

Business Plan Financial year 2013/14

Sentencing Council

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Reviewed 30 September 2013

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Chairman's introduction

The Sentencing Council came into being three years ago. 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.

This year I am pleased to introduce our first Business Plan, setting out the Council's aims and objectives and outlining an ambitious programme of work for the current financial year.

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. We also have plans in place to continue our work to demystify sentencing and encourage the public to understand what we are doing in their name and why.

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. Such a request led to substantial changes to our work programme in 2011/12, for example, when we were asked to expedite its work on the existing guideline on fraud offences. We may also be required to make amendments 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.

We have already seen considerable achievements for the Sentencing Council and look forward to working with colleagues, victims' groups, the judiciary, partners in the Criminal Justice System and other government departments to deliver this year's Business Plan.

The Right Honourable Lord Justice Leveson
July 2013

¹ s.124 Coroners and Justice Act 2009

Background

The Sentencing Council for England and Wales ('the Council') was established by part four 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

The Lord Chief Justice, the Right Honourable Lord Judge, is President of the Council. In this role he oversees Council business and appoints judicial members. Lord Justice Leveson, a Court of Appeal judge, has been Chairman of the Sentencing Council since November 2009. The Lord Chancellor and Secretary of State for Justice appoint non-judicial members. The Council comprises eight judicial and six non-judicial members.

Members (as at June 2013)

District Judge (MC) Anne Arnold

Appointed as a Stipendiary Magistrate, now District Judge (Magistrates' Courts), for East and West Sussex in 1999. Appointed a Recorder assigned to the Western Circuit in 2005.

Michael Caplan QC

Partner at Kingsley Napley LLP. A Recorder and authorised 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 Crawford OBE

Chief Officer for Greater Manchester Probation Area from March 2005, becoming the first Chief Executive of the Greater Manchester Probation Trust from April 2009 to January 2011 (retired).

His Honour Judge Davis QC

Senior Circuit Judge and Resident Judge at Birmingham Crown Court and the Honorary Recorder of Birmingham since 2009.

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 Victim Support. 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 West and Central Hertfordshire Bench since 1987 and Chair of the Bench from 2004 to 2007. She was also 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 to 2012.

Keir Starmer QC

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

Lord Hughes of Ombersley and Lord Justice Treacy have been co-opted to the Council. This is in order to continue taking advantage of their very considerable involvement in the development of sentencing guidelines for fraud offences and sexual offences respectively. To lose their expertise would have had a real impact on the work which, in both cases,

commenced during their tenure as Council members. Lord Hughes' term will run until the launch of the consultation on the draft guideline on fraud in Quarter 1/2 and Lord Justice Treacy's term will run until the definitive guideline on sexual offences has been published in Quarter 3.

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 two key areas of activity: analysis and research; 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 and 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.

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

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 underpinned by robust analysis and research.

Indicative timeline ³ for preparation and publication of guidelines				
Guideline	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Sexual offences	Review of consultation responses and development of definitive guideline Analysis and research		Publication of definitive guideline (in force Quarter 1 2014/15)	
Environmental offences	Consultation on draft guideline Analysis and research	Review of consultation responses and development of definitive guideline		Publication of definitive guideline (in force Quarter 2 2014)
Fraud, money laundering and bribery	Development of draft guideline Analysis and research	Consultation on draft guideline	Review of consultation responses and development of definitive guideline	Publication of definitive guideline on corporate offenders
Guilty pleas	Analysis and research Development of draft guideline			
Theft and handling		Development of draft guideline		Consultation on draft guideline
Health and safety and food offences	Development of draft guideline			
Robbery	Analysis and research			

³ The Business Plan covers the financial year from 31 March 2013 to 1 April 2014

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 resource assessments				
Guideline	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Sexual offences			Updated resource assessment to support definitive guideline	
Environmental offences				Updated resource assessment to support definitive guideline
Fraud, money laundering and bribery		Resource assessment to support draft guideline		Updated resource assessment to support definitive guideline
Guilty pleas				Resource assessment to support draft guideline
Theft and handling				Resource assessment to support draft guideline
Health and safety and food offences				Resource assessment to support draft guideline

Objective 3

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	Quarter 2	Quarter 3	Quarter 4
Assault offences	Obtain MoJ court proceedings dataset	Analyse sentencing data Publish report		
Burglary offences	Obtain MoJ court proceedings dataset	Analyse sentencing data	Publish report	
Drug offences		Obtain MoJ court proceedings 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
As required 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 data Prepare report Publish report

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			
		Publish the annual Crown Court Sentencing Survey report	Agree strategy to migrate to digital guidelines	Present sentencing statistics in a usable, interactive format and develop online commissioning of small-scale research
Provide expert advice and input into sentencing issues	Develop 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			
Develop productive working relationships with partner organisations and interested parties	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			
	Co-host events with interested parties to support guideline consultations			
	Sentencing Council representation at a minimum of 20 events, involving the judiciary, criminal justice practitioners, academics and special interest groups			
		Joint (or sponsored) activity		Joint (or sponsored) activity
Work to engage the public and victims of crime	Ensure every consultation and definitive guideline launch achieves coverage in national, regional and niche press and broadcast media			
	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			
	Agree digital communications strategy		Submit business case to migrate the Sentencing Council website to a new hosting and support infrastructure	
	Pilot campaign to increase use of Twitter		Maintain or increase number of visits to the Sentencing Council's website and run a web survey to inform website development	

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
Publish an annual report on the exercise of the functions of the Sentencing Council	Draft report	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 report	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 report	Publish report

Staff headcount

Area of activity	FTE ⁴
Head of Office and support	2
Policy	5.8 ⁵
Analysis and research	8 ⁶
Legal	2 ⁷
Communications	4.4 ⁸
Total	22.2

⁴ In FTE: full-time equivalents

⁵ Includes maternity cover 1 FTE. Reducing to 4.8 in December 2013

⁶ Includes maternity cover 1 FTE

⁷ Reducing to 1 in December 2013

⁸ Includes maternity cover 0.8 FTE

Budget

Summary of budget and resource allocation.

	2012/13 (actual) £000s	2013/14 (budget) £000s
Total funding allocation	1,544	1,452
Office staff costs⁹	1,002	1,062
Council members and adviser fees¹⁰	73	79
Analysis and research	150	172
Design and printing services	106	67
Confidence and communications	1	31
IT services	16	12
Training	10	9
Other office expenditure¹¹	87	20
Total expenditure	1,445	1,452

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 (c. 44) (reduction in sentences for guilty pleas);¹ and
- sentencing guidelines about the application of any rule of law as to the totality of sentences.²

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.

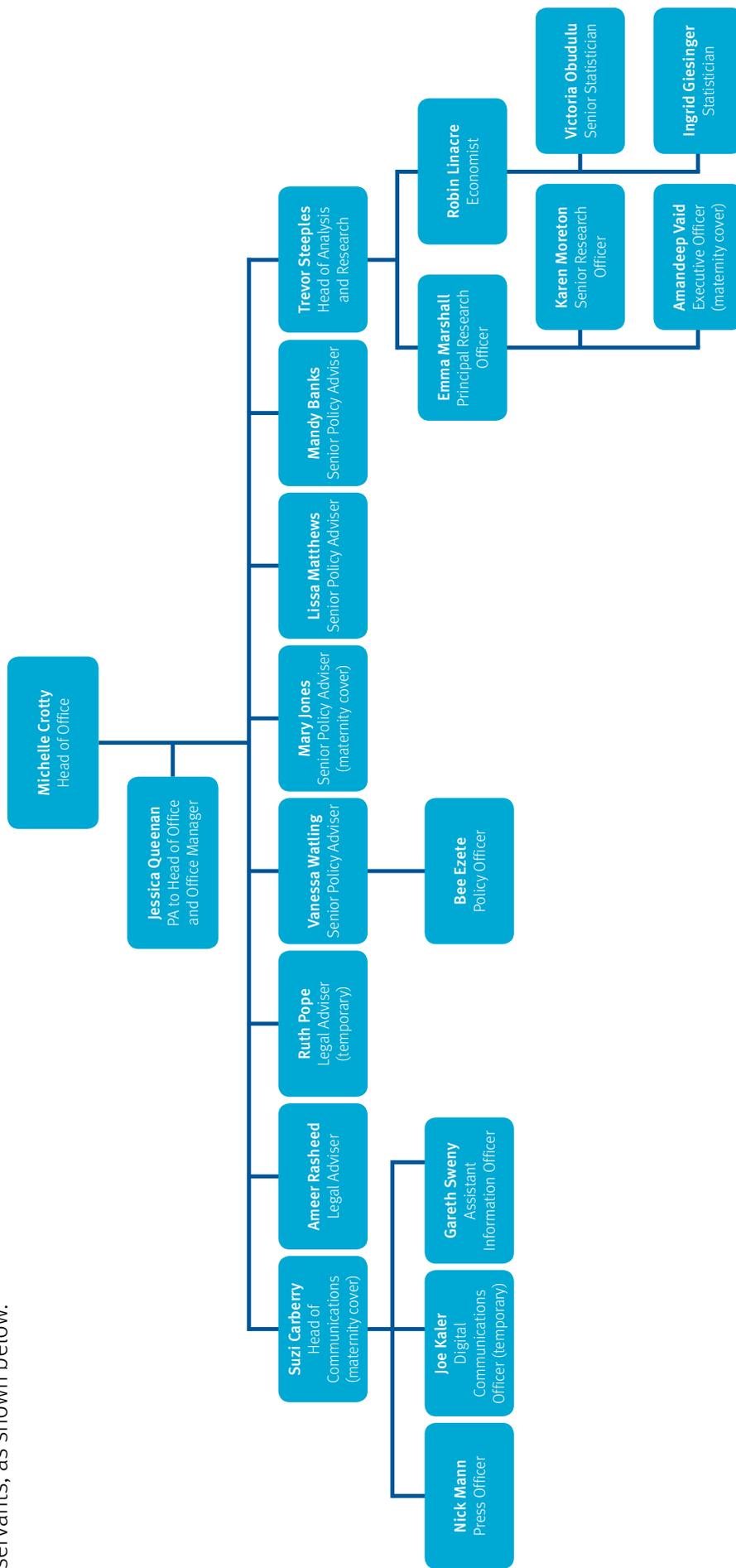
- Guidelines issued by the Sentencing Guidelines Council require conversion into the Council's step by step approach to sentencing or current guidelines are out of date or incomplete.
- A substantial body of interested parties request a guideline to be issued for a particular area of sentencing.
- Sentencing 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.

¹ s.120 (3)(a)

² 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 Work Plan 2013 - 2016*

		2013/14				2014/15				2015/16			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
SEXUAL OFFENCES													
First discussion	Q1 2011												
Consultation	Q3/4 2012												
Publication**													
ENVIRONMENTAL OFFENCES													
First discussion	Q4 2012												
Consultation	Q4 2012												
Publication													
FRAUD, MONEY LAUNDERING & BRIBERY													
Consultation													
Publication (corporate)													
Publication (full)													
REDUCTION IN SENTENCE FOR A GUILTY PLEA													
First discussion													
Consultation													
Publication													
THEFT OFFENCES													
First discussion													
Consultation													
Publication													
HEALTH & SAFETY OFFENCES													
First discussion													
Consultation													
Publication													
ROBBERY													
First discussion													
Consultation													
Publication													
DRIVING OFFENCES CAUSING DEATH OR INJURY													
First discussion													
Consultation													
Publication													
KNIFE OFFENCES													
First discussion													
Consultation													
Publication													
SENTENCING FOR YOUTHS													
First discussion													
Consultation													
Publication													
NON-LETHAL DRIVING OFFENCES													
First discussion													
Consultation													
Publication													
PUBLIC ORDER													
First discussion													
Consultation													
Publication	Q1 2016/17												

* 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

