

Name

Scottish Working Group on Womens's Offending

Publication consent

Publish response with name

Q1) Do you agree or disagree with the Council's approach to the distinction between a 'principle' and a 'purpose' of sentencing?

Agree

Please provide any reasons for your response.

Please see additional comments at Q16

Q2) Should there be an overarching principle of "fairness and proportionality"?

Yes

Please provide any reasons for your response.

Please see additional comments at Q16

Q3) Are the supporting principles which underlie the overarching principle of fairness and proportionality (as listed at paragraph 2(i)-(vi)) appropriate?

No

Please provide any reasons for your response.

See additional comments at Q16

Q4) Are the supporting principles expressed clearly and accurately?

Yes

Please provide any reasons for your response.

SWGWO support the comments made by the Prison Reform Trust. We would add the following

The Equal Treatment Bench Book-Judiciary for England & Wales contains a section on gender equality. No similar section is contained in the Equal Treatment Bench Book for the Scottish Judiciary. This omission must be addressed. There is a need too for the Sentencing Council and the Judicial Institute to agree a definition of gender equality

Q5) Are there any other supporting principles which should be included at paragraph 2?

n/a

Q6) Do you agree or disagree with the approach to the purposes of sentencing as set out at paragraph 4 of the draft guideline?

Disagree

Please provide any reasons for your response.

See comments at Q16

Q7) Are the purposes as listed at paragraph 5(a)-(d) appropriate?

No

Please provide any reasons for your response.

See comments at Q16

Q8) Are the purposes expressed clearly and accurately?

Yes

Please provide any reasons for your response.

see comments at Q16

Q9) Are there any other purposes which should be included?

n/a

Q10) Do you agree or disagree with the approach set out at paragraph 6 of the draft guideline in relation to the efficient use of public resources?

Disagree

Please provide any reasons for your response.

see comments at q16

Q11) Is it appropriate to consider efficient use of public resources during the sentencing process?

Yes

Please provide any reasons for your response.

see comments at q16

Q12) Do you agree or disagree that the guideline would lead to an increase in public understanding of how sentencing decisions are made?

Disagree

Please provide any reasons for your response.

see comments at q16

Q13) Do you agree or disagree that the guideline would lead to an increase in public confidence in sentencing?

Agree

Please provide any reasons for your response.

see comments at Q16

Q14) What costs (financial or otherwise) do you see arising from the introduction of this guideline, if any?

Q15) What benefits do you see arising from the introduction of this guideline, if any?

Q16) Would you like to make any other comments in relation to any matter arising from this consultation?

The Scottish Working Group on Women's Offending (SWGWO) support the comments submitted by the Prison Reform Trust.

We also support the comments submitted by the Criminal Justice Voluntary Sector Forum (CJVVSF). SWGO share the CJVVSF promotion of 'the use of community based sentences as alternatives to custodial sentences and that prison should not be the default position'. We support to a need to focus on the positive aspects of sentencing ie paying back to communities.

SWGWO also support the comments submitted by Families Outside. SWGWO believes that the impact of a imprisonment on a child , especially the imprisonment of a child's mother' requires to be given greater priority when sentencing decisions are being made. We would encourage within this the need for this to be explicitly made clear to sentencers in Child Impact Statements. It should also be included in Criminal Justice Social Work Reports.