Council drew on the expertise of a working group made up of sentencers, legal advisers, trainers and criminal justice agencies involved in magistrates' courts to develop revised guidelines for 27 offences. A review of current sentencing statistics was undertaken for these offences. The Council plans to publish the definitive guidelines before the end of the 2016/17 financial year, following consultation.

## Manslaughter

### Development

In 2014 the Lord Chancellor asked the Council to consider producing a guideline for so called 'one punch' manslaughter offences. The Council decided that it would undertake

a comprehensive review of manslaughter sentencing with a view to producing guidelines for voluntary and involuntary manslaughter.

As part of the development of the guideline, a review of current sentencing statistics was undertaken, as well as an analysis of 129 transcripts relating to both voluntary and involuntary manslaughter. A large-scale focus group with sentencers to discuss the draft guideline is planned for later in 2016, prior to issuing the guideline for consultation.

## Public Order

### Development

The Council decided to produce guidelines for a number of public order offences. These are relatively high volume offences and although there is some guidance for magistrates in the MCSG, there is currently no guidance for judges in the Crown Court. As part of the development of the guideline, a review of current sentencing statistics was undertaken. The Council will analyse transcripts of sentencing remarks from public order cases from the Crown Court in the coming year.

## Robbery

### Post consultation

Responses to the consultation, which ended in January 2015, were considered and a number of revisions made. The main change was to group the guidelines differently, combining street robbery and less sophisticated commercial robbery; with standalone guidelines for professionally planned commercial robbery and dwelling robbery.

The definitive guideline was published on 28 January 2016, alongside an updated statistical bulletin, resource assessment and analytical bulletin outlining the research that was undertaken to support development of the guideline. The guideline came into force on 1st April 2016.

The announcement was covered by a range of media including the BBC, Guardian, Daily Telegraph, Times, and Police Professional. Reporting was generally positive and there were more than 100 tweets covering the announcement.

### Evaluation/Monitoring

An evaluation of the guideline has been commissioned. This will involve data collection on sentences passed in the Crown Court for robbery offences for a six month period, and analysis of existing data (from the Crown Court Sentencing Survey and the MoJ Court Proceedings Database). A report from the evaluation is anticipated in winter 2017/18. On the basis of the findings, a decision will be made by the Council as to whether the guideline should be revised.

## Theft

### Post Consultation

The definitive guideline was published on 6 October 2015, alongside a final resource assessment and a bulletin outlining the research that contributed to the development of the guideline. The guideline came into effect on 1 February 2016.

The launch of the guideline was widely covered by media, with more than 300 news items online and in print and 13 TV and radio interviews with Council spokespeople. Coverage included the Daily Telegraph, Daily Express and the Times, as well as extensive regional coverage and articles in legal and professional publications. Coverage was generally positive. The announcement also generated around 160 tweets.

### **Evaluation/Monitoring**

Data collection on shop theft offences commenced for a four month period in November 2015 in 81 magistrates' courts. This provided data in relation to these offences before the guideline came into force. A second phase of data collection will commence in September 2016, in order to compare "before" and "after" data and assess any impact of the guideline on sentencing practice.

## **Youths**

### **Development**

The Council continued to develop new guidelines for sentencing youths for robbery and sexual offences and to review and update the Sentencing Guidelines Council *Overarching Principles – Sentencing Youths* guideline, to provide comprehensive and accessible guidance on the general principles to be applied when sentencing youths.

Research was also conducted to support the development of the guideline: interviews were conducted with magistrates, district judges and Crown Court judges to explore attitudes towards the revised overarching

principles on the sentencing of youths, and early drafts of the offence specific guidelines on sexual offences and robbery. A second stage of interviews with magistrates, district judges and Crown Court judges was also undertaken at a later stage to explore in-depth attitudes towards the final draft of the offence specific guidelines on sexual offences and robbery. In addition, a review of current sentencing statistics was undertaken. The Council plans to publish the definitive guideline before the end of the 2016/17 financial year, following consultation.

# Analysis and research

The statutory duties of the Council include requirements to carry out analysis and research into sentencing. Its work in this area is set out in an analytical strategy and includes:

## 1. Undertaking analysis to support the development of guidelines

The Council regularly carries out social research which aims to augment the evidence base underpinning guidelines, ensuring, in particular, that guidelines are informed by the views and experiences of those who sentence. The Council conducts primary research with users of the guidelines: primarily Crown Court judges, district judges and magistrates, using a range of methods. These methods include surveys, face-to-face and telephone interviews, and group discussions. Researchers also review sentencing literature and analyse the content of sentencing remark transcripts, which help to inform the content of the guidelines at an early stage of development.

The Council also draws on a range of data sources to produce statistical information about current sentencing practice, including offence volumes and average custodial sentence lengths during the development of draft guidelines. This information is used to understand the parameters of current sentencing practice.

## 2. Publishing an assessment of the resource implications of its guidelines

The Council has a statutory duty to produce a resource assessment to accompany each sentencing guideline, which estimates the effects of the guideline on the resource requirements of the prison, probation and youth justice services. This enables the Council and stakeholders to understand better the consequences of its guidelines in terms of impact on correctional resources, and the possible impact of its recommended sentencing options on re-offending.

The work which goes into resource assessments also results in wider benefits for the Council. The process involves close scrutiny of current sentencing practice, including analysis of how sentences may be affected by guilty plea reductions, and consideration of the factors that influence sentences. This analysis provides a 'point of departure' for the Council when it is considering the appropriate sentencing ranges for a guideline.

Where a guideline aims to improve consistency, while causing no change to the overall severity of sentencing, the guideline sentencing ranges will aim to reflect current sentencing practice, as identified from the analysis. Where a guideline aims to effect changes in the severity of

sentencing for an offence, the Council may set sentencing ranges higher or lower than those indicated by current sentencing practice.

### 3. Monitoring the operation and effect of its sentencing guidelines and drawing conclusions

The actual impact of the guideline on sentencing, and consequently on resources, is assessed through monitoring and evaluating after the guideline has been implemented. To achieve this, a range of different approaches and types of analysis may be used, including putting in place bespoke, targeted data collection in courts, qualitative interviews with sentencers, transcript analysis and analysis of administrative data.

In June 2015 the Council published its final annual report on the findings from the Crown Court Sentencing Survey, which captured information about all sentences passed by judges in the Crown Court. The Council will continue to draw on this data source when developing and evaluating the impact of guidelines, as well as collecting new data relating to sentencing for specific offences.

The Council also conducted research in order to identify options for effective data collection in magistrates' courts and will publish the findings in 2016. It has used this work to inform its approach to data collection over the course of this year.

### 4. Publishing a sentencing factors report and a non-sentencing factors report

These are included as annexes C and D to this annual report.

The Council publishes its research and statistical outputs on the Analysis and Research pages of its website: <https://www.sentencingcouncil.org.uk/analysis-and-research/>.

More information about the analysis and research undertaken to support the development of new guidelines or to evaluate existing guidelines is included in the preceding section.

# Communications

The statutory duties of the Council include requirements to have regard to the need to promote public confidence in the criminal justice system and the effect that the guidelines have on public confidence. Its work in this area includes:

## 1. Working with the media

The Council's communications priority is to ensure that the judiciary, criminal justice practitioners and the public are aware of consultations on draft guidelines, in order to ensure that it receives responses from as wide an audience as possible, and of the publication of new definitive guidelines. The majority of its media activity therefore relates to the launch of consultations or of new definitive guidelines. It ensures that media outlets receive timely and accurate briefing which explains the content and objectives of new guidelines. Over the year there was a high level of media coverage, with 171 print items, 1393 online mentions and 855 broadcast items including interviews on high profile programmes such as the BBC's Today programme and Good Morning Britain.

In addition, the Council continues to deal with a great variety of media enquiries, to assist media in understanding particular aspects of sentencing from clarifying issues relating to topical cases in the news to advising on historic approaches to sentencing for the development of TV dramas.

## 2. Working to engage the public and victims of crime

The Council is keen to ensure that it helps victims and witnesses of crime understand how sentencing works. It has supplied a variety of materials to the Witness Service in all regions of England and Wales which are used both in training staff and volunteers on key elements of sentencing, and also for improving witnesses' understanding directly. There has been ongoing engagement with other victims' groups such as Victim Support and the prominence of victim-focused information on the Council website has been increased. The Council's YouTube videos had reached some 50,000 views by the end of this period.

Over this period the Council has also worked to promote understanding among young people and developed a package of materials for schools as part of content supporting the Citizenship curriculum. This was developed in liaison with the Association for Citizenship Teaching (ACT) and was published in January 2016. As well as being published via the ACT and on the Council's website, it has also been published on the Times Educational Supplement site. Between its publication and the end of the year, there were 285 downloads of the resources from the TES site, and more than 1000 views of the page with the resources on the Council site.

### **3. Developing productive working relationships with partners and interested parties**

Council members and staff from the office of the Sentencing Council gave over 20 speeches or presentations at events over the course of the year. Audiences included magistrates, judges, police, academics and criminal justice professionals including probation staff.

The website has continued to be a source of information for sentencers and others in the criminal justice system, as well as the public and students. Traffic to the website has increased significantly, in particular since the launch of the online MCSG, which has been viewed over 100,000 times since its launch.

### **4. Developing digital capability**

The Council successfully launched an online version of the Magistrates' Court Sentencing Guidelines in September 2015, an important landmark in its work to move to digital by default and away from issuing printed guidelines. The online guidelines are accessible via the Council's website. While printed copies of updates will still be available on request for those courts that do not have the technology to access the online guidelines, it has seen a very high take-up by magistrates. Development work was also undertaken with a view to launching an offline version of the guidelines in 2016.



# Budget

## Financial report

### The cost of the Sentencing Council

The Council's resources are made available through the Ministry of Justice and, as such, the Council is not required to produce its own audited accounts. However, the Council's expenditure is an integral part of the Ministry of Justice's resource account, which is subject to audit. The summary below reflects expenses directly incurred by the Sentencing Council and is shown on an accrual basis.

	2015/16 (actual) £000s
<b>Total funding allocation</b>	<b>1,532</b>
Staff costs	1,114
Non staff costs	283
<b>Total expenditure</b>	<b>1,397</b>

# Annexes

## Annex A: About the Sentencing Council

The primary function of the Sentencing Council is to prepare sentencing guidelines<sup>1</sup> which the courts must follow unless it is in the interest of justice not to do so.<sup>2</sup> The Sentencing Council fulfils other statutory functions as follows:

- publishes the resource implications in respect of the guidelines it drafts and issues;<sup>3</sup>
- monitors the operation and effect of its sentencing guidelines and draws conclusions;<sup>4</sup>
- prepares a resource assessment to accompany new guidelines;<sup>5</sup>
- consults when preparing guidelines;<sup>6</sup>
- promotes awareness of sentencing and sentencing practice;<sup>7</sup>
- publishes a sentencing factors report;<sup>8</sup>
- publishes a non-sentencing factors report;<sup>9</sup>
- publishes an annual report.<sup>10</sup>

## Governance

The Sentencing Council is an advisory Non-Departmental Public Body (NDPB) of the Ministry of Justice. Unlike most advisory NDPBs, however, the Council's primary role is not to advise Ministers, but to provide guidance to sentencers.

The Council is independent of the government and the judiciary with regard to the guidelines it issues to courts, its impact assessments, its publications, promotion of awareness of sentencing and in its approach to delivering these duties.

The Council is accountable to Parliament for the delivery of its statutory remit set out in the 2009 Act. Under section 119 of the Act, the Council must make an annual report to the Lord Chancellor on how it has exercised its functions. The Lord Chancellor will lay a copy of the report before Parliament and the Council will publish the report.

Ministers are ultimately accountable to Parliament for the Council's effectiveness and efficiency, for its use of public funds and for protecting its independence.

Section 133 of the 2009 Act states that the Lord Chancellor may provide the Council with such assistance as it requests in connection with the performance of its functions.

<sup>1</sup> s.120 Coroners and Justice Act 2009

<sup>2</sup> s.125(1) *ibid*

<sup>3</sup> s.127 *ibid*

<sup>4</sup> s.128 *ibid*

<sup>5</sup> s.127 *ibid*

<sup>6</sup> s.120(6) *ibid*

<sup>7</sup> s.129 *ibid*

<sup>8</sup> s.130 *ibid*

<sup>9</sup> s.131 *ibid*

<sup>10</sup> s.119 *ibid*

The Council is accountable to the Permanent Secretary at the Ministry of Justice as Accounting Officer and to Ministers for the efficient and proper use of public funds delegated to the Council, in accordance with Ministry of Justice systems and with the principles of Governance and Finance set out in *Managing Public Money*, and other relevant Treasury instructions and guidance.

The budget is delegated to the Head of the Office of the Sentencing Council from the Director General, Justice and Courts Policy Group at the Ministry of Justice. The Head of the Office of the Sentencing Council is responsible for the management and proper use of the budget.

The Director General, Justice and Courts Policy Group is accountable for ensuring that there are effective arrangements for oversight of the Council in its statutory functions and as one of the Ministry of Justice's Arms Length Bodies.

## How the Council operates

The Council is outward-facing, responsive and consultative; it draws on expertise from relevant fields where necessary while ensuring the legal sustainability of its work. The Council aims to bring clarity in sentencing matters, in a legally and politically complex environment.

The Council aims to foster close working relationships with judicial, governmental and non-governmental bodies while retaining its independence. These include: the Attorney General's Office; the College of Policing; the Council of Circuit Judges; the Council of Her Majesty's District Judges (Magistrates' Courts);

the Criminal Procedure Rules Committee; the Crown Prosecution Service; the Home Office; the Judicial Office; the Justices' Clerks' Society; the Magistrates' Association; the Ministry of Justice; the National Bench Chair's Forum and the National Police Chiefs' Council.

The Council engages with the public on sentencing, offers information and encourages debate.

The Council meets 10 times a year to discuss current work and agree how it should be progressed; minutes are published on the Council's website. In addition to members, Paul Wiles, former government Chief Social Scientist and Chief Scientific Adviser to the Home Office, attended Council meetings on an ad hoc basis to advise the Council as required.

The Council has sub-groups to enable detailed work on three key areas of activity: analysis and research; confidence and communications; and governance.

The sub-groups' roles are mandated by the Council and all key decisions are escalated to the full membership. The sub-groups are internal rather than public-facing.

## Relationship with Parliament

The Council has a statutory requirement to consult Parliament, specifically the House of Commons Justice Committee.<sup>11</sup> This year, the Committee held a one-off evidence session on the work of the Sentencing Council, when it heard evidence from the Chairman.

<sup>11</sup> s.120 (6)(c) Coroners and Justice Act 2009

In 2015 the Council agreed that, in order to facilitate the work of the Committee, it would inform all those responding to consultations that their responses may be shared with the Justice Committee. The Committee published reports in response to the consultations on allocation and imposition of community and custodial sentences. During the consultation period on the reduction in sentence for a guilty plea guideline, the Council provided the Committee with an overview of the issues raised by the consultation and a representative selection of responses received. The Committee considered the issues in the light of the consultation responses and published a report.

## The Office of the Sentencing Council

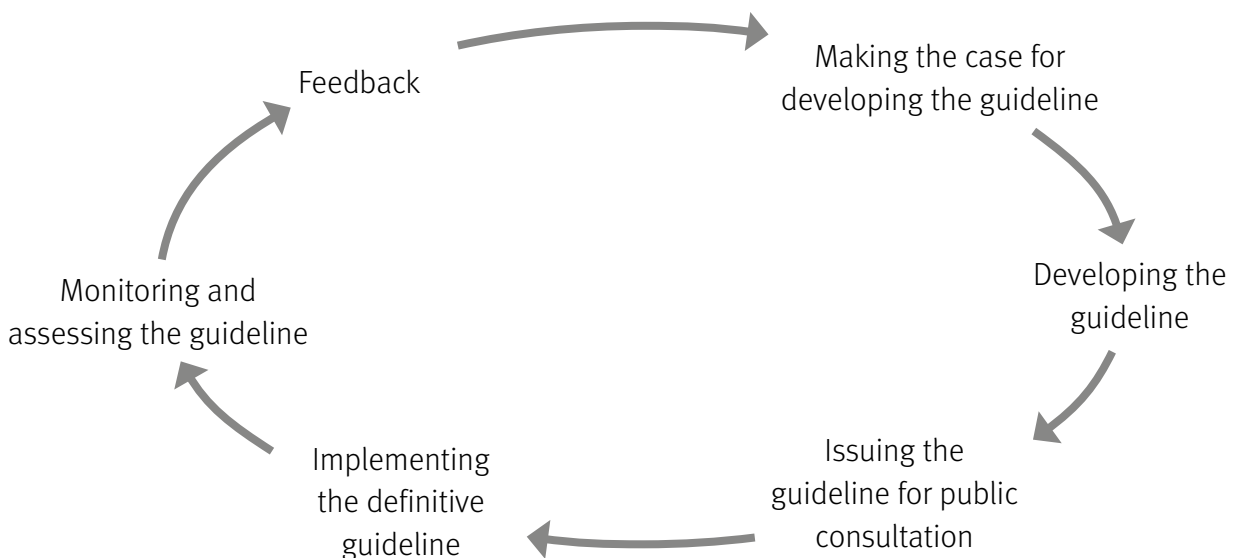
The Council is supported in its work by the Office of the Sentencing Council, in particular in:

- preparing draft guidelines for consultation and publication, subject to approval from the Council;

- ensuring that the analytical obligations under the Act are met;
- providing legal advice to ensure that the Council exercises its functions in a legally sound manner;
- delivering communications activity to support the Council's business; and
- providing efficient and accurate budget management with an emphasis on value for money.

## Guideline development

The diagram below sets out the process involved in developing a guideline, which is done through a guideline development cycle. This is based on the policy cycle set out by HM Treasury in the *Green Book on Appraisal and Evaluation in Central Government (2003)* and allows a culture of continuous improvement to be embedded in the development process. The process from first consideration by the Council to publication of a definitive guideline can extend to 18 months or more.



## Annex B: Membership

The Lord Chief Justice, the Right Honourable Lord Thomas of Cwmgiedd, is President of the Council. In this role he oversees Council business and appoints judicial members, with the agreement of the Lord Chancellor.

Lord Justice Treacy, a Court of Appeal judge, has been Chairman of the Sentencing Council since November 2013.

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

Membership of the Council on 31 March 2016 was as follows:

### **Judicial members:**

- His Honour Judge Julian Goose QC
- Jill Gramann JP
- The Right Honourable Lady Justice Hallett
- The Honourable Mr Justice Holroyde
- Her Honour Judge Sarah Munro QC
- The Honourable Mr Justice Saunders
- The Right Honourable Lord Justice Treacy
- District Judge Richard Williams

### **Non-judicial:**

- Michael Caplan, QC, partner, Kingsley Napley
- Mark Castle, Chief Executive of Victim Support
- Martin Graham, former Chief Executive of the Norfolk and Suffolk Community Rehabilitation Company
- Lynne Owens, Chief Constable, Surrey Police
- Professor Julian Roberts, Professor of Criminology, University of Oxford
- Alison Saunders, Director of Public Prosecutions and Head of the Crown Prosecution Service

## Register of members' interests

### **Michael Caplan**

- partner at Kingsley Napley LLP
- member of Cobalt Data Centre 2 LLP
- member of Green Power LP

### **Mark Castle**

- no personal or business interests to declare

### **Julian Goose**

- no personal or business interests to declare

### **Martin Graham**

- no personal or business interests to declare

### **Jill Gramann JP**

- no personal or business interests to declare

### **Dame Heather Hallett**

- no personal or business interests to declare

### **Sir Tim Holroyde**

- no personal or business interests to declare

### **Sarah Munro**

- no personal or business interests to declare

### **Lynne Owens**

- no personal or business interests to declare

### **Julian Roberts**

- no personal or business interests to declare

### **Alison Saunders**

- no personal or business interests to declare

### **Sir John Saunders**

- no personal or business interests to declare

### **Sir Colman Treacy**

- no personal or business interests to declare

### **Richard Williams**

- no personal or business interests to declare

## Advisor to the Council

### **Paul Wiles**

- Local Government Boundary Commissioner for England

## **Annex C: Sentencing factors report**

In accordance with section 130 of the Coroners and Justice Act 2009 this section considers changes in the sentencing practice of courts (hereafter 'sentencing practice'), and their possible effects on the resources required in the prison, probation and youth justice services.

Sentencing guidelines are a key driver of change in sentencing practice. Some guidelines aim to increase the consistency of approach to sentencing whilst maintaining the average severity of sentencing, whilst other guidelines explicitly aim to cause changes to the severity of sentencing.

Changes in sentencing practice can also occur in the absence of new sentencing guidelines and could be the result of many factors such as Court of Appeal guideline judgments, legislation, and changing attitudes towards different offences.

This section considers only changes in sentencing practice caused by changes in sentencing guidelines.

### **Sentencing Guidelines**

During its sixth year (to 31 March 2016), the Council published definitive guidelines on the following offences:

- Theft
- Health and safety, food safety and hygiene and corporate manslaughter
- Allocation
- Robbery
- Dangerous Dogs

As required by statute, a resource assessment accompanied the publication of these guidelines which considered the likely effect of the guideline on the prison, probation and youth justice services.

#### **Theft**

The guideline aims to improve consistency of sentencing but not to cause changes in the use of disposal types. Guideline sentencing ranges have been set with this in mind, and the Council does not anticipate that the guideline will have an effect on custodial sentence lengths, or numbers of community orders or custodial sentences. As a result, no significant impact on prison or probation resources is anticipated.

## **Health and safety and food safety and hygiene**

In developing the sentencing guidelines for individuals, the Council aims to increase the consistency of sentencing but not to change the average severity of penalties. Sentence levels have therefore been set to correspond to the Council's understanding of current sentencing practice for these offences. The Council therefore does not anticipate any changes in the use of the various disposal types, or average custodial sentence lengths, for these offenders.

The Council anticipates there may be an impact on fine levels for some cases of health and safety and food safety and hygiene offending involving larger organisations committing relatively serious offences. Specifically, in its review of cases sentenced in the last few years, the Council judged that fine levels in some cases involving corporations were too low. As a result, the fine levels in the new guidelines were set at levels above those seen in some examples of current sentencing practice. The Council is therefore expecting increases in fine levels each year for some cases where the offender is an organisation.

The Council has not attempted to quantify the possible increase in fine levels for a number of reasons. First, the number of fines given to organisations for the offences covered by the new guideline is low – for instance, there were a total of only 324 in 2014, many of which are relatively low severity and would be unlikely to be affected by the new guideline.

Second, due to the lack of comprehensive data on the circumstances of corporate offending and current sentencing practice, it is difficult to assess the number of cases which would be affected and the extent to which fine levels would change. Therefore, it is felt that quantitative estimates would be subject to such a high degree of uncertainty that they would not add value.

## **Corporate manslaughter**

Sentence levels for these offences have been set at the level considered to be appropriate by the Council in meeting the purposes of sentencing, and to be proportionate with the sentences that are recommended under the new health and safety guideline. Since fewer than 10 organisations have been sentenced for this offence over the past 6 years, it is not possible to draw definitive conclusions about current sentencing practice. Consequently, a quantitative estimate of likely changes to sentence levels is not provided. However, by comparing the new guideline to the Sentencing Guidelines Council guideline, it seems likely that fine levels may increase for some corporate offenders in some sentencing scenarios, particularly for cases where the organisation is large and culpability high.

## **Allocation**

The allocation 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.



The resource assessment therefore estimated that the guideline would have no resource impact on the prison, probation or youth justice services.

## **Robbery**

The guideline aims to improve consistency of sentencing but not to cause changes to the use of disposal types or sentence lengths. Sentencing ranges have therefore been set with these aims in mind, and the Council does not anticipate that the guideline will have an effect on custodial sentence lengths, or numbers of community orders or custodial sentences.

The Council's intention is to ensure that offences which involve the use of or threat of the use of weapons receive the toughest sentences. However, the limited data available suggests that these cases already receive the most severe sentences, and as a result no further change is expected. No significant impact on prison or probation resources is therefore anticipated.

## **Dangerous Dogs**

The guideline was produced in response to the legislative changes introduced by Parliament that included: extending the Dangerous Dogs Act 1991 to private property; increasing the maximum penalties - from two years' custody to 14 years where the death of a person occurs, and from two to five years where a person is injured; and extending the law to cover attacks on assistance dogs with a maximum penalty of three years' custody.

As a result of the changes in legislation, it is likely there will be an increase in the volume of offenders sentenced for dangerous dog offences. This is due to the extension of the offences to private property and the introduction of a new offence. It was also anticipated that there will be an increase in the average custodial sentence lengths, particularly for the most serious offences, as a result of the increases in the maximum statutory penalties.

Given that the aim of all resource assessments is to give an estimate of the impact on prison, probation and youth justice services as a result of the guideline, the resource assessment assumed that any changes in correctional resources would be attributable to the changes in the legislation, and not the introduction of the guideline. As a consequence, no significant impact on prison or probation resources is anticipated as a result of the guideline.

# Annex D: Non-sentencing factors report

## Introduction

The Sentencing Council is required under the Coroners and Justice Act 2009 to prepare a non-sentencing factors report to identify the quantitative effect which non-sentencing factors are having, or are likely to have, on the resources needed or available to give effect to sentences imposed by courts in England and Wales.

This report begins by defining non-sentencing factors, and explaining their importance to resource requirements in the criminal justice system. It then catalogues the most recent published evidence on how these factors may be changing.

## Definition of non-sentencing factors and their significance

The approach taken by the courts to sentencing offenders is a primary driver of requirements for correctional resources in the criminal justice system. This is discussed in the sentencing factors report at Annex C. However, non-sentencing factors also exert an important influence on requirements for correctional resources.

Non-sentencing factors are factors which do not relate to the sentencing practice of the courts, but which may affect the resources required to give effect to sentences. For

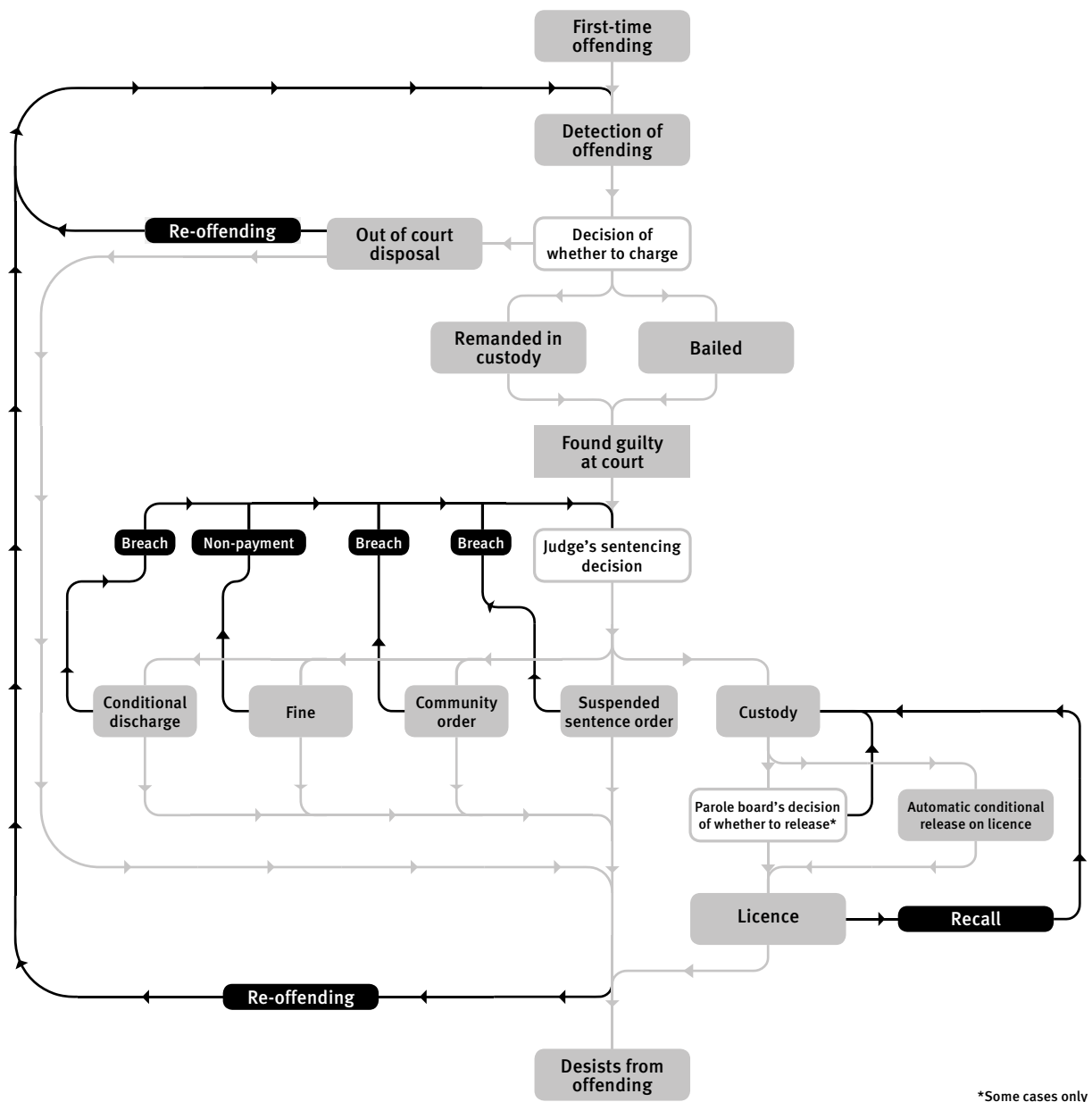
example, the volume of offenders coming before the courts is a non-sentencing factor because greater sentencing volumes lead to greater pressure on correctional resources, even if the courts' treatment of individual cases does not change. Release provisions are another example of a non-sentencing factor: changes in the length of time spent in prison for a given custodial sentence have obvious resource consequences.

## Statistics on the effect of non-sentencing factors on resource requirements

It is straightforward to analyse the available data on non-sentencing factors. However, it is extremely difficult to identify why changes have occurred, and to isolate the resource effect of any individual change to the system. This is because the criminal justice system is dynamic, and its processes are heavily interconnected.

Figure 1 shows a stylised representation of the flow of offenders through the criminal justice system. This figure demonstrates the interdependence of the system and how changes to any one aspect of the system will have knock-on effects in many other parts.

Figure 1



The remainder of this report examines the available data on non-sentencing factors. Due to the complexities explained above, it makes no attempt to untangle the interactions between different non-sentencing factors to explain the causes of observed changes and their resource effects.

## **Volume of sentences and composition of offences coming before the courts**

The Ministry of Justice publishes quarterly statistics on the volume of sentences and the offence types for which offenders are sentenced.

The most recent publication can be found at the following URL: <https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>

Under the link *Criminal justice system statistics quarterly: March 2016*, readers should refer to the sentencing data tool for the most detailed information on sentencing outcomes. The data tool provides statistics on the total number of sentences passed, and how this has changed through time. The statistics can be broken down by sex, age group, ethnicity, court type and offence group.

## **The rate of recall from licence**

An offender is recalled to custody by the Secretary of State if they have been released from custody, but then breaches the conditions of their licence or appears to be at risk of doing so. Since time served in custody is considerably more resource intensive than time spent on licence, recall decisions have a substantial resource cost.

Statistics on recall from licence can be found in the Ministry of Justice's Offender Management Statistics Quarterly, which is at the following URL: <https://www.gov.uk/government/collections/offender-management-statistics-quarterly>

Under the link *Offender management statistics quarterly: January to March 2016*, readers should refer to the tables which concern licence recalls, which are numbered Table 5.1 to Table 5.9. For instance, Table 5.1 contains a summary of the number of licence recalls since 1984.

## **Post sentence supervision**

The Offender Rehabilitation Act 2014 expanded license supervision, which means that since 1 February 2015 all offenders who receive a custodial sentence of less than two years are subject to compulsory post sentence supervision (PSS) on their release for 12 months. The Ministry of Justice publishes statistics on the number of offenders under PSS in the Offender Management Statistics Quarterly publication, which can be accessed via the URL above (readers should refer to Table 4.7 in the probation tables).

## **The rate at which court orders are breached**

If an offender breaches a court order, they must return to court. Their revised sentence will typically add or augment requirements to the order, or involve custody. Breaches can therefore have significant resource implications.

Statistics on breaches can be found in the Ministry of Justice's *Offender Management Statistics Quarterly*, which is at the URL above.

Readers should refer to the probation tables, specifically Table 4.11 which gives a breakdown of terminations of court orders by reason.

## Patterns of re-offending

The Ministry of Justice publish re-offending statistics in *Proven Reoffending Statistics*, the latest edition of which can be found at the following URL: <https://www.gov.uk/government/collections/proven-reoffending-statistics>

The frequency and severity of re-offending is an important driver of changes in requirements for criminal justice resources. Detailed statistics of how re-offending rates are changing through time can be found in the report, and additional statistics can be found in supplementary tables.

## Release decisions by the Parole Board

Many offenders are released from prison automatically under release provisions which are set by Parliament and the Ministry of Justice. However, in a minority of cases which are usually those of very high severity, the Parole Board makes release decisions.

Statistics on release rates for these cases can be found in the Parole Board for England and Wales' Annual Report and Accounts starting at page 29, which can be found at the following URL: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/539946/parole-board-annual-report-accounts-2015-16.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/539946/parole-board-annual-report-accounts-2015-16.pdf)

## Remand

Decisions to hold suspected offenders on remand are a significant contributor to the prison population. The remand population can be broken down into the untried population, and the convicted but yet to be sentenced population.

Statistics on the number of offenders in prison on remand can be found in the Ministry of Justice's Offender Management Statistics Quarterly publication, the latest version of which can be found at the following URL: <https://www.gov.uk/government/collections/offender-management-statistics-quarterly>

Under the link *Offender management statistics quarterly: January to March 2016*, readers should refer to the prison population tables. For example, Table 1.1 contains data on how the remand population has changed through time.

Copies of this report may be obtained from our website:  
**[www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)**

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