

Summary: Intervention & Options

Department /Agency:
Ministry of Justice

Title:
Impact Assessment of Sentencing Council for England and Wales

Stage: Final Proposal

Version: 1

Date: 1 January 2008

Related Publications: Sentencing Commission Working Group: "Sentencing Guidelines in England and Wales: An Evolutionary Approach" and "Crown Court Sentencing Survey" July 2008

Available to view or download at:

<http://www.justice.go.uk/publications/sentencing-commission.htm>

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What is the problem under consideration? Why is government intervention necessary?

Current system for producing sentencing guidelines involves two bodies, the Sentencing Advisory Panel (SAP) and the Sentencing Guidelines Council (SGC) which results in cumbersome procedures for creating and consulting on guidelines. There is currently no assessment of the impact of guidelines or the nature of adherence to guidelines. This means it is not possible to predict the impact of guidelines and sentencing on correctional services or plan effectively to meet changes in demand. There is also no independent assessment of the impact of Government policies or legislation.

What are the policy objectives and the intended effects?

To amalgamate the current functions of the SGC and SAP in one body, the Sentencing Council for England and Wales, with a streamlined consultation process. To place a duty on the Council to assess the impact and application of its guidelines and in doing so to collect new sentencing data. To enhance the role of the Council in assessing the impact of policies and legislation on correctional resources with the intended effect of allowing Government to plan better for demand on correctional services.

What policy options have been considered? Please justify any preferred option.

Policy options were considered by the independent Sentencing Commission Working Group (see report cited above) included Sentencing Commission models in several US states and other jurisdictions.

Preferred option, recommended by Working Group, is a new amalgamated body based on existing bodies but with enhanced roles in assessing the impact of guidelines, legislation and other policies.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

Yes, 2-3 years after full implementation

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Maria Eagle MP, Parliamentary Under Secretary of State at the Ministry of Justice

.....Date: 13 January 2009

Summary: Analysis & Evidence

Policy Option:	Description:
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COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' Costs for enhanced role of Sentencing Council in addition to current expenditure of SAP and SGC currently £1,000,800
	One-off (Transition)	Yrs	
	£ 150,000	1	
	Average Annual Cost (excluding one-off)		
	£ 1,793,000	Total Cost (PV)	£ 1,808,000
Other key non-monetised costs by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups'
	One-off	Yrs	
	£ 0	0	
	Average Annual Benefit (excluding one-off)		
	£ 0	Total Benefit (PV)	£ 0
Other key non-monetised benefits by 'main affected groups' New roles for body and additional sentencing date will allow for better planning for prison places, reducing the need for short-term policies to reduce pressure on correctional services. Closer adherence to sentencing ranges could lead to fewer appeals in the long term but no benefits would be seen in the short term.			

Key Assumptions/Sensitivities/Risks

Data collection and adherence to guidelines are such as to allow assessments and improve predictability of impact on resources.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
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What is the geographic coverage of the policy/option?			England & Wales		
On what date will the policy be implemented?			TBC		
Which organisation(s) will enforce the policy?			Sentencing		
What is the total annual cost of enforcement for these organisations?			£ NA		
Does enforcement comply with Hampton principles?			Yes		
Will implementation go beyond minimum EU requirements?			N/A		
What is the value of the proposed offsetting measure per year?			£ 0		
What is the value of changes in greenhouse gas emissions?			£ 0		
Will the proposal have a significant impact on competition?			No		
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
Are any of these organisations exempt?		Yes/No	Yes/No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)
Increase of	£ 0	Decrease of	£ 0
Net Impact			£ 0

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

Proposals are based on the recommendations of the Sentencing Commission Working Group (2008) and the Prison Review by Lord Carter of Coles (2007)

The enhanced role for the Sentencing Council will result in some additional costs to the current costs of the Sentencing Advisory Panel and Sentencing Guidelines Council (annual expenditure £1 million). These costs arise from additional analytical staff required for the wider duties to assess the impact of guidelines as well as legislation and policy changes. The following lists the additional costs.

Sentencing Council staff costs

Additional staff to analyse sentencing data and assess legislation and other policy changes.

Year	Additional Staff	Cost
2008-09	2	£130,000
2009-10	7.5	£445,000
2010-11	7.5	£463,000
4% YOY increase		

Amalgamation of the SAP with the SGC will mean there are some minimal offsetting savings due to saving in administrative staff and recruitment costs as well as reduced expenses of members.

There will be some additional costs for pensions, publication and possible accommodation changes.

Court Staff

Admin staff in some larger courts to assist with data collection exercise, if required.

Year	Cost
2008-09	£37,000
2009-10	£156,000
2010-11	£162,000
4% YOY increase	

Judicial & Court costs

Not included as will be absorbed.

Other Costs

IT Costs - £150,000

Possible requirement for one time cost to make changes to the CREST and XHIBIT systems that are used to gather court data. Costs expected in early 2009-10.

£573,000 in additional annual costs determined by £37,000 in q4 2008/09 x 4 = £148k plus £445k less approximately 4% to bring costs to 2008/09 values.

Benefits

Sentencing data, adherence to guideline sentencing ranges and impact assessments of new guidelines will assist in helping to predict the impact of sentencing on correctional services. This will in turn allow for better planning for prison places, reducing the need for short-term policies to relieve pressure on prison and probation.

Closer adherence to sentencing ranges set out in guidelines could lead to fewer appeals in the long term but no benefits would be seen in the short to medium as it would take time to achieve steady state in appeals rates.

Closer adherence to sentencing ranges could arrest historical trends in upward sentencing drift. Sentencing increases are currently assumed for projecting the prison population to be around 0.5% a year increase in custody rates and sentence lengths. Arresting sentencing drift could potentially mean avoiding the need to build some 1,000 additional prison places (build cost of which is around £150m, running costs around £37.5m).

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	Yes	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	Yes	No
Rural Proofing	No	No

Annexes