

Background Quality Report

Drug offences data

Section 1: Background to the statistics

The Sentencing Council was set up in 2010 and produces guidelines for use by all criminal courts in England and Wales. The Drug Offences Definitive Guideline¹ was one of the earliest guidelines the Council produced, coming into force in February 2012 and covering offences sentenced at both the magistrates' courts and Crown Court. Prior to this, there was no sentencing guideline for drug offences in the Crown Court, although there were guidelines for various drug offences in the Magistrates' Court Sentencing Guidelines in force at that time,² which were produced by the Council's predecessor body, the Sentencing Guidelines Council (SGC).

The Council has a statutory duty to monitor the impact of the sentencing guidelines it produces. The aim of the Drug Offences Definitive Guideline was to increase the consistency of the sentencing process whilst leaving sentencing, for the most part, unchanged. The main exception to this was an intentional lowering of sentencing severity for so called 'drug mules'. Additionally, an increase in sentencing severity was also expected in some cases of production/cultivation class B drugs.³ In order to evaluate the actual impact once the guideline was in use, an assessment of the Drug Offences Definitive Guideline was conducted and then published in June 2018.⁴

To support this assessment, a data collection exercise was conducted post-guideline only, in a sample of 81 magistrates' courts, in order to gather detailed information from magistrates and District Judges (Magistrates' Courts) about how they sentenced offences using the Drug Offences Definitive Guideline.⁵ This collection ran between 16th November 2015 and 29th January 2016. At the same time, the Council collected pre-guideline data for the offence of theft from a shop or stall. Over this period, a total

¹ The Drug Offences Definitive Guideline covered the following offences: Fraudulent evasion of a prohibition by bringing into or taking out of the UK a controlled drug; Supplying or offering to supply a controlled drug; Possession of a controlled drug with intent to supply it to another; Production of a controlled drug and Cultivation of a cannabis plant; Permitting premises to be used; Possession of a controlled drug.

² Magistrates' Court Sentencing Guidelines covered possession of classes A, B and C; class A produce, supply, possess with intent to supply; supply, possess with intent to supply classes B and C; and cultivation of cannabis.

³ https://www.sentencingcouncil.org.uk/wp-content/uploads/Drugs_final_resource_assessment_web2.pdf

⁴ <https://www.sentencingcouncil.org.uk/wp-content/uploads/Drug-offences-guideline-assessment.pdf>

⁵ Rand Europe administered the survey in the magistrates' courts; they then collated and cleaned the dataset before providing it to the Sentencing Council.

of 1,347 valid forms were returned from the 81 courts.^{6,7} The volume of cases in the published data is discussed later on in the context of overall drug offending.

The data collection exercise involved asking magistrates and District Judges (Magistrates' Courts) to complete a paper form for every adult offender they sentenced for the offences of possession of a controlled drug (class A and B); production of a controlled drug (class B); or cultivation of a cannabis plant (where these were the principal offence). The form asked sentencers to give detailed information on the: date of birth and gender of the offender; the sentencing date; the type of offence; the type and quantity of drug associated with the offence; the culpability of the offender (their role) and category of harm for production/cultivation offences; the offence category for possession offences;⁸ the sentence starting point; aggravating and mitigating factors (including previous convictions); the sentence before any reduction for guilty plea; information on whether there was a guilty plea and if so when it was entered and the reduction applied; and detailed information on the final sentence outcome. The specific court returning the survey was also recorded against each form. Sentencers were also given an opportunity to state the single most important factor they took into account when deciding on their final sentence.

This bespoke data collection was one of the first of its kind to provide the Council with detailed information on the sentencing factors taken into account by sentencers after the Crown Court Sentencing Survey (CCSS)⁹ finished. This was a rich source of detailed sentencing data, providing a wealth of information on sentencing for a wide range of offences sentenced specifically within the Crown Court. However, following an external review, the CCSS was stopped at the end of March 2015, and the Council evolved its analytical approach to develop more focussed and targeted "guideline-specific" data collections in both magistrates' courts and the Crown Court. This data collection release follows the publication of the theft from a shop or stall offence data in December 2020¹⁰ which was the first in a series demonstrating the Council's commitment to transparency around guideline development. The publication of these data also falls within the Council's strategic objectives for 2021 to 2026 to ensure that the Council's work is evidence-based, and work to enhance and strengthen the data and evidence that underpins it.¹¹

It is important to note that the Drug Offences Definitive Guideline has since been replaced by new revised guidelines applicable from 1 April 2021 onwards. This means some of the sentencing factors and starting points for these offences have changed. The revised guidelines reflect modern drug offending and include new guidelines for offences created by the Psychoactive Substances Act (PSA) 2016 to

⁶ Two cases were excluded from the published data where the date of birth and sentencing date indicated the offender was under 18. Offenders under the age of 18 were not in scope of the Drug Offences Definitive Guideline.

⁷ This is comprised of 365 records relating to possession class A offences, 880 relating to possession class B, and 102 relating to production class B/cultivation of a cannabis plant.

⁸ For production/cultivation offences the role of the offender is used to categorise culpability, and the drug quantity determines the harm category, whereas for possession offences the offence category is determined by the class of drug.

⁹ <https://www.sentencingcouncil.org.uk/research-and-resources/data-collections/crowncourt-sentencing-survey/>

¹⁰ <https://www.sentencingcouncil.org.uk/research-and-resources/data-collections/magistrates-courts-data-collections/theft-from-a-shop-or-stall/>

¹¹ For further information on the Council's strategic objectives, see: [Strategic objectives 2021-2026 – Sentencing \(sentencingcouncil.org.uk\)](https://www.sentencingcouncil.org.uk/strategic-objectives-2021-2026/)

bring clarity and transparency around the sentencing process for drug offences. Although the data collection was based on the now-archived Drug Offences Definitive Guideline, it is nevertheless hoped that publication of the raw underlying data collected will still be useful, adding to the knowledge base to better understand magistrates' courts sentencing factors in relation to outcomes.

This document is intended to be read alongside the raw data, so that users of the raw data can better understand its overall quality.

When considering the data, it is important to keep in mind that every case is unique and there are many factors, both relating to the offence and the offender's personal circumstances that will be taken into account when deciding on the appropriate sentence. Therefore, there may be factors other than those collected on the form and detailed in the data that impact on the final sentence. Furthermore, while the same factors may be present in more than one case, the specific circumstances of each case may mean that the factors are not given the same importance in all cases which may, in turn, be reflected in the decision regarding an appropriate sentence for the offender in question.

Section 2: Assessment of quality

i. Relevance

Relevance is about making sure that users of statistics and data are at the centre of statistical production: that their needs should be understood, their views sought and acted on, and their use of statistics supported. Relevance to the user is one of the key principles under the pillar of 'Value' in the Code of Practice for Statistics,¹² so the usefulness of these data has been considered from this user-perspective.

The datasets contain detailed information on the variety of sentencing factors sentencers were asked to consider when using the relevant drug offences guideline. These factors may be relevant in determining the type of sentence, the sentence length, any requirements attached to the sentence or the level of any fine imposed. The factors taken into account will vary depending upon the facts of each individual case. Sentencers were also asked to state the 'single most important factor' that they took into account, with regards to the sentencing outcome. A coded and simplified version of this field has been published alongside the main dataset¹³ and this will be only the second time that data like these will be available in the public domain. This should provide a new insight into the key factors affecting sentence outcomes.

The data also contain some basic demographic data about the offenders (their age and gender),¹⁴ which could be used to examine how different groups are represented

¹² The Code of Practice for Statistics is a document that sets out the standards that producers of official statistics should commit to. The framework for the Code is based on three pillars: Trustworthiness, Quality and Value. This section, 'Assessment of quality', covers elements which span all three of these pillars. The Code can be found here on the UK Statistics Authority website: <https://code.statisticsauthority.gov.uk/wp-content/uploads/2022/05/Code-of-Practice-for-Statistics-REVISED.pdf>

¹³ See Annex A for further information.

¹⁴ It was not possible to directly collect ethnicity data in this data collection. However, research on the link between ethnicity and drug offences sentenced in the Crown Court was published by the Sentencing Council in January 2020 – see <https://www.sentencingcouncil.org.uk/news/item/investigating-the-association-between-an-offenders-sex-and-ethnicity-and-the-sentence-imposed-at-the-crown-court-for-drug-offences/> The Council's

within the data and how factors and sentencing outcomes may vary from one group to another.

It is intended that these data will be useful for any user who wants to better understand magistrates' courts sentencing factors and outcomes for these specific offences.

Publishing these data contributes to fulfilling one of the Council's responsibilities, of *'promoting awareness amongst the public regarding the realities of sentencing and publishing information about sentencing practice in magistrates' courts and the Crown Court'* as well as one of the Council's additional functions which says it must *'promote understanding of, and public confidence in, sentencing and the criminal justice system.'*¹⁵

Alongside the publication of these data, the Council has published details of the user feedback exercise that accompanied the initial theft publication in December 2020, which was conducted in order to gather the views of users on the data and the way the datasets and accompanying documents were published.

ii. Accuracy and Reliability

Accuracy is the proximity between an estimate and the (unknown) true value. Reliability is the closeness of early estimates to subsequent estimated values. This section will provide users with an overview of how accurate and reliable the data are thought to be, by considering possible sources of error and bias.

Sources of error and bias

There are several types of error that can arise within data such as these, including coverage error, sampling error, non-response error and measurement error. Each of these, including how they may have occurred within the published data and how they have been dealt with (where possible) are described in detail below.

Coverage error

Coverage error occurs when the list used to select a sample (the 'sampling frame') does not have a one-to-one correspondence with the target population (the total group of units or people that we want to sample from). The Council is confident that the list of courts used to select the sample for this data collection was accurate and included all of the magistrates' courts open at the time that the sample was selected. The contractors that ran the data collection exercise had direct correspondence with the courts and the lists were checked against multiple sources. The Council is therefore confident that there is no coverage error within the data.

intention is that future data collections will collect a case reference number which will give the Council the option to link to CPD sentencing data containing the offender's self-identified ethnicity. This will permit further work in this important area, where possible.

¹⁵ <https://www.sentencingcouncil.org.uk/sentencing-and-the-council/about-the-sentencing-council/>

Sampling error

Sampling error occurs when a sample is taken, instead of observing the whole population, and where there are differences between estimates generated using the sample and the actual unknown true value for the population.

The drug offences covered by the data collection are all triable either way,¹⁶ meaning that they can be dealt with at either magistrates' courts or the Crown Court, but this data collection exercise only took place in magistrates' courts. The vast majority of offenders sentenced for possession classes A and B are sentenced in magistrates' courts (91 per cent and 94 per cent respectively, averaging across 2015-2016, around the time of the data collection).¹⁷ For production class B/cultivation of a cannabis plant, the proportion of offenders sentenced in magistrates' courts is much lower (44 per cent averaging across 2015-2016). It is therefore possible, for this offence in particular, that the data may be slightly skewed towards lower level offending and sentencing outcomes.

Additionally, these data were collected from a sample of magistrates' courts, instead of all of them. The sample of 81 courts represented around half of the courts open at the time of the data collection. Since the data collection did not achieve a 100 per cent response rate from all courts and there are no comparable published sources of data on the key factors used in magistrates' courts to sentence these offences, there is a risk of the data either being biased or not being representative of drug possession, production or cultivation offences and offending. Furthermore, the courts were selected in a specific way to target those with a higher volume of specific drug offences.¹⁸ This was a deliberate choice to maximise the efficacy of the data collection and volume of expected form returns. However, since the courts were not randomly sampled, there is a possibility that the data are not representative of all magistrates' courts sentencing practice for sentencing the relevant drug offences.

To check whether analysis of these data could lead to sampling error, a comparison was made with data on drug offences from the Court Proceedings Database (CPD), an administrative database of court outcomes for both Crown Court and magistrates' courts held by the Ministry of Justice.¹⁹ Data on a principal offence basis²⁰ from the equivalent time period were examined, and it was found that the data were broadly representative when compared with magistrates' courts sentencing outcomes, with only small differences between the two sources. However, it is worth noting the small differences, as they may affect interpretation of the data:

¹⁶ Production/cultivation offences are triable either way unless the defendant could receive the minimum sentence of seven years for a third drug trafficking offence under section 313 of the Sentencing Code in which case the offence is triable only on indictment.

¹⁷ See data tables published alongside the definitive Drug offences guidelines in 2021 (tables 3_1 and 4_1): <https://www.sentencingcouncil.org.uk/wp-content/uploads/Drugs-data-tables-Final.xlsx>

¹⁸ There was a specific focus on production of a class B drug offences.

¹⁹ Some of the differences identified may be as a result of non-response error instead of (or as well as) sampling error. Non-response error is discussed later.

²⁰ When a defendant has been found guilty of two or more offences, the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe. Although the offender will receive a sentence for each of the offences that they are convicted of, which will all appear in the CPD, it is only the sentence for the principal offence from the CPD that has been used for comparison here.

- For possession class B and production class B/cultivation of a cannabis plant,²¹ the data collection captured higher proportions of offenders receiving fines than there were in the CPD (looking at all offenders sentenced). In the data collection, 62 per cent of offenders received a fine for possession class B, and 37 per cent received a fine for production class B, compared to 57 per cent and 32 per cent (respectively) in all magistrates' courts over the same period. Consequently, the data collection captured slightly lower proportions of offenders sentenced to more severe outcomes, such as community orders (for possession class B), suspended sentence orders (production class B) and immediate custody (possession and production class B).
- The data collection also captured smaller proportions of offenders committed to the Crown Court for sentence, for all of the drug offences covered. In the CPD, 29 per cent of offenders found guilty in the magistrates' courts for production class B during the same months and years as the data collection were committed for sentencing to the Crown Court. By comparison, only 17 per cent of the sentencing outcomes in the data collection were 'Committal to the Crown Court for sentence'.²² Similarly, for possession classes A and B, the proportion of offenders committed for sentencing to the Crown Court in the CPD were 7 per cent and 5 per cent (respectively), compared with 2 per cent and 0.5 per cent of sentencing outcomes in the data collection.

As a result of these differences, it is possible that the sentencing factors relevant in the published cases are not wholly representative of all offenders sentenced for the relevant drug offences, in particular for cases which were committed to the Crown Court for sentencing. However, as the other differences are small, it is expected that the data are largely representative and still useful in identifying, for example, the most and least common factors taken into account and the sentences imposed.

An assessment was also made of how representative the demographics of the offenders contained in the data collection were of the total population of offenders sentenced for drug offences. The proportion of offenders of each gender and age group were compared with the equivalent proportions from the CPD. The samples from the data collection were found to be broadly representative of the CPD data for both age and gender, which means that users can be confident when using these variables in examining how factors and sentencing outcomes may vary from one group to another.

Non-response error

There are two types of non-response: in the context of this data collection, 'unit non-response' is where a form was not filled in for an offender sentenced for these offences during the data collection period, and 'item non-response' is where a form was filled in, but a question or box that should have been completed was left blank,

²¹ Since small numeric changes can present as large percentage fluctuations when they are calculated using small volumes, given the relatively lower number of records for production class B/cultivation of a cannabis plant (102), larger percentage differences are more likely for this offence compared with the CPD, so users should take care interpreting these differences.

²² This low response rate for committals was picked up during data collection; the research team did clarify with the courts that committals should be included, but this communication happened part-way through the collection.

so the non-response was specific to a certain set of items on the form. Where these types of non-response occur, this can lead to error (or bias) in the data.

When the volume of forms returned was compared to the total number of adult offenders sentenced within the same dates as the data collection, this equated to an approximate response rate of 35 per cent. If certain types of courts were more or less likely to respond, then this may have affected the data. For example, given that the survey was not supervised at the court level, there is a chance that the administration of the paper forms may have differed between courts, which could introduce bias into the data. If the administration of the forms differed across courts depending on the amount of resource available to distribute and collect the forms, or on the resource of the sentencers to fill in the survey, relating to how busy they were, then response rates may have differed across courts. If the data lead to biased estimates as a result of a form not being completed when an offender was sentenced for this offence during the running of this data collection, then unit non-response error may occur.

Item non-response is another type of non-response which occurred across many of the variables, although it affected some more than others. The variable with the highest proportion of unknown or missing values in the data is ‘totality adjustment’ (57 per cent unknown/missing). If the records with unknown or missing data are systematically different to those where clear data have been provided, this could lead to item non-response error.

Aside from the comparison with the CPD data discussed in the ‘Coverage error and sampling error’ section earlier, there is no other relevant source to compare the data collection with and in particular, there is no other source of evidence on the factors taken into account in magistrates’ courts for these offences. It is therefore not possible to measure the extent to which these data may be affected by non-response error. However, there are several reasons why it is thought that non-response error may not be substantial within any analysis of the data:

- The sentencing outcomes were found to be broadly representative of all outcomes imposed for these offences at the time (as detailed earlier), so it could also be assumed that the factors indicated on the forms are also representative;
- A high volume of data were collected, so users do not need to rely on only a small number of offenders to conduct any analysis;²³ and,
- There is no explicit evidence of sentencers being more likely to fill in data collection forms for some types of cases more than for others, so it is assumed that this does not happen.

Measurement error

We have assumed that sentencers have interpreted the form correctly²⁴ and accurately recorded all the case details, that these have then been accurately interpreted and inputted by the external contractors and accurately cleaned in preparation for publication. However, there is always the chance of human error at each of these stages, and any differences between the true values related to the

²³ With the exception of production class B/cultivation of a cannabis plant – given the relatively low number of records for these offences (102), any findings based on analysis of these offences should be treated with caution.

²⁴ The survey was initially piloted with a handful of sentencers who provided detailed feedback on the structure and content of the surveys, which then fed into revisions to the survey forms.

sentence imposed and the final published dataset are known as measurement error. Furthermore, given the wording of the instructions in the form,²⁵ if a sentencer did not tick a particular factor then it has been assumed that this particular factor was not taken into account during sentencing. Similarly, if a factor was ticked then it has been assumed it was taken into account. However, this may not be the case and omission as a mistake may have been conflated with omission due to lack of relevance.

There are two variables – ‘No relevant aggravating factors’ and ‘No relevant mitigating factors’ – that have been removed from the dataset due to concerns that the factors were misinterpreted.

There were a number of instances of direct contradictions, either from sentencers ticking to say ‘no relevant mitigating factors’ were relevant while also indicating that a mitigating factor (e.g. ‘Age and/or lack of maturity where it affects the responsibility of the offender’) was relevant in their sentencing decision (6 records), or from sentencers not ticking any of the mitigating factors but also not ticking the box to indicate that ‘no relevant mitigating factors’ were considered (25 records). Similar contradictions were also seen with the variables relating to ‘no relevant aggravating factors’. Given that users will be able to re-create these factors themselves from the data using the absence of the other factors involved, it was decided that the removal of the potentially misleading data would be the appropriate approach with regards to the accuracy and quality of the overall data.

In recording the custodial sentence outcome, sentencers were asked to record the duration in either days or weeks, and then to indicate which of the two measures they used. It is possible that sentencers used a different unit of measurement to that which they indicated, and therefore our impression of the sentence imposed may be considerably different to the real value. Aside from making sure that the original paper forms were as clear as possible, several steps were taken during the cleaning of the data to mitigate errors of this nature, where possible, which are detailed in the metadata document. Additionally, we checked that there were no custodial sentence lengths longer than the sentencers had the powers to impose,²⁶ as this would have also indicated a data error.

The style of questions and the format of the survey may also have contributed to the level of error. The data were collected using paper forms as opposed to being collected digitally (online), so there was not the option to add in any internal assurance processes to flag inconsistent answering within the same form, for example, where a sentencer may have ticked the mitigating factor of the offender not having any previous convictions but then also provided a number for the volume of previous convictions taken into account during sentencing. To improve the data quality, we have applied these types of internal consistency checks prior to publication and amended some records where there were obvious discrepancies. For more details, please see the metadata file.

While free text fields are useful for gathering detailed individualised comments, these take a lot of resource to process and are potentially more prone to misinterpretation, introducing error in the data. To minimise the effect of this, tick-box options were

²⁵ ‘Please tick all the factors that were relevant, leaving blank any factors that were not relevant or where you have insufficient information to say’.

²⁶ This was assumed to be 12 months for immediate custody and 24 months for suspended sentence orders.

used for most questions and free text fields were only used where necessary. As mentioned above, sentencers were asked to state the ‘single most important factor’ influencing their sentence, and they were given a box to provide a free text answer. The raw data for this variable were coded by the contractor for this project. It is likely that the raw answers included very specific details about the offender, offence, location and other details that may have risked being disclosive. Cleaning and coding these data mitigates the risk of any offender being identifiable within the data.

Often, sentencers entered more than one factor in the ‘single most important factor’ field; in these cases, the separate factors were individually coded and, as a result of this, multiple factors may be present for a single record. To make the data easier to analyse, the data have been provided in a different dataset to the rest of the data. See Annex A for more detail.

iii. Timeliness and Punctuality

The data collection was undertaken between November 2015 and January 2016, several years after the definitive guideline came into force (February 2012). Thus, with regards to the original intention for collecting the data (to monitor the impact of the guideline on sentencing), it captured data at a time when the guideline had been in force for a while and so sentencers are likely to have been familiar with it. Following the data collection, an evaluation of the impact of the guideline was published in June 2018.²⁷ Since then, the Drug Offences Definitive Guideline has been replaced by new revised guidelines applicable from 1 April 2021 onwards.

We recognise that the nature of drug offending and other external factors may have changed since the data collection exercise was undertaken and so the factors that sentencers considered in 2015/16 may not be entirely representative of current sentencing practice. It is nevertheless hoped that publication of the raw underlying data collected using the now-archived Drug Offences Definitive Guideline will still be useful, adding to the knowledge base to better understand magistrates’ courts sentencing factors in relation to outcomes.

iv. Accessibility and Clarity

Publishing this information means that the data are made free and equally available to all users. It is thought that these data might be of most interest to an expert user comfortable with processing and manipulating raw datasets. Alongside the raw datasets, we have also assembled a metadata document. This is intended to be read alongside the dataset to understand, for each variable in the data, what the range of values mean and if there are any limitations of using this variable to draw conclusions. An example of the form completed by sentencers has also been published, to aid users’ understanding of the way the questions were asked, the layout, etc, which may be useful in any analysis.

For the user who still wants to understand the impact of the Drug Offences Definitive Guideline but is not comfortable analysing data themselves, the Drug offences guideline assessment discussed previously fulfils this purpose,²⁸ by utilising the same

²⁷ The Council decided that the relevant guideline assessment should be published before the underlying data.

²⁸ [Drug offences: Assessment of guideline – Sentencing \(sentencingcouncil.org.uk\)](https://www.sentencingcouncil.org.uk)

data source and providing additional narrative around findings from analysis of the data.

One of the challenges has been ensuring that the data are published at a sufficient level of detail to enable users to sufficiently delve into the individual factors behind magistrates' court sentencing decisions, while still taking steps to reduce the risk of disclosure for the individual offenders as much as possible. There is a disclosure statement published alongside the data, and further details can be found in the metadata document.

v. Coherence and Comparability

Coherence and comparability are the degrees to which data derived from different sources or methods, but that refer to the same topic, are similar, and the degrees to which data can be compared over time and domain.

Comparability with existing analysis using the same data

The data being published were used as one of the sources for the Drug offences guideline assessment; however, they have undergone further cleaning and internal quality assurance in preparation for publication. As a result, while we believe they should still be analogous, some very small differences may exist. Specifically, for possession class A offences, the evaluation noted that aggravating factors were cited in 28 per cent of cases²⁹ and mitigating factors were cited in 55 per cent of cases, whereas in the published data, these proportions are 33 per cent and 76 per cent respectively. This is due to the fact that the published dataset has excluded the variables 'No relevant aggravating/mitigating factors' due to conflicts identified within these (as detailed in the 'Accuracy and Reliability' section above).

Comparability with other data sources

As far as the Council is aware, there are no other data sources available on magistrates' courts sentencing practice for the drug offences collected in this data collection that contain both the factors taken into account by sentencers and details of the sentences imposed. However, the Council collected similar data at the Crown Court as part of the CCSS between October 2010 and the end of March 2015, and these data are published on the Council's website.³⁰

Although the types of factors taken into account may generally be comparable across the two data sources, there are several reasons why differences between the two would be expected. The CCSS data were collected during a different time period, were only collected at the Crown Court (when most offenders sentenced for possession class A and B drug offences are sentenced at magistrates' courts) and the forms themselves were different. Users who intend to compare the two sources should bear these differences in mind when interpreting any results.

For further information about these data, please contact the Analysis and Research team at Research@sentencingcouncil.gov.uk.

²⁹ This proportion was based on the number of cases where an aggravating factor in section 6 of the data collection form was cited, and does not include cases where previous convictions were taken into account.

³⁰ [Crown Court Sentencing Survey – Sentencing \(sentencingcouncil.org.uk\)](https://www.sentencingcouncil.org.uk)

Annex A: Single Factor Analysis

As mentioned above, sentencers were asked to note the ‘single most important’ factor considered while passing the sentence. This information was provided in a free text field which was coded and simplified by the contractor for this project. It has been provided in a separate dataset, with a unique identifier allowing it to be mapped onto the main dataset.

The coded variables provided by the contractor were examined and aligned with the main factors considered in the guideline. Each coded variable in the dataset is binary, with a value of 1 indicating the factor in question was mentioned and 0 indicating it was not.

Around 87 per cent of records had the ‘Single most important factor’ variable populated and of these, 91 per cent have been assigned to a variable in the dataset (including ‘other_unknown’). In some cases, sentencers highlighted more than one factor; where this was the case, the separate factors have been individually coded. Given that it is not known how the raw data were coded by the contractor, it is not possible to check the accuracy of the analysis. Any differences between the single most important factor as intended by the sentencer and the final published dataset is a source of measurement error. Due to the uncertainty around how the raw data for this variable were coded, care should be taken when interpreting these data.

There are 45 coded variables within the dataset which have been broadly attributed to the key stages of the sentencing process: culpability, aggravating and mitigating factors. Where the coded variables cannot be attributed to a specific stage, they have been identified as ‘Other’. Missing data entries and unknown data entries have been coded separately as ‘missing’ and ‘other_unknown’ in the dataset accordingly (13 per cent and 9 per cent of records, respectively).

Further details on the methods used for assigning and grouping the variables and the possible issues associated with the method used are given within the metadata document.