

Sentencing Academy News

August / September 2022

Sentencing Historic Offenders: Law, Policy and Practice

We have published a new paper, authored by Dr Gabrielle Watson, examining the issues that arise when sentencing offenders convicted of historic offences. In particular, this paper focuses on the recent developments in the case law in relation to the approach to sentencing historic sexual offences as the guidance has evolved over the past decade.

The report is available [here](#).

Contemporary Issues in Sentencing Seminar

On Thursday 20 October we will be co-hosting a Contemporary Issues in Sentencing seminar with colleagues at De Montfort University in Leicester. This will be an in person event, starting at 5:15pm, and the speakers will be:

Rona Epstein: Honorary Research Fellow, Coventry Law School: "Sentencing Pregnant Defendants"

Tim Hillier: Head of the Law School, De Montfort University: "Guilty Plea Reductions"

Jose Pina-Sánchez: Associate Professor in Quantitative Criminology, University of Leeds: "Exploring Ethnic Disparities"

Further details and sign-up are available [here](#).

Sentencing Academy Thesis Prize

There is still time to enter the inaugural Sentencing Academy thesis prize competition. The prize will be awarded for the best Masters level dissertation relating to sentencing research, policy and/or practice in England and Wales and it is open to anyone who has completed an eligible dissertation in either the 2020/21 or 2021/22 academic years. The closing date for applications is Monday 3 October and the winner will receive a prize of £250.

Further details on the competition are available [here](#).

Other News

House of Commons Justice Committee finds IPP sentences “irredeemably flawed”

The House of Commons Justice Committee has published the report resulting from its inquiry into the Imprisonment for Public Protection (IPP) sentence. Concluding that the sentence, introduced in the Criminal Justice Act 2003 and abolished by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, was “irredeemably flawed”, the Justice Committee has called on the Government to instigate a re-sentencing process for all prisoners serving an IPP sentence. The Justice Committee’s report also calls for swift improvement in the quality of support that IPP sentence prisoners currently receive.

The report is available [here](#). Our Deputy Director, Dr Jonathan Bild, gave oral evidence to the inquiry and our written evidence, which called for a re-sentencing process, is available [here](#).

Separately, the Justice Committee has published the written evidence it has received in response to its ongoing inquiry into public opinion and understanding of sentencing, including our own submission to the inquiry. All submissions are available [here](#) and our submission is available [here](#).

Sentencing Council Round-up

The Sentencing Council has launched two new consultations. They are consulting on updated guidelines for child cruelty offences following the legislative reforms in the Police, Crime, Sentencing and Courts Act 2022 that increased the maximum sentence to 14 years' imprisonment for the offences of causing or allowing a child to suffer serious physical harm / causing or allowing a child to die and cruelty to a child. The Council is also consulting on its second annual miscellaneous amendments for issues where ‘the Council considers the changes to be significant enough to warrant consultation but not so significant that they require new guidelines to be drafted’. These include amendments to the wording regarding minimum sentences in bladed article, drug and burglary offences and changes to the criminal damage guideline to incorporate recent legislative changes regarding criminal damage to memorials.

The consultation on updated guidelines for child cruelty offences is open until 27 October 2022 and is available [here](#).

The consultation on miscellaneous amendments to sentencing guidelines is open until 30 November 2022 and is available [here](#).

Other Publications

Branston, G. and Oliver, M. (2022) 'Increased sentencing powers in the magistrates' court: a summary of problems', *Criminal Law Review*, 2022, 10, 837-847

This article, authored by two District Judges (Magistrates' Courts), highlights a number of technical deficiencies in the implementation of the raising of the maximum sentence that can be imposed in the magistrates' courts for a single offence from six months' imprisonment to 12 months earlier this year. Describing the method by which this reform has been introduced as 'convoluted and difficult to follow', this article observes that between 2 May 2022 (the date of implementation) and 13 July 2022 'the law was in a state of uncertainty' before correcting regulations were required to resolve what appears to have been a legislative oversight affecting certain offences. This may have led to sentences being imposed that were in excess of the powers of the magistrates' courts during this period. Whilst the authors welcome the resolution of many of the implementation issues through the introduction of the correcting regulations, they conclude that the 'labyrinthine nature of the provisions' has left some uncertainty in place.



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