

MEETING OF THE SENTENCING COUNCIL

4 MAY 2012

MINUTES

<u>Members present:</u>	Anthony Hughes (Deputy Chairman) Anne Arnold John Crawforth William Davis Siobhain Egan Tim Godwin Henry Globe Alistair McCreath Katharine Rainsford Julian Roberts Keir Starmer Colman Treacy
<u>Apologies:</u>	Brian Leveson (Chairman) Gillian Guy
<u>Advisers present:</u>	Paul Cavadino Paul Wiles
<u>Observers:</u>	Helen Judge (Director of Sentencing and Rehabilitation, Ministry of Justice) Ruth Coffey (Legal advisor to the Lord Chief Justice)
<u>Members of Office in Attendance</u>	Michelle Crotty Trevor Steeples Helen Stear Vanessa Watling Nigel Patrick Jackie Burney Emma Marshall Karen Moreton Bee Ezete Martin Culliney

1. WELCOME AND APOLOGIES FOR ABSENCE

1.1. Apologies were received as set out above.

2. MINUTES OF LAST MEETING

2.1. Minutes from the meeting of 30 March 2012 were agreed.

3. MATTERS ARISING

3.1. The deputy chairman welcomed William Davis to his first Sentencing Council meeting. The Council also received an update on the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

4. DISCUSSION ON SENTENCING COUNCIL CONFIDENCE AND COMMUNICATIONS STRATEGY – PRESENTED BY JOHN CRAWFORTH

4.1. The Council looked back on the progress that has been made in communications and confidence since its creation and noted some achievements, in particular, a significant increase in the number of responses received to consultations compared to its predecessors, a higher profile through its efforts to engage with the public, and more positive media coverage.

4.2. The Council considered what lessons could be learnt from the past two years and noted the importance of targeting briefing more effectively to the recipient and ensuring that interested organisations are kept informed of the progress of Council's work.

4.3. The Council agreed that the aim for the forthcoming year would be to continue to engage with the public and in particular with those groups where we know confidence in sentencing is low. A short film which explains sentencing to victims and witnesses is currently under production and Council suggested some websites which might host a link to the film. The Council will continue to work closely with other organisations and look into hosting more public events. It was suggested that it might be helpful to further develop the Frequently Asked Questions section of our website.

4.4. The Council discussed the format of the guidelines and in particular, which format would be most appropriate for issuing updates and amendments to the guidelines when legislation changes. It was noted that some organisations are no longer issuing hard copies of their publications and it would be helpful to learn from their experiences in considering what format would be most appropriate for future guidelines.

ACTION: OFFICE TO INITIATE DISCUSSIONS WITH OTHER ORGANISATIONS ON ALTERNATIVE FORMATS, CONSIDER WHAT IS INVOLVED AND REPORT BACK TO COUNCIL

5. ANNUAL REPORT – UPDATE FROM HELEN STEAR, OFFICE OF THE SENTENCING COUNCIL

- 5.1. The Council were updated on the progress of the Annual Report for 2011/12 and agreed a publication date in early July.

6. DISCUSSION ON SEXUAL OFFENCES GUIDELINE – PRESENTED BY VANESSA WATLING, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The discussion opened with a presentation from Stephen Webster from Natcen Social Research on a literature review of the effectiveness of sexual offender treatment. The Council considered sexual offences treatment orders and other protective or restrictive measures that work alongside a sentence. It was suggested that the guideline should aim to give sentencers assistance in constructing an overall sentencing package and act as a prompt to consider what orders might be appropriate.

- 6.2 The Council discussed sentencing categories and ranges for offences involving indecent images. There was discussion about how images involving violence or sadism should be categorised. With regards to production offences, the Council suggested clarification on what constitutes production under this guideline. The Council also discussed whether the guideline should address commercial production.

- 6.3 The Council discussed how sentencers should decide on the overall seriousness of a collection of indecent images, where there are a number of images with differing levels of severity. It was felt that the guideline may need to include some guidance for sentencers, although wording would have to be considered carefully as it would be difficult to be too prescriptive.

- 6.4 The Council discussed the sentencing ranges for the offence of sexual assault in the light of current sentencing practice and to ensure that they reflect the range of activity encompassed in the offence. Council discussed how to ensure that the guideline distinguishes between offences where the victim is aged less than 13 years old and those cases where the victim is over 13 and their differing statutory maxima and decided that it might be more helpful to have two separate sentencing ranges.

ACTION: REDRAFT THE GUIDELINE FOR SEXUAL ASSAULT WITH SEPARATE SENTENCING RANGE GRIDS FOR VICTIMS UNDER AND OVER 13.

- 6.5 It was suggested that the list of culpability factors should be reviewed to ensure that they reflect the key step one factors (and therefore result in an increased sentencing range) and which factors should be included as step two aggravating factors.

- 6.6 The Council discussed the draft guideline on causing or inciting a child to engage in sexual activity and considered how to deal with incitement offences if the activity did not take place. The Council considered whether mitigation was the appropriate way to deal with this as in the current SGC guideline.

ACTION: DRAFT GUIDELINES TO BE REVISED IN THE LIGHT OF THE DISCUSSION AND REVIEWED BY COUNCIL IN JUNE

7. RESPONSE TO MINISTRY OF JUSTICE CONSULTATION ON COMMUNITY SENTENCES – PRESENTED BY NIGEL PATRICK, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council discussed the issues highlighted in the letter from the Lord Chancellor and agreed to consider what other aspects of the consultation the Council might usefully contribute to.

ACTION: OFFICE TO CONSIDER WHAT AREAS OF THE CONSULTATION PAPER MIGHT BE OF INTEREST TO THE COUNCIL AND SEEK MEMBERS' COMMENTS BEFORE THE NEXT MEETING