

## 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.

Definitive guideline on theft 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"> <li>▪ Promote a clear, fair and consistent approach to sentencing;</li> <li>▪ Produces analysis and research on sentencing; and</li> <li>▪ Work to improve public confidence in sentencing.</li> </ul> <p>The Council has produced a definitive theft offences guideline to support the achievement of these aims, specifically in relation to these offences.</p> <p>The Council's objective is to produce a definitive theft offences guideline, informed by the consultation process, that will apply to offences sentenced in both the Crown Court and magistrates' court. It will replace the relevant</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 guidance for common theft offences within one document</li> <li>▪ Consistency of approach to the sentencing of theft offences</li> <li>▪ Increased transparency around the sentencing process for theft offences.</li> </ul>

existing Sentencing Guidelines Council (SGC) guideline, the guidance in the Magistrates Court Sentencing Guideline (MCSG) and provide guidance for the first time when sentencing common theft offences such as theft of bicycles.

4. What existing sources of information will you use to help you identify the likely equality impacts 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 guideline and post consultation, during the development of the definitive guideline.

At the time the consultation was published a resource assessment and an analysis and research bulletin that sets out key data in relation to the sentencing of theft offences was published. The resource assessment has been updated to reflect the definitive guideline. 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.*

No

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 which 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 principle objective is to promote greater consistency in sentencing by giving courts a structured decision making process for theft offences. The Council considers that the increased consistency and transparency in the sentencing process should ensure that there is less scope for any discrimination.

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.

Following the consultation the Council did not identify any additional work that might be undertaken on the basis of promoting equality.

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 guideline is not intended to have an adverse impact on any of these groups.

The guideline will affect all adult offenders sentenced for theft offences on or after 1 February 2016. The large majority of all offenders sentenced in 2014 (the most recent year for which there is data) for the theft offences covered by the guideline were males of white origin.<sup>1,2</sup>

Theft offences form the most common indictable offence group for which adult males and females were sentenced at all courts. In the period 2004 to 2014, the proportion of total adult female offenders sentenced for theft was higher than it was for males. In 2014, for example, 53 per cent of females (21,100) sentenced for indictable offences<sup>3</sup> in all courts were for theft offences while for males it was only 32 per cent (69,600).<sup>4,5</sup>

In 2014, the custody rate for female offenders sentenced for the offences covered by the guideline was 15 per cent. This compares to a custody rate of 24 per cent for male offenders.

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.

The guideline is not intended to change sentencing practice for theft offences. There is no evidence to suggest that there will be any equality impact.

<sup>1</sup> This is the ethnicity of the offender as perceived by the police officer handling the case (known as the “perceived ethnicity”).

<sup>2</sup> Source: Underlying data from the Ministry of Justice. For details of data collection and methodology please see <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2014>.

<sup>3</sup> This includes indictable only and either way offences.

<sup>4</sup> These figures relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

<sup>5</sup> Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

10. Is a full Equality Impact Assessment Required?

No X

If you answered 'No', please explain below why not?

A 12 week consultation on the draft guidelines was held between April and June 2014. No evidence was provided in the consultation responses that indicate the definitive guideline will have any adverse impact on equalities to warrant a full Equalities Impact Assessment.

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. Even 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 new definitive guidelines once they are in place. Once the definitive guidelines are in force, monitoring and evaluation will be undertaken using data collected from a sample of Crown Courts and magistrates' courts, as well as existing MoJ sentencing statistics. This will allow the Council to monitor the frequency of the presence of certain aggravating and mitigating factors which could have potential equalities impact.

12. Name of Senior Manager and date approved

The Council has had regard to a wide variety of information and evidence relating to sentencing and equality impact issues. It is expected and intended that the definitive theft guideline will help to promote equality of opportunity and will reduce the potential for discrimination as it is designed to promote greater consistency in the approach to sentencing. Following its implementation on 1 February 2016 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 28 September 2015

Note: The EIA should be sent **by email to [analyticalservices@justice.gsi.gov.uk](mailto:analyticalservices@justice.gsi.gov.uk) of the Equality Analytical Programme for publication.**