

## Sentencing Academy News

November 2021

### **Sentencing from the perspective of those being sentenced**

The Sentencing Academy has published two papers that consider sentencing issues from the perspective of those being sentenced. This is a much under-explored area that raises many issues of practical relevance – in particular, whether a defendant's understanding of sentencing and their experience of the process has an impact on their compliance with the sentence imposed.

Respect and Legitimacy at Sentencing by Dr Gabrielle Watson is available [here](#).  
Defendants' Understanding of Sentencing by Jessica Goldring is available [here](#).

## Other News

### **Sentencing Council launches five-year strategy**

Following a consultation to mark its tenth anniversary in 2020, the Sentencing Council has set out its strategic objectives for 2021-2026. The Council's five objectives are: to promote consistency and transparency in sentencing; to enhance and strengthen the data and evidence that underpins its work; to further explore and consider issues of equality and diversity; to consider and collate evidence on effectiveness of sentencing; and to improve public knowledge and understanding of sentencing in order to strengthen confidence in sentencing.

The Sentencing Council's strategic objectives document is available [here](#) and its response to the tenth anniversary consultation is available [here](#).

### **New sentencing guideline for importing firearms published**

The Sentencing Council has published a new guideline for offenders convicted of importing prohibited or restricted firearms following a consultation earlier this year. This new guideline comes into effect on 1 January 2022 and follows the introduction last year of a guideline covering eight other firearms offences.

The new guideline and associated documents are available [here](#).

### **Late amendments to the Police, Crime, Sentencing and Courts Bill**

The Government has announced plans to introduce late sentencing amendments to the Police, Crime, Sentencing and Courts Bill. It intends to introduce a new 'mandatory' life sentence for anyone convicted of killing an emergency worker whilst committing a crime. This new sentence will only apply to those convicted of manslaughter as the offence of murder already attracts a mandatory life sentence. A court will have the power to not impose a life sentence where there are 'truly exceptional circumstances'.

There are also planned increases to maximum sentences for child cruelty offences. The maximum sentence for causing or allowing the death of a child or vulnerable adult will be increased from 14 years to life imprisonment and, for the offences of causing or allowing serious physical harm to a child, and cruelty to a person under 16, the maximum sentence is being increased from 10 years to 14 years.

The announcement of the new life sentence for killing an emergency worker whilst committing a crime is available [here](#) and the announcement of the increases to maximum sentences for child cruelty offences is available [here](#).

### **Domestic Homicide Sentencing Review: Terms of Reference**

The Ministry of Justice has published the terms of reference for its review into the sentencing of domestic homicide that is being led by the independent reviewer, Clare Wade QC. The review will examine how the current law applies where an individual has been convicted of either murder or manslaughter having caused the death of an intimate partner or former partner, and will identify options for reform where appropriate.

The terms of reference are available [here](#).

## **Other Publications**

### **Wasik, M. (2021) 'The Police, Crime, Sentencing and Courts Bill: changes to sentencing and early release', *Criminal Law Review*, 2021, 12, 1051-1070**

In this article, Professor Wasik provides a helpful summary and critique of the many – and disparate – sentencing provisions contained in the Police, Crime, Sentencing and Courts Bill. He begins by noting that the 2020 White Paper that preceded the Bill had an emphasis 'firmly on public protection, deterrence and old-fashioned retribution' and concludes that 'Increases in penal severity can be achieved in many different ways. This Bill employs most of them.' Of particular note are Professor

Wasik's concerns about the complexity of the reforms to early release from custody that this Bill introduces and their potential impact on the long-standing approach by the Court of Appeal that sentencing judges are not to adjust sentences to take account of matters of early release.

This article underscores quite how wide-ranging the sentencing provisions contained in the Police, Crime, Sentencing and Courts Bill are – although the individual and cumulative effect of these provisions has received only limited scrutiny during the Bill's passage through Parliament.



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