

CIWM Scotland Centre Consultation Response

August 2017

Scottish Sentencing Council – Principles and Purposes of Sentencing

The Chartered Institution of Wastes Management (CIWM) is the professional body which represents over 6,000 waste management professionals, predominantly in the UK but also overseas. The CIWM sets the professional standards for individuals working in the waste management sector and has various grades of membership determined by education, qualification and experience.

The Scottish Centre Council of the Chartered Institution of Wastes Management welcomes the opportunity of contributing to the Scottish Sentencing Council consultation on the Principles and Purposes of Sentencing.

CIWM is recognised as the foremost professional body representing the complete spectrum of the waste and resources sector. This gives the Institution the widest possible view and, perhaps more pertinently, an objective rather than partial view, given that our goal is for improvement in the management of all wastes and resources.

CIWM Scotland offers these comments based on the extensive experience of a number of our senior members.

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Chartered Institute of Wastes Management (CIWM)

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The Scottish Sentencing Council would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

We may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Sentencing Council to contact you again in relation to this consultation exercise?

- Yes
- No

Principles vs. purposes

Q1) Do you agree or disagree with the Council's approach to the distinction between a 'principle' and a 'purpose' of sentencing?

- Agree
 Disagree

Please provide any reasons for your response:

Core principle of sentencing

Q2) Should there be an overarching principle of "fairness and proportionality"?

- Yes
 No, it should be another principle
 No, there should not be an overarching principle

Please provide any reasons for your response:

Supporting principles

Q3) Are the supporting principles which underlie the overarching principle of fairness and proportionality (as listed at paragraph 2(i)-(vi)) appropriate?

- Yes
 No

Please provide any reasons for your response:

Q4) Are the supporting principles expressed clearly and accurately?

- Yes
 No

Please provide any reasons for your response:

Q5) Are there any other supporting principles which should be included at paragraph 2?

Purposes of Sentencing

Q6) Do you agree or disagree with the approach to the purposes of sentencing as set out at paragraph 4 of the draft guideline?

- Agree
 Disagree

Please provide any reasons for your response:

Q7) Are the purposes as listed at paragraph 5(a)-(d) appropriate?

- Yes
 No

Please provide any reasons for your response:

Q8) Are the purposes expressed clearly and accurately?

- Yes
 No

Please provide any reasons for your response:

Q9) Are there any other purposes which should be included?

Efficient use of public resources

Q10) Do you agree or disagree with the approach set out at paragraph 6 of the draft guideline in relation to the efficient use of public resources?

- Agree
 Disagree

Please provide any reasons for your response:

Q11) Is it appropriate to consider the efficient use of public resources during the sentencing process?

- Yes
 No

Please provide any reasons for your response:

CIWM Scotland is a little confused as what this actually means. Is this looking at having the quickest (cheapest) sentencing option? If purposes of sentencing are to have any meaning then punishment and reduction in crime needs to be right.

Potential impacts of the guidelines

Q12) Do you agree or disagree that the guideline would lead to an increase in public understanding of how sentencing decisions are made?

- Agree
 Disagree

Please provide any reasons for your response:

Q13) Do you agree or disagree that the guideline would lead to an increase in public confidence in sentencing?

- Agree

Disagree

Please provide any reasons for your response:

CIWM Scotland considers that better understanding will naturally lead to increased confidence. However, an increase in confidence is likely to develop following a change in the results of the sentencing guidelines which demonstrate that the principles and purposes are being achieved.

Q14) What costs (financial or otherwise) do you see arising from the introduction of this guideline, if any?

Q15) What benefits do you see arising from the introduction of this guideline, if any?

CIWM Scotland can see transparency as being one of the benefits of this guideline and potentially consistency in sentencing. A greater understanding of the court system and its processes by members of the public should also prove beneficial in the longer term.

Further comments

Q16) Would you like to make any other comments in relation to any matters arising from this consultation?