

Prison Reform Trust response to the Sentencing Council consultation on miscellaneous amendments to sentencing guidelines – December 2021

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for people in prison.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families
- promote equality and human rights in the criminal justice system.

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Introduction

Given the nature of this consultation we have chosen to focus our response very narrowly on the council's plans to standardise guidelines relating to confiscation.

Confiscation orders

We understand that proposed changes to the guidelines are to aid clarity and consistency between a broad range of guidelines for offences which can attract a confiscation order. We also recognise that similar wording on the use of confiscation orders is already used in a number of existing guidelines.

However, we are concerned that there are currently insufficient measures to enable effective monitoring of this change. As the consultation acknowledges:

"There are no published figures for the number of confiscation orders made..."

Yet despite this admission consultees are being asked to take on trust that this amendment will not lead to a change in their use.

"...the proposed changes to wording in guidelines is unlikely to influence the making of confiscation order – the changes simply seek to aid clarity and transparency."

We welcome any changes that improve clarity and that ultimately deliver greater consistency, however we question how the council can make such a declaratory statement, given that it has no way of monitoring the impact of such a change?

Should the change be made, we would recommend that the council sets out what actions they would take to ensure that this does not lead to a change in their use—as stated.