

Equality Impact Assessment Initial Screening – Relevance to Equality Duties

1. Name of the proposed new or changed legislation, policy, strategy, project or service being assessed

Draft guideline on sentencing dangerous dog offences.

2. Individual officer(s) & Unit responsible for completing the Equality Impact Assessment:

Mandy Banks, Office of the Sentencing Council.

3. What is the main aim or purpose of the proposed new or changed legislation, policy, strategy, project or service and what are the intended outcomes?

Aims/objectives	Outcomes
<p>The Sentencing Council aims to:</p> <ul style="list-style-type: none"> • promote a clear, fair and consistent approach to sentencing; • produce analysis and research on sentencing; and • work to improve public confidence in sentencing. <p>The Council has produced a draft dangerous dog offences guideline for consultation to support the achievement of these aims, specifically in relation to this offence.</p> <p>The Council's objective is to produce a definitive dangerous dog offences guideline, informed by the consultation process, that will apply to offences sentenced in both magistrates' and the Crown Court and will replace the existing Sentencing Council guideline for sentencing adults for these offences. The SGC guidance on sentencing youths will remain in force.</p>	<p>In preparing this guideline, the Council has had regard to its statutory duties set out in section 120 of the Coroners and Justice Act 2009.</p> <p>The Council's intention is that the guideline will result in:</p> <ul style="list-style-type: none"> • Relevant and up to date guidance for sentencing dangerous dog offences, following substantial changes to the Dangerous Dog Act 1991 • Consistency of approach to sentencing dangerous dog offences • Increased public understanding of sentencing and in particular sentencing for dangerous dog offences

4. What existing sources of information will you use to help you identify the likely equality on different groups of people?

(For example statistics, survey results, complaints analysis, consultation documents, customer feedback, existing briefings submissions or business reports, comparative policies from external sources and other Government Departments)

<p>A range of information and evidence about sentencing and diversity issues was taken into account during the development of the draft guideline.</p> <p>Alongside the consultation, resource assessment and this equality impact assessment, the Council is publishing an analysis and research bulletin that sets out key data in relation to the sentencing of dangerous dog offences. The bulletins can be found on the sentencing Council's website: www.sentencingcouncil.org.uk</p>
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5. Are there gaps in information that make it difficult or impossible to form an opinion on how your proposals might affect different groups of people? If so, what are the gaps in the information and how and when do you plan to collect additional information?

Note this information will help you to identify potential equality stakeholders and specific issues that affect them - essential information if you are planning to consult as you can raise specific issues with particular groups as part of the consultation process. EIAs often pause at this stage while additional information is obtained.

Currently, there is little evidence to suggest there are likely to be significant issues with the proposed draft guideline on dangerous dog offences.

We are consulting on our proposals for a guideline on sentencing for dangerous dog offences, and have produced a consultation document. The Council is very keen to receive responses from consultees on any potential equalities issues and would welcome any available evidence regarding sentencing disadvantages on particular groups. We are also undertaking a number of consultation events with a range of stakeholders.

A full Equality Impact Assessment will be undertaken if responses to the consultation identify adverse equality impacts.

6. Having analysed the initial and additional sources of information including feedback from consultation, is there any evidence that the proposed changes will have a **positive impact** on any of these different groups of people and/or promote equality of opportunity?

Please provide details of who benefits from the positive impacts and the evidence and analysis used to identify them.

The Council anticipates that the guideline will have a generally neutral equalities impact. The guideline's principal objective is to promote greater consistency in sentencing by giving courts a structured decision making process to follow for sentencing dangerous dog cases. The Council considers that the increased consistency and transparency in the sentencing process should ensure that there is less scope for any discrimination.

In particular the draft guideline includes the following factors:

- The victim being a child or otherwise vulnerable because of personal circumstances (elderly, disabled etc.), which could increase the culpability of the offender;
- The harm caused by the impact of an attack on an assistance dog on the assisted person (who may have sight or hearing impairment or other disabilities), which could increase the seriousness of the offence;
- The offender's age and/or lack of maturity where this affects their responsibility, or mental disorder or learning disability, which could be considered when mitigation is assessed.

7. Is there any feedback or evidence that additional work could be done to promote equality of opportunity?

If the answer is yes, please provide details of whether or not you plan to undertake this work. If not, please say why.

The Sentencing Council has to date received no feedback or evidence to date to suggest that the draft guideline requires amendment on the basis of promoting equality. The Council will be informed by responses to the consultation.

8. Is there any evidence that proposed changes will have **an adverse equality impact** on any of these different groups of people?

Please provide details of who the proposals affect, what the adverse impacts are and the evidence and analysis used to identify them.

The majority of offenders sentenced for these offences in 2013 were males of white origin; however, for a significant proportion of offenders sentenced (36 percent), their perceived ethnicity was either not recorded or it was not known. Further details on the breakdown of offenders are available in the analysis and research bulletin on dangerous dogs sentencing data available at www.sentencingcouncil.org.uk

9. Is there any evidence that the proposed changes have **no equality impacts**?

Please provide details of the evidence and analysis used to reach the conclusion that the proposed changes have no impact on any of these different groups of people.

N/A

10. Is a full Equality Impact Assessment Required?
(If no, please explain why not)

No

There is currently insufficient evidence that the draft guideline will have any adverse impact on equalities to warrant a full Equality Impact Assessment at this stage. The Council's decision as to whether to complete a full Equality Impact Assessment alongside the definitive guideline will be informed by responses to the consultation.

NOTE - You will need to complete a full EIA if:

- the proposals are likely to have equality impacts and you will need to provide details about how the impacts will be mitigated or justified
- there are likely to be equality impacts plus negative public opinion or media coverage about the proposed changes
- you have missed an opportunity to promote equality of opportunity and need to provide further details of action that can be taken to remedy this

If your proposed new or changed legislation, policy, strategy, project or service involves an Information and Communication Technology (ICT) system and you have identified equality impacts of that system, a focused full EIA for ICT specific impacts should be completed. The ICT Specific Impacts template is available from MoJ ICT or can be downloaded from the Intranet at: <http://intranet.justice.gsi.gov.uk/justice/equdiv/equal-impact.htm> ,

and should be referenced here.

11. If a full EIA is not required, you are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.

The Council has a statutory duty to monitor the impact of the new guidelines. The method for this will depend on the specific guideline and the volume of offences but is likely to involve one or more of the following: bespoke data collection in both the magistrates' court and the Crown Court; analysis of sentencing data collected by the Ministry of Justice, and interviews with sentencers.

12. Name of Senior Manager and date approved

*(Note - sign off at this point should **only** be obtained if:*

- there are no equality impacts
- the changes have promoted equality of opportunity

You should now complete a brief summary (if possible, in less than 50 words) **setting out which policy, legislation or service the EIA relates to, how you assessed it, a summary of the results of consultation a summary of the impacts (positive and negative) and, any decisions made, actions taken or improvements implemented as a result of the EIA**, including the review mechanism. The summary will be published on the external MoJ website.

The Council has had regard to a variety of information and evidence relating to sentencing and its equalities impact. It is expected and intended that the draft guideline on sentencing dangerous dog offences will help to promote equality of opportunity and will reduce the potential for discrimination as it is designed to promote greater consistency in sentencing. Following its implementation the Council will monitor the impact of the guideline.

Name (must be grade 5 or above): Claire Fielder

Department: Office of the Sentencing Council

Date: 13 March 2015

Note: If a full EIA is required hold on to the initial screening and when the full EIA is completed send the initial and full screening together. **If a full EIA is not required send the initial screening by email to the Corporate Equality Division (CED), for publication. Where an EIA has also been completed in relation to ICT specific aspects, email this to CED and copy to MoJ ICT**