

MEETING OF THE SCOTTISH SENTENCING COUNCIL
21 MARCH 2025
PARLIAMENT HOUSE, EDINBURGH
DRAFT MINUTES

Members present: Lord Beckett, the Lord Justice Clerk (Chair)
Lord Matthews (judicial member)
Lord Colbeck (judicial member)
Sheriff Iain Fleming (judicial member)
Lindsey Miller (prosecutor member)
Victoria Young (advocate member)
Joanne McMillan (solicitor member)
Lynn Burns (victims expert member)
Dr Jay Gormley (lay member)

Attendees: Sheriff Amel Elfallah (advisor to the Council)

Secretariat: Ondine Tennant (director)
David Dickson (principal legal officer)
Dr Nicole Vidal (principal research officer)
Valerie MacGregor (principal policy officer - engagement)
David Ross (principal policy officer - corporate) - *by video conference*
Jane Rice (senior policy officer)
Lynda Tahri (communications manager)
Nick Bibby (communications manager)
Hannah Downey (interim senior research officer)
Richard Smith (business manager)

Apologies: DCC Bex Smith (constable member)

1. PROCEEDINGS

Item 1.1: Introduction and welcome

1. The Chair opened the meeting and noted that apologies had been received from DCC Bex Smith.

2. The Chair welcomed Jane Rice to her first meeting since her appointment as the Council's new Senior Policy Officer.
3. The Chair informed members that this was the last meeting of the Council to be attended by Lord Colbeck as a member of the Council, as he is unable to attend the next meeting on 06 June before his tenure as a judicial member of the Council expires on 11 July.

Note of thanks: the Council recorded its thanks to Lord Colbeck for his contribution to the Council's work during his period in office.

Item 1.2: Previous meeting minutes [Paper 1.2]

4. The Council approved the minutes of the previous meeting of 6 December 2024 provided at **paper 1.2**.

Item 1.3: Progress of actions since last meeting [Paper 1.3]

5. The Council noted the progress of actions provided at **paper 1.3**.

Item 1.4: Private papers [Oral update]

6. The Council agreed not to publish the following papers: 1.3, 1.5, 2.1, 2.1A, 2.1B, 2.1C, 2.1D, 2.2, 2.2A, 2.2B, 3.1, 3.2, 3.3, 3.4, 3.5, 4.2, 4.3, 5.1, 5.1A, 5.2, 6.1B, 6.1C, and 6.2.

Item 1.5: Update on Council and committee membership [Paper 1.5]

7. The Council noted **paper 1.5** and confirmed the appointment of Dr Jay Gormley to the Research Committee and the Discounting Committee, both effective from 21 March 2025.

Item 1.6: Staffing update [Oral update]

8. Ondine Tennant provided an update on staffing. In particular she noted that:
 - as well as Jane Rice joining the secretariat, a temporary researcher, Rebecca Weissgerber, has been appointed on a temporary part-time basis and will be carrying out case analysis work to support guidelines in development.

- several of the current posts within the secretariat are filled on a temporary basis because long-term funding is not yet confirmed; it is likely that some posts will remain temporary in order in order to retain flexibility in resourcing.

2. SENTENCING GUIDELINES

Item 2.1: Rape guidelines [Oral update with reference to papers 2.1 and 2.1A-D]

9. Lord Matthews provided an update on the independent analysis of the public consultation on the draft rape guidelines, with reference to **papers 2.1A-D**.
10. The Council considered the papers, approved amendments to the draft rape guidelines and noted that work would now begin on finalisation of the associated impact assessments.

ACTION POINT

AP1. Secretariat to make various amendments to the draft sentencing rape guidelines as discussed for the approval of the Council.

Item 2.2: Domestic abuse judicial survey [Oral update with reference to papers 2.2 and 2.2A-B]

11. Lord Colbeck provided an update on the preparation of a judicial survey in relation to the development of a draft guideline on domestic abuse offences.
12. The Council agreed the terms of the survey and instructed various amendments to the draft guideline.

ACTION POINT

AP2. Secretariat to make the necessary changes to the draft domestic abuse guideline, consequential changes to the survey and launch the survey subject to the approval of the final documents by the Chair.

Item 2.3: Guideline committees update [Oral update]

13. Lord Matthews provided an update on the work of the Sexual Offences Committee. He noted that:

- The Committee last met on 18 February to discuss the draft rape guidelines which were covered in item 2.1.

14. Lord Colbeck provided an update on the work of the Domestic Abuse Committee. He noted that:

- The Committee has not met online since the last Council meeting, however members agreed the draft judicial survey by correspondence earlier. This was covered in Item 2.2.

15. Lord Colbeck provided an update on the work of the Discounting Committee. He noted that:

- The Committee has not met online since the last Council meeting.
- The research on public perceptions of sentence discounting has been published, and attracted some media attention.
- Informal engagement with judiciary and other stakeholders has concluded, and a Committee meeting will be arranged to discuss next steps.
- The Council had been considering for some time the most appropriate name for the Committee, and after discussion it was decided that it should be renamed the “Sentencing After a Guilty Plea Committee”.

ACTION POINT

AP3. Secretariat to update website and all relevant documentation to reflect change to Committee name.

16. Sheriff Fleming provided an update on work carried out in respect of the Environmental and Wildlife Committee. He noted that:

- The Committee has not met since the last Council meeting.

- The secretariat will shortly begin a detailed scoping analysis and revert to the Committee with advice and recommendations in due course.

3. COMMUNICATIONS AND ENGAGEMENT

Item 3.1: Recent and upcoming engagement activity [Oral update with reference to papers 3.1 and 3.1A]

17. The Council noted **papers 3.1 and 3.1A**, which provided updates on recent and upcoming engagement activity. Plans for delivery of a session at the International Society for the Reform of Criminal Law 2025 Conference and for engagement with Dr. Shona Minson's Knowledge Exchange Project initiatives in relation to women's problem solving courts, in particular a potential visit to the Glasgow Women's Court and a workshop in w/c 12 June, were noted. Members not already attending the International Society for the Reform of Criminal Law 2025 Conference in June who wish to do so were asked to contact the secretariat to make the necessary arrangements.

ACTION POINT

AP4. Secretariat to further explore engagement with Dr. Shona Minson's Knowledge Exchange Project initiatives in June, and take forward all necessary arrangements.

Item 3.2: Communications activity [Oral update]

18. Joanne McMillan provided an update on the work of the Communications and Engagement Committee. In particular, she noted that:

- The Committee last met on 20 February 2025.
- Following on from the information pack for victims and the public, a media pack, including information on the sentencing process and guideline work, has now been issued.
- The second episode of the Council's Sentencing Conversations podcast was released.

- Classroom lesson plans for the community sentencing and prison sentencing videos are now completed and available for use by teachers including modern studies teachers.
- The Council provided written evidence to the House of Commons Speaker's Conference on the security of candidates, MPs and elections. The written evidence submission has now been published.
- The Council released its new research exploring public attitudes to sentence reductions following guilty pleas in Scotland on 6 March. This included a media release to national and trade media and social media posts.

Item 3.3: Media and digital update [Paper 3.3]

19. The Council noted paper 3.3 which provided a report on media, social media and other communications coverage relating to the Council.

Item 3.4: Use of social media accounts [Paper 3.4]

20. Joanne McMillan provided an update on the current use of social media accounts. The Council noted that holding handles would be secured on Bluesky and Threads in order to protect the Council's position and enable expansion to these platforms in future if desired.

Item 3.5: 10-year anniversary [Paper 3.5]

21. Joanne McMillan provided an update on plans for the Council's tenth anniversary. In particular she noted:

- Activities would be aimed at engaging different audiences, including judicial colleagues, practitioners in professions outside the law, students and researchers, and the wider public.
- The primary focus of activities would be a conference in the autumn of 2025, and this would be augmented with a special edition of a journal, essay competitions, and talks given in locations around Scotland.

ACTION POINT

AP5. That the secretariat should proceed with organising the anniversary events as outlined.

4. RESEARCH

Item 4.1: Research Committee update [Oral update]

22. Sheriff Fleming provided an update on the work of the Research Committee. In particular, he noted that:

- The Committee last met on 11 November 2024.
- A number of projects are completed or ongoing. Updates on these were provided during the December Council meeting and further updates will be discussed at item 4.2.
- Since then some items have been discussed by correspondence in relation to committee membership, namely the nomination and appointment of Dr Jay Gormley to the Research Committee as well as provisional planning for the research symposium, to be discussed at item 4.3.

Item 4.2: Research projects update [Paper 4.2]

23. Nicole Vidal introduced **paper 4.2**.

- Work is ongoing on research priorities and forecasted projects based on the Council's agreed medium-term research priorities and budget for 2024/25, as presented to the Council during the October 2024 Council meeting. This includes evidence collection in preparation for the forthcoming consultations, along with our general work supporting current and planned guidelines.
- A number of reports are either with the secretariat for internal review or expected to be submitted before the end of the month to coincide with projects completing this financial year. These will be shared with the Council following internal review and prior to publication.

- In addition to the above, a summary of topline findings for the second national survey on public perceptions of sentencing were provided to the Council.
- Arrangements are in progress for publication of the revised research framework and this will be published along with a blog with the aim of engaging with the academic community in particular.

24. The Council noted the update in **paper 4.2**.

Item 4.3 Research Symposium [Paper 4.3]

25. Nicole Vidal introduced **paper 4.3**, noting that planning is now underway for a second research symposium which is to be held on Tuesday 20 May 2025, at the Edinburgh Law School, University of Edinburgh. Co-hosted by the Scottish Centre for Crime & Justice Research and the Sentencing Academy, the symposium will explore efficacy from a comparative perspective. Members provided some feedback on the proposals for the day, noting in particular the need to ensure ample time for discussion among delegates.
26. The Council noted the update in **paper 4.3** and agreed to proceed with organising the event.

ACTION POINTS

AP6. Secretariat to proceed with review and finalisation of commissioned reports and the research framework, and proceed with publication in line with the Council's publication strategy and schedule.

AP7. Secretariat to proceed with planning the second research symposium.

5. POLICY DEVELOPMENT

Item 5.1: Policy update [Paper 5.1]

27. The Council noted **paper 5.1**, which outlined a number of recent policy issues of relevance to the Council's work.

Item 5.2: Sentencing and Penal Policy Commission [Paper 5.2]

28. Ondine Tennant introduced **paper 5.2** which provided an update on the establishment of the Sentencing and Penal Policy Commission.
29. The Council noted the membership and terms of reference of the Commission. The potential for the Commission's work to have implications for the Council and its work programme, and vice versa, was noted. A meeting between the Chair of the Council and the Chair of the Commission had been scheduled at which respective remits and work plans could be discussed.
30. Potential engagement with the Commission was discussed. It was agreed that the Commission and Scottish Government Justice Directorate officials should be invited to attend the June meeting of the Council to discuss respective work plans. Among other things, it was noted that the secretariat was collating various Council publications that might be of interest or relevance to the Commission with a view to providing them as part of any evidence gathering exercise.

ACTION POINT

AP8. Secretariat to take forward arrangements for inviting Commission and Scottish Government representatives to the June Council meeting.

6. GOVERNANCE AND REPORTS

Item 6.1: Standing papers: correspondence, FOISA, and complaints; finance overview; guideline timetable [Papers 6.1A-C]

31. **Paper 6.1A** summarised correspondence, complaints, and FOI requests since the last meeting.
32. **Paper 6.1B** updated the Council on expenditure in the 2024-25 financial year to date.
33. **Paper 6.1C** set out the timetable for the development of each of the Council's guidelines.
34. The Council noted the content of **papers 6.1A-C**.

Item 6.2: Decisions by correspondence [Oral update]

35. The Council noted that three decisions had been made by correspondence since its last meeting in December 2024. These were to:

- consider and approve the updated draft report on the one-year review of the sentencing young people guideline and agree to its publication;
- consider and approve the draft final report of the analysis of responses to the public consultation on the draft sentencing guidelines for rape offences; and,
- consider and approve the draft evidence for submission to House of Commons Speaker's Conference inquiry into threats to candidates and MPs.

7. AOB

36. No other business was raised.

8. FUTURE MEETING DATES

44. The Council noted the following dates for 2025:

- Council meeting: 06 June 2025
- Council meeting: 03 October 2025
- Council meeting: 05 December 2025

ACTION POINT

AP9. Secretariat to reschedule the Council workshop previously scheduled for 29 August.