

## **Sentencing Guidelines (Pre-Sentencing Reports) Bill**

### **Equalities Impact Assessment**

#### **1. Policy Summary**

The aim of this Bill is to make clear that sentencing guidelines should not prescribe the use of pre-sentence reports (“PSRs”) based on broad offender cohorts, in line with current practice. Specifically, it seeks to remove the effect of the relevant section in the draft *Imposition of community and custodial sentences* guideline and prevent the Sentencing Council from reissuing guidance to the same effect. It is the Government’s intention that this will stop differential treatment between offenders based on their demographic cohort and preserve the important principle of equal treatment before the law.

The Bill has two clauses, and only one substantive clause.

#### **2. Equality Duties**

This statement considers the impact of new legislation and associated operational changes against the statutory obligations under Section 149 of the Equality Act 2010 that require Ministers and the department, when exercising their functions, to pay ‘due regard’ to the need to:

- Eliminate discrimination, harassment, victimisation and other prohibited conduct under the Act;
- Advance equality of opportunity between those who share relevant protected characteristics and those who do not; and
- Foster good relations between those who share relevant protected characteristics and those who do not.

The protected characteristics are race, sex, disability, age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment. The protected characteristic of marriage and civil partnership is relevant only when considering the first limb of the duty.

#### **3. Equality Considerations**

It is the intention of the Bill to disapply the part of the Sentencing Council's *Imposition* Guideline relating to how courts should request pre-sentence reports for particular cohorts. To that end, it is the Government’s expectation that this will result in a preservation of current practices. Courts are, in any event, required to obtain and consider a PSR unless, in the circumstances of the case, it is considered unnecessary. We have assessed that there are therefore no significant negative equalities impacts.

Moreover, it is the Government's view that the Bill may have a positive impact because it:

- Prevents potential differential treatment arising from the Sentencing Council guidelines and avoids any unintended discrimination;
- Reinforces equal access to pre-sentence reports; and
- Supports consistency in application across all demographic groups.

The overall impact of this Bill promotes fairness and consistency in application across demographic groups.

### **Direct discrimination**

Our assessment is that the provisions of the Sentencing Guidelines (Pre-Sentence Reports) Bill are not likely to be directly discriminatory within the meaning of the Equality Act 2010 as it will not treat anyone less favourably because of a protected characteristic.

### **Indirect discrimination**

We do not consider that the Bill will be indirectly discriminatory within the meaning of the Equality Act 2010. The intention behind this Bill is to return to the status quo prior to the 1 April 2025 and by extension, not create further legal effect. We will continue to review our equality considerations as the Bill progresses.

Indirect discrimination occurs when a provision applies equally to all individuals in the impacted pool but would put those sharing a protected characteristic at a particular disadvantage compared to those who do not and cannot be shown to be a proportionate means of achieving a legitimate aim.

### **Advancing equality of opportunity**

Consideration has also been given to how these provisions impact on the duty to advance equality of opportunity. We do not consider the provisions in this Bill as having a significant impact on the achievement of this objective.

### **Discrimination arising from disability and duty to make reasonable adjustments**

We do not consider that the provisions are likely to result in any unlawful discrimination on any grounds, including in relation to disability.

### **Fostering good relations**

Consideration has been given to fostering good relations in drafting this Bill. It is our assessment that there will be no adverse impact on relations between those who share protected characteristics and those who do not. To the contrary, our view is that by ensuring the demographic cohort offender is not a factor in determining

whether a PSR is listed as necessary in guidelines, we are protecting the principle of equality of persons before the law; a key factor in fostering good relations across society.

### **Welsh language Impact**

We do not consider that the provisions are likely to result in any impacts on the Welsh language.

**Ministry of Justice**  
**1 April 2025**