

## Sentencing Council strategic objectives and actions 2021-2026: Update on progress (XXXXX 2023)

Note that relevant dates and links to documents will be added at the time of publication

### Strategic objective 1: The Council will promote consistency and transparency in sentencing through the development and revision of sentencing guidelines

Action	Provisional timing stated in the Council's strategy document	Progress to date
Support consistent and transparent sentencing by continuing to produce and revise guidelines in accordance with published criteria. Specific guidelines produced or revised will be a result of the Council's annual discussions on priorities and will be included in annual business plans.	Ongoing	Ongoing
Ensure that all relevant issues are taken into account when considering guidelines for development or evaluation by reviewing and updating our guideline development/revision criteria	Completed; published in August 2021	Completed and published.
Review the Totality guideline in the light of research findings and make any necessary changes.	Consult on draft guideline by October 2022	The consultation has taken place and a revised guideline was published on 31 May to come into force on 1 July 2023. This draws on research published in September 2021
Ensure that we draw fully on all relevant perspectives by formally considering at the outset of each guideline project whether to bring in additional external expertise to support a guideline's development.	Ongoing from June 2021	Ongoing; since issuing the strategy document in November 2021, we have engaged with relevant stakeholders, for example Trading Standards on the guidelines on sale of knives etc by retailers to persons under 18, and the RSPCA on the animal cruelty guidelines.
Ensure guidelines remain relevant and up to date by undertaking an annual consultation on cross-cutting and/or minor revisions to guidelines.	Consultation to be issued annually from September 2021	Completed for 2022. Consideration of the 2023 amendments has begun.

Ensure minor uncontentious amendments to guidelines, that do not require consultation, are clear and transparent to all users by publishing a log of these.	Published as changes are made	The log is being updated as necessary and published regularly.
Enable users to feedback on guidelines by providing a mechanism to report errors or difficulties.	Completed; feedback function available from September 2021	Completed; as of xxx we have had xxx queries submitted via this route. Several have resulted in minor corrections to guidelines, others have been noted as requests for guidelines or for consideration in the next round of miscellaneous amendments.

**Strategic objective 2: The Council will ensure that all our work is evidence based and will work to enhance and strengthen the data and evidence that underpins it**

Action	Provisional timing stated in the Council's strategy document	Progress to date
Support the development and evaluation of guidelines by continuing to access and analyse sentencing data - including on impacts and resources - and ensure this is understood and informs Council decision-making.	Ongoing	Ongoing
Provide evidence and analysis to support the Council's work across all of its statutory duties.	Ongoing	Ongoing
Finalise approach as to how we might access a greater volume of data via the Common Platform and explore whether this might bring about efficiencies in the way in which we currently collect data from the courts.	By September 2022	This work is in progress. We have now met with colleagues working on the Common Platform, engaged with relevant judicial working groups and are continuing discussions in this area. We have submitted an application to potentially collect data from the Common Platform in the future.
Consider whether enhancements can be made to the way in which we measure and interpret the impact of our guidelines and our	By June 2022	An initial review of data sources has been undertaken and we issued an Invitation to

approaches to resource assessments by undertaking a review of our current practice.		Tender (ITT) for a small piece of academic work to support this in January 2021. We unfortunately did not receive any bids for the work and so are continuing to consider refinements to our approach internally.
Explore how the Council's expanded explanations are being interpreted and applied by sentencers in practice by undertaking an evaluation of these.	Start by March 2022	Qualitative work to explore with sentencers their interpretation and application of selected expanded explanations started in March 2023. This was delayed in order to ensure that the work was able to include relevant factors that were highlighted in the Council's research on equality and diversity which was published in January 2023.
Inform development of the Totality guideline by undertaking a small research study with sentencers.	Completed; published in September 2021	Completed and published.
Explore the impact and implementation of the intimidatory offences guidelines by undertaking an evaluation	Start by March 2022	Internal work on this is progressing and we plan to publish a report before the end of the financial year.
Explore the impact and implementation of the domestic abuse overarching guideline by undertaking an evaluation	Start by March 2022	We previously issued an ITT for a small piece of academic work to support this in December 2021. We unfortunately did not receive any bids for this. We are now, however, considering what type of work we might be able to do in this area in the future
Ensure the views of all relevant parties are fully considered in the development and revision of guidelines by considering, on a case-by-case basis, whether additional specific qualitative research is required.	Ongoing from June 2021	Ongoing. The social research team are continuing to undertake qualitative research with sentencers and an internal evaluation of the Breach guideline has drawn on the views of probation officers.
Collate the relevant evidence on issues related to effectiveness of sentencing and consider this as part of work to develop and revise guidelines by undertaking and publishing a review of the relevant evidence.	Biennially from September 2022	We commissioned external academics to conduct a literature review in this area in February 2022. This was published in September 2022.

Consider what further work in the area of consistency of sentencing is needed by reviewing the updated evidence in this area.	By September 2022	We are currently considering what more can be done in this area.
Consider how best to make use of local area data in our work by undertaking a review of options.	By March 2022	An initial review has been undertaken on this and discussed with the Council's Analysis and Research subgroup. A note on the Council's decision on this area has been published on our website.
Permit access to data collected by the Council by preparing and publishing our drugs data collection.	By June 2022	This was published in July 2022.
Permit access to data collected by the Council by preparing and publishing our robbery offences data collection.	By September 2022	Staffing issues internally have necessitated a slight delay to this work; we have now resumed the work and hope to publish this data by late summer 2023.
Continue to broaden the range of analytical work we can contribute to and draw on by seeking opportunities to collaborate with academics and external organisations.	Ongoing from June 2021	This is ongoing. We commissioned external academics and organisations to undertake work on equality and diversity, public confidence, and effectiveness in sentencing and continue to endorse academic work for funding where relevant. We held a one day seminar in January 2023 in conjunction with the Sentencing Academy and City Law School where a number of academics presented work, and we continue to attend and contribute to relevant events (e.g. an academic symposium on sentencing disparities in March 2023). We also attended a symposium on disparities held by the Empirical Research on Sentencing Network (ERoS) in March 2023.

**Strategic objective 3: The Council will explore and consider issues of equality and diversity relevant to our work and take any necessary action in response within our remit**

<b>Action</b>	<b>Provisional timing stated in the Council's strategy document</b>	<b>Progress to date</b>
Explore the potential impact of sentencing guidelines on different demographic groups and groups with protected characteristics by collecting, analysing and publishing data, where this is available, and undertaking more in-depth analytical work.	Ongoing from December 2020	Ongoing; we now routinely publish sentencing breakdowns by age, sex and ethnicity alongside guidelines and consultations and are exploring what more we can do in this area in the future (e.g. we are collecting case identifiers in our current data collection to enable us to link to data on ethnicity, and there may be more data available in the future via the Common Platform).
Draw attention to any relevant issues relating to disparities in sentencing by providing tailored references to relevant information, to the Equal Treatment Bench Book, and to the need to apply guidelines fairly across all groups of offenders after reviewing evidence on disparity in sentencing for each guideline being developed or revised.	Ongoing from December 2020	Ongoing; the relevant data is considered for all guidelines. The content within the Equality and Diversity chapter in consultation documents has been reviewed and rewritten. There is a new emphasis on trying to explore consultees' views on these matters within each draft guideline. We also include specific questions on equality and diversity in all of our research with sentencers when developing and evaluating guidelines.
Explore the potential for the Council's work inadvertently to cause disparity in sentencing across demographic groups by commissioning independent external contractors to undertake a project to review a sample of key guidelines and processes.	By December 2021	A report on this work, alongside a response from the Council, was published in January 2023.
Ensure any evidence of disparity in sentencing between different demographic groups is taken into account when deciding whether to develop or review a guideline by including this as a consideration in the Council's criteria for developing and revising guidelines.	Completed; published August 2021	Completed; text has been added to the Council's updated criteria.

Consider whether separate guidance is needed for female offenders or young adults by conducting an evaluation of the relevant expanded explanations and, if so, add this to our workplan.	To be considered as part of the evaluation of expanded explanations	The evaluation of the expanded explanations is now underway. Once this is completed the Council will consider the need for separate guidance for sentencing female offenders and/or young adults.
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**Strategic objective 4: The Council will consider and collate evidence on effectiveness of sentencing and seek to enhance the ways in which we raise awareness of the relevant issues**

<b>Action</b>	<b>Provisional timing stated in the Council's strategy document</b>	<b>Progress to date</b>
Ensure the Council continues to be informed on issues related to effectiveness of sentencing by publishing a research review of the relevant evidence.	Biennially from September 2022	We commissioned external academics to conduct a literature review in this area in February 2022. This was published in September 2022.
Consider the possibility of future work with offenders to understand which elements of their sentence may have influenced their rehabilitation by undertaking a scoping exercise in this area.	By September 2022	We have started preliminary work to consider if, and what, the Council might do in this area.
Consider whether any changes are required to highlight to sentencers the need to consider issues relating to effectiveness of sentencing as a result of research work in this area and any work undertaken on the Imposition guideline.	From September 2022	A review of trend analysis of the Imposition guideline was published in March 2023 which will be considered more widely as part of the revision of the Imposition of Community and Custodial Sentences guidelines and future work in the area of effectiveness of sentencing.

**Strategic objective 5: The Council will work to strengthen confidence in sentencing by improving public knowledge and understanding of sentencing, including among victims, witnesses and offenders, as well as the general public**

<b>Action</b>	<b>Provisional timing stated in the Council's strategy document</b>	<b>Progress to date</b>
Ensure sentencers and other practitioners have easy and immediate access to sentencing guidelines by continuing to develop digital tools that meet their needs.	Ongoing	Ongoing. The SentencingACE tool for use in the Crown Court has been launched on the Council's website, as well as a pronouncement-card builder for use in magistrates' courts. The card builder and a drink-drive calculator have also been published on the magistrates' courts sentencing guidelines app. We have also commissioned an external organisation to undertake user testing of the to explore how sentencers access, navigate and use the guidelines on the Council's website and whether this could be improved.
Inform public audiences, including victims, witnesses and offenders, about sentencing and sentencing guidelines by continuing to develop content for our website and seek media coverage relating to key Council activities.	Ongoing	Ongoing. We have refined our media strategy to reflect the five strategic objectives. We continue to publicise guideline and consultation launches, making best use of all available channels to reach our intended audiences. We have developed and published a series of short videos to explain how sentencing works and to make it more accessible to the public.
Support the effective development of guidelines by continuing to promote Council consultations to practitioners who use the guidelines and individuals and groups who could potentially be affected by the guidelines.	Ongoing	Ongoing, as consultations are launched.

Elicit a broader and more representative body of consultation responses to inform the development of guidelines by undertaking a review of our target audiences and how we reach them.	By December 2021	Work has been commissioned by the Equality and Diversity working group to extend our field of potential consultees and the ways in which they can contribute is ongoing.
Teach young people about sentencing by developing sentencing-related materials for use by organisations such as Young Citizens who already engage extensively with schools.	Ongoing	Working in collaboration with Young Citizens and Judicial Office, we have developed content for Key Stage 1 and 2 (primary) teaching resource, 'What happens when laws are broken?' The resource supports Citizenship and PHSE (Personal, Health, Social and Economic education). We also continue to provide content for Young Citizens' national mock trial competitions.
Improve our ability to inform the public about sentencing by identifying relevant organisations willing to help us engage with their stakeholders.	Ongoing	Ongoing.
Make our consultations more easily accessible to the Council's public audiences by developing a template for more simplified introductions to consultation documents and embedding this within the Council's processes.	Completed May 2021	Completed; all consultations are now accompanied on our website with introductory material written specifically for public audiences.
Illustrate for our audiences the range of issues considered by the Council when developing and revising guidelines and the extent to which guidelines are influenced by consultation responses, by publishing information about the Council's processes and procedures on our website.	By March 2022	The content has been developed and has been published on the website.
Maintain an up-to-date insight into public confidence in the criminal justice system and its drivers, and explore whether there have been any changes over time, by re-running our previous survey questions and comparing findings to our previous research.	By September 2022	We commissioned an external survey company to undertake this work and a report was published in December 2022.
Increase parliamentarians' knowledge and understanding of our work including by discussing how best to establish regular evidence sessions with the Justice Committee.	Ongoing by December 2021	The Chairman attended a closed meeting of the Justice Select Committee in December 2021 where he spoke about the work of the Council and sentencing more



		generally. In December 2022, the Chairman gave evidence on public understanding of sentencing and in early 2023 the Council assisted the Committee with a project exploring these issues.
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