

ANALYSIS AND RESEARCH SUBGROUP MEETING 11 OCTOBER 2021 MINUTES

Members present: Tim Holroyde
Rebecca Crane
Maura McGowan
Alpa Parmar

Members of Office
In attendance: Eliza Cardale
Charlotte Davidson
Jenna Downs
Emma Marshall
Harriet Miles
Kate Kandasamy
Caroline Kidd
Gail Peachey

Apologies: Jo King
Nic Mackenzie

1. WORK UPDATES

1.1 The subgroup were updated on recent work in the team. Charlotte (CD) outlined recent statistical work on guideline development, including resource assessments covering guidelines on perverting the course of justice, motoring offences, animal cruelty offences, underage sale of knives and terrorism offences. Work on evaluations of the Intimidatory offences and Imposition and Bladed articles and offensive weapons guidelines are also either planned or underway.

1.2 We have been recruiting for a replacement for CD who is now covering Amber's post while she is on maternity leave. We have also issued an advertisement for a temporary 12-month statistician. We hope to have at least one new member of staff in post before Christmas.

1.3 CD also updated members on issues related to data storage in MoJ. Changes to this are likely to take place before Spring 2022 when data is moved to a new location. We are aware of this and the implications it may have and are putting in place mitigations to ensure that it does not significantly disrupt our work.

1.4 Gail (GP) updated on social research activity, including the publication of the judicial attitudes to guidelines report during the summer which were published alongside two reports

on consistency in sentencing and one on the cumulative impacts of the Council's evaluated guidelines. We also published the totality research report in September.

1.5 The team have been supporting guideline development through road testing exercises for the sexual offences, terrorism, and burglary offences guidelines and through transcript analysis of motoring offences. Analysis has been started on the evaluation of the Breach guideline. Work has been completed on a short survey to feed into development of the draft Firearms importation guideline which was presented at the September Council meeting.

1.6 Work has also progressed on commissioning external contractors to undertake the Council's equality and diversity project. A contractor – the University of Hertfordshire – has been selected and we have held an inception meeting to discuss the details of the work. Beverley joined that meeting to help advise on the type of issues we need to cover in the work and the type of organisations we should engage in roundtable discussions.

1.7 The research 'pool' has been refreshed; it now contains 850 contacts, including 500 magistrates, 70 District judges and 150 Circuit Judges who have all volunteered to take part in research exercises to support the Council.

1.8 Planning is underway for the next data collection which is due to run from October 2022 to March 2023. This will support the evaluation of the Assault, Burglary, Drug and Motoring offences guidelines. The team is also continuing discussions with HMCTS over how we might make use of the Common Platform in the future to streamline processes and create and access more timely and better quality data.

2. REVIEW OF RISK REGISTER

2.1 Emma (EM) talked through the relevant risks:

- *Risk 1: Guidelines have impact on correctional resources that cannot be assessed or the resource assessment does not anticipate.* Controls in place include: bespoke data collections; road testing; exploring use of the Common Platform for data collections; scoping work on how we collect data in the future; reviewing our approach to resource assessments. Further controls include accounting for the fact that data will have been affected by changes in the courts during the pandemic. Currently, the 'impact' rating is at 4 and 'likelihood' is at 3. The target is 'impact' at 3 and 'likelihood' at 2, to reduce the risk from 'high' to 'medium'. Members agreed to retain the current risk scores.
- *Risk 2: Sentencers interpret guidelines incorrectly.* Controls include: building in road testing for as many guidelines as possible; procuring equality and diversity work; work on user testing. The group discussed the issue of training in relation to this and whether we could offer more to the Judicial College – for example a training video for sentencers on using the guidelines, more speakers for seminars. It was agreed that EM would feed this back to policy colleagues. It was also agreed that a note would be added on this to the risk register, with the caveat that anything further that we do in relation to this needs to be within the remit of the Sentencing Council.

Action: EM to discuss with policy colleagues the issue regarding training and to update the risk register.

3. ANALYSIS AND RESEARCH BUDGET

3.1 Kate (KK) noted there is £80,000 in the Analysis and Research budget for various projects over the remainder of the 2021/22 financial year. This has been allocated as follows: £20,000 for the equalities and diversity research; £10,000 for public confidence

questions (re-running those undertaken previously with ComRes); and £50,000 for an evaluation project (this will probably form part of an evaluation of the domestic abuse guideline). A further £2,500 is budgeted for transcripts of sentencing remarks.

4. VISION – FORWARD LOOK

4.1 EM updated on progress with the Vision strategy work and explained that the Analysis and Research team had already started working on some of the actions in this.

4.2 As part of this, we have a commitment to publish a digest of evidence on effectiveness of sentencing by September 2022. The team plans to send the subgroup early drafts of this by late Spring 2022. This will complement another action in the strategy to scope out qualitative work with offenders to explore their experiences of different sentences. The scoping study will consider if it would be more appropriate to explore this more generally or in relation to specific guidelines. We will be starting to consider this next year and will come back to the subgroup at that stage with further information and to obtain feedback on early ideas. Maura (MM) commented that she supported this area of work, but cautioned that we needed to be careful how we draft and handle any work of this nature.

4.3 We have also started work on our actions on the review of resource assessments and local area data. These were discussed in more detail in separate items in the meeting.

4.4 Tim (TH) thanked the team for their hard work.

Action: the team to update the subgroup at the next meeting on progress with Vision actions.

5. REVIEW OF RESOURCE ASSESSMENTS

5.1 Jenna (JD) presented a paper on the review of resource assessments that is an action in the Vision five-year strategy. The paper and discussion focused on three key areas: understanding and improving how we use the data we can/ may be able to access; improving and adapting methodologies and analysis; and improving communication with users about our methodology.

5.2 JD outlined some considerations that will be relevant in taking this forward and also that the review will require resources to be allocated to it within the Analysis and Research team's workplan. It is estimated that a level of staffing resources similar to our allocation for road testing exercises would be needed for this. TH asked if this would take resource away from other areas. EM reassured the group that we will not be cutting back in other areas but will dedicate 'unallocated' resource to this.

5.3 On methodology, it was agreed that the review would consider if we should/ could include systematic reviews from academics in resource assessments. TH suggested research into the overall resource implications of different types of prison sentences looking at, for example, how long different prisoners actually serve (e.g. time in prison and on licence), what the implication is of supporting people on licence, and what the implication is for the prison service if sentences are longer (e.g. older people becoming infirm and needing medical attention etc). The group considered this and concluded that at the moment there is insufficient data to cover these issues.

5.4 Alpa (AP) asked if the team is still using a methodology that looks at current prison places versus what might happen with new guidelines using current transcripts. JD confirmed that we are still using that approach and that the review will look at whether this is the best approach available.

5.5 The group agreed that the paper coming out of the review of resource assessments should be peer reviewed. AP also felt it would also be helpful to have a focus group of academics to feed into this work. The group also acknowledged that the findings of the review might impact on future resource assessments and could increase the amount of resource needed to undertake them.

Action: JD to present a paper outlining options/ progress on the review of resource assessments at the next subgroup meeting.

6. OPTIONS REGARDING THE COUNCIL'S LOCAL AREA DUTY

6.1 The Council agreed to include an action in their 5-year strategy around undertaking work on the statutory duty relating to local area data. The action committed the Council to reviewing whether work should be done in this area in the future and if so, what we might do.

6.2 CD talked through a paper of potential options for progressing for this work noting that there are issues around the wording of the duty and its subsequent interpretation. TH commented that this is a difficult area and that this should be a very low priority given the Council's limited resources, a concern that others agreed with. There are risks that any analysis in this area could be potentially misleading if it is not possible to control for all relevant factors and that it could affect response rates for future data collections if courts perceive that 'performance' in their local area is being analysed. The subgroup considered whether data could be provided which be analysed at a local level but with the name of the court anonymised. It was felt that this would not be practicable.

6.3 Having considered the issues, the subgroup decided that no further work should be undertaken on this duty at present. Given that we have an action in the strategy to consider this area by March 2022, we will draft a note that we can publish on the website outlining the relevant issues and explaining the Council's decision on this. This will be circulated to the subgroup prior to publication as the wording will need careful thought.

Action: CD to draft a note regarding the Council's decision on this action and circulate it to the subgroup for their comments.

7. CHANGE OF PUBLISHED AGE GROUP BREAKDOWN

7.1 JD talked through a paper outlining a rationale for proposing changes to the age group breakdowns that we use in our statistical publications. Consideration of this is a result of a point raised in one of the responses to the consultation on the Firearms importation guideline. If agreed, the plan is to publish the updated breakdowns alongside the publication of this.

7.2 JD outlined the changes, which the subgroup agreed to. The subgroup did, however, comment on the older age group and whether it would be sensible to move away from the MoJ categories here and split this into one group covering offenders aged 60-69 years and another for the 70+ category.

7.3 The subgroup also agreed that an explanatory note should be published alongside the Firearms importation data tables, which will be circulated to it for comment ahead of publication.

Action: JD to draft an explanatory note regarding the changes in age breakdowns and to circulate this for comment to the subgroup.

8. DATE OF NEXT MEETING

8.1 It was agreed that we would look to convene another meeting of the subgroup in early 2022.

Action: JD to canvass dates for the next subgroup meeting.

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