

Sentencing Council meeting: 30 July 2021
Paper number: SC(21)JUL08 - Archiving guidelines
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1. Issue

1.1 This paper considers how the Council should treat guidelines that have been superseded and are no longer in effect.

2. Recommendations

2.1 That the Council considers:

- (a) whether the Sentencing Council should retain an archive of guidelines; and
- (b) whether that archive should:
 - i include Sentencing Guidelines Council (SGC) guidelines; and
 - ii be directly available to the public via the website or made available on request only.

3. Consideration

Retaining copies

- 3.1 When this topic has occasionally come up in Council conversations members have previously indicated a general desirability for retaining records of past guidelines in order to be transparent and for it to be clear to all what guidelines were in force on any given date. But we have never had an explicit discussion to confirm that as a formal decision or to decide how such record retention might work in practice. Hence this paper today.
- 3.2 In addition, we have been advised by the Departmental Library and Records Management Service at the Ministry of Justice that sentencing guidelines should be considered to be public records. If this were to be the case, we would have an obligation under the Public Records Act 1958 to keep copies of the Council's sentencing guidelines so that they may be transferred to the National Archives as required.

3.3 All current and past Sentencing Council guidelines are available on the Council website as individual web pages or as pdfs, which are held in the research and resources section. SGC guidelines are available on the archive copy of the SGC website, which is hosted by the National Archives.

Guidelines no longer in effect

3.4 The Council's website includes sentencing guidelines that have been superseded or for other reasons are no longer in effect. These guidelines are hidden from public view in that they are not listed in the A to Z of guidelines and do not show up in searches, but they can be seen by anyone who has the direct web address/url.

Pdf guidelines

3.5 The website also currently includes copies of guidelines that the Council produced prior to going fully digital. These guidelines were originally published in print as "booklets" but have since been converted to pdf.

3.6 These guidelines are available to the public via the research and resources section of the website; the individual pdfs are marked: "For reference only".

Printed guidelines

3.7 The Council has a small collection of printed Sentencing Council and SGC guidelines, which are stored at the RCJ. We treat these as a resource for the office and no longer distribute them.

4. Questions

4.1 We recommend that the Office should create and maintain a single, complete, digital archive of superseded Sentencing Council guidelines.

(a) Does the Council agree that we should create a single archive?

4.2 If so, do members think that the archive of sentencing guidelines should:

(a) include SGC guidelines, and

(b) be available directly to the public via the website or available on request only?