



Home Office

BUILDING A SAFE, JUST  
AND TOLERANT SOCIETY

# A REVIEW OF THE SENTENCING FRAMEWORK

## Why have a review?

The Government is committed to dispensing justice fairly and reducing crime and re-offending. A comprehensive programme of work to achieve those objectives has been put in place. It includes moves to ensure the prison and probation services work more effectively together, new and more effective forms of sentence for juvenile and adult offenders, more rigorous enforcement of community penalties, greater use of electronic technology, drug testing to monitor the behaviour of offenders under criminal justice supervision and the development of programmes in custody and the community which are known to reduce re-offending.

There is still however much to be done. Rates of reconviction for those leaving prison or finishing probation supervision are unacceptably high. Public confidence in our system of justice is too low. There is a feeling that our sentencing framework does not work as well as it should and that it pays insufficient weight to the needs of victims. Too many offenders are returning to court on too regular a basis. There is insufficient consistency or progression in sentencing practice and sentencers receive insufficient information about whether their sentencing decisions have worked. The sentencing decision itself focuses too much on the offence and not sufficiently on offenders and their future behaviour.

Some steps to improve consistency and progression have already been taken. Minimum mandatory sentences for repeat

serious sexual and violent offenders, drug dealers and burglars have been introduced. The Crime and Disorder Act established a Sentencing Advisory Panel which is already doing valuable work. But the current legal framework established in the Criminal Justice Act 1991 remains, and this appears now to be a contributory factor to inherent problems of sentencing - based as it is on the principle of “just deserts” by which the sentence imposed is tied to the seriousness of the offence, taking little account of offenders’ propensity to re-offend. It also offers little opportunity to take into account how offenders respond to measures taken during the sentence which are designed to reduce their re-offending, nor the need for some form of reparation to society

The time is ripe, therefore, to review the sentencing framework and to determine, in a modern criminal justice system, what sort of framework would best deliver the twin aims of public protection and a reduction in re-offending.

## **What is the review going to look at?**

In the light of the Government’s objectives to protect the public by reducing crime and re-offending, and to dispense justice fairly and consistently, the terms of reference of the review are:

“To consider:

- what principles should guide sentencing decisions;

- what types of disposal should be made available to the courts in order to meet the overarching objectives;
- the costs of different disposals and their relative effectiveness in reducing re-offending;
- what changes therefore need to be made to the current sentencing framework, as established by the Criminal Justice Act 1991, so as more effectively to reduce re-offending, including any transitional and consequential arrangements; and
- the likely impact of any recommendations in terms of costs and the effects on the prison population.”

In particular, the review will identify and evaluate new more flexible frameworks for sentence decision-making and sentence management, which join up custodial and community penalties, in ways which maximise crime reduction, sustain public confidence, protect the public, and take full account of the interests of victims, as cost effectively as possible.

## **How will the review work?**

The review team, led by John Halliday at the Home Office, will be assisted by a project group consisting of officials and practitioners and by an external reference group made up of a wider variety of stakeholders to include individuals and organisations directly and indirectly involved in sentencing.

The reference group will include those with direct involvement in sentencing such as

the police, magistrates, judges, the prison and probation services, and lawyers but also other organisations and individuals concerned with sentencing issues.

As the review progresses workshops and seminars will be arranged to discuss particular topics while seeking a wide range of views.

All of these contributions will help the review team to develop proposals on which it will report to Ministers by no later than 1 May 2001. The Government expects to consult on its proposals before reaching decisions.

## **How can you contribute to the review?**

The review team would welcome views bearing on its terms of reference. In particular, comments would be welcome on the principles that should guide sentencing decisions, and how the sentencing framework might be improved, through greater flexibility, with the aim of reducing re-offending. The criminal justice system needs to reduce crime, dispense justice fairly, and promote confidence in the rule of law. The team would welcome all contributions which will help improve the sentencing framework consistently with those aims.

To enable the review team to take the fullest account of existing opinion in formulating its proposals, we would very much welcome your views. Please write, e-mail or fax us at

the contact points listed overleaf. To enable us to meet our deadline, and take your views into account, it will be important to have them, please, by no later than 1 August 2000.

## **How to contact us**

Please send your comments about changes to the sentencing framework *in writing* to:

Cecilia French  
Review of the Sentencing Framework  
Room 346  
Home Office  
50 Queen Anne's Gate  
London SW1H 9AT

You can also *fax* us on: 020 7273 2644

Or e-mail us on:  
[cecilia.french@homeoffice.gsi.gov.uk](mailto:cecilia.french@homeoffice.gsi.gov.uk)

Your comments should reach us please, by no later than 1 August 2000.