

# Sentencing Council

## **Business Plan** **Financial years 2020/21 and** **2021/22**

## Contents

Chairman’s introduction.....	1
Background and membership .....	4
Appointments to the Council.....	4
Members.....	4
Sub-groups.....	6
Objectives.....	7
Statement of Purpose.....	7
Objectives.....	7
Delivering the Sentencing Council’s objectives.....	8
Resources .....	17
Annex A: Rationale for the prioritisation of guidelines.....	18
Annex B: The Office of the Sentencing Council as at 1 May 2019.....	19
Annex C: Sentencing Council Guideline Work Plan – 2019-2021.....	20

# Sentencing Council

## Chairman's introduction



I am pleased to present the Sentencing Council's eighth business plan, setting out the Council's aims for the financial years 2020/21 and 2021/22.

This past year has clearly been an unusual one and the Council, like every other organisation, has had to change its plans and adapt its ways of working as a result of the pandemic. 2020 saw the milestone of the 10<sup>th</sup> anniversary of the Sentencing Council, and we have spent time reflecting on the achievements of the Council's first decade and considering our objectives and challenges for the years ahead. We extended our consultation on the Council's future direction 'What Next for the Sentencing Council?' to account for the pandemic. The future priorities set out here are therefore provisional until the Council has finalised a response to that consultation. This also accounts for the business plan covering two years of the Council's activities, with our future objectives subject to decisions which may emerge from the findings of the consultation on the Council's vision.

Regardless of the change in circumstances, it is important to record the work that the Council continues to do to produce new guidelines, revise existing ones and assess the impact of guidelines on sentencing. In 2020/21 the Council has published two new definitive guidelines: an overarching guideline for use when sentencing offenders with mental disorders, developmental disorders, or neurological impairments; and offence specific guidelines for firearms offences. We have also published major revisions to existing guidelines, including amendments to the sentencing guidelines used by the magistrates' courts, which came into effect in October 2020, and changes to the sentencing guidelines for drug offences, which are due to come into force in April 2021.

Consultation is a vital aspect of the Council's work, and one which we take very seriously. For guidelines to succeed they must be informed by the knowledge and expertise of those people who have legal or practical experience in the area we are examining, and by the views of those with an interest in our work or in the operation of the wider criminal justice system. We are always grateful to the people and

organisations who give their valuable time to contribute to our consultations, and who help us to make improvements before publishing definitive guidelines.

In 2020/21 consultations have taken place on proposed revisions to the assault and attempted murder sentencing guidelines, and on new guidelines for unauthorised use of a trade mark and for offences under the Modern Slavery Act 2015. We continue to work on these guidelines and revisions with the aim of finalising and publishing them during the first half of the financial year 2021/22. We also plan in 2021/22 to launch consultations on the following:

- revisions to the 2012 burglary guidelines,
- revisions to the 2014 sexual offences guidelines (following a request from the Court of Appeal) alongside a new guideline for sexual communication with a child;
- a new guideline for firearms importation offences;
- new and revised guidelines for immigration offences; and
- revisions to the 2018 terrorism offence guidelines and the 2008 Sentencing Guidelines Council guidelines on motoring offences (see below).

In addition to publishing guidelines, the Council is required to monitor and evaluate their operation and effect. In 2020/21, we have published our evaluation of the dangerous dogs sentencing guideline, as well as evaluations of two overarching guidelines: *Reduction in Sentence for a Guilty Plea* and *Sentencing Children and Young People*.

2020/21 has seen the release of data on the factors taken into account when sentencing offences of theft from a shop or stall, the first publication of magistrates' courts data since the Council moved to conducting bespoke data collections in courts. We are currently running a further data collection in magistrates' courts to collect information to feed into the evaluation of three assault guidelines and two criminal damage guidelines. This will run until early May 2021.

The Council is also furthering its work in the area of equality and diversity. In the past year we have included information in both the new firearms offences guidelines and the revised drug offences guidelines highlighting disparities in sentencing outcomes in these areas. We are now in the process of commissioning a research project to examine the potential for our guidelines to cause disparities in sentencing. This will include a review of the language used, the structure of guidelines, and whether any aspects of the way in which we develop guidelines could have any implications for equalities and disparity in sentencing. The review will also consider how the Council may best engage with underrepresented groups to increase awareness and understanding of sentencing guidelines. This is work of vital importance in helping to maintain confidence in the criminal justice system and I look forward to seeing the results of this review in due course.

In addition, we aim to publish a number of other items of research in the year 2021/22. These include the research already conducted on judicial attitudes to sentencing guidelines, consistency in sentencing and on the changes in sentencing severity and requirements for prison places associated with the Sentencing Council's guidelines. We are also currently undertaking a small piece of exploratory work on

the Council's Totality guideline to consider whether we need to revisit this. As always, each consultation on new guidelines or revisions of existing ones will be accompanied by a draft resource assessment.

The purpose of publishing our business plan is to make sure that everyone who has an interest in our work is kept informed of developments. The Council's priorities can, and do, change throughout the year and from one year to the next. We have a statutory duty to consider requests from the Lord Chancellor and the Court of Appeal to review the sentencing of particular offences. We may also need to consider amending our work plan if we are required to undertake work on new or particularly complex areas of sentencing.

For example, the Police, Crime, Sentencing and Courts Bill is currently before Parliament, arising in part from the Government's 2020 White Paper 'A Smarter Approach to Sentencing'. This legislation may well require alterations to a wide range of existing guidelines, including those for causing death by driving. We also anticipate the enactment of the Counter-Terrorism and Sentencing Bill, which will require changes to existing guidelines. We therefore plan to consult on revisions to the existing guidelines on terrorism offences and motoring offences during the year 2021/22. These and other such changes may have an impact on our budget and resources, and work may have to be either brought forward or pushed back to accommodate new requests.

Since April last year, the Council has seen a number of changes of personnel. In June 2020 Mr Justice Julian Goose concluded his term of appointment. I would like to take this opportunity to thank Julian for his valuable contribution to the work of the Council over 6 years.

In 2020 we have seen the appointment of Assistant Commissioner Nick Ephgrave as the Police representative on the Council; Mrs Justice Juliet May from the High Court; and Mrs Jo King JP as a representative from the magistrates' courts. We welcome them all warmly to the Council.

I would also like to pay tribute to the staff of the Office of the Sentencing Council. They are the Council's most valuable resource and I am very proud of the high quality of the work which they produce, even in exceptional times such as the present. We operate within a limited budget and it is testament to the staff's ability and dedication that the Council continues to have the success that it does.

A handwritten signature in black ink, appearing to read "Tim Hinchey", enclosed in a thin black rectangular border.

April 2021

## Background and membership

The Sentencing Council is an independent, non-departmental public body (NDPB) of the Ministry of Justice (MoJ). It was set up by Part 4 of the Coroners and Justice Act 2009 (“the Act”) to promote greater transparency and consistency in sentencing, whilst maintaining the independence of the judiciary. Its primary role is to issue guidelines, which the courts must follow unless it is in the interests of justice not to do so. The Council generally meets 10 times a year, although an extraordinary meeting was held in February 2021; minutes are published on its website.

### Appointments to the Council

The Lord Chief Justice, the Right Honourable Lord Burnett of Maldon is President of the Council. In this role he oversees Council business and appoints judicial members.

The Lord Chancellor and Secretary of State for Justice appoints non-judicial members.

All appointments are for a period of three years, with the possibility of extending up to a maximum of 10 years. Membership of the Council as of 1 March 2021 is as follows:

### Members

The Council comprises eight judicial and six non-judicial members.

#### ***Chair: The Right Honourable Lord Justice Holroyde***

Tim Holroyde was appointed as a High Court Judge in January 2009 and was a Presiding Judge on the Northern Circuit from 2012 to 2015. In October 2017 he was appointed a Lord Justice of Appeal. He was appointed to the Sentencing Council on 6 April 2015 and appointed as Chairman on 1 August 2018.

#### ***Vice-Chair: The Right Honourable Lord Justice Fulford***

Adrian Fulford was appointed to the Court of Appeal in 2013 and was appointed Vice President of the Court of Appeal Criminal Division on 20 October 2019. He was appointed to the Sentencing Council with effect from the same date.

#### ***Rosina Cottage QC***

Rosina Cottage has been a barrister since 1988, practising in criminal law, and is a tenant at Red Lion Chambers. She was appointed Queen’s Counsel in 2011 and appointed a Crown Court Recorder in 2012. She was appointed to the Sentencing Council on 18 July 2016.

#### ***The Honourable Mrs Justice McGowan DBE***

Maura McGowan was called to the Bar by the Middle Temple in 1980 and took Silk in 2001. She was appointed an Assistant Recorder in 1997 and a Recorder in 2000. She was appointed as a High Court Judge in 2014. She was appointed to the Sentencing Council on 2 January 2017.

#### ***Her Honour Judge Rebecca Crane***

Rebecca Crane was appointed as a Deputy District Judge (Magistrates’ Courts) and Crown Court Recorder in 2009, a District Judge (Magistrates’ Courts) in 2011 and was then appointed as a Crown Court Judge in 2019. She was appointed to the Sentencing Council on 1 April 2017.

### ***Her Honour Judge Rosa Dean***

Rosa Dean was called to the Bar in 1993. She was appointed as a District Judge (Magistrates' Courts) in 2006, a Recorder in 2009 and a Circuit Judge in 2011. She was appointed to the Sentencing Council on 6 April 2018.

### ***Dr Alpa Parmar***

Alpa Parmar is a departmental lecturer in criminology, in the Faculty of Law at the University of Oxford. She was appointed to the Sentencing Council on the 6 April 2018.

### ***Beverley Thompson OBE***

Beverley Thompson has spent over 30 years working in the criminal justice sector initially as a probation officer in London. She was Director for Race, Prisons and Resettlement Services at NACRO for 10 years. She was appointed to the Sentencing Council on 15 June 2018.

### ***Max Hill QC***

Max Hill is the Director of Public Prosecutions and head of the Crown Prosecution Service. He was appointed to the Sentencing Council on 1 November 2018.

### ***Diana Fawcett***

Diana Fawcett is Chief Officer of Victim Support. She joined the charity as Director of Operations in February 2015 and became Chief Officer in January 2018.

Diana was appointed to the Council on 5 April 2019 and has specific responsibility for promoting the welfare of victims of crime.

### ***District Judge (Magistrates' Courts) Michael Fanning***

Mike Fanning was appointed as a District Judge in 2012. He works between the magistrates' and youth courts in West Yorkshire and also sits as an extradition judge in London. He was appointed a Recorder of the Crown Court in 2019 and joined the Sentencing Council with effect from 1 September 2019. He is also a prison adjudicator.

### ***Nick Ephgrave***

Nick Ephgrave is Assistant Commissioner for Frontline Policing in the Metropolitan Police (Met). He was appointed to that post in March 2020, having previously served as AC for Met Operations and, prior to that, as Chief Constable of Surrey Police. Nick was appointed to the Sentencing Council on 26 May 2020.

### ***Jo King JP***

Jo King was appointed to the Sussex Central Bench in 2002. She is currently the lead magistrate on Reform and co-chair of the Magistrates' Engagement Group. She is a member of the Surrey and Sussex Advisory Committee, the South East Region Conduct Committee and Judicial Conduct and Investigations Office disciplinary panels. Jo was appointed to the Sentencing Council on 8 October 2020.

### ***The Honourable Mrs Justice May DBE***

Juliet May was called to the Bar by the Inner Temple in 1988, becoming a bencher in 2010. She was appointed a recorder in 2001 and took silk in 2008, being appointed to the Circuit

Bench later the same year. She was appointed to the High Court (Queen's Bench Division) in 2015. From 2016-2020 she was a Presiding Judge on the Western Circuit. Dame Juliet was appointed to the Sentencing Council on 8 October 2020.

### **Sub-groups**

The Council has sub-groups to provide oversight in three areas: analysis and research, confidence and communications and governance. The sub-groups' roles are mandated by the Council and all key decisions are made by the full membership. The sub-groups are internal rather than public-facing.



# Objectives

## Statement of Purpose

The Sentencing Council for England and Wales promotes a clear, fair and consistent approach to sentencing through the publication of sentencing guidelines, which provide clear structure and processes for judges and magistrates, and victims, witnesses, offenders and the public.

## Objectives

The Council's objectives are informed by its statutory duties under the Act.

We will:

- 1. Prepare sentencing guidelines that meet their stated aims, with particular regard to the likely impact on prison, probation and youth justice services, the impact on victims, the need to promote consistency and public confidence, and the cost of different sentences and their relative effectiveness in preventing reoffending.**

This will be met by:

- developing evidence-based guidelines, fully considering the policy, legal and resource implications;
- publishing consultations which clearly set out the rationale for the approach and likely resource implications;
- taking into account responses and research to make improvements before publication of definitive guidelines; and
- engaging with stakeholders, practitioners, the media and others to explain the implications of guidelines.

- 2. Monitor and evaluate the operation and effect of our guidelines and draw conclusions**

This will be met by:

- putting in place bespoke, targeted evaluations and assessments of the impact and/or implementation of guidelines and collecting the necessary monitoring data; and
- by using evaluation evidence to review and, if necessary, amend guidelines.

- 3. Promote awareness of sentencing and sentencing practice**

This will be met by:

- making effective use of consultation events, proactive engagement of the media, and maximising the Council's digital capability and online presence to promote awareness and to improve and strengthen engagement with stakeholders; and
- by publishing relevant material, in particular evaluations of guidelines and an annual report of the Council's activities.

- 4. Deliver efficiencies, while ensuring that the Council continues to be supported by high-performing and engaged staff**

This will be met by:

- delivering our objectives within the budget we are allocated;

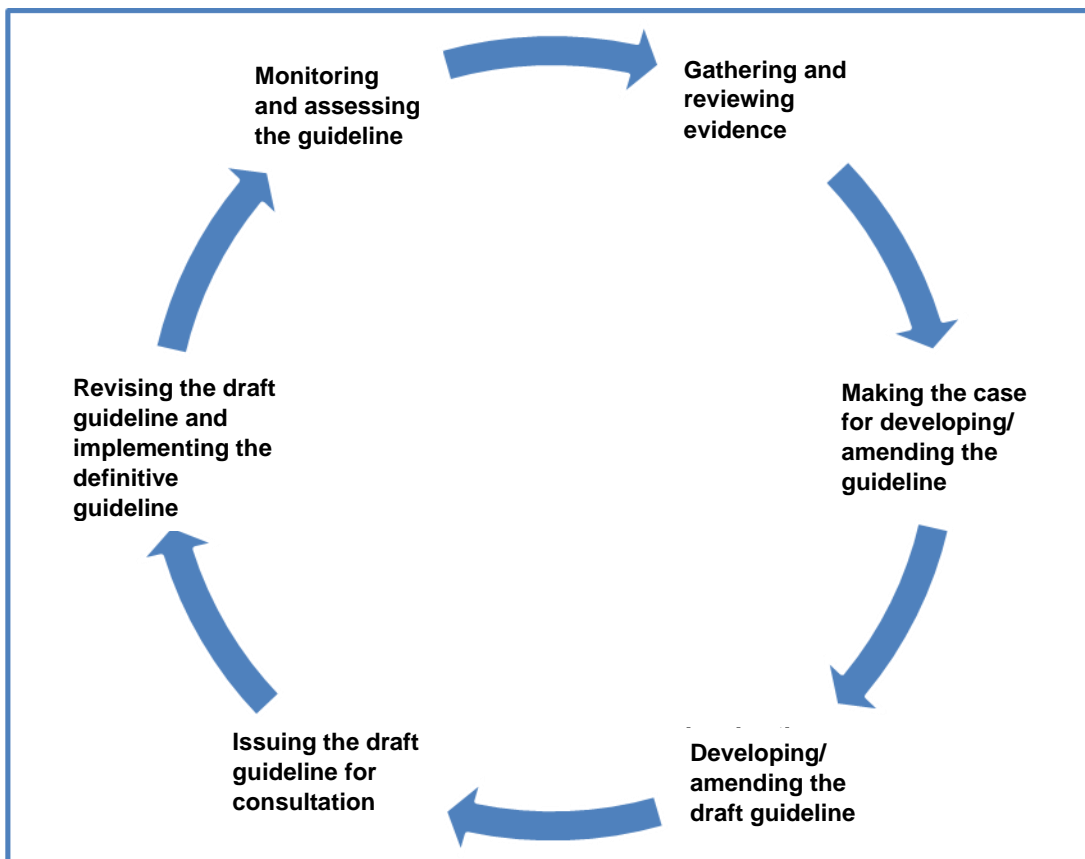
- ensuring that the Office has a motivated and collaborative team who feel valued and engaged, and have the necessary capability and autonomy to deliver clear objectives; and
- working together to identify and implement more efficient ways of working and to ensure value for money.

The activities for 2020/21 and 2021/22 to deliver these objectives are outlined in **Table 1**.

### **Delivering the Sentencing Council’s objectives**

The Council approaches the delivery of its objectives by adopting a guideline development cycle. This is based on the policy cycle set out by HM Treasury in the *Green Book on Appraisal and Evaluation in Central Government (2003)* and allows a culture of continuous improvement to be embedded within the development process.

Following this cycle, there are several key stages within the development of a sentencing guideline:



#### ***Making the case for developing/amending the guideline***

Annex A outlines the Council’s rationale for prioritising which guidelines to produce (or which existing guidelines to amend), after which options for the actual guideline are considered. This may include conducting research, assessing options for the scope and remit of a guideline, its objectives, or whether there is in fact a need for the guideline. If the guideline has been requested by the Lord Chancellor, Lord Chief Justice, Court of Appeal or a substantial body of interested parties, this would also be given due consideration.

We are considering as part of the work on the future vision for the Council whether these considerations remain the right ones or whether they could usefully be refreshed.

### ***Developing/amending the draft guideline***

Once the Council has decided that a new guideline will be produced, or an existing one amended, and has agreed the objectives, work is undertaken to produce a draft guideline that will be issued for consultation. This involves a variety of different activities including consideration of relevant case law and existing sentencing guidelines or guidance; analysis of current sentencing practice; research and analysis to assess any practical, behavioural or resource implications of draft guideline proposals; stakeholder mapping and engagement and analysis of media reports. The guideline proceeds through a number of iterations of drafting in order to ensure that different options are fully considered. A monitoring and evaluation strategy is also drawn up to ensure that the guideline can be assessed and evaluated after implementation.

### ***Issuing the draft guideline for public consultation***

A draft guideline is issued for public consultation, alongside the analysis and research that supported its development and an assessment of its resource implications and any equality impact. The media and stakeholders are briefed about the main issues and the purpose of the consultation, in order to bring it to the attention of a wide audience and encourage responses. The consultation is promoted on social media and events are held with stakeholders to ensure that those with particular interest in the guideline are aware of the consultation and able to provide their input. Consultations are usually open for 12 weeks, to allow those who wish to provide a response the chance to do so.

### ***Revising the draft guideline and implementing the definitive guideline***

Further work is undertaken after the consultation to revise the guideline to take account of the responses received; and to review and if necessary test changes to the guideline.

The guideline is published online on the Council's website. Updated data on sentencing practice and a new resource assessment to reflect the final guideline are published at the same time, and a link to the guideline is sent electronically to stakeholders. The media are briefed, and a range of channels, including social media, is used to ensure that the public is informed and that all key parties are aware of and able to access the guideline.

The Council works with the Judicial College to help facilitate training for sentencers on using the guideline. There will generally be an implementation period before the guideline comes into effect to allow for awareness-raising and any training to take place.

### ***Monitoring and assessing the guideline***

The Council adopts a targeted, bespoke and proportionate approach to assessing each guideline's impact and implementation. This work involves an assessment of whether the guidelines are having any impact on sentencing outcomes or incurring any implementation issues. This information will be set against the Council's resource assessments for the guideline to examine whether there was likely to have been an impact on correctional resources, as well as the Council's intention for a particular guideline.

We use a range of different methods for evaluations, drawing on analysis of existing data on sentencing trends over time, collection of data from sentencers on the factors that influence their sentencing of different offences, interviews and focus groups, and content analysis of

Crown Court sentencing transcripts; if possible data will be collected “before” the guideline comes into force as well as “after” in order to provide a comparison between the two time periods.

A variety of different methods of data collection and analysis may therefore be utilised, both quantitative and qualitative, as necessary.

### ***Gathering and reviewing evidence***

The outcomes of the monitoring and evaluation, along with any stakeholder or media feedback, are then assessed and considered by the Council. Following this assessment, the guideline cycle moves back into the phase of **making the case for developing/amending the guideline**, this time addressing the need to review the guideline and make improvements. If this is found to be necessary, the cycle begins again. The timescale for this process will vary, depending on a number of factors including the extent of monitoring and evaluation and the urgency for taking any action.

### ***Timing and prioritisation***

The Business Plan sets out an indicative timeline for preparation and publication of guidelines based on the Council’s current priorities and its rolling work programme. The plan will be subject to bi-annual review and updates will be published, as appropriate, on the Sentencing Council website.

**Table 1: The main activities to deliver our objectives and planned timescales are as follows:**

<b>Work area</b>	<b>Objectives addressed</b>	<b>Key planned deliverables</b>	<b>Target (end of quarter)</b>
<b>SECTION 1: GUIDELINES</b>			
<b>Assault and Attempted Murder</b>	1, 2, 3	Publication of consultation, resource assessment and statistical bulletin	Quarter 1 2020/21
		Publication of revised definitive guideline, consultation response, and resource assessment	Quarter 1 2021/22
<b>Offenders with mental disorders</b>	1, 2, 3	Publication of definitive guideline, consultation response, and resource assessment	Quarter 2 2020/21
<b>Unauthorised use of a trade mark</b>	1, 2, 3	Publication of consultation, resource assessment and statistical bulletin	Quarter 2 2020/21
		Publication of definitive guideline, consultation response, and resource assessment	Quarter 2 2021/22
<b>Dangerous dogs</b>	2, 3	Publication of findings from guideline assessment	Quarter 3 2020/21
<b>Magistrates Courts Sentencing Guidelines</b>	1, 2, 3	Publication of revised guidelines, consultation response and updated resource assessment	Quarter 3 2020/21
<b>Modern Slavery offences</b>	1, 2, 3	Publication of consultation, resource assessment and statistical bulletin	Quarter 3 2020/21
		Publication of definitive guideline, consultation response, and resource assessment	Quarter 2 2021/22
<b>Reduction in Sentence for a Guilty Plea</b>	2, 3	Publication of findings from guideline assessment	Quarter 3 2020/21

<b>Sentencing Children and Young People</b>	2, 3	Publication of findings from guideline assessment	Quarter 3 2020/21
<b>Firearms offences</b>	1, 2, 3	Publication of definitive guideline, consultation response, and resource assessment	Quarter 3 2020/21
<b>Drugs</b>	1, 2, 3	Publication of revised guidelines, consultation response and updated resource assessment	Quarter 4 2020/ 21
<b>Sex offences (revision)</b>	1, 2, 3	Publication of consultation, resource assessment and statistical bulletin	Quarter 1 2021/22
<b>Burglary (revision)</b>		Publication of consultation, resource assessment and statistical bulletin	Quarter 1 2021/22
		Publication of revised guideline, consultation response, and resource assessment	Quarter 4 2021/22
<b>Firearms importation</b>	1, 2, 3	Publication of consultation, resource assessment and statistical bulletin	Quarter 1 2021/22
<b>Breach guideline</b>	2, 3	Publication of findings from guideline assessment	Quarter 4 2021/22
<b>Bladed Articles and offensive weapons</b>	2, 3	Publication of findings from guideline assessment	Quarter 4 2021/22
<b>SECTION 2: CROSS-CUTTING WORK</b>			
<b>Future Vision</b>	1, 2, 3, 4	Development of future strategic direction for Sentencing Council post 2020	Ongoing throughout 2020-21
		Publication of response to future strategic direction consultation: What next for the Sentencing Council?	Quarter 2 2021/22
<b>Digitisation of guidelines</b>	3	Continue to maintain, refine and support online and offline versions of sentencing guidelines for magistrates (MCSG)	Ongoing
	3	Continue to maintain, refine and support online and offline versions of sentencing guidelines for Crown Court Judges	Ongoing

	3	Launch of redeveloped Sentencing Council website	Quarter 3 2020/21
<b>Research on attitudes to guidelines</b>	2	Publication of research report on attitudes to guidelines	Quarter 1 2021/22
<b>Research on consistency in sentencing</b>	2	Publication of research report on consistency in sentencing	Quarter 1 2021/22
<b>Research on cumulative impacts of guidelines on sentencing severity and prison places</b>	2	Publication of research report on cumulative impacts of guidelines	Quarter 1 2021/22
<b>Research on equality and diversity issues related to guidelines</b>	1, 2	Publication of research report on equality and diversity issues related to guidelines	Quarter 4 2021/22
<b>Sentencing Competition</b>	3	Sentencing Competition results announced	Quarter 1 2020/21
<b>Annual Report</b>	3	Publish 2019-20 Annual Report	Quarter 1 2020/21
		Publish 2020-21 Annual Report	Quarter 1 2021/22
<b>Business Plan</b>	3	Publish 2020/21 and 2021/22 version of rolling 2-3 year plan	Quarter 1 2021/22
<b>References received from Lord Chancellor or Court of Appeal under section 124</b>	1, 2, 3	Respond as required	Reactive only
<b>External representation</b>	1, 3	Council members and office staff speak at external events throughout the year targeting the judiciary, criminal justice practitioners, academics and special interest groups.	Ongoing

	3	Promote sentencing guidelines and the Council using all channels, including via proactive and positive engagement with the media, to engage with Government, its Arm's Length Bodies, the Judicial College and organisations with an interest in criminal justice and sentencing.	Ongoing
	3	Promote public confidence in sentencing by tailoring and targeting our external communications, developing relationships with key advocates such as the police service and developing the public-facing content of our website.	Ongoing
	3	Provide assistance to foreign jurisdictions via visits, advice and support work.	Ongoing
<b>SECTION 3: EFFICIENCY AND OUR PEOPLE</b>			
<b>Efficiency</b>	4	<p>Publishing all guidelines and other documents online, with the exception of the annual report.</p> <p>Ensure value for money in the procurement of goods and services, making savings where possible, in particular from printing costs and complying with departmental finance, procurement and contract management rules.</p> <p>Learn from lessons of each project, making improvements to future guidelines as a result; and improving efficiency on the basis of experience of what works.</p>	Ongoing; review quarterly
<b>Capability</b>	4	Enable the Council to operate digitally, through development and support of secure online members' area, digital Council papers and online collaboration tools.	



		<p>Ensure all staff undertake at least five days of targeted learning and development to develop skills, capability and career.</p> <p>Hold lunchtime seminars for staff to share knowledge and expertise about the work of the Council, the criminal justice system and Whitehall/ Government.</p>	
<b>Engagement</b>	4	Implement an action plan arising from the findings of the people survey, based on priorities identified by staff.	

<b>TIMELINE OF PUBLICATIONS AND GUIDELINE EFFECTIVE DATES 2020 to 2022</b>		
April 2020	Assault and attempted murder	Launch of consultation
July 2020	Unauthorised Use of a Trade Mark	Launch of consultation
July 2020	Annual Report and Accounts	Publication of statutory annual report to the Lord Chancellor
July 2020	Offenders with mental disorders	Publication of definitive guideline
October 2020	Magistrates' Courts Sentencing Guidelines	Revised definitive guidelines published and in effect
October 2020	Offenders with mental disorders	Definitive guideline in effect
October 2020	Modern Slavery Offences	Launch of consultation
October 2020	Dangerous Dogs Offences	Publication of evaluation report
November 2020	Reduction in Sentence for a Guilty Plea	Publication of evaluation report
November 2020	Sentencing Children and Young People	Publication of evaluation report
December 2020	Firearms Offences	Publication of definitive guideline
December 2020	Theft from a Shop or Stall	Publication of sentencing data
January 2021	Firearms Offences	Definitive guidelines in effect
January 2021	Drug Offences	Publication of revised definitive guideline
April 2021	Drug Offences	Definitive guideline in effect
April 2021	Sex Offences (revision)	Launch of consultation
May 2021	Assault and attempted murder	Publication of revised definitive guideline
June 2021	Firearms importation	Launch of consultation
June 2021	Burglary (revision)	Launch of consultation
July 2021	Assault and attempted murder	Definitive guideline in effect
July 2022	Annual Report and Accounts	Publication of statutory annual report to the Lord Chancellor
July 2021	Modern Slavery Offences	Publication of definitive guideline
August 2021	Unauthorised Use of a Trade Mark	Publication of definitive guideline
October 2021	Modern Slavery Offences	Definitive guideline in effect
October 2021	Unauthorised Use of a Trade Mark	Definitive guideline in effect
January 2022	Burglary (revision)	Publication of definitive guideline

## Resources

### Staff headcount (as at 1 April 2021)

Area of activity	FTE <sup>1</sup>
Head of Office and support	2
Policy	3.6
Analysis and research	5.5
Legal	1
Communications	3
<b>Total</b>	<b>15.1</b>

### Budget

Summary of budget and resource allocation

	2019/20 (actual) <sup>2</sup> £000s	2020/21 (budget) £000s	2021/22 (budget) £000s
<b>Total funding allocation</b>	<b>1,466</b>	<b>1,495</b>	<b>1,745</b>
<b>Staff costs</b>	<b>1,184</b>	<b>1,166</b>	<b>1,172</b>
<b>Non staff costs</b>	<b>162</b>	<b>119</b>	<b>573</b>
<b>Total expenditure</b>	<b>1,347</b>	<b>1,285</b>	<b>1,745</b>

<sup>1</sup> FTE: full-time equivalents

<sup>2</sup> The total expenditure has been rounded to the nearest £1,000 independently from the constituent parts, therefore summing the parts may not equal the rounded total.

## Annex A: Rationale for the prioritisation of guidelines

Under section 120 of the Coroners and Justice Act 2009 the Sentencing Council must prepare sentencing guidelines on:

- the discharge of a court's duty under section 73 of the Sentencing Code (reduction in sentences for guilty plea);<sup>3</sup> and
- the application of any rule of law as to the totality of sentences.<sup>4</sup>

Section 120(4) provides that the Council may prepare sentencing guidelines about any other matter.

The overarching aim of the Council in publishing guidelines is to promote a clear, fair and consistent approach to sentencing. In agreeing its rolling work plan, the Council will prioritise the publication of guidelines that will fulfil that aim.

The Sentencing Council will schedule guideline production on the basis of one or more of the following factors:

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

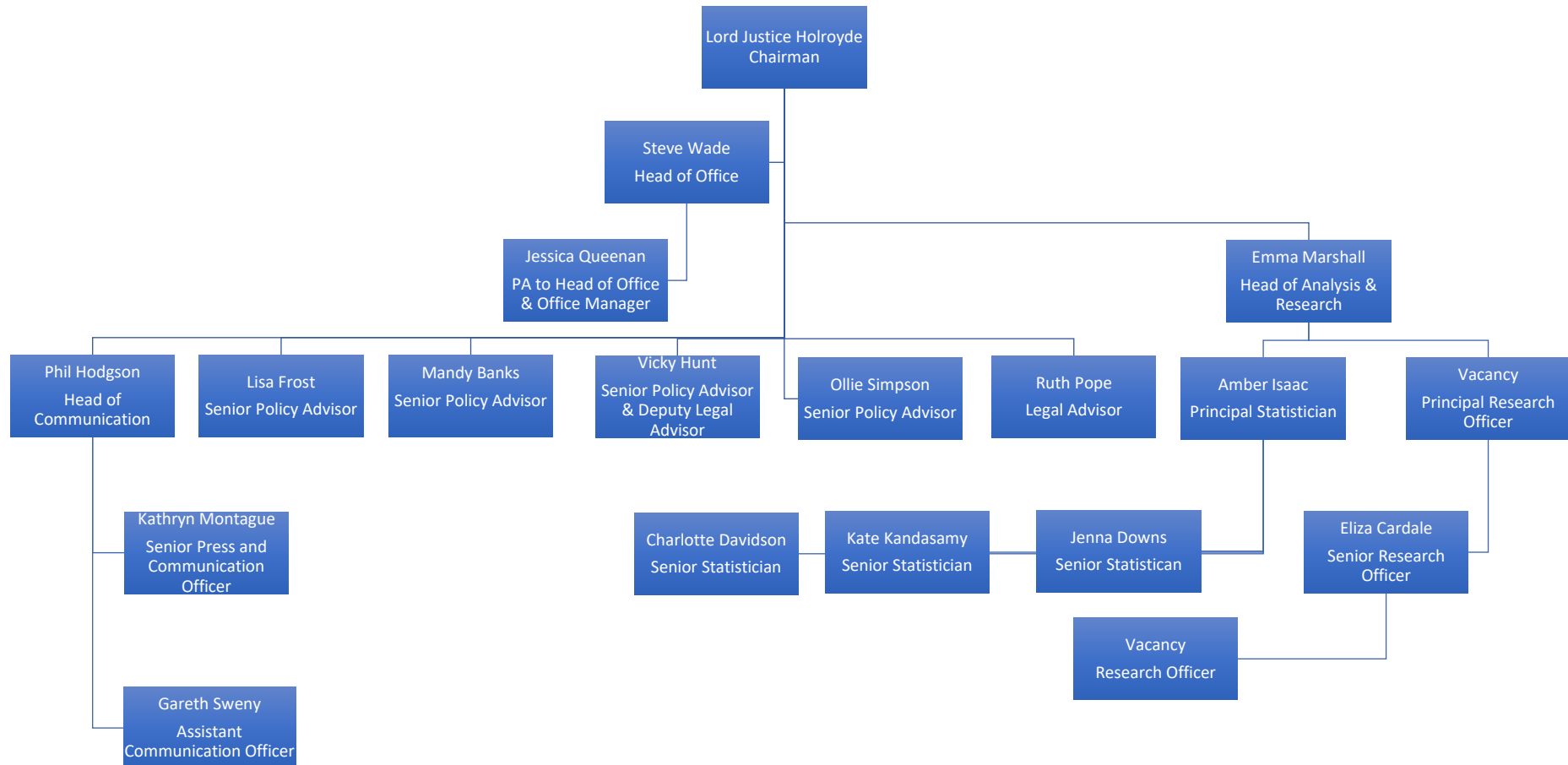
---

<sup>3</sup> s.120 (3)(a)

<sup>4</sup> s.120 (3)(b)

## Annex B: The Office of the Sentencing Council as at 1 April 2021

The Sentencing Council is supported in its work by a multi-disciplinary team of civil servants, as shown below.



## Annex C: Sentencing Council Guideline Work Plan – 2020-2022<sup>1</sup> (as at 1 April 2021)

Guideline	Consultation period	Publish definitive guideline	Definitive guideline in force <sup>2</sup>
Revision of SC assault and SGC attempted murder guidelines	16 April 2020 – 15 September 2020	May 2021	1 July 2021
Drug Offences: revision of SC guideline	15 January 2020 – 7 May 2020	January 2021	1 April 2021
Firearms importation offence	June 2021 – August 2021	TBC	TBC
What next for the Sentencing Council (Vision)	10 March 2020 – 9 September 2020	September 2021	TBC
Modern Slavery	October 2020 – December 2020	July 2021	1 October 2021
Sexual Offences (partial revision)	April 2021 – June 2021	TBC	TBC
Terrorism: revision of SC guideline <sup>3</sup>	22 October 2019 – 3 December 2019	TBC	TBC
Trademark offences	July – October 2020	August 2021	1 October 2021
Burglary: revision of SC guideline	June 2021 to September 2021	January 2022	April 2022
Perverting the course of justice etc <sup>4</sup>	TBC	TBC	TBC

<b>Guideline</b>	<b>Consultation period</b>	<b>Publish definitive guideline</b>	<b>Definitive guideline in force<sup>2</sup></b>
Motoring offences <sup>5</sup>	TBC	TBC	TBC
Immigration <sup>4</sup>	TBC	TBC	TBC
Cybercrime <sup>4</sup>	TBC	TBC	TBC

<sup>1</sup> The dates shown in this work plan are indicative; the Council will be revisiting its priorities and objectives, in particular following the 'Vision' consultation so the timetable for upcoming guidelines may change.

<sup>2</sup> In most instances we aim to bring definitive guidelines into force quarterly, on 1 January, 1 April, 1 July and 1 October.

<sup>3</sup> Timetable dependent on progress of the Counter-Terrorism and Sentencing Bill.

<sup>4</sup> Dates for these guidelines are dependent on resource availability as other guidelines are completed.

<sup>5</sup> Timetable dependent on progress of Police, Crime, Sentencing and Courts Bill.