

Sentencing Academy News

February / March 2022

Sentencing Domestic Abuse

The Sentencing Academy has published a paper by our Kalisher Trust intern, Anna Draper, that explores the practical issues that arise from the Sentencing Council's 2018 *Overarching Principles: Domestic Abuse* guideline.

Sentencing Domestic Abuse: A Review of the Practical Issues is available [here](#).

Sentencing Academy Thesis Prize

We are pleased to launch a new annual competition for the best Masters level dissertation relating to sentencing research, policy and/or practice in England and Wales. For this first competition, dissertations submitted in either the 2020/21 or 2021/22 academic years will be eligible and the winner will be awarded a prize of £250. The prize panel is comprised of Professor Gavin Dingwall, Tim Hillier and Dr Carly Lightowlers.

Further information on the thesis prize is available [here](#).

New Sentencing Academy Trustees

We are delighted to welcome four new members to our Board of Trustees following a recent recruitment process that has broadened the breadth of experience and expertise on our Board. Bethany Currie, Gregor Donaldson, Ceryl Marsh and Orla Slattery join our four existing trustees, Mike Hough, Ian Brownhill, Umar Azmeh and Hannah Quirk.

Other News

Root and Branch Review of the Parole System

The Ministry of Justice has proposed a series of reforms to the parole system in England and Wales following its 'root and branch' review. Most significantly in relation to sentencing, it is proposed that the Secretary of State will acquire a new power to refuse a release decision made by the Parole Board in a case involving a newly-designated 'top tier' of highest risk offenders: those who have been convicted of murder, rape, causing or allowing the death of a child, or a terrorist or terrorist-connected offence. This would appear to re-instate a power previously vested in the hands of the Secretary of State to refuse the release of life sentence prisoners which had been found by the courts to contravene the European Convention on Human Rights.

Root and Branch Review of the Parole System: The Future of the Parole System in England and Wales is available [here](#).

Sentencing Council consultation on perverting the course of justice and witness intimidation guidelines

The Sentencing Council has launched a consultation for a new guideline for perverting the course of justice and an updated and more comprehensive guideline for witness intimidation. The consultation runs from 30 March 2022 to 22 June 2022.

The consultation document is available [here](#) and the statistical bulletin and data tables are available [here](#).

Sentencing Council response to miscellaneous amendments to sentencing guidelines consultation

The Sentencing Council has published its response to the first of their proposed annual consultations on miscellaneous amendments to existing guidelines. These consultations consider any necessary changes that might arise from case law, changes to legislation and feedback from sentencers. In order to improve clarity and reflect changes in legislation, amendments are being made in relation to: breach of a sexual harm prevention orders; compensation; confiscation; racially or religiously aggravated offences; and the domestic abuse overarching guideline.

The Sentencing Council response to consultation is available [here](#).

Other Publications

Dhami, M. K. (2022) 'Sentencing multiple- versus single-offence cases: does more crime mean less punishment?', *The British Journal of Criminology*, 2022, 62, 55–72

In this article, Professor Dhami uses data from the Sentencing Council's Crown Court Sentencing Survey to examine the impact that the 'totality principle' has on

sentences imposed on offenders being sentenced for multiple offences in comparison to those being sentenced for a single offence. Whilst it might be expected that offenders being sentenced for multiple offences would be likely to receive more severe sentences than those being sentenced for a single offence, Professor Dhimi found that being sentenced for multiple offences was generally not a significant predictor of either immediate custody or custody length. This finding held even after taking into account other sentencing relevant variables, such as the number of aggravating and mitigating factors and reductions for a guilty plea. Of seven offence types examined, multiple offence case status was a significant predictor for only one – possession with intent to supply – in relation to the likelihood of receiving an immediate custodial sentence and only one – robbery – in relation to custody length. For all other offence types, those being sentenced for multiple offences were not significantly more likely to receive an immediate custodial sentence or a longer custodial sentence than those being sentenced for a single offence. This led the author to conclude that the application of the totality principle, especially where offenders are being sentenced to concurrent sentences, may be leading to some offenders sentenced for multiple offences ‘getting off lightly’.

Roberts, J. V. (2022) ‘Deferred sentencing: a fresh look at an old concept’, *Criminal Law Review*, 2022, 3, 210-229

Deferred Sentencing is a little-known element of English sentencing law. For 50 years now, courts have had the power to defer sentence for up to six months. Deferral provides the offender with an opportunity to demonstrate progress towards rehabilitation, to bring any relevant changes in circumstances to the court’s attention and to make voluntary compensation to the victim. Successful completion of the deferral requirements may result in the court imposing a non-custodial sentence when imprisonment was the likely outcome prior to deferral. In the early life of the provision, courts deferred up to 10,000 cases annually, although the volume of deferrals has since slowed to a trickle. This article explores the promise and perils of deferring sentencing in England and Wales.



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Sentencing Academy
Bentham House
4-8 Endsleigh Gardens
London
WC1H 0EG

Email: info@sentencingacademy.org.uk

Registered charity no: 1183958

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