

# Sentencing Council

## **Business Plan** **Financial year 2022/23**

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# Sentencing Council

## Chairman's introduction

I am pleased to present the Sentencing Council's ninth business plan, setting out the Council's aims for the financial year 2022/23.



The past year has continued to be unusual, with meetings of the Council happening remotely due to the pandemic, but this has not affected the quantity and quality of delivery of the Council's output. Indeed, in November 2021 I was proud to launch our five-year strategy, which was informed by responses to our 2020 consultation 'What next for the Sentencing Council?' This consists of [five strategic objectives](#), which set out our priorities for the coming years. Alongside the Sentencing Council's overarching objectives, these strategic objectives inform this business plan and will inform future business plans.

We have successfully carried out the plans for 2021/22 which we set out in last year's business plan. We have published definitive guidelines for assault and attempted murder, unauthorised use of a trademark, modern slavery, and firearms importation. We have consulted on revised burglary guidelines, revisions to the sexual offences guidelines, and on revisions to our terrorism guidelines following changes to legislation. In the last year we have also published research on judges' attitudes to sentencing guidelines, the impacts of guidelines on sentencing severity and prison places, consistency in sentencing, and sentencers' views on the totality guideline.

In the coming year, we will launch:

- revisions to the sexual offences guidelines to take account of recent case law;
- a new guideline for sexual communication with a child;
- revised burglary guidelines;
- revised terrorism guidelines; and
- new guidelines for perverting the course of justice and witness intimidation.

We will also develop and consult on several further guidelines during the course of the year:

- new and updated guidelines for motoring offences and aggravated vehicle taking offences;
- new guidelines for underage sale of knives;
- a new animal cruelty guideline and revisions to the existing one; and
- new guidelines for immigration offences.

Consultation is a vital aspect of the Council's work, and one which we take very seriously. For guidelines to succeed they must be informed by the knowledge and expertise of those people who have legal or practical experience in the area we are examining, and by the views of those with an interest in our work or in the operation of the wider criminal justice system. We are always grateful to the people and organisations who give their valuable time to contribute to our consultations, and who help us to make improvements before publishing definitive guidelines.

In addition to publishing guidelines, the Council is required to monitor and evaluate their operation and effect. In the coming year we will undertake another data collection exercise – this time in all magistrates' courts and Crown Court centres – to collect data to support the evaluation of a number of our guidelines. We will also be publishing the outcome of evaluation work on our guidelines on bladed articles and offensive weapons offences, breach offences, and our Imposition of Community and Custodial Sentences guideline. We also plan to start work on evaluating the expanded explanations which were introduced to the general guideline and offence-specific guidelines in 2018, reviewing the way in which we conduct our resource assessments, and exploring ways in which we might access more data to support our work in the future.

We will also be publishing research that we commissioned in 2021 to explore the risk that the Council's work might inadvertently cause or contribute to disparity in sentencing across demographic groups. This is part of wider work across the Council to ensure that relevant issues of equality and diversity are explored and considered across the whole range of our work, something that was placed at the heart of our actions in our five-year strategy.

In setting out our [strategic objectives for 2021 to 2026](#), the Council has restated our commitment to promoting confidence in sentencing. We have set ourselves an objective to strengthen public confidence by "improving public knowledge and understanding of sentencing, including among victims, witnesses and offenders, as well as the general public" and outlined the actions we will take to meet this objective.

One major project we will be undertaking this year is the development of You be the Judge, an online, interactive guide to sentencing. You be the Judge will use video stories to show the public how sentencing works in magistrates' courts and the Crown Court. We are developing the tool in partnership with the Judicial Office and will be promoting it to teachers for use in schools and to public audiences of all ages.

Throughout the year, we will continue to inform public audiences, including victims, witnesses, offenders and their families, about sentencing and sentencing guidelines by developing content for our website designed to reach non-expert audiences, seeking coverage in the mainstream and specialist media relating to key Council activities and working with other organisations that can help us reach a wider public.

In 2018 the Council commissioned research into public confidence in the criminal justice system, which was published the following year.<sup>1</sup> Following a re-run of the

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<sup>1</sup> [Public Knowledge of and Confidence in the Criminal Justice System and Sentencing](#)

survey on which this research was based, we will be publishing a report this year exploring whether there have been any changes over time in the public's knowledge of sentencing and what drives their confidence in the criminal justice system.

The purpose of publishing our business plan is to make sure that everyone who has an interest in our work is kept informed of developments. The Council's priorities can, and do, change throughout the year and from one year to the next. We have a statutory duty to consider requests from the Lord Chancellor and the Court of Appeal to review the sentencing of particular offences. We may also need to consider amending our work plan if we are required to undertake work on new or particularly complex areas of sentencing, for example as a result of new legislation.

Notably, the Police, Crime, Sentencing and Courts Act 2022 received Royal Assent on 28 April 2022 and contains a number of provisions relating to sentencing which have an impact on the work of the Council. Some of these (for example the increase in maximum penalties for causing death by dangerous driving and causing death by careless driving under the influence) will be picked up as part of the work already underway on new and revised guidelines. Others will require amendment to the guidelines as a result of changes to the law (for example, the guidelines for child cruelty offences where the maximum penalties have been increased), and some may form part of our annual consultation on miscellaneous amendments to guidelines.

Subject to other matters arising which may affect our priorities, the current workplan can be seen at Annex C. We will review the plan in the autumn and publish updates, as appropriate, on our website.

In August 2021 Mike Fanning was appointed a Circuit Judge. I would like to congratulate Mike on his appointment, wish him well for the future and thank him for his service since 2019 as a District Judge representative on the Council.

Finally, I would like to pay tribute to the staff of the Office of the Sentencing Council. They are the Council's most valuable resource and I am very proud of the high quality of the work which they produce, even in exceptional times such as the present. We operate within a limited budget and it is testament to the staff's ability and dedication that the Council continues to have the success that it does.



April 2022

## Background and membership (as at 1 April 2022)

The Sentencing Council is an independent, non-departmental public body (NDPB) of the Ministry of Justice (MoJ). The Council was set up by Part 4 of the Coroners and Justice Act 2009 (“the Act”) to promote greater transparency and consistency in sentencing, whilst maintaining the independence of the judiciary. Our primary role is to issue guidelines, which the courts must follow unless it is in the interests of justice not to do so. The Council generally meets 10 times a year; minutes are published on our website.

### Appointments to the Council

The Lord Chief Justice, the Right Honourable Lord Burnett of Maldon is President of the Council. In this role he oversees Council business and appoints judicial members, with the agreement of the Lord Chancellor.

The Lord Chancellor and Secretary of State for Justice appoints non-judicial members, with the agreement of the Lord Chief Justice.

All appointments are for a period of three years, with the possibility of extending up to a maximum of 10 years. Membership of the Council as of 1 April 2022 is as follows:

### Members

The Council comprises eight judicial and six non-judicial members.

#### ***Chair: The Right Honourable Lord Justice Holroyde***

Tim Holroyde was appointed as a High Court Judge in January 2009 and was a Presiding Judge on the Northern Circuit from 2012 to 2015. In October 2017 he was appointed a Lord Justice of Appeal. He was appointed to the Sentencing Council on 6 April 2015 and appointed as Chairman on 1 August 2018.

#### ***Vice-Chair: The Right Honourable Lord Justice Fulford***

Adrian Fulford was appointed to the Court of Appeal in 2013 and was appointed Vice President of the Court of Appeal Criminal Division on 20 October 2019. He was appointed to the Sentencing Council with effect from the same date.

#### ***Rosina Cottage QC***

Rosina Cottage has been a barrister since 1988, practising in criminal law, and is a tenant at Red Lion Chambers. She was appointed Queen’s Counsel in 2011 and appointed a Crown Court Recorder in 2012. She was appointed to the Sentencing Council on 18 July 2016.

#### ***The Honourable Mrs Justice McGowan DBE***

Maura McGowan was called to the Bar by the Middle Temple in 1980 and took Silk in 2001. She was appointed an Assistant Recorder in 1997 and a Recorder in 2000. She was appointed as a High Court Judge in 2014. She was appointed to the Sentencing Council on 2 January 2017.

#### ***Her Honour Judge Rebecca Crane***

Rebecca Crane was appointed as a Deputy District Judge (Magistrates’ Courts) and Crown Court Recorder in 2009, a District Judge (Magistrates’ Courts) in 2011 and was then

appointed as a Crown Court Judge in 2019. She was appointed to the Sentencing Council on 1 April 2017.

***Her Honour Judge Rosa Dean***

Rosa Dean was called to the Bar in 1993. She was appointed as a District Judge (Magistrates' Courts) in 2006, a Recorder in 2009 and a Circuit Judge in 2011. She was appointed to the Sentencing Council on 6 April 2018.

***Dr Alpa Parmar***

Alpa Parmar is a departmental lecturer in criminology in the Faculty of Law at the University of Oxford. She was appointed to the Sentencing Council on 6 April 2018.

***Beverley Thompson OBE***

Beverley Thompson has spent over 30 years working in the criminal justice sector initially as a probation officer in London. She was Director for Race, Prisons and Resettlement Services at NACRO for 10 years. She was appointed to the Sentencing Council on 15 June 2018.

***Max Hill QC***

Max Hill is the Director of Public Prosecutions and head of the Crown Prosecution Service. He was appointed to the Sentencing Council on 1 November 2018.

***Diana Fawcett***

Diana Fawcett is Chief Executive of Victim Support. She joined the charity as Director of Operations in February 2015 and became Chief Executive in January 2018.

Diana was appointed to the Council on 5 April 2019 and has specific responsibility for promoting the welfare of victims of crime.

***District Judge (Magistrates' Courts) Michael Fanning***

Mike Fanning was appointed as a District Judge in 2012. He was appointed a Recorder of the Crown Court in 2019 and joined the Sentencing Council with effect from 1 September 2019. Mike was appointed a Circuit Judge in August 2021. He is also a prison adjudicator.

***Nick Ephgrave QPM***

Nick Ephgrave is Assistant Commissioner for Frontline Policing in the Metropolitan Police (Met). He was appointed to that post in March 2020, having previously served as AC for Met Operations and, prior to that, as Chief Constable of Surrey Police. Nick was appointed to the Sentencing Council on 26 May 2020.

***Jo King JP***

Jo King was appointed to the Sussex Central Bench in 2002. She is currently the lead magistrate on Reform and co-chair of the Magistrates' Engagement Group. She is a member of the Judicial Conduct and Investigations Office disciplinary panels and the Magistrates' Association Board of Trustees. Jo was appointed to the Sentencing Council on 8 October 2020.

### ***The Honourable Mrs Justice May DBE***

Juliet May was called to the Bar by the Inner Temple in 1988, becoming a bencher in 2010. She was appointed a recorder in 2001 and took Silk in 2008, being appointed to the Circuit Bench later the same year. She was appointed to the High Court (Queen's Bench Division) in 2015. From 2017-2020 she was a Presiding Judge on the Western Circuit. Dame Juliet was appointed to the Sentencing Council on 8 October 2020.

### **Sub-groups**

The Council has sub-groups to provide oversight in three areas: analysis and research, confidence and communication and governance. The sub-groups' roles are mandated by the Council, their membership reflects a broad range of judicial and non-judicial members, and all key decisions are made by the full membership.

Analysis and research: this group advises and steers the analysis and research strategy, including identifying research priorities so that it aligns with the Council's statutory commitments and work plan. Chaired by: Dr Alpa Parmar.

Confidence and communication: this group advises on and steers the work programme for the Communication team so that it aligns with the Council's statutory commitments and work plan. Chaired by: Her Honour Judge Rosa Dean.

Governance: the Governance sub-group supports the Council in responsibilities for issues of risk, control and governance, by reviewing the comprehensiveness and reliability of assurances on governance, risk management, the control environment and the integrity of financial statements. Independent member: Elaine Lorimer, Chief Executive, Revenue Scotland. Chaired by: Beverley Thompson OBE.

The Council has also established a working group to advise on matters relating to equality and diversity and make sure that the full range of protected characteristics are considered in our work. The group also considers ways in which the Council could engage more effectively with, and take account of the views and perspectives of, representatives of people with protected characteristics, and with offenders and victims.

Where necessary, the Council sets up working groups to consider particular aspects of the development of a guideline or specific areas of business. It also sometimes invites contributions from people who are not members of the Council but who have particular experience and expertise in fields of relevance to the guidelines.



## Objectives

### Statement of Purpose

The Sentencing Council for England and Wales promotes a clear, fair and consistent approach to sentencing through the publication of sentencing guidelines, which provide clear structure and processes for judges and magistrates, and victims, witnesses, offenders and the public.

### Statutory duties

The Council's objectives are informed by our statutory duties under the Act, including:

(Section 120) Publishing draft guidelines and consulting when preparing them (including consulting the Lord Chancellor and Justice Select Committee); publishing definitive guidelines after making necessary amendments.

In preparing guidelines, having regard to:

- the sentences imposed by courts;
- the need to promote consistency;
- the impact of sentencing on victims;
- the need to promote public confidence in the Criminal Justice System;
- the cost of different sentences and their relative effectiveness in preventing re-offending; and
- the results of monitoring.

Under section 124 the Council may be asked to prepare guidelines by the Lord Chancellor or the Court of Appeal and when this happens it should consider whether to do so.

(Section 127) Preparing and publishing resource assessments for both draft and definitive guidelines. These resource assessments should assess the resources required for the provision of prison places, probation provision and youth justice services.

(Section 128) Monitoring the operation of guidelines and considering what conclusions can be drawn, including:

- the frequency with which, and extent to which, courts depart from sentencing guidelines;
- factors which influence the sentences imposed by the courts;
- the effect of guidelines in promoting consistency; and
- the effect of guidelines on the promotion of public confidence in the criminal justice system

(section 119) Publishing a report on the exercise of the Council's functions during the year.

Under section.129 the Council may also promote awareness of matters in relation to the sentencing of offenders, in particular the sentences imposed, the costs of different sentences and their relative effectiveness in preventing reoffending, and the operation and effect of guidelines

Under section 132, the Council has a duty to assess the effect, and prepare a report, where the Lord Chancellor refers any government policy or proposals likely to have a significant effect on resources for prison, probation or youth justice services

The activities for 2022/23 to deliver these statutory duties are outlined in **Table 1**.

### **Strategic objectives 2021-2026**

Following the Council's consultation on our future priorities, coinciding with our tenth anniversary in 2020, the Council has set strategic objectives to help shape our work from 2021 to 2026. These objectives set out how we plan to deliver our statutory duties as set out above, and outline specific actions that the Council will take during the period and from which the activities for the year covered by this business plan flow:

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

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

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

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

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

For more information about these strategic objectives and how we intend to meet them, you can visit [Sentencing Council strategic objectives 2021-2026](#). Alongside this business plan we are publishing an [update on the actions](#) under each strategic objective as set out on pages 7 to 14 of the document.

### **The Office of the Sentencing Council.**

In addition to the Council's statutory duties and strategic objectives, as with any successful organisation the Council depends on highly-skilled and well-motivated staff. To that end there are a number of specific objectives focussed on our people, with the goal of:

- delivering our objectives within the budget we are allocated;
- ensuring that the Office has a motivated and collaborative team who feel valued and engaged, and have the necessary capability and autonomy to deliver clear objectives; and
- working together to identify and implement more efficient ways of working and to ensure value for money.

These objectives are set out in section 3 of **Table 1**.

### **Delivering the Sentencing Council's work**

The Council approaches the delivery of our guideline-related objectives by adopting a guideline development cycle. This is based on the policy cycle set out by HM Treasury in the

*Green Book on Appraisal and Evaluation in Central Government (2003)* and allows a culture of continuous improvement to be embedded within the development process.

Following this cycle, there are several key stages within the development of a sentencing guideline:



### ***Making the case for developing/amending the guideline***

Annex A outlines the Council's rationale for prioritising which guidelines to produce (or which existing guidelines to amend), after which options for the actual guideline are considered. The work undertaken at this point may include conducting research, assessing options for the scope and remit of a guideline, its objectives, or whether there is in fact a need for the guideline. If the guideline has been requested by the Lord Chancellor, Lord Chief Justice or Court of Appeal or evidence of a sentencing-related issue is presented to us by an interested organisation, this would also be given due consideration.

As part of the work that emerged from the anniversary consultation, we have revised our criteria for developing or revising guidelines. The revised criteria are [published on our website](#) and at Annex A of this business plan.

### ***Developing/amending the draft guideline***

Once the Council has decided that a new guideline will be produced, or an existing one amended, and has agreed the objectives, work is undertaken to produce a draft guideline that will be issued for consultation. This involves a variety of different activities including consideration of relevant case law and existing sentencing guidelines or guidance; analysis of current sentencing practice; research and analysis to assess any practical, behavioural or resource implications of draft guideline proposals; stakeholder mapping and engagement and analysis of media reports. We may discuss relevant issues with experts in the field, and

will always consider when preparing or revising a guideline whether to seek formal advice from experts. The guideline proceeds through a number of iterations of drafting in order to ensure that different options are fully considered. A monitoring and evaluation strategy is also drawn up to ensure that the guideline can be assessed and evaluated after implementation.

### ***Issuing the draft guideline for public consultation***

A draft guideline is issued for public consultation, alongside the analysis and research that supported its development and an assessment of its resource implications and any equality impact. The media and stakeholders are briefed about the main issues and the purpose of the consultation, in order to bring it to the attention of a wide audience and encourage responses. We promote our consultations on our website, via our email bulletin and on social media, and events are held with stakeholders to ensure that those with particular interest in the guideline are aware of the consultation and able to provide their input. Consultations are usually open for 12 weeks, to allow those who wish to provide a response the chance to do so.

### ***Revising the draft guideline and implementing the definitive guideline***

Further work is undertaken after the consultation to revise the guideline to take account of the responses received; and to review and if necessary test changes to the guideline.

The guideline is published online on the Council's website. A response to the consultation is also published at this point explaining what changes have been made as a result of the responses we have received. Updated data on sentencing practice and a new resource assessment to reflect the final guideline are published at the same time, and a link to the guideline is sent electronically to stakeholders. The media are briefed, and we use a range of channels to ensure that the public is informed and that all key parties are aware of and able to access the guideline.

The Council works with the Judicial College to help facilitate training for sentencers on using the guideline. There will generally be an implementation period before the guideline comes into effect to allow for awareness-raising and any training to take place. In most instances we aim to bring definitive guidelines into force quarterly, on 1 January, 1 April, 1 July and 1 October.

Since 2021, the Council has also begun consulting annually on miscellaneous amendments to guidelines. The Council has built up a large body of sentencing guidelines that are in use in courts throughout England and Wales and there are inevitably issues that arise with existing guidelines over time. The annual consultation seeks views on a range of amendments which address those issues.

### ***Monitoring and assessing the guideline***

The Council adopts a targeted, bespoke and proportionate approach to assessing each guideline's impact and implementation. This work involves an assessment of whether the guidelines are having any impact on sentencing outcomes or incurring any implementation issues. This information will be set against our resource assessments for the guideline to examine whether there was likely to have been an impact on correctional resources, as well as the Council's intention for a particular guideline.

We use a range of different methods for evaluations, drawing on analysis of existing data on sentencing trends over time, collection of data from sentencers on the factors that influence

their sentencing of different offences, surveys, interviews and focus groups, and content analysis of Crown Court sentencing transcripts; if possible data will be collected “before” the guideline comes into force as well as “after” in order to provide a comparison between the two time periods.

We use a variety of different methods of data collection and analysis, both quantitative and qualitative, as necessary.

### ***Gathering and reviewing evidence***

The outcomes of monitoring and evaluation, along with any stakeholder or media feedback, are assessed and considered by the Council. Following this assessment, the guideline cycle moves back into the phase of **making the case for developing/amending the guideline**, this time addressing the potential need to review the guideline and make improvements. If this is found to be necessary, the cycle begins again. The timescale for this process will vary, depending on a number of factors including the extent of monitoring and evaluation and the urgency for taking any action.

### ***Timing and prioritisation***

The Business Plan sets out an indicative timeline for preparation and publication of guidelines based on the Council’s current priorities and our rolling work programme. The plan will be subject to bi-annual review and updates will be published, as appropriate, on the Sentencing Council website.

### ***Cross-cutting work***

The plan also includes timescales for more cross-cutting work that the Council undertakes in support of the whole range of its statutory duties. This includes, for example, publication of data related to sentencing, research on perceptions of guidelines, analysis of the risk that guidelines have unintended impacts on different groups, and ongoing work to maintain public confidence in sentencing.

**Table 1: The main activities to deliver our statutory duties and planned timescales are as follows:**

<b>Work area</b>	<b>Key planned deliverables</b>	<b>Target (end of quarter)</b>
<b>SECTION 1: GUIDELINES</b>		
<b>Sexual offences</b>	Publication of revised definitive guidelines, consultation response and updated resource assessment	Quarter 1 2022/23
<b>Burglary</b>	Publication of revised definitive guideline, consultation response, and resource assessment	Quarter 1 2022/23
<b>Underage sale of knives</b>	Publication of consultation, resource assessment and statistical bulletin	Quarter 1 2022/23
	Publication of definitive guideline, consultation response, and resource assessment	Quarter 3 2022/23
<b>Animal cruelty</b>	Publication of consultation, resource assessment and statistical bulletin	Quarter 1 2022/23
	Publication of definitive guideline, consultation response, and resource assessment	Quarter 4 2022/23
<b>Motoring</b>	Publication of consultation, resource assessment and statistical bulletin	Quarter 2 2022/23
	Publication of definitive guideline, consultation response, and resource assessment	Quarter 4 2022/23
<b>Terrorism</b>	Publication of definitive guideline, consultation response, and resource assessment	Quarter 2 2022/23
<b>Child cruelty</b>	Publication of consultation, resource assessment and statistical bulletin	Quarter 2 2022/23
	Publication of definitive guideline, consultation response, and resource assessment	Quarter 4 2022/23
<b>Totally</b>	Publication of consultation	Quarter 2 2022/23

	Publication of revised guideline, consultation response, and resource assessment	Quarter 4 2022/23
<b>Evaluation of Imposition of Community and Custodial Sentences guideline</b>	Publication of findings from guideline evaluation	Quarter 2 2022/23
<b>Evaluation of Breach guidelines</b>	Publication of findings from guideline evaluation	Quarter 2 2022/23
<b>Miscellaneous amendments to guidelines</b>	Publication of consultation	Quarter 2 2022/23
<b>Evaluation of bladed articles and offensive weapons guidelines</b>	Publication of findings from guideline evaluation	Quarter 3 2022/23
<b>Evaluation of Intimidatory guidelines</b>	Publication of findings from guideline evaluation	Quarter 3 2022/23
<b>Aggravated vehicle taking</b>	Publication of consultation	Quarter 3 2022/23
<b>Immigration offences</b>	Publication of consultation	Quarter 4 2022/23
<b>Perverting the course of justice and witness intimidation</b>	Publication of definitive guideline, consultation response, and resource assessment	Quarter 4 2022/23
<b>SECTION 2: CROSS-CUTTING WORK</b>		
<b>Business Plan and Strategic objectives</b>	Publish 2021-22 Business Plan and update on progress on strategic objectives 2021-2026	Quarter 1 2022/23
<b>Annual Report</b>	Publish 2021-22 Annual Report	Quarter 2 2022/23
<b>Digitisation of guidelines</b>	Continue to maintain, refine and support online and offline versions of sentencing guidelines for magistrates (MCSG)	Ongoing
	Continue to maintain, refine and support online versions of sentencing guidelines for Crown Court Judges	Ongoing

<b>Literature review on the effectiveness of sentencing</b>	Publication of literature review	Quarter 2 2022/23
<b>Data collection in courts</b>	Plan and undertake data collection in courts; publish datasets used to inform the evaluation of guidelines, including drugs and robbery offences	Ongoing throughout 2022/23
<b>Public confidence survey research</b>	Publish survey findings	Quarter 3 2022/23
<b>Research on the potential for the Council's work inadvertently to cause disparity in sentencing across demographic groups</b>	Publish research findings	Quarter 3 2022/23
<b>You Be the Judge – online tool</b>	Revise and relaunch 'You Be the Judge' – interactive sentencing tool on the Sentencing Council website	Quarter 2 2022/23
<b>References received from Lord Chancellor or Court of Appeal under section 124</b>	Respond as required	Reactive only
<b>External representation</b>	Council members and office staff speak at external events throughout the year targeting the judiciary, criminal justice practitioners, academics and special interest groups.	Ongoing
	Promote sentencing guidelines and the Council using all channels, including via proactive and positive engagement with the media, to engage with Government, its Arm's Length Bodies, the Judicial College and organisations with an interest in criminal justice and sentencing.	Ongoing
	Promote public confidence in sentencing by tailoring and targeting our external communications, developing relationships with key advocates such as the police service, working with partner organisations and developing the public-facing content of our website.	Ongoing



	Provide assistance to foreign jurisdictions via visits, advice and support work.	Ongoing
<b>SECTION 3: EFFICIENCY AND OUR PEOPLE</b>		
<b>Efficiency</b>	<p>Publishing all guidelines and other documents online, with the exception of the annual report.</p> <p>Ensure value for money in the procurement of goods and services, making savings where possible and complying with departmental finance, procurement and contract management rules.</p> <p>Learn from lessons of each project, making improvements to future guidelines as a result; and improving efficiency on the basis of experience of what works.</p>	Review quarterly
<b>Capability</b>	<p>Enable the Council to operate digitally, through development and support of secure online members' area, digital Council papers and online collaboration tools.</p> <p>Ensure all staff undertake at least five days of targeted learning and development to develop skills, capability and career.</p> <p>Hold lunchtime seminars for staff to share knowledge and expertise about the work of the Council, the criminal justice system and Whitehall/ Government.</p>	Touchpoint meetings every 2 months
<b>Engagement</b>	Implement an action plan arising from the findings of the people survey, based on priorities identified by staff.	Quarter 2 2022/23

<b>TIMELINE OF PUBLICATIONS AND GUIDELINE EFFECTIVE DATES 2022 to 2023</b>		
April 2022	Miscellaneous amendments to guidelines	Revisions in effect
April 2022	Animal cruelty (revision)	Launch of consultation
May 2022	Business Plan	Publication of business plan
May 2022	Sexual offences (revisions)	Publication of revisions to definitive guidelines
May 2022	Sexual offences (revisions)	Revisions to definitive guidelines in effect
April 2022	Sexual communication with a child	Publication of definitive guideline
May 2022	Burglary	Publication of revised definitive guideline
May 2022	Underage sale of knives	Launch of consultation
July 2022	Motoring	Launch of consultation
July 2022	Sexual communication with a child	Definitive guideline in effect
July 2022	Burglary	Revised definitive guideline in effect
July 2022	Terrorism (revision)	Publication of revised definitive guideline
July 2022	Annual report and accounts	Publication of statutory annual report to the Lord Chancellor
August 2022	Imposition of Community and Custodial sentences guideline	Publication of evaluation report
August 2022	Breach	Publication of evaluation report
September 2022	Miscellaneous amendments to guidelines	Launch of consultation
TBC Q2 2022/23	Child cruelty (revision)	Launch of consultation
TBC Q2 2022/23	Totality (revision)	Launch of consultation
October 2022	Terrorism (revision)	Revised definitive guidelines in effect
October 2022	Bladed articles and offensive weapons	Publication of evaluation report
November 2022	Underage sale of knives	Publication of definitive guideline
TBC Q3 2022/23	Aggravated vehicle taking	Launch of consultation
December 2022	Intimidatory offences	Publication of evaluation report
January 2023	Animal cruelty (revision)	Publication of revised definitive guidelines

January 2023	Underage sale of knives	Definitive guideline in effect
March 2023	Totality (revision)	Publication of revised definitive guideline
March 2023	Motoring	Publication of definitive guidelines
March 2023	Perverting the course of justice and witness intimidation	Publication of definitive guidelines
TBC Q4 2022/23	Child cruelty (revision)	Publication of revised definitive guideline
TBC Q4 2022/23	Immigration offences	Launch of consultation

## Resources

### Staff headcount (as at 1 April 2022)

Area of activity	FTE <sup>2</sup>
Head of Office and support	2
Policy	3.6
Analysis and research	8.4
Legal	1
Communications	3
<b>Total</b>	<b>18</b>

## Budget

Summary of budget and resource allocation

	2021/22 (actual) £000s	2022/23 (budget) £000s
<b>Total funding allocation</b>	<b>1,745</b>	<b>1,787</b>
<b>Staff costs</b>	<b>1,381</b>	<b>1,391</b>
<b>Non staff costs</b>	<b>194</b>	<b>396</b>

<sup>2</sup> FTE: full-time equivalents

<b>Total expenditure</b>	<b>1,575</b>	<b>1,787</b>
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## Annex A: Rationale for the prioritisation of guidelines

Under section 120 of the Coroners and Justice Act 2009 the Sentencing Council must prepare sentencing guidelines on:

- the discharge of a court's duty under section 73 of the Sentencing Code (reduction in sentences for guilty plea);<sup>3</sup> and
  - the application of any rule of law as to the totality of sentences.<sup>4</sup>

Section 120(4) provides that the Council may prepare sentencing guidelines about any other matter.

The overarching aim of the Council in publishing guidelines is to promote a clear, fair and consistent approach to sentencing. In agreeing its rolling work plan, the Council will prioritise the publication of guidelines that will fulfil that aim.

The Sentencing Council will schedule guideline production on the basis of one or more of the following factors:

- The Lord Chancellor or the Court of Appeal formally requests the review of sentencing for a particular offence, category of offence or category of offender and the Council considers that the production or revision of one or more guidelines is justified.
- Existing guideline(s) have become significantly out of date because of amendments to legislation or other external factors.
- New legislation or other external factors have created a demand for new guideline(s) among court users, and the Council considers that the necessary evidence is available to develop such guideline(s).
- There is evidence (from the Council's own research or evaluations, interested groups or other sources) of issues relating to sentencing that the Council considers could be addressed by the development or revision of one or more guidelines. Such issues may include but are not limited to:
  - evidence of inconsistency in the sentencing of an offence or group of offences;
  - evidence of inequality in sentencing between different demographic groups;
  - evidence of sentencing being too high or too low for a category of offence or category of offender; and/ or
  - evidence relating to the effectiveness of different sentences.

A further factor that the Council will take into account in all cases is the resource available to produce or revise guidelines. The Council is unlikely to undertake the development or revision of a guideline at a time when legislative changes that would affect that guideline are pending.

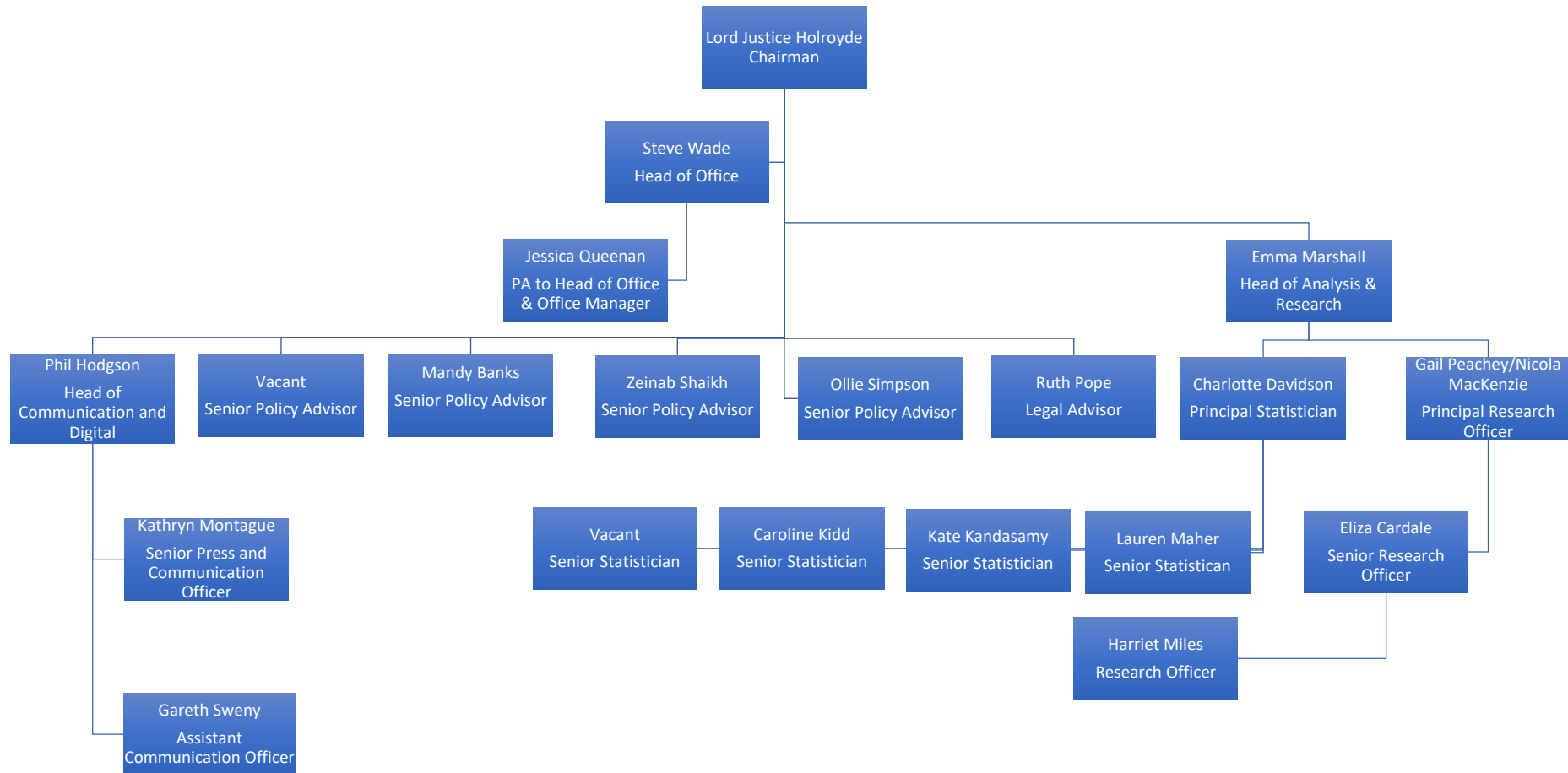
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<sup>3</sup> s.120 (3)(a)

<sup>4</sup> s.120 (3)(b)

## Annex B: The Office of the Sentencing Council as at 1 April 2022

The Sentencing Council is supported in its work by a multi-disciplinary team of civil servants, as shown below.



## Annex C: Sentencing Council Guideline Work Plan – 2022-2023<sup>1</sup> (as at 1 April 2022)

<b>Guideline</b>	<b>Consultation period</b>	<b>Publish definitive guideline</b>	<b>Definitive guideline in force<sup>2</sup></b>
Sexual Offences (partial revision)	May 2021 – August 2021	May 2022	1 July 2022
Terrorism: revision of SC guideline	October 2021 – January 2022	July 2022	1 October 2022
Burglary: revision of SC guideline	June 2021 to September 2021	May 2022	1 July 2022
Perverting the course of justice etc	March 2022 to June 2022	March 2023	1 April 2023
Animal Cruelty	April 2022 to June 2022	January 2023	1 April 2023
Underage Sale of Knives	May 2022 to July 2022	November 2022	1 January 2023
Motoring offences	July 2022 to October 2022	March 2023	1 April 2023
Child Cruelty (partial revision)	August 2022 to October 2022	Quarter 4 2022/23	TBC
Annual miscellaneous amendments <sup>3</sup>	September – November 2022	March 2023 – publication of response to consultation	Amendments will come into force annually on 1 April
Totality revision	Quarter 2 2022/23	March 2023	1 April 2023

<b>Guideline</b>	<b>Consultation period</b>	<b>Publish definitive guideline</b>	<b>Definitive guideline in force<sup>2</sup></b>
Aggravated vehicle taking	Quarter 4 2022/23	TBC	TBC
Immigration offences	Quarter 4 2022/23	TBC	TBC

<sup>1</sup> The dates shown in this work plan are indicative.

<sup>2</sup> In most instances we aim to bring definitive guidelines into force quarterly, on 1 January, 1 April, 1 July and 1 October.

<sup>3</sup> This is an annual rolling programme of updates and corrections to guidelines the content of which will vary from year to year