

Annex A: Sentencing Council user testing survey

Below is a copy of the online survey form.

Introduction

The Sentencing Council would be very grateful for your participation in this short survey, which forms part of our testing of how users access sentencing guidelines and their experience of the Council's website. We are very interested in hearing your views.

Your participation is voluntary, and all responses are anonymous unless you choose to leave your contact details to take part in possible follow-up interviews. Responses will be held securely for five years after publication of the research, and then destroyed, in accordance with our data retention schedule. Any contact details you provide will be destroyed six months after publication of the research.

All findings from the research will be anonymised in any publication. Any quotations used will not be attributable to any individual.

Please feel free to express your views - there are no right or wrong answers.

It should take approximately 10 minutes to complete the survey.

The Council's privacy notice can be found [here](#).

Thank you for your help with our important work in this area.

About you

1. What type of sentencing guideline user are you?

- Circuit Judge
- Deputy District Judge
- District Judge
- Legal Adviser
- Magistrate
- Recorder
- Other (please specify):

2. How long have you been using sentencing guidelines?

Less than 3 years

3-5 years

6-10 years

11-20 years

Accessing guidelines

3. When using sentencing guidelines how often do you use...

	Always	Most of the time	Some of the time	Rarely	Never
The online version of the guidelines via the Sentencing Council website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Sentencing Council app	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A third party app	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A printed version of the online guideline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The hard copy published by the Sentencing Council (for guidelines published up to 2018)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A legal reference book (such as Archbold etc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Another way not mentioned above (please specify below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)					

4. If accessing guidelines online or with an app, what hardware do you mainly use?

Desktop

Windows laptop

iPad

Android tablet

iPhone

Android smartphone

Other (please specify):

5. If accessing guidelines online, how do you find a relevant guideline? (pick as many as apply)

Directly via the Sentencing Council website

Google/search engine

Via the Sentencing Council app

Via a third party app

Other (please specify):

Using guidelines

6. Thinking about a typical sentencing exercise, how often do you read through the following steps in an offence-specific guideline?

	Always	Most of the time	Some of the time	Rarely	Never
Step 1 - Determining the offence category	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Step 2 - Starting point and category range (i.e. sentencing table and aggravating and mitigating factors)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Step 3 - Consider any factors which indicate a reduction for assistance to the prosecution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Step 4 - Reduction for guilty pleas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Step 5 - Dangerousness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Step 6 - Totality principle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Step 7 - Compensation and ancillary orders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Step 8 - Reasons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Step 9 - Consideration for time spent on bail (tagged curfew)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. How often do you apply aggravating and mitigating factors which are not listed in an offence-specific guideline?

- All of the time
- Most of the time
- Some of the time
- Rarely
- Not at all

8. How often do you access and then apply the following overarching guidelines, where they are relevant to a case?

	For every case	For most cases	For some cases	Rarely	Never
Allocation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General guideline: overarching principles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Imposition of community and custodial sentences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Offences taken into consideration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overarching principles: domestic abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reduction in sentence for a guilty plea	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sentencing children and young people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sentencing offenders with mental disorders, developmental disorders, or neurological impairments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If rarely or never, please explain why

9. What sources of support do you rely on in sentencing where there is no relevant offence-specific guideline? (select as many as apply)

- Court of Appeal case law
- Previous experience of similar cases
- The General guideline for offences without specific guidelines
- Legal advisers/counsel submissions
- Guidelines for similar offences
- Other (please specify):

Dropdown text

10. Are you aware of the dropdown boxes which appear in many offence specific guidelines at step two after the sentencing table, explaining the principle behind imposing custodial sentences, community orders and fines?

- Yes I am aware of them and refer to them
- No I am not aware of them
- Yes I am aware of them, but don't refer to them

11. Do you find these dropdown explanations helpful?

- Very helpful
- Fairly helpful
- Neither helpful nor unhelpful
- Not very helpful
- Not at all helpful

If not very helpful or not at all helpful, please explain why:

12. Why do you not refer to the dropdown text?

- I have read the dropdowns before and understand the principles set out in them
- I do not need the dropdowns; I can sentence without them
- I have read the dropdowns before and found them unhelpful
- I had difficulty being able to access/locate/read the dropdowns
- Other (please specify):

Expanded explanations

13. Are you aware of the available explanations for certain aggravating and mitigating factors that explain the type of issues to consider when applying them and do you refer to them? In the guideline, these are indicated by dotted lines under appropriate factors - as in this example:

- Yes, I am aware of them and have referred to them
- Yes, I am aware of them but do not refer to them
- No, I was not aware of them

14. Do you find the expanded explanations for aggravating and mitigating factors helpful?

- Very helpful
- Fairly helpful
- Neither helpful nor unhelpful
- Not very helpful
- Not at all helpful

If not very helpful or not at all helpful, please explain why:

15. Why do you not refer to the expanded explanation(s)?

- I have read the explanations before and understand the factors
- I do not need the explanations; I understand the factors without them
- I have read the explanations before and found them unhelpful
- I have difficulty being able to access/locate/read them
- Other (please specify):

Magistrates' courts tools

16. (For magistrates and magistrates' courts users) Are you aware of the Sentencing Council's fine calculator ?

- Yes, I am aware of it and use it
- No, I was not aware of it
- Yes, I am aware of it but don't use it

If you are aware, but don't use it, why?

17. (For magistrates and magistrates' courts users) Are you aware of the Sentencing Council's drink driving calculator, which helps sentencers to calculate disqualification periods?

- Yes, I am aware of it and use it
- No, I was not aware of it
- Yes, I am aware of it but don't use it

If you are aware, but don't use it, why?

18. (For magistrates and magistrates' courts users) Are you aware of the Pronouncement Card Builder, which helps magistrates to explain the sentences they impose fully and clearly?

- Yes, I am aware of it and use it
- No, I was not aware of it
- Yes, I am aware of it but don't use it

If you are aware, but don't use it, why?

Crown Court tools

19. (For Crown Court judges and users) Are you aware of the SentencingACE tool, which helps judges check that all the elements of the sentences they impose are lawful?

- Yes, I am aware of it and use it
- No, I was not aware of it
- Yes, I am aware of it but don't use it

If you are aware of it, but don't use it, why?

The Sentencing Council website

20. How easy do you find it to...

	Very easy	Fairly easy	Neither easy nor difficult	Not very easy	Not at all easy
Use the Sentencing Council website to access and use guidelines, overall?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Find offence-specific guidelines on the website?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Navigate through the different steps in an offence-specific guideline on the website?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Find the overarching guidelines (e.g. for sentencing children and young people, totality etc) on the website?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain your answers:

Contact details

21. Thank you for taking the time to complete the survey

If you are willing to participate in further research on the content and accessibility of the sentencing guidelines, please leave your email address below