



# *Citizens' Panel on sentencing*

## Findings report

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PRISON  
REFORM  
TRUST



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# Executive Summary

At the end of 2024, the Prison Reform Trust commissioned a Citizens' Panel on sentencing in England and Wales. Although a public dialogue and various polls and surveys have been undertaken on public awareness of sentencing, this Citizens' Panel was established to gain depth insights on the overarching system of sentencing.

This process found that many citizens find current sentencing to be complex and unfit for the pressing needs of society. After an intense ten-day programme of deliberation, drawing on evidence provided through expert witness presentations and current information, the Citizens' Panel concluded that more should be done through sentencing to enable better societal outcomes. They rooted their findings in the knowledge that people across society are unaware of the intricacies of sentencing and need to be more informed to create trusted change in the system. They argued for a significant programme of investment and reform based on long-term strategic thinking, rather than short-term reaction to perceived public opinion or general election cycles. They call for a system which is fair to everyone in society and prioritises keeping people safe whilst achieving better outcomes from reform and rehabilitation.

## *What was the Citizens' Panel on sentencing?*

The Citizens' Panel engaged panel members in a webinar, two online workshops and an in-person workshop, resulting in 11.5 hours of deliberation in a 10-day period from 30<sup>th</sup> January to 8<sup>th</sup> February 2025. Panel members heard from seven expert witnesses and received a range of information including key facts and figures on sentencing and information from Sentencing Council resources (Appendix 1). These included video clips explaining the roles of judges and magistrates, links to examples of the application of the sentencing guidelines, and to the full suite of current guidelines.

15 panel members were recruited to take part in the panel, drawn from a broadly reflective sample of the population of England and Wales. They were supported to engage in deliberation online and in-person by HVM facilitators. The team provided a safe and accessible space in which to discuss the complex and nuanced issues around sentencing.

The Citizens' Panel was timed to provide insight on public views on sentencing at the time of the Independent Review of Sentencing<sup>1</sup>. The findings in this report are intended to provide recommendations of use to the Independent Review Panel and policy makers who are working to address current significant sentencing challenges. They are drawn from a qualitative thematic analysis of transcripts written up from the panel's deliberations.

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<sup>1</sup> Ministry of Justice (MoJ) Independent Sentencing Review 2024-2025 available at <https://www.gov.uk/guidance/independent-sentencing-review-2024-to-2025>

## *The findings from the Citizens' Panel on sentencing*

### Low awareness of sentencing – leading to misunderstandings

During their deliberations panel members said that their awareness of sentencing is low. Having gained knowledge on the complexities of the issues through the deliberative process, they were concerned that uninformed public views, based on misunderstandings or misperceptions of the current system (based on social media feeds for example) are having an undue influence on policy. As a result, the panel wanted to see awareness raised across society on sentencing and its implications.

### Further public deliberation

This included a call for this panel to be the beginning of a national conversation on sentencing, engaging more people with diverse experience and knowledge. This was important to panel members as they saw ongoing deliberation on the issues as a route to a fairer sentencing system and a way of being more effective.

### A safe society

Many panel members expressed a belief that the primary purpose of sentencing is to ensure that society feels and, in reality, is safe. Some participants felt that all purposes of sentencing are equal and interconnected, whilst others prioritised reduction of crime, protection of the public, and reform and rehabilitation. Most participants thought that purposes of sentencing other than punishment (e.g. rehabilitation) are more important than punishment itself.

### Complexity and bureaucracy

The panel found current sentencing to be complex, bureaucratic and in need of reform. They are concerned that it has evolved in a reactive way, with new elements bolted on to it rather than society taking a long-term strategic approach to wholesale review and improvement.

### Unfairness throughout the system

Panel members said that they believe the system is unfair. They saw it as weighed against some groups of people including those from minoritised ethnic groups, women and the working class. Unfairness is also rooted in how much the current system costs, particularly prison places, which panel members saw as contradictory in a cost of living crisis when value for money for the public purse really matters. They consider it foolish to continue to spend such sums without thinking strategically about value for money and how to plan better for the future.

The panel also said that:

- Understanding the root causes of crime is essential to knowing how best to reform the system
- Rehabilitation appears to have been de-prioritised, is ineffective and is not achieving the desired outcomes.

### Routes to effectiveness

Panel members deliberated on what an effective sentencing system could look like and reached the following conclusions:

1. Improving **trust and accountability** was seen as essential in building a fairer system which is understood by wider society. This included improving victim/survivor satisfaction and ensuring that everyone in the system is accountable for how the system runs, is monitored and improved.
2. There was an expectation that a reformed system of sentencing should be **efficient, modern and properly resourced**. Panel members said this could be achieved by developing a greater understanding of what works well; by using AI, technology and data to improve efficiency and manage resources better. They shared the view that a modern system should use simplified sentencing guidelines, and as part of the simplification process it should be checked that the guidelines are proportionate to the crime.
3. **Custodial sentences** should only be given for the most serious crimes, and short-term sentences should be restricted or stopped, given that evidence suggest they do not achieve the desired outcomes. Serious consideration should be given to how to improve rehabilitation in prison, whilst striking an effective balance between prison being a deterrent and ensuring offenders can leave prison better equipped to live well without crime. The focus should be on effective reform and rehabilitation to prevent reoffending.
4. Increase the use of **community sentencing** for less serious offences on condition that those sentences result in positive and tangible outcomes. This would require improved resourcing for the National Probation Service to effectively manage and monitor community services and research to support effective evidence-based sentencing. Improving the visibility of community sentencing would support reparation for victims and communities.

## Conclusions from panel deliberations

In designing, facilitating and reporting on the Citizens' Panel, Hopkins Van Mil has drawn four main conclusions:

**Conclusion 1 - the insights from the Citizens' Panel have value:** Short term value for the Independent Sentencing Review Panel, and longer-term value for strategic policy and decision making. They demonstrate that given accurate information, data and evidence on sentencing, and time to reflect on it, public participants can disentangle their (self-identified) previous misconceptions and respond thoughtfully to the challenges presented. Their views and opinions are important in considering what an effective system of sentencing looks like in contemporary Britain.

**Conclusion 2 – ongoing deliberation:** It is clear that central government, national agencies, oversight bodies and independent charities working on improvements to the criminal justice system should commission ongoing public deliberation, as previously advised by the Justice Committee. Involving the public more directly in decisions about how to use sentencing effectively will build trust, embed fairness and gain increased legitimacy for policy and decision making in this area.

**Conclusion 3 - raise awareness of sentencing:** It is important that awareness raising activities are conducted and work is done to address the low awareness of sentencing. This could include, for example increased communications and awareness of, for example, Sentencing Council resources. Encouragement should

be given to young people from all backgrounds to learn about sentencing as part of the school curriculum, for example by embedding it in citizenship classes, and as something specifically to consider as a potential career. Advice on this should enforce the message that becoming a judge or a magistrate, or working in any part of the system, is not a privileged career, but open to everyone.

**Conclusion 4 – improve public trust and confidence in sentencing:** The findings from the panel show that raising public trust and confidence in sentencing is both crucial and achievable if policy and decision makers equip people across society with the tools and knowledge they need. If people know that long-term strategic thinking is being done and that critical funds are being used effectively, they are more likely to support root and branch reform.

# 1. About the Citizens' Panel on sentencing

## 1.1 Why explore public attitudes on sentencing?

The Citizens' Panel on sentencing was commissioned by the Prison Reform Trust in December 2024 to engage a broadly reflective group of people in an inclusive and reflective process. It has been timed to provide insights on public expectations of effective sentencing as the Independent Sentencing Review<sup>2</sup> conducts its work.

This is the first deliberative exercise to explore public attitudes on effective sentencing in England and Wales. Whilst there has been one public dialogue<sup>3</sup> and several surveys and polls on the public *understanding* of sentencing, most recently as part of the Justice Committee Inquiry on public opinion and understanding of sentencing (2023)<sup>4</sup>, no processes have explored views and attitudes on the complexities of sentencing in depth. The work that has been done to date shows that people are unaware of sentencing guidelines and the legislative context, and that public views are frequently defined by reactions to individual cases rather than an overview of the system.

Evidence to the Justice Committee's inquiry included the view that polling and survey data are not able to distinguish between views that are based on misunderstandings of the system, those responding to the media coverage of crime at the time of the poll, and those that are genuinely rooted in fact and evidence.

As the Prison Reform Trust's response<sup>5</sup> to the call for evidence for the Independent Sentencing Review states, the average custodial length has almost doubled to 21 months in the last 20 years. The Independent Review of Sentencing's first report confirms this trend,

*"The prison population has sharply increased in recent decades and is expected to continue to grow. The projected increase is partially driven by several important factors, including tough changes to sentencing policy over the last 20 years."*<sup>6</sup>

The Justice Committee found that public opinion does have an impact on sentencing legislation, but if people are unaware of this upward trend in sentencing, how that has come about, and the specifics of sentencing guidelines and policy, policy makers

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<sup>2</sup> Ministry of Justice (MoJ) Independent Sentencing Review 2024-2025 available at <https://www.gov.uk/guidance/independent-sentencing-review-2024-to-2025>

<sup>3</sup> Involve *Public understanding of sentencing: public dialogue report*, June 2023 available at: <https://www.involve.org.uk/sites/default/files/uploads/docuemnt/Public%20Understanding%20of%20Sentencing%20-%20Involve%20Public%20Dialogue%20Report.pdf>

<sup>4</sup> Justice Committee, *Public opinion and understanding of sentencing 2023* available at <https://publications.parliament.uk/pa/cm5803/cmselect/cmjust/305/report.html#heading-4>

<sup>5</sup> Prison Reform Trust, *Prison Reform Trust response to the Independent Sentencing Review 2024 to 2025* (February 2025), available at <https://prisonreformtrust.org.uk/wp-content/uploads/2025/01/Prison-Reform-Trust-evidence-to-the-Independent-Sentencing-Review-2024-to-2025.pdf>

<sup>6</sup> Independent Sentencing Review: history and trends in sentencing (February 2025) available at: <https://assets.publishing.service.gov.uk/media/67b3501a4e79a175a4c2fd90/independent-sentencing-review-part-1-report.pdf>

are responding to a perceived call from the public which is not rooted in evidence. The Committee recommended that given this impact, and the drawbacks with using polling to understand public opinion, regular deliberative processes should be conducted<sup>7</sup>.

This Citizens' Panel is, therefore, a proof-of-concept exercise not only to gain insight on the issue, but to improve knowledge on the role of deliberation in understanding public views on this complex and nuanced topic. It shares the findings of a group of people, reflective of the population of England and Wales, who were given accurate evidence on the issue of sentencing, and time to consider the issue of sentencing meaningfully.

## 1.2 What is a Citizens' Panel?

This Citizens' Panel was developed by HVM as an adapted form of a Citizens' Jury<sup>8</sup>. Such deliberative processes help to address the gap between snapshot views of public opinion captured through polling and surveys, and public judgment which citizens have come to after engaging with a subject and hearing an overall balance of expert evidence over several workshop sessions.

Citizens' Panels create recommendations to inform the work of decision-makers. They are a valuable methodology when, as in this case, the decision or policy area involves complex issues, uncertainties, or conflicting beliefs and values and where an evaluation of the trade-offs between differing policy options is required. Given this was a proof-of-concept exercise, the panel method was designed, delivered and reported on within a relative short timeframe so that the findings could be of use to the Independent Review of Sentencing, whilst protecting this robust approach to gaining understanding of public views.

## 1.3 What was done?

### Recruitment

Sixteen panel members were recruited to the Citizens' Panel on sentencing, to a brief (Appendix 2) by the qualitative research recruitment agency Acumen. Fifteen<sup>9</sup> of those recruited attended all panel sessions.

Targets for different demographics were set to create a Citizens' Panel broadly reflective of the population of England and Wales. This was to make sure it included people from different backgrounds and gave a good representation from minoritised groups. Attitudinal questions were included in the recruitment specification to ensure the group had a range of experiences and understandings of sentencing when they joined the panel.

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<sup>7</sup> The Committee specifically recommended that the Ministry of Justice (MoJ) should, “conduct regular, structured, deliberative engagement exercises with members of the public.”

<sup>8</sup> The Center for New Democratic Processes (2024) *How we work | Citizens Juries*, available at: [www.cndp.us/about-us/how-we-work/](http://www.cndp.us/about-us/how-we-work/).

<sup>9</sup> One person dropped out of the process before the first workshop.

To create an inclusive process we held welcome calls with each potential panel member to check their needs before taking part. Tech support sessions were offered to those who felt uncertain about joining the online sessions, and equipment was loaned (e.g. tablets, webcams, microphones, WiFi hotspots) for those who would not be able to take part without these.

## Panel design

To design the process HVM was briefed by the Prison Reform Trust and conducted a rapid evidence review of 31 academic papers and policy documents to shape the engagement on the subject with panel members. As a result HVM created some stimulus material on key facts and figures, we also drew substantially on Sentencing Council materials as described below.

## The process

Panel members took part in a webinar, two online workshops and one full day in-person workshop as set out in Figure 1.

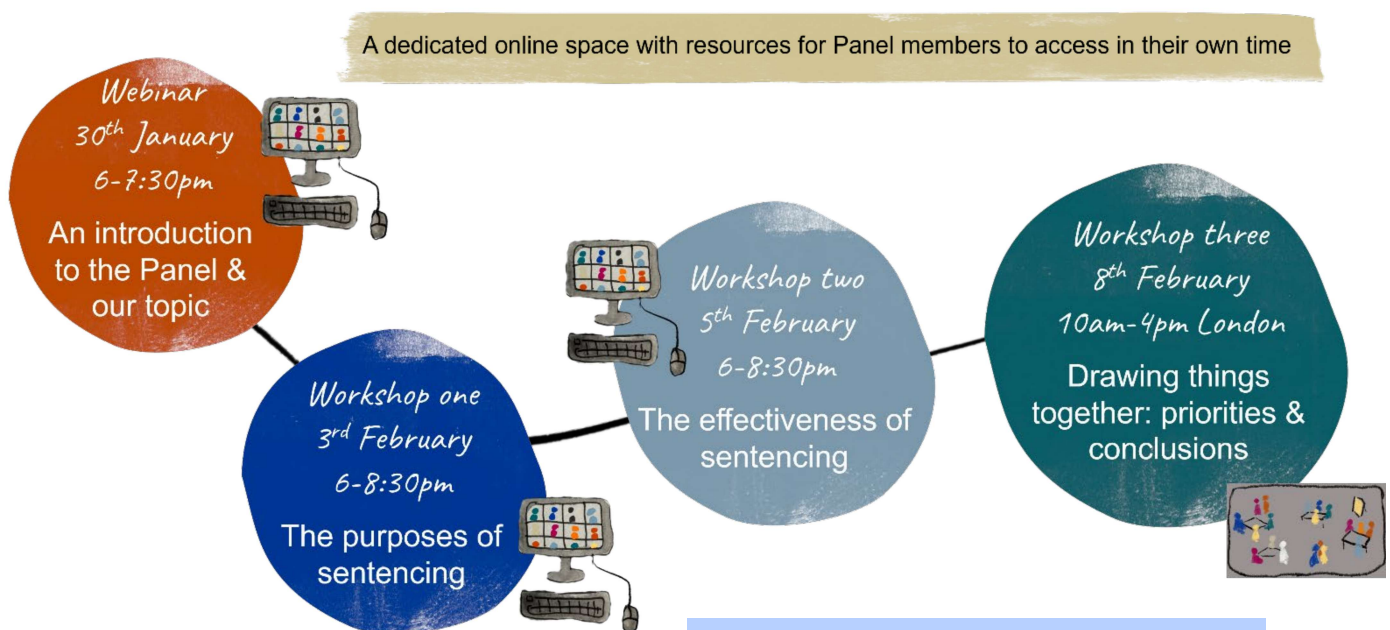


Figure 1: The Citizens' Panel process

## Webinar

The panel agreed together ways of working and guidelines for their discussion at the webinar. Pia Sinha, CEO of the Prison Reform Trust, told panel members about the work of the Trust, explained why it was interested in public views and opinions on this topic, and told the Panel about the Independent Sentencing Review. Hindpal Singh Bhui, OBE, Inspection Team Leader at HM Inspectorate of Prisons, Visiting Professor, Centre for Criminology, University of Oxford gave a brief overview of the organisations involved in sentencing, and told the panel what prison is like. Panel members asked questions of the speakers. The presentations and answers to the questions provided a base from which the panel could consider the topic in future sessions.

The session ended with Alan Renwick, Professor of Democratic Politics and Deputy Director of the Constitution Unit, University College London explaining the difference

between debate and deliberation and giving pointers to the panel on how to both listen to and think about the evidence they would receive during their deliberations.

### Online workshops

The subsequent online workshops used a consistent format giving opportunities to hear from specialists, to ask questions and then to deliberate on what panel members had heard. Workshop 1 was focused on the purposes of sentencing. Panel members heard from:

- Nicola Padfield, Emeritus Professor of Criminal and Penal Justice, Law Faculty, Fitzwilliam College, University of Cambridge, and is a member of the Independent Sentencing Review Panel – who gave an overview of sentencing law in terms of theory and practice.
- Jay Gormley PhD, Fellow in Criminal Law at the University of Glasgow – shared information with the Panel on his research into what victims/ survivors of crime want from sentencing.

Workshop 2 was focused on the effectiveness of sentencing. Panel members heard from:

- Russell Webster, Consultant – who with years of experience in relation to the prison system was able to give the Panel facts, statistics and evidence, from this country and internationally, on the effectiveness of prison.
- Phil Bowen, Director, Centre for Justice Innovation, spoke to the Panel about the effectiveness of community sentencing, giving an overview of the types and hierarchy of non-custodial sentences, and sharing his view on effectiveness.

### Final in-person workshop

In the final workshop, held in London, panel members came together to review all the materials they had absorbed as part of the panel process and to develop their recommendations for the effectiveness of sentencing. The group were joined by Pia Sinha and Nick Stace, Chair of the Prison Reform Trust in the afternoon of the session. They heard the group's final deliberations and received their recommendations, reflecting on what they heard to end the session.

### Online space

Throughout the deliberation panel members were given access to a password protected webspace. This contained the information they needed to take part in the Panel. It was also the holding space for evidence and information provided to them throughout the process including:

- [Sentencing Council](#) resources:
  - What do Crown Court Judges do?<sup>10</sup>
  - Sentencing Guidelines for use in the Crown Court<sup>11</sup>.
  - What do Magistrates do?<sup>12</sup>
  - You be the Judge<sup>13</sup>

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<sup>10</sup> Sentencing Council *What do Crown Court Judges do?* available at: <https://youtu.be/nqBc8vhNpkA?si=1APq7wau-y2QEUmI>

<sup>11</sup> Sentencing Council *Sentencing Guidelines for use in the Crown Court* available at: <https://www.sentencingcouncil.org.uk/crown-court/>

<sup>12</sup> Sentencing Council *What do Magistrates do?* available at: <https://youtu.be/nqBc8vhNpkA?si=1APq7wau-y2QEUmI>

<sup>13</sup> Sentencing Council *You be the Judge* available at: <https://www.sentencingcouncil.org.uk/research-and-resources/you-be-the-judge/>

- Sentencing Guidelines for use in Magistrates Courts<sup>14</sup>.
- Recordings of all speaker presentations
- Stimulus material collated by HVM
  - Key facts and figures on sentencing (Appendix <sup>15</sup>
  - Glossary of terms<sup>16</sup>
  - Case studies on sentencing for example crimes drawn from Sentencing Council examples<sup>17</sup>
  - International examples from Norway, the Netherlands and the USA.<sup>18</sup>

## 1.4 About this report

Citizens' Panels are a qualitative deliberative methodology. Transcripts were created from each of the deliberative methods used. What was said was collated into key themes, which were then used to draw out meaning from the discussions. This approach was chosen to ensure the findings were rooted in what panel members said, rather than looking for confirmation of a predetermined idea or theory.

Qualitative research reports, including this one, do not report on the number of times something was said, but rather the strength of feeling expressed. As such HVM uses the following quantifiers in the report:

- 'Many' or 'most' when all, or almost all, panel members share a similar view
- 'Some' when fewer panel members shared a similar view
- 'A few' when a small number of panel members shared a similar view

Anonymised quotations are used to highlight points made by a number of panel members and to underline points made by a range of people. They also highlight points of particular significance to panel members.

Summary findings are included at the beginning of each chapter to highlight the key points made.

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<sup>14</sup> Sentencing Council *Sentencing Guidelines for use in Magistrates Courts* available at <https://www.sentencingcouncil.org.uk/offences/>

<sup>15</sup> Hopkins Van Mil *Key facts and figures on sentencing and the prison population* available at <https://bit.ly/3QDKJER>

<sup>16</sup> Hopkins Van Mil *Glossary of terms* available at <https://bit.ly/4iCwoEP>

<sup>17</sup> Hopkins Van Mil *Case studies: example sentencing* available at <https://bit.ly/3DcFDfC>

<sup>18</sup> Hopkins Van Mil *International examples: 3 countries* available at <https://bit.ly/3QEK4CZ>

## 2. Awareness of sentencing

### *Summary findings*

A few panel members have some experience of the criminal justice system and sentencing. However, many said they had no such experience before learning about it during their deliberations. Key points made in the chapter are:

- Awareness of sentencing is low, with many panel members suggesting that they only developed knowledge as part of joining the panel
- A concern was expressed that the wider population might be basing their views on sentencing on misunderstandings or misperceptions of the current system
- And that policy is being unduly influenced by this public opinion.

As a result, the panel wanted to see awareness raised across society on sentencing and its implications. They link this to ongoing deliberation and national conversations on the issues and key solutions.

### *2.1 Awareness of sentencing is low*

In the early stages of the deliberation those few panel members with experiences of sentencing, prison and the court system said that their knowledge came from:

- The news and social media, for example:
  - Reporting on prison overcrowding
  - The outcomes of specific cases
  - The speeding up of sentencing in the case of the riots in August 2024
- Direct impacts to them, or friends or family members, of the current judicial system such as:
  - Waiting for a crime committed against them or their family members to come to court
  - A sentence being applied to them or to their family members.

Many panel members said that they didn't have knowledge or experience of sentencing, but did have a sense that crime is increasing, particularly in cities and urban areas. They said this came from what they understood from their social media feeds, a space which they feel normalises crime, making it less unacceptable to some to commit crime.

*"You look at places like London, Manchester, all these big cities, the crime rate is insane...I believe why it is so bad at the moment is social media, a massive influence on crime."* Workshop 1

However, overall panel members awareness of sentencing was low, and they feared this could lead to misunderstanding of public opinion on the topic. Some were concerned about taking part in the panel because of knowing so little about the subject.

*“I was surprised when I was first invited to take part in this panel because I thought maybe you wanted people with legal backgrounds. I was a little concerned because I’ve got no legal background. No law training.”* Workshop 1

Some panel members also felt that any knowledge they did have before joining the panel was based on misunderstanding the system, and they were concerned that policy makers might be reacting to ill-informed public opinion when creating sentencing legislation and guidelines.

One panel member said that in their experience there was a lack of consistency in sentencing with one person being given a short sentence, and another a longer one, for the same type of crime. They said they were *“intrigued”* by this and wanted to join the panel to understand if this could be the case. Another spoke of their perception that sentencing is too lenient, but they felt this too was based on a misunderstanding of the system, and if they had a better understanding of it they might be more comfortable with the sentencing outcomes they had heard about.

*“Until tonight I didn’t know that you got sentenced to life with a minimum term of 25 years, yes, you could be out in the community, but you remain on license for life. I just think there needs to be more awareness, or the public could be saying they want this to change based on no knowledge at all.”*  
Workshop 1

When panel members began to explore the evidence, particularly key facts and statistics, for example on the prison population and the cost of keeping someone in prison for a year<sup>19</sup>, they used words such as *“shocked”* and *“scary”*. They also responded in this way when they heard from speaker presentations<sup>20</sup> that prison was good at punishment and not so good at rehabilitation. They were shocked because they had so little knowledge about the critical challenges in the system.

## *2.2 Further public deliberation is important*

Panel members shared the view that their work felt like the beginning of an important national conversation, not the end. This is partly because they were engaged for a relatively short, but intensive, time. They felt that more time could be spent with people in significant discussions.

Some spoke of feeling *“overwhelmed”* at times in the process by trying to unpick the complexity of sentencing and think of what might work to improve it in a two-week period.

*“Before being on this Panel, as a civilian, you can have your own opinion and everything, but then you receive all this information, and quite quickly, and you have to take that into account. It is really a minefield because there’s so many different things that I’ve agreed with, but then also thought to myself, “Would that work? How would that work?”. I mean, it’s quite overwhelming,*

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<sup>19</sup> Hopkins Van Mil *Key facts and figures on sentencing and the prison population* available at <https://bit.ly/3QDKJER>

<sup>20</sup> Both Hindpal Bhui and Russell Webster referred to this in their presentations

*there needs to be more conversations like this to find the solutions together.”*  
Workshop 1

Many concluded that it was therefore important to engage more people, with diverse experience and knowledge from across society over time in deliberation. This is because this issue is complex and affects everyone in society to some degree or other. They said that discussions should be about the:

- Effectiveness of sentencing
- Value of prisons and non-custodial sentences
- Monitoring and collection of data leading to reform
- Detail of sentencing guidelines, and how they are produced and reviewed in the future.

*“Essentially, we need more things like this just to get people’s consensus. More of these workshops, the discussion circles, kind of focus groups. And it’d be interesting for the policy folks to see if you just have it in certain communities, certain backgrounds, how people’s opinions vary and change.”*  
Workshop 3

Such discussions would, in panel members’ view create a fairer system of sentencing guidelines, reflecting a broad range of opinions.

*“You need public opinions, not just a survey, but real opinions, on fairness and the justice system, like, who’s made this sentencing guideline to be so complicated. Couldn’t we sort that out?”* Workshop 2

Some worried that without this input from a range of people the issue becomes elitist and does not recognise the breadth of needs across society.

*“I think there needs to be about more public opinions involved in this. So like the judges are often quite posh or like, not like us. How do they know what we need in the sentencing?”* Workshop 3

Equally important for panel members was the fact of low public awareness of the practical and strategic issues around sentencing at a systemic level. They felt that ongoing engagement with people on the issues would be valuable in making the necessary improvements.

*“I feel like nobody really thinks like this kind of stuff. I wouldn’t have unless we’d all been brought together. So we’re thinking about it. And I didn’t know half of the stuff I now know, and I feel like more education and engagement is needed. Really saying, “Are you listening to people and seeing what they think?” like your regular people.”* Workshop 3

A few panel members were even more ambitious about deliberative processes, they said that they should, as a matter of course involve members of the public, but that they should also involve offenders, people with direct experience of sentencing, in order to improve it, including understanding what would prevent reoffending and best protect the public.

### 3. Purposes of sentencing

#### *Summary findings*

Panel members' views on the purposes of sentencing and their importance are shared in this chapter.

- Many panel members expressed a belief that the primary purpose of sentencing is to ensure that society feels and, in reality, is safe.
- Some participants felt that all purposes of sentencing are equal and interconnected, whilst others prioritised reduction of crime, protection of the public, and reform and rehabilitation.
- Most participants thought that purposes of sentencing other than punishment (e.g. rehabilitation) are more important than the punishment itself.

In workshop 1, on the purposes of sentencing, panel members heard from Nicola Padfield, Emeritus Professor of Criminal and Penal Justice, Fitzwilliam College, University of Cambridge about Section 57 Sentencing Act 2020<sup>21</sup>. They learnt that any court sentencing an offender must have regard to the five 'purposes of sentencing':

- the punishment of offenders,
- the reduction of crime (including its reduction by deterrence),
- the reform and rehabilitation of offenders,
- the protection of the public, and
- the making of reparation by offenders to persons affected by their offences.

Panel members reflected on these purposes throughout their deliberations and thought about how they might prioritise them in their final in-person workshop. As a result, panel members felt that the primary purpose of sentencing should be that society feels safe. They shared a belief that the focus should be on developing a system that works for and is trusted by the community. Putting the protection of the public at the centre of sentencing is therefore important to panel members as set out in Figure 2.

*"I think it's all well and good having low stats or even high stats [for crime], but I think if people don't feel safe and if people are on edge, then they're going to be unhappy". Workshop 2*

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<sup>21</sup> Legislation.gov.uk *Purposes of sentencing: adults* available at: <https://www.legislation.gov.uk/ukpga/2020/17/section/57>



Figure 2: Prioritised purposes of sentencing

Some thought that punishment as a purpose is all important, interrelated with the other purposes, and difficult to separate from them. Punishment of offenders, for example, is directly connected to making reparations to the victim in their view.

*“If you punish the offender, I believe that this is a way that you make reparation to the person that’s been affected... and while you are punishing you can implement reform and rehabilitation.”* Workshop 3

Others prioritised reduction of crime and reform and rehabilitation. For these panel members reform is more important than punishment. They said that making reparations, whilst important, does not apply to all cases particularly because some (minor) offences, e.g. TV licence offences, do not have direct or obvious victims.

There is a strong sense that purposes of sentencing other than punishment – such as rehabilitation and reduction of crime - are more important to panel members than the nature of the punishment itself. What matters to them is the impact of the sentence and how it contributes to the reform and rehabilitation of the offender.

*“The consequence of the punishment matters more than the punishment itself. So whether it reforms and rehabilitates or whether it reduces crime or whether it’s making reparation”.* Workshop 2

Some panel members thought that the purposes of sentencing would vary depending on the crime. For example, punishment of offenders would be more important in serious sexual offences. There are similarly mixed opinions about whether prison should be seen as an opportunity to turn people’s lives around and for rehabilitation, or whether it should also act as a deterrent.

## 4. Reactions to the system

### Summary findings

In this chapter we share panel member reactions to sentencing. The panel found that the current system is complex, bureaucratic and in need of reform.

The panel found that the system is unfair because:

- It appears to be stacked against some groups of people, particularly those from minoritised ethnic groups, women, and the working class.
- Victim support is outdated and lacking.
- They perceived there to be too much subjectivity in sentencing, for example some panel members felt that judges can, potentially, interpret the guidelines in a variety of ways.
- Prison costs society too much money.

Examining key issues in society and the root causes of crime is an essential foundation for sentencing to become more effective. Panel members said:

- Continually increasing the prison population is reactive and does not embed the strategic thinking needed.
- Understanding the root causes of crime is essential to knowing how best to reform the system.
- Rehabilitation appears to have been de-prioritised, is ineffective and is not achieving the desired outcomes.

### 4.1 Sentencing is complex and bureaucratic

Throughout the deliberative process panel members found the system to be extremely complicated. They were told in presentations about the significant amount of case law, and about the multi-layered legislation in place, even given attempts to simplify the law with the Sentencing Act 2020<sup>22</sup>. This led many to think that as the system has evolved it has become unnecessarily cumbersome in terms of its administration, leading to avoidable delays.

*“Clearly (the system) is underfunded and overburdened. I’m sure there’s lots of layers of bureaucracy in there which is why everything is slow.”* Workshop 1

This isn’t helped, according to panel members, by the four-year electoral cycle. The feeling was that if the Government changes every four years it is not in the interests of parliamentarians to bring about sustainable change, it is only in their interest to do things which will “win votes”. This leads to a system which becomes ever more complex as it slowly evolves and has new elements bolted on to it rather than looking at wholesale review and reform.

<sup>22</sup> Legislation.gov.uk *Sentencing Act 2020* available at: <https://www.legislation.gov.uk/ukpga/2020/17/contents>

*“It’s ridiculous, the complexity of it all is just unnecessary. If it’s defined by government, and government changes every four years, whatever it is, then nobody is going to be bothered to actually rip it all up and make it fit for purpose.”* Workshop 1

*“For me, the thing that sticks out the most is that the sentencing structure is too complex. It takes judges a long time, which I think can be changed.”*  
Workshop 2

Another issue panel members had with the complexity of the system is that this makes it even more opaque for the population it is meant to serve. In their view this leads to less awareness of sentencing, and more misunderstanding as described in chapter 2. This includes working on the sentencing guidelines which panel members saw as being so convoluted that they thought judges would find them hard to interpret, bringing in biases and interpretations to sentencing which would bring even greater complexity to the process, and making it less and less efficient.

Participant 5: *“I feel like there are guidelines, but clearly probably too many, it’s way too complex to help the court to judge things faster, it just makes the system that bit less efficient.”*

Participant 6: *“I guess if you’re judging it by how fast it is then are you just doing quantity over quality. Whereas I know it obviously takes a long time, but if you’re affecting people’s lives does it matter if it takes an extra month?”*

Participant 4: *“That just reinforces the complexity of it all.”* Workshop 3

## 4.2 The current system is unfair

Panel members said that they believe the system is weighed against some groups of people. They felt strongly that racism in the system is a problem because of the disproportionately high number of people from minoritised ethnic groups being sentenced generally and in prison specifically. Panel members also felt that women and the working class are let down by sentencing.

This relates to the sense that “powerful” people e.g. corporations, the wealthy middle classes, are treated more favourably. Panel members often returned to the case of benefit fraud being in the same category as corporate fraud.

*“Thames Water, this is the worst, these guys got fined for not looking after our waterways. But yet apparently April 1st our water bills are going up. So, while they were happy appeasing their shareholders and whatever, our bills are going up, and once again this just affects the whole... like our mental health. It’s why we can’t take the government seriously. It starts from the top, and they are letting them get away with this while we suffer.”* Workshop 3

Most panel members felt that victim support is outdated and lacking, which means victims/ survivors are not getting the justice they deserve. However, they were pleased to learn about victim impact statements giving survivors of crime a voice during court proceedings.

Some panel members thought that subjectivity in sentencing between different judges and courts reduces the fairness with which those being sentenced are treated, but they also recognised that subjective sentencing allows the needs of the individual to be met.

*"I think one of the arguments is how do you know a certain punishment is fair? I think anyone could always argue about anything, because I feel like what's fair to me might not be fair to you."* Workshop 3

Most panel members felt that the system is unfair for those sentenced, which they relate to the backlog of people on remand and those indefinitely imprisoned through the IPP which was abolished in 2012. Some expressed concern that encouraging people to plead guilty to reduce their sentence might encourage people to falsely admit guilt, fearful that, due to their perceptions of unfairness of sentencing, they are unlikely to be found not guilty.

*"It's almost making you say you are guilty, even though you may really be innocent."* Workshop 1

The cost of prisons is seen by most panel members as unfair to society, particularly because too many ex-prisoners go onto reoffend.

*"I think, as a country, we're at the point where every penny counts, really. It doesn't seem like we're getting the best value for money through prisons."* Workshop 2

Panel members were particularly concerned by the cost of one prison place for a year. Tied to current increases in the prison population, and their predicted ongoing escalation, they were worried that these costs are unaffordable for the public purse. They consider it foolish to continue to spend such sums without thinking strategically about value for money and how to plan better for the future.

*"I just can't believe the sums involved here. It's bonkers. It doesn't make any sense to spend this kind of money when we're in a cost of living crisis and we don't think the money is being spent well in any case if it doesn't lead to rehabilitation or a reduction in crime."* Workshop 2

### *4.3 The root causes of crime are not understood*

Most panel members believe that critical societal issues and systemic challenges in the criminal justice system, such as courts being too busy and prisons being overcrowded, creates barriers to reducing crime and ensuring a fair system. There is a belief that these barriers are accepted but not understood beyond a surface level.

*"It seems like we are just accepting the fact that the amount of prisoners is increasing. It's being said the type of crime are getting more and more violent. I think there is clearly an issue I guess of, how do we explain that the crimes are getting more and more violent? Is that because the society is accepting violence more, or everything is acceptable at the point that there is a stabbing every day?"* Workshop 2

Most panel members also felt that underlying causes of crime are often not being addressed and learning on them is not being used to reform the system. There is consensus that there is a lack of support for mental health, learning difficulties, neurodivergence, and addiction within sentencing, which leads to reoffending.

*"I think what I tried to get through this is we need to understand why the people are committing the offences, why they're actually in the system. Maybe looking at it from a day one perspective, that the person committing the crime is not actually the problem, you need to drill down and down."* Workshop 3

#### 4.4 Rehabilitation is ineffective

Universally panel members emphasised that enabling and supporting people out of criminal behaviour would lead to a reduction in crime and to the safer society they are calling for. However, they strongly expressed the view that rehabilitation is currently ineffective. They were concerned that current rehabilitation is under-resourced and has been de-prioritised in favour of sentencing solely as punishment. They said that as a result the system is struggling to break cycles of crime, and in the worst cases "*encouraging re-offending*". They perceived that some offenders build getting caught into their planned activities and then continue committing crime after their sentence.

*"My understanding is that criminals almost budget in for getting caught at some point. They know that at some point after they'll be out, and they can just carry on. It's like a career, a strategy."* Workshop 1

This was largely attributed to the use of short and disruptive custodial sentences, poor conditions in prison, such as overcrowding and being surrounded by violence and drugs, as well as the lack of support for underlying causes of crime e.g. mental health or addiction.

*"I think that's the big problem, putting them into prisons where they're overcrowded and everything else. That's where the rehabilitation should be, it's where its failing."* Workshop 1

## 5. Routes to effectiveness

### *Summary findings*

Panel members' views on how the sentencing system could become more effective over time include:

Improving trust and accountability to build a fairer system:

- Improving trust relies on victim/survivor satisfaction
- Everyone involved in sentencing should be held accountable for their actions
- There should be equality and diversity in sentencing.

Creating a system that is efficient, modern, and properly resourced:

- Gain a greater understanding of what works
- Use AI, technology, and data to improve sentencing efficiency and manage resources better
- Properly resource and manage the sentencing system, target funds and monitor change
- Simplify sentencing guidelines and ensure sentences are proportionate to the crimes committed.

Restrict custodial sentences to the most serious crimes and improve outcomes:

- Custodial sentences should only be given for the most serious crimes, and short-term sentences should be restricted or stopped
- Improve rehabilitation in prison and support for offenders on leaving prison to prevent reoffending
- A balance needs to be struck between prison being a deterrent and a punishment, while creating the conditions to improve mental health, and achieve more effective reform and rehabilitation to prevent reoffending.

Increase the use of community sentences and improve outcomes:

- Increase the use of community sentencing for less serious offences on condition that those sentences result in positive and tangible outcomes
- Adequately resource the National Probation Service to manage and monitor community services effectively
- Conduct research to support effective evidence-based sentencing
- Make community sentences (e.g. unpaid work) visible to the public and support reparation for victims and communities.

### *5.2 Improve public trust to build a fair system*

Panel members said they believed that establishing a fair system, in which the public has confidence, is dependent on engaging and building trust with everyone involved:

- People throughout society
- Victims/ survivors

- Lawyers, judges, magistrates, court officials
- Offenders
- Prison officers and the Probation Service.

They described an interconnected system which has building public trust at its centre and then links through from public understanding, public engagement, accountability, and transparency in sentencing. This description is visualised in Figure 3.

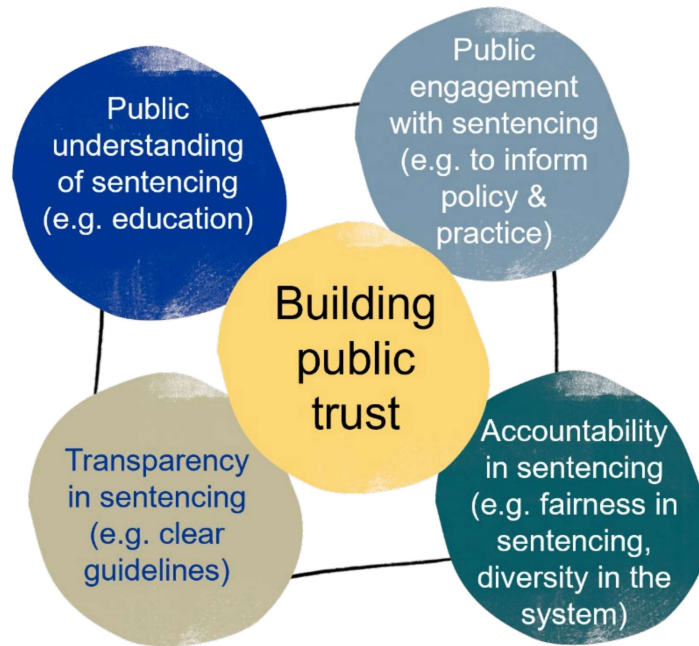


Figure 3: The building trust cycle

### Knowing the system is accountable

It was a fundamental principle for panel members that there is accountability throughout the sentencing system. They said power and systemic injustice should not have an impact on people’s experience with sentencing. They felt monitoring and reporting on sentencing processes and outcomes, with targets based on what good looks like, should be more effective than they understood it to be. They saw this as a route to making effective changes based on the evidence of what is working and what is not.

*“You set a target, you want to get 95% who go into to prison not to reoffend. So who is responsible for that? Who is accountable when the targets aren’t reached? Accountability across the board, but traceable, as well, so you can target it back. Because at the moment we just see a problem, but we don’t know actually who’s creating the problem. Because everybody will say it’s somebody else’s fault, but you can’t actually report it.” Workshop 3*

A direct link between such monitoring and reporting and making the system fairer was highlighted by panel members.

### Address inequality and improve diversity in the system

This related to the strongly held view that there should be greater equality and diversity in the system. Some panel members reflected on their view that judges seem to be drawn from privileged classes. They thought, therefore, that they must

have different lived experiences to some people that are being sentenced. They believe trust could be improved if judges and magistrates are from more diverse backgrounds, and if larger and more diverse juries are used when possible.

*“Increase in diversity around the system as a whole: judges, prison officers, the people kind of in charge. I think it's quite good we are having these discussions, and everyone is all different and we all lead to the same goal as such. But when you go to sentencing there's not like diversity across the board and that makes it unfair, whether it's like unconscious bias or something, but it just it definitely has some sort of bias.”* Workshop 3

Some panel members felt that improving trust in the system should start from preventative measures taken by courts to protect the public. An example given was people being able to check registers of sex or violent offenders if someone, for example, has concerns about a new partner.

### Better support for victims/ survivors

Some panel members suggest that the trust victims/ survivors have in sentencing could be further developed through:

- The provision of more and longer-term support
- Clearer steps to reporting crime
- The knowledge that the victim/ survivor is being taken more seriously when reporting crime
- Feeling that victim statements are really heard and considered, including in ongoing improvements to the system.

*“The person will be sentenced and then it's kind of cut and shut, what happens to the victim then? Because it's ongoing in their mind, but what support have they been given?”* Workshop 3

*“What's being done about what the victim says? Will what they've shared in their statement lead to any changes in how sentencing is done? They should also be told if what they have said has led to improvements in the system”* Workshop 3

### Improve transparency and public understanding of sentencing

Panel members felt that the complex language used in the sentencing guidelines, including in the most recent Sentencing Act (2020), reduces the opportunity for public understanding of and trust in sentencing. It made some of the panel members feel that the guidelines are “irrelevant” to them.

*“If there was a transparent system this will give the public more faith and hope in the law, sentencing and in the country as a whole.”* Workshop 3

As stated in Chapter 2 panel members were struck by how much they learned taking part in the Citizens' Panel and argued for improved public education and transparency on sentencing. This would include addressing misconceptions about the meaning of a sentence of imprisonment, and the time an offender spends in prison.

*“Because you always hear, don't you? If someone gets sentenced to 10 years, it's like, “Oh, they'll be out in 5 for behaviour.” I don't understand why we say people are being sentenced to 10 years when actually they're being sentenced to 5 years in prison, 5 years on license. I just think that's a massive misconception that I certainly thought, “Oh, they'll be out in five or whatever.””* Workshop 2

### 5.3 Simplification, modernisation, and resourcing

Panel members argued the sentencing system should be transformed from what is currently an overly complex and slow system, to one that is efficient, modernised, and effectively resourced.

*“Any sort of modernisation is going to be good, isn't it? Because we're talking about these massive backlogs and these massive figures. There's the backlog in the court system and then it does link to the fact that, we don't want these old Victorian prisons, they're not fit for purpose. So, they're going to have to be like modern spaces, aren't they?”* Workshop 2

#### A greater understanding of what is needed

To prevent crime and reoffending, panel members highlight the importance of understanding why people are in the system and the root causes of their offending.

*“We need to understand why the people are committing the offences, why they're actually in the system. How do you support the criminal before this criminal becomes a criminal again [and] goes back in the system? You need to go back to that one individual and say, right, how are you a criminal? How am I going to get you on the straight and narrow and how do I keep you out of prison? And I think that would then stop the revolving door because that person no longer is a prisoner, you know? They've actually been freed of the crime and kept out of the system.”* Workshop 3

Panel members shared the view that it is important to understand the underlying societal issues that make it more likely that a person will turn to crime or reoffend. They cited as examples criminal activity passed through family generations, and the loss of local services, such as youth centres.

Panel members also highlighted the importance of researching and understanding what sentencing programmes are most effective at rehabilitation, preventing reoffending and acting as a deterrent, so that resources can be focused on what works best. This includes drawing on the examples of good practice from around the country. They drew on case studies shared at the sessions and called for better understanding of what has worked in other countries such as the Netherlands and Norway<sup>23</sup>, both of which have seen significant decreases in the prison population in recent years.

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<sup>23</sup> Hopkins Van Mil *International examples: 3 countries* available at <https://bit.ly/3QEK4CZ>

## AI, technology and data

Many felt strongly that Artificial Intelligence (AI), technology, and data should be central to a modern and efficient sentencing system. They see automation used in a range of ways, such as reducing backlogs in court cases and speeding up sentencing.

*“Our first point is the use of automation. Here we're talking about AI technology, data collection, and this can be used in terms of sentencing, for example, quickly reviewing case law and the sentences applied before for similar crimes and generally analysing the effectiveness and efficiency of sentences for crimes of prison sentences.”* Workshop 3

Some panel members believe that using AI and data in sentencing will result in more objective sentencing decisions. However, one participant cautioned over the potential for AI bias resulting from the data used to train the AI and develop programmes.

## Resourcing and management

Panel members discussed the importance of how sentencing is resourced and managed to ensure it is sustainable and effective. They want funds to be targeted at where they will have the most impact, such as rehabilitation and preventing reoffending.

*“The money that is available or the funding that is available [for sentencing], where is it being used and is it being used in the right places? Is it being used towards, you know, prevention, sentencing, staff and resources?”* Workshop 3

In their discussions, they highlighted the importance of effectively resourcing the Probation Service, given their critical role in supervising community sentences and working with offenders released from prison.

## Simplified and improved sentencing guidelines

Panel members called for the streamlining and simplification of sentencing guidelines. They argue that the guidance should be reviewed to ensure that sentencing options are proportionate to the crime committed. For example, a few challenged whether using a TV without a licence, or similar administrative crimes, should be a criminal offence.

## 5.4 Better outcomes from custodial sentencing

All panel members expressed the view that custodial sentences need to change. They wanted to see reform to address the challenges facing UK prisons today and in the future.

## Prison should be reserved for the most serious crimes

Panel members shared a belief that prison should be reserved for the most serious crimes, such as those committed with violence, principally to reduce the number of people in prison. They were surprised to learn that prison is a sentencing option for

some offences that they consider to be relative minor, such as possession of cannabis, and do not believe this is an effective use of resources.

*“I think we should take less priority in crimes like possession of cannabis, class Cs. It says on this sheet that people in possession of a class C drug can receive up to two years in custody and an unlimited fine, or both.”* Workshop 3

## Review the length of prison sentences

Short term custodial sentences should be stopped according to panel members. They heard in presentations to the panel that shorter sentences are not effective given that the disruption to offenders' lives is disproportionate to the crimes committed in their view. They said that effective community sentences are more likely to offer the potential for rehabilitation.

The view was also expressed by some that keeping people in prison for very long sentences, whilst appropriate for the most serious offences, is not always appropriate. They were concerned that someone released from prison after 20 years will not be able to integrate back into society because, for example, they have lost key relationships which would enable them to live well on release, and in fact feel they have better relationships with the people they know from prison. If the offender has only received punishment rather than rehabilitation in that time, they will not have the tools to be accommodated, find a job and build a life which works for everyone in society.

*“These older people’s sentence really need to be reviewed. These people now are to come to pension age, they’re not going to be successful really in work because then they are in pension age as well and retirement age. And they haven’t received any support to live better lives when they come out. But if they’re not a risk to the public, why aren’t these people being put out on tag? Why aren’t these people being given freedom and freeing up prison space? Surely that’s a better use of money. It just needs looking at.”* Workshop 2

## Improve rehabilitation in prison and provide support on leaving

Given that panel members found that rehabilitation is ineffective, and not leading to improved outcomes for society, victims/ survivors or offenders, many suggested that rehabilitation should be prioritised. They called for better support to be given throughout the entire sentence by ensuring offenders receive, as a matter of course:

- Access to education and training
- Support to find meaningful work when a sentence is complete
- An assurance that they have a safe place to live on leaving prison.

Such actions, according to panel members, will mean people will be less likely to reoffend, and the public will be better protected.

*“I think this needs to recognise the history of the individual, so like full support end-to-end. From entering the system to leaving the system, so there’s no point them leaving the system and coming back in if they haven’t had the rehabilitation. There’s no point putting somebody back on the street without that help.”* Workshop 3

*“What I do think would be better would be some real rehabilitation where maybe say a prisoner, for instance, was doing a plumbing course in prison. When they come out, their Probation Officer can actually help them try, even with a criminal record, get some form of plumbing career, rather than saying, ‘Well, I’m going to put a tag on your foot, you’ve got to be in six o’clock’.”*  
Workshop 2

### Striking a balance between punishment and reform

Panel members believe that a balance needs to be struck between prison conditions being harsh enough to punish the offender and function as a deterrent, with conditions that enable rehabilitation and the prevention of reoffending on leaving prison. Some panel members leaned towards wanting harsher conditions, while others were concerned about the impact this could have on prisoners’ mental health, and levels of self-harm.

*“More harsh conditions in the prisons, we need a bigger deterrent, less crime is being committed. But then we also looked at how that would have a knock-on effect like on mental health and people that are in prison. Obviously, we have high levels of self-harm and mental health so that will increase if the conditions are harsher, so it’s just a balance there and getting that right.”*  
Workshop 3

Some panel members cautioned against accommodating those offenders who have committed similar crimes together, in the same prison ring, or sharing the same cell. They felt this could increase the likelihood of reoffending by potentially validating or normalising crimes.

A few wondered if being consistent on how prisons and who runs them would make for a more effective system. These panel members were concerned that some of the prison estate is run by private companies. They felt it is hard to create a consistently good prison system if it is not centralised.

*“A more effective system would be nationalised, as opposed to private prisons. It would be better value for money. The business is only there to essentially make money, correct? Whereas the government are there to protect. A good government, which we may have or may not have, are there to protect people and get the costs down for people.”* Workshop 3

## 5.5 Better outcomes from non-custodial sentencing

Panel members were highly supportive of increasing the use of non-custodial sentences on condition that they achieve better outcomes.

### Increase the use of community sentences

Panel members wanted to see increased use of community sentencing for less serious offences. This is on condition that the community sentencing policy is reformed to ensure it delivers tangible outcomes and societal benefits. They believe it has the potential to be more cost effective than short term prison sentences.

*“We talked about having more focus on community sentences and as long as these lead to something, or lead to something that’s a tangible outcome. So,*

*you'd automatically think a job, but it doesn't have to be a job, it can be a skill or a qualification or just something." Workshop 3*

Panel members said they believe effective community sentences should help to reform offenders, for example by giving them a sense of responsibility and giving back to society.

### Research, resourcing and management of community sentences

They recommend research is conducted to understand what works and what does not work, drawing on best practice in this country and overseas, so that community sentencing schemes are as effective as possible at reducing reoffending. Additionally, they call for adequate resourcing of community sentencing so probation services can effectively manage and monitor their delivery.

### Community sentences facilitating reparation to the victim and community

Some panel members said that community sentences should be more publicly visible, taking place in the area where the crime was committed. They expressed the view that this will help with reparation to communities and victims/ survivors, while giving the offender an understanding of the impact of crime in a local community.

*"We spoke about doing community service in the area that you've committed the crime and doing it in public so that they can be seen. I was saying I live in a little village, but we do have criminals that come from [the town] robbing houses in our village. If they go into community service in the middle of the town they come from, it won't have much of an impact. But it would if it was done in our village. Our church needs painting, or this needs to happen, or this needs sorting, or whatever. I think it's visibly repaying where you've done the crime." Workshop 3*

### National service as an alternative to a custodial sentence

Some panel members recommend national service as an alternative sentence to prison for some serious offences, such as knife crime. They believe it would be a more effective deterrent than prison, while also being an opportunity to rehabilitate by providing structure and opportunities for development.

*"Our first point is bringing in national service for more severe crimes, because obviously we see a lot of people who aren't actually scared to go to prison. I think people would be a little bit more scared if there...you could get sentenced to something called national service. Which is joining the army and navy, air force, something like that. And then they're also going to come out with qualifications and a good routine, so they're not really... they're less likely to reoffend." Workshop 3*

### Review the system of fines

Panel members were struck by how many fines are not paid and felt that the system should be reviewed and reformed. Many thought some fines could be replaced with unpaid work, particularly if the offender is not likely to be able to pay the fine, or it is likely that a fine will not prevent reoffending or act as a deterrent.

They stressed the importance of moving away from parts of sentencing which have been shown not to work or to be ineffective.

*“Not redoing what hasn’t worked. On a small scale, if someone hasn’t paid a fine for not paying their TV licence, they should get the fine option again, they should be doing community service.”* Workshop 3

*“I think fines overall need to be reviewed, I mean we’ve been told like 50% of the fines are being paid, but then it goes back to the costs to society, like why are you fining people who can’t afford to pay it anyway?”* Workshop 3

## 6. Conclusions from panel deliberations

### Conclusion 1: Use the insights from the Citizens' Panel

The insights presented in this report will be of immediate use for the Independent Sentencing Review Panel. When given accurate information, data and evidence on sentencing, and time to reflect on it, public participants are able to disentangle their (self-identified) previous misconceptions and respond thoughtfully to the challenges presented. Their views and opinions are important in considering what an effective system of sentencing looks like in contemporary Britain.

### Conclusion 2: Embed deliberation in improving sentencing

Building on the 2023 work of the Justice Committee<sup>24</sup> it is clear that central government, national agencies, oversight bodies and independent charities working on improvements to the criminal justice system should commission ongoing public deliberation. Involving the public more directly in decisions about how to use sentencing effectively will build trust and embed fairness.

This was a proof-of-concept, small-scale Citizens' Panel which has shown that deliberation works in gaining insight on a complex and nuanced issue. Seizing opportunities to conduct larger-scale national exercises, for example long-form public dialogue or Citizens' Assemblies on sentencing and prison reform, will gain increased legitimacy for policy and decision making in this area.

### Conclusion 3: Raise awareness of sentencing

Alongside greater meaningful engagement of diverse publics in deliberation, it is important that awareness raising activities are conducted and work is done to address the low awareness of sentencing. This could include, for example:

- Increasing communications/ having effective campaigns around Sentencing Council resources, which panel members found useful and fascinating, but they said they were completely unaware of before taking part in the process.
- Encouraging young people from all backgrounds to learn about sentencing as part of the school curriculum, for example by embedding it in citizenship classes, and as something specifically to consider as a potential career. Advice on this should enforce the message that becoming a judge or a magistrate, or working in any part of the system, is not a privileged career, but open to everyone.

### Conclusion 4: Raise public trust and confidence in sentencing

The Citizens' Panel deliberations have shown that people care even more about fairness, trust, accountability and transparency in the system than about punishment of offenders. They have prioritised making people feel society is safe. The findings from the panel show that raising public trust and confidence in sentencing is both crucial and achievable if policy and decision makers equip people across society with the tools and knowledge they need. If people know that long-term strategic thinking is being done and that critical funds are being used effectively, they are more likely to support root and branch reform.

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<sup>24</sup> Justice Committee, *Public opinion and understanding of sentencing 2023* available at <https://publications.parliament.uk/pa/cm5803/cmselect/cmjust/305/report.html#heading-4>

# Acknowledgements

Hopkins Van Mil is immensely grateful to all those who took part in the Citizens' Panel on sentencing who explored the topic of sentencing with such care and thoughtfulness. Their commitment to their responsibility of hearing the evidence, reviewing the information and forming their recommendations was impressive.

Thank you to all our expert witnesses and speakers who generously gave their time to ensure that panel members heard evidence and a range of views on this complex topic:

- Pia Sinha, CEO, Prison Reform Trust
- Hindpal Singh Bhui, OBE, Inspection Team Leader at HM Inspectorate of Prisons, Visiting Professor, Centre for Criminology, University of Oxford
- Nicola Padfield, Emeritus Professor of Criminal and Penal Justice, Law Faculty, Fitzwilliam College, University of Cambridge, member of the Independent Sentencing Review Panel
- Jay Gormley PhD, Fellow in Criminal Law at the University of Glasgow
- Russell Webster, Consultant
- Phil Bowen, Director, Centre for Justice Innovation

# Appendix 1: Summary of stimulus

The following summarises the material, evidence and information received by panel members during the course of their deliberations.

## Citizens' Panel on sentencing

An overview of everything we've seen and heard over the last two weeks

Henrietta Hopkins, HVM

### Discussion guidelines

We'll be discussing things that matter to you. Please only share what you are comfortable with.

There are no right or wrong comments/questions

We're not here to agree - but we do agree that we'll discuss the issues with kindness & respect.

Our agreement on working together

It's fine to talk about your experience in general terms.

Let's respect and be curious about each other's experience.

Please do not put anything in the chat that you wouldn't say out loud in the discussion.

### Our workshops

Bringing together

- 15 people
- From all England & Wales
- Each attending a webinar and three workshops

A dedicated online space with resources for Panel members to access in their own time

**Webinar**  
30<sup>th</sup> January  
6-7:30pm

An introduction to the Panel & our topic

**Workshop one**  
3<sup>rd</sup> February  
6-8:30pm

The purposes of sentencing

**Workshop two**  
5<sup>th</sup> February  
6-8:30pm

The effectiveness of sentencing

**Workshop three**  
8<sup>th</sup> February  
10am-4pm London

Drawing things together: priorities & conclusions

### Our purpose

Create a report which reflects what you've told us:

- Your views and opinions on sentencing
- Why you hold those views and opinions

Bringing 15 people from England & Wales together to attend 15 hours of deliberative workshops

Inclusion

Provide insight into public understanding of sentencing to add to the evidence informing the Independent Sentencing Review

Insight

Testing out this deliberative method as a way of engaging people across society in consideration of current sentencing

Testing

## Webinar

### 30<sup>th</sup> January 2025


### Webinar: introduction

**Henrietta Hopkins**


- About Citizens' Panels
- Our programme of work
- Support during the Panel process

**Pia Sinha**

- About the Prison Reform Trust
- About the Independent Sentencing Review
- Why it is important to hear your views on sentencing



Lead Facilitator  
Director, HVM




CEO, Prison Reform Trust

### Webinar: introduction


**Hindpal Singh Bhui**

- An overview of the criminal justice system and the organisations involved
- Prisons – what's the experience like



**Alan Renwick**

- The difference between 'debate' and 'deliberation'
- Who will you be listening to?
- How can we listen most effectively?
- Pitfalls in how we listen



Inspection Team  
Leader, HM  
Inspectorate of  
prisons, Visiting  
Professor, Centre for  
Criminology, University  
of Oxford

## Workshop 1

### 3<sup>rd</sup> February 2025

Workshop 1: The purposes of sentencing

Nicky Padfield

- Sentencing law
- The purposes of sentencing
- Theory and practice



Emeritus Professor of Criminal and Penal Justice at the Law Faculty, University of Cambridge



Jay Gormley

- What the evidence tells us that victims/ survivors want from sentencing
- Victim statements
- The importance of fairness and having been heard

Workshop 2  
5<sup>th</sup> February 2025



Workshop 2: The effectiveness of sentencing

Russell Webster

- The effectiveness of prisons
- Good at punishment
- Not so good at rehabilitation
- Mixed picture for public protection



Consultant in criminal justice



Phil Bowen

- The effectiveness of community sentencing
- A review of all the measures that can be taken
- A summary of effectiveness compared to prison

On the web pages  
1<sup>st</sup> -10<sup>th</sup> February 2025



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**What we shared on the web pages**

- Recordings of all the presentations
- Key facts and figures
- Sentencing Council guidelines and materials
- How offences are sentenced in England and Wales
- What judges and magistrates do
- Types of prison sentence
- Links to 'You be the Judge'
- Jargon buster

**Types of prison sentence**

**1. Concurrent and consecutive sentences**

If you're sent to prison for 2 or more crimes, you'll usually get a sentence for each crime. The judge or magistrate will tell you whether your prison sentences will be served **concurrently** or **consecutively**.

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The key facts and statistics on the following page were shared with the group. They were collated by HVM from material in the sources referenced in the endnote.

# Key facts and figures on sentencing, prisons and the prison population<sup>1</sup>

In this document you will find some facts and figures on sentencing, prisons and the prison population. You can refer to these as we discuss our topic to make sure our conversations are based on facts and evidence. This information is a brief overview of the current situation. The specialists speaking to you in our workshops will provide further information and evidence and explain some of the information shared here.

## Sentencing

In the year ending June 2024,

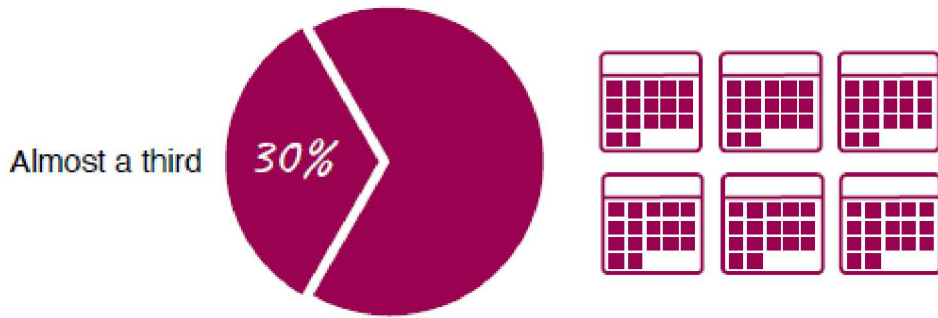
1.15 million people were sentenced for criminal offences

and just under 7% (75,300) received immediate prison (custodial) sentences.<sup>2</sup>

There has been a growth in prison population over the last 30 years,

to over 88,000 by 2024<sup>3</sup>

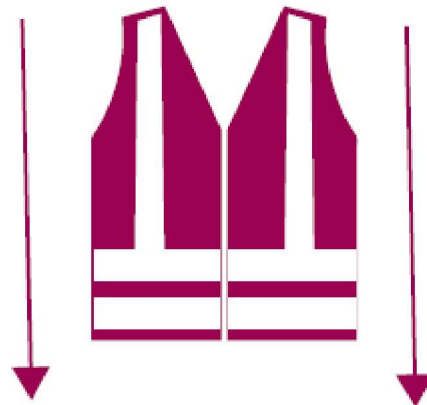
rising from 44,500 in 1993



of the prison population is serving a sentence of a fixed length of time (determinate) of ten years or more, extended sentences of a fixed length of time and sentences with no fixed release date (indeterminate)<sup>5</sup>

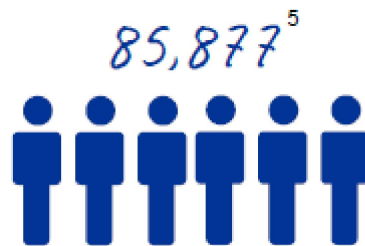
There has been a drop in community (non-custodial) sentences – by almost

half (48%) for women  
and 56% for men  
between 2010 and 2024.<sup>4</sup>



## Prisons

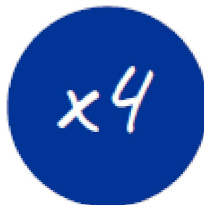
As of December 2024, England and Wales had a prison population of



Scotland and Northern Ireland have separate criminal justice systems. As of January 2025,



The overall average cost for running a prison place for a year (per prison place) in 2022-23 was

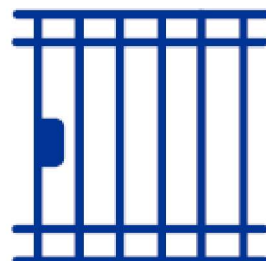


The number of prisoners aged 60 or older has increased rapidly over the last two decades. There are almost four times the number there were in 2002.<sup>9</sup>

People of minority ethnicities made up 27% of the prison population compared with 18% of the general population.<sup>10</sup>



Nearly a quarter of the prison population (24%), over 20,500 individuals, are in places designed for far fewer people.<sup>12</sup>



In the worst cases some prisons hold over 80% more people than they were built for.

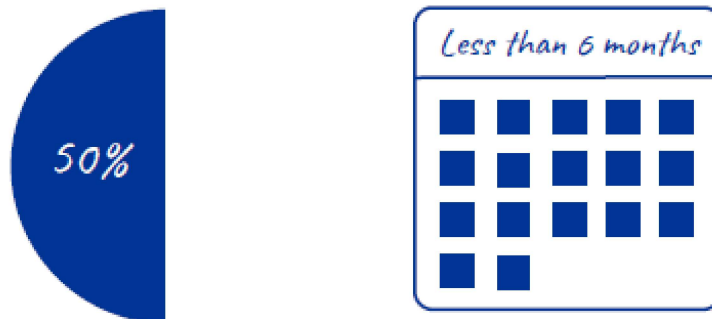
Self-harm rates in prison have increased significantly –



with around 876 incidents per 1,000 prisoners (in the 12 months before June 2024).<sup>13</sup>

The assault rate per 1,000 men in prison is 76% higher than a decade ago, at 327 assaults per 1,000 prisoners.<sup>14</sup>

In 2023 half (50%) of prison sentences given to women were for less than six months, despite widespread recognition that short prison sentences are *harmful and ineffective*.<sup>15</sup>



1. Unless otherwise stated, all statistics included in this bulletin are for England Wales only
2. Ministry of Justice (2024). Criminal Justice System statistics quarterly: June 2024
3. Ministry of Justice (2023). Offender management statistics: Prison population 2023
4. Ministry of Justice (2024). Outcomes by Offence data tool: June 2024. Criminal justice system statistics quarterly: June 2024.
5. Ministry of Justice (2024). Prison population, population bulletin: weekly 30 December 2024
6. Scottish Prison Service (2025). Prison Population Figures – updated 17th January 2025
7. Department of Justice (2025). Weekly Situation Reports – week ending 10 January 2025.
8. Ministry of Justice, Costs per place and costs per prisoner by individual prison HM Prison and Probation Service Annual Report and Accounts 2022-23, Management Information Addendum (21 March 2024)
9. Ministry of Justice. (2024). Tables 1.A.18 and 1.Leg.18, Prison population: 2002-2015 and 2015-2024. Offender management statistics quarterly: January to March 2024.
10. Sturge, G. House of Commons Library (2024) UK Prison Population Statistics
11. Ministry of Justice. (2024). Offender management statistics quarterly: April to June 2024.
12. Ministry of Justice (2024). HMPPS Annual Digest, April 2023 to March 2024.
13. Ministry of Justice (2024). Safety in custody: quarterly update to June 2024.
14. Ministry of Justice. (2024). Table 4, Safety in custody summary tables to June 2024. Safety in custody: quarterly update to June 2024.
15. Ministry of Justice. (2024). Offender management statistics quarterly: October to December 2023.

# Appendix 2: Recruitment specification

**Client:** Prison Reform Trust

**Study theme:** A Citizens' Panel to understand public views on sentencing.

**Engagement contractor:** Hopkins Van Mil

## **Aim & objectives:**

The aims of this Citizens' Panel are to:

- Engage a broad demographic of society, weighted to ensure the sample is inclusive and reflective of the population of England and Wales.
- Inform the work of the [Independent Sentencing Review](#) which reports in spring 2025
- To run this Citizens' Panel as a proof-of-concept phase to inform and shape potential future citizen engagement activities on key topics on sentencing and prison reform.

The methodology will be a webinar and two workshops held online, followed by a final culminating in-person workshop held in central London. The recruitment will create one group of 14 people who will attend each of these workshops.

The purpose of this document is to give the framework through which the fieldwork team will develop the detailed schedule and screener for recruitment. These will be approved by the Project Team via HVM before being used in the field for recruitment.

The study will involve recruiting 16 for 14 panel members from England and Wales, broadly representative of the population in terms of age, gender, life stage, social grade/ household income, geography and ethnicity. Recruitment must be inclusive, ensuring that no one is excluded from the Citizens' Panel for reasons of protected characteristics in line with the Equality Act 2010.

Informed consent from panel members will be sought in terms which comply with UK GDPR regulations and guidance as delivered through the Data Protection Act 1998. The process will allow personal data to be transferred and stored securely by HVM, including for future research and/or dialogue purposes. HVM is registered as a data controller with the Information Commissioner's Office no: Z2969274.

## **Recruitment summary:**

- 14 panel members will be recruited to this Citizens' Panel
- Panel members are required to attend all four sessions, 3 online and one in-person in central London
- Respondents may be asked to review some very short written/ visual material before participation.

Incentive: £350 for attendance at all four sessions plus expenses paid to travel and (where necessary) overnight accommodation in London for the final in-person session. HVM will arrange and pay for all travel and accommodation in advance of the session in liaison with the panel members.

Support will be provided for panel members who need either equipment or data to take part, they will not be excluded for not having access to a laptop or tablet.

### Dates and times for workshops:

<i>Activity</i>	<i>Dates</i>
Optional tech try out	Thursday 30 <sup>th</sup> January 4-5pm
Webinar	Thursday 30 <sup>th</sup> January 6-8pm
Workshop 1	Monday 3 <sup>rd</sup> January 6-8:30pm
Workshop 2	Wednesday 5 <sup>th</sup> January 6-8:30pm
Workshop 3	Saturday 8 <sup>th</sup> February 10am to 4pm

### Screeener to include:

<i>Criteria</i>	<i>Target</i>
<b>Gender</b>	50% identifying as male / female
<b>Age</b>	Good age distribution across age groups from every adult life stage from 18 upwards.
<b>Ethnicity</b>	A boosted sample of 6 panel members from minoritised ethnic groups (18% of UK population 2021 census data)
<b>Disabilities</b>	4 panel members who identify as a disabled person (24% of current UK population on 2021 census data)
<b>Life stage</b>	A broad range of life stages from students, young professionals, raising young children, no children, empty nesters and those who are retired
<b>Current working status and type</b>	A range of people who are employed (part-time/ fulltime/ self-employed) and unemployed, plus those who are retired.
<b>Socio-economic status/ Social Grade</b>	Mix of AB, C1C2, DE weighted towards those in DE categories (min. x 7).
<b>Geographic location</b>	The group should be drawn from a UK sample. At least 50% of the sample should come from communities which rank 1-3 on the indices of multiple deprivation The group should include those from rural, urban and coastal regions.
<b>Experience of deliberative processes</b>	Should not have taken part in a public deliberation/ Citizens' Panel/ Citizens' Assembly or public dialogue in the last <b>24</b> months, particularly those run by HVM such as: <ul style="list-style-type: none"> <li>• Dialogue on WGS for newborn screening</li> <li>• Heath and data use dialogues for the National Data Guardian</li> <li>• Programmes for WWF on land use</li> <li>• Dialogue for Genomics England on researcher access to discovery research,</li> <li>• Dialogue for HDBI on embryo research</li> <li>• Dialogue for DSIT on digital identity</li> <li>• Citizens' Panel for NCOB on assisted dying</li> </ul>
<b>Perspectives on sentencing</b>	To achieve a range of perspectives (rather than as an exclusion criteria): How would you rate your understanding of sentencing within the criminal justice system? From 1 = I have no understanding of the topic at all To 5 = I have a depth of understanding of the topic



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