

## Sentencing Academy News

### September 2021

#### **The Suspended Sentence Order in England and Wales**

The Sentencing Academy has published an overview of the use of the Suspended Sentence Order in England and Wales, authored by Eleanor Curzon and Julian V. Roberts. This paper charts the historical development of suspended sentences in this jurisdiction and examines the available data on the use of the Suspended Sentence Order in recent years. It also highlights some key research gaps and priorities, such as re-offending rates and breach rates, public knowledge and opinion in relation to the use of suspended sentences, and concerns about consistency and the potential for discrimination.

The full report is available [here](#).

#### **Response to Sentencing Council consultation on the firearms importation offences guideline**

The Sentencing Academy submitted a brief response to the Sentencing Council's consultation on the draft guideline for firearms importation offences. Our key concern is with the potentially unwieldy structure of the guideline with two dimensions of culpability.

Our response to this consultation is available [here](#).

## Other News

#### **Miscellaneous amendments to sentencing guidelines**

The Sentencing Council has launched the first of what it intends to be an annual consultation exercise to consider miscellaneous amendments to existing sentencing guidelines. The consultation focuses on five discrete issues, with amendments proposed to how the existing guidelines deal with issues relating to: breaches of sexual harm prevention orders; compensation; confiscation; racially or religiously

aggravated offences; and domestic abuse.

The consultation document is available [here](#) and the consultation closes on 2 December 2021.

### **PCSC Bill has Second Reading in the House of Lords**

The Police, Crime, Sentencing and Courts Bill had its Second Reading in the House of Lords on 14 September 2021 and will begin the Committee stage on 20 October 2021.

The Second Reading debate is available [here](#).

### **Domestic homicides independent reviewer appointed**

Clare Wade QC has been appointed by the Ministry of Justice to conduct an independent review of the law around domestic homicides, including how such offences are sentenced. A report will be produced for Ministers to consider later this year.

The announcement of this appointment is available [here](#).

## Other Publications

**Taylor, P.J., Eastman, N., Latham, R. and Holloway, J. (2021) ‘Sentencing offenders with mental disorders, developmental disorders or neurological impairments: what does the new Sentencing Council Guideline mean for psychiatrists?’ *The British Journal of Psychiatry*, Volume 218, Issue 6, June 2021, pp. 299–301**

This article summarises the Sentencing Council’s guideline on ‘Sentencing offenders with mental disorders, developmental disorders, or neurological impairments’ and describes the guideline as essential reading for all psychiatrists who give evidence in criminal courts in England or Wales. Whilst welcoming key aspects of the guideline, such as the recognition of a wide range of illness, developmental disorder and neurological impairment, and the guideline’s emphasis on community orders with treatment requirements, the authors note the dearth of research-quality data on optimal practice that was available to the Sentencing Council when developing this guideline – and concludes with a call to be ready to assist the Council when it reviews the operation of the guideline.

The article is available [here](#).

**Roberts, J.V. and Pina-Sanchez, J. (2021) ‘Sentence Reductions for a Guilty**

**Plea: The Impact of the Revised Guideline on Rates of Pleas and 'Cracked Trials'. *The Journal of Criminal Law*.**

In this article the authors examine the impact of the Sentencing Council's 2017 revised guideline on 'Reduction in sentence for a guilty plea'. One of the objectives of this revised guideline was to encourage earlier guilty pleas rather than more guilty pleas overall. Earlier guilty pleas offer a greater benefit to the criminal justice system than do late guilty pleas, which may lead to a 'cracked trial' where the trial does not ultimately take place due to the guilty plea but nonetheless the case ends up consuming criminal justice system resources in the preparation for it.

The authors contend that if the revised guideline has been successful in encouraging earlier guilty pleas this should have had an impact on the overall volume of cracked trials (although trials may also 'crack' for other reasons, such as the prosecution dropping the case by offering no evidence at trial). However, in examining the data for the two years before the introduction of the revised guideline in 2017, and the two years following its introduction, the authors conclude that the revised guideline does not appear to have had the desired effect of eliciting earlier guilty pleas or reducing the volume of trials that crack for this reason. Nonetheless, the authors do point to another significant benefit that has derived from the revised guideline – greater transparency in the guilty plea reduction process.

The article is available [here](#).



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