

## **Sentencing Council Breach Offences Guideline Consultation: Victims' Commissioner's response 24 January 2017**

The Victims' Commissioner is keen to ensure that there are guidelines in place for use in sentencing breach offences. It is also important to the Victims' Commissioner that the guidelines are applied consistently and are carefully explained in open court so that victims of these types of crime and the wider community can understand the approach used by sentencers who apply the guidelines. She believes that justice requires that both victims and the wider community understand how a sentencing decision has been reached.

Currently there are no guidelines available for breaches of all types of court order, and where guidelines do exist there is a variation in how they are being applied. Having guidelines for all breach offences will help to ensure public confidence in the justice system, particularly where sentences for breach are consistently applied and the sentence reflects the nature and seriousness of the breach.

The Victims' Commissioner has not answered all the individual questions in this consultation as many of the responses would overlap. Her overall view is that by having sentencing categories to assist with assessing the level of harm and culpability, this will provide improved guidance for the sentencer, assist the sentencer in determining the correct level of sentence and ensure greater consistency in sentencing. Importantly, the new guidelines will also make it easier for victims to understand how a decision in their case has been reached.

The Victims' Commissioner would like to ensure that the sentence imposed in breach offences reflect the nature and seriousness of the breach and where possible serves to protect the victim from any further harm and deters offenders from breaching orders. If the new guidelines can help to achieve this, then this is a welcomed change.

The Victims' Commissioner's overall view of the proposed guidelines is that they provide a better breakdown on the level of seriousness as they go further and categorise the levels of breach. By adding the categories of seriousness this provides more clarity to the sentencer and provides clarity to victims on the criteria to be used to determine the sentence for the breach.