

## 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 Health and Safety offences, Corporate Manslaughter and Food Safety and Hygiene offences

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

Mary Jones, 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?

<p><b>Aims/objectives</b></p> <p>The Sentencing Council aims to:</p> <ul style="list-style-type: none"> <li>• promote a clear, fair and consistent approach to sentencing;</li> <li>• produce analysis and research on sentencing; and</li> <li>• work to improve public confidence in sentencing.</li> </ul> <p>The Council has produced a draft guideline for consultation to support the achievement of these aims, specifically in relation to health and safety, corporate manslaughter and food offences.</p> <p>The Council's objective is to produce a definitive guideline on health and safety, corporate manslaughter and food offences, informed by the consultation process, that will apply to offences sentenced in both the Crown Court and magistrates' courts and will replace the existing guidance in the Magistrates' Court Sentencing Guidelines and relevant guidelines produced by the Sentencing Guidelines Council.</p>	<p><b>Outcomes</b></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"> <li>• Relevant and up to date guidance on health and safety, corporate manslaughter and food offences</li> <li>• A fair, proportionate and consistent approach to sentencing health and safety, corporate manslaughter and food offences</li> <li>• Increased public understanding of sentencing and in particular sentencing for health and safety, corporate manslaughter and food offences.</li> </ul>
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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)*

A range of information and evidence about sentencing and diversity issues was taken into account during the development of the draft guidelines.

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 the offences covered by the draft guidelines. The bulletins can be found on the sentencing Council's website: **[www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)**

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.*

The consultation paper, which is published alongside the draft guidelines, asks specific questions relating to the impact of the draft guideline on current sentencing practice, as well as whether there are any equality or diversity matters that should be considered.

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 positive equalities impact. The guideline's principal objective is to promote greater consistency in the approach to sentencing by giving courts a structured decision making process to follow for sentencing health and safety, corporate manslaughter and food offences. 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.

- Offenders who have a mental disorder or learning disability where linked to the commission of the offence; offenders where age and/or having lack of maturity affects the responsibility; offenders who have serious medical conditions requiring urgent, intensive or long-term treatment; and offenders who are sole or primary carers for dependent relatives will have these factors considered when mitigation is assessed.
- Where an offender is fined, the court must consider whether to adjust the fine if it has an impact on staff or service users. Where the offender is an organisation that is a charitable or public body, the fine should normally be substantially reduced if the offending organisation is able to demonstrate the proposed fine would have a significant impact on the provision of their services.

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.

None identified

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 guidelines 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 guidelines 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/eqdiv/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. This monitoring will be undertaken through the Crown Court Sentencing Survey which was launched in October 2010 and allows the Council to monitor the frequency of the presence in health and safety, corporate manslaughter and food offences of certain aggravating and mitigating factors which could have potential equalities impact. Sentencing in the magistrates' courts will be monitored using existing Ministry of Justice sentencing statistics data.

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 wide variety of information and evidence relating to sentencing and its equalities impact. It is expected and intended that the draft guideline on health and safety, corporate manslaughter and food 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): Michelle Crotty

Department: Office of the Sentencing Council

Date: 20 October 2014

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**