

**Scottish  
Sentencing  
Council**

---



**4TH EDITION - DECEMBER 2024**

**Spotlight on Sentencing Circular**

---

# Welcome by the Council's Communications and Engagement Committee



Welcome to the fourth edition of the **Spotlight on Sentencing Circular** (SSC) – our final issue for 2024. This is also the final issue overseen by our current Chair, Lady Dorrian, the Lord Justice Clerk, who has announced her intention to retire early next year. We would like to express our deep gratitude to Lady Dorrian for her leadership of the Council since she became its chair in April 2016, and wish her the very best for the future.

Over the past few months, we have published both our **Business plan 2024-27** and **Annual Report 2023-24**, which set out our plans for the coming years and highlight our recent progress, and achievements.

As part of this work, we have launched a comprehensive **information pack** designed to assist victims and the public to better understand how sentencing works in Scotland's courts. We also commissioned a new **educational video** offering insights into prison sentencing as part of a developing series which also includes a video on community payback orders.

The Council held a **public consultation** on draft rape guidelines which ran from 25 July to 18 October, and we are now taking the time to carefully consider each submission. Full reports will be published on the website once available.

In terms of research, we have recently published **two new reports** on mental health and sentencing, which show that resource constraints are having an impact on the efficiency and effectiveness of sentencing in Scotland. Additionally, we have published a **literature review** examining the sentencing of stalking offences.

A new **blog** has been provided by Council member Sheriff Iain Fleming, looking at the sentencing of criminals who reoffend when released early from prison.

You can read more about our recent work below, and as always, we hope you find it interesting and informative.

From everyone at the Scottish Sentencing Council, we wish you a happy and safe festive season and new year.

You can stay updated on our latest news and information via our social media channels below, or catch up on anything you may have missed in our [previous newsletters](#), and on our [website](#).



For more information on the Council, visit our website [www.scottishsentencingcouncil.org.uk](http://www.scottishsentencingcouncil.org.uk).

# Latest News

## Recruitment



The Scottish Ministers are recruiting the appointment of a new member to the Council. The vacancy is for the Council's lay member, which is open to any individual who is not qualified as a judicial or legal member. Members should expect approximately 12 days' commitment each year, which will include attending meetings of the Council and any committees the member sits on, as well as attending engagement and promotional events.

**The closing time and date for applications is by midnight on 6 January 2025.**

[See the full advert](#)

## Business Plan 2024-27



The Scottish Sentencing Council published its [Business Plan 2024-27](#) in November, outlining significant new guidelines and research initiatives aimed at enhancing Scotland's sentencing framework.

In a major development, the Council will begin work on new sentencing guidelines for people with mental health and related issues, recognising the complex challenges faced by courts in such cases. The Plan also announces the development of guidelines on assault offences, reflecting the Council's continued focus on crimes of violence.

The Council will advance several ongoing projects, including finalising guidelines on rape offences following the recent public consultation, and progressing work on domestic abuse and environmental and wildlife crime guidelines.

[Read more about the Business Plan](#)

# Annual Report 2023-24



Scottish Sentencing Council

# Annual Report 2023-24

The Council's [Annual Report 2023-24](#) was laid before the Scottish Parliament in October 2024. It details significant progress in developing sentencing guidelines, including achieving a milestone with Scotland's first guideline on specific offences.

Commenting on the report, Council Chair, Lady Dorrian, the Lord Justice Clerk, highlighted the [approval of the death by driving guideline](#) as a pivotal moment.

Read more about the Council's other key achievements during 2023-24 and the [report](#).

[Read more about the Annual Report](#)

## Consultation on rape offences



The Council held a public consultation on draft rape guidelines which ran from 25 July to 18 October. A total of 76 responses were received. The Council is now considering each of the submissions which will inform further development of the guidelines. Both an independent analysis and a Council report will be published on the website once available. The responses, where permission was given, will also be published.

# Educational resources

## Information pack



A comprehensive information pack has been published to assist victims, and the public, to better understand how sentencing works in Scotland's courts.

The pack provides clear explanations of the sentencing process, including who is involved, how decisions are made, and the different types of sentences available to courts. It also covers topics such as victim statements, and prison release arrangements.

The pack includes detailed information about:

- the role of sentencing guidelines
- how judges decide sentences
- different types of sentences available
- prison release arrangements
- sexual offences notification requirements.

[See the information pack](#)





## New video on prison sentencing

A new video commissioned by the Council offers insights into prison sentencing in Scotland. The short film features people who have knowledge of the prison system from a variety of perspectives, and opens with the powerful story of victims expert and Council member, Lynn Burns, talking about her experience following the murder of her son Sam.

The footage captures the views of people who have experience and knowledge of the prison system, and offers insights into prison sentencing overall, as well as to what a prison sentence involves day to day. It features interviews with a Judge who explains the factors taken into account when prison sentences are decided, a senior Scottish Prison Service manager who discusses the prison estate and how it operates, and the views of a leading academic in criminology. Interwoven with these interviews is the testimony of a person currently serving a long-term prison sentence who describes the impact it has had on her.

The video highlights the importance of access to rehabilitative programmes in prison - a view the Council fully shares and supports - and notes the need to adequately resource these programmes to support efforts to reduce reoffending.

The film is the second in a series on sentencing produced as part of the Council's online information resources. We also commissioned a new educational video offering insights into prison sentencing as part of a developing series which also includes a video on community sentences.

[Click here to view both videos](#)

## Blog

Our latest blog, from Council member Sheriff Iain Fleming, looks at sentencing criminals who reoffend when released early from prison.



[Read the blog](#)

---

## Further resources

The Council has a range of other resources available on its website aimed at different organisations and levels. These include pre-recorded lectures, classroom lesson plans, case studies and numerous videos.

[Find out more](#)

# Research

## New reports on mental health and sentencing



The complex challenges in sentencing people with mental health and related issues are outlined in two new reports, published this month by the Council.

An issues paper, ‘Judicial perspectives of mental health and sentencing’, presents the findings of research undertaken by the Council in late 2023 and early 2024 with members of the judiciary, while ‘Mental health, neurodivergence, and learning disability in sentencing’, summarises discussions at a stakeholder conference held by the Council in August 2024.

A key theme in both reports is the impact of resource constraints on sentencing where there are mental health or related issues.

Commenting on the judicial research, Lady Dorrian, Lord Justice Clerk and Chair of the Council, said: “Sentencing is rarely straightforward but it can be significantly more complex and challenging when the person being sentenced has mental health or related issues.

“To gain a better understanding of the issues involved, we carried out research with judicial office holders across Scotland, something the Council is uniquely placed to do. Those who took part were clear that resource limitations affect the ability of courts to sentence individuals with mental health and related issues in the most efficient and effective way.”

[Read more and download both reports](#)



## Literature review: The sentencing of offences involving stalking in Scotland

A new [literature review](#), commissioned by the Council, examines the sentencing of stalking offences in Scotland.

Conducted by researchers from the University of Glasgow's School of Law, the review finds that in 2022-23, 53% of stalking charges included a domestic abuse aggravator. Looking at the current sentencing practises and legislation in Scotland and comparing them with approaches in England and Wales, the research notes this represents a change from previous years, reflecting the impact of the Domestic Abuse (Scotland) Act 2018, where stalking can form part of a course of conduct of domestic abuse.

[Read more about the literature review](#)

## Domestic abuse report



A new [report](#) commissioned by Council examines how victim-survivors of domestic abuse view sentencing in Scotland.

The research, conducted by Glasgow Caledonian University, provides insights into the experiences and perspectives of victim-survivors. Researchers interviewed 24 women across Scotland who gave accounts of their views of sentencing such offences. The report found that the victim-survivors wanted the level of harm caused by domestic abuse, and the need for their safety and protection, to be reflected in sentencing decisions, including the use of non-harassment orders. The report also highlighted that there may be communication needs to be considered by a number of criminal justice agencies.

[Read more about the report](#)

# Engagement

## Four Corners Conference

Members of the Council were pleased to attend the second Four Corners Conference, the biannual meeting of the respective sentencing bodies of Scotland, Northern Ireland, England and Wales, and Ireland, at which representatives and guest speakers shared insights, experiences and learning from each jurisdiction.

The Council is grateful to the Judicial Council of Ireland and the Sentencing Guidelines and Information Committee for hosting what was a very insightful and informative event.

---

## National survey

The Scottish Sentencing Council is preparing to launch its second national survey on public perceptions of sentencing in January 2025. This survey, developed in collaboration with Ipsos and academic experts, aims to collect insights regarding the public's understanding and views on sentencing including for certain specific offences. It will cover several key areas including: general perceptions of sentencing, community sentencing, how the media frames stories about sentencing, sentencing domestic abuse offences, and sentencing offenders with mental health issues.

This upcoming survey builds on the groundwork established by a 2019 survey previously commissioned by the Council, which was the first of its kind in Scotland. That initial survey, also conducted by Ipsos and involving a sample of 1,000 adults from across Scotland, explored respondents' opinions on the purposes of sentencing, their perceptions of current sentencing practices, their awareness of different sentencing options, and their views on appropriate sentences for specific offences, including causing death by driving, and sexual offences.

# Guideline latest

## Table of progress

Guideline	Stage 1: Initial consideration of the guideline topic	Stage 2: Development of a draft guideline	Stage 3: Seeking the views of judges	Stage 4: Consulting on the guideline	Stage 5: Finalising the guideline	Stage 6: Submitting the guideline for approval	Stage 7: Raising awareness about the guideline	Stage 8 - Monitoring and review
Sentencing process	✓	✓	✓	✓	✓	✓	✓	In progress
Sentencing young people	✓	✓	✓	✓	✓	✓	✓	In progress
Death by driving	✓	✓	✓	✓	✓	✓	✓	In progress
Sexual assault	✓	In progress						
Rape	✓	✓	✓	In progress				
Indecent images of children	✓	In progress						
Domestic abuse	✓	In progress						
Environmental and wildlife crime	In progress							
Discounting	✓	In progress						



For more information, visit the page on our website.

# Minutes from latest meetings

The minutes of the Council meeting on 4 October are now available. The draft minutes of the Council's most recent meeting on 6 December will be published in due course.

[Read the minutes from 4 October 2024](#)



## Upcoming meetings

**21 March 2025**

The next meeting of the Scottish Sentencing Council will take place on Friday 21 March 2025.



Scottish  
Sentencing  
Council

---



**FOLLOW US ON SOCIAL:**

---

