

## Sentencing Academy News

October 2021

### **Contemporary Issues in Sentencing seminar**

On 28 October, our Executive Director, Professor Julian Roberts, gave a seminar at the Cambridge Institute of Criminology examining 'Contemporary Issues in Sentencing'. The focus of the seminar was on two discrete areas, both of which are issues of particular interest to the Sentencing Academy: sentencing ethnic minority defendants and deferred sentencing.

The seminar was recorded and should soon be available [here](#).

## Other News

### **House of Commons Justice Committee Inquiry into IPP sentences**

The House of Commons Justice Committee has launched an inquiry into policy issues surrounding the imprisonment for public protection (IPP) sentence, with the aim of identifying possible legislative and policy solutions. Its wide-ranging terms of reference include: consideration of options to reduce the IPP sentence prisoner population; examining barriers to release; the experiences of those serving an IPP sentence; and how such prisoners are managed in the community after release and issues around recall to prison.

Details of the call for evidence are [here](#) and the deadline for submission has recently been extended to 22 November 2021.

### **Sentencing Council consultation on revised guidelines for terrorism offences**

The Sentencing Council has launched a consultation on revised sentencing guidelines for four terrorism offences following the enactment of the Counter-Terrorism and Sentencing Act 2021. This Act introduced a new minimum 14 year sentence for a 'serious terrorism' offence and increased the maximum penalty for the offences of membership of a proscribed organisation and support for a proscribed

organisation to 14 years' imprisonment. The current guideline for terrorism offences is to be revised to take account of these recent legislative changes.

The consultation document is available [here](#) and the accompanying data tables are available [here](#). The consultation closes on 11 January 2022.

### **Ministry of Justice announces expansion of the use of tagging and increased funding for “Community Payback”**

The Ministry of Justice has announced increased funding for the tagging of offenders which will almost double the number of people who can be tagged at any one time from 13,500 this year to approximately 25,000 in 2025. It would appear that the increased use of tagging will primarily be aimed at three categories of offenders: those convicted of acquisitive offences; alcohol-related offending; and offending relating to domestic abuse.

Also announced by the Ministry of Justice is up to an extra £93 million over the next three years to recruit 500 additional community work supervisors and develop new national partnerships between the Probation Service and major organisations to deliver increased unpaid work as part of non-custodial sentences. The Ministry of Justice cites its arrangement with the Canal & River Trust as its first such agreement.

Details of the announcements are available [here](#) and [here](#).

## **Other Publications**

### **Exploring sentencers' views of the Sentencing Council's Totality guideline**

The Sentencing Council has published a research report that explores the views of magistrates and judges who use the Totality guideline. Totality issues arise when an offender falls to be sentenced for multiple offences at the same time or when the offender is already serving a sentence for another offence at the time of sentencing. The challenge for sentencers in these scenarios is to craft a sentence that is proportionate to the overall offending but, where there are multiple victims, does not undervalue the impact the offences have had on each victim.

The Totality guideline, which came into force in June 2012, was one of the Sentencing Council's earliest guidelines and this research sought to: understand how sentencers use the guideline; explore sentencers' attitudes towards the guideline; and identify any potential problems or issues. The report presents a mixed picture of how the guideline works in practice. Whilst most respondents considered the guideline to be helpful, suggestions for improvement in terms of both content and format were made. Following this research, the Sentencing Council has decided that it will review the Totality guideline and consult on proposed changes next year.

Exploring sentencers' views of the Sentencing Council's Totality guideline is available [here](#).



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