



Ministry  
of Justice

# Sentencing Council Risk Register

Owner: Ollie Simpson  
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[v1.00]

### Risk Scoring

Likelihood Scores					
Likelihood Score					
Scale	0 – 5 %	6 – 20 %	21 – 50 %	51 – 80 %	81 – 99 %
Risk Register Value	1	2	3	4	5
Likelihood Level	Very Low	Low	Medium	High	Very High

Impact Scores					
	Very Low (1)	Low (2)	Medium (3)	High (4)	Very High (5)
Objective Level	Minor and containable impact	Affects short term goals within objective without impact to long term goals	Significant short term damage and important to outcome of long term goals	Significant detrimental effect on achievement of objective	Prevents achievement of objective
Cost	Less than 0.5 % of the of total estimated project cost	0.6 – 1 % of the total estimated project cost	1 – 2.5 % of total estimated project cost	2.6 – 5 % of total estimated project cost	Greater than 5 % of estimated project cost
Time	Delays that are less than 2 weeks	Delays that are likely to be in the region of more than 2, and less than 4 weeks	Delays that are likely to be in the region of more than 4, and less than 6 weeks	Delays that are likely to be in the region of more than 6, and less than 8 weeks	Greater than 8 weeks delay
Operational	Very minor operational impact	Minor operational impact	Some operational impact	Major operational impact	Severe and large scale operational impact
Reputation	Very minor reputational impact	Minor reputational impact	Some reputational impact	Major reputational impact	Sever reputational impact

### Issue Scoring

The issue score relates to the priority of the need for the issue to be successfully resolved. This criteria should be applied to all issues at programme and project level.

Priority Score	
Qualitative Measure	Severity Score
Highly Problematic – Requires urgent action	5 – Very High
	4 – High
Problematic – Requires actions, some urgent	3 – Medium
Mixed – Some aspects need attention	2 – Low
Good – on track	1 – Very Low

Risk ID	Risk (Event)	Cause(s)	Effect(s)	Last Review	Controls: In Place and Active	Impact	Likelihood	Score (1 x P)	BRAG	Risk Trend	Actions to be taken	Action Owner	Due Date	Target Impact	Target Likelihood	Target Score (1xL)	Next Review Target Date	Risk Owner	Risk Cost (£)	
1	Insufficient staff/capability	Reduced budget; Turnover and non retention of talent; Illness and absence (including Covid-19 related); Recruitment controls put in place; Inability to attract talent	Analysis and assessments not undertaken, or completed more slowly; Guidelines not produced/ revised, or produced/ revised more slowly; Statutory requirements not met	01/10/2022	Recruit new staff when vacancies arise Project/guideline priority regularly reviewed to ensure effective focus of Council and office activity Covid ways of working effective and workload being managed accordingly Business continuity plan assesses impact of lack of staff resource Liaison with MoJ to obtain staff as needed	4	2	8	Medium	↓				2	3	6	01/10/2023	01/04/2024	Steve Wade	
2	Insufficient financial resource	Lower budget allocation because of broader government spending decisions; Lower budget allocation because of underspend in previous years; Delayed budget decisions; Overexpenditure in particular areas;	Reduced staffing levels (a cause of Risk 1); Guidelines not produced/ revised, or produced/ revised more slowly; Analytical work not undertaken, or delayed (also a cause of Risk 3); Communications work not undertaken or delayed; Reduction in public confidence and failure to meet statutory requirements.	01/10/2022	Regular engagement with finance colleagues to understand and feed into financial planning process Financial implications of reduced budget made clear to MoJ MoJ providing information as early as possible on budget settlements Engagement with JSC to ensure they speak on our behalf	4	3	12	High	↔	2-1 Review processes for managing and monitoring budget to ensure they're robust 2-2 Identify areas where spend could more easily be stopped 2-3 Explore alternative ways to deliver through others	2-1 Lauren Maher 2-2 Steve Wade 2-3 Phil Hodgson/Emma Marshall	2-1 01/07/2023 2-2 01/07/2023 2-3 01/07/2023	3	3	9	01/07/2023	01/07/2023	Steve Wade	
3	Guidelines not informed by evidence, and impact of guidelines unknown	Poor quality data collected at source; Inability to access better data sources; Lack of resources (see risks 1 and 2); Inconclusive datasets;	Guidelines have unanticipated impact; Lower quality guidelines not based on evidence; Unable to meet statutory requirements (or know whether we are meeting them)	01/10/2022	Evaluations of guidelines in Council workplan Bespoke data collections undertaken in courts, including in relation to ethnicity data Road testing	2	4	8	Medium	↔	3-1 Data collection in all magistrates courts and the Crown Court 3-2 Discussions with MoJ/HMCTS on collection of more robust data, including demographic data, via the Common Platform and other means 3-3 Evaluations of Imposition, Breach, Bladed Articles, Intimidatory offences and expanded explanations	3-1 Harriet Miles 3-2 Emma Marshall 3-3 Emma Marshall	3-1 01/07/2023 3-2 01/07/2023 3-3 01/07/2023	2	3	6	01/01/2024	01/10/2026	Emma Marshall	
4	Council members not appointed	Appointments not made/agreed; Appointments delayed because of internal Government processes; Recruitment fails to secure suitable members	Council unable to make fully informed, quality decisions; Corporate member declines; Questions over legitimacy of decisions if not properly quorate; Inability to operate subgroups; Decline in varied comms	01/10/2022	Dedicated OSC lead on appointments Forecasting to know when vacancies will arise and preparations in advance to fill them when they do Regular discussions with MoJ appointments team	4	4	16	Very High	↔	4-1 Agree with MoJ approach for interim cover for police roles 4-2 Explore alternative approaches internally to appointing non-judicial roles	4-1 Steve Wade 4-2 Steve Wade	4-1 01/04/2023 4-2 01/10/2023	4	2	8	01/07/2023	01/01/2024	Steve Wade	
5	Lack of confidence in sentencing and the work of the Council	Inaccurate and misleading reporting Work of the Council not explained clearly Dissatisfaction with broader sentencing framework and criminal justice system Press team unexpectedly unable to respond to queries	Judiciary less prepared to follow guidelines Increased criticism of Council's work Intensified political interest in sentencing Legislation used instead of guidelines (eg minimum sentences)	01/10/2022	Communications strategy Corrections and clarifications Periodic evidence sessions with the Justice Select Committee Monitor public confidence and inform communications strategy with research Monitor news, social media and Hansard. Business continuity plan when press team unavailable	3	2	6	Medium	↔	5-1 You Be the Judge revamp 5-2 Engagement with schools 5-3 Periodically revisit equality and diversity and public confidence research 5-4 Revision of comms strategy to reflect E&D and Public Confidence research 5-5 Development of crisis communication plan	5-1 to 5-5 Phil Hodgson	5-1 01/04/2024 5-2 Ongoing, regular review of relationships and materials 5-3 Next research commissions 2025 - tbc 5-4 Due for C&C meeting, May 2023 5-5 Due for C&C meeting, May 2023	3	2	6	01/10/2023	n/a	Phil Hodgson	
6	Corporate fraud	Financial risks - inflated T&S claims; misuse of GPC card; Risk of staff bribery/corruption to influence content of guidelines; Lack of guidance and training on fraud	Reputational risks; Financial loss to OSC; Biased and inconsistent guidelines	01/10/2022	T&S fraud risk mitigated by internal process within Shared Services, spot checks conducted on claims. GPC card - sign off and checking/controls and recorded. Staff undertake mandatory fraud training, including modules on bribery and corruption. OSC staff security cleared to at least CRB level. Interns limited role, no influence over content of work. Decision making process involves Head of Office and Council, broad membership of senior members of criminal justice system. Staff discuss conflicts of interest with line managers annually	3	1	3	Low	↔	6-1 Monitor adherence to counter fraud policies	6-1 Ruth Pope	6-1 01/04/2023	3	1	3	01/10/2023	n/a	Steve Wade	

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7	Health and safety breach	Unsafe working environment	Staff incapacitated; Office unable to be used	01/10/2022	See OSC H&S returns to MoJ, HMCTS and RCJ See OSC wellbeing policy	2	2	4	Low	↔	See OSC H&S returns to MoJ, HMCTS and RCJ See OSC wellbeing policy	See OSC H&S returns to MoJ, HMCTS and RCJ See OSC wellbeing policy	See OSC H&S returns to MoJ, HMCTS and RCJ See OSC wellbeing policy	2	1	2	01/07/2023	n/a	Steve Wade	
8	Data protection breach	IT failure; Human error (leaving files on train, disclosing information to the wrong people etc); Failures in training	Loss of privacy; Fining/administrative action from ICO; Loss of confidence in SC, people refusing to provide data or take part in data collection exercises etc	01/10/2022	All staff undertake mandatory data handling and protection training. Council members are reminded of their duties in this area. Any data passed to contractors or MoJ are subject to signed data protection agreements. Retention policy in place to ensure information is only kept for a specified period of time. Privacy policy on website provides details about the type of information we collect and how we handle and store this.	3	1	3	Low	↔	8-1 GDPR issues to be included in induction packs for Council members	8-1 Emma Marshall	8-1 01/02/2023	3	1	3	01/10/2023	n/a	Emma Marshall	
9	Loss of access to IT systems	Servers down (at departmental level or wider); Individual IT failures; Individual wifi failures	Staff unable to carry out core functions; Work delayed, objectives and statutory requirements missed; Queries to OSC unanswered	01/10/2022	Business Continuity Plan in place	4	1	4	Low	↔				4	1	4	01/07/2023	n/a	Phil Hodgson	
10	Definitive guidelines not available to the courts	Website failure; IT failure in courts National grid power cuts affecting Bang servers	Unjust, disproportionate and unlawful sentences imposed; Loss of confidence in the Sentencing Council	01/10/2022	Agreements in place with website provider for backup App available offline Implementation of Business Continuity Plan (i.e. liaison with Bang)	4	1	4	Low	↔				4	1	4	01/10/2023	n/a	Phil Hodgson	
11	Guidelines cause, or fail to address existing disparities in sentencing between different groups	Guidelines constructed in such a way (e.g by the language used or the culpability and harm factors listed) that they cause or contribute to sentencing disparities, e.g by reflecting possible unconscious bias; Guidelines constructed in such a way that they do not reduce (in a way appropriate for guidelines) or remove existing disparities in sentencing; Insufficient knowledge to be able to take effective action	Criticism of Sentencing Council; Failure to meet duties under Equality Act - judicial review of guidelines Unfair/unintended sentencing outcomes between different groups; Undermined public confidence in sentencing and the wider CJS	01/10/2022	Specific Council time dedicated to this work in E&D working group. Issues considered at the start of the guideline development processes (a flag has been added to PID documents); Evidence on disproportionality flagged when relevant in guidelines Breakdowns in relation to ethnicity in all statistical bulletins (where possible) We endorse academic work in this area and collaborate where relevant; Sentencers asked to provide a URN as part of data collections to facilitate linking with MoJ data on ethnicity	3	3	9	Medium	↔	11-1 Relevant actions from the Council's response to the Hertfordshire research to be taken forward 11-2 Review of OSC core mailing list to ensure representative organisations are consulted	11-1 Emma Marshall 11-2 Phil Hodgson	11-1 01/02/2023 11-2 01/07/23	2	2	4	01/04/2023	01/01/2026	Steve Wade	