

Scottish
Sentencing
Council



Scottish Sentencing Council Ten-year anniversary conference report

Conference hosted on 10 November 2025
Report published June 2026

Chair’s foreword	3
Thanks and acknowledgements	5
Executive summary	6
1. Introduction: reflections and the wider context	9
2. The Council’s role in sentencing and public understanding	12
Transparency, communication and confidence	13
3. Sentencing guidelines, judicial confidence and practice	14
4. Challenges in delivering justice in custodial and community settings	16
Prison population and capacity pressures	17
Community sentences and resources	17
5. Risk, rehabilitation and parole	19
6. Looking ahead: priorities and opportunities	21
Future guideline development	22
Research and evidence priorities	22
Engagement, awareness and collaboration	23
Public education and understanding	23
Tools, data and resources	24
7. Next steps	25

Chair's foreword

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



This report marks an important moment for the Scottish Sentencing Council. Convened to coincide with the Council's tenth anniversary, the conference provided both an opportunity to reflect on how far we have come since our establishment and a forum to think seriously about the road ahead. I am grateful to all those who contributed to the day, whether as speakers, panellists, facilitators or participants, and for the generosity with which experience, expertise and challenge were shared.

I am grateful to the Lord Justice General and the Lord Advocate for their contributions. Each spoke to the wider constitutional importance of sentencing, open justice and public confidence in the rule of law, and to the responsibilities carried by those involved in the administration of criminal justice. Their remarks framed the day's discussions and provided a clear reminder of the context in which the Council operates.

I succeeded Lady Dorrian as Chair of the Council in February 2025, on taking up office as Lord Justice Clerk. She left me in no doubt of her high regard for the Council's members and staff, and of her deep personal commitment to its work. Until that point, I had engaged with the Council primarily as a sentencer and consumer of guidelines and as an occasional contributor to its activities. Experiencing the work of the Council from the inside has been both instructive and humbling. The rigour of debate, the range of professional perspectives brought to bear, and the volume and quality of research and educational activity underpinning our work are far greater than I had appreciated from the outside.

The Council began its work in 2015 within a broadly defined statutory framework that left significant scope for it to shape its own approach. While its statutory objectives were clearly defined - to promote consistency, assist policy development, and improve awareness and understanding of sentencing - the legislation afforded the Council considerable discretion in determining how those aims should be pursued. The decision to begin with foundational guidelines on the principles and purposes of sentencing, and on the sentencing process, has proved to be pivotal. These guidelines now provide a coherent overarching structure for all sentencing decisions in Scotland, supporting experienced judges and sheriffs while also offering clarity and reassurance to those newer to judicial office. Their value as accessible reference points, particularly in difficult or unfamiliar cases, has been repeatedly affirmed.

The conference also provided an opportunity to reflect on how the Council has extended its reach beyond guideline development. From an early stage, it was recognised that sentencing guidance would take time to develop properly, and that improving public understanding and engagement were of immediate priority. Over the last decade, the Council has therefore placed sustained emphasis on public education, accessibility and communication. The range of open source resources now available - from the expanding jargon buster to interactive case studies, videos, blogs, education materials and information for victims and the media - reflects a commitment to reaching people with different needs and preferences in formats that are usable and inclusive.

The feedback shared at the conference in relation to the development of an easy read guide to sentencing, was particularly powerful. It was a reminder that how information is presented - its tone, language and design - can be as important as its substance. Respectful engagement, genuine listening and a willingness to adapt in response to feedback are essential if we are to reach those who are often least well served by the justice system. That work exemplifies the values we will continue to embed across all aspects of the Council's activity.

The Council has also, over time, established itself as a credible and active research body. The research projects described during the conference - many of them first of their kind in Scotland - have helped to illuminate not only sentencing practice, but also perceptions, experiences and confidence across different audiences. Importantly, this research does not sit in isolation: it informs guideline development, supports public education and assists thoughtful policy discussion, while also contributing to wider academic inquiry.

In recent years, the Council's role in assisting policy development has necessarily evolved alongside changes in the wider criminal justice landscape, including increasing pressure on the prison estate. There are important constitutional limits on the role a judicially-led body can properly do in this area. The Council does not set penal policy, and it does not prescribe outcomes. Its contribution lies in offering evidence, insight and practical expertise to inform debate and decision-making, while maintaining independence and impartiality. The discussions at the conference underscored the importance of coherence, data and public understanding in any reform efforts.

What struck me most over the course of the day is the extent to which the Council occupies a distinctive position: between courts and policymakers; research and practice; and professional expertise and public understanding. That position brings responsibility. It requires careful judgement about where the Council can add value, where it should listen, and where reserve is appropriate. It also requires openness to challenge, to learning and to collaboration.

This report is offered as a record of the conversations held at the conference and as a reflection of the Council's work in its first decade. I hope it will also serve as a foundation for the next stage of our work, as we continue to promote consistent sentencing, support informed and effective policymaking, and contribute to improved public understanding of sentencing in Scotland.

Thanks and acknowledgements

In addition to all those who attended and assisted in the conference, I gratefully acknowledge the contributions of all those who have assisted in the Council's work up to this point.

I wish to record my thanks to the Council's current and former members and staff. Members give their time voluntarily and with remarkable commitment. Staff have assisted in building and sustaining a body of work that is thoughtful, credible and widely respected. I also wish to acknowledge the leadership of our former Chairs whose stewardship shaped the Council during its formative years: Lord Carloway, Lord Turnbull who acted as interim Chair for a period, and in particular Lady Dorrian who as Council Chair for nine years left a legacy to be proud of.

Gratifyingly, the Edinburgh Law Review marked the Council's ten-year anniversary and discussions at the conference, with published articles by four distinguished scholars: Professor Tom O'Malley of the University of Galway, Professor Cyrus Tata of Strathclyde University, Dr Jay Gormley of the University of Glasgow, and Professor Melissa Hamilton of the University of Surrey. The Council, which has had a longstanding interest in engaging constructively with academia to broaden and deepen the field of knowledge in relation to sentencing, welcomes their reflections. I extend thanks to each of the essayists, and Professor David Fox and Dr Gormley for enabling this special section of the Review.

Finally, I extend my thanks to all those who have engaged with the Council over the last ten years: those who have responded to consultations, participated in research, attended events, and shared their lived experiences of crime and sentencing. Those contributions have mattered, and they continue to shape the Council's work.

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



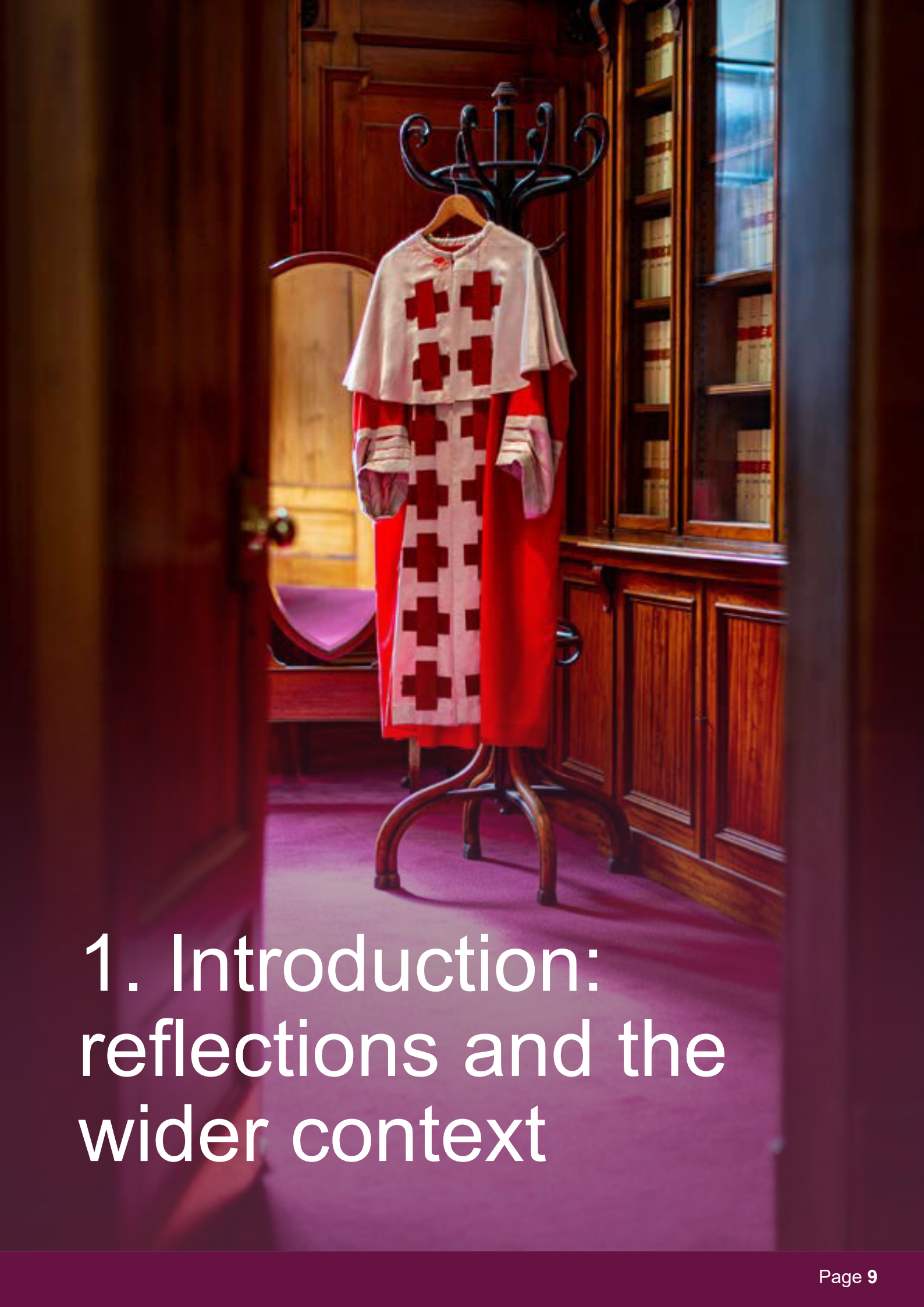
Executive summary

Executive summary

1. The conference brought together members of the judiciary, criminal justice leaders, practitioners, policymakers, academics and third sector organisations to consider the role of sentencing within Scotland's justice system and to inform the Scottish Sentencing Council's future priorities. Discussions focused on the Council's work to date, current pressures across the justice system, and the challenges and opportunities facing sentencing policy, practice and public understanding.
2. The importance of effective communication, openness, and transparency in sentencing practice and policy emerged as key themes, with the Lord Justice General inviting the Council to contribute to wider efforts in support of open justice. Participants emphasised that public confidence in sentencing depends not only on consistency and proportionality, but also on clearer understanding of how sentencing decisions are reached. Sentencing statements were recognised as a key mechanism for achieving this, serving both those directly affected by decisions and the wider public.
3. There was support for the Council's approach to sentencing guideline development. The statutory framework, which preserves judicial discretion while requiring courts to have regard to approved guidelines, was viewed as supporting judicial confidence. Participants noted the Council's evidence led methodology, sustained judicial engagement and transparent consultation processes. Recent guidelines on rape offences were welcomed, and the usefulness of the growing suite of guidelines at pre-conviction stages in providing a framework for prosecutorial decisions was highlighted.
4. Delegates acknowledged that guidelines represent only one element of the Council's wider statutory role. The Council's work in research, public education, policy assistance and engagement was seen as increasingly important in addressing misconceptions and promoting informed public debate.
5. Pressures facing custodial and community justice systems were subject to substantial discussion. Participants raised concerns about prison population levels, capacity constraints and the increasing complexity of the prison population, including the high proportion of people held on remand and the continued use of short custodial sentences. The view was expressed that these factors limit the capacity of prisons to support rehabilitation, particularly for individuals with mental health conditions or substance dependency.
6. In community justice settings, participants highlighted challenges arising from limited resources, geographic variation and complex needs. While innovative practice exists, contributors stressed that issues with availability or accessibility of services should not undermine the credibility of community sentences in principle. Some voiced support for the development of further community based sentencing options involving restriction of liberty and monitoring alongside

proportionate responses to breach that avoid unnecessary use of custody.

7. The conference explored remand, risk assessment, rehabilitation and parole. While parole and remand were acknowledged as separate to the sentencing decision, each of these separate elements of the criminal justice system were recognised as impacting on outcomes.
8. Remand was examined as a contributor to prison population pressures. While examples of effective alternatives were highlighted, participants cautioned against unintended consequences, underscoring the importance of whole system approaches.
9. In relation to risk assessment, some participants questioned whether current approaches strike the right balance between managing risk and supporting rehabilitation, suggesting that complex assessment frameworks have the potential to restrict capacity for rehabilitative work. Emphasis was placed on balancing risk assessment with needs assessment, recognising the significance of factors such as housing, trauma and addiction in reducing reoffending. Age and change over time were identified as important considerations, alongside challenges in parole decision-making and public understanding.
10. Looking ahead, delegates identified priorities for future guideline development and research, with strong support emerging for guidance on sentencing people with mental health conditions, neurodivergence or intellectual disabilities. Other suggested areas included high volume and emerging offences, specific sentence or offender types, and breach of orders. Suggested research priorities included risk assessment, sentence inflation, terrorism-related offending and the role of poverty in offending.
11. There was broad agreement across attendees on the importance of partnership working and public education. Young people were identified as a key audience, alongside victims, people who have offended, families and communities most affected by crime. Improved data, digital resources, training materials and public-facing tools were seen as essential to supporting informed discussion.
12. Overall, the conference reinforced the Council's central role in promoting consistency, supporting judicial independence and improving public understanding of sentencing, while identifying opportunities to strengthen collaboration and respond to evolving challenges across Scotland's justice system.



1. Introduction: reflections and the wider context

1. Introduction: reflections and the wider context

13. The event sought to reflect on the Council's work to date, examine current and emerging challenges within sentencing and the wider justice system, and inform future priorities for the Council across guideline development, research, policy assistance, engagement and public education.
14. The conference was addressed by the Lord Justice General, the Rt Hon Lord Pentland, and the then Lord Advocate, Dorothy Bain KC. Both highlighted the importance of the Council's work to the functioning of the criminal courts and to promoting public understanding of and confidence in sentencing.
15. During his speech, the Lord Justice General stressed the importance of open justice and commended the Council on its public education work designed to support understanding of the sentencing process. His Lordship invited the Council to build on this by adding its support to open justice work by considering how best to ensure that sentencing is open, transparent and understood.
16. This was followed by a panel discussion with practitioners exploring current issues in delivering justice in prisons and in the community. Population and demographic trends were examined, as were different approaches to the management and rehabilitation of people who offend. The panel comprised: Sarah Angus, Director of Policy, Scottish Prison Service; Natalie Beal, Divisional Head of Operational Support, Scottish Prison Service; Lynsey Smith, Head of Service - Justice Services, Glasgow and Co-Chair of the Justice Standing Committee of Social Work Scotland; and John Watt, then Chair of the Parole Board for Scotland.
17. A presentation followed from Rachel Ormston, Research Director of IPSOS, who presented findings from research commissioned by the Council on public perceptions and understanding of sentencing in Scotland. This prompted discussion about public misconceptions, the sources of public information on sentencing, and where the Council might most effectively focus its public legal education efforts.
18. The Rt Hon Lord Beckett, the Lord Justice Clerk and Chair of the Council, reflected on perspectives gained from earlier engagement with the Council as an external contributor, and from his experience since taking up the role of Chair in February 2025. This included reflections on the scope and scale of the Council's work, beyond guideline development, and on the evolution of its engagement with stakeholders.

19. This report provides a thematic account of discussions held during the conference, drawing on the views and experiences shared by participants across the justice system. Discussions were conducted in accordance with the Chatham House Rule and comments are therefore unattributed. The views expressed are not necessarily held by all delegates nor do they necessarily reflect those of the Scottish Sentencing Council.
20. Throughout the day, a range of perspectives on both current challenges and future directions were presented, culminating in a facilitated discussion inviting views on priorities for the Council over the coming years.

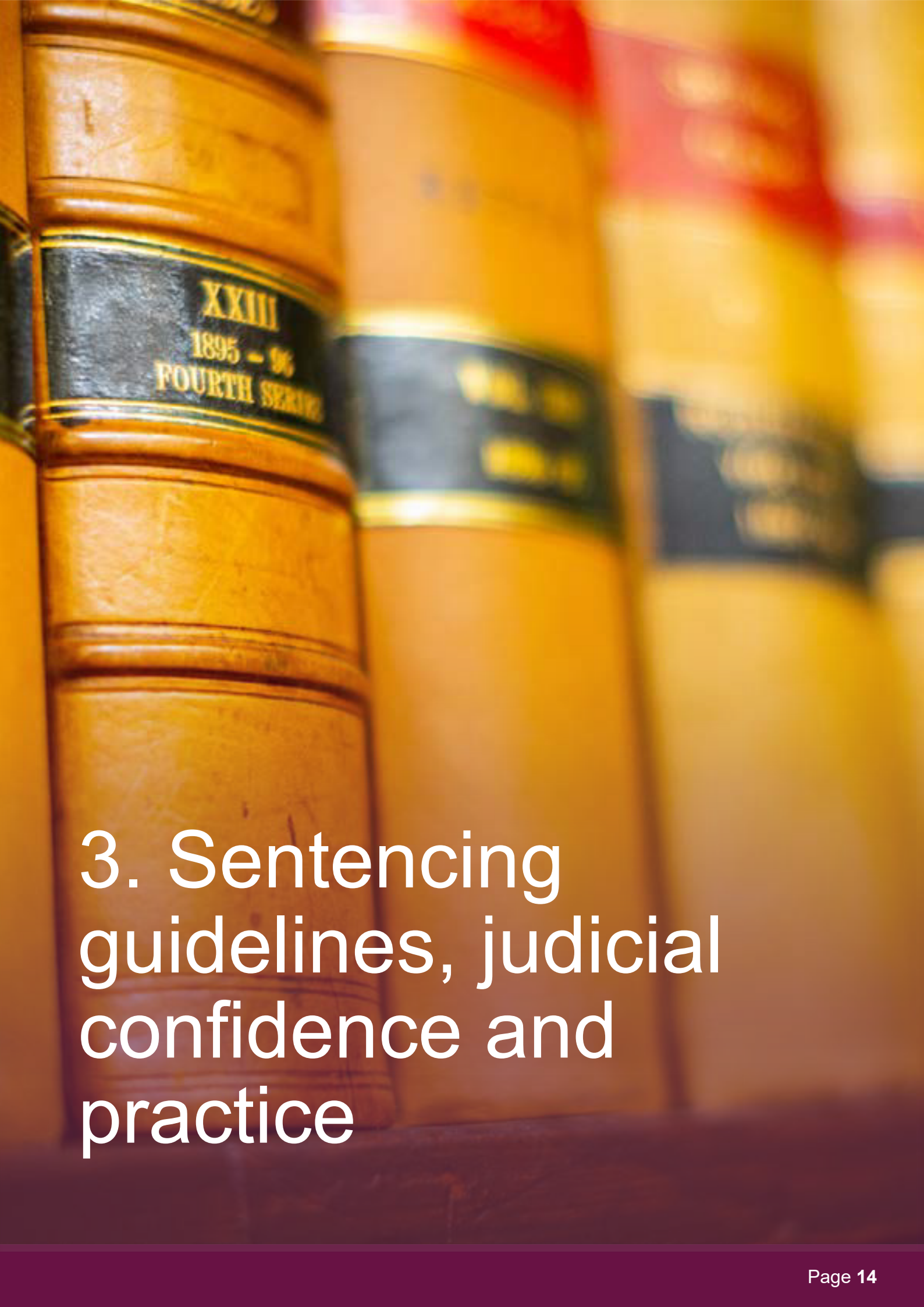


2. The Council's role in sentencing and public understanding

2. The Council's role in sentencing and public understanding

Transparency, communication and confidence

21. There was a broad consensus that effective communication with the public about sentencing has become increasingly important. Transparency and openness were seen as essential to maintaining confidence in the justice system and upholding the rule of law, particularly in a context where sentencing decisions are often reported on selectively or without comprehensive explanation.
22. The role of sentencing statements was discussed in some detail. Sentencing statements were noted as performing a dual function: to explain the sentence and its rationale to the person convicted and any victim, and to inform wider public understanding. While recognising their value, contributors highlighted the need to strike an appropriate balance between exhaustiveness and accessibility. In some cases, a full explanation of process and rationale is necessary; in others, a more focused explanation of the key factors influencing the decision may better serve understanding.
23. Improving accessibility and understanding of sentencing was viewed as a shared enterprise involving the judiciary, the Council, prosecutors, the media and wider civic society. Social media was highlighted as offering opportunities to communicate directly with the public, particularly younger audiences, and it was suggested that the Council might explore a greater role in disseminating sentencing statements or other explanatory material through digital channels.
24. While recognising the need to maintain judicial independence, participants broadly welcomed the Council's existing contribution to public education, as well as an enhanced future role, particularly where this supports accurate and balanced understanding of sentencing practice.



3. Sentencing guidelines, judicial confidence and practice

3. Sentencing guidelines, judicial confidence and practice

25. Participants expressed confidence in the Council's approach to developing sentencing guidelines. The statutory framework, including the requirement for High Court approval before guidelines take effect, and the duty on courts to "have regard" to guidelines rather than apply them mechanistically, was seen as preserving judicial discretion and independence and supporting confidence in the guidelines.
26. It was observed that the Council's approach - employing extensive judicial engagement, reliance on research and evidence, and a transparent public consultation process – was noted as effective in embedding guidelines into sentencing practice. While resource intensive, this approach was widely regarded as worthwhile, particularly in embedding guidelines in practice.
27. Guidelines were recognised as a central element of the Council's remit, but participants also emphasised the importance of the Council's wider programme of work, including policy support, awareness raising and research activity.
28. The development of guidelines for rape, and the Council's continuing commitment to address violent and sexual offending through sentencing guidelines on domestic abuse and sexual assault, was viewed particularly positively. At pre-conviction stages, participants noted that such guidelines can assist prosecutors by providing a framework against which charging decisions and forum selection can be considered, including the identification of evidence which might be of particular significance.



4. Challenges in delivering justice in custodial and community settings

4. Challenges in delivering justice in custodial and community settings

Prison population and capacity pressures

29. The conference explored increasing pressures across custodial settings. The prison population was noted to have recently reached a record high, diminishing operational capacity and limiting discretion in the treatment and progression of prisoners. This was seen by some as affecting the ability of prisons to operate humanely and support rehabilitation and reintegration.
30. Participants identified a combination of structural and demographic drivers, including Scotland's relatively high remand rate and an apparent contradiction between high imprisonment levels and a falling crime rate.
31. Attention was drawn not only to capacity with regard to numbers, but in relation to the complexity of the prison population. The need to manage multiple distinct populations within prisons was noted as compromising the ability to progress individuals safely into the community. It was observed that over the past two decades there has been a shift in the composition of the prison population, with increases in people imprisoned for serious organised crime and sexual violence, alongside a reduction in those convicted of 'lower level' acquisitive crime. It was further observed that, notwithstanding this reduction, short custodial sentences of less than six or twelve months continue to be imposed.
32. The role of remand in contributing to prisoner numbers was discussed. Participants questioned whether sufficiently robust alternatives to remand are available and cautioned against unintended consequences, such as potential up tariffing through increased use of electronically monitored bail.
33. The work of the Glasgow bail supervision team was highlighted as an effective example of a needs-based approach capable of supporting people who would otherwise have been remanded to successfully and safely remain in the community. While viewed positively, some contributors stressed the importance of a whole system approach to sustaining such models.

Community sentences and resources

34. In community justice settings, participants reported significant challenges in addressing complex needs, particularly where there are geographic limitations or gaps in service provision. This was cited as being especially acute for individuals with mental health conditions.


35. Although innovative practice exists - notably specialist services for women - the general lack of resources across systems was perceived to exacerbate challenges. There was a view that limitations in resources or accessibility should not prevent an individual from serving a sentence in the community where this would otherwise be appropriate.
36. One contributor suggested that sentencing options allowing for restriction of liberty within the community, combined with monitoring (for example of alcohol use), could provide a useful alternative to custody, with breaches not necessarily resulting in recall to prison, but perhaps instead managed through secure community accommodation, to avoid the compounding issues which can arise with incarceration.



5. Risk, rehabilitation and parole

5. Risk, rehabilitation and parole

37. Participants discussed whether current approaches have achieved the right balance between risk assessment and rehabilitation. A concern was raised that increasingly complex risk frameworks, involving multiple tools and assessments, may reduce capacity to carry out effective rehabilitative work.
38. It was suggested that there may be merit in reviewing existing assessment tools and to giving greater consideration as to how risk can be managed effectively in the community as part of the assessment. Participants emphasised the importance of balancing risk assessment with needs assessment, noting that reductions in reoffending often follow when underlying needs - such as housing, trauma or addiction - are addressed.
39. Further questions were raised about whether changes over the course of a sentence are sufficiently captured, and whether contextual factors - such as prison conditions - are always adequately considered in assessing behaviour and risk.
40. Age was identified as a significant factor, with participants noting that individuals often 'age out' of offending. There was a suggestion that assessments should consider not only criminogenic behaviour but also practical capability to reoffend.
41. In relation to parole decision-making, participants noted the importance of expert evidence, while recognising the difficulty of predicting risk in the absence of clear post-release information, such as accommodation arrangements. Differences in institutional understandings of "serious harm" were also highlighted.
42. Orders for lifelong restriction were identified as an area potentially ripe for review, given their longevity and complexity. Participants also cautioned against risk-averse decision-making driven solely by high profile cases, which could result in disproportionately punitive outcomes.
43. Questions were raised by some about the appropriateness of prison for all individuals, particularly those with mental health conditions or addiction issues. Participants noted that some such individuals may face particular difficulties within custodial environments, potentially impeding progression and contributing to challenges in achieving parole.
44. While no consistent trends were identified in the types of cases coming before the Parole Board for Scotland, it was noted that parole processes have been evolving over time, with more detailed consideration of cases and an increase in oral hearings.
45. There was a strong view that public education should extend beyond sentencing decisions to include parole processes and the role of rehabilitation.



6. Looking ahead: priorities and opportunities

6. Looking ahead: priorities and opportunities

46. The conference closed with a session designed to elicit suggestions from the delegates as to potential priorities for the Council's future work, encompassing: guideline development; research; engagement; assisting policy development; partnership building; and public education. While participants expressed confidence in the Council's existing approach and outputs, there was strong interest in how the Council might continue to respond to emerging challenges and evolving demands on the justice system.

Future guideline development

47. In considering priorities for the Council's forthcoming planning periods, participants expressed broad support for the development of guidance relating to the sentencing of people with mental health conditions, neurodivergence or intellectual disabilities. This area was consistently identified as warranting focused attention, in light of the prevalence of such needs among people who offend and the complexity of balancing culpability, risk, rehabilitation and support.

48. A range of additional subject areas were identified as potential priorities, including:

- **High volume and summary offences**, where guidance could support consistency and address public misconceptions
- **Emerging and evolving crime types**, for example online or cyber-enabled offending
- **Serious offences and historic offending**
- **Specific sentence types and orders**
- **Custody threshold and breach of orders**
- **Sentencing certain categories of offender**

49. Participants also highlighted the value of the Council's existing approach to guideline design, including as to clarity, concision and accessibility, noting that these features enhance both judicial use and wider understanding.

Research and evidence priorities

50. In addition to guideline development, participants identified a number of areas where further research could support informed policy development and practice. These included:

- **Sentence inflation**, particularly the increased use and length of indeterminate sentences
- **Risk assessment and management**, including the operation and impact of existing tools and frameworks

- **Terrorism-related offences committed by young people**, reflecting the complexity of assessing harm where planned acts have not been completed
- **The role of poverty and social disadvantage** in offending and sentencing outcomes

51. There was support for the Council continuing to commission or support academic and empirical research to inform its work, including research that examines sentencing outcomes, effectiveness and unintended consequences. Participants also noted the importance of ensuring that research findings are communicated clearly and accessibly to both practitioners and the public.

Engagement, awareness and collaboration

52. Participants emphasised the importance of continued and expanded engagement with a broad range of parties. While there was recognition of the Council's existing engagement activity, there was also a suggestion that there could be better awareness of the Council's full remit and body of work.
53. A wide range of potential partners were identified across academia, the justice system, the third sector, the media and politicians. Delegates stressed the importance of clarity around the nature of future engagement, including the distinction between formal partnerships and more limited collaborative activity.
54. Obtaining the views of people with lived experience - including victims of crime, people who have offended, and their families - was highlighted as particularly important in informing future work. Participants also identified minority communities, people with disabilities, women, older people, and those not readily aligned with recognised stakeholder groups as voices that merit continued and, in some cases, improved engagement.

Public education and understanding

55. Public education was consistently identified as a core area for future focus. Participants highlighted the importance of improving understanding of sentencing among young people, with strong support for building on existing educational initiatives and extending engagement across different age groups in partnership with education authorities and youth organisations.
56. Beyond young people, participants identified a number of other audiences for targeted public-facing work, including:
- **Victims and survivors of crime**
 - **People who have offended and their families**

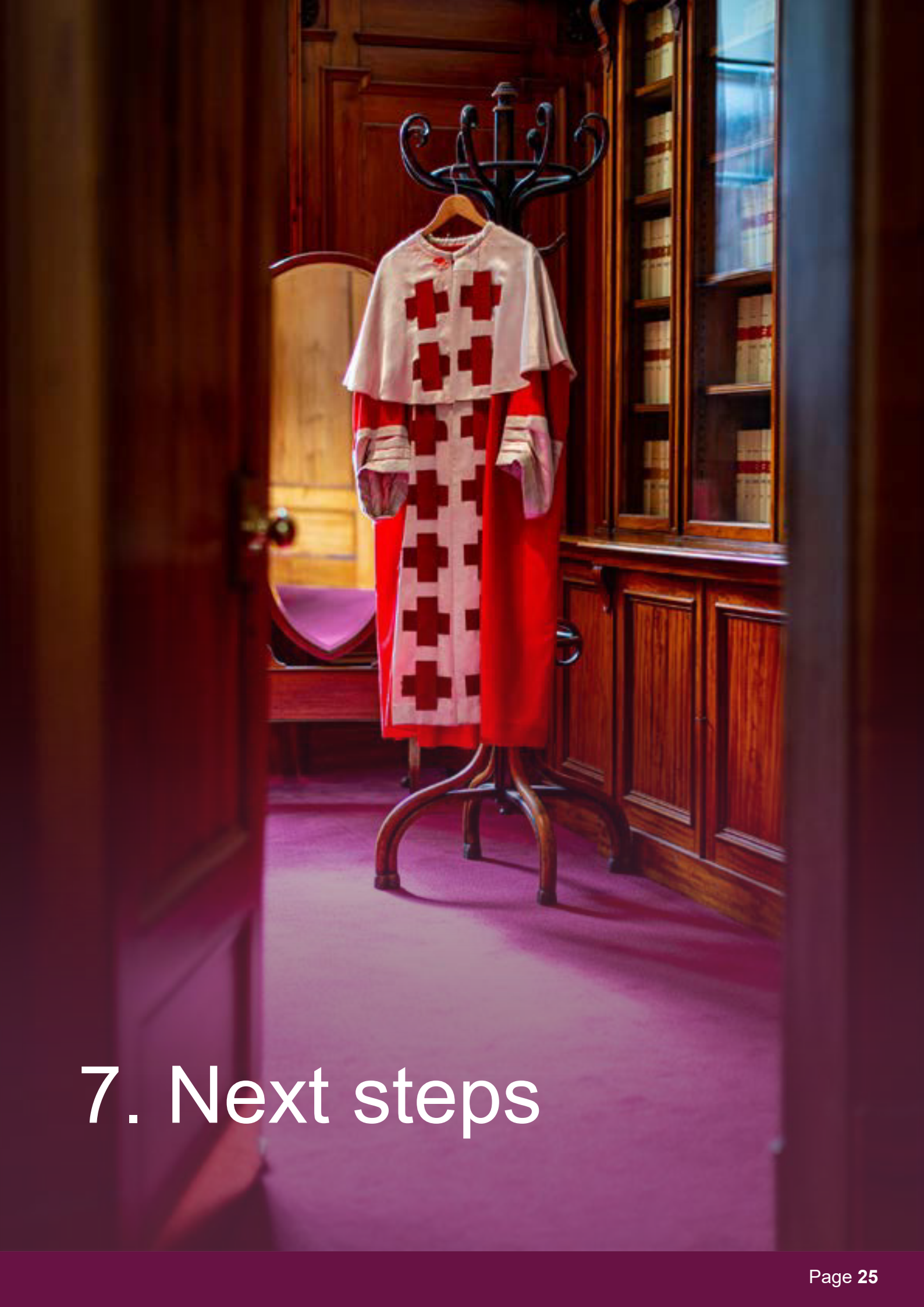
- **Communities most affected by crime**
- **Journalists and media professionals**
- **Politicians and policymakers**

57. There was also strong support for public education (including the provision of information for people involved in or affected by proceedings) that extends beyond sentencing outcomes to include explanation of community sentences, parole processes, rehabilitation and risk management, addressing misconceptions and supporting informed public debate.

Tools, data and resources

58. Participants highlighted the continued importance of accessible, high-quality data and practical resources to support sentencing practice, policy development and public understanding. Suggestions included improved availability of system-wide and real time sentencing data, clearer signposting to existing data sources, and greater use of visual and digital tools to explain sentencing processes and outcomes.

59. There was interest in the development of additional public facing and practitioner-focused resources, including training materials, searchable repositories of sentencing information and enhanced digital content, tailored to different audiences and levels of familiarity with the justice system.



7. Next steps

7. Next steps

60. The Council is very grateful to all the speakers, panel participants and delegates for providing their valuable reflections on our work to date and insights into the challenges and opportunities that lie ahead and indeed to all those who have contributed and continue to contribute to our wider work.
61. The feedback garnered has been shaping the development of our programme of work since the conference. Initiatives to enhance our engagement and awareness-raising activity are underway under the auspices of our Communications and Engagement Committee and the Council is considering potential areas of collaboration following the many offers from individuals and organisations received, for which the Council is very grateful. The day's outputs will continue to inform our current work plan and will help to shape our future priorities as we look towards our 2027-30 business plan.