

Draft resource assessment: General guideline

1 INTRODUCTION

1.1 This document accompanies the consultation document and draft General guideline. It fulfils the Council's statutory duty to produce a resource assessment which considers the likely effect of its guidelines on the resources required for the provision of prison places, probation and youth justice services.¹

2 RATIONALE AND OBJECTIVES FOR NEW GUIDELINE

2.1 The objective of the guideline is to provide courts with guidance on sentencing offences for which there is no offence-specific guideline. It aims to achieve consistency in the approach to sentencing for all offences and to ensure that due consideration is given to the factors relating to the offence and the offender that may influence the type and severity of sentence. When definitive it will replace the Sentencing Guidelines Council Seriousness Guideline for this purpose.

2.2 The guideline applies to sentencing adults and organisations only, it will not affect the sentencing of children and young people.

3 SCOPE

3.1 As stipulated by section 127 of the Coroners and Justice Act 2009, this assessment considers the resource impact of the guidelines on the prison service, probation service and youth justice services. Any resource impacts which may fall elsewhere are therefore not included in this assessment. As the guideline applies only to adult offenders and organisations, youth justice services are not affected by this guideline.

4 DATA

4.1 In 2017, 1,177,814 offenders were sentenced in adult criminal courts in England and Wales, and of those, 75,193 were sentenced at the Crown Court. Of those sentences imposed at the Crown Court, in approximately 85 per cent of cases the principal offence was one that is covered by a sentencing guideline that is, or will be, in force by the end

¹ Coroners and Justice Act 2009 section 127: www.legislation.gov.uk/ukpga/2009/25/section/127

of 2019. At magistrates' courts, the vast majority of sentences are also covered by existing offence-specific guidelines. That leaves approximately 15 per cent of occasions at the Crown Court, and a small proportion at magistrates' courts, when the court is sentencing an offence for which there is no offence-specific guideline.

5 RESOURCE IMPACTS

5.1 The General guideline² contains guidance on the application of factors to sentencing; it does not contain sentence levels and is not expected to affect the average severity of sentences. As such, it is expected that average custodial sentence lengths, and the proportion of offenders receiving the various disposal types, will not change.

5.2 The central estimate is therefore that the proposed General guideline will have no resource impact on the prison, probation or youth justice services.

6 RISKS

6.1 As noted in section 4 above, the draft guideline is likely to apply to a substantial number of cases annually.

6.2 The aims of the guideline are set out in section 2, above. These aims do not include any intention to affect the average severity of sentencing, and as such, no resource effect is expected. However, since the guideline applies to large numbers of cases, if any changes do occur, they have the potential to have a substantial resource effect.

6.3 It is not possible to anticipate fully how sentencing behaviour will change as a result of the proposed guideline, and hence there is uncertainty surrounding the central estimate that the guideline will have no resource impact. Any change to the guidance given to courts may have unintended consequences, and could cause shifts in the average severity of sentencing, with associated resource effects. To mitigate the risk of any unanticipated changes in sentencing practice, research with sentencers will be conducted during the consultation, to make sure that the guideline is being interpreted and used as expected.

² The draft guideline can be viewed here:
<https://www.sentencingcouncil.org.uk/publications/?s&cat=consultations>