

Name

Vikki Binnie, Community Justice Manager. On behalf of Dumfries and Galloway Community Justice Partnership

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.

The distinction between a principle and the purpose of sentencing is useful and clearly articulated.

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

Yes

Please provide any reasons for your response.

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.

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?

It may be useful to expand supporting principle 2 (iii) to explicitly state 'with prison as a last resort' to make it clearer to those reading the principles who are not otherwise involved in the justice system.

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.

The purposes of sentencing are again clearly stated, linking effectively to the principles.

Including the statement that none of the purposes listed are more important than others is useful.

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

Yes

Please provide any reasons for your response.

The purposes listed are appropriate and the reasons for their inclusion is stated clearly. It is positive to see reference being made to both rehabilitation and restorative justice.

Q8) Are the purposes expressed clearly and accurately?

Yes

Please provide any reasons for your response.

Please see response above.

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

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.

The purposes support the draft guideline in relation to the efficient use of public resources whilst the guideline remains a consideration in all purposes.

We agree that this should not be included as an explicit principle or purpose but be overarching in nature, allowing for the desired flexibility in approach. This should also satisfy members of the public in regards to effective cost savings and resource management whilst at the same time delivering fair, effective and efficient disposals.

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

Yes

Please provide any reasons for your response.

Consideration of the effective and efficient use of public resources should support and encourage the use of effective community sentences and more innovative use of other options and alternatives to custody.

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.

As stated previously the guidelines are clearly stated and presented in a way which the public can read and understand. They also explain the complications which may arise from case to case and the need for flexibility in decision making.

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

Agree

Please provide any reasons for your response.

The guidelines increase transparency which should increase understanding of the decision making process. This in itself increases public confidence.

Q14) What costs (financial or otherwise) do you see arising from the introduction of this guideline, if any?

None, indeed if the guidelines lead to a decrease in custodial sentences and innovative community sentencing increase they may actually save money in the longer term and contribute to a reduction in reoffending.

Q15) What benefits do you see arising from the introduction of this guideline, if any?

The introduction of this guideline makes the purpose and process of sentencing much clearer. If public awareness and understanding is increased and confidence in the system improves, reintegration of those people who have committed crime and completed their sentences may also be more effective.

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

As a community justice partnership we welcome the opportunity to respond to this consultation. The development of the Sentencing Council and the production of these guidelines is extremely positive, particularly in regard to increasing public awareness and understanding of the decision making process in justice.

It is pleasing to see the guidelines being developed in an easy to read and understand format, making them more accessible to all.