

Prison Reform Trust response to the Sentencing Council's consultation on revisions to sentencing guidelines for child cruelty offences – October 2022

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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1. What are your views on the proposed approach to reflect the statutory changes, by creating a new very high level of culpability?

We are supportive of the council's approach to create a new level of culpability, in recognition of the increased maximum penalty in the Police, Crime, Sentencing and Courts Act.

This is a different approach to the council's draft motoring offences guidelines. Our response to that consultation, highlighted our concern that increases to the maximum penalty were being used as justification to also increase sentence lengths for offences with lower levels of culpability, as well as offences where Parliament hadn't revised legislation. These two different approaches appear at odds with each other.

We are also supportive of the council's decision to keep the culpability factor "prolonged and/or multiple incidents of serious cruelty, including serious neglect" within the level of high culpability.

Recommendation: The council should adopt the approach it has taken for child cruelty offences, when revising its guidelines following an increase to the maximum penalty by Parliament.

2. What are your views on the proposed sentence levels for very high culpability cases?

We support the council's approach to isolate the sentence length changes to this new category of very high culpability.

We are particularly interested to read that:

"...the Council is unaware of evidence that sentence levels for this offence are too low across the range of offending."

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We are unclear whether this has been reflected in other draft offence guidelines.

Recommendation: It would be helpful for the council to indicate what evidence is required to demonstrate that sentences should be increased across the range when preparing new draft guidelines.

3. Are there any aspects of the revisions that you feel may cause or increase disparity in sentencing?

Given the disproportionate number of women convicted of child cruelty offences, it is likely that the addition of a very high culpability level will increase the proportion of women sent to prison on long sentences. The approach the council has adopted of not increasing sentenced levels overall is welcome, but it remains to be seen whether or not the new guideline will have a disproportionate impact on women and the sentences they receive for these offences.

Recommendation: The council should monitor the impact of the new very high culpability factor on the length of sentences handed down, to ensure that in practice it does not lead to general sentence inflation across the culpability levels for these offences.