Scottish Sentencing Council

MEETING OF THE SCOTTISH SENTENCING COUNCIL
03 OCTOBER 2025
PARLIAMENT HOUSE
MINUTES

Members present: Lord Beckett, the Lord Justice Clerk (Chair)
Lord Matthews (judicial member)
Sheriff Scott Pattison (judicial member)
Summary Sheriff Joanna McDonald (judicial member)
Summary Sheriff Alison Michie (judicial member)
Lindsey Miller (prosecutor member)
Victoria Young (advocate member)
Joanne McMillan (solicitor member)
Lynn Burns (victims expert member)
Dr Jay Gormley (lay member)

Attendees: Sheriff Amel Elfallah (advisor to the Council)
Vicky Weldon (SCTS communications manager)
Megan Anderson (Lord President's Private Office)

Secretariat: Ondine Tennant (director)
David Dickson (principal legal officer)
Dr Nicole Vidal (principal research officer)
Valerie MacGregor (principal policy officer - engagement)
David Ross (principal policy officer - corporate)
Jane Rice (senior policy officer)
Hannah Downey (senior research officer)
Lynda Tahri (communications manager)
Richard Smith (business manager) - *by video conference*
Clarke Spence (assistant business manager)

Apologies: Sheriff Iain Fleming (sheriff member)
Deputy Chief Constable Bex Smith (constable member)
Sheriff Principal Aisha Anwar (advisor to the Council)

1. PROCEEDINGS

Item 1.1: Introduction and welcome

1. The Chair opened the meeting and noted that apologies had been received from Sheriff Iain Fleming, DCC Bex Smith, and Sheriff Principal Aisha Anwar.

2. The Chair welcomed Sheriff Scott Pattison, Summary Sheriff Joanna McDonald, and Summary Sheriff Alison Michie to their first Council meeting since their appointments to the Council as judicial members.

3. The Chair also welcomed Vicky Weldon, noting she would be joining the secretariat later in the month as head of communications and engagement, and Megan Anderson, who had recently joined the Lord President's Private Office as a deputy legal secretary and was observing the meeting.

Item 1.2: Previous meeting minutes ***[Paper 1.2]***

4. The Council approved the draft minutes of the previous meeting of 06 June 2025 provided at **paper 1.2**.

Item 1.3: Progress of actions since last meeting ***[Paper 1.3]***

5. The Council noted the update of the progress of actions provided at **paper 1.3**.

Item 1.4: Private papers ***[Oral update]***

6. The Council agreed not to publish the following papers: 1.3, 1.5, 2.1, 3.1, 3.1A, 3.1B, 3.1C, 3.1D, 3.1E, 3.2, 3.2A, 3.3, 3.3A, 3.3B, 3.3C, 3.4, 3.4A, 4.2, 4.3, 4.3A, 4.3B, 4.4, 4.4A, 4.4B, 4.4C, 5.1, 5.2, 5.3, 5.3A, 5.3B, 5.4, 6.1, 7.1B, 7.1C, and 7.2

Item 1.5: Update on Council and committee membership ***[Paper 1.5]***

7. The Council:

    - noted the update on Council and committee membership provided at **paper 1.5**; and

    - confirmed the appointment of:

        - Sheriff Pattison to the Communications and Engagement Committee and the Sexual Offences Committee, effective from 03 October 2025;

        - Summary Sheriff Michie to the Domestic Abuse and Sentencing After a Guilty Plea committees, effective from 03 October 2025; and

        - Summary Sheriff McDonald to the Domestic Abuse Committee, effective from 03 October 2025.

8. The Chair informed members that this was the last meeting to be attended by Lord Matthews as his tenure as a judicial member of the Council would expire on 27 November 2025. The Chair noted that Lord Matthews had chaired the Sexual Offences Committee since his appointment and had overseen the development of the rape guidelines, which were nearing finalisation. He had also represented the Council at many events in Scotland and beyond. The Chair thanked Lord Matthews for his significant contribution over the period of his membership and his personal thanks for assisting him in his role as the new Chair of the Council.

   Note of thanks: the Council recorded its thanks to Lord Matthews for his contribution to the Council's work during his period in office.

9. As Sheriff Elfallah's position as an advisor to the Council was intended to assist with continuity following shrieval vacancies arising within the membership which had now been filled, it was agreed that her advisorship would continue until 31 December 2025. The Chair noted that Sheriff Elfallah would continue to contribute to the work of the Council through her role as an advisor to the Communications and Engagement and Domestic Abuse Committees.

2. BUSINESS PLANNING

Item 2.1: Draft budget bid 2026/27 ***[Paper 2.1]***

10. Ondine Tennant provided an update on the Council's anticipated funding requirements for the financial year 2026-27 with reference to **paper 2.1**. She noted that discussions with the Scottish Government would continue following the meeting.

3. SENTENCING GUIDELINES

Item 3.1: Rape guidelines ***[Papers 3.1 and 3.1A-E]***

11. Lord Matthews provided an update on the development of the draft rape guidelines, with reference to **papers 3.1 and 3.1A-E**.

12. The Council considered the papers and approved amendments to the draft rape guidelines.

13. The Council agreed the proposed approach to the response to a letter received from the Cabinet Secretary for Justice and Home Affairs regarding information relating to non-harassment orders.

ACTION POINTS

AP1: Secretariat to amend the draft rape sentencing guidelines as approved.

AP2: ***Secretariat to finalise the draft rape guidelines, impact assessments and associated documents and issue these to the Council thereafter for approval by correspondence as soon as practicable.***

AP3: ***Subject to approval of the guidelines, impact assessments and associated documents by correspondence, secretariat to arrange for submission of the rape guidelines, impact assessments and associated documentation to the High Court, together with a petition as prescribed in the relevant Act of Adjournal, as soon as practicable.***

AP4: ***Secretariat to arrange for response to Cabinet Secretary to be issued as soon as practicable after the meeting.***

Item 3.2: Draft domestic abuse guideline ***[Papers 3.2 and 3.2A]***

14. Lindsey Miller provided an update on the development of the draft domestic abuse guideline with reference to **papers 3.2** and **3.2A**.

15. The Council considered the papers and approved amendments to the draft domestic abuse guideline.

ACTION POINT

AP5: ***Secretariat to amend the draft domestic abuse sentencing guideline as approved as soon as practicable.***

Item 3.3: Draft domestic abuse guideline: public consultation ***[Papers 3.3 and 3.3A-C]***

16. Lindsey Miller provided an update on the first draft of a public consultation paper (**paper 3.3A**) and questionnaire (**paper 3.3B**) for the draft domestic abuse guideline.

17. The Council considered the papers and approved amendments to the draft public consultation paper and questionnaire.

ACTION POINT

AP6: ***Secretariat to amend the draft public consultation paper on the draft domestic abuse as approved guideline as soon as practicable.***

Item 3.4: Environmental and wildlife offences – consideration of scope ***[Papers 3.4 and 3.4A]***

18. Victoria Young presented **papers 3.4 and 3.4A**, which were, respectively, a discussion paper on the scope of guidelines on environmental and wildlife offences and a project initiation document for an environmental offences guideline.

19. The Council discussed the issues raised in **paper 3.4** and:

    - agreed that environmental offences should be addressed separately from wildlife offences;
    - agreed that a principles-based approach should be taken rather than an offence-specific approach setting out sentencing ranges;
    - agreed that the initial focus should be on environmental offences, with work on a wildlife offences guideline being taken forward as and when resources allow;
    - indicated that it was content for the draft environmental offences guideline to be used for initial judicial engagement; and
    - approved the project initiation document for a guideline on environmental offences.

20. It was noted that COPFS may be able to provide data on the types of environmental offences that have been prosecuted in recent years to assist in the development of a guideline.

ACTION POINT

AP7: ***Secretariat to contact COPFS regarding sharing data on the types of environmental offences that have been prosecuted in recent years.***

Item 3.5: Guideline committees update ***[Oral update]***

21. Jay Gormley provided an update on the Sentencing After a Guilty Plea Committee's work. He noted that:

    - The Committee's next meeting would be on 09 October when it will discuss the draft guideline, and plans for a judicial engagement exercise.

22. Lindsey Miller provided an update on the work of the Domestic Abuse Committee. She noted that:

    - The Committee's last meeting was on 24 September 2025.

23. Lord Matthews provided an update on the Sexual Offences Committee's work. Aside from the issues covered under item 3.1, he noted that:

    - The Committee last met on 7 August 2025.
    - It will next meet on 18 November to resume consideration of the draft guideline on indecent images offences.
    - The Committee would also be considering by correspondence a revised project initiation document and project plan for guidelines on sexual assault, which will likely be put to the Council at the December meeting.

24. Victoria Young provided an update on the work of the Environmental and Wildlife Crime Committee's work. She noted that:

    - The Committee last met on 23 September 2025. As well as matters already discussed under item 3.4, it also considered:

        - An overview of species victim impact statements, which are used in Hong Kong to provide information and scientific guidance to prosecutors and judges about the nature and extent of harm caused to endangered species as a result of offences such as trafficking and unlicensed possession. It was hoped that Professor Amanda Whitfort of the University of Hong Kong, the academic who led on the development of species impact statements, will give a presentation about them at a future Committee meeting.

        - A draft report on research exploring public attitudes to sentencing for environmental and wildlife offences, which would be considered in more detail at the Committee's next meeting.

    - The Committee hoped to meet again in mid to late November.

4. RESEARCH

Item 4.1: Research Committee update ***[Oral update]***

25. Jay Gormley provided an update on the work of the Research Committee. In particular, he noted that:

    - The Committee last met on 28 August 2025.

    - Aside from the projects to be discussed under item 4.2, it considered a publication strategy to streamline and improve the efficiency of the process, given the growing volume of research publications.

26. The Council noted the update.

Item 4.2: Research projects update ***[Oral update with reference to paper 4.2]***

27. Nicole Vidal introduced **paper 4.2**, which provided information on research projects and priorities.

28. The Council provided feedback and noted the update. It also agreed the current and forecasted research priorities and noted the updated proposal for the ongoing routine review of the operation of the sentencing young people guideline during its first three years in effect, and agreed to refer this matter to the Research Committee.

ACTION POINTS

AP8: ***Research Committee to take forward the updated proposals for the ongoing routine review of the operation of the sentencing young people guideline during its first three years in effect.***

AP9: ***The secretariat will refer the matters outlined in the proposal back to the research committee for further consideration and development.***

Item 4.3: National survey of public perceptions of sentencing ***[Papers 4.3 and 4.3A-B]***

29. The Council considered the report on the second national survey of public perceptions of sentencing and its key findings, and noted the proposal to carry out follow-up qualitative research. The Council agreed in principle to the follow-up research. It was agreed that the secretariat would revert to the Research Committee to consider the matters outlined in the proposal..

30. The Council also noted the plan for publication of the national survey report at **paper 4.3B**.

ACTION POINTS

AP10: ***Secretariat to make arrangements for publication and promotion of the national survey report.***

AP11: ***Secretariat will refer the matters outlined in the research proposal to the research committee for further consideration and development.***

Item 4.4: Research project update ***[Papers 4.4 and 4.4A-C]***

31. Jane Rice introduced **paper 4.4** which provided an update on a proposed research project.

32. The Council noted the update and approved the proposed pilot.

ACTION POINT

AP12: ***Secretariat to commence pilot research project as soon as is practicable.***

5. COMMUNICATIONS AND ENGAGEMENT

Items 5.1: Communications activity update ***[Paper 5.1]***

33. Joanne McMillan provided an update on the work of the Communications and Engagement Committee. In particular, she noted that:

- The Committee last met on 15 August 2025.

The Council has published a number of items including: a blog on how research shapes sentencing guidelines; the findings on its second research symposium held at Edinburgh Law School; a literature review examining the sentencing of offences involving modern slavery and human trafficking; and the latest edition of its newsletter.

Item 5.2: Digital and social media report ***[Paper, 5.2]***

34. The Council noted **paper 5.2**, which provided a report on media, social media and other communications coverage relating to the Council.

35. The Council noted the update.

Items 5.3: 10-year anniversary update ***[Papers 5.3 and 5.3A-B]***

36. Joanne McMillan provided an update on the progress of preparations for the Council's 10-year anniversary conference, with reference to **papers 5.3A-B**.

37. The Council noted the update.

Items 5.4: Recent and upcoming engagement activity ***[Papers 5.4 and 5.4A]***

38. The Council noted **papers 5.4 and 5.4A**, which provided updates on recent and upcoming engagement activity.

39. The Council noted the update.

6. POLICY DEVELOPMENT

Item 6.1: Policy update ***[Paper 6.1]***

40. The Council noted **paper 6.1** which outlined a number of recent policy developments relevant to the Council's work.

7. GOVERNANCE AND REPORTS

Item 7.1: Standing papers: correspondence, FOISA, and complaints; finance overview; guideline timetable ***[Papers 7.1A-C]***

41. The Council noted the content of **papers 7.1A-C**.

Item 7.2: Decisions by correspondence ***[Oral Update]***

42. The Council noted that two decisions had been made by correspondence since the last Council meeting. These were to:

    - approve the recommendations reached at the Council meeting on 06 June from the point the meeting became inquorate; and
    - approve a response to the Criminal Justice Committee's call for views on the proposed Prostitution (Offences and Support) (Scotland) Bill, a Member's Bill.

8. AOB

43. No further business was raised.

9. FUTURE MEETING DATES

44. The Council noted dates scheduled for 2025 and 2026:

    - 10th Anniversary Conference: Monday 10 November 2025
    - Council meeting: Friday 05 December 2025
    - Workshop: Friday 06 February 2026
    - Council meeting: Friday 27 March 2026
    - Council meeting: Friday 12 June 2026
    - Workshop: Friday 28 August 2026
    - Council meeting: Friday 02 October 2026
    - Council meeting: Friday 04 December 2026

Scottish Sentencing Council Secretariat **October 2025**