



House of Commons
Justice Committee

Draft sentencing guideline on breach offences

Thirteenth Report of Session 2016–17

*Report, together with formal minutes
relating to the report*

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Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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Sentencing guidelines and the role of the Committee

The Sentencing Council

1. The Sentencing Council for England and Wales is an independent non-departmental body of the Ministry of Justice, set up to promote greater transparency and consistency in sentencing, whilst maintaining the independence of the judiciary. Its primary role is to issue guidelines on sentencing, which the courts must follow unless it is in the interests of justice not to do so. The Council also assesses the impact of guidelines on sentencing practice and promotes public awareness of sentencing practice in the magistrates' courts and the Crown Court.
2. Under section 120 of the Coroners and Justice Act 2009, the Council is required to publish sentencing guidelines in draft before they are finalised. Section 120(6) of the 2009 Act lists the Justice Committee as a statutory consultee on draft guidelines. The Council must also consult the Lord Chancellor and any person that the Lord Chancellor directs should be consulted, together with such other persons as the Council considers appropriate.

Our response to the current consultation

3. In this Report we comment on the draft guidelines for breach offences published for consultation by the Sentencing Council on 25 October 2016.¹ Guidelines are not currently available for breaches of all types of court order, and those that do exist vary in their format and scope. On the basis of consultation, the Council has decided to issue a single definitive guideline document covering the following breach offences:

- Breach of a Community Order
- Breach of a Suspended Sentence Order
- Breach of Post Sentence Supervision
- Failing to Surrender to Bail
- Breach of a Protective Order (restraining and non-molestation orders)
- Breach of a Criminal Behaviour Order and Anti-Social Behaviour Order
- Breach of a Sexual Harm Prevention Order and Sexual Offence Prevention Order
- Failing to Comply with Notification Requirement
- Breach of disqualification from acting as a director
- Breach of disqualification from keeping an animal.

¹ [Sentencing Council: Breach offences guideline consultation, 25 October 2017](#)

4. We welcome the opportunity to consider these draft guidelines and, as on previous occasions, we are grateful to the Sentencing Council for its willingness to liaise with us and for once again sharing its consultation responses,² avoiding the need for us to seek separate evidence from the respondents. Our task has been made easier by the fact that the consultation document is well structured and clearly written. Appended to our Report is a useful summary of the proposals and consultation responses which the Council has prepared for us. Owing to pressure of our other work, our Report is published some weeks after the consultation deadline (25 January 2017) but the Council has nonetheless agreed to consider it, for which we are grateful. We have focused our attention on particular issues that appear to us to merit further consideration by the Council, rather than responding to each of the questions in the consultation.

² We do not publish the responses to the Sentencing Council that we receive.

Draft guidelines on breach offences

Approach taken by the Council

5. The Sentencing Council describes this as a ‘challenging project’, relating to a wide range of offences—for some of which no sentencing data were available. Significantly, the Council identified that certain breach offences were attracting sentences much lower than the statutory maximum; hence, the draft guidelines ‘provide for the full spectrum of seriousness in a breach to be assessed and the sentence ranges more closely reflect the statutory maxima for the offences.’³ Respondents to the Council’s consultation with magistrates and District Judges in November 2014 indicated a preference for comprehensive sentencing guidelines for breach offences, presented in a uniform format. The Council has decided to produce a single definitive guideline to ensure a consistent approach to the sentencing of these offences.

6. The Council explains that for some breach offences—breach of a Community Order (CO), Suspended Sentence Order (SSO) and Post Sentence Supervision (PSS)—its standard ‘stepped approach’⁴ to the assessment of seriousness would not have been appropriate, as the factors which affect the seriousness assessment do not lend themselves to this model. Bespoke guidelines have been developed for these breach offences, allowing sentencers to take into account ‘all relevant and appropriate considerations’.⁵ However, the remaining breach guidelines adopt a stepped approach, albeit with some modifications to the approach adopted by the Council in its other guidelines.

Resource analysis

7. The Sentencing Council acknowledges that a lack of available data on action taken in response to breaches of COs and SSOs makes it ‘problematic’ to estimate the resource impact of these guidelines.⁶ There is information available on the number of COs and SSOs imposed, and on the reasons for terminating them (including for failure to comply with requirements or following conviction for a further offence) but there are no reliable data on court responses to these breaches. In February 2015,⁷ PSS was extended to those sentenced to prison for up to 12 months, with provisions enabling a court to impose a supervision default order or committal to prison for up to 14 days in response to a breach without reasonable excuse. The Council’s resource assessment states that only limited data are available on the number of PSS breaches brought to court and those that result in recalls to custody, although it notes that the Ministry of Justice impact assessment of the

3 Breach offences guideline consultation, page 7

4 A stepped approach requires sentencers to determine the offence category taking account of culpability and harm, then to consider the starting point of the sentence within a prescribed category range, taking account of aggravating and mitigating factors. Sentencers should then consider other factors such as a reduction for assistance to the prosecution or for a guilty plea.

5 Breach offences guideline consultation, page 9

6 [Consultation stage resource assessment: Breach of a Community Order, Suspended Sentence Order and Post Sentence Supervision](#), paragraph 6.3.

7 Under the Offender Rehabilitation Act 2014, all offenders who receive a custodial sentence of more than one day and less than two years are now subject on release to compulsory PSS for 12 months.

new legislation anticipated a large volume of offenders being sentenced to short custodial sentences following a breach.^{8 9} We return below to the draft guideline on PSS breaches (paragraphs 35 to 42).

8. Between 2005 and 2015, the number of SSOs in force increased from 9,700 to 57,100, while over the same decade the number of COs decreased from 204,200 to around 114,300 in 2015.¹⁰ In response to evidence that SSOs were sometimes being imposed inappropriately as a more severe form of CO, the Council developed a new guideline on Imposition of community and custodial sentences,¹¹ effective from 1 February 2017; this guideline emphasises that, for an SSO to be imposed, the offence must meet the custodial threshold. The Council expects that the anticipated reduction in inappropriate SSOs, combined with the effect of the new guideline for SSO breach offences, will lead to an increase in the proportion of SSOs activated in response to a breach. However, it acknowledges in its consultation stage resource assessment that:

‘due to the lack of data and the changes that the Imposition guideline will bring about, it is not possible at this point to provide a precise estimate of the potential impact of the CO and SSO guideline on prison, probation and youth justice resources.’¹²

9. The resource assessment goes on to state that the Council will review the data on the impact of the new Imposition guideline, although these data are unlikely to be available before mid to late 2017. Using Ministry of Justice statistics, the Council will also monitor the effects of the new breach offence guidelines to identify any divergence from their aims as quickly as possible. In addition, it will consider feedback from consultees on the guidelines’ likely effect and will provide explanatory material to read alongside the guidelines after they have been released.¹³

10. We note that some respondents¹⁴ to the Council’s consultation raised concerns about the draft guidelines being developed with inadequate data on court responses to breach offences, and about the prospect of more offenders receiving prison sentences. Nicola Padfield, Reader in Criminal and Penal Justice, University of Cambridge, suggested that more needs to be known about the specific breach, the offender and the service providers involved to avoid the risk ‘that even more offenders will receive short prison sentences.’

11. In our recent Report on the draft sentencing guidelines on bladed articles and offensive weapons,¹⁵ we acknowledged the difficulties of predicting the impact of guidelines in the absence of a comprehensive modelling exercise. In that Report we expressed some concerns about ‘the prospect of a substantial and not fully quantified increase in the number of

8 The Ministry of Justice [Impact Assessment for the Offender Rehabilitation Bill](#) notes that, in 2011/12, around 50,000 adult offenders were released from prison after serving custodial sentences of less than 12 months, the majority of whom were not managed in the community after release (page 3).

9 Paragraph 6.6, [Consultation Stage Resource Assessment: Breach of a Community Order, Suspended Sentence Order and Post Sentence Supervision](#)

10 Ibid, Paragraph 4.1.

11 [Imposition of community & custodial sentences: Definitive guideline](#)

12 Paragraph 6.5, Resource Assessment.

13 Paragraph 7.6, Resource Assessment

14 Including Transform Justice, Criminal Law Solicitors’ Association

15 [House of Commons Justice Committee, Eighth Report of Session 2016–17: Draft Sentencing Guidelines on bladed articles and offensive weapons, HC 1028](#)

custodial sentences' if those guidelines were introduced in their present form without a better understanding of their impact and without a commitment by the Ministry of Justice to meet any additional demand in prison and probation services.¹⁶

12. We conclude that the draft guidelines on CO and SSO breaches give rise to similar concerns to those we expressed in our Report on bladed articles and offensive weapons. We consider there to be a real risk that the new guidelines will generate an increase in custodial sentences without there being a commitment by the Ministry of Justice to meet the additional demand. We recommend that the Council present the Ministry of Justice with a more accurate estimate of impact as soon as possible after the guidelines take effect, to enable any expected increase in prison population to be factored into planning of the custodial estate.

13. The draft guidelines for other breach offences (Failure to Surrender to Bail or to Comply with a Notification Requirement; Breach of a Protective Order/Criminal Behaviour Order/Sexual Harm Prevention Order; breach of disqualification from acting as a director/ from keeping an animal) have also been developed without the benefit of comprehensive data. While the consultation stage resource assessments¹⁷ contain statistics indicating the number of offenders sentenced and sentence outcomes, the Council acknowledges that it is 'difficult to establish how current breach cases would be categorised across the levels of culpability and harm proposed in the new guidelines, due to a lack of data available regarding the seriousness of current cases.'

14. The Council also accepts that aspects of its proposed guidelines might lead to higher sentences for certain breaches. For example, while the current guideline on Breach of a Protective Order¹⁸ takes into account 'the nature of activity' but not culpability, the new draft guideline adopts a stepped approach based on three levels of harm and three levels of culpability. The Council acknowledges that the new sentence ranges are 'very different' to those included in the current guideline;¹⁹ they are closer to the statutory maxima for the offences, reflecting sentence levels at the upper end of seriousness in cases that were reviewed when the draft guideline was being developed. In contrast to the current guideline, which merely focuses on the number of breaches, the most serious culpability category in the new guideline would include flagrant, serious or persistent breaches. An offender who breaches a Protective Order by resuming a relationship with the protected person on a consensual basis would commit an offence of high culpability and low harm; this would attract a starting point of twelve weeks' custody, whereas under the current guideline a similar offence has a starting point of a medium level Community Order.

15. The new guideline on Breach of a Criminal Behaviour Order extends the category range up to four years' custody, in comparison with a range with a maximum of two years' custody under the current guideline.²⁰ The Council anticipates this being offset by fewer offenders being placed in the most serious harm category (which requires someone to cause 'very serious physical or psychological harm or distress') and by some offenders

16 Ibid, paragraph 13

17 [Consultation Stage Resource Assessment: Failing to Surrender to Bail; Consultation stage resource assessment: Breach of a Protective Order, Breach of a Criminal Behaviour Order, Breach of a Sexual Harm Prevention Order, and Failing to Comply with a Notification Requirement; Consultation stage resource assessment: breach of disqualification from acting as a director and breach of disqualification from keeping an animal.](#)

18 Sentencing Guidelines Council, [Breach of a protective order: definitive guideline](#), December 2006

19 Consultation on breach offences guideline, page 29

20 [Sentencing Guidelines Council: breach of an anti-social behaviour order; definitive guideline, December 2008](#)

currently categorized in the middle harm category being placed in the lowest category of harm, with a corresponding reduction in sentence. Another example of a potentially significant change in sentencing practice is the new guideline for Failing to Comply with a Notification Requirement, which is more prescriptive than its predecessor and, according to the resource assessment,²¹ may lead to more sentences at the top end of the guideline range; in addition, it includes a higher starting point at the lower end of seriousness.

16. The Council has carried out an assessment of the impact of the new guidelines on aggregate sentencing behaviour based on analytical and research work in the development stage, but it accepts that ‘strong assumptions’ must be made about behavioural change and that any estimates of the impact of the new guidelines are subject to a large degree of uncertainty.²² To mitigate the risk of unintended impact, the Council plans to undertake interviews with sentencers as part of its consultation process, gaining more information on which to base its final resource assessment.²³ As with the new guideline on COs, SSOs and PSSs, the Council also intends to provide explanatory material to sentencers, consider feedback from consultees on the likely impact of the guidelines and draw on Ministry of Justice data to identify any divergence from the guidelines’ aims as quickly as possible.²⁴

17. We note the difficulties that the Council faces in completing full resource assessments before revised guidelines take effect—in particular, because of insufficient data for it to identify custody thresholds for different breach offences within current sentencing practice. We are reassured to some extent by the Council’s commitment to keeping the impact of these new guidelines under close review, but we recommend that the Council identify any increase that may be needed in correctional resources as quickly as possible after the guidelines take effect and draw this to the urgent attention of the Ministry of Justice.

Assessment of equality impact

18. As with all public authorities, the Council must consider the potential equality impact of sentencing guidelines when developing them.²⁵ The courts have held that this duty requires a decision-maker to assess the risk and extent of any adverse equality impact and the ways in which such risk may be eliminated or mitigated before the adoption of a proposed policy, rather than doing this merely as a ‘rearguard action’.²⁶ It has also been held that an important evidential element in the demonstration of the discharge of this duty is the recording of the steps taken by the decision-maker in seeking to meet these requirements.²⁷

19. One of the consultation questions posed by the Council on its draft breach offences guideline is whether there are any equality or diversity issues that the guideline does not take into account.²⁸ We note that the Council has not published a draft assessment of

21 Consultation Stage Resource Assessment: Breach of a Protective Order (etc), paragraphs 6.19 and 6.20.

22 Resource Assessment, paragraph 5.1

23 Resource Assessment, paragraph 5.6

24 Resource assessment, paragraph 7.7

25 Section 149 of the Equality Act 2010 requires a public authority, in the exercise of its functions, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations.

26 See, for example, *Bracking v SoS for Work and Pensions* [2013] EWCA Civ 1345, paragraph 26(4)

27 *Ibid*, paragraph 26(2)

28 Question 52, page 54

equality impact alongside the consultation paper—although it has done so on previous occasions.²⁹ We understand that equality issues are taken into account throughout the full development cycle of guidelines and that any such issues raised in consultation responses will be fully considered by the Council and addressed in the consultation response document. We discuss below (paragraphs 25 to 28) the potential impact of the draft guideline on Breach of a Community Order on offenders who are disabled because of mental health conditions or learning disabilities.

20. We note that the courts have confirmed that decision-makers have a duty to assess the risk and extent of adverse equality impact at an early stage in policy development, and that they have recommended recording the steps that are taken to this end. We welcome the Sentencing Council’s willingness to consider equality issues throughout the development cycle of guidelines, but we recommend that, for the sake of consistency, it should revert to the practice of publishing a draft assessment of equality impact in relation to all draft guidelines to enable stakeholders to comment on it.

Breach of a Community Order

21. Under Schedule 8 to the Criminal Justice Act 2003, a breach of a Community Order (CO) without reasonable excuse presents the sentencer with a range of options:

- Imposing more onerous requirements than the original order
- Imposing a fine not exceeding £2,500
- Revoking the order and resentencing the offender for the original offence, using any option that would have been available to the original sentencing court—including custody
- If non-compliance is ‘wilful and persistent’, imposing up to six months’ imprisonment.

22. Based on discussions held with sentencers and probation officers and a limited review of cases, the Council has concluded that the primary factor in assessing the seriousness of the breach is the offender’s prior level of compliance with the CO. The draft guideline indicates that, when assessing compliance, sentencers should consider the offender’s overall attitude and engagement with the CO; the proportion of elements that have been completed; the impact of completed elements on the offender’s behaviour; and the proximity of the breach to the imposition of the order. The guideline sets out a broad range of penalty options for each category of compliance: ‘high’, ‘medium’ and ‘low’; and it aims to ‘strike the balance between appropriately punitive penalties to deal with the breach and providing sufficient options to enable the penalty to be suitably tailored to the circumstances’.³⁰ Where non-compliance has been ‘wilful and persistent’, the guideline provides—in accordance with the legislation—that the CO be revoked and the offender resentenced to custody,³¹ even when the original offence was not serious enough to merit custody in the first place.

29 For example, [Robbery: draft equality impact assessment](#) (October 2014); [Theft offences: draft equality impact assessment](#) (April 2014); [Dangerous dog offences: draft equality impact assessment](#) (April 2015).

30 Consultation on breach offences guideline, page 11

31 [Schedule 8, paragraph 9\(1\)\(c\) and 10\(1\)\(c\), Criminal Justice Act 2003](#)

23. In its consultation document, the Council acknowledges that the objective of rehabilitating offenders is crucial to dealing with breaches; it also recognises that the primary objective of the court is to achieve compliance with the CO, and that many variables will affect the decision on how to deal with a breach.³² However, the Council has not made reference to these factors in the draft guideline. Unlike several other draft guidelines in this consultation,³³ the guideline on CO breach offences does not include aggravating and mitigating factors, on the basis that ‘the level of compliance determines the seriousness of the breach, and many of the appropriate factors would result in double counting of compliance related matters.’³⁴

24. In contrast, the extant guidance from the Sentencing Guidelines Council,³⁵ the Sentencing Council’s predecessor, states that factors to be considered by the court include the *reasons* for the community sentence being breached. In addition, the court ‘should have as its primary objective ensuring that the requirements of the sentence are finished’ and, before increasing the onerousness of an order, sentencers must consider the offender’s ability to comply and should avoid precipitating a further breach by overloading the offender with too many, or conflicting, requirements. The court may also need to consider re-sentencing to a differently constructed community sentence to secure compliance with the purposes of the original sentence.

25. Although some respondents to the consultation³⁶ broadly supported the approach set out in the draft guideline on CO breach offences, concerns were raised by the national charity Transform Justice about the omission of aggravating and mitigating factors. They cite anecdotal evidence that many offenders breach orders because of contextual reasons such as mental health conditions, learning difficulties, homelessness or addiction. Similarly, the Criminal Law Solicitors’ Association pointed out that the problems of offenders with drug or alcohol addictions or mental health issues ‘are not solved overnight’; taking into account the proximity of the breach to the imposition of the order may be misleading, as in the early stages of the CO (when offenders may still be undergoing treatment) these unresolved problems could undermine the offender’s ability to comply. We observe that other draft guidelines in this consultation include, as a potential mitigating factor: ‘Mental disorder or learning disability where linked to the commission of the offence’.

26. Of relevance here are some of the recent area inspections by HM Inspectorate of Probation, which have identified concerns about the effectiveness of probation work by Community Rehabilitation Companies (CRCs) in particular. For example, a report into probation work in north London concluded: “A combination of unmanageable caseloads, inexperienced officers, extremely poor oversight and a lack of senior management focus and control meant some service users were not seen for weeks or months, and some were lost in the system altogether”³⁷ Another report on probation work in Greater Manchester found that, at the point of inspection, sickness absence rates were high and that individual

32 Consultation on breach offences guideline, page 10

33 Aggravating and mitigating factors are included in the draft guidelines on Breach of a Protective Order, Breach of a Criminal Behaviour Order, Breach of a Sexual Harm Prevention Order, Failing to Comply with a Notification Requirement, Breach of disqualification from acting as a director, and Breach of disqualification from keeping an animal.

34 Ibid, page 12

35 [Sentencing Guidelines Council: New sentences - Criminal Justice Act 2003; guideline, December 2004](#)

36 Including South East London Bench, Central/South West Staffordshire Bench, District Judges (Magistrates’ Court) Legal Committee

37 Page 4, [Quality & Impact inspection: the effectiveness of probation work in the north of London; an inspection by HM Inspectorate of Probation](#), December 2016

caseloads had been high in the preceding months; according to the Inspectorate, this led to an increase in risk and to cases being reallocated mid-supervision, making it difficult to maintain meaningful relationships which are central to effective rehabilitation work.³⁸

27. We conclude that the existing guideline on CO breaches, by reminding sentencers to consider the offender’s ability to comply with an order and the reasons for the breach, is more helpful to sentencers than the new draft guideline which focuses mainly on the objective level of compliance with the order. We do not consider that the risk of double counting justifies omitting aggravating and mitigating factors from the new guideline—especially for offenders whose circumstances have materially changed since the imposition of the CO. We are particularly concerned that the draft guideline should take account of vulnerable offenders, including those who are disabled because of mental health conditions or learning disabilities. We believe it should also require sentencers to consider whether supervision by the probation services has been of sufficient quality to be effective.

28. We recommend that the guideline for CO breaches remind sentencers to consider the individual circumstances of the offender, including the reasons for the breach taking place and any shortfall in the quality of supervision by probation services which may have contributed to the likelihood of a breach. This could be achieved by including aggravating and mitigating factors, while alerting sentencers to be mindful of the risk of double counting. Factors in mitigation should include having a mental health condition or learning disability that is linked to the commission of the offence.

Breach of a Suspended Sentence Order

29. As noted above, the increase in Suspended Sentence Orders (SSOs) in proportion to Community Orders (COs) prompted the Sentencing Council to develop a new guideline on the imposition of community and custodial sentences. The definitive guideline, effective from 1 February 2017, emphasises that an SSO should only be imposed if the offence in question meets the custodial threshold:

A suspended sentence **MUST NOT** be imposed as a more severe form of community order. A suspended sentence is a custodial sentence. Sentencers should be clear that they would impose an immediate custodial sentence if the power to suspend were not available. If not, a non-custodial sentence should be imposed.³⁹

30. Legislation provides that, in the event of a breach, the court must activate the original custodial term in the SSO or a lesser term—although there is an exception if the court is of the opinion ‘that it would be unjust to do so in all the circumstances’ taking into account the level of compliance with the original order and the facts of any subsequent offence.⁴⁰ The draft SSO breach guideline addresses two types of breach:

- (1) a failure to comply with community requirements during the supervision period of the SSO, and

38 [Page 4, Quality & Impact inspection: the effectiveness of probation work in Greater Manchester; an inspection by HM Inspectorate of Probation, February 2017](#)

39 [Page 7, Sentencing Council; Imposition of community and custodial sentences - definitive guideline](#)

40 [Paragraph 8\(1\)\(3\), Schedule 12, Criminal Justice Act 2003](#)

(2) conviction for a further offence during the operational period of the order.

31. In relation to the first type, the draft guideline takes a similar approach to CO breaches in assessing the level of compliance with an SSO. Penalties would range from more onerous requirements and/or an extended supervision period (or operational period) and/or a fine for a high level of compliance; for a low level of compliance, the court should consider activating the original custodial term.

32. In relation to the second type, full activation of the original custodial term would be indicated if the offender had committed multiple and/or serious new offences, or an offence similar in type to the original offence. Activation would also be indicated for a less serious offence combined with a low level of SSO compliance. The guideline provides helpful guidance to sentencers on applying the test ‘unjust in all the circumstances’: as well as considering the level of compliance and the nature of any new offence, the court may consider other factors that would cause activation to be unjust, including any strong personal mitigation, whether there is a realistic prospect of rehabilitation, and whether immediate custody will result in a significant impact on others.

33. However, the guidance on the test ‘unjust in all the circumstances’ does not address the transitional issue of SSOs that were inappropriately imposed on offences falling short of the custody threshold, for which COs would have been the appropriate sentence. We note that, in its response to the consultation, the Council of HM Circuit Judges observed that it could sometimes be apparent that an SSO should never have been imposed in the first place, usually because of a failure to apply the principle that this option was only available for cases where a custodial sentence would be imposed but for the power to suspend.

34. We are concerned about the prospect of some offenders facing activation of Suspended Sentence Orders that were imposed inappropriately, before the new Sentencing Council Imposition guideline took effect. *With these offenders particularly in mind, we recommend that the draft guideline on SSO breaches be amended to explain how the ‘unjust in all the circumstances’ test should be applied to offenders whose original offence clearly fell short of the custody threshold.*

Breach of Post Sentence Supervision

35. As part of the Coalition Government’s flagship ‘Through the Gate’ policy, Post Sentence Supervision (PSS) on release from prison was introduced by the Offender Rehabilitation Act 2014 for those serving short-term custodial sentences; compulsory PSS now applies to all offenders who receive a custodial sentence of more than one day but less than two years.⁴¹ PSS is designed to be purely rehabilitative—although it operates in a similar way to COs, which have a punitive element. Community Rehabilitation Companies (CRCs) are contracted to deliver ‘Through the Gate’ resettlement services to all eligible offenders subject to PSS and have responsibility for supervising compliance with PSS requirements. While a first and second breach of the requirements may only lead to a formal warning, more serious breaches—or a third breach—will lead to breach

proceedings in the magistrates' court.⁴² If the court finds that an offender 'has failed without reasonable excuse' to comply with the requirements of a PSS, it may do one of the following:

- a) order the person to be committed to prison for up to 14 days
- b) order the person to pay a fine not exceeding Level 3 on the standard scale
- c) make a supervision default order (SDO), imposing either an unpaid work requirement of between 20 and 60 hours, or a curfew requirement of between 20 days and the end of the PSS period.

If an SDO is breached, the court can revoke it and deal with the offender by way of a fine or committal to prison (that is, in accordance with (a) or (b) above).⁴³

36. At present, there is no sentencing guideline covering PSS breaches and, as we noted above, the Council acknowledges that little evidence is available on the volume of these breaches or on action taken in response to them. In developing its draft guideline, the Council has decided to align its approach to that taken in the draft guideline for CO breaches—that is, assessing seriousness by reference to the level of compliance with the original order, without including aggravating or mitigating factors. As with the other breach guidelines, the aim of this guideline is to promote consistency in the way the court deals with PSS breaches.⁴⁴ Given that an initial PSS breach always precedes an SDO, the Council is proposing more severe penalties for breaching the latter.

37. While some respondents to the Council's consultation had no comments on the draft guideline on PSS breaches or expressly supported its approach,⁴⁵ others had reservations. The Magistrates Association suggested that the guideline should expressly remind sentencers that PSS was not intended to be punitive and that custody should be treated as a last resort.

38. Nicola Padfield, Reader in Criminal and Penal Justice, University of Cambridge, considered that the guideline should take into account the risk of disproportionality: '[I]f an offender is on a 12-month post sentence supervision after serving seven days for non-payment of a TV licence, should the court's response be rather different than if it was a PSS after a six month sentence for assault? I hope so.' She also thought that many factors would reduce seriousness or reflect personal mitigation, such as giving priority to a hospital appointment, job interview or school meeting. The Council of HM Circuit Judges considered that the guideline should explain the reason for omitting aggravating and mitigating factors.

39. The Howard League for Penal Reform noted that the guideline did not encourage sentencers, when determining the level of compliance with a PSS, to consider external factors such as the level of support to an offender by the Community Rehabilitation Company or the National Probation Service. In this regard, we have considered the Joint Inspectorates' report on 'Through the Gate' resettlement services for short sentence

42 [Enforcement of the Post Sentence Supervision requirements, PI/24/2014](#); National Offender Management Service, effective November 2014

43 Under [Section 3 of the Offender Rehabilitation Act](#), which inserted Section 256AC into the Criminal Justice Act 2003.

44 Consultation stage resource assessment, paragraph 2.2

45 Including the Law Society, South East London Bench, Central/South West Staffordshire Bench

prisoners.⁴⁶ The inspectors observed that recall to prison is a serious sanction, in terms of the cost to the public purse, the impact on prison overcrowding and the disruption to resettlement; they had expected to see recall being reserved for cases where there had been a complete breakdown of supervision, or where a return to prison was necessary to protect the public or prevent reoffending. However, they instead found levels of recall that were ‘concerning’. The report also made the following findings:

- Not enough was being done to help prisoners to get ready for release, for example by helping them to resolve debts, secure accommodation or find employment.
- There was almost no evidence of responsible officers considering the best approaches to short sentence prisoners, either to encourage them to keep to the terms of their licences, or to help them reduce levels of offending.
- Responses to offenders missing appointments were often mechanistic and did not recognise the need to work hard to increase their motivation.
- While there were examples of balanced decision making, there was also some evidence of recall action being taken in response to low level reoffending and/or in response to missed appointments.

40. In preparation for the Government’s announcements on its review of Transforming Rehabilitation, we have taken oral evidence from a range of stakeholders about the reasons for challenges with the implementation of the programme and potential mechanisms for overcoming them. Yvonne Thomas, Managing Director of Interserve Justice (which runs five CRCs and handles about a quarter of the national caseload) accepted that ‘Through the Gate’ services had not been delivering what was expected—either from the perspective of CRCs or from the perspective of offenders.⁴⁷ Nicky Park, Head of Prison Services at St Giles Trust, observed that custody recalls of only 14 days allowed very little time to provide an effective service before the offender was released; she spoke of a ‘revolving door’ of successive recalls for some offenders.⁴⁸ When we asked Dame Glenys Stacey, HM Inspector of Probation, about breach and recall of offenders undergoing PSS, she told us that the Inspectorate was sufficiently concerned about enforcement to have committed itself to undertaking a thematic inspection in the coming business year. She went on to say:

The issue is whether the CRC sees the need for enforcement. If you do not see somebody, you are not picking it up. My concern is that if someone is not seen for a number of months, for example, while serving the sentence of the court, you are missing opportunities for enforcement. There is a relationship between your ways of working, in terms of supervision, and taking the opportunity for enforcement when you should.⁴⁹

41. We also heard evidence that CRCs were struggling to maintain the quality of ‘Through the Gate’ services. Nicky Park told us:⁵⁰

46 [An Inspection of Through the Gate resettlement services for short-term prisoners](#): a joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons, October 2016

47 Q77, [Oral Evidence: Transforming Rehabilitation, HC1018](#), Tuesday 21 March 2017

48 Qq60 - 62, *ibid*

49 Q19, *ibid*

50 Q49, *ibid*

The fact that there would be this service and support for those with sentences of under 12 months was invaluable, and it was truly needed. What we have found going forward is that it is just not possible to deliver that quality service.

As we noted above in relation to CO breaches, concerns about the quality of probation services have also been raised in recent reports by HM Inspectorate of Probation.

42. Taking into account current concerns about the quality and delivery of ‘Through the Gate’ services, as well as concerns about responses to breaches and recalls to custody, we conclude that assessing the seriousness of a PSS breach by reference only to the level of compliance creates a real risk of unfairness and disproportionality in individual cases, as well as undermining the policy’s rehabilitative purpose and increasing pressures on the prison population. *We therefore recommend that the draft guideline be amended to include aggravating and mitigating factors that sentencers may take into account, including the nature of the original offence and any serious failings in the quality or delivery of Through the Gate services to the offender.*

Breach of a Protective Order

43. A breach of a Protective Order—that is, a restraining order or non-molestation order—is a criminal offence, punishable with up to five years’ imprisonment.⁵¹ These orders are often used in cases of domestic violence and stalking. As noted above, the draft guideline for Breach of a Protective Order takes a stepped approach, with three levels of culpability and three levels of harm; it also includes a list of aggravating and mitigating factors. One potential mitigating factor is stated as: ‘contact not initiated by offender—a careful examination of all the circumstance is required before weight is given to this factor.’ The Council recognised that there may be ‘complex relationship issues in these cases’,⁵² but also felt that there was need for caution and that explicit reference to the victim was inappropriate—in contrast to the existing guideline, which includes ‘victim initiated contact’ as a mitigating factor.

44. The response of Women’s Aid to the Council’s consultation argued that the proposed list of mitigating factors should include a more general proviso about the caution needed in cases of domestic abuse, and that consideration of the level of harm should take account of victim personal statements. The organisation pointed out that the level of risk of further harm could change very quickly, requiring in-depth background knowledge of the particular case before any conclusion could be drawn on the seriousness of the breach. They also recommended the addition of several other aggravating factors, including evidence of threats made to the victim and/or of coercive or controlling behaviour such as online abuse, harassment or stalking. The prevalence of online abuse is illustrated by their 2013 survey of domestic abuse survivors, which found that 45% of respondents had experienced such abuse during their relationship and 48% had experienced it from an ex-partner.

51 Failure to comply with a restraining order without reasonable excuse is a criminal offence under [section 5\(5\) of the Protection of Harassment Act 1997](#); failure to comply with a non-molestation order is an offence under [section 42A\(1\) of the Family Law Act 1996](#).

52 Breach offences guideline consultation, Page 31

45. We recognise that the circumstances surrounding Protection Order breaches may not always be straightforward, especially in cases involving previous domestic abuse where contact was not initiated by the offender. *While the draft guideline goes some way towards reflecting this potential complexity, we recommend that in addition sentencers be alerted to the need for a full examination of the circumstances of the breach. The guideline should expressly require consideration of whether the offender has subjected the victim to threats or coercive control, including online abuse, unless a separate prosecution is intended for this abuse.*

Conclusions and recommendations

Resource analysis

1. We conclude that the draft guidelines on CO and SSO breaches give rise to similar concerns to those we expressed in our Report on bladed articles and offensive weapons. We consider there to be a real risk that the new guidelines will generate an increase in custodial sentences without there being a commitment by the Ministry of Justice to meet the additional demand. *We recommend that the Council present the Ministry of Justice with a more accurate estimate of impact as soon as possible after the guidelines take effect, to enable any expected increase in prison population to be factored into planning of the custodial estate.* (Paragraph 12)
2. We note the difficulties that the Council faces in completing full resource assessments before revised guidelines take effect—in particular, because of insufficient data for it to identify custody thresholds for different breach offences within current sentencing practice. *We are reassured to some extent by the Council’s commitment to keeping the impact of these new guidelines under close review, but we recommend that the Council identify any increase that may be needed in correctional resources as quickly as possible after the guidelines take effect and draw this to the urgent attention of the Ministry of Justice.* (Paragraph 17)

Assessment of equality impact

3. We note that the courts have confirmed that decision-makers have a duty to assess the risk and extent of adverse equality impact at an early stage in policy development, and that they have recommended recording the steps that are taken to this end. *We welcome the Sentencing Council’s willingness to consider equality issues throughout the development cycle of guidelines, but we recommend that, for the sake of consistency, it should revert to the practice of publishing a draft assessment of equality impact in relation to all draft guidelines to enable stakeholders to comment on it.* (Paragraph 20)

Breach of a Community Order

4. We conclude that the existing guideline on CO breaches, by reminding sentencers to consider the offender’s ability to comply with an order and the reasons for the breach, is more helpful to sentencers than the new draft guideline which focuses mainly on the objective level of compliance with the order. We do not consider that the risk of double counting justifies omitting aggravating and mitigating factors from the new guideline—especially for offenders whose circumstances have materially changed since the imposition of the CO. We are particularly concerned that the draft guideline should take account of vulnerable offenders, including those who are disabled because of mental health conditions or learning disabilities. We believe it should also require sentencers to consider whether supervision by the probation services has been of sufficient quality to be effective. (Paragraph 27)

5. *We recommend that the guideline for CO breaches remind sentencers to consider the individual circumstances of the offender, including the reasons for the breach taking place and any shortfall in the quality of supervision by probation services which may have contributed to the likelihood of a breach. This could be achieved by including aggravating and mitigating factors, while alerting sentencers to be mindful of the risk of double counting. Factors in mitigation should include having a mental health condition or learning disability that is linked to the commission of the offence. (Paragraph 28)*

Breach of a Suspended Sentence Order

6. *We are concerned about the prospect of some offenders facing activation of Suspended Sentence Orders that were imposed inappropriately, before the new Sentencing Council Imposition guideline took effect. With these offenders particularly in mind, we recommend that the draft guideline on SSO breaches be amended to explain how the ‘unjust in all the circumstances’ test should be applied to offenders whose original offence clearly fell short of the custody threshold. (Paragraph 34)*

Breach of Post Sentence Supervision

7. *Taking into account current concerns about the quality and delivery of ‘Through the Gate’ services, as well as concerns about responses to breaches and recalls to custody, we conclude that assessing the seriousness of a PSS breach by reference only to the level of compliance creates a real risk of unfairness and disproportionality in individual cases, as well as undermining the policy’s rehabilitative purpose and increasing pressures on the prison population. We therefore recommend that the draft guideline be amended to include aggravating and mitigating factors that sentencers may take into account, including the nature of the original offence and any serious failings in the quality or delivery of Through the Gate services to the offender. (Paragraph 42)*

Breach of a Protective Order

8. *We recognise that the circumstances surrounding Protection Order breaches may not always be straightforward, especially in cases involving previous domestic abuse where contact was not initiated by the offender. While the draft guideline goes some way towards reflecting this potential complexity, we recommend that in addition sentencers be alerted to the need for a full examination of the circumstances of the breach. The guideline should expressly require consideration of whether the offender has subjected the victim to threats or coercive control, including online abuse, unless a separate prosecution is intended for this abuse. (Paragraph 45)*

Appendix: Sentencing Council's summary

Breach Offences Guideline Consultation

Aim and Summary of the proposals

Compliance with court orders is important to ensure public confidence in the justice system, and in many cases to protect individuals or the wider public from harm either from specific types of offending or continuing criminal behaviour. The new Breach guidelines will ensure appropriate sanctions can be imposed where the purpose of a court order is being undermined by non-compliance. The guidelines aim to provide comprehensive, consolidated guidance for sentencers in all courts, which will help ensure a consistent approach to sentencing offenders who do not comply with orders imposed upon them.

The new breach guideline will contain guidance for:

- Breach of a Community Order
- Breach of a Suspended Sentence Order
- Breach of Post Sentence Supervision
- Failing to Surrender to Bail
- Breach of a Protective Order (restraining and non-molestation orders)
- Breach of a Criminal Behaviour Order and Anti-Social Behaviour Order
- Breach of a Sexual Harm Prevention Order and Sexual Offence Prevention Order
- Failing to Comply with Notification Requirement
- Breach of Disqualification from acting as a director
- Breach of Disqualification from keeping an animal

The Council explored current sentencing practice for breach offences when developing the guideline, and as a result of its findings work on the guideline was paused to develop a guideline for the Imposition of Community and Custodial Sentences, which came into effect on 1st February 2017. The Council identified that it was crucial that principles and considerations underpinning the imposition of these sentences were clarified to ensure the correct disposal at the point of original sentence. This was to avoid the breach guideline having unintended consequences; in particular the activation of a suspended sentence when a custodial sentence may not have been fully intended.

As well as exploring current sentencing practice, the Council also considered the most appropriate way to assess culpability and harm in a breach offence. For most of the guidelines included the standard stepped approach to sentencing was adopted, but for some breach offences this was not an appropriate model, and bespoke models to assess the seriousness of a breach offence were developed.

Guidelines for Breach of Community Orders, Suspended Sentence Orders and Post Sentence Supervision

These guidelines required bespoke models to assess the level of seriousness of the breach. An examination of cases and discussions with those involved in the management and sentencing of community and suspended sentence orders revealed that the level of compliance with these orders is the most appropriate way to assess the seriousness of the breach. These guidelines therefore include relevant factors to conduct an assessment of the level of compliance.

In terms of penalties for breach of community orders, the Council recognises that in many cases the primary objective of the court is to achieve compliance, and that many variables will affect the decision on how to deal with a breach. To ensure the court can tailor its sentence appropriately to the ongoing rehabilitation of an offender who breaches an order, and to recognise the flexibility sentencers will require in considering the most appropriate sentence where an offender may have complex issues, the guideline offers a number of sentencing options.

The draft breach guideline therefore provides sufficient options for sentencers to deal with a breach appropriately, ensuring the sentence addresses the breach of the court order adequately as well as achieving consistency of approach.

The same principle applies where a suspended sentence order contains community requirements, which is reflected in the guideline. The law states that the default position for breach of a suspended sentence is to activate the sentence, unless it would be unjust in all the circumstances to do so. This includes a consideration of any requirements already completed, and the details of any new offence. The penalties within the guideline therefore ensure that where a breach is committed and there has been prior completion of requirements, the sentence reflects this to ensure the overall sentence is not disproportionate to the original offending. In the event of the commission of a further offence, the details of the new offence will be relevant to the decision to activate the sentence and whether a proportionate reduction should be applied, which reflects the law and current sentencing practice.

The guideline also includes breaches of new Post Sentence Supervision provisions which were introduced by the Offender Rehabilitation Act 2014. As the provisions were implemented recently the Council considered that guidance on this particular breach would be very useful for sentencers, and decided the approach for assessing seriousness should be aligned with the approach for breach of a community order given their shared focus on rehabilitation. There are two potential elements which can be breached. The penalties proposed by the guideline are intended to be in line with penalties for similar levels of breach of a community order. However, the penalty options are limited which reflects the limited penalty options provided by the legislation for this breach.

Other Breach offences

The guidelines for the other breach offences which are included adopt the Council's stepped approach to assessing seriousness. At Step One an offender's culpability is assessed by identifying the deliberateness of any breach, and any harm which results from the breach.

A number of the guidelines consider the risk of harm posed by a breach as well as any actual harm caused. This is relevant to orders imposed to prevent particular behaviour, which can include sexual harm prevention orders and criminal behaviour orders. The Council considers that the risk of harm posed by the breach should be assessed to ensure this is reflected in the sentence imposed.

Sentences for more serious breaches more closely reflect the statutory maximum penalties available and were informed by a number of Court of Appeal decisions,

to reflect and maintain current sentencing practice. Some sentences appear higher than those included in existing guidance, but this is because existing guidance did not assess culpability and harm in the same way, and was not always comprehensive in providing guidance on sentences for more serious offences.

At Step Two the guidelines provide for the consideration of any additional factors, not identified at step one, which may aggravate or mitigate the offence. These factors are included to give the court the opportunity to consider the wider context of the offence and any relevant circumstances relating to the offender. It is at the court's discretion whether to remain at the starting point or to move up or down from it. In some cases, having considered the factors, it may be appropriate to move outside the identified category range. The presence of any of the factors on the list does not mean it must be taken into account if the sentencer does not consider it to be significant in the particular case. The court will need to attribute appropriate weight to the factors. These lists are non exhaustive but are intended to contain the most common factors which provide context to the commission of the particular offence.

Why produce a Breach guideline?

A survey of 216 magistrates and district judges was conducted in November 2014, to gather information on sentencing breaches and the usefulness of current breach guidelines.¹ Respondents indicated that they would like comprehensive sentencing guidelines for breaches of orders, presented in a consistent format and clearly identifiable as a breach guideline.

Guidelines are not currently available for all types of breach of court order, and as already noted, there is variation in the format of the guidelines which do exist and in their scope. There are a number of breach guidelines which were produced by the Council's predecessor body, the Sentencing Guidelines Council ('SGC') and some guidance issued by the Sentencing Council is available to magistrates' courts in the Magistrates' Court Sentencing Guidelines ('MCSG') but this is not applicable in the Crown Court.

The Council decided that breach guidelines should be issued as a single Definitive Guideline, with comprehensive, consolidated guidance for sentencers in all courts, which will ensure a consistent approach to sentencing breach of orders.

¹ The sample was self selected, and relatively small, meaning that we cannot generalise from these findings to the general population of magistrates and district judges. The findings do, however, give us an indication of how an engaged and interested group use the current guidance and their needs and preferences with reference to future guidelines.

The guideline in context

As the consultation paper for this guideline notes, the development of the breach guideline was a challenging project, particularly as the highest volume orders, Community Orders and Suspended Sentence Orders, are operating in a changing landscape due to the Transforming Rehabilitation programme. This has resulted in the management of many of these orders being transferred from the Probation Service to privately run Community Rehabilitation Companies.

During the development of the guideline discussions took place with representatives from both the Probation service and Community Rehabilitation Companies to ascertain how the changes may impact upon sentencing, and to understand the breach process in particular from this perspective. A further challenge in developing the guideline for Community Orders and Suspended Sentence Orders was a lack of data to inform the proposed penalties for these breaches, and in particular how specific factors of a breach of a community order influence sentences and how many breached suspended sentences are currently activated in full or in part. For most guidelines we use data on current sentencing practice to inform the sentencing starting points and ranges, but as the consultation document highlighted data is not available regarding current sentencing practice for breaches of these two orders. We therefore held structured discussions with sentencers and Probation officers involved in court proceedings to explore current sentencing practice which informed the proposals. These discussions have continued throughout the consultation process and the Council will consider during the post consultation period any further changes which may be required to ensure the guidelines align with the important objective of rehabilitating offenders, while still enabling courts to sentence breaches of its orders consistently and robustly. Guidelines must have regard to the overall aims of sentencing, and while rehabilitation is a crucial aim of sentencing it must be balanced with the other aims of sentencing which include protection of the public, reparation to the community, deterring further offending and punishment.

The guideline proposals coincide with a focus on considerable pressure upon the prison population and resources. The Council are alert to concerns that the guidelines could result in additional pressures through more punitive sentencing of breach of orders, and particularly activation of suspended sentence orders. As already highlighted, this was an issue the Council were alert to in the early development of the guidelines, which prompted it to decide to develop a guideline for the Imposition of Community and Custodial sentences. This guideline came into effect on 1st February 2017, and seeks to address an apparent trend for suspended sentences to be imposed as a more severe form of community order when custody may not have been intended or appropriate. The Imposition guideline clarifies that suspended sentences must not be imposed where custody is not an appropriate sentence. Further work is being considered to ensure all involved in these orders, from those making sentencing recommendations to those imposing sentences, are aware of this key message. The impact of this, and other proposed sentences within the Breach guideline, is addressed in the Council's draft resource assessment which will be further considered to reflect any post consultation changes to the draft guidelines.

The Council has developed the most comprehensive package of breach guidance possible, to ensure that guidance is of optimum use to sentencers. It is important to note that the objective of the guideline is to sentence breach offences and not any new offences constituting a breach, which would usually be charged separately. This has been a further

challenge to guideline development; to ensure that the guideline does not ‘double count’ for new offences, but adequately and appropriately addresses non-compliance with court orders and the risks this presents to the protection of individuals and the public, and the integrity of the criminal justice system.

Reaction to the proposals

At the time of writing (February 2017) the consultation has only recently closed and the Council has not yet considered any responses. Officials have conducted an initial review of the majority of responses and while the response has been broadly positive, some concerns have been raised about the proposals. The issues that have been raised so far include the following:

- a) A small number of respondents have raised concerns that some of the breach guidelines, particularly those for breach of community orders, have been developed in the absence of data.
- b) A small number of respondents, particularly offender representative respondents such as the Criminal Law Solicitor’s Association and the Howard League for Penal Reform, raised concerns that the penalties proposed in some of the draft guidelines are too punitive and will result in a higher volume of custodial sentences. However, the majority of respondents believe the penalties are proportionate, or in some cases too lenient
- c) Some respondents would prefer an incremental approach to sentencing breaches, where sentences ‘escalate’ based on the number of breaches of the order.
- d) A small number of responses suggested that the original offence for which the breached order was imposed should have a greater relevance to the sentence for breach of the order.

The Council’s response

The Council will discuss the responses to the consultation (including the response from the JSC) at its meetings in April, May, June and July with a view to publishing the definitive guideline in the Autumn of 2017. However, this timetable may change if the Council considers that more time is needed to refine the proposals.

Concurrent with the consultation, the Council undertook a programme of research to examine in detail how the guidelines might be used in practice, whether there might be any issues or problems with implementation and what effect the guidelines, as they stand, may have on sentencer behaviour. The research has consisted of 28 in-depth interviews with judges and magistrates, plus a number of sentencing exercises carried out by magistrates at consultation events. This work complements the consultation by focusing on a broadly representative spread of actual users of the guideline and observing how they use it to sentence simulated sentencing scenarios. The Council will consider the results work alongside the consultation responses, and will make amendments to the guideline if it deems this necessary.

The Resource Assessment accompanying the guideline, which will be revised post-consultation, outlines the Council's own assessment of the likelihood of impacts on custodial sentences, based on the available data and research.

Formal Minutes

Wednesday 19 April 2017

Members present:

Robert Neill, in the Chair

Alberto Costa Mr David Hanson
Philip Davies Victoria Prentis
Kate Green

Draft Report (*Draft sentencing guideline on breach offences*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 45 read and agreed to.

A paper was ordered to be appended to the Report.

Resolved, That the Report be the Thirteenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 25 April at 9.15am]

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2015–16

First Report	Draft Allocation Guideline	HC 404
Second Report	Criminal courts charge	HC 586 (HC 667)
Third Report	Appointment of HM Chief Inspector of Prisons and HM Chief Inspector of Probation	HC 624
Fourth Report	Criminal Justice inspectorates	HC 724 (HC 1000)
Fifth Report	Draft sentencing guideline on community and custodial sentences	HC 876
Sixth Report	Prison Safety	HC 625 (HC 647)
First Special Report	Women offenders: follow-up: Government response to the Committee's Thirteenth Report of Session 2014–15	HC 374

Session 2016–17

First Report	Reduction in sentence for a guilty plea guideline	HC 168
Second Report	Courts and tribunals fees	HC 167 (Cm 9300)
Third Report	Pre-appointment scrutiny of the Chair of the Judicial Appointments Commission	HC 416
Fourth Report	Restorative Justice	HC 164 (Cm 9343)
Fifth Report	Sentencing Council draft guidelines on sentencing of youths and magistrates' court sentencing	HC 646
Sixth Report	The role of the magistracy	HC 165 (Cm 9368)
Seventh Report	The treatment of young adults in the criminal justice	HC 169 (Cm 9388)
Eighth Report	Draft Sentencing Guidelines on bladed articles and offensive weapons	HC 1028
Ninth Report	Implications of Brexit for the justice system	HC 750

Tenth Report	The implications of Brexit for the Crown Dependencies	HC 752
Eleventh Report	Appointment of the Chair of the Office for Legal Complaints	HC 752
Twelfth Report	Prison reform: governor empowerment and prison performance	HC 1123
First Special Report	Prison safety: Government Response to the Committee's Sixth Report of Session 2015–16	HC 647