

MEETING OF THE SCOTTISH SENTENCING COUNCIL

02 OCTOBER 2026

PARLIAMENT HOUSE, EDINBURGH

DRAFT MINUTES

- Members present:** Lord Beckett, the Lord Justice Clerk (Chair)
- Lady Drummond (judicial member)
- Sheriff Frances McCartney (judicial member) – *by video conference*
- Sheriff Scott Pattison (judicial member)
- Summary Sheriff Joanna McDonald (judicial member) – *until item 2.2*
- Summary Sheriff Alison Michie (judicial member)
- Victoria Young (advocate member) – *by video conference*
- Joanne McMillan (solicitor member)
- Deputy Chief Constable Bex Smith (constable member)
- Dr Jay Gormley (lay member)
- Secretariat:** Director
- Other members of the secretariat
- Attendees:** Sheriff Principal Andrew Miller (advisor)
- Lindsey Miller (Deputy Crown Agent, former prosecutor member)
- Apologies:** Lynn Burns (victims expert member)

1. PROCEEDINGS

Item 1.1: Introduction and welcome

1. The Chair opened the meeting and noted that apologies had been received from Lynn Burns.
2. The Chair welcomed Lindsey Miller to the meeting and noted that while Lindsey's term of office as the prosecutor member of the Council ended on 01 October, a new prosecutor member had not yet been appointed. Lindsey had agreed to attend today's meeting to provide advice from the prosecutorial perspective, and to contribute to discussions regarding the draft domestic abuse guideline, given her previous role as a member of, and now advisor to, the Domestic Abuse Committee.

Item 1.2: Previous meeting minutes [Paper 1.2]

3. The Council approved:
 - the draft minutes of the previous meeting of 12 June 2026 provided at **paper 1.2A**; and
 - the draft note of the discussions at the workshop of 28 August 2026 provided at **paper 1.2B**.

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

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

Item 1.4: Private papers [Oral update]

5. The Council agreed not to publish the following papers: 1.2B, 1.3, 1.5, 1.6, 2.1, 2.2, 2.2A, 2.2B, 2.2C, 2.2D, 2.2E, 2.2F, 2.2G, 2.3, 2.3A, 2.3B, 3.1, 3.2, 3.3, 3.4, 4.1, 4.2, 5.1, 5.2, 6.1, 6.1A, 6.2B, 6.2C, and 6.3.

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

6. The Council noted:
 - the update on Council and committee membership provided at **paper 1.5**;
 - that as noted under **item 1.1**, Lindsey Miller's tenure as the Council's prosecutor member ended on 01 October and a new prosecutor member had yet to be appointed; and

- that Lindsey Miller had been appointed as an advisor to the Domestic Abuse Committee for a period of 2 years.

Item 1.6: Draft Budget Bid 2027-28 [Paper 1.6]

7. Ondine Tennant provided an update on the Council's anticipated funding requirements for the financial year 2027-28 with reference to **paper 1.6**.
8. The Council noted that discussions with the Scottish Government would continue following the meeting.

2. SENTENCING GUIDELINES

Item 2.1: Environmental and wildlife offences [Paper 2.1]

9. Sheriff McCartney provided an update on the development of sentencing guidelines on environmental and wildlife offences. She noted that the Environmental and Wildlife Crime Committee had been considering various matters relating to the scope and approach of the guidelines and outlined the Committee's proposals for engagement to inform the development process.
10. The Council indicated that it was content with the proposals for engagement and agreed that the secretariat should finalise arrangements under the direction of the Environmental and Wildlife Crime Committee.

ACTION POINT

AP1: Secretariat to finalise arrangements for engagement on the development of environmental and wildlife offences guidelines under the direction of the Environmental and Wildlife Crime Committee.

Item 2.2: Domestic abuse [Papers 2.2 and 2.2A-G]

11. Summary Sheriff McDonald provided an update on the development of the draft domestic abuse guideline following initial analysis of the public consultation responses, with reference to **papers 2.2 and 2.2A-G**.
12. The Council:

- approved a number of amendments to the draft guideline regarding content and language;
- agreed areas for further consideration; and
- agreed areas where comment may be useful to share with relevant justice organisations.

ACTION POINT

AP2: Secretariat to amend the draft domestic abuse sentencing guideline as approved and provide discussion for further considerations to the Domestic Abuse Committee and Council.

Item 2.3: Sentencing after a guilty plea [Papers 2.3 and 2.3A-B]

- Summary Sheriff Michie provided an update on the development of the draft guideline and draft judicial survey paper. The Council noted the terms of the draft guideline, and discussed further possible amendments and areas for consideration.
- The Council agreed that the Committee should further consider the terms of the draft guideline.

ACTION POINT

AP3: Secretariat to fix a further meeting of the Sentencing After a Guilty Plea Committee.

Item 2.4: Guidelines committees update [Oral update]

- Lady Drummond provided an update on the work of the Sexual Offences Committee. She noted that:
 - The committee had met twice since the last meeting, on 15 September and 01 October.
 - At the meeting on 15 September, the committee had considered a report on the findings of recent judicial engagement for the draft sexual assault sentencing guidelines, a plan for external stakeholder engagement for the draft sexual assault

sentencing guidelines and proposed research with victims of indecent images of children offences.

- At the meeting on 01 October, the committee had considered the results of the judicial survey on the draft indecent images of children offences sentencing guideline.

16. Summary Sheriff McDonald provided an update on the work of the Domestic Abuse Committee. She noted that:

- The committee had met twice since the last Council meeting, on 17 and 21 September.
- The committee discussed the matters as set out in the papers under **item 2.2**.

17. Sheriff McCartney provided an update on the work of the Environmental and Wildlife Crime Committee. She noted that

- The committee had met twice since the last Council meeting, on 11 August and 22 September.
- The committee discussed the matters as set out in the papers under **item 2.1**.

18. Summary Sheriff Michie provided an update on the work of the Sentencing After a Guilty Plea Committee. She noted that:

- The committee had met twice since the last Council meeting, on 18 August and 23 September.
- The committee discussed the matters as set out in the papers under **item 2.3**.

3. COMMUNICATIONS AND ENGAGEMENT

Item 3.1: Recent and upcoming engagement activity [Papers 3.1 and 3.1A]

19. The Council noted **papers 3.1** and **3.1A**, which provided updates on recent and upcoming engagement activity.

20. In particular, it was noted that Sheriff Pattison, in his capacity as a judicial member of the Council, had given evidence to the Scottish Parliament's Criminal Justice Committee on 30 September in relation to custodial and community sentences.

Item 3.2: Communications activity [Paper 3.2], and Item 3.3: Media and digital update [Paper 3.3]

21. The Council noted **papers 3.2** and **3.3**, which provided updates on media, social media and other communications coverage and analytics relating to the Council.

Item 3.4: Podcast proposal [Paper 3.4]

22. Sheriff Pattison provided an overview of a proposal for a new Council podcast. The Council agreed that further information should be sought before the proposal is developed further.

ACTION POINT

AP4: Secretariat to seek further information on the podcast proposal and feedback to the Chair.

4. RESEARCH

Item 4.1: Research updates [Paper 4.1]

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

- The committee last met on 08 September.
- **Paper 4.1** provided updates on matters discussed during the last Research Committee meeting, and provided detail of recent and forthcoming research activity.

24. The Council:

- noted the updates provided in **paper 4.1**;
- agreed the current and forecasted research priorities as outlined in the paper;
- agreed that activity already underway should proceed as planned; and
- deferred consideration and development of new proposals to relevant committees until the next meeting pending further exploration of the matters raised.

ACTION POINTS

AP5: *Secretariat to revert to relevant committees to progress development of agreed proposals before reverting to Council.*

AP6: *Secretariat to circulate the final draft of the report on the one-year review of the death by driving guideline to members prior to publication, highlighting any substantive changes arising from final quality assurance and publication checks, should any occur.*

Item 4.2: Sentencing young people guideline – 3-year review update [Paper 4.2]

25. Dr Nicole Vidal provided an update on the research being carried out for the 3-year review of the 'Sentencing young people' guideline.

26. The Council:

- noted the updates provided in **paper 4.2**; and
- agreed that activity already underway should proceed as planned.

5. POLICY DEVELOPMENT

Item 5.1: Policy update [Paper 5.1]

27. The Council noted **paper 5.1**, which outlined a number of recent policy developments relevant to the Council's work.

Item 5.2: Criminal Justice Committee pre-budget scrutiny [Paper 5.2]

28. The Council noted the content of **paper 5.2**, which concerned a call for views by the Scottish Parliament's Criminal Justice Committee to inform the pre-budget scrutiny process, and agreed to consider a draft response to the call for views by correspondence.

ACTION POINT

AP7: *Secretariat to draft a response to the Criminal Justice Committee's call for views in respect of the pre-budget*

scrutiny process and issue to Council for consideration by correspondence.

6. GOVERNANCE AND REPORTS

Item 6.1: Annual report 2025-26 [Papers 6.1 and 6.1A]

29. **Paper 6.1** sought approval of the Council's draft annual report for 2025-26. The draft annual report, covering the period 01 April 2025 to 31 March 2026, was provided at **paper 6.1A**.
30. The Council approved, in principle, the draft annual report at **paper 6.1A** and agreed that the report should thereafter be finalised by the secretariat in consultation with the Chair.

ACTION POINT

AP8: Secretariat to finalise the annual report 2025-26 in consultation with the Chair and arrange for its submission to the Scottish Ministers and publication thereafter.

Item 6.2: Standing papers: correspondence, FOISA, and complaints; finance overview; guideline timetable [Papers 6.2A-C]

31. The Council noted the content of **papers 6.2A-C**.

Item 6.3: Decisions by correspondence [Paper 6.3]

32. The Council noted that six decisions had been made by correspondence since the last Council meeting. These were to:
- appoint Sheriff Principal Andrew Miller as a Council advisor;
 - approve the revised draft indecent images of children offences guideline and judicial survey paper; and to note the supporting documents for, and proposed timing of, the judicial survey;
 - offer comments and approve the Council's draft response to the Scottish Government's consultation on Protections in the justice system for women and girls;
 - agree amendments to the revised rape guidelines following feedback received during consultation;

- consider and offer comments on the Council's draft response to the Scottish Government's Prison population and penal reform - working towards a sustainable prison population: consultation; and
- consider and offer comments on the Council's draft response to the Scottish Government's National Strategy for Community Justice: Review Consultation.

7. AOB

33. No other business was raised.

8. FUTURE MEETING DATES

34. It was noted that options were being explored for the next meeting on 04 December 2026 and that an update would be provided on this in due course.

35. The Council noted dates scheduled for 2026 and 2027:

- Council meeting: 04 December 2026
- Workshop: Friday 05 February 2027
- Council meeting: Friday 12 March 2027
- Council meeting: Friday 04 June 2027
- Workshop: Friday 27 August 2027
- Council meeting: Friday 01 October 2027
- Council meeting: Friday 03 December 2027

Scottish Sentencing Council Secretariat
October 2026