

Sentencing Council

Business Plan Financial year 2014/15

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Chair's introduction



I am pleased to present the second business plan of the Sentencing Council, which sets out the Council's aims and objectives for the current financial year.

I was appointed as Chairman of the Council in November 2013, and I wish to build on the very solid foundation and achievements that were accomplished under the leadership of Lord Justice Leveson in the first three and a half years of the Council's existence. Since its inception the Council has been extremely productive in developing guidelines for sentencers and endeavouring to improve the understanding of the public in the sentencing process.

The Business Plan shows the guidelines that are in progress and planned, alongside the associated work that the Council has a statutory duty to undertake. This includes publishing the resource implications of its guidelines, monitoring their effect on sentencing practice and assessing the likely impact of government policy and legislative proposals.

In setting out our current plans for the year, it is important to point out that priorities can, and do, change. The Council is statutorily bound to consider requests from the Lord Chancellor¹ and the Court of Appeal to review the sentencing of particular offences. We may also be required to make amendments to the plan if the Council is required to undertake work on new or particularly complex areas of sentencing.

The aim of publishing the Business Plan is to ensure that those with an interest in our work are kept abreast of developments. We will review the plan bi-annually and publish updates, as appropriate, on the Sentencing Council website.

It is important for the Council to engage with the public and to reach a wide range of audiences, so over the coming year the Council will work with colleagues, victims' groups, the judiciary, partners in the Criminal Justice System and other government departments to deliver this year's Business Plan.

I would also like to acknowledge one of the Council's most valuable resources, the staff of the Office of the Sentencing Council. I am particularly proud of the high quality work consistently produced by the staff. Their contribution and commitment to our work has played a significant role in the success of the Council. This is particularly commendable given the fact that the office is staffed with a complement of 18 people, who work collaboratively within a multi disciplinary framework.

¹ s.124 Coroners and Justice Act 2009

Over the next year, staff in the Office of the Sentencing Council will be supported to develop their skills and knowledge, so that over time our capabilities remain aligned with our evolving business needs. We aim to have an organisational model which promotes more effective ways of working and which gives us scope to flex our resources as required.

The Right Honourable Lord Justice Treacy
April 2014

Background – Sentencing Council

The Sentencing Council for England and Wales ('the Council') was established by Part 4 of the Coroners and Justice Act 2009 (the Act). The Council is a Non Departmental Public Body (NDPB) of the Ministry of Justice (MoJ) whose primary role is to issue guidelines on sentencing which the courts must follow unless it is in the interest of justice not to do so.

The Council is outward-facing, responsive and consultative and draws on expertise from relevant fields wherever necessary whilst ensuring the legal sustainability of all its work. The Council aims to foster close working relationships with judicial, Government and non-Government bodies whilst retaining its independence. 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.

Appointments to the Council

President

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.

Members

The Council comprises eight judicial and six non-judicial members, As follows:

Chair

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

The Right Honourable Lady Justice Hallett DBE

In 2013 Lady Justice Hallett was appointed Vice-President of the Court of Appeal Criminal Division. She has served on the Judicial Appointments Commission and is currently Chairman of the Judicial College responsible for judicial training. She is vice-chair of the Council.

Michael Caplan QC

Partner at Kingsley Napley LLP. A Recorder and authorized to sit as a Deputy High Court Judge. A Chair of the police appeals tribunal, member of the Criminal Procedure Rules Committee and former chairman of the Solicitors Association of Higher Court Advocates.

John Crawforth OBE

Chief Officer for Greater Manchester Probation Area from March 2005 who was the first Chief Executive of the Greater Manchester Probation Trust from April 2009 – January 2011 (retired).

The Honourable Mr Justice Davis QC

Honorary Recorder of Birmingham from 2009, a Senior Circuit Judge and Resident Judge at Birmingham Crown Court. On 1 May 2014 he became a High Court Judge. The Council is in the process of recruiting for a new Circuit member of the Council.

The Honourable Mr Justice Globe

Honorary Recorder of Liverpool from October 2003; a Senior Circuit Judge and Resident Judge at Liverpool Crown Court. In 2011, he became a High Court judge.

Javed Khan

Chief Executive of Barnardo's since May 2014. He was previously the Chief Executive of Victim Support between 2010-2014, and was also previously Executive Director to the London Serious Youth Violence Board at the Government Office for London.

Her Honour Judge Munro QC

Circuit Judge based at Portsmouth Crown Court since 2011. Previously, a Crown Court Recorder authorised to act as a judge in both the trial and sentencing of serious sexual offence cases.

Chief Constable Lynne Owens

Assistant Commissioner of the Metropolitan Police Service from 2010 to 2012. Chief Constable of Surrey Police since February 2012.

Katharine Rainsford JP

Magistrate on the North London Bench since 2013, previously a Magistrate on the West and Central Hertfordshire Bench from 1987, and Chair of the Bench from 2004 to 2007. She is a Commissioner at the Judicial Appointments Commission, and was a Course Director for the Judicial College.

Professor Julian Roberts

Professor of Criminology at the University of Oxford.

The Honourable Mr Justice Saunders

High Court Judge of the Queen's Bench Division since 2007. Previously a circuit judge and the Recorder of Birmingham. Presiding Judge on the South Eastern Circuit 2009-2012.

Alison Saunders

Director of Public Prosecutions and head of the Crown Prosecution Service.

Richard Williams

A District Judge (Magistrates Court) in Wales since 2004. Also sits as a Recorder in the Crown Court, and is authorised to deal with serious sex offences in the youth court.

Two advisers are invited to advise the Council on matters related to their specialist areas. They are:

- Paul Cavadino, former Chief Executive, Nacro; and
- Paul Wiles, former government Chief Social Scientist and Chief Scientific Adviser to the Home Office.

The Council has sub-groups to enable detailed work on three key areas of activity: analysis and research; audit and risk and confidence and communications. The sub-groups' role is mandated by the Council and all key decisions are escalated to the full membership. The sub-groups are internal rather than public-facing.

Aims & Objectives

Aims

The Sentencing Council for England and Wales will:

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

Objectives

The Council will fulfil the following objectives in line with the Coroners and Justice Act 2009:

Prepare sentencing guidelines to help ensure a consistent approach to sentencing

Publish the resource implications in respect of the guidelines it drafts and issues

Explore and monitor the operation and effect of its sentencing guidelines and draw conclusions

Following a reference from the Lord Chancellor, explore and assess the impact of government policy and legislative proposals

Promote awareness and knowledge of sentencing and sentencing practice and work to improve public confidence

Publish an annual report

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 work programme. The plan will be subject to bi-annual review and updates will be published, as appropriate, on the Sentencing Council website.

It should be noted that the Council is bound by section 124 Coroners and Justice Act 2009 to consider requests from the Lord Chancellor² and the Court of Appeal to review the sentencing of particular offences. Adjustments to the work programme may also be required if the Council is required to undertake work on new or particularly complex areas of sentencing.

The Council’s rationale for the prioritisation of guidelines is set out in Annex A.

Objective 1

Prepare sentencing guidelines to help ensure a consistent approach to sentencing

The Council will promote a clear, fair and consistent approach to sentencing through the preparation of sentencing guidelines. This is underpinned at all stages by robust analysis and research.

Indicative timeline for preparation and publication of guidelines				
Guideline	Quarter ³ 1	Quarter 2	Quarter 3	Quarter 4
Sexual offences	Definitive guideline in force			
Environmental offences		Definitive guideline in force		
Fraud, money laundering and bribery	Publication of definitive guideline		Definitive guideline in force	

² In 2011/12 the Council responded to a request from the Lord Chancellor to expedite its work on the existing guideline on fraud offences which required significant amendment to the work programme.

³ The Business Plan covers the financial year from 31 March 2014 to 1 April 2015

Guilty pleas	Analysis and research	Analysis and research	Development of draft guideline	
Theft and handling	Consultation on draft guideline	Development of definitive guideline		Publication of definitive guideline
Health and safety and food offences	Development of draft guideline		Consultation on draft guideline	Development of definitive guideline
Robbery	Development of draft guideline	Development of draft guideline/consultation on draft guideline	Consultation on draft guideline	Development of definitive guideline
Dangerous dogs	Development of draft guideline			Consultation on draft guideline
Breach of order	Analysis and research	Development of draft guideline		
Youths		Analysis and research	Development of draft guideline	
Assault				Analysis and Research

Objective 2

Publish the resource implications in respect of the guidelines it drafts and issues

The Council will assess the resource implications of guidelines and use this knowledge to inform the development of guidelines.

Indicative timeline for preparation and publication of guidelines

Guideline	Quarter ⁴ 1	Quarter 2	Quarter 3	Quarter 4
Fraud, money laundering and bribery	Publication of final resource assessment			
Theft and handling	Publish consultation stage resource assessment			Publication of final resource assessment
Health and safety and food offences			Publish consultation stage resource assessment	
Robbery		Publish consultation stage resource assessment		
Dangerous dogs				Publish consultation stage resource assessment.
Breach of order				Publish consultation stage resource assessment

⁴ The Business Plan covers the financial year from 31 March 2014 to 1 April 2015

Objective 3

Explore and monitor the operation and effect of its sentencing guidelines and draw conclusions

The Council will monitor the operation and effect of its sentencing guidelines and will use this information to develop guidelines.

Indicative timeline and actions to monitor sentencing guidelines				
Guideline	Quarter 1 ⁵	Quarter 2	Quarter 3	Quarter 4
Assault offences		Analyse sentencing data Publish report		
Burglary offences	Obtain sentencing data	Analyse sentencing data	Publish report	
Drug offences		Obtain sentencing dataset	Analyse sentencing data	Publish report

Objective 4

Assess the impact of government policy and legislative proposals

Following a reference from the Lord Chancellor, the Council will assess the likely effect of a government policy or legislative proposal on resources.

Sub-objective	Outcomes
Assess, and report on, the likely impact of the proposal on resources required for the provision of prison places, probation provision and the provision of youth justice services	Assess proposal Collect and analyse data Prepare report Publish report

⁵ The Business Plan covers the financial year from 31 March 2014 to 1 April 2015

Objective 5

Promote awareness of sentencing and sentencing practice and work to improve public confidence in sentencing

The Council will communicate its guidelines; report on its analysis and research findings and carry out projects to improve public confidence in sentencing.

Sub-objective	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Publish and distribute sentencing guidelines and other materials	Make accessible to the public, sentencers, criminal justice practitioners and interested parties all guidelines, Crown Court Sentencing Survey results and analytical material - online and on paper, as appropriate			
	Provide sentencers and criminal justice practitioners with briefing on the introduction of all new guidelines			
Provide expert advice and input into sentencing issues	Continue work towards digital guidelines			
		Publish the annual Crown Court Sentencing Survey report		Present sentencing statistics in a usable, interactive format
Develop productive working relationships with partner organisations and interested parties	Maintain relationships with key media to ensure the Sentencing Council is regularly approached for information and advice on sentencing issues and guidelines			
	Ensure responses to enquiries from the media and interested parties are timely and recorded			
Work to engage the public and victims of crime	Use partner communication channels (intranets, e-bulletins) to extend our reach and gain insight into our target audiences			
	Brief press offices to ensure they are aware of forthcoming announcements and their relevance			
Work to engage the public and victims of crime	Co-host events with interested parties to support guideline consultations			
	Sentencing Council representation at a minimum of 20 events, targeting the judiciary, criminal justice practitioners, academics and special interest groups			
Work to engage the public and victims of crime		Joint (or sponsored) activity		Joint (or sponsored) activity
	Ensure every consultation and definitive guideline launch achieves coverage in national, regional and niche press and broadcast media			
Work to engage the public and victims of crime	Host a victim-focused event for each guideline consultation			

	Review victim-focused information and increase its visibility on the Council's website	Develop a public-facing campaign within resource and financial constraints		
Develop the Council's digital capability in line with the Government's 'digital by default' initiative	Syndicate information on sentencing on partner websites			
	Continue increased use of Twitter and more sophisticated analysis of activity			
	Implement digital communications strategy	Maintain or increase number of visits to the Sentencing Council's website and run a web survey to inform website development		
	Migrate to a new Content Management System (WordPress) and manage own content independently of MOJ.			

Objective 6

Publish an annual report

The Council will produce a report on the exercise of its functions during the year. The annual report will contain a sentencing factors and non-sentencing factors report.

Sub-objective	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Publish an annual report on the exercise of the functions of the Sentencing Council		Draft and publish report		
Prepare a sentencing factors report which assesses the effect which any changes in the sentencing practice of courts are having or are likely to have on the provision of prison places, probation provision and the provision of youth justice services	Collect and analyse data	Draft and publish report		
Prepare a non-sentencing factors report on any significant quantitative effect which non-sentencing factors are having or are likely to have on the resources needed or available for giving effect to sentences imposed by courts in England and Wales	Collect and analyse data	Draft and publish report		

Staff headcount (as at 31 March 2014)

Area of activity	FTE ⁶
Head of Office and support	2
Policy	4.8 ⁷
Analysis and research	7 ⁸
Legal	1
Communications	2.9
Total	17.7

⁶ FTE: full-time equivalents

⁷ Includes maternity cover 1 FTE

⁸ Includes maternity cover 2 FTE

Budget

Summary of budget and resource allocation

	2013/14 (actual) £000s	2014/15 (budget) £000s
Total funding allocation	1,452	1,452
Office staff costs⁹	1,225	1,115
Council members and adviser fees¹⁰	77	68
Analysis and research	112	197
Design and printing services	41	47
Confidence and communications	15	76
IT services	34	9
Training	8	10
Other office expenditure¹¹	27	58
Total expenditure	1,539	1,580

It has not been possible within the allocated budget to make any allowance for future adjustments to the work programme.

⁹ Includes office staff travel and subsistence costs

¹⁰ Includes travel and subsistence costs incurred by Council members and advisers

¹¹ Other office expenditure includes off-site storage cost and postage

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 about:

- the discharge of a court's duty under section 144 of the Criminal Justice Act 2003 (chapter 44) (reduction in sentences for guilty pleas),¹² and
- sentencing guidelines about the application of any rule of law as to the totality of sentences.¹³

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 three-year 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.

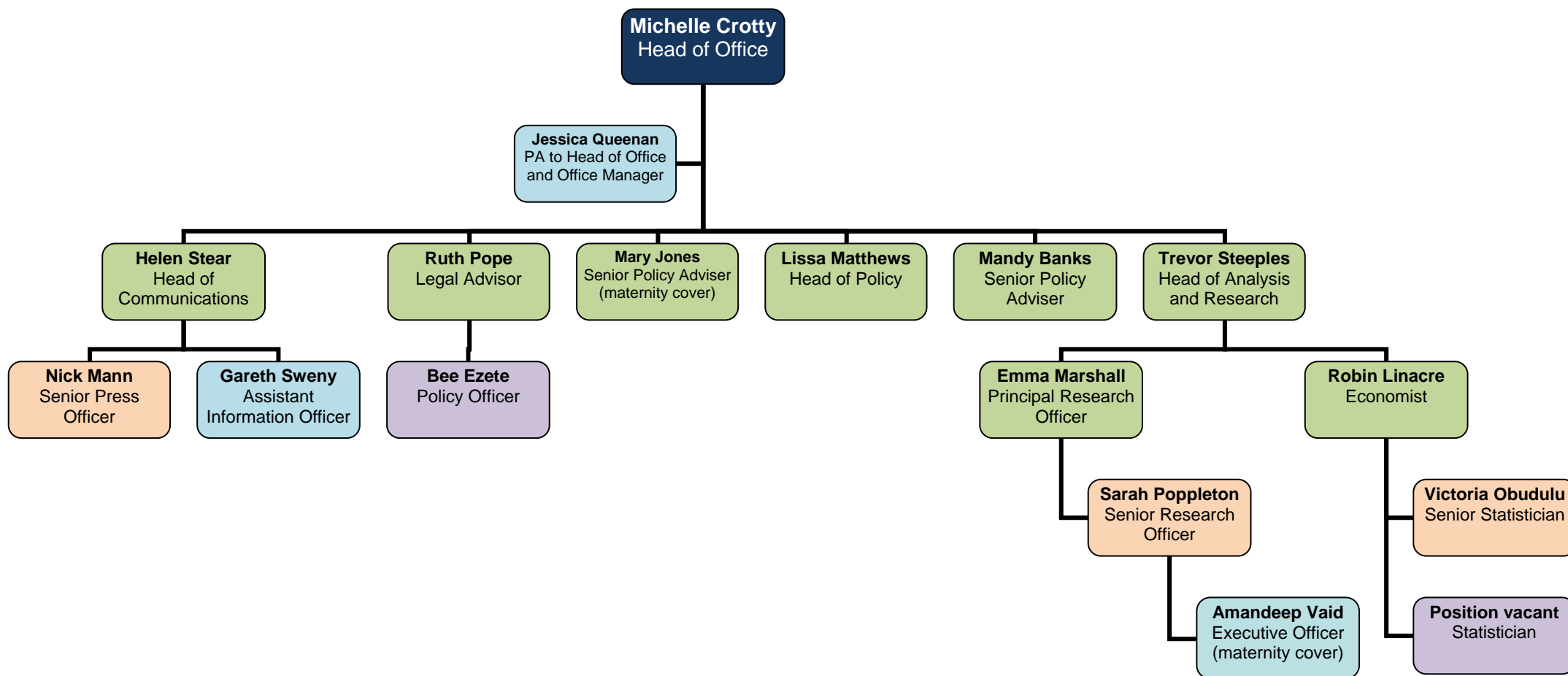
- The Lord Chancellor or Lord Chief Justice formally requests the review of sentencing for a particular offence, particular category of offence or particular category of offender and the production of a guideline.
- New legislation requires supporting sentencing guidelines.
- Guidelines issued by the Sentencing Guidelines Council require conversion into the Council's step by step approach to sentencing or current guidelines are out of date or incomplete.
- A substantial body of interested parties request a guideline to be issued for a particular area of sentencing.
- Sentencing data suggests that there may be inconsistency in sentencing for a particular offence, particular category of offence or particular category of offender.
- Evidence suggests that the guideline would have a significant effect on sentencing practice, for example, the potential range of available sentences is wide and/or the number of offences sentenced is significant.
- The resource required to produce a guideline and other work pressures

¹² s.120 (3)(a)

¹³ s.120 (3)(b)

Annex B: The Office of the Sentencing Council organisation

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 – 2014 to 2017*

Guideline	First discussion of guideline by Council	Consultation period	Publish definitive guideline
Fraud	October 2012	June 2013 – September 2013	May 2014
Theft offences	July 2013	April 2014 – June 2014	January 2015
Health & Safety	October 2013	Sept 2014 – Dec 2014	September 2015
Robbery	January 2014	Sept 2014 – Dec 2014	June 2015
Dangerous Dogs	June 2014	December 2014 – March 2015	July 2015
Breach of order including Bail	September 2014	June 2015 – October 2015	June 2016
Youths	October 2014	Oct 2015 – Jan 2016	November 2016
Guilty pleas	November 2014	June 2015 – September 2015	March 2016
Assaults	January 2015	Nov 2015 – Dec 2015	July 2016
Knife offences	June 2015	January 2016 – April 2016	December 2016
Motoring (injurious)	July 2015	March 2016 – June 2016	February 2017
Public order	November 2015	May 2016 – July 2016	March 2017

* The dates shown in this work plan are indicative and may be subject to change

** Currently we allow a three month implementation period between publication and the definitive guideline coming into force