

Scottish  
Sentencing  
Council



Scottish Sentencing Council

# Annual Report 2023-24

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## Chair's foreword

### The Right Hon Lady Dorrian, Lord Justice Clerk, Chair of the Scottish Sentencing Council



It is my pleasure to introduce the Scottish Sentencing Council's ninth annual report, which sets out our activities and achievements in the period 1 April 2023 to 31 March 2024.

This was a year in which we not only made significant progress, and achieved a milestone, in the development of sentencing guidelines, but in which we also carried out vitally important and informative research and engagement around sentencing and related criminal justice issues.

Perhaps our key achievement in 2023-24 came in October when the High Court approved our sentencing guideline on offences of causing death by driving, which we finalised at the start of the year following a public consultation in 2022-23. This was a highly significant moment for several reasons.

This guideline is the Council's – and therefore Scotland's – first ever sentencing guideline on specific offences. It is the first time we have set out guidance to help courts select a specific type and level of sentence, as our first three guidelines – on the principles and purposes of sentencing, the sentencing process, and sentencing young people – are of a general nature. It also marked the start of a new phase in our work, where our focus is on developing offence guidelines. The death by driving guideline, which provides a framework for future offence guidelines, is a vital foundation for that work.

The value of public consultation in helping us reach final decisions about the content of the guideline cannot be underestimated. It was strengthened in certain key respects as a direct result of issues raised or suggestions made by respondents, including an increase to some of the sentencing ranges. While we are acutely aware that nothing can atone for the tragic loss of life involved in death by driving cases, we believe that the guideline will provide clarity for bereaved families and bring significant benefits to the public and the courts.

Approval of the death by driving guideline also provided the impetus for substantial progress across the year in respect of the other guidelines we are developing. In particular, we prepared and finalised two draft guidelines addressing rape offences under sections 1 and 18 of the Sexual Offences (Scotland) Act 2009 respectively. Both were informed by engagement across the justice sector and with interest groups, extensive research, including with victims, and detailed analysis of

sentencing practice. These guidelines were subject to public consultation shortly after the period covered by this report.

In-depth research and data gathering were carried out in respect of our work on guidelines on domestic abuse offences and on sentence reduction after a guilty plea, laying the groundwork for wider engagement and consultation in 2024-25. Development continued in respect of guidelines on offences involving indecent images of children and on sexual assault, with stakeholder engagement taking place on an initial draft of the former, and we were also able to take steps to resume our work on environmental and wildlife offences.

This year also saw a number of key achievements arising from our communications and engagement strategy and our research programme. Both underpin our guideline development process and are of fundamental importance in helping us to fulfil our statutory objectives in relation to assisting the development of sentencing policy and promoting awareness and understanding of sentencing. Each also played a vital role towards achieving our aim of establishing the Council as an authoritative voice on sentencing. While separate strands of our work, they are nevertheless interlinked and often operate in tandem, as can be seen by achievements in several priority areas in 2024-25.

The first of these was in respect of sexual offences and gender-based violence. As well as stakeholder engagement around the draft guidelines on rape offences and publication of a new webpage giving information for victims, we delivered training sessions to practitioners who support victims, assisting them to help those they support better understand sentencing and the sentencing process. Alongside this, we commissioned two important research projects exploring the views of victims and survivors from across Scotland on sentencing for rape and other sexual offences and on domestic abuse sentencing. Just as with the sentencing process itself, understanding the impact of crime on victims is a central pillar of our work.

A second key focus was on community-based sentences. In January, we released a video on community sentencing to raise awareness of this important area among those less familiar with the criminal justice system. Prior to this, we published a report in June about a community sentencing discussion event which involved members of the judiciary, lawyers, social workers, victim groups, police, and third sector staff. This event was the culmination of several years of research and engagement in this area, and it found, among other things, that public and judicial confidence in community sentencing goes hand in hand with adequate resourcing to manage and support offenders.

In line with a commitment in our business plan for 2021-24, a third key focus this year was on mental health and sentencing. Between autumn 2023 and spring 2024, we carried out research with the judiciary – something the Council is uniquely placed to do – seeking views and experiences of the

challenges in addressing mental health in the context of sentencing. A report about this research will be published in 2024-25, and we believe it will assist policymakers and service providers in relation to further policy development and improved service provision and delivery.

A final achievement I wish to highlight, in which research and engagement combined, came in November when we were delighted to host the inaugural Scottish Sentencing Research Symposium in partnership with the Sentencing Academy and the University of Glasgow. This event welcomed experts from across the UK to offer insights and perspectives on sentencing research and the ways in which this can inform the development both of guidelines and criminal justice policy more generally.

In respect of our wider communications activities, we added to the range of educational materials available on our website, launched a newsletter, and increased our presence and activity on social media. I am very pleased to note that throughout the year we received very positive feedback from legal professionals, criminal justice practitioners, and members of the public alike on our educational resources.

As the year drew to a close, we began to turn our attention to the preparation of our business plan for 2024-27, with a clear sense that we are well placed to make significant progress in the second phase of our work, due in no small part to the dedication shown by Council members, advisors, and staff across 2023-24.

It bears repeating that Council members and advisors are volunteers whose positions are unremunerated. I am deeply grateful to all who served during 2023-24 for the time they dedicated to the Council's work, which was in addition to the demands of their own professional roles and responsibilities, and for the expertise and insight each of them brought to the Council.

On behalf of all members and advisors, I would also like to record sincere thanks to the Council's secretariat for the invaluable support and advice they provided across the year.

**The Rt Hon Lady Dorrian  
Lord Justice Clerk and Chair of the Scottish Sentencing Council**



# Introduction

# Introduction

The Scottish Sentencing Council was established on 19 October 2015 under Part 1 of the [Criminal Justice and Licensing \(Scotland\) Act 2010](#).

This annual report, which covers the period 01 April 2023 to 31 March 2024, describes the Council's work in relation to the development of sentencing guidelines, its key achievements and work in progress, its expenditure, and other information relating to its work over the course of the year.

## Statutory objectives and functions

The Council is an independent advisory body with the following **statutory objectives**:

- to promote consistency in sentencing practice
- to assist the development of policy in relation to sentencing
- to promote greater awareness and understanding of sentencing policy and practice

The Council's **functions** include:

- preparing sentencing guidelines for the courts
- publishing guideline judgments issued by the courts
- publishing information about sentences imposed by the courts

It also has powers to **publish information** about, and **conduct research** into, sentencing and to **provide advice and guidance** of a general nature on sentencing matters.

## Sentencing guidelines

The Council must prepare sentencing guidelines for the consideration of the High Court of Justiciary, Scotland's highest criminal court. If the High Court approves the guidelines, it may do so in whole or in part, and with or without modifications.

Guidelines do not have effect unless approved by the High Court.

The Council has **broad discretion** as to the format and subject matter of sentencing guidelines. In particular, guidelines may cover:

- the principles and purposes of sentencing
- sentencing levels
- the particular types of sentence that are appropriate for particular types of offence or offender

## Membership

The Scottish Sentencing Council is made up of **12 members**. The categories of membership are [provided for in the 2010 Act](#).

The Lord Justice General is responsible for appointing the judicial and legal members, after consulting the Scottish Ministers.

The Scottish Ministers are responsible for appointing the lay members, after consulting the Lord Justice General.

A number of changes in membership took place during 2023-24.

Joanne McMillan was appointed as the new solicitor member with effect from June 2023 and Lynn Burns became the new victims expert member from July 2023. Louise Arrol KC was appointed as a sheriff with effect from 04 September 2023, which brought her term of office as the advocate member to an end from that date. Victoria Young became the new advocate member in December 2023, while Susan Fallone's term of office as a judicial member ended on 11 December.

Council membership during 2023-24 is set out at page 9.

## Staff

During 2023-24, the Council's secretariat comprised the following posts:

- Secretary
- Principal legal officer
- Principal research officer
- Principal policy officer (corporate)
- Principal policy officer (engagement)
- Senior policy officer
- Communications manager
- Business manager
- Interim researcher



CATEGORY	POSITION	TITLE
<b>Chair</b>	The Lord Justice Clerk, by virtue of that office	The Right Hon Lady Dorrian
<b>Judicial members</b>  <b>Appointed by the Lord Justice General, after consulting the Scottish Ministers</b>	One other person holding the office of judge who normally sits as a judge of the Outer House of the Court of Session or the High Court of Justiciary	The Right Hon Lord Matthews
	One sheriff	Sheriff Iain Fleming
	Two persons holding the office of summary sheriff or justice of the peace	Summary Sheriff Amel Elfallah
		Susan Fallone JP (until December 2023)
One further eligible judicial member or a sheriff principal	The Hon Lord Colbeck	
<b>Legal members</b>  <b>Appointed by the Lord Justice General, after consulting the Scottish Ministers</b>	One prosecutor	Lindsey Miller, Deputy Crown Agent
	One advocate	Louise Arrol KC (until September 2023)
		Victoria Young (from December 2023)
One solicitor	Joanne McMillan (from June 2023)	
<b>Lay members</b>  <b>Appointed by the Scottish Ministers, after consulting the Lord Justice General</b>	One constable	Deputy Chief Constable Malcolm Graham
	One person with knowledge of issues faced by victims of crime	Lynn Burns (from July 2023)
	One other person who is not qualified as a judicial or legal member	Dr Hannah Graham

## Committees

The Council has two types of committee: standing committees and working group committees. Standing committees are established on a long-term basis to handle particular areas of ongoing work. Working group committees are established for a defined period of time and will generally focus on the development of a particular guideline, lasting only until this work is finished.

The 2010 Act provides that only members of the Council can be members of its committees. However, under the Council's standing orders, committees can appoint advisors who are not members of the Council, subject to the approval of the Chair of the Council.

### Standing committees

The Council's two standing committees, the Communications Committee and the Research Committee, were established in 2016.

The **Communications Committee** leads on promotional and public awareness work. A key part of this involves engaging with organisations and individuals to raise awareness and understanding of sentencing, and to encourage participation in the Council's work.

The Committee met four times in 2023-24. Among other things, it oversaw the development of new webpages giving information about sentencing; the expansion of the Council's social media presence and increased activity across a range of channels; and development of a sentencing video and a range of educational materials, including an interactive case study and infographics. The Committee also oversaw general communications and messaging around the Council's work, particularly in relation to public engagement and increasing public understanding of sentencing.

The agendas and minutes of its meetings can be found [here](#).

Further information about communications and engagement activities can be found at pages 21-29.

The Committee's membership during 2023-24 was as follows:

- Summary Sheriff Amel Elfallah (chair)
- Dr Hannah Graham
- Lindsey Miller
- Joanne McMillan (from September 2023)
- Lynn Burns (from November 2023)

The Committee's advisors in 2023-24 were:

- Sheriff Krista Johnston (former solicitor member of the Council)
- Sheriff Paul Brown (former judicial member of the Council)
- Sheriff Andrew McIntyre (former judicial member of the Council)

The **Research Committee** advises the Council on the commissioning, progress, and dissemination of research projects. It met three times in 2023-24. It oversaw a range of commissioned research projects carried out across the year, and arrangements for a symposium showcasing sentencing research by the Council and academics from across the UK. The Committee also considered research priorities and projects for 2024-25 and beyond, including proposals for a second national survey on public attitudes towards sentencing; progress with the routine monitoring and review of the sentencing young people guideline; and the scope of a judicial survey on mental health and sentencing.

The agendas and minutes of its meetings can be found [here](#).

Further information about research carried out by the Council can be found at pages 30-32.

The Committee's membership during 2023-24 was as follows:

- Dr Hannah Graham (chair)
- Sheriff Iain Fleming
- Susan Fallone JP (until December 2023)
- Louise Arrol KC (until September 2023; advisor thereafter)

## Working group committees

These committees support the development of specific sentencing guidelines, including making recommendations to the Council as to the scope, content, and approach of this work, reviewing draft guidelines, supporting engagement with relevant stakeholders, and overseeing the guideline consultation process.

During 2023-24, working group committees were in place to support the Council's work to develop guidelines on statutory offences of causing death by driving, the sexual offences of rape and sexual assault, offences involving indecent images of children, domestic abuse, sentence discounting, and environmental and wildlife offences.

Details of each committee's work, membership, and advisors during 2023-24 are provided below.

## Death by Driving Committee

The Death by Driving Committee did not meet during 2023-24. With the death by driving guideline being finalised and submitted to the High Court for approval in August 2023, the Committee's main focus was on raising awareness of the guideline, which included a webinar for practitioners in January 2024. Further information about this can be found at page 23.

The Committee's membership during 2023-24 was as follows:

- Lord Matthews (chair)
- Louise Arrol KC (until September 2023)

The Committee's advisors in 2023-24 were:

- Sheriff David Harvie (former prosecutor member of the Council)
- Sheriff Norman McFadyen (former judicial member of the Council)

## Sexual Offences Committee

The Sexual Offences Committee met four times during 2023-24 and also considered a range of matters by correspondence in that period. Its main focus over the year was on finalisation of draft guidelines on rape offences for the purpose of public consultation.

The Committee's membership during 2023-24 was as follows:

- Lord Matthews (chair)
- Lindsey Miller
- Louise Arrol KC (until September 2023)
- DCC Malcolm Graham (from September 2023)

The Committee's advisors in 2023-24 were:

- Sheriff Krista Johnston (former solicitor member of the Council)
- Sheriff Matt Jackson KC (former advocate member of the Council)
- Sheriff Andrew McIntyre (former judicial member of the Council)

### **Domestic Abuse Committee**

The Domestic Abuse Committee met three times during 2023-24 and also considered matters by correspondence in that period. It focussed on determining the scope of the domestic abuse guideline and how best to engage with stakeholders in respect of this.

The Committee's membership during 2023-24 was as follows

- Lord Colbeck (chair)
- Summary Sheriff Amel Elfallah
- Susan Fallone JP (until December 2023)
- Lindsey Miller
- Joanne McMillan (from September 2023)

The Committee had one advisor in 2023-24:

- Sheriff Paul Brown (former judicial member of the Council)

### **Discounting Committee**

The Discounting Committee did not meet during 2023-24 but it oversaw development of a draft guideline during that period by correspondence.

The Committee's membership during 2023-24 was as follows:

- Lord Colbeck (chair)
- Sheriff Iain Fleming
- Dr Hannah Graham

### **Environmental and Wildlife Crime Committee**

While the Environmental and Wildlife Crime Committee remained on hiatus and did not meet during 2023-24, new members were appointed in December 2023 in preparation for the Committee reconvening and resuming work. It met in May 2024, shortly after the period covered by this report.

Its membership during 2023-24 was as follows:

- Susan Fallone JP (until December 2023)
- Sheriff Iain Fleming (from Decemebr 2023)
- Victoria Young (from December 2023)
- DCC Malcolm Graham (from December 2023)



# Sentencing guidelines

## Sentencing guidelines

Under the 2010 Act, the High Court and the Sheriff Appeal Court may require the Council to prepare or review sentencing guidelines when issuing a guideline judgment under the relevant provisions of the Criminal Procedure (Scotland) Act 1995.

The Scottish Ministers may request that the Council consider preparing or reviewing sentencing guidelines. The Council must have regard to such a request but is not obliged to comply with one.

No statutory requests to prepare or review guidelines were made of the Council in the period 01 April 2023 to 31 March 2024.

The Council has a statutory duty under the 2010 Act to review its sentencing guidelines from time to time. We have developed a [methodology for the monitoring and review of guidelines](#) once they have been approved by the High Court and are in-force.

## Guideline development

Finalisation of the guideline on [statutory offences of causing death by driving](#) was one of the Council's main priorities in 2023-24. These offences can be amongst the most serious, complex, and sensitive cases dealt with by our courts. Although relatively uncommon, they are of significant public concern and have a devastating effect on the families of victims and others affected by the offence.

There are particular challenges for judges in sentencing death by driving offences. Circumstances can be highly complex and vary significantly between cases and there can be a large discrepancy between the harm caused (someone's death) and the blameworthiness of the offender, particularly in cases of careless driving, where the offence may have resulted from a momentary lapse in attention by someone who has never been in trouble with the law before.

[Research](#) commissioned by the Council has also shown that there is a lack of public understanding and awareness of the law and sentencing practice in relation to death by driving offences, the difference between dangerous and careless driving, and the full range of factors taken into account by judges.

At the start of the reporting year, we made final decisions about the content of the guideline following a [public consultation](#) held in 2022-23. This resulted in it being strengthened in certain key respects as a direct result of issues raised or suggestions made by respondents, including an increase to some of the sentencing ranges and adding aggressive driving to the highest sentencing range

for death by dangerous driving offences. A report about the consultation, explaining the Council's decisions, was published in August and is available [here](#). The guideline was approved by the High Court later in the year and came into effect in January 2024.

While nothing can make up for the tragic loss of life involved, we believe that the guideline will provide clarity for bereaved families and bring significant benefits to the public and the courts. Further information about the guideline is provided in the [Key achievements and work in progress](#) section of this report.

In the course of the year, we also prepared and finalised **two draft guidelines on rape offences**. The first is on the offence of rape under section 1 of the Sexual Offences (Scotland) Act 2009, and its common law equivalent, and the second covers the offence of rape of a young child (someone under the age of 13) under section 18 of the Act, and its common law equivalent. Both are informed by engagement across the justice sector and with interest groups, extensive research including a study on the views of victims, and detailed analysis of sentencing practice.

Offences of rape can involve a wide variation of circumstances. By listing some of the factors to be considered, we believe that the guidelines, if approved once finalised, will assist courts in reaching what, at times, can be difficult sentencing decisions. We believe this will promote greater consistency and predictability in sentencing for these offences.

The work carried out in 2023-24 laid the foundation for a [public consultation exercise](#) on both draft guidelines, which got underway after the period covered by this report.

Sexual offences, including rape, are an area of public concern and account for a rising proportion of sentencing in Scottish courts. For this reason, we are preparing a range of guidelines on sexual offences, which we believe will be of assistance to the courts, to those involved in or affected by such cases, and to the wider public.

At the start of the year, we agreed on the scope of guidelines on **sexual assault** and a project plan for their development, while we met with a range of stakeholders across the year to discuss an early draft guideline on **offences involving indecent images of children**.

In respect of the other guidelines in development, important work was carried out in determining the scope and approach of a draft guideline on **domestic abuse offences**, as well as on the forms of engagement to be carried out around this. Iterative drafting of a guideline on **sentence discounting after a guilty plea** took place across the year, alongside initial judicial engagement seeking feedback on an early draft of the guideline.



Although work on guidelines in respect of **environmental and wildlife offences** resumed after the period covered by this report, a research project exploring public perceptions on these crimes was commissioned during the year, with a view to informing the development process on resumption of the project.

Each guideline's current stage of development is [indicated on our website](#).

## Methodology for guideline development

Since its establishment, the Council has given considerable thought to how guidelines should be developed, taking into account experience in other jurisdictions and lessons learned during the development of the 'Principles and purposes of sentencing' guideline.

One of the key tasks contained in our first business plan was the development of a methodology setting out how we will take forward the work to prepare individual guidelines. This was published in October 2018. As part of its statutory duty to review guidelines in force, the Council began work developing a detailed methodology for monitoring and review in autumn 2022. This was approved in December 2022. The [revised methodology](#) was published on our website in April 2023 and is summarised below.

The methodology sets out the process for guideline preparation, and explains the various steps the Council takes to ensure guidelines are robust, evidence based, and useful to both the public and the judiciary.

The guideline development process commences with consideration of possible guideline topics. Once the Council has agreed to proceed with a guideline, it will engage with stakeholders and those with an interest or expertise in the area.

As the Council is committed to an evidence-based approach to guideline development, it will also gather information about the guideline topic. This might include new research, evidence about current sentencing practice, or a review of research and information available from other sources.

Development of a draft guideline then takes place, based on the information gathered. Thereafter, the Council seeks the views of judges, and once the draft guideline has been further adjusted it will consult widely on its terms. The Council has made a commitment to carry out a full public consultation on each of its guidelines, and is keen to hear from all those who wish to comment on a guideline. It must also, by law, consult the Scottish Ministers and the Lord Advocate. When

the consultation has finished, the Council will analyse the responses and carefully consider what changes may need to be made to the guideline.

The Council's guidelines only take effect if they have been approved by the High Court. Once a guideline has been finalised, it will be submitted to the High Court, together with an assessment of the guideline's anticipated impact on the criminal justice system. If the High Court approves a guideline, the Council will publish it, along with the impact assessment, as soon as it can, together with details of when the guideline is to come into force.

Although the development process takes time, it is essential in ensuring that guidelines are fit for purpose and that they do not have any unintended or unhelpful consequences for the criminal justice system.

The Council will take steps to raise awareness of each new guideline once it has been approved, and must review each guideline from time to time.

The various steps in the guideline development process are summarised in the table on page 19.

**Stage 1 – Initial consideration of the guideline topic**

We will agree the aims and scope of a guideline and a plan for its development. We will also establish a committee to oversee the work involved.

**Stage 2 – Development of a draft guideline**

We will focus on stakeholder engagement and evidence gathering when developing early drafts of the guideline.

**Stage 3 – Seeking the views of judges**

We will seek the views of judges on current sentencing practice and any areas of difficulty in which guidance would be helpful. This will help to ensure that the guideline is useful and that potential impacts are identified.

**Stage 4 – Consulting on the guideline**

We will take a broad range of views into account in developing guidelines. To that end, we will carry out public consultation on all our guidelines. We are also required to consult the Scottish Ministers and the Lord Advocate.

**Stage 5 – Finalising the guideline**

We will take into account what we have heard during consultation, and make any necessary revisions to the draft guideline and accompanying impact assessment.

**Stage 6 – Submitting the guideline for approval**

The High Court requires to approve our guidelines before they can take effect. When approving a guideline, the High Court will also specify when it is to come into force.

**Stage 7 – Raising awareness about the guideline**

We will take steps to raise awareness of each new guideline once it has been approved. We will work to ensure that all those who have an interest in, or are affected by, a guideline are prepared for it.

**Stage 8 – Monitoring and review**

We must review each guideline from time to time. We have developed a staged approach to this, enabling us to react promptly to any unexpected or undesirable consequences while establishing a solid evidence base for longer term reviews.



# Key achievements and work in progress

## Key achievements and work in progress

### Approval of death by driving guideline

One of the Council's most important achievements in 2023-24 came in October when the High Court approved our sentencing guideline on offences of causing death by driving and confirmed that it would take effect from 16 January 2024. The High Court approval hearing can be viewed [here](#).

This was a highly significant moment for a number of reasons. The guideline is the Council's – and therefore Scotland's – first ever sentencing guideline on specific offences. It is the first time that we have set out guidance to help courts select a specific type and level of sentence, as our first three guidelines – on the [principles and purposes of sentencing](#), [the sentencing process](#), and [sentencing young people](#) – are of a general nature. It also marked the start of a new phase in our work, where our focus is on the preparation of offence guidelines. The death by driving guideline is a vital foundation for that work, and provides a framework for future offence guidelines.

Following the High Court's approval, our efforts switched to raising awareness of the guideline ahead of it coming into force. Activities included webinars, which are covered in the [Openness and engagement](#) section of this report, and the development of an [interactive case study on death by dangerous driving](#), which was published shortly after the end of the reporting year.

Since 16 January 2024, we have monitored the application of the guideline primarily through sentencing statements and media reports. A routine review of the guideline's operation in its first year will get underway in 2025, in line with the Council's agreed [methodology](#) for the monitoring and review of in-force guidelines.

### Promoting awareness and understanding

One of the Council's key roles is to promote awareness and understanding of sentencing. Our [Communications and Engagement Strategy 2021-24](#) outlines how we aim to fulfil this role and sets out a number of aims and objectives: increasing the Council's communications activity through increased engagement with stakeholders, media and parliament; improving understanding and awareness of the sentencing process generally and in relation to specific offence guidelines under development; increasing understanding and awareness of different types of disposals; and establishing the Council as an authoritative voice on sentencing.

In line with the strategy, we had a particular focus on three specific matters in 2023-24:

- **How sentences are decided** – across the year we sought to increase knowledge and understanding of our three general sentencing guidelines, on the principles and purposes of sentencing, the sentencing process, and sentencing young people, and to raise awareness of our first ever offence guideline, on offences of causing death by driving. Among other things, this involved presentations and the preparation of educational materials, as is noted in the sections below.
- **Community-based sentences** – among our activities designed to improve awareness of community-based sentencing options was a new sentencing video and a report about a stakeholder conference, which are discussed at pages 24 and 32 respectively.
- **Sexual offences and gender-based violence** – a key part of raising awareness of the issues involved in sentencing these offences was stakeholder engagement around draft guidelines on rape offences and offences involving indecent images, as well as important research projects seeking the views of victims and survivors of rape, sexual assault, and domestic abuse. These projects are discussed in the [Research and information](#) section of this report.

In all of its communications and engagement work, the Council is supported by the Communications Committee.

## Openness and engagement

We are committed to demonstrating transparency in our work. We listen to views across the justice system and beyond and welcome input from a wide range of interested organisations and individuals.

Public engagement is a vital part of this. We attended a number of schools, colleges and universities to deliver a series of presentations and lectures, opening up discussion around the Council's work and progress on guideline development. We also provided training sessions to practitioners who support victims, assisting them to help those they support better understand sentencing and the sentencing process.

In order to increase interest in, and engagement with, our work, we launched a well-received newsletter, [Spotlight on Sentencing Circular](#), in August. It offers news and information on sentencing across Scotland, as well as details about our work and the sentencing guidelines currently in development. Two editions were published in the year, the [first in August](#) and the [second in February](#). Anyone with an interest can subscribe to the newsletter by following the instructions [here](#).

In September, we once again held Doors Open Day events in Glasgow and Edinburgh, involving a number of interactive sessions attended by members of the public. These covered the Council's role and work in general and sentencing guidelines.

Engagement with professionals and practitioners across Scotland's criminal justice system and beyond was extremely important for the Council throughout the year.

We gave a presentation about our work to a delegation of prosecutors from Singapore in September, as part of a series of engagements hosted by the Judicial Institute for Scotland.

We organised and hosted a webinar aimed at legal practitioners in relation to the guideline on statutory offences of causing death by driving. This was held on the day the guideline came into effect, 16 January 2024, and involved presentations from the Chair of, and advisors to, the Death by Driving Committee. It attracted over 200 attendees, including KCs, advocates, advocate deputes, procurators fiscal, and solicitors from across Scotland. The webinar can be viewed [here](#). The Chair of the Council gave an interview about the guideline to the Hey Legal news channel, which was published on the same day, and can be viewed [here](#). Following this, the Chair delivered a webinar on the guideline for sentencers as part of a Judicial Institute event.

We visited Police Scotland Headquarters at Tulliallan Castle for our [December meeting](#) and heard various presentations about key aspects of policing. At the close of the year, we invited three experts in mental health to attend our [March meeting](#) to discuss mental health and sentencing and the wider legislative and policy context in this area, with the points raised helping to inform our approach to future work, including a decision to hold a stakeholder conference in August 2024.

As in previous years, we also published agendas and minutes of all meetings of the Council and its Communications and Research Committees.

## Website and social media

Our website is our most important platform for communicating the breadth of our work. As well as being the definitive source of [approved sentencing guidelines](#), it is intended to be an engaging and user-friendly resource for people wanting to find out more about sentencing and the Council. It is updated regularly with news of Council activities, including research publications, engagement work, educational resources, consultations, and minutes of meetings. We moved the website to a new hosting platform in November, which allowed us to make its content more accessible for users.

In June, we published a new, comprehensive [information page for victims](#) of crime and their families. It provides practical details on victims' rights and the services available across the justice sector.

While we do not provide direct support to individuals affected by crime, we recognise the need for the right help, information, and support to be provided to victims of crime and their families. Respecting the rights of victims and being responsive to their needs plays a key part in ensuring our justice system is fair and accessible for all.

In August, we published a new page [about sentencing guidelines](#), which describes the nature and effect of the different types of guideline we develop, as well as some of the other key factors that courts must take into account alongside guidelines when sentencing. This page was an important way of providing further clarity and context around guidelines as we moved into a new phase of work, where our focus is on offence guidelines.

Across 2023-24, the most popular pages were those on [prison sentences](#), a [jargon buster](#), [sentences and appeals](#), [community payback orders](#), and a [blog explaining the sex offenders register](#).

The website also hosts the [Spotlight on sentencing](#) blog, which features contributions from Council members and staff as well as guest authors. Blogs published during the year covered a range of topics, including [an explanation of life sentences](#), [training for local authority staff who oversee people completing community payback orders](#), and [10 facts about the sentencing young people guideline](#).

Across the year we took steps to expand our social media presence and activity, as a key part of meeting our statutory duty to inform and educate the public about sentencing. In June, we launched a new [Facebook page](#), followed in October by the launch of our [Instagram](#) account. These joined our [X account](#) and [LinkedIn page](#), with each channel providing frequent updates and details about the work of the Council and the sentencing guidelines currently in development, and a regular series of Friday Facts and Mythbusters.

We also expanded the range of educational videos on our [YouTube channel](#) with the publication in January of a [new video on community sentencing](#). This featured various contributors sharing their views and experiences, including an offender who has been sentenced to a community payback order and a victims expert who describes how community disposals are viewed by those who have been impacted by crime. This video is the first in a series of videos about sentencing in Scotland. Development of the second, focussing on prison sentences, got underway during 2023-24 and will be published after the period covered by this report.



## Media

In the course of the year, we engaged constructively with the media, offering comment on sentencing issues where appropriate. In particular, we engaged widely with the media around the launch of the guideline on the statutory offences of causing death by driving. This included broadcast interviews with the Chair of the Council and articles by Council members in national media.

## Presentations, conferences, seminars, and visits

The following table details some of the presentations delivered and conferences, seminars, and visits attended by Council members and staff:

PRESENTATIONS, CONFERENCES, SEMINARS, AND VISITS	DATE
Attendance at Problem-Solving Court Approaches Conference – Centre for Justice and Innovation	April 2023
Attendance at ‘Alcohol (in)justice’ symposium – Scottish Health Action on Alcohol Problems (SHAAP)	April 2023
Attendance at Clan Childlaw’s Rights In-Justice project launch	April 2023
Attendance at Scottish Parliament book launch event for ‘The Norwegian Prison System: Halden Prison and Beyond’ by Nina Hanssen	April 2023
Visit to Scottish Prison Service’s new facilities at HMP and YOI Stirling	May 2023
‘Restorative Justice & Victim/ Survivor Participation’ – Centre for Law, Crime & Justice, Strathclyde Law School, Sexual Abuse Crimes seminar	June 2023
‘Scoping Review of Child Criminal Exploitation’ – Children and Young People’s Centre for Justice seminar	June 2023
Oral evidence and written submission provided to the House of Lords, Justice and Home Affairs Committee – ‘Community Sentences Inquiry’	June 2023
Attendance at Gerald Gordon Seminar on Criminal Law – University of Glasgow	June 2023
Attendance at the National Youth Justice Conference 2024 – Children and Young People’s Centre for Justice	June 2023
Attendance at the University of Sunderland book launch event for ‘Neuroscientific Perspectives of Vulnerable Defendants in the Courtroom’ by Hannah Wishart and Colleen M. Berryessa	July 2023
Presentation to the Glasgow Bar Association ‘Excellence & Advocacy Seminar’	September 2023

PRESENTATIONS, CONFERENCES, SEMINARS, AND VISITS	DATE
'Using restorative practices to build understanding and relationships between police and minority ethnic communities' – Scottish Institute for Policing Research workshop	September 2023
Scottish Prison Service knowledge exchange event on research, evaluation and evidence, and launch of SPS Corporate Plan 2023-28	September 2023
Doors open day – Parliament House (online event)	September 2023
Doors open day – Glasgow High Court	September 2023
Doors open day – Edinburgh Sheriff Court	September 2023
Presentations to delegation of prosecutors from Singapore, hosted by the Judicial Institute	September 2023
Attendance at meeting of the Scottish Government Cross Justice Working Group on Race Data and Evidence	September 2023
Presentation to the Public Defenders Solicitors Office (PDSO)	September 2023
Presentation to the Kilmarnock Bar Association	October 2023
'Sentencing of care-experienced Young People' – Children and Young People's Centre for Justice webinar	October 2023
Presentation to S6 students, Edinburgh College	October 2023
Attendance at Strathclyde Law School 'AI and the Future of Legal Services' lecture by Richard Susskind	October 2023
Stall operation at the Modern Studies Association Conference 2023	November 2023
Lecture to the University of Glasgow Criminal Law Honors group	November 2023
Attendance at the House of Commons, Justice Committee event on public understanding and perceptions of sentencing	November 2023
Attendance at the Scottish Association for the Study of Offending (SASO) Annual Conference 2023	November 2023
Attendance at the Thriving Survivors Annual Conference 2023	November 2023
'Representing Neurodiverse Clients' – Garden Court Chambers webinar	November 2023

PRESENTATIONS, CONFERENCES, SEMINARS, AND VISITS	DATE
Meeting with Victim Support Scotland (VSS) representatives	November 2023
The Inaugural Scottish Sentencing Research Symposium, hosted by the Council in conjunction with the Sentencing Academy and University of Glasgow	November 2023
Attendance at various webinars - Neurodiverse Connection Summit 2023 – ‘Grooming and Coercive Control’	November 2023
Mental Health and Wellbeing in Scotland Conference – Holyrood Insight	December 2023
Presentation to the Modern Studies Advanced Higher Annual Conference	December 2023
Presentation to the Division of Forensic Psychology Scotland (DFPS) Annual General Meeting	December 2023
Attendance at The Open University lecture ‘Whiteness, Racism and Race: Questions for Decolonising Criminology’ by Dr Rod Earle, Senior Lecturer in Youth Justice	December 2023
Attendance at ‘Expert Voices: Presumption against short prison sentences: the Scottish experience’ – The Centre for Justice Innovation	January 2024
Statutory offences of causing death by driving webinar	January 2024
Meeting with representative of the Queensland Sentencing Advisory Council	January 2024
Attendance at the ‘Case-Level Sentencing Data in Europe’ – Empirical Research on Sentencing Network (ERoS) workshop	January 2024
Seminar on the Council and guidelines for representatives of Victim Support Service (VSS) and Support for Families Bereaved by Crime (SFBC) service	January 2024
Attendance at ‘Expert Voices: A presumption against short prison sentences for women’ – The Centre for Justice Innovation	January 2024
Presentation to the Scottish Solicitors Bar Association	February 2024
Presentation to sentencers at Judicial Institute webinar	February 2024

PRESENTATIONS, CONFERENCES, SEMINARS, AND VISITS	DATE
Attendance at ‘Sentencing – Alternatives to Imprisonment’ Prison Law Seminar – Irish Penal Reform Trust (IPRT)	February 2024
Attendance at the 21st Kilbrandon Lecture – The University of Strathclyde	February 2024
Attendance at the DFP Conference 2024 ‘To Forensic Psychology and Beyond’ – The British Psychological Society	March 2024
Attendance at the Turing CIIG Seminar ‘Modelling Unwarranted Disparities in Sentencing: Distinguishing between Good and Bad Controls’ by Jose Pina Sanchez, University of Leeds	March 2024
Attendance at ‘Mental Health and Sentencing’ – Sentencing Academy in conjunction with the University of York	March 2024
Attendance at ‘Expert Voices: What is a good community sentence?’ – The Centre for Justice Innovation	March 2024
Attendance at the International Perspectives Symposium ‘Seeing and Treating Neurodiverse Individuals in the Criminal Justice System’, University of Sunderland	March 2024
Attendance at ‘The personal is still political: exploring a career of violence against women research through the intersections of gender, class and age’ by Professor Nancy Lombard, Glasgow Caledonian University	March 2024
Attendance at the John Fitzsimons Memorial Lecture in Criminal Law & Justice ‘Responses to Sexual Violence: How Can We Improve Victim-Survivor Experiences?’	March 2024
Attendance at ‘Expert Voices: How is youth diversion working for children with SEND?’ – The Centre for Justice Innovation	March 2024
Presentation to the Study of Offending Annual Conference (SASO) Aberdeen	March 2024

## Research and information

The Council's research programme and related activities are of fundamental importance in helping us to fulfil our statutory objectives. Our commissioned research provides an essential evidence base to inform the development of guidelines, while also assisting the Council and others in relation to the development of sentencing policy, and improving awareness and understanding of sentencing by exploring the experiences of sentencers as well as perceptions of victims of crime and the public. All of our research publications can be found [here](#).

A key research project during this year was a survey of the judiciary, supplemented by a series of interviews, seeking judicial views and experiences of mental health and sentencing. This was in accordance with a commitment in our [business plan 2021-24](#) to carry out research and engagement to support awareness-raising and other activity in relation to the sentencing of individuals with mental health issues, and to assist with further consideration of a guideline in this area.

The survey and interviews sought to gain a better understanding of the challenges in addressing mental health in the context of sentencing, and to identify any particular issues in relation to the provision of information and reports about mental health, and the availability and suitability of sentencing options.

A report about this exercise will be published in 2024-25, and we believe it will assist policymakers and service providers in relation to further policy development and improved service provision and delivery. The findings will also assist us in the preparation and development of guidelines generally.

We also carried out direct research with sentencers across Scotland in respect of various guidelines under development, seeking their views on current drafts and sentencing practice for the relevant offences.

In November, we were delighted to host the inaugural Scottish Sentencing Research Symposium, an event which welcomed experts from across the UK to offer perspectives on sentencing research. The aim of the symposium was to improve awareness and understanding of sentencing, and the ways in which this can be informed by research and evidence. It was hosted in partnership with the Sentencing Academy and the University of Glasgow and looked at three important areas: sentencing and young people; sentencing and mental health; and community sentencing and rehabilitation.

A [report about the event](#) is available on the Council website, along with [presentations from the various speakers](#).

We also engaged with the academic and research communities through direct meetings and conference attendance throughout the year.

In terms of commissioned research projects, a key focus in 2023-24 was on exploring perceptions of sentencing. Two important projects had a specific focus on the views of victim-survivors. The first was in respect of [sentencing for rape and other sexual offences](#). It heard from 14 women with experience of sexual violence and gathered their views and attitudes towards sentencing. The second explored [domestic abuse sentencing](#) through interviews with 24 women from across Scotland who had experienced such offences. The reports about both projects were published after the period covered by this report, but were finalised within 2023-24.

A third project explored public perceptions of sentence discounting following a guilty plea. A report will be published in due course.

Two other important research projects got underway in 2023-24 and are due for completion in 2024-25: an exploratory study on unwarranted disparities in sentencing in Scotland, and focus groups exploring views on the sentencing of environmental and wildlife crimes.

In-house research consisted of evidence gathering for guideline development as well as the ongoing routine review of the sentencing young people guideline, in respect of which good progress was made following on from the receipt of relevant sentencing data from SCTS.

In all of its research activity, the Council is supported by the Research Committee.

## Assisting policy development

One of the Council's statutory objectives, in carrying out its functions, is to seek to assist the development of policy in relation to sentencing. Our views on what this role involves are [set out on the Council's website](#).

In the business plan for 2021-24, the Council noted that to date it has provided assistance with policy development on a case-by-case basis, focussing primarily on the development of guidelines.

However, it is anticipated that there will be a significant number of initiatives relating to sentencing in the coming years where the Council will be uniquely placed to help, particularly in relation to assessing the implications and practicability of proposals.

Moreover, the Council believes that increased activity in this area will bolster its efforts to improve

awareness and understanding of sentencing practice and policy, although the limited resources available to it mean that its primary task will continue to be the preparation of guidelines.

The Council carried out policy development work in 2023-24 in relation to two main areas: community sentencing and mental health and sentencing.

In respect of community sentencing, in June we published a [report](#) of a stakeholder conference held in the previous reporting year. This involved a variety of participants from across the criminal justice system: judiciary, practitioners, social workers, police, academics, third sector workers, and other experts. Four themes were explored: gaps in provision; monitoring and management; promoting awareness and understanding; and future developments in community justice. Among other things, the report highlights that public and judicial confidence in community sentencing goes hand in hand with adequate resourcing to manage and support offenders.

Publication of this report was followed by submission of [evidence](#) to the House of Lords Justice and Home Affairs Committee in respect of an inquiry it conducted into community sentences.

In respect of mental health and sentencing, as already noted above, this topic was addressed in both our research symposium and research with the judiciary. The written submission to the House of Lords also contained a brief outline of issues in relation to mental health.

In 2023-24, the Council also contributed to policy development by providing views in respect of various initiatives with a bearing on sentencing, including a response to the Scottish Government's consultation on reforming the criminal law to address misogyny.





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# Expenditure

## Expenditure

The Council's annual budget for direct expenditure and staffing costs is allocated by the Scottish Ministers.

The Scottish Courts and Tribunals Service (SCTS) has the statutory function of providing, or ensuring the provision of, the property, services and staff for the Council, under section 62 of the Judiciary and Courts (Scotland) Act 2008 and The Scottish Courts and Tribunals Service (Administrative Support) (Specified Persons) Order 2015. As such, the costs of the Council are borne by the SCTS.

The funding available to the Council for direct running costs in the year 2023-24 was £961,007. This consisted of £764,003 for staffing and £197,004 for direct expenditure. The Council's staffing budget is administered by the SCTS.

Actual expenditure is detailed on the table below.

<b>EXPENDITURE 2023-24*</b>		
<b>CATEGORY</b>	<b>DESCRIPTION</b>	<b>£</b>
<b>Staffing</b>	Salaries and agency staff costs	669,073
<b>General office expenditure</b>	Printing costs, stationery etc.	2,591
<b>Meetings and events</b>	Venue hire, catering, and conference costs	7,304
<b>Training and expenses</b>	Members' and staff travel and subsistence, and costs of training associated with Council business	15,102
<b>Promoting awareness and understanding</b>	Website development, publications, and educational resources	53,894
<b>Research</b>	Commissioned projects, consultation analysis etc.	123,176
<b>Total</b>		<b>871,140</b>

\*All category figures are rounded to the nearest pound and the total provided is the sum of those rounded amounts.

### SCTS associated costs

Costs relating to services and accommodation provided by SCTS are not included in the table, such as shared overheads, telephone charges, judicial travel and subsistence, and provision of data relating to sentencing.



# Correspondence, freedom of information, and complaints

## Correspondence, freedom of information, and complaints

The following table provides information on the number of requests received under the Freedom of Information (Scotland) Act 2002 (FOISA) and the Scottish Public Services Ombudsman Act 2002 (the SPSO Act), along with the number of items of correspondence received.

The Council is obliged to report on its complaints handling performance information, under schedule 2 to the SPSO Act. There were no complaints received during the period.

CATEGORY	NUMBER
FOISA requests	11
Complaints	0
Items of correspondence	111

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