

**Name**

Victim Support Scotland

**Publication consent**

Publish (Post consultation contact)

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

**Please provide any reasons for your response.**

**Q2) Should there be an overarching principle of “fairness and proportionality”?**

**Please provide any reasons for your response.**

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

**Please provide any reasons for your response.**

We are encouraged that an ethos of transparency is an integral component of the guidelines, including that reasons for sentencing decisions must be stated clearly, and that the impact on the victim is just as important as the circumstances of the offender. A way of achieving confidence in the criminal justice sector is to promote consistency in processes. It is pleasing therefore that the guidelines seek to identify where cases should be treated in a similar way and with the principle of fairness at the core of any sentencing decision

**Q4) Are the supporting principles expressed clearly and accurately?**

**Please provide any reasons for your response.**

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

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

**Please provide any reasons for your response.**

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

**Please provide any reasons for your response.**

We are pleased the sentencing council aims to recognise and meet the needs of victims and their communities by requiring the offender to repair at least some of the harms caused. However, this must always be with the full cooperation and understanding of the victims concerned.

**Q8) Are the purposes expressed clearly and accurately?**

**Please provide any reasons for your response.**

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

**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?**

**Please provide any reasons for your response.**

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

**Please provide any reasons for your response.**

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

Agree

**Please provide any reasons for your response.**

**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.**

We are satisfied that the preparation of guidelines, setting out the general principles and purposes of sentencing will promote consistency and awareness, and that a better understanding of sentencing policy and practice, and faith in the criminal justice sector, for both for individuals and the general public will follow.

**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?**

Courts, Sheriffs, Summary Sheriffs and Justices of the Peace having regard to any relevant sentencing guidelines will strengthen the Criminal Justice Sector. This is crucial as victims and witnesses regularly inform us that not getting clear information is one of their biggest frustrations. This is particularly traumatic for a victim when a perpetrator is to be released earlier than expected. We are satisfied that a judge must state their reason if they decide not to follow the guidelines and that they must provide clarity as to what outcomes may realistically follow sentencing. For example, in a case when a prisoner might not serve their sentence of four years, we are

encouraged that the victim will be informed at sentencing of this possibility and on what grounds an offender may be released early. We hope this will drive up the standard of all those involved in the court process. VSS supports this level of transparency being promoted at every stage of the victims' journey through the criminal justice sector. VSS appreciates the guidelines are not exhaustive, so we will be watching developments with interest. However, as a foundational piece of work we are content that the sentencing council guidelines are a positive step at enabling a less traumatic, more streamlined, and informed experience for victims.

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

xxxx is in favour of the level of detail the Scottish Sentencing Council are committing to providing, not only in developing general guidance on the sentencing processes, but also on what sentences should be imposed, and

the various factors judges must consider, including possible aggravating and mitigating factors. Clarity of process and information on decisions is a key concern for victims and witnesses and is especially pertinent when dealing with younger people. Therefore, we are glad that a separate set of guidelines will be developed specifically around the sentencing of young people and we look forward to being updated and involved in its progress.