

MEETING OF THE SCOTTISH SENTENCING COUNCIL

06 JUNE 2017, PARLIAMENT HOUSE, EDINBURGH

DRAFT MINUTES

Members present: Lady Dorrian QC, the Lord Justice Clerk (Chair)
Sheriff McFadyen (judicial member)
Gillian Thomson, Justice of the Peace (judicial member)
David Harvie, Crown Agent for Scotland (prosecutor member)
John Scott QC (solicitor member)
Deputy Chief Constable Iain Livingstone (lay member)
Sue Moody (lay member)
Professor Neil Hutton (lay member)

Attendees: None

Secretariat: Graham Ackerman (Secretary)
Andrew Bell (Principal Research Officer)
Andrew Ruxton (Principal Legal Officer)
Valerie MacGregor (Communications Officer)
Michael Wilson (Administrative Officer)
Gordon Jack (Ph.D Intern)

Apologies: Lord Turnbull (judicial member)
Sheriff Principal Abercrombie QC (judicial member)
Stephen O'Rourke (advocate member)

1. PROCEEDINGS

Item 1.1: Introduction and welcome

1. The Chair welcomed members to the meeting and noted that apologies had been received from Lord Turnbull, Sheriff Principal Abercrombie, and Stephen O'Rourke.
2. The Chair advised that a new policy officer to replace Carmen Murray has now been recruited. Irene Permaul is scheduled to take up post in early July.

Item 1.2: Previous meeting [Papers 1.2A and 1.2B]

3. The Council agreed the minutes from the previous meeting as provided at **Paper 1.2A**.

4. The Council noted the progress of actions arising from the previous meeting as provided at **Paper 1.2B**.

Item 1.3: Private papers

5. The Council agreed not to publish the following papers: 1.2B, 2.1, 2.1A, 4.1, 5.1, 5.1A-D and 6.1.

Item 1.4: Membership [Oral]

6. The Chair advised that the deadline for applications for the vacant summary sheriff position would close on 07 June at noon. If an applicant is successful, an announcement should be possible around the end of July.

2. COMMUNICATIONS AND ENGAGEMENT

Item 2.1: Update and discussion regarding Sentencing Young People stakeholder event [Papers 2.1 and 2.1A]

7. The Chair introduced **Papers 2.1 and 2.1A** which provided a summary of feedback received from delegates at the Council's Sentencing Young People event on 28 April and the key points raised.
8. Members noted the positive feedback received, the key points raised and discussed the benefit of further engagement with stakeholders to follow up on suggestions about the research and data that was available. It was noted that the secretariat is preparing a formal report of the event for publication in due course, which will be used to inform further work on the development of a guideline in this area.

ACTION POINTS

- **AP1** ***Secretariat to pursue further engagement with stakeholders following the Sentencing Young People event, particularly to explore what existing data and research is available***

Item 2.2: Communications Committee Update [Oral]

9. **Sheriff McFadyen** provided an update from the Communications Committee on the planned approach to deal with correspondence that is either not appropriate to respond to substantively, or which is abusive/unreasonable. The Council agreed the approach.

10. The latest version of the case study functionality for the website was demonstrated. Members discussed the detail of the first case study to be made available and how the website functionality might be used in future in relation to a number of other scenarios.
11. Members viewed the final version of the sentencing information video aimed at victims. This is one of four animated videos developed for the website to increase understanding of the sentencing process.

ACTION POINTS

- **AP2** ***Secretariat to finalise case study for publication and Communications Committee to explore further case study topics***
- **AP3** ***Secretariat to publish animated videos***

Item 2.3: Scottish Universities Insight Institute event: Developing Restorative Justice in Scotland [Oral]

12. **Sue Moody** provided feedback on her attendance at a restorative justice event in March. It was noted that while restorative justice is not an area which is immediately relevant to the work programme, it would be useful for the Council to maintain links with those involved as part of its broader work to understand a wide range of sentencing matters.

3. SENTENCING GUIDELINES

Item 3.1: Principles and Purposes of Sentencing – public consultation on draft guideline [Oral]

13. **Graham Ackerman** provided an update on progress since the Principles and Purposes of Sentencing workshop on 26 May. It was noted that members have now agreed draft versions of both the guideline and the impact assessment for the purposes of consultation, with some minor amendments made as requested at the workshop.
14. More substantive amendments have been made to the public consultation document, in order to make this more accessible for lay readers. This will be circulated to members for comment.

15. Members agreed to start the required statutory consultation with the Scottish Ministers and the Lord Advocate on the draft guideline. The draft timeline for publication of the public consultation was also agreed.

ACTION POINTS

- **AP4** ***Secretariat to circulate revised consultation document to members for comments***
- **AP5** ***Secretariat to take forward arrangements for the publication of the public consultation***
- **AP6** ***Secretariat to take forward arrangements for the statutory consultation with the Scottish Ministers and the Lord Advocate***

4. RESEARCH AND INFORMATION

Item 4.1: Research Committee update [Oral with reference to Paper 4.1]

16. **Neil Hutton** provided an update from the Research Committee, which met on 12 May 2017, with reference to **Paper 4.1** which details the proposed key areas of research for 2017/18, as discussed and recommended by the Committee. Members agreed that these reflected the Council's research priorities and were consistent with the Business Plan.
17. **Andrew Bell** provided an update on the planned recruitment of additional Ph.D. interns to undertake research into Business Plan topics, with flexibility should research priorities change.
18. It was indicated there would be another meeting with the Scottish Courts and Tribunal Service Management Information Analysis Team this month to discuss access to sentencing data. The availability of data from the Crown Office and Procurator Fiscal Service which may be useful for research purposes was also noted.

5. REPORTS

Item 5.1: Draft Annual Report [Papers 5.1 and 5.1A]

19. The draft annual report was agreed subject to some minor amendments and it was noted that a final version will be circulated to members for approval in due course.

ACTION POINTS

- **AP7** ***Secretariat to finalise annual report and circulate to members for final approval***

Item 5.2: Work Tracker, Work Programme Overview, Policy and Legislation Tracker, and Finance Overview [Papers 5.2A-D]

20. The Council noted the work tracker provided at **Paper 5.2A**, the work programme overview provided at **Paper 5.2B**, the policy and legislation tracker provided at **Paper 5.2C** and the Finance Overview provided at **Paper 5.2D**.

Item 5.3: Correspondence, FOISA and Complaints [Paper 5.3]

21. **Paper 5.3**, a report on the number of FOISA requests, complaints and items of correspondence received, was noted.
22. Members noted that Council has received the same amount of correspondence to date in 2017 as in the whole of 2016. Some recurring themes were noted (with the caveat that the overall volume of correspondence is still fairly low) and the secretariat was asked to keep any such topics under review.

ACTION POINTS

- **AP8** ***Secretariat to keep correspondence under review and consider if any recurring topics arising***

6. ASSISTING POLICY DEVELOPMENT

Item 6.1: Assisting Policy Development [Paper 6.1]

23. Members discussed the nature of the Council's statutory objective to seek to "assist the development of policy in relation to sentencing", reflecting on its experience since establishment and considering the circumstances in which it may and may not be appropriate for it to become involved in substantive policy work. There was general agreement that the Council's role is unlikely to be at the forefront of developing and

driving new policy, but rather is in offering expertise and assistance to inform and strengthen such work.

24. It was agreed that the Council's view of its policy role should be defined in more detail along the lines discussed and that a draft of this should be circulated for further views from members.

ACTION POINTS

- **AP9** ***Secretariat to draft a description of the Council's approach to its policy role and circulate for further comments***

7. AOB

25. The Chair noted that a small sub-group has been created to consider the work around the sentencing process guideline in more detail before reporting back to the Council. This group comprises Lord Turnbull, Sheriff McFadyen and Neil Hutton, and is likely to meet in September.

7. FUTURE MEETING DATES

26. The next Council meetings will take place on Friday 22 September and Monday 11 December. The Secretariat will explore holding the December meeting outside of Edinburgh.

ACTION POINTS

- **AP10** ***Secretariat to explore holding the December meeting outside of Edinburgh and linking this with a court and/or justice sector visit***