

## Final Resource Assessment: Manslaughter

### 1 INTRODUCTION

1.1 This document 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.<sup>1</sup>

### 2 RATIONALE AND OBJECTIVES FOR NEW GUIDELINE

2.1 In May 2014 the Sentencing Council was asked by the then Lord Chancellor to develop a guideline for so called 'one punch' manslaughter following public concern about the sentences in some high profile cases. The Council considered that it should look at manslaughter offences in the round and undertook to do so when time and resources allowed.

2.2 There was an existing guideline for manslaughter by reason of provocation issued in 2005 by the Council's predecessor body the Sentencing Guidelines Council (SGC) which is now out of date following legislative changes to the partial defences to murder<sup>2</sup> but there were no existing guidelines for any other forms of manslaughter.

2.3 The Council has now published<sup>3</sup> a definitive guideline covering the offences of unlawful act manslaughter,<sup>4</sup> gross negligence manslaughter,<sup>5</sup> manslaughter by reason of loss of control and manslaughter by reason of diminished responsibility.<sup>6</sup>

2.4 Manslaughter is a very serious offence, and to ensure consistency of approach to sentencing, it is important that judges have relevant and up-to-date guidance. It is

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<sup>1</sup> Coroners and Justice Act 2009 section 127.

<sup>2</sup> ss. 54 and 55 Coroners and Justice Act 2009 introduced the partial defence to murder of loss of control applicable to offences committed on or after 4 October 2010 which replaces provocation.

<sup>3</sup> The definitive guideline was published on 31<sup>st</sup> July 2018, and comes into force on 1<sup>st</sup> November 2018.

<sup>4</sup> [http://www.cps.gov.uk/legal/h\\_to\\_k/homicide\\_murder\\_and\\_manslaughter/#unlawful](http://www.cps.gov.uk/legal/h_to_k/homicide_murder_and_manslaughter/#unlawful)

<sup>5</sup> [http://www.cps.gov.uk/legal/h\\_to\\_k/homicide\\_murder\\_and\\_manslaughter/#gross](http://www.cps.gov.uk/legal/h_to_k/homicide_murder_and_manslaughter/#gross)

<sup>6</sup> <http://www.legislation.gov.uk/ukpga/Eliz2/5-6/11/section/2>

equally important that the process which is followed in arriving at sentences is transparent to the public.

2.5 The Council decided not to develop a guideline for the special defence to murder of killing in pursuance of a suicide pact, as it is prosecuted and sentenced very rarely.

### **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 and probation services.<sup>7</sup> Any resource impacts which may fall elsewhere are therefore not included in this assessment.

3.2 This resource assessment covers the following offences:

- Unlawful act manslaughter;
- Gross negligence manslaughter;
- Manslaughter by reason of loss of control; and,
- Manslaughter by reason of diminished responsibility.

### **4 CURRENT SENTENCING PRACTICE**

4.1 To ensure that the objectives of the guideline are realised, and to understand better the potential resource impacts of the guideline, the Council has carried out analytical and research work in support of the guideline.

4.2 The intention is that the new guideline will encourage consistency of sentencing and in the vast majority of cases will not change sentencing practice overall. In order to develop a guideline that maintains current practice, knowledge of recent sentencing was required.

4.3 One source of evidence has been the analysis of sentencing transcripts of recent manslaughter cases, during both the initial development of the guideline and following the consultation stage of the draft guideline.<sup>8</sup> Knowledge of the sentencing

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<sup>7</sup> As the guideline applies to offenders aged 18 and older, the guideline will not have an impact on youth justice services.

<sup>8</sup> The initial transcript analysis used for the development of the draft guideline covered 156 cases of manslaughter, including the vast majority of offenders sentenced in 2014 and a small number from 2013 and 2015. The second transcript analysis used for further development of the definitive guideline covered 155 offenders, and was supplemented by one media report of a case. These cases covered (as far as the Council is aware) all offenders sentenced in 2016.

starting points, ranges and factors used in recent cases has helped the Council to create a guideline that should in general maintain current sentencing practice.

4.4 Another source has been research conducted with judges. The pre-consultation phase of this work involved group discussions exploring the views of 71 judges on an early draft of the guideline. Subsequently a series of 28 interviews<sup>9</sup> took place during the consultation phase of the guideline. This work explored judges' views on the draft guideline and its implications in terms of sentencing behaviour.

4.5 Detailed sentencing statistics for manslaughter offences have been published on the Sentencing Council website at the following link:

<https://www.sentencingcouncil.org.uk/publications/?s&cat=statistical-bulletin>.

4.6 The published statistics<sup>10</sup> are based on data from the Court Proceedings Database and cover manslaughter as a whole, as it is not possible to provide a breakdown by the four different types.

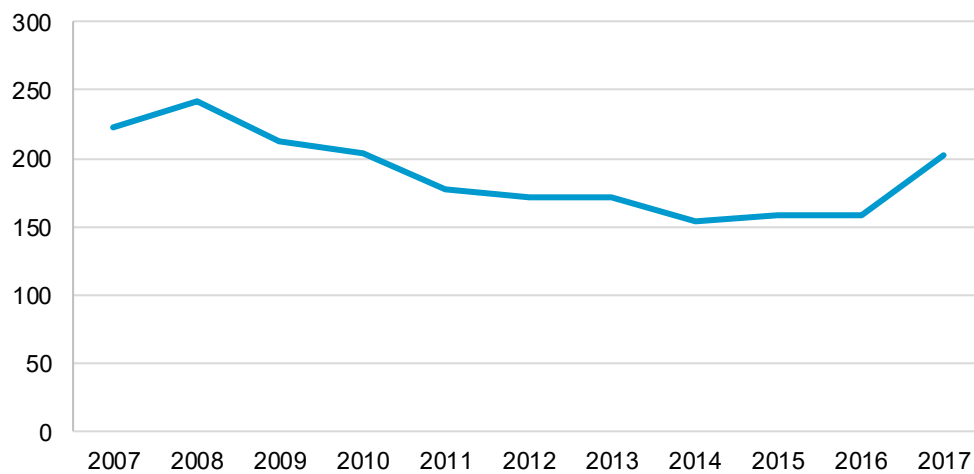
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<sup>9</sup> A series of 28 phone and face to face semi structured interviews took place with 23 Crown Court judges and five High Court judges. Judges were asked to participate in the research if they had recently sentenced a manslaughter case, with judges being identified through transcripts of sentencing remarks and media reports of cases.

<sup>10</sup> The Court Proceedings Database (CPD), maintained by the Ministry of Justice (MoJ), is the data source for these statistics. Further information about this data can be found in the accompanying statistical bulletin published here:  
<http://www.sentencingcouncil.org.uk/publications/?s&cat=statistical-bulletin>

4.7 Between 2008 and 2014, the number of adult offenders sentenced for manslaughter offences generally decreased, from 240 in 2008 to 150 in 2015 (see Figure 1). It then remained fairly stable in 2015 and 2016, and increased to 200 offenders sentenced in 2017. The vast majority (83 per cent in 2017) are sentenced to immediate custody, with an average custodial sentence length of 8 years 9 months in 2017 (final sentence, **after** any reduction for guilty plea). The maximum sentence a judge can impose for manslaughter is imprisonment for life.<sup>11</sup>

**Figure 1: Number of offenders sentenced for manslaughter offences covered by the guideline, 2007-2017**

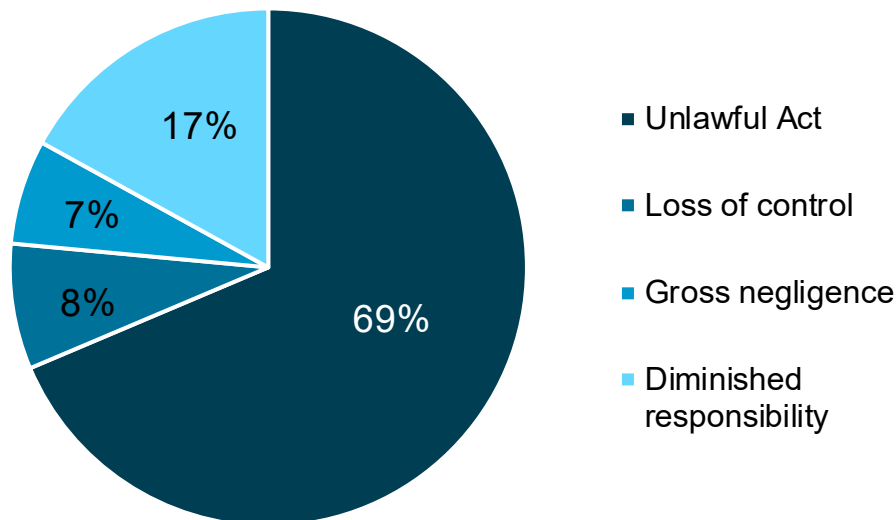


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<sup>11</sup> Judges can also impose orders under the Mental Health Act 1983 (such as hospital orders), which mean that an offender will be held in hospital until it is considered safe to release them.

4.8 Analysis of sentencing transcripts (and one media report of a case) covering all offenders sentenced for manslaughter in 2016 showed that unlawful act manslaughter was the most common type to come before the courts, with gross negligence manslaughter the least common (see Figure 2).<sup>12</sup>

**Figure 2: Proportion of offenders sentenced for each type of manslaughter, 2016<sup>13,14</sup>**



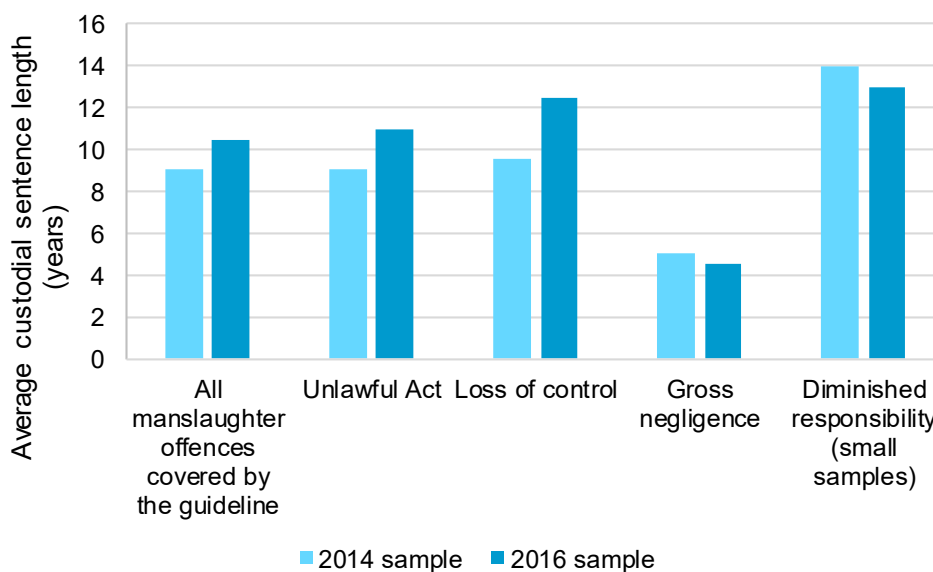
<sup>12</sup> The proportion of offenders sentenced for each type of manslaughter was broadly similar in the 2014 transcript sample, with the exception that there were a few more cases of gross negligence than of loss of control, meaning that loss of control was the least common of the four types in the 2014 transcript sample.

<sup>13</sup> These figures are taken from the sample of transcripts covering all adult offenders sentenced in 2016, for transcripts where the type of manslaughter could be identified (there was one transcript, representing one offender sentenced, where the type of manslaughter could not be identified. This case has not been included in the summary statistics presented in this paper).

<sup>14</sup> Percentages may not sum to 100 per cent due to rounding.

4.9 Average custodial sentence lengths (ACSLs) varied depending on the type of manslaughter that offenders were sentenced for. The ACSL was highest for offenders sentenced for manslaughter by reason of diminished responsibility, although it should be noted that most offenders sentenced for this were given an order under the Mental Health Act 1983, and only a small number of offenders (five offenders in both the 2014 sample and in 2016) were given a determinate custodial sentence.

**Figure 3: Average<sup>15</sup> custodial sentence lengths<sup>16</sup> of offenders sentenced to a determinate immediate custodial sentence, prior to any guilty plea reduction<sup>17</sup>, for manslaughter offences covered by the guideline, 2014 sample and 2016 transcripts**



4.10 Analysis of sentencing remarks shows that overall, the ACSL for manslaughter offences covered by the guideline has increased in recent years, from around 9 years

<sup>15</sup> The average is calculated as the mean custodial sentence length.

<sup>16</sup> These figures are for immediate custodial sentences of determinate length only, and do not include life sentences or lengths of orders under the Mental Health Act.

<sup>17</sup> The average custodial sentence lengths illustrated in the chart are those before any guilty plea reduction has been applied. The average custodial sentence lengths for the final sentences passed (to the nearest 6 months) in the 2014 sample were as follows: unlawful act – 8 years 6 months, loss of control – 8 years 6 months, gross negligence – 4 years, diminished responsibility – 10 years. For the 2016 transcripts, the ACSLs were: unlawful act – 10 years, loss of control – 11 years, gross negligence – 4 years 6 months, diminished responsibility – 11 years 6 months. For gross negligence and diminished responsibility, the ACSL prior to any reduction for guilty plea decreased between 2014 and 2016, while the final sentence increased. This is due to the different guilty plea rates across the years (a higher proportion of offenders pleaded guilty to these low volume offences in 2014, compared to 2016). In addition, in a small number of the transcripts where the judge stated that the offender had pleaded guilty, there was no indication of the reduction applied to the sentence. For these cases, pre-guilty plea and post-guilty plea sentences used within the analysis are the same. Overall, this means that pre-guilty plea and post-guilty plea sentences are closer than may otherwise have been expected.

in the 2014 sample to around 10 years 6 months in 2017, **prior to** any guilty plea reduction.<sup>18</sup> Unlawful act manslaughter is the most common type of manslaughter to come before courts, and the ACSL for this offence increased from around 9 years to 11 years over this period. For the other offences, there are typically around 10 or fewer offenders given determinate sentences each year, and therefore it is difficult to identify trends in sentencing for these offences.

4.11 The overall increase in sentences for these offences is supported by the CPD data, which demonstrates that sentences have been increasing for these offences over the past decade.<sup>19</sup> These increases are in part a result of recent authorities such as *R v Appleby*,<sup>20</sup> which reflect the increases in sentences for offences involving death since the introduction of Schedule 21 to the Criminal Justice Act 2003 which sets the starting points for the minimum term to be served by those convicted of murder and section 143(1) of the same Act which focussed significant importance on the harm caused by an offence.

## **5 KEY ASSUMPTIONS**

5.1 To estimate the resource effect of a new guideline, an assessment is required of how it will affect aggregate sentencing behaviour. This assessment is based on the objectives of the new guideline, and draws upon analytical and research work undertaken during guideline development. However, assumptions must be made, in part because it is not possible precisely to foresee how sentencers' behaviour may be affected across the full range of sentencing scenarios. Any estimates of the impact of the new guideline are therefore subject to a large degree of uncertainty.

5.2 Historical data on changes in sentencing practice following the publication of guidelines can help inform these assumptions, but since each guideline is different, there is no strong evidence base on which to ground assumptions about behavioural

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<sup>18</sup> ACSL figures from the transcript analysis are presented rounded to the nearest 6 months throughout this document.

<sup>19</sup> The CPD data shows that the ACSL after any reduction for guilty plea, increased from 5 years 4 months in 2007 to 8 years 9 months in 2017. These figures differ from the figures referenced in paragraph 4.10, because those figures are based on sentence lengths before any guilty plea reduction has been applied.

<sup>20</sup> [2009] EWCA Crim 2693 in which it was said: 'crimes which result in death should be treated more seriously, not so as to equate the sentencing in unlawful act manslaughter with the sentence levels suggested in schedule 21 of the 2003 Act, but so as to ensure that the increased focus on the fact that a victim has died in consequence of an unlawful act of violence, even where the conviction is for manslaughter, should, in accordance with the legislative intention, be given greater weight.'

change. The assumptions thus have to be based on careful analysis of how current sentencing practice corresponds to the guideline ranges presented in the new guidelines.

5.3 The resource impact of the new guidelines is measured in terms of the change in sentencing practice that is expected to occur as a result of them. Any future changes in sentencing practice which are unrelated to the publication of the new guidelines are therefore not included in the estimates.

5.4 In developing sentence levels for the different guidelines, existing guidance and data on current sentence levels has been considered. Transcripts of cases and media reports of cases have also been reviewed.

5.5 It should, however, be noted that while data exists on the number of offenders and the sentences imposed, assumptions have been made about how current cases would be categorised across the levels of culpability in the new guidelines, due to a lack of data available regarding the seriousness of current cases, and the low numbers of cases (particularly for some of the lowest volume types of manslaughter). As a consequence, it is difficult to ascertain how sentence levels may change under the new guideline.

5.6 It therefore remains difficult to estimate with any precision the impact the guideline may have on prison and probation resources.

## **6 RESOURCE IMPACTS**

6.1 This section should be read in conjunction with the guideline available at: <https://www.sentencingcouncil.org.uk/publications/?s&cat=definitive-guideline>.

### **Summary**

6.2 The expected impact of each guideline is provided in detail below. This is followed by a section setting out some broader points on the sentencing of manslaughter cases.

6.3 Overall, the manslaughter guideline is anticipated to change sentencing practice only for cases which appear very infrequently, and therefore it is expected to have a minimal impact on correctional resources, with the requirement for approximately 10 additional prison places per year.



6.4 It is possible that manslaughter sentences may continue to increase after the guideline has come into force, as they have done over the past decade as a result of changing case mix and the influence of legislative changes as reflected in R v Appleby<sup>21</sup> rather than as a result of the guideline. See the section ‘broader points on the sentencing of manslaughter cases’ at 6.19 below for more information.

### **Unlawful act manslaughter**

6.5 There is no existing guideline for this offence. The new guideline has four levels of culpability (very high, high, medium and low) but only one level of harm, as all cases of manslaughter will inevitably be of the utmost seriousness.

6.6 Unlawful act manslaughter is the most common type of manslaughter, making up around 69 per cent of offenders sentenced for manslaughter each year.<sup>22</sup>

6.7 In general, the sentencing ranges have been set with current sentencing practice in mind. Consultation stage research and post-consultation development of the guideline suggest that the sentences in the guideline reflect current sentencing practice, and therefore it is not anticipated that there will be any impact on prison and probation resources.

### **Gross negligence manslaughter**

6.8 There is no existing guideline for this offence. The new guideline has four levels of culpability (very high, high, medium and low) and one level of harm.

6.9 For most types of gross negligence manslaughter, the Council’s aim is to increase consistency in sentencing practice and not to change sentencing severity in the majority of cases. The consultation stage research suggested that, for the majority of cases discussed with the judges, sentences would not increase under the new guideline.

6.10 The exception to this is for some cases of gross negligence manslaughter typically in the workplace, such as where an employer has had a long-standing disregard for the safety of employees and is motivated by cost cutting. In such cases, the Council came to the conclusion that it would be appropriate for sentences to increase. It is therefore expected that where an offender has been convicted of manslaughter in circumstances where there has been a disregard for the risk of death

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<sup>21</sup> [2009] EWCA Crim 2693 see footnote 20 above

<sup>22</sup> These figures are taken from the sample of transcripts covering all offenders sentenced in 2016.

to others motivated by financial gain, an increase may be seen in immediate custodial sentence lengths.

6.11 Findings from the consultation stage research suggested that this increase may occur because these offences may fall under category B culpability in the new guideline, with a starting point of 8 years, which is higher than current sentencing practice. However, these cases appear very infrequently, with transcript analysis showing that only seven offenders were sentenced for these offences in 2016, and only three offenders were sentenced in 2014. Therefore the increase in sentence lengths for these specific types of cases is anticipated to have a very small impact on correctional resources (around 10 prison places per year).

### **Manslaughter by reason of loss of control**

6.12 The new guideline for manslaughter by reason of loss of control adopts the Sentencing Council's more usual approach by having three levels of culpability, but like the other guidelines included here, just one level of harm.

6.13 The sentencing ranges have been set with current sentencing practice in mind, although only a very small number of offenders are sentenced for this offence each year (12 in 2016). Some of the starting points and ranges are different to those included in the existing SGC guideline for the offence of manslaughter by reason of provocation. The SGC guideline is now out of date but continues to be referred to in sentencing for cases of manslaughter by reason of loss of control taking account of legislative changes made since then.<sup>23</sup> Analysis of more recent transcripts suggests that the sentencing levels in the new guideline are more reflective of current sentencing practice. For example, the starting point for the highest level of seriousness in the provocation guideline was 12 years, and in the new guideline it is 14 years. However, analysis of the sentences passed for this offence in 2016 suggests that 4 of the 12 offenders sentenced for manslaughter by loss of control in total in 2016 received a sentence greater than or equal to 14 years (prior to any reduction for guilty plea). This

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<sup>23</sup> The partial defence to murder of manslaughter by reason of provocation was replaced by a new partial defence of loss of control as part of the Coroners and Justice Act 2009. There have also been changes to Schedule 21 to the Criminal Justice Act 2003 which sets the tariff for offences of murder since the SGC guideline came into force which have been reflected in higher sentences for manslaughter generally. In addition, analysis of transcripts of sentencing remarks suggests that recent authorities, which reflect the enactment of schedule 21 of the Criminal Justice Act 2003, have increased sentences. For example, several judges stated that the authority of *R v Appleby* had increased sentences for manslaughter (*Appleby* reflects the enactment of schedule 21) and one judge also specifically referenced the greater significance that has been given to the loss of life that has occurred and the impact in that regard of the enactment of schedule 21 of the Criminal Justice Act of 2003.

suggests that offenders who are sentenced for the most serious forms of this offence are already receiving sentences of 14 years or more, and therefore the guideline is not expected to cause a change in average sentencing severity.

### **Manslaughter by reason of diminished responsibility**

6.14 The new guideline adopts a different structure to the standard approach used in most Sentencing Council guidelines. A conviction for manslaughter by reason of diminished responsibility necessarily means that the offender's ability to understand the nature of the conduct, form a rational judgment and/or exercise self control was substantially impaired. Instead of asking sentencers to consider the levels of culpability and harm, they are instead instructed to assess the degree of responsibility retained by the offender as high, medium or low. A sentencing table for these three levels is then provided.

6.15 There is no existing guideline for this offence. For offenders sentenced to custody, the Council's intention is to maintain current sentencing practice, and sentencing levels have been developed based on current sentencing practice (albeit current sentencing practice for this offence covers a very wide range of sentencing levels, and while all cases from 2014 and 2016 were analysed, this still represents only around 15 offenders sentenced to custody – around 10 determinate sentences and 5 life sentences).

6.16 A substantial proportion of offenders sentenced for the offence of manslaughter by reason of diminished responsibility are given orders under the Mental Health Act 1983 (including 18 out of the 26 offenders sentenced in 2016 for manslaughter by reason of diminished responsibility). The majority of these were given hospital<sup>24</sup> and restriction orders<sup>25</sup> (under sections 37 and 41 of the Act). However, the guideline reflects recent case law in this area,<sup>26</sup> which gives greater consideration to the use of section 45A ('hybrid') orders than had previously been the case. These orders provide for the offender to be removed to prison for the remainder of their sentence once treatment in a hospital is no longer needed. This is in contrast to section 37 and 41 orders, where offenders are released into the community if it is deemed that they no longer need treatment in hospital.

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<sup>24</sup> <http://www.legislation.gov.uk/ukpga/1983/20/section/37>

<sup>25</sup> <http://www.legislation.gov.uk/ukpga/1983/20/section/41>

<sup>26</sup> R v Vowles and others [2015] EWCA Crim 45 and R v Edwards and others [2018] EWCA Crim 595

6.17 If the guideline has the intended effect of causing sentencers to move towards imposing more hybrid (section 45A) orders in appropriate cases, then there may be an impact on prison resources as some of those that would have previously received a hospital order could now serve some of their sentence in prison.<sup>27</sup>

6.18 The analysis of transcripts of sentencing remarks indicated that one offender was given a hybrid order in the 2014 sample, while eight offenders were given a hybrid order in 2016 which suggests that recent case law has already had the effect of increasing the use of section 45A orders.<sup>28</sup> Findings from the consultation stage research suggested that many cases which previously attracted section 37 and 41 orders may continue to attract these sentences under the new guideline as the hybrid order is not appropriate in all cases. Therefore, the available evidence suggests that recent case law is already reflected in current sentencing practice, and the guideline is not anticipated to have any additional impact on the prison population.

### **Broader points on the sentencing of manslaughter cases**

6.19 In addition to the specific impacts of the guideline outlined above, it is important to note that sentences for manslaughter have been increasing over the past decade, for reasons unrelated to the guideline, which are outlined below.

6.20 Firstly, there has been an increase in sentences for offences causing death which reflects legislative changes such as Schedule 21 to the Criminal Justice Act 2003 (as outlined in paragraph 4.11 of this document).

6.21 Secondly, the introduction in 2010 of a starting point of 25 years as the minimum term to be served in cases of murder where a knife or other weapon was taken to the scene<sup>29</sup> and the Court of Appeal judgements in *R v Povey*<sup>30</sup> and *R v Monteiro*<sup>31</sup> highlighted the seriousness of carrying offensive weapons or knives, which alongside other legislative changes (such as those introducing minimum terms for some possession of weapons offences) may have increased sentences more generally

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<sup>27</sup> Only offenders aged 21 or over are eligible to receive a section 45A order, and therefore the change will not have an impact on offenders aged under 21.

<sup>28</sup> Published data from the Ministry of Justice provides additional evidence suggesting that recent case law on section 45A orders may already be reflected in current sentencing practice. The number of hospital admissions for individuals sentenced to a hospital and limitation direction (i.e. a section 45A order), for any offence, has increased from 19 in 2014 to 25 in 2017, suggesting this may already be the case. See Restricted Patients publication, Table 7: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017>

<sup>29</sup> paragraph 5A of Schedule 21 to the Criminal Justice Act 2003

<sup>30</sup> [2008] EWCA Crim 1261

<sup>31</sup> [2014] EWCA Crim 747

for offences involving weapons. Manslaughter, in particular unlawful act manslaughter, may involve the use of a weapon and therefore these offences may continue to be treated more seriously than previously. In addition, it is possible that a higher proportion of manslaughter offences now involve a weapon. The analysis of transcripts suggested that, for unlawful act manslaughter, around 21 per cent of offenders were sentenced for cases involving knives in the 2014 transcript sample, while in 2016 this had increased to approximately 34 per cent. Therefore changes in case mix may also continue to cause an increase to average sentencing severity for manslaughter.

6.22 Thirdly, it is possible that following the Supreme Court judgment in *R v Jogee*,<sup>32</sup> a small number of cases which would previously have resulted in a murder conviction on the basis of joint enterprise would now result in a conviction for unlawful act manslaughter. Any such cases would tend to be serious examples of manslaughter and attract higher than average sentences. It is therefore possible that the average custodial sentence length for unlawful act manslaughter will increase as a result, however again any increase as a result of this is expected to be due to the Supreme Court judgment and not as a result of the guideline. It should be noted, of course, that any sentence imposed for manslaughter in these circumstances would be lower than that which would have been imposed for murder and that therefore the overall effect of any change as a result of the revised approach to joint enterprise would be a decrease in sentences.

6.23 Finally, manslaughter cases vary enormously on their facts and accordingly the guideline affords a considerable degree of discretion to the sentencer to take account of these variations. It is therefore possible that sentences will continue to be subject to the influences that have led to increases in sentence levels after the guideline comes into force.

## **7 RISKS**

7.1 Two main risks have been identified:

### **Risk 1: The Council's assessment of current sentencing practice is inaccurate**

7.2 An important input into developing sentencing guidelines is an assessment of current sentencing practice. The Council uses this assessment as a basis to consider whether current sentencing levels are appropriate or whether any changes should be

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<sup>32</sup> [2016] UKSC 8

made. Inaccuracies in the Council's assessment could cause unintended changes in sentencing practice when the new guideline comes into effect.

7.3 This risk has been mitigated by information that has been gathered by the Council as part of the guideline development and consultation phase. This included providing case scenarios as part of the consultation stage research which were intended to test whether the guideline had the intended effect and inviting views on the guideline. However, there were limitations on the number of factual scenarios which could be explored, so the risk cannot be fully eliminated.

**Risk 2: Sentencers do not interpret the new guideline as intended**

7.4 If sentencers do not interpret the guideline as intended, this could cause a change in the average severity of sentencing, with associated resource effects.

7.5 The Council takes a number of precautions in issuing new guidelines to try to ensure that judges interpret them as intended. Sentencing ranges are agreed on by considering sentencing data in conjunction with Council members' experience of sentencing. During the consultation phase, research with judges was conducted to ensure that the draft guideline was being interpreted as intended, and to identify any possible issues. Transcripts of the vast majority of sentencing remarks for manslaughter cases in 2014 and 2016 (and a small number from 2013 and 2015) have also been studied to ensure that the guidelines are developed with current sentencing practice in mind.

7.6 The Council also uses data from the Ministry of Justice to monitor the effects of its guidelines to ensure any divergence from its aims is identified as quickly as possible.