

Sentencing Academy News

August 2021

Responses to Sentencing Council consultations

The Sentencing Academy has submitted responses to two recent Sentencing Council consultations, on the sexual offences guideline and the burglary offences guideline. In particular, in our response to the burglary offences consultation we express our concerns about the seemingly significant unintended increases in sentencing severity resulting from the 2012 guideline for non-domestic burglary.

Our responses to both consultations are available [here](#).

Forthcoming Research Reviews

In September and October, the Sentencing Academy will publish two new reviews of research on topics which have received insufficient attention to date: *Deferred Sentencing* and the *Suspended Sentence Order*.

The power to defer sentence for up to six months has been available to courts since 1973, yet has attracted little attention from scholars. The Suspended Sentence Order has also been available for years and the Academy's report discusses the latest trends.

Other News

New sentencing guidelines for trade mark offences

Following consultation last year, the Sentencing Council has published new guidelines to cover offences involving the unauthorised use of a trademark

committed by both individuals and organisations. The new guidelines come into force on 1 October 2021.

The announcement of the new guidelines is available [here](#). Accompanying the new guidelines is the Sentencing Council's response to the consultation, available [here](#), and the release of data tables, available [here](#).

Our own response to last year's consultation is available [here](#).

Sentencing guidelines for modern slavery offences published

The Sentencing Council has published a new set of guidelines to cover offences under the Modern Slavery Act 2015, including offences related to slavery, servitude or forced labour and also human trafficking offences. The new guidelines will come into force on 1 October 2021.

The new guidelines are available [here](#) alongside the release of data tables, available [here](#), and the Sentencing Council's response to the earlier consultation [here](#).

We submitted our own response to the consultation and this is available [here](#).

Sentencing Council publishes series of analytical reports

The Sentencing Council has published three reports as part of an investigation into the Council's impact in key areas as it celebrated its tenth anniversary year in 2020. The analytical reports examined judicial attitudes to sentencing guidelines, the changes in sentencing severity and requirements for prison places associated with the Council's guidelines, and a review of consistency in sentencing.

The three reports are available [here](#).

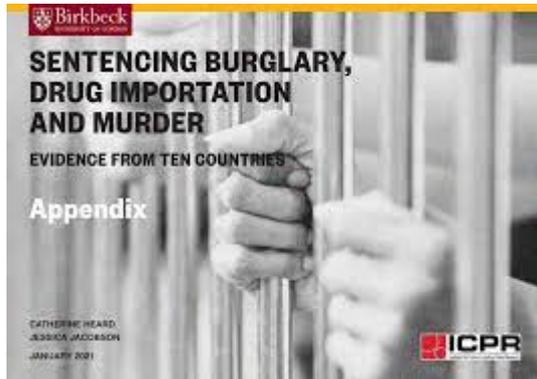
Other Publications

Heard, C. and Jacobson, J. (2021) *Sentencing burglary, drug importation and murder: evidence from ten countries*. Institute for Crime & Justice Policy Research. Birkbeck, University of London

This report examines international disparities in custodial sentencing. It is the fourth in a series of research reports produced under the banner of ICPR's international, comparative project, 'Understanding and reducing the use of imprisonment in ten

countries', launched in 2017. The ten jurisdictions span all five continents: Kenya, South Africa, Brazil, the USA (and more specifically, New York State), India, Thailand, England and Wales, Hungary, the Netherlands, and Australia (more specifically, New South Wales). The report outlines the sentencing frameworks and probable sentencing outcomes for three hypothetical offences: a domestic burglary by a man with previous convictions for similar offences; drug importation (400 grams of heroin or cocaine) by a woman from a less developed country; and the intentional homicide of one young man by another.

The report is available [here](#).



Ramsden, R. and French, M. (2020). Raising magistrates' awareness of dual diagnosis and community sentencing options. *Mental Health Practice*. doi: 10.7748/mhp.2020.e1458

This article discusses the need for magistrates to consider the complex psychological and social needs of offenders who have a dual mental health diagnosis in their sentencing decisions. It describes an initiative in Northamptonshire as an example of how to provide treatment in the community for male offenders with a dual diagnosis and how to deliver mental health awareness training for magistrates. The goal is to reduce the number of vulnerable people being given custodial sentences when there are rehabilitative community sentencing options available.

The latest (7th) edition of *Sentencing and Criminal Justice* was published in August 2021 by Hart Bloomsbury. The new edition of this standard text is co-authored by Andrew Ashworth (University of Oxford) and Rory Kelly (UCL).



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