

Name

Social Work Scotland

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.

We would agree with the distinction the council make between principles and purposes of sentencing.

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

Yes

Please provide any reasons for your response.

Social Work Scotland welcome the inclusion of a principle of fairness and proportionality in the sentencing guideline.

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

Yes

Please provide any reasons for your response.

Social Work Scotland agree with the content of the supporting principles underlying the overarching principle of fairness and proportionality.

Q4) Are the supporting principles expressed clearly and accurately?

Yes

Please provide any reasons for your response.

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

Yes. We would consider the inclusion of “effective in achieving the stated purpose of sentencing” as also being of importance here.

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

Agree

Please provide any reasons for your response.

We think that the purposes applied to a particular case should always reflect the core principle of fairness and proportionality. In that way, sentencers can link the principles and purposes together.

Social Work Scotland agree that the approach of reflecting the core principle of fairness and proportionality is appropriate in making sentencing decisions.

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

Yes

Please provide any reasons for your response.

Q8) Are the purposes expressed clearly and accurately?

Yes

Please provide any reasons for your response.

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

No

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?

Agree

Please provide any reasons for your response.

Social Work Scotland would not wish to see “effective use of public resources” being a central principle of sentencing. We regard the principles of fairness and proportionality as appropriate.

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

Yes

Please provide any reasons for your response.

Provided evidence of “effectiveness” in achieving the purpose is considered alongside this.

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.

This will undoubtedly enhance public understanding of the types of information taken into account by sentencers, which may increase community cohesion.

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

Please provide any reasons for your response.

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?

Social Work Scotland regard transparency in sentencing as positive as this may highlight some of the difficult circumstances people who have committed offences face, increasing community understanding of disadvantage.

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