
THE SUSPENDED SENTENCE ORDER IN ENGLAND AND WALES

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EXECUTIVE SUMMARY

- The Suspended Sentence Order (SSO) is a custodial sentence option available to magistrates and judges in England and Wales. Providing an offence has crossed the custody threshold, and that the sentence to be imposed is not less than 14 days and not greater than two years in duration, the SSO provides courts with an option to suspend a sentence of imprisonment, allowing the offender to serve their sentence of imprisonment in the community rather than in custody.
- The SSO can be imposed unconditionally, or the magistrate or judge can impose any number of 15 requirements, either alone or in combination. The cost of the SSO is far less than a term of immediate imprisonment.
- The use of the SSO has changed little over the past decade, representing approximately 4-5% of offenders sentenced each year across all courts. However, whilst its use has remained stable overall across all offences, the proportionate use of SSOs in relation to the more serious indictable offences has increased over the past decade. This has contributed to a proportionate increased use of custodial sentences for indictable offences during this period.
- The Sentencing Council Definitive Guideline from 2017 emphasised that an SSO should *only* be imposed on offenders where the custody threshold had been crossed. However, the limited available research suggests that the SSO is sometimes imposed in cases where the custody threshold has *not* been crossed. This can have a 'net-widening' effect whereby those who should receive a Community Order or lesser sentence are, in fact, receiving a more severe sanction – the SSO. More research is required in this area, particularly as the use of the Community Order has declined (almost down 46% in the past decade) and it may be that use of the SSO is connected.
- There is little current research on the SSO and additional research is clearly needed. Research gaps include exploring how the SSO is viewed by magistrates, judges and the public, whether SSOs reduce re-offending, how often SSO requirements are breached, whether such breaches are always recorded and if a breach occurs, whether an offender will be immediately imprisoned.

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1. INTRODUCTION

When a sentence of imprisonment is imposed many people assume that the offender will immediately be admitted to a prison. However, a court can *suspend* a sentence of imprisonment, allowing the offender to serve their sentence of imprisonment in the community rather than in a prison. If the sentence of imprisonment is suspended, the offender usually has to comply with a set of requirements, and noncompliance (or further offending) may result in committal to prison. A suspended sentence thus provides sentencers with a sentencing option which carries, or should carry, the 'penal weight' of imprisonment, yet without requiring the offender to enter a prison.

In England and Wales this sentencing option is known as the *Suspended Sentence Order* (SSO). One key advantage of this form of imprisonment is that it costs much less than immediate imprisonment. According to the most recent available comparable estimates, in 2011-12 the average cost per Community Order/SSO was £4,135 compared to £27,851 for a prison place (Justice Committee 2018, para. 135). If courts use the SSO to replace short prison sentences, the cost savings for the prison estate would be significant, and this explains much of the interest in the SSO as a sanction.¹ Despite the increased use of the SSO since reforms in the Criminal Justice Act 2003 (discussed below), the sanction remains poorly understood by the public. The SSO has the potential, if appropriately constructed and adequately supervised, to reduce the use of short prison sentences. On the other hand, if used too frequently or for the wrong kinds of offences or offenders, SSOs may undermine public confidence in sentencing or even increase the use of custody.

Almost all common law jurisdictions operate a form of suspended prison sentence, and at the core of these suspended sentences is the principle of deterrence (Bottoms 1981, p. 1). The deterrent effect of the suspended sentence invokes the image of the 'Sword of Damocles' because the threat of immediate imprisonment 'hang[s] over the offender as an effective deterrent while avoiding the human and financial costs of imprisonment' (Young and Fast 2012, p. 3). Economic reasons have also contributed to the introduction of suspended prison sentences in several jurisdictions. Overcrowding in prisons and the problem of short-term prison sentences are other reasons why suspended sentences have continued to be used in many jurisdictions (Irwin-Rogers and Roberts 2019, p. 139).

The suspended sentence is also connected to another sentencing principle: parsimony at sentencing, which requires courts to impose the sanction that is the least onerous but which achieves the purpose of sentencing (Irwin-Rogers and Roberts 2019, p. 155). The suspended sentence is an example of a less onerous sanction compared to immediate imprisonment. Therefore, a suspended sentence provides the court with an alternative sentencing option when the offence has crossed the custody threshold or when the offence is more serious, 'but where there

¹ The average cost per prison place has since increased to £44,640 per year in 2019-20 (Ministry of Justice 2020a, Table 2b).

are unusual or particularly compelling sources of mitigation’ (Irwin-Rogers and Roberts 2019, p. 156).

2. THE SUSPENDED SENTENCE ORDER IN ENGLAND AND WALES

In England and Wales suspended sentences have been available to sentencers since 1967.² A suspended sentence is a sentence of imprisonment that can only be imposed once the custody threshold has been passed and since its introduction there have been several amendments to the suspended sentence regime. A significant change occurred in 1991 where, under section 5(1) of the Criminal Justice Act 1991, a requirement was made that there must be exceptional circumstances before a custodial sentence could be suspended. As a result, the volume of suspended sentences declined from approximately 20,000 in 1990 to only 2,500 in 1995 (Mair et al. 2008, p. 23). Thereafter, the number of suspended sentences imposed remained relatively stable. Another change occurred under the Criminal Justice Act 2003 (CJA 2003). The CJA 2003 removed the exceptional circumstances requirement and instead made up to 12 requirements applicable to SSOs. These requirements mirrored those made available to the new ‘Community Order’ which was also introduced under the CJA 2003. Examples of the requirements that could be attached to the SSO included unpaid work, curfew requirements and attendance centre requirements.

In 2012, a further amendment was made to the SSO. Under Section 68 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO 2012) the maximum length of an immediate prison sentence that could be suspended was increased by Parliament from 12 to 24 months, and the obligation for SSOs to have at least one requirement attached to them was removed.³ This meant that the SSO could now be an unconditional sentence or carry any number of requirements. The LASPO 2012 extended the use of the SSO to offenders whose offences merited a term of custody but who posed a low risk of harm and did not have any criminogenic needs that could be addressed by a rehabilitative requirement. The intention of these reforms was to extend and increase the use of the SSO, and to provide greater flexibility to courts when imposing this sentence.

The SSO has most recently been consolidated in the Sentencing Act 2020 and the Sentencing Act (Commencement No 1) Regulations 2020, which brought the Sentencing Code into force since 1 December 2020. Sentencers may suspend a sentence of imprisonment where the duration is at least 14 days but not more than two years.⁴ The sentence may then be suspended for a period of between six months and two years. This is known as the *operational period*. During the operational period,

² Section 39 of the Criminal Justice Act 1967; see discussion in Ashworth and Kelly (2021).

³ A two-year ceiling is still lower than many other jurisdictions.

⁴ Section 277 of the Sentencing Code.

the offender must comply with any requirements imposed by the court. These must be completed within a specified time known as the *supervision period*. The supervision period must be for at least six months, and normally the operational and the supervision period last for the same duration. Section 287 of the Sentencing Code lists the 15 requirements currently available to be attached to an SSO:

1. *Unpaid work requirement*
2. *Rehabilitation activity requirement*
3. *Programme requirement*
4. *Prohibited activity requirement*
5. *Curfew requirement*
6. *Exclusion requirement*
7. *Residence requirement*
8. *Foreign travel prohibition requirement*
9. *Mental health treatment requirement*
10. *Drug rehabilitation requirement*
11. *Alcohol treatment requirement*
12. *Alcohol abstinence and monitoring requirement*
13. *Attendance centre requirement*
14. *Electronic compliance monitoring requirement*
15. *Electronic whereabouts monitoring requirement*

Failure to comply with one or more of the court-ordered requirements during the supervision period may result in the court activating the term of imprisonment that was suspended by the original order. Commission of another offence during the suspended sentence may also activate committal to custody.⁵ However, it is not necessary that there be any conditions attached to the SSO.

The Suspended Sentence Order and Sentencing Guidelines

In 2004, the Sentencing Guidelines Council (a precursor to the Sentencing Council) issued a guideline for the SSO which emphasised that the court must already have decided that a custodial sentence is justified before imposing an SSO. This guideline made it clear that an SSO was intended to replace a term of immediate imprisonment and *not* a Community Order (Sentencing Guidelines Council 2004, p. 25). However, research has suggested that this guidance has not always been followed in practice, with the SSO being used to replace other sanctions, a trend referred to as ‘net-widening’ (discussed below).

⁵ Breaches of SSOs are dealt with by Schedule 16 to the Sentencing Code. Where a requirement has been breached or there has been a subsequent conviction for another offence, the court may: (i) order that the suspended sentence is to take effect with its original term unaltered; (ii) order that the suspended sentence is to take effect with the substitution for the original term of a lesser term; (iii) order the offender to pay a fine of an amount not exceeding £2,500; (iv) amend the terms of the SSO.

In 2017, the Sentencing Council issued a definitive guideline on the use of the principal sanctions, including the SSO (Sentencing Council 2017). This guideline applies to all offenders sentenced on or after February 2017. This guideline follows the 2004 guidance:

'A suspended sentence MUST NOT be imposed as a more severe form of community order. A suspended sentence is a custodial sentence. Sentencers should be clear that they would impose an immediate custodial sentence if the power to suspend were not available. If not, a non-custodial sentence should be imposed.' [emphasis in original] (Sentencing Council 2017, p. 7)

If the custody threshold has been passed, the guideline also provides some indication as to which factors should incline a court towards or away from imposing a suspended sentence. For example, factors which indicate it may be appropriate to suspend a custodial sentence include 'a realistic prospect of rehabilitation' and 'strong personal mitigation'. Factors indicating it would *not* be appropriate to suspend a custodial sentence include 'a history of poor compliance with court orders' and 'offender presents a risk/ danger to the public' (Sentencing Council 2017, p. 8).

3. RECENT TRENDS IN THE USE OF THE SUSPENDED SENTENCE ORDER

Following the CJA 2003 reforms, which came into force in April 2005, there was an immediate surge in the volume of SSOs, increasing from 9,666 cases in 2005 to 33,509 in 2006 and peaking in 2015 at 57,072 (Irwin-Rogers and Roberts 2019, p. 142). The number imposed has since declined to 39,885 in 2019.⁶ This decline was largely a result of the drop in cases sentenced over the period as can be seen by examining trends in the relative use of the principal sanctions.

Table 1 summarises trends in the proportionate use of the principal sanctions for all offences in all courts over the decade 2009-2019. SSOs accounted for approximately 4% of all sanctions over this period. Despite the increase after 2005, the SSO remains a relatively rarely imposed sentence, accounting for only 4% of cases in 2019. As can be seen, the period 2009-2019 saw a decline in the proportion of cases attracting a Community Order (CO) (from 12% to 7%) and an increase in cases attracting a fine (from 77% to 83% of all principal sentences).

⁶ Ministry of Justice, Outcomes by offence data tool, 12 months ending December 2019.

Table 1: Use of Principal Sanctions, 2009-2019, All Offences, All Courts⁷

	Fine	Community Order	Suspended Sentence Order	Immediate Custody
2019	83%	7%	4%	7%
2018	82%	7%	4%	7%
2017	80%	7%	5%	8%
2016	80%	8%	5%	8%
2015	79%	8%	5%	8%
2014	78%	9%	5%	8%
2013	77%	10%	4%	9%
2012	76%	11%	4%	9%
2011	75%	12%	4%	9%
2010	75%	12%	4%	8%
2009	77%	12%	4%	8%

Source: Outcomes by offence data tool, 2019; percentages rounded

This pattern of stability in the use of the SSO (and immediate imprisonment) changes when we turn to sentences imposed for the more serious (indictable) offences (Table 2). In the most recent year (2019) SSOs accounted for almost one fifth (18%) of all sentences imposed for indictable offences. The percentage of SSOs has risen over the past 10 years – from 13% of all cases in 2009 to 18% in 2019. The increase in the SSO coincided with the decline in the use of the CO over the same period. In 2009, COs were imposed in 32% of indictable cases, declining to 22% in 2019 (see Table 2). The use of fines was largely stable, while the use of immediate imprisonment increased from 32% in 2009 to 39% in 2019. Further research is needed to explain these trends. One hypothesis is that there has been an increase in the seriousness of cases being sentenced, resulting in courts employing the more severe disposals (SSO and immediate imprisonment) to a greater degree. Another possibility is that the SSO has been imposed in some cases which previously attracted a CO.

⁷ Excludes Absolute and Conditional Discharges, Compensation (primary disposal) and sentences classified as 'Otherwise Dealt With'.

Table 2: Volume and Proportionate Use of Principal Sanctions, 2009-2019, Indictable Offences, Adult Offenders⁸

	Fine	Community Order	Suspended Sentence Order	Immediate Imprisonment	Imprisonment Combined (SSO plus Immediate Imprisonment)
2019	34,474 21%	35,871 22%	30,177 18%	63,491 39%	93,668 57%
2018	34,068 21%	34,040 21%	30,395 19%	63,687 39%	94,082 58%
2017	38,037 21%	35,316 20%	37,771 21%	69,784 39%	107,555 59%
2016	42,203 22%	39,759 20%	40,049 21%	72,573 37%	112,622 58%
2015	45,648 22%	45,961 22%	41,568 20%	72,794 35%	114,362 56%
2014	52,477 25%	45,973 22%	38,937 18%	74,154 35%	113,091 53%
2013	52,535 24%	54,822 25%	35,529 16%	75,872 35%	111,401 51%
2012	52,698 23%	64,398 28%	31,883 14%	78,350 34%	110,233 48%
2011	56,988 23%	76,161 30%	34,422 14%	83,758 33%	118,180 47%
2010	57,767 23%	79,429 32%	34,176 14%	79,236 32%	113,412 45%
2009	53,488 23%	75,242 32%	31,131 13%	75,987 32%	107,118 45%

Source: Outcomes by offence data tool, 2019; percentages rounded

Since the SSO is a sentence of imprisonment, over the past decade there has been a proportionate increase in the use of custody as a sanction, immediate and suspended imprisonment combined. In

⁸ Excludes Absolute and Conditional Discharges, Compensation (primary disposal) and sentences classified as 'Otherwise Dealt With'.

2009, imprisonment sentences accounted for 45% of cases and by 2019, this had risen to 57% (Table 2). The change is explained by the decline in COs and the rise in SSOs and immediate terms of imprisonment. Table 2 also sheds light on the changing relationship between the SSO and sentences of immediate imprisonment. In the first two years of the period (2009 and 2010), SSOs accounted for 29% of the 220,530 sentences of imprisonment. This percentage then rose to a high of 36% in 2015 and 2016, only to drop back to 32% in the most recent two-year period (2018 and 2019).

Table 3 lists the ten offence categories which accounted for the highest use of SSOs in 2019. As can be seen, summary non-motoring offences, crimes of violence and theft offences are the most frequent offences attracting a suspended sentence. The rankings of offences were broadly similar for male and female offenders. Rehabilitation-related requirements (including accredited programmes and unpaid work) were by far the most common specific requirements attached to an SSO.

Table 3: Ten Most Frequent Offence Categories Attracting an SSO in 2019

Offence Category	Number of Offenders
Summary non-motoring	6,254
Violence against the person	4,452
Theft offences	4,278
Miscellaneous crimes against society	3,716
Possession of weapons	3,164
Drug offences	3,063
Summary motoring	3,025
Public order offences	1,556
Fraud offences	1,384
Sexual offences	661

Source: Table 4_2; Probation: 2019; Offender Management statistics quarterly: 2019; Ministry of Justice Statistics

Summary of Trends

To summarise, while the volume of all sentences imposed declined over the period (due to a decline in the number of convictions recorded), use of the SSO remained relatively stable across all courts, but increased in use with respect to indictable offences.

4. RESEARCH GAPS AND PRIORITIES

The suspended sentence has received very little research attention in England and Wales. The following subsections draw attention to the areas where research is required in order to gain a more detailed picture of the practical implementation of the SSO and how the sentence is perceived.

1. *Re-offending Rates*

A number of research studies have recently explored the effectiveness of the SSO with respect to re-offending. This research generally compares the official re-offending rates associated with the SSO, sentences of immediate imprisonment and the CO. Studies conducted in several countries converge on the conclusion that suspended prison sentences are associated with lower re-offending rates than immediate custody.⁹ Analyses published by the Ministry of Justice reveal that approximately two-thirds of offenders sentenced to immediate prison sentences of six months or less re-offended. This rate is significantly higher than the rate for SSO cases: one third of all offenders who served an SSO¹⁰ with requirements re-offended.¹¹ (The Ministry of Justice analyses are corrected for differences between the cohorts of offenders in terms of their risk of re-offending.) Offenders sentenced to a suspended sentence are less likely to re-offend than those sentenced to immediate imprisonment or a CO. It is unclear why SSOs are associated with better re-offending outcomes than short terms of imprisonment, and research would help to identify the reasons for the lower re-offending rates for offenders serving this sentence.

2. *Breach Rates*

The SSO employs the threat of committal to custody to encourage compliance with the order's requirements. A recurring criticism of suspended sentences in other jurisdictions, and to an extent also in England and Wales, is that offenders may fail to comply with their requirements yet evade detection and official action. The breach rate is therefore a critical measure of the success of this sanction. Yet at present, no data are available on breach rates of SSOs, or whether offenders serving an SSO are more or less likely than offenders serving COs to breach their requirements.

Another issue relating to breach rates is how to monitor the breaches committed by those who have received SSOs. The conditions that can be attached to an SSO vary substantially and this can make it difficult for offenders to be effectively supervised and monitored to ensure they adhere to their respective conditions. If the appropriate supervision of conditions is not in place or adequately funded it may undermine the perceived efficacy of the SSO. Research is needed to identify the

⁹ This research is explored in greater depth in a Sentencing Academy report by Melissa Hamilton: <https://sentencingacademy.org.uk/wp-content/uploads/2021/01/The-Effectiveness-of-Sentencing-Options-1.pdf>.

¹⁰ The re-offending rate for SSO offenders was approximately the same as the rate associated with offenders sentenced to a CO (Ministry of Justice (2020b), Tables C1a and C2a).

¹¹ A small number of SSOs imposed during this period carried no requirements, and this profile of case was associated with a higher rate of re-offending (48%) that was still significantly lower than the re-offending rate of immediate imprisonment sentence offenders. See Hamilton (2021, Table 1).

specific requirements which contribute most to the lower re-offending rates of SSO cases. Courts need to know this information, without which they are to a degree sentencing in the dark.

The prospect of immediate imprisonment if the offender breaches conditions may also make some probation officers reluctant to commence proceedings. Research has shown that professional discretion of probation officers and specific compliance policies may have a greater effect on whether breaches are recorded than the behaviour of the offenders in the community itself (Irwin-Rogers and Roberts 2019, p. 152). With professional discretion at play, it makes it difficult to accurately determine how many SSOs are being breached each year. It is even harder to detect a breach where no conditions are applied to the SSO at all as a breach would only be recognised by the commission of another offence. If breaches do not provoke a rigorous response this could undermine the deterrent threat of the SSO.

3. *Effect of the 2017 Guideline*

As noted, the 2017 guideline on the use of sanctions was intended to prevent courts from imposing an SSO in cases which had not crossed the custody threshold. Research had suggested that some SSOs involved offenders who might otherwise have received a high-level CO. The Sentencing Council recognised the problem in its consultation document.¹² Determining whether, or to what extent, courts misapplied the SSO in this way is challenging to say the least.¹³ It may be too soon to determine whether the 2017 guideline has had its intended effect of correcting any misapplication of the SSO. However, the data suggest that sentencing practices have changed since 2017. How might the impact of the guideline manifest itself if it had corrected a tendency pre-2017 for courts to impose an SSO in place of a CO rather than immediate imprisonment? It would be reasonable to expect an increase in the proportionate use of COs, and a modest increase (of 2% in relation to indictable offences) did occur. This should be seen in the context of the long-term decline in the proportionate use of COs, which for indictable offences declined from 32% in 2009 to 22% in 2019 (see Table 2).

One potential danger with the SSO is that it can result in 'net-widening'. 'Net-widening' occurs when a sanction (the SSO) is used to replace a less severe sanction (e.g. a CO) rather than immediate imprisonment. The impression being that an SSO is imposed incorrectly, as if it was another form of community sentence, without due recognition that it should *only* be imposed if the offence has crossed the custody threshold. If net-widening occurs it means that offenders who should receive a CO receive an SSO instead, causing significant problems if these sentences are breached. For example, if a CO is breached the likelihood is that the offender may be fined or have another condition imposed, but if an SSO is breached the likelihood of the offender being immediately

¹² 'Evidence has indicated that a potential reason for this is that, in some cases, suspended sentences are being imposed as a more severe form of community order where the offending has not crossed the custody threshold. In light of this the Council considers it important to clarify the circumstances in which suspension of a custodial sentence may be appropriate.' (Sentencing Council 2016, p. 4) In April 2018, Lord Justice Treacy, then Chairman of the Sentencing Council, wrote to all sentencers to remind them that SSOs should not be used as a more severe form of CO. The text of this letter is available here: <https://www.sentencingcouncil.org.uk/news/item/chairmans-letter-to-sentencers-on-imposition-of-community-and-custodial-sentences/>.

¹³ See discussion in Irwin-Rogers and Roberts (2019).

imprisoned is a far greater possibility. Therefore, if the SSO rather than the CO is imposed an offender may find themselves in prison for an offence that would not have crossed the custody threshold in the first place. This example is supported by findings from 2016 in which the conviction profiles of those sentenced to an SSO were more similar to those who received COs, rather than a sentence of immediate imprisonment (Irwin-Rogers and Roberts 2019, p. 144). In fact, when comparing the individuals sentenced to SSOs and COs, those who received an SSO had, on average, fewer previous convictions. This demonstrates that if the SSO did not exist as a sentencing option, it is highly probable that those offenders would receive a CO rather than a sentence of imprisonment (Irwin-Rogers and Roberts 2019, p. 144).

Unfortunately, it is not apparent if and why the courts have been using the SSO in place of a CO when the Sentencing Council guidelines clearly state that the custody threshold must have been crossed for the SSO to be imposed. Irwin-Rogers and Roberts (2019) suggest that the answer may lie in the lack of judicial confidence in the efficacy of COs to reduce recidivism. Evidently, more research is required.

4. *Public Knowledge and Opinion*

Public confidence is critically important for sentencing as public opinion may influence government policy. If the SSO is not perceived positively by the public this could have significant consequences for the future of the sanction, or its use by the courts. Unfortunately, no research has explored the attitudes and knowledge of the British public in relation to the SSO. For decades, researchers have explored public knowledge and attitudes towards sentences of immediate imprisonment but far less is known about community reaction to the SSO. Many questions are yet to be explored. It is unclear, for example, whether the public are aware that the SSO is a sentence of imprisonment, or whether they perceive the sanction to carry the same 'penal weight' as an immediate prison sentence. Or if, as some critics of the sanction suggest, they perceive the SSO as a lenient alternative to imprisonment. Or if people are aware of the requirements that can be imposed and the consequences of noncompliance.

A first step would be to document the extent of public knowledge of the sanction. Establishing the limits of public knowledge would help to identify aspects of the SSO regime which need to be better explained to the community. After mapping the terrain with respect to awareness, it would be useful to explore the limits of public support for, or acceptance of, the SSO as an alternative to an immediate sentence of imprisonment. Research has demonstrated similar limits with respect to the CO, yet no comparable work has been conducted on the SSO. The public may well see the merit in using an SSO to replace a short immediate sentence of imprisonment. On the other hand, support for the sanction may diminish if, for example, the offence committed involves serious violence.

Research from other jurisdictions indicates that suspended sentences are not perceived as a severe sanction by the public. Research in Australia, for example, has looked at public attitudes to sentencing and found that a fine of \$250 Australian dollars was perceived as a more severe sentence than a six-month suspended sentence (Bartels 2009, p. 56). Another Australian study found that victims of crime see the suspended sentence as the least severe community-based sentencing option, to the extent that a suspended sentence was described as 'no punishment at all' (Bartels

2009, p. 56). If the offender who receives a suspended sentence has committed serious offences of personal violence or sexual offences, victims may argue that the suspended sentence does not result in the appropriate degree of punishment (Freiberg 2019, p. 90). If the SSO in England and Wales is associated with preventing justice the courts may be viewed as 'disingenuous or fraudulent', saying they will impose a sentence of imprisonment whilst letting the offender return to the community (Freiberg 2019, p. 91).

5. *Consistency and the Potential for Discrimination*

Claims have been made that the SSO is more likely to be used for certain profiles of offender. For example, it may be more likely to be imposed on middle-class offenders. Such offenders are more likely to possess a stronger educational background, employment, no previous convictions, a more stable family life and secure accommodation, all of which are factors that favour the imposition of an SSO. The Lammy Review recommended that more research should be done to explore how sentences are imposed across all demographic groups with consideration being had to both social class and ethnicity (Lammy 2017, p. 34). The current statistics from the Ministry of Justice do not include socio-economic information and no research has explored whether the SSO might be being applied differently to different demographic groups. More research on *who* is receiving an SSO will enable a better understanding as to whether it is being appropriately employed by sentencers in the courts of England and Wales.

6. *Female Offenders*

A final priority for research concerns the use of the SSO and female offenders. Many reports and scholars have drawn attention to the particular problems that immediate imprisonment causes female offenders, many of whom are more likely to have caring responsibilities. The SSO offers a way of holding these offenders accountable without necessitating committal to custody. However, we know very little about the use of the SSO in this context and several researchers have called for more research. For example, Patel and Stanley write that 'there needs to be a much greater research and policy focus on the use of both suspended sentences and community sentences for women' (2008, p. 38).

5. CONCLUSION

Although a number of key questions about the SSO remain unanswered, it is clear that this sanction represents a cost-effective alternative to short terms of immediate imprisonment. This being the case, there is an argument that SSOs could be used more frequently than at present. As noted, the SSO currently accounts for less than 5% of all sentences imposed. Since it is a form of imprisonment, any expansion of the SSO caseload should reduce the number of immediate sentences of imprisonment, and not the other principal sanctions. The most obvious profile of case involves a low to medium risk offender convicted of an imprisonable offence who currently attracts a short sentence of immediate imprisonment.

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