



Scottish Sentencing Research Symposium

Efficacy in sentencing: a comparative perspective

**Hosted by the Scottish Sentencing Council, the Scottish Centre for
Crime and Justice Research, and the Sentencing Academy on 20
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Contents

Foreword by the Rt Hon Lord Beckett, Lord Justice Clerk and Chair of the Scottish Sentencing Council	3
Introduction	5
Symposium opening.....	6
Session 1: Effectiveness of sentencing	9
Session 2: Public perceptions and awareness of sentencing.....	13
Session 3: The impact of research on sentencing practice and policy	18
Session 4: Reflections and discussion	21
Conclusion	23
Biographies	24
Hosts	32

Foreword by the Rt Hon Lord Beckett, Lord Justice Clerk and Chair of the Scottish Sentencing Council



It was a pleasure to welcome participants from across the UK and Ireland to the Scottish Sentencing Council's second research symposium. Building on the momentum of our inaugural event in November 2023, this symposium formed part of an ongoing series to continue fostering dialogue between academics, the judiciary, practitioners, and policymakers to strengthen the foundations of evidence-based sentencing.

This symposium provided an opportunity to engage not only in sharing knowledge but to exchange ideas that help inform future discussions regarding sentencing in Scotland. It is encouraging to see how such events such continue to support the Council's wider role in contributing to the development of sentencing policy and in promoting public understanding of sentencing.

In marking nearly ten years since the Council's establishment, this year's symposium also allowed us an opportunity to also reflect on how our work has evolved. In addition to preparing sentencing guidelines, the Council has been developing resources for public education and commissioning research that contributes to greater transparency and consistency in sentencing. From case studies and educational materials to public information videos and university resources, our commitment to outreach and education remains central.

The Council is an independent advisory body, made up of judicial, legal and lay members, with three statutory objectives: to promote consistency in sentencing; to assist in the development of sentencing policy; and to promote greater awareness and understanding of sentencing. The contribution of academic work to our objectives, and its importance to improved policy-making and practice in justice and public confidence more generally, is vital. Collaborative events such as this allow us to showcase and highlight research, providing a means to promote consistency in sentencing as well as greater awareness and understanding of sentencing.

The discussions of the day demonstrated both the diversity and the depth of expertise among those with a professional and academic interest in sentencing, and I am pleased that the connections established and insights shared are already creating opportunities to widen networks and broaden understanding. This progress

supports the Council's work as we look to the future. Our inaugural 2015-2018 business plan explicitly aimed to expand the knowledge base of sentencing, and the symposium demonstrated that this objective is being successfully realised.

The Council hopes that this report will help to amplify some of the important research work being undertaken in these vital areas, stimulate further discussion, and play a role in informing policy development. The videos of the speakers are also available to watch on our website and social media; I encourage everyone to watch and share this important work.

On behalf of the Council, I extend my sincere thanks to our co-hosts, judicial chairs, speakers, and attendees for their contributions to what I found a thought-provoking and productive day. We were pleased to welcome representatives from our counterpart bodies in England and Wales, Northern Ireland, and Ireland, whose presence and perspectives brought valuable comparative insight to our discussions. Finally, I am grateful to all who took part for sharing their time and expertise.

The Rt Hon Lord Beckett

Lord Justice Clerk and Chair of the Scottish Sentencing Council

Introduction

1. The Scottish Sentencing Council, the Scottish Centre for Crime and Justice Research, and the Sentencing Academy hosted the Council's second Scottish Sentencing Research Symposium on 20 May 2025 at the Edinburgh Law School, University of Edinburgh.
2. The event was chaired by the Rt Hon Lord Beckett, Lord Justice Clerk and Chair of the Scottish Sentencing Council.
3. Following the success of the inaugural research symposium held in November 2023, the 2025 event once again provided a valuable opportunity for collaboration between academics, members of the judiciary, practitioners, and policymakers. Building on the foundations laid at the previous symposium, this year's symposium facilitated the consolidation of key discussion areas and fostered engaging dialogue around three central themes: the effectiveness of sentencing; public perceptions and awareness of sentencing; and the impact of research on sentencing practice and policy.
4. The aim of the symposium was to give an overview of the research work of the three hosts, showcase and amplify research in these three key areas related to sentencing, and promote greater awareness and understanding of sentencing.
5. Each of the three areas involved a session comprised of a chair and two to three panel speakers. Each speaker gave a presentation followed by a plenary discussion where the panel fielded questions from invited guests from a wide range of disciplines: judiciary; sentencing bodies; practitioners; academics; policy officers; and other experts.
6. To facilitate open discussions, the event was held in accordance with the [Chatham House Rule](#). The presentations are publicly available on the Council's website and social media channels. This report is not intended to be a verbatim account of proceedings but rather to draw out some of the key themes of the research symposium.
7. The views expressed in the research symposium and in this report are those of the respective participants. They are not necessarily shared by the Council, speakers or attendees.

Symposium opening

8. Dr Gabrielle Watson from Edinburgh Law School opened the symposium by welcoming delegates to the Edinburgh Law School and introducing the co-hosts. She emphasised the collaborative and cross-jurisdictional nature of the event, jointly hosted by the Scottish Sentencing Council, the Scottish Centre for Crime and Justice Research, and the Sentencing Academy, and with attendees from across the United Kingdom and Ireland. She emphasised the importance of knowledge exchange and the understanding that the complexities of sentencing and criminal justice require diverse forms of expertise in addressing these issues. Dr Watson outlined the overall theme of the symposium and structure for the day. Attendees were reminded of the Chatham House Rule and informed that presentations were to be recorded. Dr Watson introduced the chair of the symposium, the Rt Hon Lord Beckett.
9. Lord Beckett began the symposium by giving an overview of the three key themes guiding the discussions of the day. He noted that the effectiveness of sentencing is a complex issue that cannot be measured solely by quantitative data on sentencing outcomes. Instead, effectiveness should be considered in terms of how well sentencing meets its principles and purposes, using a comprehensive and holistic approach grounded in robust research. The second theme addressed public perceptions of sentencing, in respect of which Lord Beckett highlighted the critical role of public trust in the justice system and the importance of transparency and education to enhance understanding of sentencing processes. The third theme was the interaction between sentencing and broader policy and practice. Acknowledging that sentencing decisions do not occur in isolation, Lord Beckett emphasised the importance of communication between stakeholders to ensure that practice aligns with empirical research.
10. Lord Beckett reflected on the Council's upcoming 10th anniversary, and considered a decade of the Council's work to enhance sentencing transparency and consistency. He also addressed the Council's recognition of the broader context of sentencing within the Scottish justice system.
11. As an example, Lord Beckett highlighted the work of the Sentencing and Penal Policy Commission, chaired by the next speaker, Martyn Evans, which is responsible for reviewing community and custodial sentencing to ensure sustainable prison populations. While distinct from the Council's remit, the Commission's findings will be relevant to sentencing policy and practice. Lord Beckett expressed the Council's interest in the Commission's work and

welcomed the expertise of symposium participants in contributing to this important conversation.

12. In closing, Lord Beckett reflected on his experience as a judge over the past decade and noted the strengthening of the evidence supporting sentencing decisions, to which the Council has contributed. Looking ahead, he emphasised the Council's ongoing commitment to further strengthening this evidence base and continuing to develop and review sentencing guidelines. He emphasised the value of events like the symposium in fostering essential discussion and collaboration among the diverse stakeholders engaged in sentencing, highlighting how the contributions of their respective roles contribute to shaping the criminal justice system in Scotland.
13. As part of the symposium's commitment to encouraging cross-sector engagement, Martyn Evans, the Chair of the Sentencing and Penal Policy Commission, was invited to give a brief presentation for symposium delegates on the Commission.
14. His presentation outlined the Commission's role as an independent short-life body established in February 2025, with the remit to review and recommend reforms to sentencing and penal policy, the final report of which is expected at the end of the year. He provided an overview for the delegates of the Commission's initial focus, which include three priority areas: the high use of remand in Scotland; underutilisation and public lack of confidence in community sentences; and challenges related to release from custody. He explained that the broader aim is to contribute to a more effective, proportionate, and rehabilitative justice system through an outcome-based strategy that focuses on the impacts of actions. A public Call for Evidence has been launched and a short report on sentencing data and trends is expected to be published as a result.
15. Martyn Evans acknowledged the important role of imprisonment in public protection and accountability but noted the substantial challenges facing the prison system, such as overcrowding, staffing shortages, difficulties accessing rehabilitation programmes, among others. He observed that Scotland has one of the highest rates of imprisonment in Western Europe, despite a drop in recorded crime. He cited international examples showing that high prison populations occur elsewhere and can be reduced through targeted reforms. He observed that areas of strength in the justice system in Scotland include integrated probation services, gender specific and community-focused approaches for women in custody, and trauma-informed and developmental approaches to sentencing young people. He concluded by emphasising that the Commission's role is to

identify key issues, present evidence-based options, and highlight the potential impacts of inaction, while encouraging public engagement and cross-sector discussions around policies and strategies.

Session 1: Effectiveness of sentencing

16. The first panel session was chaired by the Rt Hon Lord Matthews, Senator member of the Scottish Sentencing Council. Lord Matthews introduced the speakers: Professor Melissa Hamilton, Professor of Law and Criminal Justice at the University of Surrey, Dr Jay Gormley, Lecturer in Law and Criminal Justice at the University of Glasgow and a lay member of the Scottish Sentencing Council, and Professor Cyrus Tata, Professor of Law and Criminal Justice at Strathclyde University Law School, who would be exploring how sentencing effectiveness is understood, what the existing evidence demonstrates, and how this intersects with developments across various jurisdictions.
17. The first presentation, “What does ‘effectiveness’ mean?”, was delivered by Professor Melissa Hamilton, who examined the components of effectiveness in sentencing, offering a reflection of the topic in both academic and policy contexts. Her presentation explored the evidence of how short and longer term sentences relate to effectiveness, drawing attention to the complexities involved in measuring sentencing outcomes.
18. Professor Hamilton reflected on the concept of effectiveness in sentencing, emphasising that its meaning varies depending on whether the approach is retributive, rehabilitative, or cost or outcome-based.
19. Citing international research, she noted that findings show that short custodial sentences are generally ineffective and often lead to higher reoffending rates due to their disruptive, criminogenic, and non-rehabilitative focus. Professor Hamilton elaborated on this point, explaining that the prison environment by its nature can be relatively dehumanising and can foster further criminal behaviour.
20. She also cited findings that show that the effectiveness of long custodial sentences is mixed. Factors influencing this include among others, the age-crime curve where individuals may age out of crime for various reasons and variations in methodologies applied. Additionally, prison is often viewed as a place for incapacitation and deterrence, but this may not always be effective since prisoners can still offend against others inside or outside custody.
21. Professor Hamilton reflected on the dangers of overprogramming, noting that assigning too many programmes or conditions can result in increased reoffending, particularly for those at lower risk, as well as increased chances for violations. Citing the ‘responsivity’ principle in sentencing, she considered the often overlooked individual factors influencing compliance. These can include, for

example, the extent to which programmes are designed to meet personal learning styles, or their individual desire or motivation to change behaviour. Other key points raised were that the specific deterrence effect is not equal. For instance, one subset of criminal offenders may not consider a prison sentence as overly deterrent for them, whereas others may have more motivation, often because they have more protective factors available to them in their lives.

22. Professor Hamilton concluded by highlighting areas of emerging interest in the research arena such as the prevalence and relevance of trauma-informed approaches, as well as the need for consistency in rehabilitation programming. She emphasised that not all offenders may consider imprisonment as the most severe penalty and that countries with high incarceration rates are not necessarily safer, or vice versa. These emerging areas of interest point to the need for tailored and consistent support as a key element of effectiveness.
23. Professor Hamilton's presentation was followed by a joint presentation from Dr Jay Gormley and Professor Cyrus Tata. Their presentation, "Communicating the legitimacy of sentencing – effectively", considered how sentencing decisions are conveyed to the public and the importance of transparency and communication in reinforcing the core principles and purposes of sentencing. They discussed how sentencing councils and legal institutions can more effectively engage with public perceptions while maintaining fairness and due process.
24. Dr Gormley's presentation built on Professor Hamilton's remarks, highlighting that while effectiveness is often understood in terms of reducing reoffending, this is only one of its elements. While deterrence and rehabilitation are often a common starting point when discussing effectiveness, Dr Gormley noted that these are only parts of what makes a sentence effective. Greater levels of offending have greater social and economic cost as well as implications for the efficient use of public resources. These broader aspects are recognised across jurisdictions.
25. To effectively communicate the legitimacy of sentencing, it is necessary to identify its multiple aims. However key challenges are the complexity of sentencing and the difficulty of communicating its aims clearly to a diverse set of audiences, including the general public, the media, and policy makers.
26. Dr Gormley provided examples from recent research carried out with the public, which showed that members of the public largely value sentences that emphasise fairness, accountability, and appropriate punishment. Importantly, the public were not reflexively punitive, and were generally supportive of sentencing outcomes that are proportionate rather than overly harsh. The findings also

showed that public expectations are broadly aligned with the aims noted in the [Principles and purposes of sentencing guideline](#). However, gaps remain between public perceptions and actual sentencing practices, highlighting the importance of effectively communicating to the public how these aims are achieving their intended objectives.

27. Dr Gormley concluded by emphasising that legitimate sentencing must be understood as a multidimensional process. Communicating the complexities is essential for building and sustaining public confidence in the justice system.
28. Professor Tata expanded on Dr Gormley's points by discussing ways to enhance public confidence in the sentencing process through improved communication and data transparency. While recognising the challenges presented by misinformation and public misconceptions, Professor Tata maintained an optimistic outlook, suggesting that targeted and strategic efforts can help present a more positive and accurate account of sentencing practices in Scotland.
29. To illustrate this point, he presented findings from ongoing research, including a comparison of results from the Scottish Sentencing Council-commissioned second National Survey on Public Perceptions of Sentencing (publication forthcoming)¹ with the inaugural 2019 [national survey](#),² both carried out by Ipsos Scotland. These trends point to a growing disconnect between public perception and the actual practices of the justice system. However, Professor Tata highlighted that the public is not disengaged or disinterested, but rather, qualitative research indicates a strong desire to deepen understanding of sentencing processes. Many individuals express frustration with the perceived lack of transparency and often seek to address knowledge gaps through media sources, which can sometimes be sensationalised.
30. Rather than responding with defensiveness or concern, Professor Tata recommended a strategic approach that focuses on three key aspects of public perception: individuals' stated preferences regarding sentencing outcomes; their perceptions of judges' actual decision-making; and the real processes involved in sentencing decisions. He noted that international research, along with limited evidence from Scotland, indicates that providing accurate information can help the public maintain awareness that sentencing decisions are often more consistent with their values than they initially believed.

¹ Hockaday, C. et al. (publication forthcoming). Public perceptions of sentencing survey 2025: main findings. Ipsos Scotland for the Scottish Sentencing Council.

² Black, C. et al. (2019). Public perceptions of sentencing national survey report. Ipsos Scotland for the Scottish Sentencing Council.

31. Currently, however there are recognised limitations in the data that is available. To address this, Professor Tata suggested a pragmatic approach focusing on implementing small-scale data collection initiatives that can effectively address key gaps without necessitating extensive institutional changes. He emphasised that this targeted data, when paired with insights into public preferences and perceptions, could contribute to a more accurate and compelling understanding of sentencing in Scotland, with the result of enhancing legitimacy and public trust. His recommendations emphasised that while the challenges are significant, there are tools and opportunities available to promote a more constructive narrative about sentencing, provided the appropriate measures are implemented.
32. Together, the presentations provided an overview of sentencing effectiveness, not only in terms of outcomes but also in relation to public understanding and confidence in sentencing decisions.
33. The session concluded with a Q&A that prompted further reflection on these themes in the Scottish context as well as comparative perspectives from other jurisdictions.

Session 2: Public perceptions and awareness of sentencing

34. The second panel session was chaired by Sheriff Amel Elfallah, advisor to the Scottish Sentencing Council and former summary sheriff member. Sheriff Elfallah opened the session by highlighting the importance of understanding and addressing public perceptions of sentencing and introducing both speakers: Dr Rachel McPherson, Senior Lecturer at the School of Law, University of Glasgow and Dr Rory Kelly, Lecturer Above the Bar at the School of Law, University of Galway.
35. The first presentation of the session, delivered by Dr Rachel McPherson, was titled “Public perception of sentencing in cases involving domestic abuse”. Dr McPherson presented findings from recent research examining how sentencing in domestic abuse cases is viewed by the public. Her analysis shed light on key areas where perceptions may diverge from sentencing practices, offering insights into the public’s expectations, concerns, and areas of misunderstanding.
36. Dr McPherson’s presentation situated public perceptions of domestic abuse sentencing within broader discussions on how the public views sentencing more generally. Drawing on a well-established body of international research, she noted a consistent trend showing that while the public often perceives sentencing as too lenient, these views tend to become more nuanced and less punitive when individuals are presented with detailed case information. However, she highlighted a notable gap in international research specifically focused on public perceptions of domestic abuse sentencing. The limited studies that do exist reflect the broader trend that initial calls for harsher punishment are often tempered once the complexities of cases are better understood.³⁴⁵
37. Dr McPherson discussed how public perceptions of domestic abuse differ from those of domestic violence, noting that domestic violence is a more narrow legal term. Research indicates that the public often considers violence committed by strangers to be more serious than violence within intimate relationships, as the

³ Gelb, K. (2009). Myths and misconceptions: public opinion versus public judgment about sentencing. *Federal Sentencing Reporter*, 21(4), 288-290.

⁴ Roberts, J., Crutcher, N., Verbrugge, P. (2007). Public attitudes to sentencing in Canada: exploring recent findings. *Canadian Journal of Criminology and Criminal Justice*, 49(1), 75-107

⁵ Bond, C. and Nash, C. (2023) Sentencing domestic and family offences: a review of research evidence.

former is perceived to pose a greater threat to the broader community. There is also evidence of public support for more stringent responses to domestic abuse, with some individuals perceiving current sentencing practices as too lenient. Data gathered from students at the Griffith University in Queensland, Australia⁶ suggest that domestic abuse is frequently viewed as less serious than other forms of violence, highlighting the need for enhanced public education regarding the impacts and seriousness of domestic abuse.

38. Dr McPherson also cited data from the Scottish Social Attitudes Survey,⁷ and the Council's 2025 National Survey on Public Perceptions of Sentencing, to which she contributed and which demonstrated a growing awareness of the harmful effects of domestic abuse. While physical abuse is broadly acknowledged as severe, public understanding of non-physical forms of abuse, such as financial control and social isolation, is more nuanced, particularly among younger demographics. She explained that the majority of respondents viewed children witnessing domestic abuse as an aggravating factor, and most supported the use of intensive behavioural programmes as alternatives to custody in appropriate cases.
39. Turning to the perspectives of victim-survivors, Dr McPherson presented findings from a Scottish Sentencing Council-commissioned [report](#) published in 2024⁸ on views of domestic abuse sentencing. Victims expressed a desire for sentencing outcomes that acknowledged their experiences and prioritised their safety. Custodial sentences were often viewed as validating and providing a sense of 'breathing space', while community disposals, such as community payback orders (CPOs), were generally seen as less effective. There was strong support for non-harassment orders (NHOs), although understanding among the study participants of their purpose and use was found to be limited. Victims also emphasised that protecting the public should include protecting families, with safety identified as their primary concern.
40. In closing, Dr McPherson outlined potential implications of the research for the development of sentencing guidelines. While recognising that many issues arise before the sentencing stage, she pointed to evidence highlighting victims' often

⁶ Horstman, N. J., Bond, C. E. W., & Eriksson, L. (2019). Sentencing domestic violence offenders: a vignette study of public perceptions. *Journal of Interpersonal Violence*, 36(21-22).

⁷ Scottish Government (2019). *Scottish social attitudes survey 2019: attitudes to violence against women*.

⁸ Lombard N., and Rennie, E. (2024). *Exploring views on sentencing for domestic abuse in Scotland*.

negative experiences within the justice system, including limited access to information and support. The research suggests that greater use of victim statements could help to better reflect the harm caused, particularly to children. Dr McPherson also noted a need to improve public understanding of NHOs, given their complexity and current levels of public awareness. Overall, she indicated that incorporating these insights could help ensure sentencing policies more effectively reflect the complexities of domestic abuse.

41. The second presentation, “The language of sentencing,” was delivered by Dr Rory Kelly and explored the significance of the language used in sentencing decisions, discussing how legal terminology and phrasing can influence public understanding and interpretation. His talk emphasised the nuanced relationship between judicial communication and public confidence in the justice system.
42. Dr Kelly's presentation examined the significance of language in sentencing, highlighting concerns about whether the terminology employed is precise, intuitive, and easily understood by the public. He observed that several frequently used sentencing terms, such as ‘life imprisonment’ and ‘suspended sentence’, can be misleading and may not accurately reflect their legal implications. This discrepancy can result in public misunderstanding, feelings of disappointment if the sentence is not viewed as adequately severe, or perceptions that justice has not been appropriately served, particularly when the severity of the sentence appears greater than the actual time served.
43. Dr Kelly discussed the communicative function of sentencing,⁹ such as how sentencing can show what is thought about a person's actions and to communicate that to others. He pointed out that under some accounts, a longer sentence is meant to indicate greater blame or disapproval. He also stated that for a sentence to convey a clear message, it needs to be articulated in an accessible way for both the public and the offender.
44. He also spoke about how political narratives often capitalise on ambiguity surrounding sentencing terminology, such as the phrase ‘life means life’, to justify calls for longer sentences. Policy changes, such as shifting early release from halfway to two-thirds of a sentence, may further contribute to misunderstanding. For instance, the meaning of a ‘10-year sentence’ can vary depending on the type of offence, date of sentence and other factors.
45. Dr Kelly highlighted the further example of the victim surcharge, noting that it is not paid directly to the victim but instead to victim services. He emphasised how

⁹ Duff, R.A., (2001). Punishment, communication, and community. Oxford University Press.

such terminology can lead to unrealistic expectations among the public. He concluded by advocating for increased clarity and transparency in sentencing language, supported by empirical research on public understanding and the exploration of more accurate terminology.

46. Together, the presentations offered an engaging exploration of how sentencing is perceived by the public, the importance of clarity in judicial communication, and the challenges of bridging the gap between legal reasoning and public expectation.
47. Session 2 closed with a Q&A discussion, allowing delegates to engage with the panellists on the key themes of their presentations. Questions explored a range of topics, including the communicative role of sentencing and how it is understood by various audiences. One question raised the importance of considering how offenders themselves perceive and respond to their sentence. In response, it was noted that the public includes offenders, and the challenge lies in making sentencing explanations meaningful and accessible to both. While clear language is important, it was acknowledged that it alone does not ensure understanding, and follow up research into sentencing remarks could be valuable.
48. Another question addressed the potential influence of rising misinformation and misogyny on public and individual attitudes towards intimate partner violence, particularly among men. The emphasis was on the question of whether there is a risk that male respondents may not label their own or others' behaviour as abuse. It was acknowledged that such issues present limitations for research, particularly around any gaps between what respondents feel they should say and what they actually say. Supporting education and open dialogue were identified as necessary for addressing these topics.
49. The discussion also reflected on sentencing young people in cases involving texting as forms of coercive or controlling behaviour. It was noted that while community disposals can be effective, short prison sentences may not provide sufficient time or resources to address offending behaviour. Addressing cost implications and broader justice system resources were highlighted as essential to ensure consistent support, including the availability of domestic abuse programmes and improved information sharing for victims.
50. Discrepancies between public perceptions and victim-survivors' experiences was also raised, with a specific question about procedural justice. While no research using a procedural justice lens was identified, the importance of perceived

fairness and, importantly, safety for victim-survivors was emphasised. It was noted that differences in how NHOs are understood across justice agencies can have implications for their effectiveness.

51. Further discussion focused on the complexity of sentencing language, including how terms like 'community payback order' or 'discount following a guilty plea' are interpreted by victims and the public. It was suggested that reframing discount as a form of mitigation might improve understanding. The importance of recognising multiple audiences for sentencing remarks, including victims, offenders, and the wider public, was reinforced, with challenges acknowledged around clarity, consistency, and interpretation.

Session 3: The impact of research on sentencing practice and policy

52. The third panel session was chaired by the Hon Lord Colbeck, judicial member of the Scottish Sentencing Council. Lord Colbeck introduced the session by emphasising the close relationship between sentencing and risk management, particularly in cases involving rape, sexual offences, and domestic abuse.
53. The session featured a joint presentation by Dr Geraldine O'Hare, Convener of the Risk Management Authority (RMA), and Mark McSherry, Chief Executive of the RMA. Titled "RMA Research and Development: Impact and Perspectives on Policy, Practice and Sentencing," the presentation explored the RMA's work in Scotland and drew on Dr O'Hare's experience in Northern Ireland, where she previously served as Director of Rehabilitation and Head of Psychological Services with the Probation Board.
54. Dr O'Hare and Mr McSherry presented on the role, impact, and research activities of the RMA, reflecting on two decades of the organisation's contribution to policy, practice, and sentencing in Scotland and beyond. Together, they discussed how research and evidence-based practice inform risk assessment, case management, and sentencing decisions, offering valuable insights into the intersection of policy, psychology, and judicial outcomes.
55. Dr O'Hare began by outlining the RMA's origins following the recommendations of the MacLean Committee, which led to the introduction of the order for lifelong restriction (OLR) and the establishment of the RMA to promote best practice in risk assessment and management. The RMA's statutory functions include publishing standards, promoting effective practice, conducting and commissioning research, piloting new methods, and advising Scottish Ministers.
56. She highlighted the RMA's strategic aims, which include evidence, standards, education, and influence, and emphasised its role in promoting a shared professional language around risk. The RMA works across justice, health, and victim services to ensure a coordinated approach to public safety. Dr O'Hare stressed that effective sentencing and public protection must be grounded in research and rehabilitation, not solely in custodial sentences.
57. Drawing on international comparisons, she described initiatives from Northern Ireland such as Enhanced Combination Orders (ECOs) and problem-solving courts, which serve as cost-effective and rehabilitative alternatives to short prison

sentences. ECOs, for example, cost significantly less than imprisonment and have contributed to a reduction in reoffending and the prison population.

58. Mark McSherry focused on the RMA's research activities, particularly in relation to sexual and violent offending, risk assessment, and the use of the OLRs. He shared data showing that while some individuals present complex risk profiles, the overall likelihood of sexual reoffending is relatively low after a decade. The RMA's work includes updating social work guidance, delivering training to over 500 practitioners, and supporting consistent practice in Multi-Agency Public Protection Arrangements (MAPPA).
59. Mr McSherry also presented findings from recent studies examining those subject to an OLR. The majority had high risks of reoffending and often displayed mixed patterns of sexual, violent, and intimate partner offending, frequently with histories of criminal behaviour. Additional research explored individuals' experiences of transitioning from custody to the community under an OLR, identifying both challenges and the importance of ongoing support.
60. A review of early OLR cases revealed a high prevalence of complex needs, including personality disorders and adverse childhood experiences. The presentation concluded with a discussion of the challenges in accessing specialist assessments and the importance of ensuring that OLRs continue to function as originally intended. The RMA has advised that OLR assessments may not be appropriate for people under 21, reflecting developmental considerations.
61. Together, the presentations emphasised the importance of evidence-based practice, coordination between agencies, and a longer term strategic approach to managing risk and improving outcomes in sentencing and public protection.
62. The joint presentation was followed by Session 3's Q&A, providing an opportunity for further discussion on the implications for sentencing practices across different jurisdictions. The subsequent discussion centred on the impact of OLRs, with particular attention to the experiences of individuals subject to this sentence and practitioners involved in their support. One question raised concerns about the sense of hopelessness often experienced by individuals serving an OLR, and the resulting challenges for those working with them. It was suggested that once an OLR is imposed, it can contribute to a loss of hope both for the offender and for those involved in their management. In response, it was noted that this issue had been found in recent research involving individuals released from an OLR. The discussion highlighted the importance of developing prison systems and support

structures that are tailored to individuals with complex needs, while also recognising the impact on professionals such as prison officers, psychologists, and social workers.

63. One question raised concerns about the sense of hopelessness often experienced by individuals serving an OLR, and the resulting challenges for those working with them. It was suggested that once an OLR is imposed, it can contribute to a loss of hope both for the individual and for those involved in their management. In response, it was noted that this issue had emerged in recent research involving individuals released from an OLR. The discussion highlighted the importance of developing prison systems and support structures that are tailored to individuals with complex needs, while also recognising the impact on professionals such as prison officers, psychologists, and social workers.

Session 4: Reflections and discussion

64. The final session of the symposium, chaired by the Rt Hon Lord Beckett, provided an opportunity for reflection and open discussion.
65. Ellie Cumbo, Director of External Relations at the Sentencing Academy, opened the session with a talk reflecting on the day's presentations and key themes. Drawing together insights from the earlier panels, she highlighted recurring issues such as the importance of public understanding, the evolving role of evidence in sentencing policy, and the relationship between risk management and judicial decision making.
66. She shared insights on recent developments in sentencing policy and research, with a focus on England and Wales. Drawing on both her present role at the Sentencing Academy and her previous experience as a policy adviser to the current Lord Chancellor, Ms Cumbo offered valuable perspectives on matters of sentencing reform, political considerations, and public engagement. She noted that although her insights were mostly drawn from the England and Wales context, many of the issues discussed are relevant across different jurisdictions, including Scotland.
67. A primary emphasis of her presentation was on the evolving political and public discourse surrounding sentencing. She observed that criminal justice policy discussions are often framed by specific viewpoints, with political narratives aligned with particular positions, which can consequently limit opportunities for broader discussions.
68. She welcomed the research symposium's focus on complexity and evidence. Several areas of recent research were highlighted as particularly valuable, citing examples from the preceding presentations which offer opportunities for cross-jurisdictional learning.
69. In her conclusion, Ms Cumbo emphasised the vital contribution of targeted data and research to informing effective sentencing policy and practice. She affirmed the Sentencing Academy's dedication to ongoing collaboration among researchers, policymakers, and practitioners to support evidence-based justice.
70. This was followed by a Q&A session involving panellists from Sessions 1, 2, and 3, as well as Dr Gabrielle Watson, Chancellor's Fellow at the University of Edinburgh and member of the Scottish Centre for Crime and Justice Research, who had delivered the symposium's opening address. The discussion invited

questions from the audience, including those that had not been addressed earlier in the day, and created space for delegates to share their perspectives on the Council's work and the topics explored throughout the event. The session provided a fitting conclusion to the symposium, highlighting the collaborative contributions from across sectors.

Conclusion

71. The Rt Hon Lord Beckett then gave the final closing remarks and closed the symposium.

Biographies

The Rt Hon Lord Beckett, Lord Justice Clerk and Chair of the Scottish Sentencing Council

Lord Beckett has presided over many high profile cases in the High Court since being appointed as a temporary judge in 2008 and then a judge of the Supreme Courts in May 2016. He was elevated to the Inner House of the Court of Session in July 2023. Lord Beckett served on Lady Dorrian's review on improving the Management of Sexual Offence Cases and is a former Chair of the Judicial Institute. He has been at the forefront of training the judiciary in trauma informed practice. Lord Beckett is a graduate of the University of Edinburgh and was admitted as a solicitor in 1986, working in private practice before being admitted to the Faculty of Advocates in 1993. He was appointed an advocate depute in 2003 and became a Queen's Counsel in 2005. He served as Principal Advocate Depute and then Solicitor General for Scotland in 2006. He became a sheriff in 2008 and was appointed as an appeal sheriff on the establishment of the Sheriff Appeal Court in 2015.

Lord Beckett became Lord Justice Clerk and Chair of the Scottish Sentencing Council in February 2025.

The Rt Hon Lord Matthews, Senator member of the Scottish Sentencing Council

The Right Hon Lord Matthews was appointed a judge of the Supreme Courts in 2007, having served as a temporary judge since February 2004. He graduated from the University of Glasgow LL.B (Hons), and was admitted to the Faculty of Advocates in July 1979.

He was appointed as a Queen's Counsel in 1992 and practised at the Bar until his appointment as a sheriff in January 1997. He was Standing Junior Counsel to the Department of Employment in Scotland from June 1984 until March 1988, and served as an advocate depute from April 1988 until January 1993.

Sheriff Amel Elfallah, Advisor to the Scottish Sentencing Council

Sheriff Amel Elfallah has been a sheriff in Paisley since April 2024, and previously served as a summary sheriff in Glasgow. She originally trained and qualified as a solicitor in personal injury litigation, before joining the Crown Office and Procurator Fiscal Service in 2003. She became a senior procurator fiscal depute in 2008 and held that role in various departments within COPFS, undertaking summary, solemn and appellate criminal work. She also specialised in equalities and training work, and has been a National Institute for Trial Advocacy-accredited advocacy trainer since 2008.

The Hon Lord Colbeck, Judicial Member of the Scottish Sentencing Council

A graduate of the University of Strathclyde, Lord Colbeck was admitted as a solicitor in 1988, working for A.C. White in Ayr and Levy & McRae in Glasgow before joining MacRoberts in 1993. He became a partner there in 1997, specialising in commercial and construction disputes and health and safety and environmental prosecutions, and served as the managing partner from 2011 to 2014.

Following his appointment as a part-time sheriff in 2011 and then a full-time sheriff in 2014, he was appointed as the Sheriff Principal of Glasgow and Strathkelvin in 2016. Lord Colbeck was appointed as a judge in the Supreme Courts in May 2023.

Professor Melissa Hamilton, Professor of Law and Criminal Justice, University of Surrey

Professor Melissa Hamilton is a Professor of Law & Criminal Justice at the University of Surrey. She is a Surrey AI Fellow, a Fellow with the Royal Statistical Society, a member of the American Psychological Association, a member of the International Corrections and Prisons Association, and a licensed attorney. Professor Hamilton has a Juris Doctorate (advanced degree in law) and a PhD in Criminology. Professor Hamilton has served as a consultant or expert to criminal justice organisations and courts on various issues related to sentencing practices and about the study of sociodemographic disparities across criminal justice decision points. Skills include quantitative methods, qualitative research, legal analysis, and forensic sciences.

Dr Jay Gormley, Lecturer, University of Glasgow School of Law, Adviser to the Sentencing Academy, and Lay Member of the Scottish Sentencing Council

Dr Jay Gormley is a Lecturer in Law and Criminal Justice at the University of Glasgow; an Adviser to the Sentencing Academy; and a Member of the Scottish Sentencing Council. He is an expert in sentencing and socio-legal research who works regularly with guideline-creating bodies and key policy influencers: including the Scottish Sentencing Council; the English and Welsh Sentencing Council; and the Sentencing Guidelines and Information Committee of the Judicial Council (Ireland).

Jay is a skilled empirical researcher with a strong understanding of criminal and evidential matters applicable to multiple jurisdictions. He is trained in both advanced qualitative and quantitative methods and is an ONS Accredited Researcher. His empirical research provides him with distinctive experience working with various stakeholders: such as sentencers and legal professionals; offenders and victims/survivors; and members of the public.

Jay has published numerous journal articles and book chapters on the topic of sentencing and his work has been used to evaluate critical aspects of sentencing, data, and case proceedings. He was an expert witness in the High Court whose work was cited by Lady Dorrian in *HM Advocate v B(L)* 2023 SCCR 64. His recent research on the effectiveness of sentencing has aided the work of the Sentencing Council of England and Wales and his latest publication is forthcoming in the Journal of Law and Society in summer.

One of Jay's most recent publications, "*The gravest inefficiency of plea bargaining and the consequences for rehabilitation and reintegration*" can be viewed [here](#).

Professor Cyrus Tata, Professor of Law and Criminal Justice, Strathclyde Law School

For over twenty-five years Cyrus has conducted and published research into various aspects of criminal justice in Scotland and abroad, including: the impact of legal aid reforms on the criminal process; plea decision-making and plea negotiation; the role of pre-sentence reports; mitigation and individualisation; consistency and disparity in sentencing; executive release decision-making; and the use of information technology (including, for example, the introduction of a Sentencing Information System for the High Court), as well as the role of emotions in the experience of and

performance of justice. Cyrus recently led an international team commissioned by the Judicial Council of Ireland to assess the quality of sentencing data in Ireland. In recent years, Cyrus has also conducted research into public knowledge and perceptions of and preferences about sentencing in a range of areas including for example: death by driving, guilty pleas, sexual offences, environmental and wildlife crime). He partnered with Ipsos in the SSC-commissioned studies of public perceptions and knowledge of sentencing, which was conducted in 2019 and followed up in 2025.

Regularly invited to speak to policy and practice audiences at home and around the world, Cyrus has also served as adviser to governments in several countries, for example recently to the senior judiciary and court service of the Irish Republic, and assisting Northern Ireland's Review of Sentencing Policy. Cyrus is founder and chair of the European Group on Sentencing and Penal Decision-Making (a network of academic, policy and practice members in over 25 countries).

Cyrus's most recent books include: *Sentencing: A Social Process - Rethinking Research & Policy* and *Criminal Justice & The Ideal Defendant in the Making of Remorse and Responsibility*.

Dr Rachel McPherson, Senior Lecturer, School of Law, University of Glasgow

Dr Rachel McPherson is a Senior Lecturer in Criminal Law at the University of Glasgow. Her research focuses on legal responses to domestic abuse (in particular, intimate partner homicide) and how criminal defences are used in practice. She has worked across a range of socio-legal research projects including those funded by the ESRC, Royal Society of Edinburgh and British Academy. She is also a member of the Women in Law Project which researches the past, documents the present, and advocates for the future of women in law in Scotland and worldwide. Currently, the team is focused on a book project: *Women, Law and Legal Work in Scotland; Dialogues about our Past, Present and Future*. The book will be published by Edinburgh University Press in late 2025.

Dr Rory Kelly, Lecturer Above the Bar, School of Law, University of Galway

Dr Rory Kelly, is a Lecturer Above The Bar at the University of Galway School of Law. He researches across sentencing and criminal law and is a co-author of the most recent edition of Sentencing and Criminal Justice. His work has been published or is forthcoming in the Oxford Journal of Legal Studies, the Modern Law Review, the Law Quarterly Review, and the Criminal Law Review.

Relevant publication for consideration alongside Dr Kelly's presentation - Rory Kelly, [Retrospective Law and Release from Prison](#), Oxford Journal of Legal Studies, 2025.

Dr Geraldine O'Hare, Convener of the Risk Management Authority

Dr Geraldine O'Hare is a Consultant Forensic Psychologist, a Chartered and Registered Psychologist and a Chartered Scientist.

Geraldine is the Convener of the Risk Management Authority, a position she has held for the last two years.

Geraldine spent 30 years working in the Criminal Justice System in Northern Ireland as Head of Psychological Services and as the Director of Rehabilitation with the Probation Board for Northern Ireland. She had strategic responsibility for all rehabilitation initiatives, developing and overseeing community based projects and supervision, as alternatives to prison, working closely with the judiciary, courts, prisons/parole and other justice and health leaders in reducing reoffending in Northern Ireland. She now works independently and consults across a number of government departments and justice/ health jurisdictions in Ireland, the UK and abroad.

Geraldine was awarded the Churchill Fellowship to the USA to research alternatives to prison for mentally ill and drug related offenders, and led on the introduction of the first problem solving courts and problem solving initiatives in Northern Ireland. She received the British Psychological Society President's Award for Innovation and Practice for her pioneering work, and continues to champion these initiatives, working with other jurisdictions in introducing such early interventions and alternatives to short prison sentences. She is a board member for the Centre for Justice Innovation in London and the Family Justice Centre in Derry, Northern Ireland, developing early interventions, advising and working with sentencers and government departments.

Geraldine is the Chief Forensic Psychology Advisor for the British Psychological Society Qualification, Co-Chair of the Board and Chair of the Northern Ireland Branch of the British Psychological Society.

Geraldine is a Parole Board Member in Ireland, she sits for the Mental Health Tribunal, and is the President of the Pharmaceutical Society Northern Ireland.

Mark McSherry, Chief Executive of the Risk Management Authority

Having initially studied at Glasgow University, Mark started his career working with community education and the residential care sector. Mark worked with Alzheimer's Scotland before working in alternative to custody projects and youth justice. Mark studied social work, including placements with Glasgow Women's Reproductive Health Services, children and families social work and a counselling service for survivors of childhood sexual abuse.

Mark developed programmes on domestic abuse, for those convicted of sexual offending and for young people on probation. Mark has worked in a number of local authorities managing support services to women and children and restorative justice programmes, prior to becoming Head of the Scottish Government's Effective Practice Unit in 2007.

Mark first joined the RMA in 2010 as Head of Development and since led their development, training and research programmes, as well as the Order for Lifelong Restriction. Mark became Chief Executive of the RMA in 2019.

Some relevant publications by the Risk Management Authority are - [*A Review of the Risk Posed by Internet Offenders, Level of Service / Case Management Inventory evaluations*](#), and [*The Offending Behaviour of those Sentenced to the OLR*](#).

Ellie Cumbo, Director of External Relations, Sentencing Academy

Ellie is Director of External Affairs at the Sentencing Academy. Prior to joining the Sentencing Academy, she was an adviser to Labour both in opposition and in government. She has also led policy teams at both the Law Society and Bar Council, and worked for leading charities focusing on the rehabilitation of offenders and the experience of victims.

Dr Gabrielle Watson, Chancellor's Fellow at University of Edinburgh

Dr Gabrielle Watson is a specialist in criminal law and justice. At the University of Edinburgh, she is the recipient of the Chancellor's Fellowship for 'cutting-edge interdisciplinary research and innovation' and 'a vision for future leadership' in her field. She is the author of the award-winning *Respect and Criminal Justice* (OUP 2020) and co-Editor of *Sentencing, Public Opinion, and Criminal Justice* (OUP 2025). Her current book project is entitled *Just Words? Ethics and the Language of Criminal Justice* and, with Professor Julian V Roberts KC (Hon), she is Series Editor of *Palgrave Studies on Sentencing*. Launched in Spring 2025, the series is the first of its kind in the field, commissioning works on sentencing of cross-jurisdictional significance.

In 2024, Gabrielle was appointed by the Lord Justice General to the Criminal Courts Rules Council for a three-year term. She is Advisor to the Sentencing Academy, a London-based organisation dedicated to developing expert understanding of sentencing in England and Wales and informing public debate. She has been engaged as a criminal justice expert for BBC News, BBC Radio, BBC World Service, Times Radio, and other major media outlets. Gabrielle returned to Scotland in 2023 after a decade at the University of Oxford, where she was most recently the Shaw Foundation Fellow in Law at Lincoln College. She remains affiliated to Oxford as a Research Associate of the Centre for Criminology, where she is a regular visitor.

Martyn Evans, Chair of the Scottish Sentencing and Penal Policy Commission

Martyn Evans BA (hons) MA (econ) FRSA joined as a board member of the Scottish Police Authority in June 2018 before being appointed Chair from January 2021 to early 2025. He has wide-ranging executive and non-executive experience in the voluntary and public sectors and has chaired successful and influential commissions and enquiries across the UK and Ireland in fields as diverse as welfare reform, library strategy, fairness, legal aid, citizenship and wellbeing.

Prior to this role, he was the first Chair and Independent Trustee of the Alex Ferry Foundation, a new grant making philanthropic charity which aims to improve the lives of people who work or have worked in the UK shipbuilding, engineering and related manufacturing industries, as well as their families and dependents. Martyn was previously Chief Executive of the Carnegie UK Trust for 10 years having been appointed in November 2009. He was Director of the Scottish Consumer Council (SCC) from 1998 to 2009 and a visiting Professor of Law at the University of

Strathclyde from 1995-2001. Prior to taking up his post with SCC he was Chief Executive Officer of Citizens Advice Scotland for five years and Director of Shelter (Scottish Campaign for Homeless People) from 1987 to 1992.

In 2024, he received a Lifetime Achievement Award for his contribution and dedication to public service from the Holyrood Scottish Public Service Awards.

Hosts



The Scottish Sentencing Council

The [Scottish Sentencing Council](#) was established to promote consistency in sentencing across Scotland, primarily through the development of [sentencing guidelines](#), to assist in the development of sentencing policy, and to promote greater awareness and understanding of sentencing practice.

The three themes of this event have been chosen to enable broad discussions, and to serve as a foundation for the sharing of current research, ensuring that Council decisions are grounded in evidence, and promoting knowledge exchange among academics, justice professionals, and relevant organisations. Research is central to the work that the Council does in both creating guidelines and promoting awareness of sentencing in Scotland. In addition to the discussions from this event, the Council is expecting the findings from our second national survey on public perceptions of sentencing to be made available this year. These findings will allow us to better understand public attitudes towards sentencing, which is particularly important in improving awareness of, and thereby public confidence in, sentencing.

Full details of our [research](#), [publications](#) and [consultations](#) are available on our website.



The Scottish Centre for Crime and Justice Research

The Scottish Centre for Crime and Justice Research is a collaboration between the Universities of Glasgow, Edinburgh, Edinburgh Napier, Stirling and Strathclyde. SCCJR aims to produce research that informs policy and practice and advances our understanding of justice. The Centre also works in alliance with a wider consortium of individuals and groups in Aberdeen, Dundee and St Andrew's Universities and have worked in partnership with a range of higher education institutions and research centres.



The Sentencing Academy

The [Sentencing Academy](#) is a research and engagement charitable incorporated organisation dedicated to developing expert and public understanding of sentencing in England and Wales. We encourage the Government to implement effective sentencing practices and inform public debate about sentencing, acting as a bridge between those with expert knowledge of sentencing, the public, and policy makers. We commission and collaborate with a diverse range of specialist researchers conducting evaluative, comparative and explorative [research articles and reports](#) covering key topics in the area of sentencing in England and Wales.



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