
THE GOVERNMENT'S REPORT OF A REVIEW OF THE SENTENCING FRAMEWORK FOR ENGLAND AND WALES

1 SUMMARY

- 1.1 To apprise Members of the content of the Government's report of a review of the sentencing framework for England and Wales.

2 BACKGROUND

- 2.1 The Government's report of a review of the sentencing framework for England and Wales titled, 'Making Punishments Work' was published in July 2001.
- 2.2 The Review was announced by the former Home Secretary on 16 May last year. It was tasked with considering what principles should guide sentencing decisions and what types of disposal should be made available to the courts so as to reduce re-offending more effectively.

3 DETAILED CONSIDERATIONS

- 3.1 Following the publication of the report and before the Government formulates and announces its own views, the Home Secretary wants a wide and public debate about sentencing. A copy of the consultation is reproduced as an [Appendix](#). In particular, the Government is seeking views on the following questions:
- Is the case for change sufficiently strong to justify wholesale reform of the sentencing framework?
 - What are the particular failings of the present framework which any new sentencing framework would need to address?
- 3.2 In relation to particular issues, the Government would welcome comments on the following:

The principles of sentencing

- Should there be more rigorous sentences as a result of any previous convictions showing a continuing course of criminal conduct?
- How might the sentencing framework be made more transparent and public confidence in sentencing increased?

Short sentences

- For sentences of less than 12 months, is it the right approach to place greater emphasis on work with offenders under strict supervision in the community (with clear sanctions for breach), following a limited period in custody?
- For very short sentences, would it be better to have an intensive and highly supervised range of measures in the community, which included punishment as well as reparation and rehabilitation, rather than to send someone to prison?

Prison sentences of 12 months or more

- Is it the correct approach to have half a sentence served in custody and half in the community, under strict supervision right up until the end of a sentence?
- Should we ensure that release of violent and dangerous offenders is not automatic at the two-thirds point, but subject to risk assessment by the Parole Board until the end of the sentence, with the possibility of extended periods of supervision in the community?
- Should Parliament make clear the circumstances in which supervision of violent, dangerous and sexual offenders should be extended beyond the end of a sentence?

Intermediate sanctions

- Is intermittent custody for some offenders the right concept, and, if so, in what circumstances?
- Should the Prison Service estate be reformed to deal with intermittent custody or should this fall to the National Probation Service to manage through, for example, bail hostels and attendance centres?
- Should Home Detention Curfew remain and in what circumstances?

Non-custodial sentences

- Should there be a single 'generic' community sentence, made up of a menu of specified elements?
- Should the National Probation Service be able to vary the content of a non-custodial sentence in response to an offender's progress?

Sentence Management

- Would increasing the role of the courts in sentence management have a positive effect on reducing re-offending?

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- What would be the most cost-effective and practicable way of doing this?
 - Should more discretion be given to probation officers in varying the terms of a community sentence and in enforcing breaches?

The shape of the framework guidelines

- What would be the most appropriate machinery for producing and maintaining sentencing guidelines?
- What should the relationship be between a guidelines body, Parliament and the judiciary?

Costs and benefits

- Are there other ways to use any additional investment that would punish offenders and reduce crime and re-offending more efficiently?

Implementation

- What, if any, are the overriding priorities which require earlier implementation?

3.3 The review of the sentencing framework is likely to have far reaching implications for offending and re-offending and this Sub-Committee's views on the issues raised above would be welcome.

4 CRIME AND DISORDER IMPLICATIONS

4.1 This consultation and the Government's response to the comments received are likely to impact on Crime and Disorder issues within the District.

5 RECOMMENDATIONS

5.1 It is proposed that the Sub-Committee **RECOMMENDS**

5.2 That Members consider the contents of the Government's report on the review of the sentencing framework for England and Wales, 'Making Punishments Work', and comment accordingly.

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Background Papers:

Making Punishments Work. A report of a review of the sentencing framework for England and Wales.

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