

REPORT

To: SOCIAL WORK (OPERATIONS AND SERVICES) SUB COMMITTEE	Subject: THE SENTENCING COMMISSION FOR SCOTLAND REPORT – THE SCOPE TO IMPROVE CONSISTENCY IN SENTENCING	
From: DIRECTOR OF SOCIAL WORK		
Date: 5 DECEMBER 2006	Ref: JS/LMCK	

1. Purpose of Report/Introduction

The purpose of this report is to advise Committee of the paper, "The Scope to Improve Consistency in Sentencing," issued by the Sentencing Commission for Scotland.

2. Background

- 2.1. The Sentencing Commission for Scotland is an independent body, which was set up by the Scottish Executive.
- 2.2 The Commission was given the remit to review and make recommendation to the Scottish Executive on :
 - the use of bail and remand,
 - the arrangements for early release from prison and supervision of short-term prisoners on their release,
 - the basis on which fines are determined,
 - the effectiveness of sentences in reducing re-offending,
 - the scope to improve consistency of sentencing,
- 2.3 The Executive subsequently provided the Commission with a more detailed remit, which pointed out that the effectiveness of sentences should be a consistent theme throughout the Commissions reports and recommendations.
- 2.4 This report is the Sentencing Commission's fourth and final report. The Scottish Ministers appoint the members of the Sentencing Commission. The Director of Social Work for North Lanarkshire Council is a member of the Sentencing Commission.

3. **Proposals / Considerations**

- 3.1 Sentencing is consistent when offenders who commit similar offences are punished with similar penalties, regardless of the sentencer and the location of the Court.
- 3.2 In reviewing consistency in sentencing, the Commission focused on the following :
- what is meant by "consistency in sentencing",
 - whether there is a factual basis for concluding that there is a lack of consistency in sentencing in Scotland,
 - whether the existing legislation and procedures in Scotland could be developed in order to promote consistency in sentencing in Scotland,
 - international approaches to improving consistency in sentencing,
- 3.3 The report contains the views on the Commission on the scope to improve Consistency in Sentencing in Scotland.
- 3.4 The Commission's report makes 25 recommendations which it considers will create a comprehensive and visible framework around which sentencing can be structured.
- 3.5 The main recommendations relate to the introduction of a procedure for giving effect to sentencing guidelines.
- 3.6 The report recommends the creation of a statutory body, The Advisory Panel on Sentencing in Scotland (APSS). This panel would be responsible for preparing draft-sentencing guidelines for consideration by the Appeals Court of the High Court of Judiciary.
- 3.7 The APSS would be responsible for appropriate research and consultation and for preparing draft guidelines which would be considered for adoption by the Appeal Court.
- 3.8 The APSS membership would consist of members of the Judiciary along with others who would bring relevant skills and experience. In that way, the recommendations of the APSS would reflect a breadth of experience.
- 3.9 The Appeal Court would decide whether to approve draft guidelines which ensures that sentencing remains a Judicial function.
- 3.10 The Commission see the recommended system for the preparation and adaptation of sentencing guidelines as complementary to the existing, but little used, Power of the Appeal Court to pronounce guideline judgements.

4. **Financial/Personnel/Legal/Policy Implications**

- 4.1 The paper makes recommendations about consistency of sentencing which, if adopted, would have no financial or personnel implications for the Council.

5. Recommendations

Committee is asked to :

- i. Note the contents of the Sentencing Commission report, "The Scope to Improve Consistency in Sentencing".



Jim Dickie
Director of Social Work
10th October 2006

For further information on this report please contact Mary Fegan, Head of Social Work Services (telephone : 01698 332001) or Jim Scullion, Service Manager, Justice (telephone : 01698 332040).

A copy of the report by the Sentencing Commission for Scotland is available in the Members' Library.