

MEETING OF THE SCOTTISH SENTENCING COUNCIL
27 MARCH 2026
PARLIAMENT HOUSE, EDINBURGH
MINUTES

Members present: Lord Beckett, the Lord Justice Clerk (Chair)
Lady Drummond (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)
Deputy Chief Constable Bex Smith (constable member) - *by video conference*
Dr Jay Gormley (lay member)

Secretariat: Director
Other members of the secretariat

Apologies: Sheriff Scott Pattison (judicial member)
Lynn Burns (victims expert 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 Pattison, Lynn Burns, and Sheriff Principal Anwar.
2. The Chair welcomed the Council's new temporary research officer to her first meeting.

Item 1.2: Previous meeting minutes [Paper 1.2]

3. The Council approved the draft minutes of the previous meeting of 05 December 2025 provided at **paper 1.2**.

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**.
5. The Chair remarked on the progress made to complete a number of outstanding action points and thanked all those involved for their efforts in doing so.

Item 1.4: Private papers [Oral update]

6. The Council agreed not to publish the following papers: 1.3, 1.5, 1.6, 1.6A, 1.6B, 2.1, 2.1A, 2.2, 2.3A, 2.3B, 2.3C, 3.1, 3.2, 3.2A, 3.3, 3.4, 4.1, 4.2A, 4.2B, 5.1, 5.2, 5.2A, 5.2B, 5.2C, 5.3, 6.1B, 6.1C, and 6.2.

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**.
8. The Chair noted that:
 - The appointment process had begun for the new shrieval member to replace Sheriff Fleming, whose tenure expired on 09 March 2026.
 - Lady Drummond had been appointed as the new Senator member of the Council.
 - The secretariat would issue an item by correspondence seeking the Council's approval to appoint Summary Sheriff McDonald as a member of the Research Committee.
 - Any other members interested in serving on the Research Committee should contact the secretariat to note their interest.

ACTION POINT

AP1: Members to note interest in serving on the Research Committee with secretariat, and thereafter secretariat to issue an item by correspondence seeking approval of appointments to the Committee.

Item 1.6: Update on funding 2026-27 [Papers 1.6 and 1.6A-B]

9. The Council considered **paper 1.6** with reference to **papers 1.6A-B**, which contained details of the financial allocation for the financial year 2026-27.

10. The Council noted the update.

ACTION POINT

AP2: Secretariat to continue discussions with the Scottish Government and Scottish Courts and Tribunals Service regarding resourcing of data provision.

2. SENTENCING GUIDELINES

Item 2.1: Sentencing after a guilty plea [Papers 2.1 and 2.1A]

11. Summary Sheriff Michie provided an update on the development of the draft sentencing after a guilty plea guideline, with reference to **papers 2.1 and 2.1A**.

12. The Council:

- considered and discussed the draft guideline (**paper 2.1A**) and the matters raised in **paper 2.1**;
- invited the Sentencing After a Guilty Plea Committee to consider the outcomes of the Council's discussions and revise the draft guideline accordingly; and
- invited the Sentencing After a Guilty Plea Committee to commence further development of the guideline in terms of stage 3 of the guideline development process.

ACTION POINT

AP3: Sentencing After a Guilty Plea Committee to revise the draft guideline and commence stage 3 of development of the draft guideline.

Item 2.2: Sentencing process guideline [Paper 2.2]

13. The Council noted **paper 2.2**.

Item 2.3: Rape guidelines and domestic abuse consultation (NHOs) [Papers 2.3 and 2.3A-C]

14. The Council considered an update on the consequences of certain provisions of the Victims, Witnesses, and Justice Reform (Scotland) Act 2025 for the rape sentencing guidelines, and the public consultation on the draft domestic abuse sentencing guidelines with reference to **papers 2.3 and 2.3A-C**.

15. The Council:

- considered the papers and noted the forthcoming legislative amendments;
- agreed that the rape guidelines should be revised to take account of ss107 and 108 of the 2025 Act;
- agreed the terms of the proposed revisions to the rape guidelines for the purposes of consultation;
- agreed that draft impact assessments on the revised rape guidelines should be prepared on the basis outlined in **paper 2.3**;
- agreed timescales;
- agreed that the secretariat engage, where appropriate, with stakeholder and other organisations for the purpose of an impact assessment, and to inform them of the amendments; and
- agreed the proposed amendment to the explanatory paper for the domestic abuse consultation.

ACTION POINTS

AP4: Secretariat to revise the guidelines for sentencing offences of rape for the purposes of consultation.

AP5: Secretariat to prepare draft impact assessments for the draft revised guidelines for sentencing offences of rape for the purposes of consultation.

AP6: Secretariat to commence engagement with stakeholders and other organisations where appropriate, for the purpose of drafting the impact assessments for the draft revised guidelines for sentencing offences of rape and to inform them of the proposed amendments.

AP7: Secretariat to amend the explanatory paper for the public consultation on the draft domestic abuse sentencing guideline.

Item 2.4: Guideline committees update [Oral update]

16. Lady Drummond provided an update on the work of the Sexual Offences Committee. She noted that:

- She had been appointed to the committee in January and thereafter elected as its new chair in succession to Lord Matthews.

- The committee had met twice since the last Council meeting.
- On 05 February 2026, the committee heard a presentation from the RMA about the outcome of a pilot of a new framework for assessing indecent images of children offending. The committee also considered revisions to the draft indecent images of children offences sentencing guideline, an update on an analysis of sentencing data for these offences, and an early draft guideline on sexual assault offences.
- On 23 March 2026, the committee heard a presentation from the Lucy Faithfull Foundation Scotland about indecent images of children offending. The committee also considered further revisions to the draft indecent images of children offences sentencing guideline.

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

- The committee last met on 28 January 2026 when it discussed work towards a public consultation on a draft domestic abuse guideline.
- The Council had since considered a proposed timetable for consultation.
- Some stakeholder engagement had taken place since the last meeting.

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

- The committee last met on 03 February 2026, when representatives of the Scottish Environment Protection Agency (SEPA) gave a presentation on SEPA's work and priorities, the impact of serious organised crime in relation to environmental offences, and the challenges in dealing with offending by companies compared to individuals.
- Following this, the committee gave further consideration to the scope and approach of guidelines on environmental offences.
- The committee would next meet on 30 March, when it would hear from a representative of COPFS's Wildlife and Environmental Crimes Unit.

19. Summary Sheriff Michie provided an update on the Sentencing After a Guilty plea Committee. She noted that:

- The committee had not met since the last Council meeting.

- The committee would meet to consider further development of the draft sentencing after a guilty plea guideline in due course.

Item 5.2 was brought forward to ensure sufficient time for discussion.

Item 5.2: Sentencing and Penal Policy Commission [Papers 5.2 and 5.2A-C]

20. The Chair provided an update on the Sentencing and Penal Policy Commission's report and the recommendations provided therein with reference to **papers 5.2 and 5.2A-C**.

21. The Council:

- considered the papers and discussed some initial thoughts regarding the Commission's recommendations;
- agreed that it should give further consideration to the Commission's recommendations.

ACTION POINT

AP8: Secretariat to revert to the Council with a further update on the Sentencing and Penal Policy Commission's report and recommendations.

3. COMMUNICATIONS AND ENGAGEMENT

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

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

Item 3.2: Communications activity [Papers 3.2 and 3.2A]

23. Joanne McMillan provided an update on communications activity since the last Council meeting, with reference to **paper 3.2**. In particular, she noted that:

- The Communications and Engagement Committee last met on 26 January 2026.
- The report on the second national survey of public perceptions of sentencing was published on 15 February 2026.
- Communications updates were published on 03 March 2026 marking the Council's rape sentencing guidelines coming into effect.

- The Council's Easy Read guide to sentencing was published on 09 December 2025.
- The schools essay competition had been a success, with the winning entry being of exceptional quality, and would be run again.

24. The Council noted **paper 3.2**, including the changes made around publication staff profiles on the website.

25. Joanne invited the Council to approve proposals in **paper 3.2A** which covered plans for a new informational video on sentencing.

26. The Council approved the proposals with some minor suggested amendments.

ACTION POINT

AP9: Secretariat to explore possible amendments to the video content and associated case studies for the website.

Item 3.3: Media and digital update [Paper 3.3]

27. The Council noted **paper 3.3**, which provided a report on media, social media and other communications coverage relating to the Council.

Item 3.4: Communications updates to note [Paper 3.4]

28. Joanne invited the Council to approve the proposals in **paper 3.4** which set out a number of proposals relating to the Council's communications work.

29. The Council approved the proposals.

ACTION POINT

AP10: Secretariat to take forward the proposals contained in paper 3.4 subject to further consideration of the contribution of members of the judiciary.

4. RESEARCH

Item 4.1: Research Committee update [Paper 4.1]

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

- The Committee last met on 29 January 2026 and arrangements for scheduling the next meeting are in progress.
- **Paper 4.1** provided updates on recent and upcoming research activity and sought the Council's approval of research priorities and forecasted projects.

31. The Council agreed the current and forecasted research priorities and agreed for the secretariat to further plans for identification of the target research population and sample across relevant projects.

Item 4.2: Sentencing research [Papers 4.2 and 4.2A-B]

32. The Council considered an update on the progress of the research project outlined in **papers 4.2 and 4.2A-B**.

33. The Council noted the update and agreed to sharing the interim findings on the basis proposed.

ACTION POINT

AP11: Secretariat to share interim findings of the research for the purposes of feedback and to assist with design of the next phase.

5. POLICY DEVELOPMENT

Item 5.1: Policy update [Paper 5.1]

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

Item 5.3: Public consultation on improving protections in the justice system for women and girls [Paper 5.3]

35. The Council considered **paper 5.3**, on the Scottish Government's consultation titled 'Improving protections in the justice system for women and girls'.

36. The Council noted the update and agreed that the Council should respond to the consultation.

ACTION POINT

AP12: Secretariat to draft a response to the Scottish Government's consultation 'Improving protections in the justice system for women and girls' and seek approval from the Council for submission of the response.

6. GOVERNANCE AND REPORTS

Item 6.1: Standing papers: correspondence, FOISA, and complaints; finance overview; guideline timetable [Papers 6.1A-C]

37. The Council noted the content of **papers 6.1A-C**.

Item 6.2: Decisions by correspondence [Paper 6.2]

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

- appoint Lady Drummond as a member of the Sexual Offences Committee
- approve a response to the Scottish Government's consultation on automatic early release for short-term prisoners
- approve amendments made following decisions taken at the Council workshop held on 06 February in relation to the documents for the consultation on the domestic abuse guideline
- agree a proposed timetable for consulting on the draft domestic abuse offences sentencing guideline public consultation, and to approve amendments to various associated documents
- approve a short public response to the Scottish Sentencing and Penal Policy Commission's report for publication on the Council's website.

7. AOB

39. No other business was raised.

8. FUTURE MEETING DATES

40. The Council noted dates scheduled for 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

March 2026