

Attitudes to sentencing guidelines: views from the judiciary

**Eliza Cardale (Office of the Sentencing Council), Alastair Layne and
Kelly Lock (Opinion Research Services)**

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Contents

| | |
|---|-----------|
| List of tables | 3 |
| List of figures | 4 |
| 1. Introduction | 5 |
| 1.1 Sentencing guidelines | 6 |
| 1.2 Developing the guidelines | 6 |
| 2. Methodology | 7 |
| 2.1 Understanding the data | 8 |
| 2.2 Limitations | 8 |
| 3. Summary findings | 9 |
| 4. Main findings | 10 |
| 4.1 Perceptions of sentencing prior to the introduction of SGC guidelines in 2004 | 10 |
| 4.2 The introduction of the SGC guidelines in 2004 | 11 |
| 5. Conclusions | 19 |
| The authors | 19 |
| Acknowledgements | 19 |
| Annex A: survey questionnaire | 20 |
| Annex B: summary tables | 26 |
| List of tables | |
| Table 1: Respondents by sentencer type | |

List of figures

Figure 1: To what extent do you agree or disagree that, before sentencing guidelines were introduced, sentencing was...?

Figure 2: To what extent do you agree or disagree that you supported the introduction of guidelines?

Figure 3: To what extent do you agree or disagree that you have seen an improvement in the sentencing guidelines since they were first introduced under the Sentencing Guidelines Council (SGC) in 2004?

Figure 4: Which of the sentencing guidelines do you most prefer? (select up to three)

Figure 5: To what extent do you agree or disagree that the Sentencing Council's guidelines are...?

Figure 6: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced: fairness, transparency and consistency in the sentencing process; or has there been no change?

Figure 7: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced fairness in the sentencing process, or has there been no change? (by sentencer type)

Figure 8: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced transparency in the sentencing process, or has there been no change? (by sentencer type)

Figure 9: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced consistency in the sentencing process, or has there been no change? (by sentencer type)

1. Introduction

The Sentencing Council was established in 2010 and produces guidelines for use by all members of the judiciary¹ in England and Wales when sentencing in criminal courts. It is an independent, non-departmental public body of the Ministry of Justice, which is currently chaired by Lord Justice Holroyde, who is supported by seven judicial members and six non-judicial members.²

The Council's statutory obligations are set out in the Coroners and Justice Act 2009.³ Its primary function is to issue guidelines on sentencing, which the courts must follow unless it is in the interests of justice not to do so. Other responsibilities include monitoring use of the guidelines, assessing the impact of guidelines on sentencing practice and promoting understanding of, and public confidence in, sentencing.

The overarching aim of the Council is to promote greater transparency, fairness and consistency in sentencing, while maintaining the independence of the judiciary.

In preparation for its 10th anniversary event, the Sentencing Council commissioned Opinion Research Services (ORS) to explore the views of sentencers about sentencing guidelines.⁴ The Council felt it was important to look back over its first ten years and understand how views may have changed and whether any learning could be drawn from these.

The research covered the following areas:

- Perceptions of the sentencing process prior to the introduction of sentencing guidelines in 2004;
- Judicial support for the introduction of the guidelines in 2004, and whether perceptions of them have changed over time, including when the Sentencing Council came into being in 2010;
- Ways in which guidelines have changed since their introduction;
- Sentencers' preferred guidelines;
- Sentencers' experiences of using the guidelines; and,
- The extent to which guidelines are perceived to have impacted on sentencing practice.

The research aimed to explore how views may differ between certain groups, including types of sentencer or length of sentencing experience.

¹ The terms 'judiciary' and 'judicial' refer to magistrates, district and deputy district judges, Circuit judges and High Court judges.

² The Council has previously been chaired by Sir Brian Leveson and Lord Justice Treacy.

³ <https://www.legislation.gov.uk/ukpga/2009/25/part/4/chapter/1>

⁴ The research was due to be presented and published as part of the 10th anniversary event, originally scheduled for April 2020 and then postponed to 2021. Due to the ongoing Coronavirus pandemic, this event has now been cancelled.

1.1 Sentencing guidelines

Despite the Sentencing Council only having been in existence since 2010, sentencing guidelines have been in place for around 17 years: the first guideline was published in 2004 by the Council's predecessor body, the Sentencing Guidelines Council (SGC). At this time, sentencers needed to 'have regard' to guidelines. The Coroners and Justice Act 2009 then set out that the court 'must follow' any relevant sentencing guidelines, unless it would be contrary to the interests of justice to do so.⁵

The Council produces offence specific guidelines, which provide sentencers with a stepped approach to sentencing particular offences.⁶ It also produces overarching principles guidelines, which provide sentencers with guidance on an area that can be applied across all offences (such as the issues involved with sentencing children and young people, cases involving domestic abuse and reductions in sentence for a guilty plea).

1.2 Developing the guidelines

The Sentencing Council publishes its criteria for prioritising which guidelines to develop. These include areas where there may be concerns with an existing guideline, high volume offences where there is the potential for sentencing to make a large impact and offence types that lack a guideline.⁷ The Council also has a statutory duty to develop guidelines in the areas of reductions in sentences for guilty pleas, allocation and totality.

The Council undertakes research and analysis to assist in the development of guidelines, as well as in monitoring the operation and effect of its guidelines. This includes statistical analysis of current sentencing practice prior to developing a new guideline. It also undertakes early research with sentencers and others (for example legal professionals) to help understand how guidelines might work in practice, explore whether there are any issues or problems with them (for example, whether they are understood and applied as intended) and to explore views on them. Where relevant, research is also conducted with members of the public, victims and offenders. Once a draft guideline is agreed, the Council runs a public consultation exercise, generally over a 12 week period. Changes are made to guidelines as a result of findings from the research and analysis and from consultation responses.

Finally, after a guideline has been in force for a period of time, the Council monitors and evaluates its impact and implementation, using a range of quantitative and qualitative research methods. The findings from this work, as well as any other relevant evidence or information, are fed back to the Council, which then considers if the guideline may need amending or revisiting.

⁵ This duty is now contained in the Sentencing Code <https://www.legislation.gov.uk/ukpga/2020/17/section/59>

⁶ Offence specific guidelines generally consider the offender's level of culpability and the harm caused at step one. Step two specifies an appropriate sentencing range and starting point based on the level of culpability and harm decided at step one. The sentencer then takes into account aggravating and mitigating factors, which are specified in a non-exhaustive list, to determine the final sentence within the specified range.

⁷ These criteria are currently being reviewed as part of the responses to the 'What Next for the Sentencing Council?' consultation.

2. Methodology

This report sets out the findings of an online survey of judges and magistrates that was commissioned in preparation for the Sentencing Council's 10th anniversary.⁸ This work was undertaken by Opinion Research Services (ORS). Work on consistency of sentencing⁹ and the cumulative impacts of Council guidelines¹⁰ was also commissioned and are the subject of separate reports.¹¹

The survey of judges and magistrates was available online on the judicial intranet from 4 October to 4 November 2019. The questionnaire was designed by ORS in collaboration with the Office of the Sentencing Council (OSC).¹² A letter from the Chair of the Sentencing Council and a link to the survey was circulated by Judicial Office to all judges and magistrates by email. All members of the judiciary had the opportunity to take part, and a total of 1,022 questionnaires were completed.¹³

Table 1 indicates the number of respondents of each type of sentencer. The proportion of each type of sentencer who responded to the survey is broadly reflective of the sentencing population: as at 1 April 2019, there were more than 14,000 magistrates, 200 district judges and deputy district judges, 600 Circuit judges and fewer than 100 High Court judges.¹⁴

Table 1: Respondents by sentencer type

| Type of sentencer | Number of respondents | Percentage of respondents |
|--|-----------------------|---------------------------|
| Magistrate | 813 | 80 |
| Deputy district judge (magistrates' court) | 55 | 5 |
| District judge (magistrates' court) | 52 | 5 |
| Circuit judge | 86 | 8 |
| High Court judge | 16 | 2 |
| Total | 1,022 | 100 |

⁸ As part of this work, the contractors also undertook interviews with sentencers and other stakeholders to explore their views on guidelines. Given the overlap with some of the questions in the 'What Next for the Sentencing Council?' consultation, their responses have been considered internally alongside the consultation responses.

⁹ This report can be viewed here: <https://www.sentencingcouncil.org.uk/publications/item/investigating-the-sentencing-councils-impact-in-three-key-areas>

¹⁰ This report can be viewed here: <https://www.sentencingcouncil.org.uk/publications/item/investigating-the-sentencing-councils-impact-in-three-key-areas>

¹¹ The intention had been to discuss the findings from this work at the Council's 10th anniversary event in April 2020. However, the Coronavirus pandemic impacted on the ability to hold an event and to finalise these pieces of analysis before this point in time.

¹² The questionnaire is set out in Annex A.

¹³ 1,003 records were submitted and 19 incomplete records were included in the final responses.

¹⁴ <https://www.judiciary.uk/wp-content/uploads/2019/07/Judicial-Diversity-Statistics-2019.pdf>

Most survey questions were multiple choice and a Likert scale format was used to rate agreement with statements about the guidelines. The quantitative survey data were analysed by the analysis team at ORS using SPSS, a quantitative analysis software tool. The findings are set out in full in the tables in Annex B. There were two open text responses - on respondents' preferred guidelines and the impact of the guidelines on their sentencing practice - which were thematically coded and analysed by the data processing team at ORS.

2.1 Understanding the data

All quantitative data in this report are taken from the findings of the survey. Where percentages do not sum to 100, this is either due to rounding or multiple response answers where sentencers could select more than one option.

Where the base number is lower than the overall sample size, this is due to the use of subsamples, missing data or the exclusion of non-applicable responses. Subsamples have been used to identify the views of different sentencer types, and in some cases to represent the views of those who had started sentencing criminal cases before the introduction of the guidelines and who would be able to reflect on sentencing before this time.

2.2 Limitations

The survey findings are based on a sample of individuals who opted to take part in this exercise. Although all sentencers theoretically had the chance to take part, people were not individually recruited and so the number and nature of opt-ins would have been influenced by the communications around the survey and personal motivations for participation.

Respondents to open questionnaires¹⁵ may be particularly motivated to give a response (either positive or negative) and so responses may not necessarily be representative of the views of all sentencers. However, the proportion of each type of sentencer who responded to the survey is broadly reflective of the sentencing population and so, the responses offered general good representation in terms of sentencer type, sentencing experience and regional spread. These proportions are set out in the tables in Annex B. No further demographic data on sentencers were collected so we have not been able to break down responses beyond these groupings.

It should also be noted that because this research was commissioned as part of a wider body of work addressing different aspects of the impact of the Sentencing Council over its first 10 years, this report concentrates on presenting the findings factually, with minimal discussion of their implications for future work or the policy context within which they sit. More detailed discussion in relation to the Council's future work will be contained in the response to the '*What Next for the Sentencing Council?*' consultation, which will report on all the work undertaken at this stage.

¹⁵ The survey was circulated to all judges and magistrates by email.

3. Summary findings

The key findings from this work are:

- Over half of respondents who had begun sentencing before 2004 agreed that sentencing had been fair before the introduction of the SGC guidelines;
- Fewer respondents who had begun sentencing before 2004 agreed that sentencing had been transparent or consistent before the introduction of the SGC guidelines, than agreed that sentencing had been fair before their introduction;
- Over four-fifths of respondents who had begun sentencing before 2004 said they had supported the introduction of the SGC guidelines;
- Three quarters of sentencers agreed that the guidelines had improved since their introduction in 2004;
- The majority of respondents agreed that the Sentencing Council guidelines introduced in 2011¹⁶ are well-structured, helpful to the sentencing process and easy to use; there was greater agreement among sentencers who had begun sentencing more recently, and among judges compared with magistrates;
- A greater proportion of magistrates and district and deputy district judges than Circuit and High Court judges said they were confident using the guidelines in a digital format; and,
- Of sentencers who had begun sentencing before 2011, the vast majority thought transparency and consistency had improved and fewer, though still a majority, thought fairness had improved.

¹⁶ The Sentencing Council was established in 2010 and the first guideline was published in 2011.

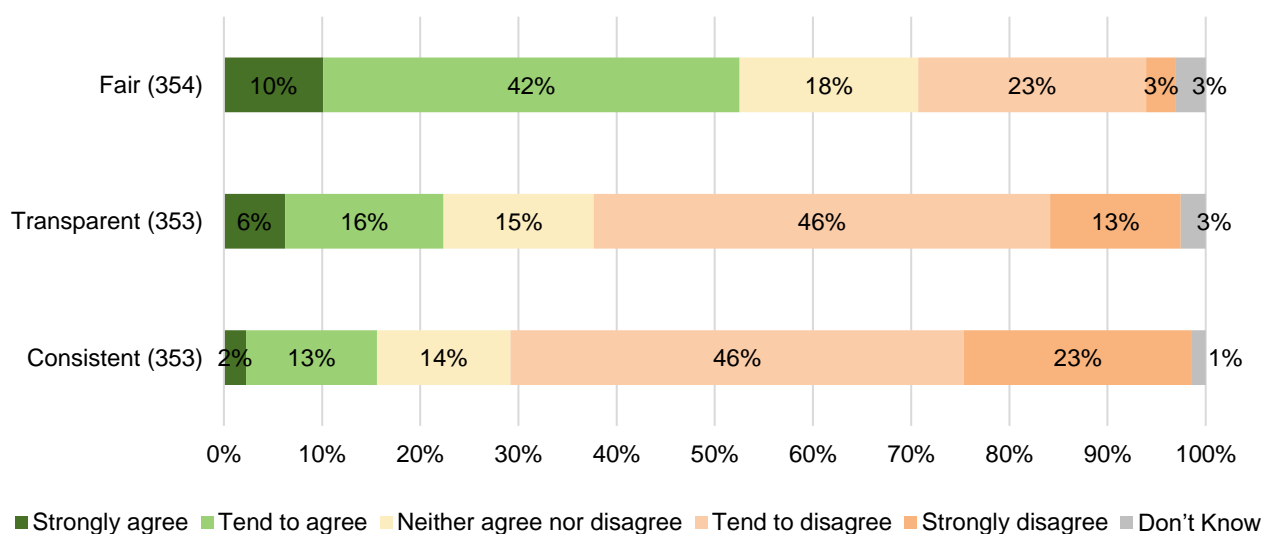
4. Main findings

4.1 Perceptions of sentencing prior to the introduction of SGC guidelines in 2004

Before sentencing guidelines were introduced by the Sentencing Guidelines Council (SGC) in 2004, the guidance available to courts was limited. The Court of Appeal (Criminal Division) issued some guideline judgments, but these only gave guidance in the context of deciding a specific appeal and covered few offences, mostly for use in the Crown Court. As well as guideline judgments, courts would refer to other decided cases from the Court of Appeal. Aside from this, sentencers would use their experience and discretion to arrive at sentences.

Respondents who had been sentencing since before 2004 (35 per cent of respondents) were asked about the extent to which they agreed that sentencing had been fair, transparent and consistent, prior to the introduction of the guidelines at this time. The findings are shown in Figure 1. Over 50 per cent of sentencers agreed that sentencing was fair prior to the introduction of the guidelines; fewer, however, agreed that sentencing had been transparent (22 per cent) or consistent (16 per cent).

Figure 2: To what extent do you agree or disagree that, before sentencing guidelines were introduced, sentencing was...?¹⁷



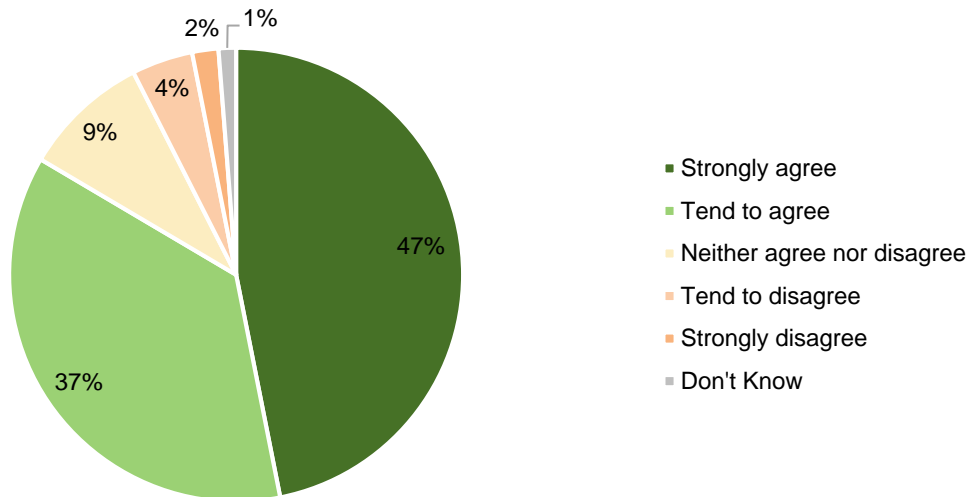
Although more respondents agreed that sentencing had been fair, this varied across types of sentencer. More Circuit and High Court judges said sentencing had been fair (79 per cent), than magistrates (48 per cent) or district judges and deputy district judges (44 per cent). The proportions who agreed that sentencing had been transparent and consistent were similar across the different types of sentencer.

¹⁷ These figures exclude responses from those who were not sentencing before 2004 when the guidelines were introduced. Not answered and 'Not applicable' responses have also been removed from the data. Where percentages do not sum to 100, this is due to rounding.

4.2 The introduction of the SGC guidelines in 2004

Sentencers were asked whether they supported the introduction of SGC guidelines in 2004. Figure 2 shows 84 per cent of respondents agreed that they supported their introduction. The proportion was slightly lower among Circuit and High Court judges, of whom 73 per cent agreed.¹⁸

Figure 2: To what extent do you agree or disagree that you supported the introduction of guidelines?¹⁹



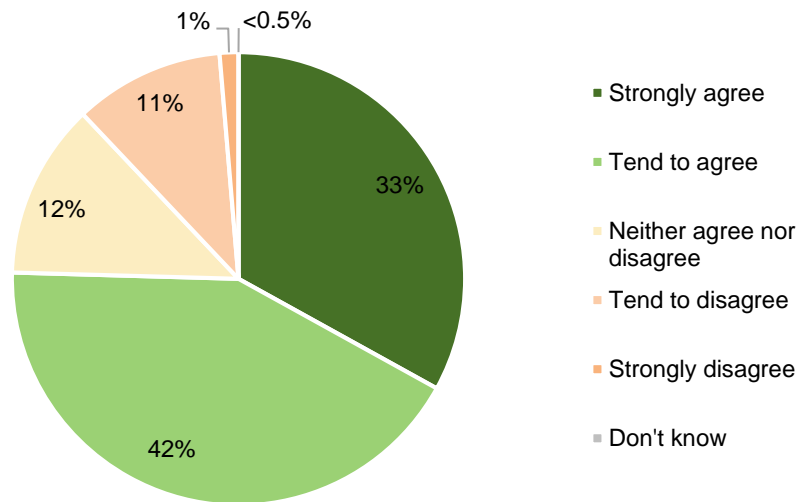
Base: 642 respondents

¹⁸ The judicial role referred to is the role the sentencer held at the time of completing the survey, and not necessarily the role they held when the guidelines were introduced.

¹⁹ These figures exclude responses from those who were not sentencing before 2011. Not answered and 'Not applicable' responses have also been removed from the data.

Sentencers were asked for their views on how, if at all, sentencing guidelines have changed since 2004. Figure 3 shows the majority of respondents (75 per cent) agreed that the guidelines had improved. More district judges and Circuit judges said they had seen an improvement since 2004 (89 per cent) than magistrates (71 per cent).

Figure 3: To what extent do you agree or disagree that you have seen an improvement in the sentencing guidelines since they were first introduced under the Sentencing Guidelines Council (SGC) in 2004?²⁰



Base: 675 respondents

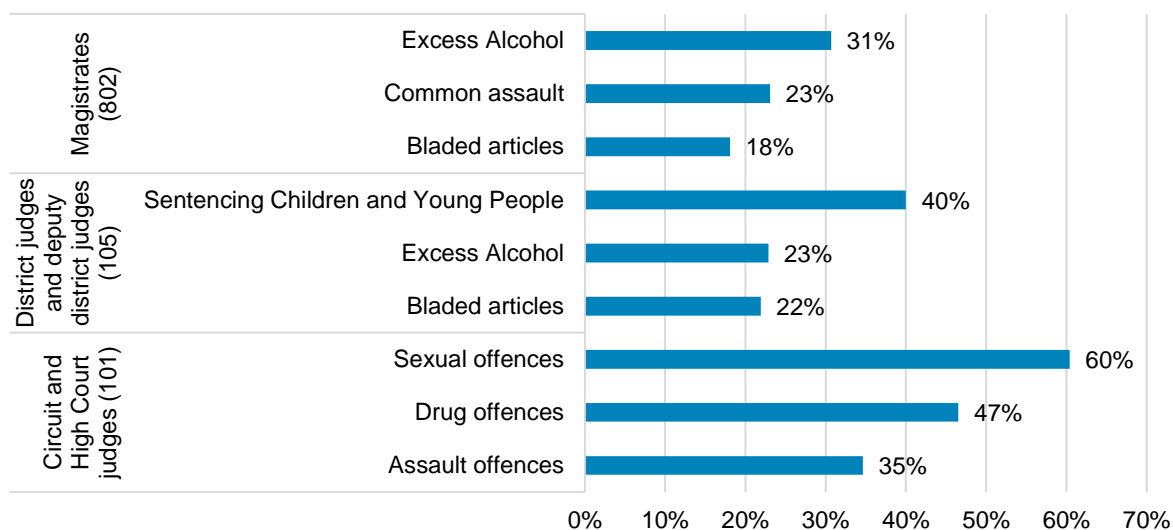
4.3 Preferred Sentencing Council guidelines

Sentencers were asked to identify their top three preferred guidelines, as shown in Figure 4:

- Among magistrates, the most frequently preferred guidelines were Excess alcohol (drive/ attempt to drive)/ Excess alcohol (in charge) (31 per cent), Common assault / Racially or religiously aggravated common assault (23 per cent) and Bladed articles and offensive weapons (possession/threats) (18 per cent).
- Among district judges and deputy district judges, the most frequently preferred guidelines were the overarching principles on Sentencing children and young people (40 per cent), Excess alcohol (drive/ attempt to drive)/ Excess alcohol (in charge) (23 per cent) and Bladed articles and offensive weapons (possession/threats) (22 per cent).
- Among Circuit and High Court judges, the most frequently preferred guidelines were Sexual offences (60 per cent), Drug offences (47 per cent) and Assault offences (35 per cent).

²⁰ These figures exclude responses from those who were not sentencing before 2011. Not answered and 'Not applicable' responses have been excluded from the data.

Figure 4: Which of the sentencing guidelines do you most prefer? (select up to three)²¹



Respondents were asked in an open-ended question why these were their preferred guidelines. Many said it was because they were clear, concise or easy to understand. The selections may have been guided to some extent by the frequency with which types of offence appear in magistrates' courts and the Crown Court respectively and, therefore, sentencers' relative familiarity with using these guidelines (for example, offences relating to excess alcohol are summary only offences, and triable only in magistrates' courts).

Specific comments as to why these guidelines were their preferred guidelines included:

Excess alcohol (attempt to drive) makes sentencing clear and unequivocal
(Magistrate)

[The bladed articles guideline] is straightforward and includes use definitions and explanations (Deputy district judge)

Forty per cent of district judges and deputy district judges identified the Sentencing Children and young people guideline as one of their preferred guidelines.

The youth court overarching principles have made a huge difference. Their benefit goes well beyond just sentencing and they provide a straightforward guide to procedure from start to finish and a reminder of sentencing powers/ age ranges etc, which are easily forgotten (District judge)

The youth guideline establishes a framework for the approach to sentencing children and young people, which should ensure that the most appropriate sentence, consistent with welfare and prevention of offending by that youth, is arrived at (District judge)

²¹ Respondents were asked to select their preferred guidelines from a list according to whether they sentenced cases in the magistrates' court or Crown Court. The list provided to Circuit and High Court judges listed Assault offences as one option, while the list for magistrates and district judges and deputy district judges listed Assault occasioning ABH and Common assault separately. Not answered and 'Don't know' responses have been excluded from the data.

The youth guidelines are brilliant - practically all the information required to sentence a youth is collected in one place. It is a complex and tricky area and easy to get wrong. The information is clear and well set out (District judge)

Sixty per cent of Circuit and High Court judges identified the sexual offences guideline as one of their preferred guidelines and reasons given included that it ensures consistency and covers a wide variety of circumstances.

The sexual offences guidelines are comprehensive and of all the guidelines these are the ones that best reflect the range of impact on the victim as well as the best identification of aggravating features relevant to the offence. It is a really well thought out, thorough and constructive 'handbook' for sentencing (Circuit judge)

The drug and sexual offences guidelines have had the greatest impact, in my view, on what was a disparate and often inconsistent sentencing landscape pre-guideline (Circuit judge)

The sexual offences guideline is helpful in ensuring consistent sentencing in a very difficult area (High Court judge)

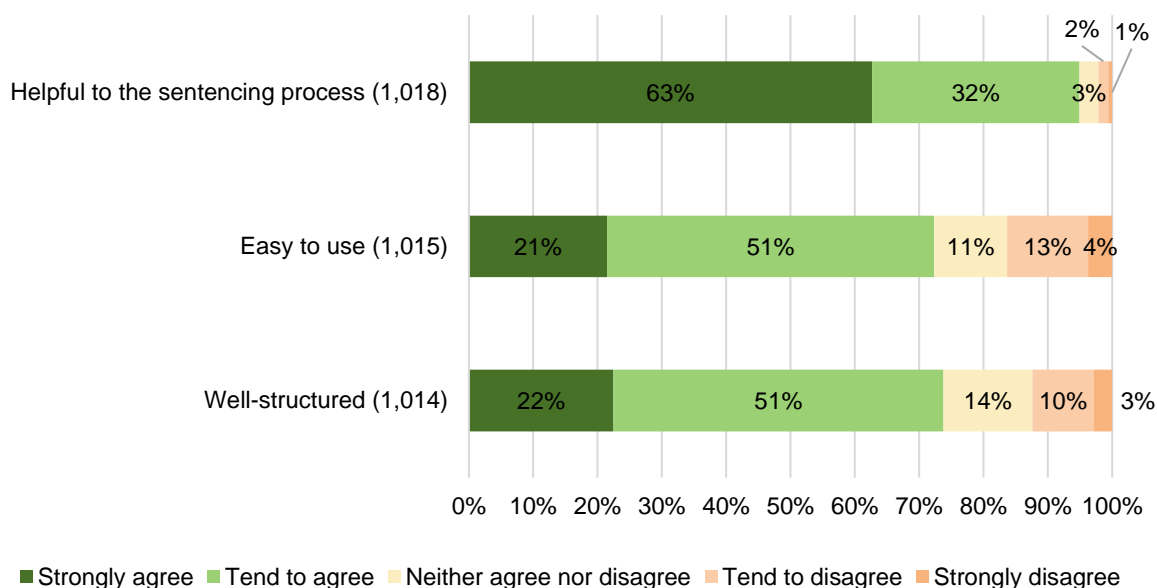
The drugs and sexual offences guidelines being structured in a way which ensures consistent sentencing across the whole variety of factual circumstances (Circuit judge)

4.4 Using the Sentencing Council guidelines

Respondents were asked about their use of Sentencing Council guidelines, which have been produced since the introduction of the Sentencing Council in 2010.

Figure 5 shows responses to the survey questions about the structure, helpfulness and ease of use of these guidelines. The majority of respondents agreed that the guidelines are well-structured, helpful to the sentencing process and easy to use. There was particularly strong agreement that the guidelines are helpful to the sentencing process.

Figure 5: To what extent do you agree or disagree that the Sentencing Council's guidelines are...?



Helpfulness

Almost all respondents agreed that the guidelines were helpful to the sentencing process. The proportion was slightly higher among judges (97 per cent) than magistrates (94 per cent), and slightly higher for those who had begun sentencing more recently (98 per cent of sentencers who had begun sentencing since 2011, compared with 94 per cent of sentencers who began sentencing between 2004 and 2011 and 93 per cent of sentencers who had been sentencing since before 2004).

Ease of use

The majority of respondents (72 per cent) agreed that the guidelines were easy to use. The proportion was higher among Circuit and High Court judges, of whom 85 per cent agreed, than district judges and deputy district judges (78 per cent) and magistrates (70 per cent). Again, there was stronger agreement among sentencers who had begun sentencing since 2011 (82 per cent) than those who had been sentencing for longer (70 per cent of sentencers who began sentencing between 2004 and 2011 and 65 per cent of sentencers who had been sentencing since before 2004).

Structure

The majority of respondents (74 per cent) agreed that the guidelines were well-structured. More Circuit and High Court judges (87 per cent) and district judges and deputy district judges (82 per cent) agreed with this than magistrates (71 per cent). There was stronger agreement among sentencers who had begun sentencing more recently (82 per cent of those who had begun sentencing since 2011, compared with 72 per cent of those who began sentencing between 2004 and 2011, and 68 per cent of those who had been sentencing since before 2004).

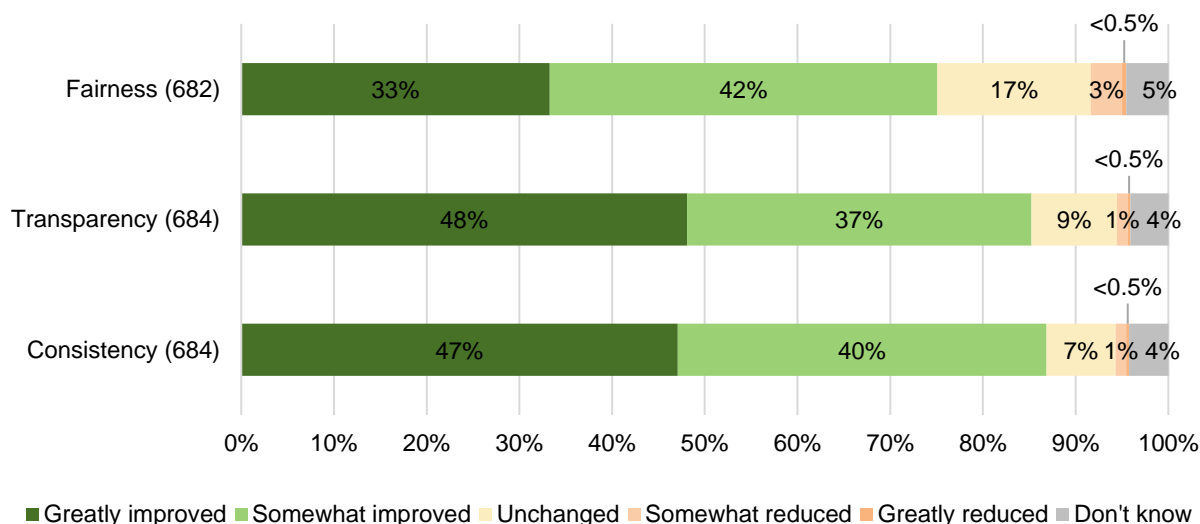
Digital guidelines

Sentencing Council guidelines have been in digital format since 2016 in the magistrates' court and since 2018 in the Crown Court. When asked whether they were confident using the guidelines in a digital format, 81 per cent of respondents agreed. This proportion was higher among magistrates (84 per cent) and district judges and deputy district judges (77 per cent) than Circuit and High Court judges (67 per cent).²²

4.5 Perceived impact of the Sentencing Council guidelines

In addition to questions about fairness, consistency and transparency before the introduction of SGC guidelines in 2004, sentencers were asked about the extent to which they thought the introduction of the Sentencing Council guidelines since 2011 had improved these aspects. Figure 6 shows the responses from those who had started sentencing criminal cases before 2011. The vast majority thought transparency and consistency had improved, and fewer, though still a majority, thought fairness had improved.

Figure 6: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced: fairness, transparency and consistency in the sentencing process; or has there been no change?²³



Fairness

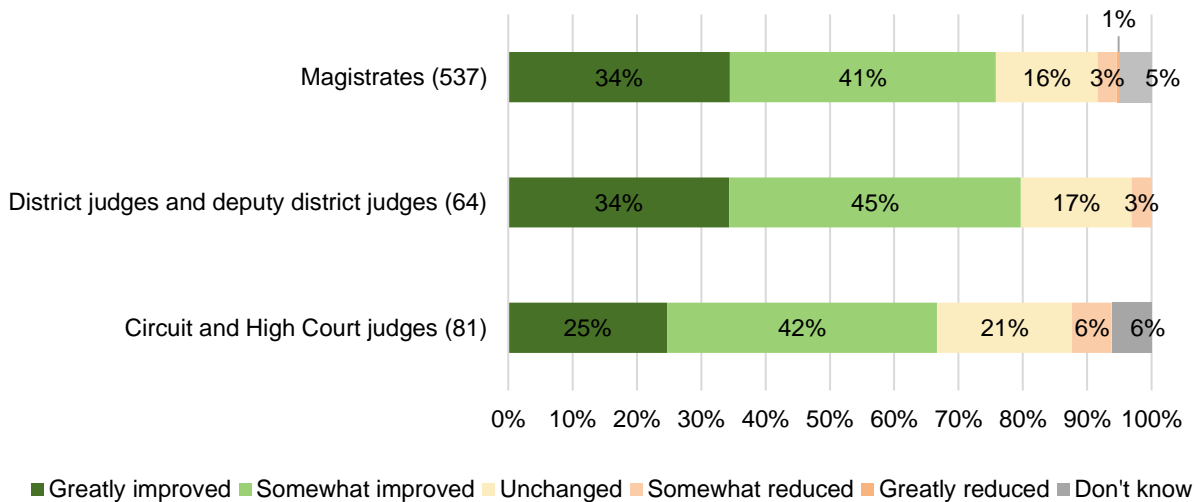
Most respondents (75 per cent) said that the introduction of the guidelines had improved fairness in the sentencing process. This was a lower proportion than those who said their introduction had improved transparency and consistency (see above, Figure 6) and may relate to the fact that 52 per cent of those who were sentencing before the introduction of the guidelines, thought sentencing had already been fair before the introduction of the guidelines (see Figure 1).

²² This may reflect the fact that judges sitting in the Crown Court would have had less time to familiarise themselves with the digital guidelines at the time of the survey in 2019.

²³ Responses from those who had started sentencing criminal cases after 2011 have been excluded. Not answered and 'Not applicable' responses have also been excluded from the data.

As can be seen in Figure 7 below, a greater proportion of magistrates (76 per cent) and district judges and deputy district judges (80 per cent) thought fairness had improved, compared with Circuit and High Court judges (67 per cent).

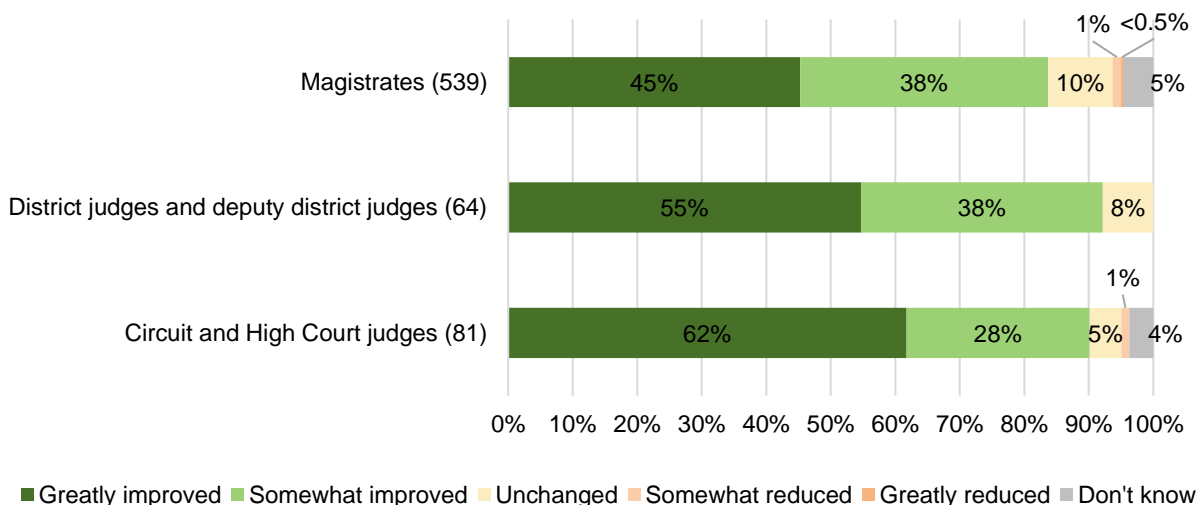
Figure 7: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced fairness in the sentencing process, or has there been no change? (by sentencer type)



Transparency

On average, 85 per cent of respondents thought the introduction of the guidelines had improved transparency in the sentencing process. Figure 8 shows that the proportion was higher among Circuit and High Court judges (90 per cent) and district judges and deputy district judges (92 per cent) than among magistrates (84 per cent).

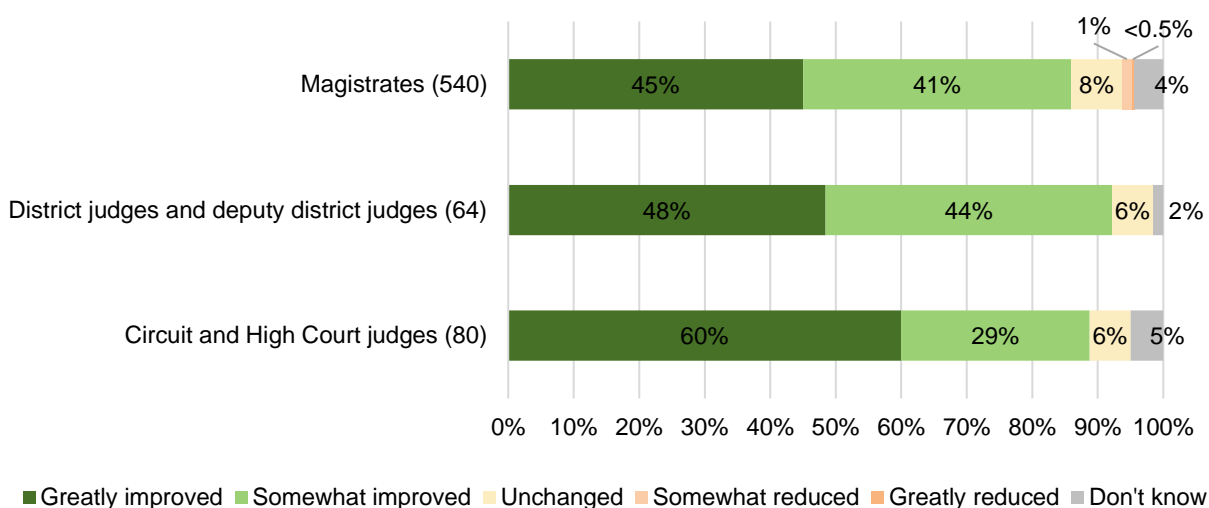
Figure 8: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced transparency in the sentencing process, or has there been no change? (by sentencer type)



Consistency

In the survey, 87 per cent of all respondents who had begun sentencing before 2011 thought the introduction of the guidelines had improved consistency in the sentencing process. Figure 9 shows more district judges and deputy district judges (92 per cent) and Circuit and High Court judges (89 per cent) agreed than magistrates (86 per cent).

Figure 9: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced consistency in the sentencing process, or has there been no change? (by sentencer type)



Respondents were also asked an open-ended question about the impact of the guidelines on how they sentenced, considering issues around severity, fairness, transparency, consistency and culture change. These responses were coded by theme.

Most reported a positive impact: that the guidelines had improved consistency in their sentencing, that they had improved the structure or foundation on which their sentences are based and that they had improved transparency.

I feel supported and guided to consistently make appropriate sentences. I think the guidelines ensure that people receive broadly similar sentences for broadly similar offences, and this is essential in facilitating a consistent, fair and transparent justice system. (Magistrate)

There were fewer respondents who said the guidelines had a negative impact on their sentencing. Those who did said that the guidelines are either too harsh or too lenient in some cases, or that they felt there was little scope to deviate from the guidelines.

5. Conclusions

This research found that the majority of judges and magistrates thought that sentencing was fair, and to a lesser extent, transparent and consistent prior to the introduction of SGC guidelines in 2004.

Most welcomed the introduction of the SGC guidelines and agreed that the guidelines have improved since they were first introduced. Sentencers also thought that, in particular, transparency and consistency in the sentencing process had improved over time.

Sentencers were positive about the structure of the Sentencing Council guidelines introduced in 2011, their helpfulness to the sentencing process and how easy they are to use. Those who had begun sentencing more recently were more positive about these features, and judges were more positive about them than magistrates. Most sentencers felt confident about the move to digital guidelines.

Overall, the research has shown that there is broad judicial support for the guidelines; they are seen to have improved over time and to have a positive impact on sentencing practice.

The Council will be considering these views as part of its ongoing work to consider its future priorities, set out in the *'What Next for the Sentencing Council?'* consultation in 2020.

The authors

Eliza Cardale (Office of the Sentencing Council), Alastair Layne and Kelly Lock (Opinion Research Services)

Acknowledgements

The Council would like to thank everyone who took time to participate in this work. It would also like to thank Judicial Office for helping facilitate recruitment to the survey.

Annex A: survey questionnaire

Introduction

The Sentencing Council has commissioned research to explore the views of judges and magistrates on sentencing guidelines, and how they may have changed over time. The Sentencing Council will have been established for 10 years in 2020 and we are interested in your views about the introduction of guidelines and your views on the guidelines themselves, this will help us reflect on these last 10 years and consider where we might make improvements.

Information about you

Q1.

What type of sentencer are you?

- Magistrate
- Deputy District Judge (Magistrates' Court)
- District Judge (Magistrates' Court)
- Circuit Judge
- High Court Judge
- Court of Appeal Judge

Q2.

When did you begin sentencing criminal cases?

- Before 2004
- Between 2004 and 2011
- After 2011

Q3.

How many years have you been sentencing criminal cases?

- Up to 1 year
- From 1 year up to 5 years
- From 5 years up to 10 years
- From 10 years up to 15 years
- From 15 years up to 20 years
- More than 20 years

Q4.

In which HMCTS region are you based? [multi-response]

- London
- Midlands
- North East
- North West
- South East
- South West
- Wales

Your views of the sentencing process prior to the introduction of guidelines

Q5.

To what extent do you agree or disagree with the following statements:

| | Strongly agree | Tend to agree | Neither agree nor disagree | Tend to disagree | Strongly disagree | Don't know | Not applicable |
|---|--------------------------|--------------------------|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Sentencing was fair before sentencing guidelines were introduced (a) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sentencing was transparent before sentencing guidelines were introduced (b) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sentencing was consistent before sentencing guidelines were introduced (c) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The introduction of guidelines

Q6.

To what extent do you agree or disagree that you supported the introduction of guidelines?

| | |
|----------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Tend to agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Tend to disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |
| Don't know | <input type="checkbox"/> |
| Not applicable | <input type="checkbox"/> |

The Sentencing Guidelines Council (SGC) and the Sentencing Council (SC)

The Sentencing Guidelines Council (SGC) published the first sentencing guideline for England and Wales in 2004 (Seriousness); the Sentencing Council was then established in 2010 and published its first guideline in 2011 (Assault Definitive Guideline).

Since its introduction, the Sentencing Council has been revising the SGC guidelines and introducing new guidelines for offences. The implementation and impact of Sentencing Council guidelines are monitored over time and guidelines are revised, if needed.

Q7.

To what extent do you agree or disagree that you have seen an improvement in the sentencing guidelines since they were first introduced under the Sentencing Guidelines Council (SGC) in 2004?

- | | |
|----------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Tend to agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Tend to disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |
| Don't know | <input type="checkbox"/> |

Your views of the Sentencing Council's guidelines

The following questions in this section will focus on the Sentencing Council's guidelines (since 2011).

A list of these guidelines will be featured in the next question, but for more information on them, please visit the Sentencing Council's website.

Q8a. (Magistrates, Deputy District judges and District Judges only)

Which of the Sentencing Guidelines do you most prefer?

Please select up to THREE

- | | |
|--|--------------------------|
| Allocation: overarching principles | <input type="checkbox"/> |
| Domestic abuse: overarching principles | <input type="checkbox"/> |
| General guideline: overarching principles | <input type="checkbox"/> |
| Imposition: overarching principles | <input type="checkbox"/> |
| Offences taken into consideration: overarching principles | <input type="checkbox"/> |
| Sentencing children and young people: overarching principles | <input type="checkbox"/> |
| Benefit fraud/ Fraud | <input type="checkbox"/> |
| Bladed articles and offensive weapons – possession/ threats | <input type="checkbox"/> |
| Breach of a community order | <input type="checkbox"/> |
| Breach of a criminal behaviour order | <input type="checkbox"/> |
| Breach of a protective order, restraining and non-molestation orders | <input type="checkbox"/> |
| Breach of a suspended sentence order | <input type="checkbox"/> |
| Breach of post-sentence supervision | <input type="checkbox"/> |
| Careless driving/ drive without due care and attention | <input type="checkbox"/> |
| Controlling or coercive behaviour in an intimate or family relationship | <input type="checkbox"/> |
| Common assault/ racially-religiously aggravated common assault | <input type="checkbox"/> |
| Communication network offences | <input type="checkbox"/> |
| Cruelty to a child | <input type="checkbox"/> |
| Disclosing private sexual images | <input type="checkbox"/> |
| Drive whilst disqualified | <input type="checkbox"/> |
| Drunk and disorderly in a public place | <input type="checkbox"/> |
| Excess alcohol drive/ attempt to drive | <input type="checkbox"/> |
| Fail to provide specimen for analysis (drive/attempt to drive)/ Excess Alcohol (drive/attempt to drive/ in charge) | <input type="checkbox"/> |

- Fail to stop/ report road accident
- Guilty plea
- Handling stolen goods
- Harassment-stalking/racially or religiously aggravated harassment-stalking
- No insurance
- Non-domestic burglary/ Domestic burglary
- Obstruct/resist a police constable in execution of duty
- Possession of a controlled drug
- Production of a controlled drug/cultivation of cannabis plant
- Possession of indecent photograph of child
- Sexual assault/ Sexual assault of a child under 13
- Speeding
- Supplying or offering to supply a controlled drug/ Possess with intent to supply
- Theft from a shop or stall
- Theft – general
- Threats to kill
- Totality: overarching principles
- Don't know
- Other [free text response]

Q9.

Please can you tell us why these are your preferred guidelines?

[free text response]

Q10. (Circuit Judges, High Court Judges and Court of Appeal judges only)

Which of the sentencing guidelines do you most prefer?

Please select up to THREE

- Domestic abuse: overarching principles
- General guideline: overarching principles
- Imposition: overarching principles
- Offences taken into consideration: overarching principles
- Sentencing children and young people: overarching principles
- Totality: overarching principles
- Arson and criminal damage
- Assault offences
- Bladed articles and offensive weapons
- Breach offences
- Burglary offences
- Child cruelty
- Dangerous dog offences
- Drug offences
- Environmental offences
- Fraud
- Guilty plea
- Health and safety offences

- | | |
|-----------------------|--------------------------|
| Intimidatory offences | <input type="checkbox"/> |
| Manslaughter | <input type="checkbox"/> |
| Robbery offences | <input type="checkbox"/> |
| Sexual offences | <input type="checkbox"/> |
| Terrorism offences | <input type="checkbox"/> |
| Theft offences | <input type="checkbox"/> |
| Don't know | <input type="checkbox"/> |

Q11.

Please can you tell us why these are your preferred guidelines?

[free text response]

Q12a.

To what extent do you agree or disagree that the Sentencing Council guidelines are helpful to the sentencing process?

- | | |
|----------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Tend to agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Tend to disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Q12b.

To what extent do you agree or disagree that the Sentencing Council guidelines are easy to use?

- | | |
|----------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Tend to agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Tend to disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Q12c.

To what extent do you agree or disagree that the Sentencing Council guidelines are well-structured?

- | | |
|----------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Tend to agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Tend to disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Q13.

To what extent do you think the introduction of the Sentencing Guidelines improved or reduced the following objectives in the sentencing process:

To what extent do you think the introduction of the Sentencing Guidelines improved or reduced

- a) fairness,
- b) transparency and
- c) consistency

in the sentencing process; or has there been no change?

| | Greatly improved | Somewhat improved | Unchanged | Somewhat reduced | Greatly reduced | Don't know |
|------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Fairness (a) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Transparency (b) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Consistency (c) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Q14.

What impact do you feel have the Sentencing Council's guidelines have had on how you sentence?

Please consider issues around severity, fairness, transparency, consistency and culture change in the way you sentence.

[free text response]

Moving to a digital format

Since November 2018, the sentencing guidelines used in magistrates' courts and the Crown Court became available for sentencers and practitioners to use online, with the aim to deliver guidelines in a digital format that are accessible, quick and easy to use, and designed to support the ways in which Judges, magistrates and other legal professionals work.

Q15.

To what extent do you agree or disagree that you are confident using the sentencing guidelines in a digital format?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

Q15a.

Please can you tell us more about this?

[free text response]

Further Comments

Q16.

Are there any further comments you would like to make in relation to the Sentencing Council's guidelines?

[free text response]

Annex B: summary tables

Respondent demographics

Table 1.1: What type of sentencer are you?

Table 1.2: When did you begin sentencing criminal cases?

Table 1.3: How many years have you been sentencing criminal cases?

Table 1.3a: How many years have you been sentencing criminal cases? (percentage of respondents by sentencer type)

Table 1.4: In which HMCTS region are you based?

Table 1.4a: In which HMCTS region are you based? (percentage of respondents by sentencer type)

Sentencing before the introduction of the SGC guidelines

Table 2.1: To what extent do you agree or disagree that sentencing was fair before sentencing guidelines were introduced?

Table 2.1a: To what extent do you agree or disagree that sentencing was fair before sentencing guidelines were introduced? (percentage of respondents by sentencer type)

Table 2.2: To what extent do you agree or disagree that sentencing was transparent before sentencing guidelines were introduced?

Table 2.2a: To what extent do you agree or disagree that sentencing was transparent before sentencing guidelines were introduced? (percentage of respondents by sentencer type)

Table 2.3: To what extent do you agree or disagree that sentencing was consistent before sentencing guidelines were introduced?

Table 2.3a: To what extent do you agree or disagree that sentencing was consistent before sentencing guidelines were introduced? (percentage of respondents by sentencer type)

The introduction of the SGC guidelines

Table 3.1: To what extent do you agree or disagree that you supported the introduction of the guidelines?

Table 3.1a: To what extent do you agree or disagree that you supported the introduction of the guidelines? (percentage of respondents by sentencer type)

Table 3.2: To what extent do you agree or disagree that you have seen an improvement in the sentencing guidelines since they were first introduced under the Sentencing Guidelines Council (SGC) in 2004?

Table 3.2a: To what extent do you agree or disagree that you have seen an improvement in the sentencing guidelines since they were first introduced under the Sentencing Guidelines Council (SGC) in 2004? (percentage of respondents by sentencer type)

Preferred Sentencing Council guidelines

- Table 4.1: Which of the guidelines do you most prefer? (magistrates, deputy district judges and district judges)
- Table 4.2: Which of the guidelines do you most prefer? (Circuit judges and High Court judges)

Using the Sentencing Council guidelines

- Table 5.1: To what extent do you agree or disagree that the Sentencing Council's guidelines are helpful to the sentencing process?
- Table 5.1a: To what extent do you agree or disagree that the Sentencing Council's guidelines are helpful to the sentencing process? (percentage of respondents by sentencer type)
- Table 5.1b: To what extent do you agree or disagree that the Sentencing Council's guidelines are helpful to the sentencing process? (percentage of respondents by year to begin sentencing criminal cases)
- Table 5.2: To what extent do you agree or disagree that the Sentencing Council's guidelines are easy to use?
- Table 5.2a: To what extent do you agree or disagree that the Sentencing Council's guidelines are easy to use? (percentage of respondents by sentencer type)
- Table 5.2b: To what extent do you agree or disagree that the Sentencing Council's guidelines are easy to use? (percentage of respondents by year to begin sentencing criminal cases)
- Table 5.3: To what extent do you agree or disagree that the Sentencing Council's guidelines are well-structured?
- Table 5.3a: To what extent do you agree or disagree that the Sentencing Council's guidelines are well-structured? (percentage of respondents by sentencer type)
- Table 5.3b: To what extent do you agree or disagree that the Sentencing Council's guidelines are well-structured? (percentage of respondents by year to begin sentencing criminal cases)
- Table 5.4: To what extent do you agree or disagree that you are confident using the sentencing guidelines in digital format?
- Table 5.4a: To what extent do you agree or disagree that you are confident using the sentencing guidelines in digital format? (percentage of respondents by sentencer type)
- Table 5.4b: To what extent do you agree or disagree that you are confident using the sentencing guidelines in digital format? (percentage of respondents by year to begin sentencing criminal cases)

Perceived impact of the Sentencing Council guidelines

- Table 6.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced fairness in the sentencing process, or has there been no change?
- Table 6.1.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced fairness in the sentencing process, or has there been no change? (respondents sentencing prior to 2011)

- Table 6.1a: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced fairness in the sentencing process, or has there been no change? (percentage of respondents by sentencer type)
- Table 6.1a.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced fairness in the sentencing process, or has there been no change? (percentage of respondents by sentencer type, sentencing prior to 2011)
- Table 6.1b: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced fairness in the sentencing process, or has there been no change? (percentage of respondents by year to begin sentencing criminal cases)
- Table 6.2: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced transparency in the sentencing process, or has there been no change?
- Table 6.2.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced transparency in the sentencing process, or has there been no change? (respondents sentencing prior to 2011)
- Table 6.2a: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced transparency in the sentencing process, or has there been no change? (percentage of respondents by sentencer type)
- Table 6.2a.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced transparency in the sentencing process, or has there been no change? (percentage of respondents by sentencer type, sentencing prior to 2011)
- Table 6.2b: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced transparency in the sentencing process, or has there been no change? (percentage of respondents by year to begin sentencing criminal cases)
- Table 6.3: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced consistency in the sentencing process, or has there been no change?
- Table 6.3.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced consistency in the sentencing process, or has there been no change? (respondents sentencing prior to 2011)
- Table 6.3a: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced consistency in the sentencing process, or has there been no change? (percentage of respondents by sentencer type)
- Table 6.3a.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced consistency in the sentencing process, or has there been no change? (percentage of respondents by sentencer type, sentencing prior to 2011)
- Table 6.3b: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced consistency in the sentencing process, or has there been no change? (percentage of respondents by year to begin sentencing criminal cases)

Understanding the data

- Not answered and 'Not applicable' responses have been removed from the data.
- Where percentages do not appear to sum to 100, this is either due to rounding or multiple response answers.
- Where the base number is lower than the sample size, this is due to the use of subsamples and the exclusion of non-applicable responses.

Respondent demographics

Table 1.1: What type of sentencer are you?

| Sentencer type | Number of respondents | Percentage of respondents |
|-----------------------|-----------------------|---------------------------|
| Magistrate | 813 | 80% |
| Deputy district judge | 55 | 5% |
| District judge | 52 | 5% |
| Circuit judge | 86 | 8% |
| High Court judge | 16 | 2% |
| Total | 1,022 | 100% |

Table 1.2: When did you begin sentencing criminal cases?

| Began sentencing | Number of respondents | Percentage of respondents |
|-------------------|-----------------------|---------------------------|
| Before 2004 | 357 | 35% |
| From 2004 to 2011 | 330 | 32% |
| After 2011 | 332 | 33% |
| Total | 1,019 | 100% |

Table 1.3: How many years have you been sentencing criminal cases?

| Years sentencing | Number of respondents | Percentage of respondents |
|------------------------------|-----------------------|---------------------------|
| Up to 1 year | 84 | 8% |
| From 1 year up to 5 years | 185 | 18% |
| From 5 years up to 10 years | 124 | 12% |
| From 10 years up to 15 years | 249 | 24% |
| From 15 years up to 20 years | 192 | 19% |
| More than 20 years | 186 | 18% |
| Total | 1,020 | 100% |

Table 1.3a: How many years have you been sentencing criminal cases? (percentage of respondents by sentencer type)

| | Magistrates (811) | Deputy district judges and district judges (107) | Crown Court and High Court judges (102) | All respondents (1,020) |
|---------------------------------|----------------------|---|--|-------------------------------|
| Up to 1 year | 8% | 13% | 3% | 8% |
| From 1 year up to 5 years | 20% | 14% | 10% | 18% |
| From 5 years up to 10 years | 12% | 13% | 16% | 12% |
| From 10 years up to 15 years | 26% | 23% | 17% | 24% |
| From 15 years up to 20 years | 16% | 28% | 30% | 19% |
| More than 20 years | 19% | 8% | 25% | 18% |

Table 1.4: In which HMCTS region are you based?

| HMCTS region | Number of respondents (1,012) | Percentage of respondents ²⁴ |
|--------------|-------------------------------|---|
| London | 176 | 17% |
| Midlands | 191 | 19% |
| North East | 128 | 13% |
| North West | 133 | 13% |
| South East | 233 | 23% |
| South West | 156 | 15% |
| Wales | 75 | 7% |

Table 1.4a: In which HMCTS region are you based? (percentage of respondents by sentencer type)²⁵

| | Magistrates (803) | Deputy district judges and district judges (107) | Crown Court and High Court judges (102) | All respondents (1,012) |
|------------|-------------------|--|---|-------------------------|
| London | 13% | 33% | 39% | 17% |
| Midlands | 18% | 22% | 19% | 19% |
| North East | 11% | 25% | 13% | 13% |
| North West | 12% | 20% | 16% | 13% |
| South East | 23% | 20% | 26% | 23% |
| South West | 16% | 9% | 16% | 15% |
| Wales | 7% | 8% | 8% | 7% |

Sentencing before the introduction of the guidelines²⁶

Table 2.1: To what extent do you agree or disagree that sentencing was fair before sentencing guidelines were introduced?

| | Number of respondents | Percentage of respondents |
|----------------------------|-----------------------|---------------------------|
| Strongly agree | 36 | 10% |
| Tend to agree | 149 | 42% |
| Neither agree nor disagree | 65 | 18% |
| Tend to disagree | 81 | 23% |
| Strongly disagree | 12 | 3% |
| Don't know | 11 | 3% |
| Total | 354 | 100% |

²⁴ Totals sum to greater than 100% because some respondents were based in multiple regions.

²⁵ Totals sum to greater than 100% because some respondents were based in multiple regions.

²⁶ These figures exclude responses from those who were not sentencing before 2004 when the guidelines were introduced.

Table 2.1a: To what extent do you agree or disagree that sentencing was fair before sentencing guidelines were introduced? (percentage of respondents by sentencer type)

| | Magistrates (259) | Deputy district judges and district judges (39) | Crown Court and High Court judges (56) | All respondents (354) |
|----------------------------|----------------------|--|--|-----------------------------|
| Strongly agree | 10% | 8% | 14% | 10% |
| Tend to agree | 38% | 36% | 64% | 42% |
| Neither agree nor disagree | 19% | 26% | 11% | 18% |
| Tend to disagree | 25% | 31% | 7% | 23% |
| Strongly disagree | 4% | - | 4% | 3% |
| Don't know | 4% | - | - | 3% |

Table 2.2: To what extent do you agree or disagree that sentencing was transparent before sentencing guidelines were introduced?

| | Number of respondents | Percentage of respondents |
|----------------------------|-----------------------|---------------------------|
| Strongly agree | 22 | 6% |
| Tend to agree | 57 | 16% |
| Neither agree nor disagree | 54 | 15% |
| Tend to disagree | 164 | 46% |
| Strongly disagree | 47 | 13% |
| Don't know | 9 | 3% |
| Total | 353 | 100% |

Table 2.2a: To what extent do you agree or disagree that sentencing was transparent before sentencing guidelines were introduced? (percentage of respondents by sentencer type)

| | Magistrates (259) | Deputy district judges and district judges (39) | Crown Court and High Court judges (55) | All respondents (353) |
|----------------------------|----------------------|--|---|-----------------------------|
| Strongly agree | 6% | 5% | 7% | 6% |
| Tend to agree | 15% | 15% | 20% | 16% |
| Neither agree nor disagree | 15% | 13% | 18% | 15% |
| Tend to disagree | 46% | 56% | 44% | 46% |
| Strongly disagree | 14% | 10% | 11% | 13% |
| Don't know | 3% | - | - | 3% |

Table 2.3: To what extent do you agree or disagree that sentencing was consistent before sentencing guidelines were introduced?

| | Number of respondents | Percentage of respondents |
|----------------------------|-----------------------|---------------------------|
| Strongly agree | 8 | 2% |
| Tend to agree | 47 | 13% |
| Neither agree nor disagree | 48 | 14% |
| Tend to disagree | 163 | 46% |
| Strongly disagree | 82 | 23% |
| Don't know | 5 | 1% |
| Total | 353 | 100% |

Table 2.3a: To what extent do you agree or disagree that sentencing was consistent before sentencing guidelines were introduced? (percentage of respondents by sentencer type)

| | Magistrates (259) | Deputy district judges and district judges (39) | Crown Court and High Court judges (55) | All respondents (353) |
|----------------------------|----------------------|---|--|-----------------------------|
| Strongly agree | 3% | 3% | - | 2% |
| Tend to agree | 14% | 10% | 13% | 13% |
| Neither agree nor disagree | 13% | 13% | 23% | 14% |
| Tend to disagree | 47% | 36% | 69% | 46% |
| Strongly disagree | 21% | 38% | 31% | 23% |
| Don't know | 2% | - | - | 1% |

The introduction of the guidelines²⁷

Table 3.1: To what extent do you agree or disagree that you supported the introduction of the guidelines?

| | Number of respondents | Percentage of respondents |
|----------------------------|-----------------------|---------------------------|
| Strongly agree | 301 | 47% |
| Tend to agree | 235 | 37% |
| Neither agree nor disagree | 58 | 9% |
| Tend to disagree | 28 | 4% |
| Strongly disagree | 12 | 2% |
| Don't know | 8 | 1% |
| Total | 642 | 100% |

²⁷ These figures exclude responses from those who were not sentencing before 2011.

Table 3.1a: To what extent do you agree or disagree that you supported the introduction of the guidelines? (percentage of respondents by sentencer type)

| | Magistrates (500) | Deputy district judges and district judges (64) | Crown Court and High Court judges (78) | All respondents (642) |
|----------------------------|----------------------|--|--|-----------------------------|
| Strongly agree | 50% | 31% | 38% | 47% |
| Tend to agree | 36% | 44% | 35% | 37% |
| Neither agree nor disagree | 8% | 19% | 8% | 9% |
| Tend to disagree | 3% | 6% | 12% | 4% |
| Strongly disagree | 1% | - | 8% | 2% |
| Don't know | 2% | - | - | 1% |

Table 3.2: To what extent do you agree or disagree that you have seen an improvement in the sentencing guidelines since they were first introduced under the Sentencing Guidelines Council (SGC) in 2004?

| | Number of respondents | Percentage of respondents |
|----------------------------|-----------------------|---------------------------|
| Strongly agree | 222 | 33% |
| Tend to agree | 285 | 42% |
| Neither agree nor disagree | 84 | 12% |
| Tend to disagree | 72 | 11% |
| Strongly disagree | 9 | 1% |
| Don't know | 3 | <0.5% |
| Total | 675 | 100% |

Table 3.2a: To what extent do you agree or disagree that you have seen an improvement in the sentencing guidelines since they were first introduced under the Sentencing Guidelines Council (SGC) in 2004? (percentage of respondents by sentencer type)

| | Magistrates (530) | Deputy district judges and district judges (64) | Crown Court and High Court judges (81) | All respondents (675) |
|----------------------------|----------------------|---|--|-----------------------------|
| Strongly agree | 30% | 34% | 53% | 33% |
| Tend to agree | 42% | 55% | 36% | 42% |
| Neither agree nor disagree | 14% | 6% | 7% | 12% |
| Tend to disagree | 12% | 5% | 4% | 11% |
| Strongly disagree | 2% | - | - | 1% |
| Don't know | 1% | - | - | <0.5% |

Preferred guidelines

Table 4.1: Which of the guidelines do you most prefer? (select up to three) (percentage of magistrates, deputy district judges and district judges)²⁸

| | Magistrates (802) | Deputy district judges and district judges (105) |
|--|----------------------|---|
| Allocation: overarching principles | 4% | 12% |
| Domestic abuse: overarching principles | 14% | 16% |
| General guideline: overarching principles | 12% | 5% |
| Imposition: overarching principles | 2% | 2% |
| Offences taken into consideration: overarching principles | 2% | - |
| Sentencing children and young people: overarching principles | 7% | 40% |
| Totality: overarching principles | 9% | 4% |
| Animal cruelty | - | 1% |
| Assault occasioning ABH/Racially or religiously aggravated ABH | 9% | 7% |
| Benefit fraud/ Fraud | 1% | 6% |
| Bladed articles and offensive weapons - possession/ threats | 18% | 22% |
| Breach of a community order | 12% | 8% |
| Breach of a criminal behaviour order | 1% | 1% |
| Breach of a protective order, restraining and non-molestation orders | 5% | 15% |
| Breach of a suspended sentence order | 6% | 10% |
| Breach of post-sentence supervision | 1% | 2% |
| Careless driving/ Drive without due care and attention | 3% | 1% |
| Controlling or coercive behaviour in an intimate or family relationship | 3% | - |
| Common assault/ Racially or religiously aggravated common assault | 23% | 14% |
| Communication network offences | 1% | - |
| Cruelty to a child | - | - |
| Disclosing private sexual images | - | - |
| Drive whilst disqualified | 7% | 1% |
| Drunk and disorderly in a public place | 1% | - |
| Excess alcohol (drive/ attempt to drive)/ Excess alcohol (in charge) | 31% | 23% |
| Fail to provide specimen for analysis (drive/ attempt to drive) | 1% | 1% |
| Fail to stop/ report road accident | - | - |
| Guilty plea | 2% | 5% |
| Handling stolen goods | - | - |
| Harassment - Stalking/ Racially or religiously aggravated harassment/ stalking | 10% | 5% |
| No insurance | 5% | - |
| Non-domestic burglary/ Domestic burglary | 2% | 6% |
| Obstruct/resist a police constable in execution of duty | 1% | - |

²⁸ Totals sum to greater than 100% because respondents selected up to three preferred guidelines.

| | | |
|--|-----|-----|
| Possession of a controlled drug | 8% | 5% |
| Production of a controlled drug/ Cultivation of cannabis plant | - | 4% |
| Possession of indecent photograph of child | - | 1% |
| Sexual assault/ Sexual assault of a child under 13 | 1% | 6% |
| Speeding | 17% | 2% |
| Supplying or offering to supply a controlled drug/ Possess with intent to supply | 4% | 15% |
| Theft from a shop or stall | 8% | 1% |
| Theft - general | 8% | 2% |
| Threats to kill | - | 2% |
| Other - please specify | 1% | 5% |
| No preference/ just use guidance when required | 1% | - |
| Don't know | 16% | 12% |

Table 4.2: Which of the guidelines do you most prefer? (select up to three) (percentage of Circuit judges and High Court judges)²⁹

| | Circuit judges (85) | High Court judges (16) |
|--|------------------------|---------------------------|
| Domestic abuse: overarching principles | 4% | - |
| General guideline: overarching principles | 2% | 6% |
| Imposition: overarching principles | 14% | 13% |
| Offences taken into consideration: overarching principles | - | - |
| Sentencing children and young people: overarching principles | 19% | 19% |
| Totality: overarching principles | 1% | 25% |
| Arson and criminal damage | - | - |
| Assault offences | 35% | 31% |
| Bladed articles and offensive weapons | 4% | - |
| Breach offences | 6% | - |
| Burglary offences | 13% | 19% |
| Child cruelty | - | - |
| Dangerous dog offences | - | - |
| Drug offences | 48% | 38% |
| Environmental offences | 4% | - |
| Fraud | 9% | 6% |
| Guilty plea | 11% | 19% |
| Health and safety offences | 8% | 6% |
| Intimidatory offences | 4% | - |
| Manslaughter | 7% | 19% |
| Robbery offences | 11% | 19% |
| Sexual offences | 60% | 63% |
| Terrorism offences | 4% | - |
| Theft offences | 4% | - |
| Don't know | 9% | 6% |

²⁹ Totals sum to greater than 100% because respondents selected up to three preferred guidelines.

Using the guidelines

Table 5.1: To what extent do you agree or disagree that the Sentencing Council's guidelines are helpful to the sentencing process?

| | Number of respondents | Percentage of respondents |
|----------------------------|-----------------------|---------------------------|
| Strongly agree | 638 | 63% |
| Tend to agree | 328 | 32% |
| Neither agree nor disagree | 30 | 3% |
| Tend to disagree | 16 | 2% |
| Strongly disagree | 6 | 1% |
| Total | 1,018 | 100% |

Table 5.1a: To what extent do you agree or disagree that the Sentencing Council's guidelines are helpful to the sentencing process? (percentage of respondents by sentencer type)

| | Magistrates (809) | Deputy district judges and district judges (107) | Circuit and High Court judges (102) | All respondents (1,018) |
|----------------------------|----------------------|--|---|-------------------------------|
| Strongly agree | 61% | 64% | 74% | 63% |
| Tend to agree | 33% | 33% | 24% | 32% |
| Neither agree nor disagree | 3% | 3% | 1% | 3% |
| Tend to disagree | 2% | - | - | 2% |
| Strongly disagree | <0.5% | - | 2% | 1% |

Table 5.1b: To what extent do you agree or disagree that the Sentencing Council's guidelines are helpful to the sentencing process? (percentage of respondents by year to begin sentencing criminal cases)

| | Before 2004 (357) | From 2004 to 2011 (327) | After 2011 (331) | All respondents (1,015) |
|----------------------------|----------------------|----------------------------|---------------------|-------------------------------|
| Strongly agree | 57% | 60% | 71% | 63% |
| Tend to agree | 36% | 34% | 27% | 32% |
| Neither agree nor disagree | 4% | 3% | 2% | 3% |
| Tend to disagree | 3% | 2% | - | 2% |
| Strongly disagree | <0.5% | 1% | 1% | 1% |

Table 5.2: To what extent do you agree or disagree that the Sentencing Council's guidelines are easy to use?

| | Number of respondents | Percentage of respondents |
|----------------------------|-----------------------|---------------------------|
| Strongly agree | 218 | 21% |
| Tend to agree | 516 | 51% |
| Neither agree nor disagree | 115 | 11% |
| Tend to disagree | 128 | 13% |
| Strongly disagree | 38 | 4% |
| Total | 1,015 | 100% |

Table 5.2a: To what extent do you agree or disagree that the Sentencing Council's guidelines are easy to use? (percentage of respondents by sentencer type)

| | Magistrates (806) | Deputy district judges and district judges (107) | Circuit and High Court judges (102) | All respondents (1,015) |
|----------------------------|----------------------|--|---|-------------------------------|
| Strongly agree | 19% | 22% | 41% | 21% |
| Tend to agree | 51% | 55% | 44% | 51% |
| Neither agree nor disagree | 12% | 10% | 9% | 11% |
| Tend to disagree | 14% | 10% | 5% | 13% |
| Strongly disagree | 4% | 2% | 1% | 4% |

Table 5.2b: To what extent do you agree or disagree that the Sentencing Council's guidelines are easy to use? (percentage of respondents by year to begin sentencing criminal cases)

| | Before 2004 (355) | From 2004 to 2011 (327) | After 2011 (330) | All respondents (1,012) |
|----------------------------|----------------------|----------------------------|---------------------|-------------------------------|
| Strongly agree | 20% | 21% | 24% | 21% |
| Tend to agree | 45% | 50% | 59% | 51% |
| Neither agree nor disagree | 12% | 13% | 9% | 11% |
| Tend to disagree | 17% | 13% | 8% | 13% |
| Strongly disagree | 6% | 4% | 1% | 4% |

Table 5.3: To what extent do you agree or disagree that the Sentencing Council's guidelines are well-structured?

| | Number of respondents | Percentage of respondents |
|----------------------------|-----------------------|---------------------------|
| Strongly agree | 228 | 22% |
| Tend to agree | 520 | 51% |
| Neither agree nor disagree | 140 | 14% |
| Tend to disagree | 97 | 10% |
| Strongly disagree | 29 | 3% |
| Total | 1,014 | 100% |

Table 5.3a: To what extent do you agree or disagree that the Sentencing Council's guidelines are well-structured? (percentage of respondents by sentencer type)

| | Magistrates (806) | Deputy district judges and district judges (107) | Circuit and High Court judges (101) | All respondents (1,014) |
|----------------------------|----------------------|--|---|-------------------------------|
| Strongly agree | 20% | 26% | 37% | 22% |
| Tend to agree | 51% | 56% | 50% | 51% |
| Neither agree nor disagree | 15% | 10% | 7% | 14% |
| Tend to disagree | 11% | 7% | 4% | 10% |
| Strongly disagree | 3% | - | 2% | 3% |

Table 5.3b: To what extent do you agree or disagree that the Sentencing Council's guidelines are well-structured? (percentage of respondents by year to begin sentencing criminal cases)

| | Before 2004 (354) | From 2004 to 2011 (326) | After 2011 (331) | All respondents (1,011) |
|----------------------------|----------------------|----------------------------|---------------------|-------------------------------|
| Strongly agree | 21% | 20% | 26% | 22% |
| Tend to agree | 47% | 52% | 56% | 51% |
| Neither agree nor disagree | 16% | 15% | 10% | 14% |
| Tend to disagree | 12% | 10% | 7% | 10% |
| Strongly disagree | 4% | 3% | 2% | 3% |

Table 5.4: To what extent do you agree or disagree that you are confident using the sentencing guidelines in digital format?

| | Number of respondents | Percentage of respondents |
|----------------------------|-----------------------|---------------------------|
| Strongly agree | 518 | 51% |
| Tend to agree | 312 | 31% |
| Neither agree nor disagree | 74 | 7% |
| Tend to disagree | 82 | 8% |
| Strongly disagree | 34 | 3% |
| Don't know | 2 | <0.5% |
| Total | 1,022 | 100% |

Table 5.4a: To what extent do you agree or disagree that you are confident using the sentencing guidelines in digital format? (percentage of respondents by sentencer type)

| | Magistrates (813) | Deputy district judges and district judges (107) | Circuit and High Court judges (102) | All respondents (1,022) |
|----------------------------|----------------------|--|---|-------------------------------|
| Strongly agree | 52% | 53% | 37% | 51% |
| Tend to agree | 32% | 23% | 29% | 31% |
| Neither agree nor disagree | 7% | 9% | 9% | 7% |
| Tend to disagree | 7% | 11% | 12% | 8% |
| Strongly disagree | 2% | 3% | 13% | 3% |
| Don't know | <0.5% | - | - | <0.5% |

Table 5.4b: To what extent do you agree or disagree that you are confident using the sentencing guidelines in digital format? (percentage of respondents by year to begin sentencing criminal cases)

| | Before 2004 (357) | From 2004 to 2011 (330) | After 2011 (332) | All respondents (1,019) |
|----------------------------|----------------------|----------------------------|------------------|-------------------------------|
| Strongly agree | 42% | 48% | 63% | 51% |
| Tend to agree | 29% | 33% | 30% | 31% |
| Neither agree nor disagree | 10% | 8% | 3% | 7% |
| Tend to disagree | 13% | 8% | 2% | 8% |
| Strongly disagree | 6% | 2% | 2% | 3% |
| Don't know | - | 1% | - | <0.5% |

Perceived impact of the guidelines

Table 6.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced fairness in the sentencing process, or has there been no change?

| | Number of respondents | Percentage of respondents |
|-------------------|-----------------------|---------------------------|
| Greatly improved | 311 | 31% |
| Somewhat improved | 377 | 37% |
| Unchanged | 136 | 13% |
| Somewhat reduced | 25 | 2% |
| Greatly reduced | 3 | <0.5% |
| Don't know | 163 | 16% |
| Total | 1,015 | 100% |

Table 6.1.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced fairness in the sentencing process, or has there been no change? (respondents sentencing prior to 2011)

| | Number of respondents | Percentage of respondents |
|-------------------|-----------------------|---------------------------|
| Greatly improved | 227 | 33% |
| Somewhat improved | 285 | 42% |
| Unchanged | 113 | 17% |
| Somewhat reduced | 23 | 3% |
| Greatly reduced | 3 | <0.5% |
| Don't know | 31 | 5% |
| Total | 682 | 100% |

Table 6.1a: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced fairness in the sentencing process, or has there been no change? (percentage of respondents by sentencer type)

| | Magistrates (806) | Deputy district judges and district judges (107) | Circuit and High Court judges (102) | All respondents (1,015) |
|-------------------|----------------------|--|---|-------------------------------|
| Greatly improved | 32% | 34% | 21% | 31% |
| Somewhat improved | 36% | 45% | 41% | 37% |
| Unchanged | 12% | 17% | 21% | 13% |
| Somewhat reduced | 2% | 2% | 6% | 2% |
| Greatly reduced | <0.5% | - | - | <0.5% |
| Don't know | 18% | 3% | 12% | 16% |

Table 6.1a.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced fairness in the sentencing process, or has there been no change? (percentage of respondents by sentencer type, sentencing prior to 2011)

| | Magistrates (537) | Deputy district judges and district judges (64) | Circuit and High Court judges (81) | All respondents (682) |
|-------------------|----------------------|---|--|-----------------------------|
| Greatly improved | 34% | 34% | 25% | 33% |
| Somewhat improved | 41% | 45% | 42% | 42% |
| Unchanged | 16% | 17% | 21% | 17% |
| Somewhat reduced | 3% | 3% | 6% | 3% |
| Greatly reduced | 1% | - | - | <0.5% |
| Don't know | 5% | - | 6% | 5% |

Table 6.1b: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced fairness in the sentencing process, or has there been no change? (percentage of respondents by year to begin sentencing criminal cases)

| | Before 2004 (356) | From 2004 to 2011 (326) | After 2011 (330) | All respondents (1,015) |
|-------------------|----------------------|----------------------------|---------------------|-------------------------------|
| Greatly improved | 33% | 34% | 25% | 31% |
| Somewhat improved | 42% | 41% | 27% | 37% |
| Unchanged | 20% | 13% | 7% | 13% |
| Somewhat reduced | 4% | 3% | 1% | 2% |
| Greatly reduced | 1% | - | - | <0.5% |
| Don't know | 1% | 9% | 40% | 16% |

Table 6.2: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced transparency in the sentencing process, or has there been no change?

| | Number of respondents | Percentage of respondents |
|-------------------|-----------------------|---------------------------|
| Greatly improved | 447 | 44% |
| Somewhat improved | 325 | 32% |
| Unchanged | 76 | 7% |
| Somewhat reduced | 10 | 1% |
| Greatly reduced | 2 | <0.5% |
| Don't know | 155 | 15% |
| Total | 1,015 | 100% |

Table 6.2.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced transparency in the sentencing process, or has there been no change? (respondents sentencing prior to 2011)

| | Number of respondents | Percentage of respondents |
|-------------------|-----------------------|---------------------------|
| Greatly improved | 329 | 48% |
| Somewhat improved | 254 | 37% |
| Unchanged | 63 | 9% |
| Somewhat reduced | 8 | 1% |
| Greatly reduced | 2 | <0.5% |
| Don't know | 28 | 4% |
| Total | 684 | 100% |

Table 6.2a: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced transparency in the sentencing process, or has there been no change? (percentage of respondents by sentencer type)

| | Magistrates (806) | Deputy district judges and district judges (107) | Circuit and High Court judges (102) | All respondents (1,015) |
|-------------------|----------------------|--|---|-------------------------------|
| Greatly improved | 40% | 61% | 59% | 44% |
| Somewhat improved | 33% | 31% | 26% | 32% |
| Unchanged | 8% | 6% | 4% | 7% |
| Somewhat reduced | 1% | 1% | 1% | 1% |
| Greatly reduced | <0.5% | - | - | <0.5% |
| Don't know | 18% | 2% | 10% | 15% |

Table 6.2a.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced transparency in the sentencing process, or has there been no change? (percentage of respondents by sentencer type, sentencing prior to 2011)

| | Magistrates (539) | Deputy district judges and district judges (64) | Circuit and High Court judges (81) | All respondents (684) |
|-------------------|----------------------|---|--|-----------------------------|
| Greatly improved | 45% | 55% | 62% | 48% |
| Somewhat improved | 38% | 38% | 28% | 37% |
| Unchanged | 10% | 8% | 5% | 9% |
| Somewhat reduced | 1% | - | 1% | 1% |
| Greatly reduced | <0.5% | - | - | <0.5% |
| Don't know | 5% | - | 4% | 4% |

Table 6.2b: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced transparency in the sentencing process, or has there been no change? (percentage of respondents by year to begin sentencing criminal cases)

| | Before 2004 (357) | From 2004 to 2011 (327) | After 2011 (328) | All respondents (1,015) |
|-------------------|----------------------|----------------------------|---------------------|-------------------------------|
| Greatly improved | 53% | 43% | 35% | 44% |
| Somewhat improved | 36% | 39% | 21% | 32% |
| Unchanged | 10% | 9% | 4% | 7% |
| Somewhat reduced | 1% | 1% | 1% | 1% |
| Greatly reduced | 1% | - | - | <0.5% |
| Don't know | <0.5% | 8% | 39% | 15% |

Table 6.3: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced consistency in the sentencing process, or has there been no change?

| | Number of respondents | Percentage of respondents |
|-------------------|-----------------------|---------------------------|
| Greatly improved | 438 | 43% |
| Somewhat improved | 350 | 34% |
| Unchanged | 59 | 6% |
| Somewhat reduced | 9 | 1% |
| Greatly reduced | 3 | <0.5% |
| Don't know | 157 | 15% |
| Total | 1,016 | 100% |

Table 6.3.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced consistency in the sentencing process, or has there been no change? (respondents sentencing prior to 2011)

| | Number of respondents | Percentage of respondents |
|-------------------|-----------------------|---------------------------|
| Greatly improved | 322 | 47% |
| Somewhat improved | 272 | 40% |
| Unchanged | 51 | 7% |
| Somewhat reduced | 8 | 1% |
| Greatly reduced | 2 | <0.5% |
| Don't know | 29 | 4% |
| Total | 684 | 100% |

Table 6.3a: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced consistency in the sentencing process, or has there been no change? (percentage of respondents by sentencer type)

| | Magistrates (808) | Deputy district judges and district judges (107) | Circuit and High Court judges (101) | All respondents (1,016) |
|-------------------|----------------------|--|---|-------------------------------|
| Greatly improved | 40% | 52% | 59% | 43% |
| Somewhat improved | 35% | 40% | 25% | 34% |
| Unchanged | 6% | 4% | 6% | 6% |
| Somewhat reduced | 1% | - | - | 1% |
| Greatly reduced | <0.5% | - | - | <0.5% |
| Don't know | 18% | 4% | 10% | 15% |

Table 6.3a.1: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced consistency in the sentencing process, or has there been no change? (percentage of respondents by sentencer type, sentencing prior to 2011)

| | Magistrates (540) | Deputy district judges and district judges (64) | Circuit and High Court judges (80) | All respondents (684) |
|-------------------|----------------------|---|--|-----------------------------|
| Greatly improved | 45% | 48% | 60% | 47% |
| Somewhat improved | 41% | 44% | 29% | 40% |
| Unchanged | 8% | 6% | 6% | 7% |
| Somewhat reduced | 1% | - | - | 1% |
| Greatly reduced | <0.5% | - | - | <0.5% |
| Don't know | 4% | 2% | 5% | 4% |

Table 6.3b: To what extent do you think the introduction of the Sentencing Council's guidelines improved or reduced consistency in the sentencing process, or has there been no change? (percentage of respondents by year to begin sentencing criminal cases)

| | Before 2004 (356) | From 2004 to 2011 (328) | After 2011 (329) | All respondents (1,016) |
|-------------------|----------------------|----------------------------|---------------------|-------------------------------|
| Greatly improved | 51% | 43% | 35% | 43% |
| Somewhat improved | 39% | 41% | 23% | 34% |
| Unchanged | 8% | 6% | 2% | 6% |
| Somewhat reduced | 1% | 1% | <0.5% | 1% |
| Greatly reduced | 1% | - | <0.5% | <0.5% |
| Don't know | <0.5% | 9% | 40% | 15% |

