JUDICIARY OF ENGLAND AND WALES

LORD JUSTICE LEVESON

SENTENCING IN THE 21ST CENTURY

CONKERTON LECTURE

21ST OCTOBER 2010

Introduction

I would like to start by saying how pleased I am to be here. I was born in Liverpool, grew up and went to school here and spent 16 years as a junior barrister in chambers in Castle Street. Returning always invokes in me the feeling of 'coming home'.

Giving this lecture provides me not only with the opportunity to talk to you about sentencing, a topic that has been a keen interest of mine since my days as an undergraduate, but also allows me to pay tribute to a number of people whom I greatly admire.

I am particularly pleased to be giving this lecture, in honour of the memory of John and Mary Conkerton. Their reputations were first made at what is now Liverpool John Moores University. I met them when they both moved as Senior Lecturers to Liverpool University where I worked, part time, alongside them, learning from them a great deal about the law and how to engage young minds. I remember their practical and pragmatic approach both to the study of the law and the way that it should operate; I also remember how hard they worked and how beloved they were by their students. In addition, it so happens that they lived next door to my parents in law where there was a different side of John and Mary, tending the garden or planning another trip to the Scilly Isles.

Perhaps, also by way of introduction, you will let me pay tribute to Lord Bingham of Cornhill who was, as you know, originally to give this lecture. Tragically, he died last month and I recognise that I am a very poor substitute. In his comments expressing sadness at his death, the current Lord Chief Justice, Lord Judge, described him as "the most respected,

distinguished and admired Judge of our times" and I entirely agree. Tom Bingham was the first judge to hold all three top legal posts in this country: Master of the Rolls, Lord Chief Justice and Senior Law Lord and certainly falls within the top few jurists of the last century. His contributions to our understanding of the significance of the rule of law, and the principled development of the common law, have been unequalled in our generation.

I doubt that Lord Bingham would have spoken on the topic that I have chosen tonight but, as Lord Chief Justice, he engaged on issues surrounding sentencing with the same penetrating intellect as he used to drive forward all areas of the law that he touched. I have chosen it not only because John and Mary saw me teaching criminology and sentencing and we had many discussions about it but also, because having become Chairman of the newly established Sentencing Council earlier this year, once again, I am considering it from first principles. Additionally, as some of you may have noted, I am returning to Liverpool in November to give the Roscoe lecture, on Criminal Justice in the 21st century; I hope that this talk will sit conveniently along side that paper on the system as a whole.

For now, I shall concentrate on sentencing: how the approach has developed over time and how, irrespective of all developments, the need to exercise judgement and discretion has remained constant. I shall also explain why I believe that the path along which the Sentencing Council has embarked will, in the long run, both assist sentencers as they confront the complex task of sentencing and, at the same time, make the topic much more open to and understandable by the public, thereby increasing public confidence.

Sentencing over time

First, by way of background, a short history which touches only the most significant sentencing options. In this country, courts existed even before the formal process of judges on Assize and juries initiated by Henry II. Before the Norman invasion, those courts were mainly at hundred and shire level. They had no professional lawyers but were made up of free men, town reeves and clerics from the villages making up the hundred or shire. The presidents of the courts, generally clerics, were not the judges of the matters brought before them: the free men were the judges. The state, such as it was, played no part: the underlying imperative was to protect the integrity of the society by ensuring that disputes were resolved and that victims didn't take justice into their own hands.

It is in the light of that imperative that we must view the punishments available at that time: for serious matters, there was death or mutilation; for less serious matters, fines and the pillory or whipping. For a considerable period, prisons were primarily to keep in custody those charged with crime until they could be tried. In any event, the purpose of the

available punishments appears to have been three-fold: to make the guilty atone for wrongdoing, to compensate the victim thereby preventing what could be damaging private retribution, and to act as a deterrent to others. Ultimately, during the 17th century, transportation was introduced as a humane alternative to the death penalty. Initially, prisoners were mainly transported to America but that destination became unavailable after the outbreak of the revolution in 1776. Sentences of transportation were still passed but convicts were held in prison which, you will not be surprised to hear became overcrowded and extra accommodation had to be arranged in old ships called hulks: some problems seem to be perennial! This crisis of accommodation was solved by developing a new penal colony in Australia and on 13 May 1787, a fleet set sail taking 717 convicts of which 48 died en route[1].

Moving on, in 1830s[2], the death penalty for felony was generally abolished and, in 1868, transportation was abolished although its use had tailed off dramatically. Before leaving the death penalty, I ought to add that notwithstanding considerable efforts permanently to abolish capital punishment (and it is worthwhile noting the work of the Liverpool solicitor, Sydney Silverman, whose name still lives on in the firm Silverman Livermore), it remained the mandatory sentence for all murders until 1957 when compromise legislation was passed which created capital and non capital murder[3]. In the event, the compromise created very real and capricious anomalies so, in 1965, capital punishment was abolished for all offences of murder initially for five years[4] although, thereafter, permanently.

Let me now go back to trace the increased interest in rehabilitation. By the 1870s, the Church of England Temperance Society had some eight missionaries in the London Police Courts Mission; they worked with magistrates to develop a system of releasing offenders on the condition that they kept in touch with the missionary and accepted guidance. The Probation

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[1] During the course of its operation to Australia, 158,702 convicts (both men and women) were transported from England and Ireland and 1321 from other parts of what was the Empire: see The Fatal Shore by R. Hughes (London 1987).

[2] 1832-1837. Sir Robert Peel's government introduced various Bills to reduce the number of capital crimes. Shoplifting, sheep, cattle and horse stealing removed from the list in 1832, followed by sacrilege, letter stealing, returning from transportation (1834/5), forgery and coining (1836), arson, burglary and theft from a dwelling house (1837), rape (1841) and finally attempted murder (1861).

[3] s 5 Homicide Act 1957 created as capital murder (a) murder in the course or furtherance of theft; (b) any murder by shooting or by causing an explosion, (c) murder in the course of resisting or avoiding or preventing a lawful arrest, or of effecting or assisting an escape or rescue from legal custody; (d) murder of a police officer acting in the execution of his duty or of a person assisting a police officer; (e) a prisoner at the time when he did or was a party to the murder, any murder of a prison officer acting in the execution of his duty or of a person assisting a prison officer. Aiding and abetting capital murder was not capital (s. 5(2) of the Act) but murder by someone previously convicted of murder in Great Britain was: see s. 6.

[4] Murder (Abolition of Death Penalty) Act 1965

of First Time Offenders Act 1886 allowed courts around the country to follow the London example but very few did so and it was only by the Probation of Offenders Act 1907 that missionaries were given official status as "officers of the court", later known as probation officers[5].

So, by the mid 20th century, the available orders of the court were discharges, whether absolute or conditional, fines, probation with or without condition and loss of liberty which took a number different forms depending on the age of the offender. Adults sentenced to a standard determinate term of imprisonment had to serve two thirds of the sentence. The balance was remitted assuming that the prisoner had not offended against prison discipline and lost the whole or any part of that remission. When released, there was no licence and no question of the remainder of the sentence having to be served. Neither was there any basis for earlier release on parole: that concept was first introduced by s. 60 of the Criminal Justice Act 1967 which permitted release from a determinate term on licence after one third of the sentence or 12 months whichever expired the later.

I will not attempt to turn this discussion about sentencing in the 21st century into a detailed historical analysis of the very many tortuous twists and turns that sentencing legislation has taken over the last 40 years. Neither will I burden you with the changes to the proportion of the term actually to be served by those sentenced to imprisonment, to the varying release and recall provisions, or to parole to say nothing of administrative recall for breach of licence, the effect of committing further crime, home detention curfew and the recently abolished ECL. In recent times, hardly a year has passed without amendment to sentencing legislation, some very substantial, some less so, but all extremely complex to operate. Professor Sir Rupert Cross produced a slim volume called The English Sentencing System in about 1970 and Dr David Thomas a slightly larger book shortly thereafter. Dr Thomas' book now extends to 4 loose leaf volumes, the size of which says a great deal about what should be a simple system, easy for lawyers to advise their clients, easy for judges to operate and, particularly important, easy for everyone – including the public – to understand. Suffice to say, I welcome the assessment being undertaken by the Ministry of Justice into sentencing, provided that at its heart is the reduction of complexity.

One of the reasons behind this assessment is, of course, the size of the prison population but, before passing on, it is worth noting that the problem of overcrowding and early release is not new and has been debated in parliament, at the very least, since the early 19th century.

[5] The Act allowed courts to suspend punishment and discharge offenders if they entered into a recognisance of between one and three years, one condition of which was supervision by a person named in the "probation order".

So in 1864, Sir Stephen Cave MP made clear to parliament that "The prisoners were, in fact, discharged before their time because the gaols were overcrowded". More recently, in 1952, the then Lord Chancellor, Lord Simonds, reported to the House of Lords: "There was some talk about the *over-crowding* of *prisons*. I think I ought to tell your Lordships that so far as that is concerned, it is true—disastrously true". We will have to see whether there is any new solution to this problem for this century.

Although the law and practice of sentencing has become more difficult to follow at the same time, we have developed a deeper and potentially more sophisticated understanding of the justification for the assumption of authority by the state over those convicted of crime while the underlying practical objective of the criminal law has remained the same. It is to impose minimum standards of behaviour on all so that society can operate in a safe and structured way. Thus, violence is condemned save for the purposes of self defence; rights in property is protected and the administration of justice upheld. Even at a regulatory level, we accept sanction for the greater good: trade descriptions, food hygiene, a myriad of road traffic laws, all exist to maintain standards. For this greater end, sentences are designed to deter would-be offenders, visit retribution or just desserts on those who have not been deterred and, at the same time, allow the anger of their victims to be palliated if not assuaged so as to discourage if not prevent unofficial retaliation. They also however serve a further purpose: they can be used to alter the offender's future behaviour to reduce the risk of further offending by him.

Reassuringly, Parliament's view of the matter is broadly similar to those I have set out and is reflected in section 142 of the Criminal Justice Act 2003. This section lists five "purposes of sentencing" which a sentencing court must take into account:

> "(a) the punishment of offenders,
> (b) the reduction of crime (including its reduction by deterrence),
> (c) the reform and rehabilitation of offenders,
> (d) the protection of the public, and
> (e) the making of reparation by offenders to persons affected by their offences."

That five rather than two or three purposes are listed, and that two may be argued to be mere expressions of a third, only highlights the differences between the practical purposes of sentencing and the theoretical purposes of punishment. Thus for our purposes, the "punishment of offenders" and the "making of reparation" can be seen as expressions of retribution. Likewise, the "reform and rehabilitation of offenders" and the "protection of the

public" are both contributory elements to the reduction of crime. The preponderance of crime reduction elements in the list is significant.

Sentencing decisions today

So now, in the 21st century, all these purposes have to be balanced in each sentencing decision, and they are not always compatible. In addition there are three factors in issue, sometimes themselves conflicting, while the balance is being achieved.

First, there is the crime itself, and the level of seriousness of that crime.

Second, there is the victim, and the impact of the crime on the victim.

Third, there is the defendant, and the circumstances in which the crime came to be committed, and his or her attitude to it.

Not all these three factors are objective. Indeed, two of them include at least an element of the subjective. The defendant and the victim are real, live human beings, and not just people we read about a name on a piece of paper.

So, let me analyse those three factors in more detail.

First, the crime itself. That is, the crime admitted, or proved. A man can only be sentenced for the offences of which he has been convicted, whether by a jury, a magistrates' bench or by his own plea of guilty. It is trite to say that he cannot be sentenced for offences with which he has never been charged or of which he has been acquitted although confiscation now operates to deprive an offender of assets which he cannot prove were lawfully obtained even though the conviction which triggers the process does not implicate the assets which can be confiscated.

In considering the seriousness of any offence, the court must consider the offender's culpability in committing the offence and any harm which the offence caused, was intended to cause or might forseeably have caused[6].

A, lets call her Alison, is employed in a bank. Short of money, she identifies a customer account containing substantial funds and sends a letter to the bank purporting to be from the customer requesting a new service card. The card is sent to Alison who uses it to withdraw £500. Fortunately, the customer immediately notices the withdrawal, the bank identifies the employee quickly and she refunds the money to the customer. The intention of the employee

[6] s 143 (1) Criminal Justice Act 2003

is clear (financial gain for self) but the harm to the individual customer turns out to be relatively slight and there is harm to public confidence in the bank and the banking system.

It also happens that another bank employee C, let's call him Chris, agrees to become involved with a friend outside the bank, Bob, to provide the passwords of two customers to Bob. Bob agrees to pay Chris £100 for providing the information. Unknown to Chris, Bob has used a number of bank employees in this way with the effect that over an 18 month period customers of the bank have £500,000 stolen from their accounts by Bob. When the police investigation at the bank branch starts, Chris initially blames a co-worker. Chris also intended financial gain for himself but the loss to the bank when compensating its customers is substantial and there is much greater harm to the confidence in the banking system.

Alison is guilty of theft. Chris is guilty of conspiracy to defraud. Which of the two is morally more culpable and why? You answer for yourselves. Alison planned and initiated her theft. Chris simply provided information. Chris' actions have resulted in significant harm to the bank, the public and the co-worker who initially came under suspicion. But to impose a sentence on him which takes account only of the loss, without reflecting that this loss was something far beyond anything he expected or could have anticipated would surely not be just. How should the difference be reflected in their sentences?

What about the victims? Whilst it is right for the court to consider the impact on the victim in considering the seriousness of the offence, should the penalty for murder be reduced because the family forgive or increased because they seek the maximum penalty that the law can impose? Should another murder of a man with a substantial family all of whom are devastated by their loss be penalised more than the murder of a man for whom nobody speaks up because he has no family? In each case, the victim has lost his most precious possession, that is to say his life. I do not believe that it is the role of the court to fix the sentence depending on how forgiving or vengeful the victim feels but I pose the question to each of you to consider.

Once the court has formed an initial view of the seriousness of the offence based on the culpability and harm, it must then consider the defendant. In some cases, where the sentence is mandatory, that is to say fixed by law, the defendant's circumstances do not matter. Otherwise, the defendant almost always makes a difference and it is for the sentencing judge to weigh the information put before him. Does the fact that the defendant has committed the same offence on numerous occasions necessarily require greater punishment? Let me give you an example. Should the fact that he is committing offences because of some form of addiction mean he should be sent to prison for ever increasing periods or should something

else be done which is rather more focused and provides a custom built opportunity for him to address his addiction in the hope that this might do more to prevent future offending?

These are the difficult decisions that need to be made by the judge.

And it is not just about an individual offence and offender. Sentencing isn't done in a vacuum. The views of society at large and the realities of the state of the criminal justice process also play a part. So it is a fact that recorded crime has fallen over time and stood at 4.3m recorded crimes in 2009, down from a high of 5.6m in 1992[7]. Notwithstanding that fact, the prison population continues to grow and has done during most years since World War II. It is therefore also worth noting that the rate of growth has increased from an average of 2.5% per year between 1945 and 1995 to an average of 3.8% per year since 1995. This increase in the rate of growth has resulted in significant rises in the prison population which stood at 49,500 in January 1995[8] and stood last week at 85,276[9]. At the same time, the perception of crime held by members of the public and public confidence in the system remain relatively low, albeit improving. For 2009/10, the British Crime Survey shows that about 60% of those who responded think that the criminal justice system as a whole is fair and 41% think it is effective[10]. How should that play into the sentence?

All this demonstrates that the task of sentencing is rarely easy and how it will be almost impossible to meet the requirements of all, many looking at the picture from very different standpoints, all the time. But it is also why I believe sentencing guidelines and the role of the Sentencing Council in developing those guidelines is so important.

Sentencing Council and guidelines

Sentencing guidelines are not new. There have been sentencing guidelines in England and Wales for around 25 years. They were first issued by the Court of Appeal in the form of guideline judgements although when drafting its judgments, the Court of Appeal was initially constrained by the material on which reliance could be placed. To resolve that problem, the Crime and Disorder Act 1988 created the Sentencing Advisory Panel. The Panel, chaired by a distinguished academic lawyer, was established to draft and consult on proposals for guidelines and refer them back to the Court of Appeal for their consideration and, in that way, to inform the issuing of a guideline judgement. The Court of Appeal was not obliged to

[7] Recorded Crime Statistics, Home Office.
[8] Story of the prison population 1995 – 2009 England and Wales
Ministry of Justice Statistics bulletin
[9] Ministry of Justice data for prison population as at 15/10/2010.
[10] The 2009/10 BCS shows that the proportion of people who thought
that the CJS as a whole was fair increased compared with the 2008/09 BCS (from 58.5% to 59.4%).
The proportion of people who thought that the CJS as a whole was effective alsoshowed an increase from 38 per cent to 41 per cent.

accept the Panel's recommendations but in most cases did so, sometimes with modifications. I have to admit that I was counsel in the only case in which the Court did not take up the advice offered[11]; in relation to handling stolen goods, I was also part of a Court of Appeal that did[12]. The important feature, however was that the laying down of guidelines remained under the control of the senior judiciary.

In 2001, the Halliday Report recommended that new structures were required in order to move towards comprehensive sentencing guidelines and so it was that the Criminal Justice Act 2003 created the Sentencing Guidelines Council. The Sentencing Advisory Panel continued to draft and consult on guidelines but it was the Sentencing Guidelines Council, rather than the Court of Appeal, that took ultimate responsibility for the creation and form of any guideline that was issued. Thus, the SGC came between the SAP and the Court which then focussed on construing the guideline and on determining specific appeals. It was chaired by the Lord Chief Justice and established with eight members of the judiciary and four others, the DPP, a police officer, a defence solicitor and a representative of victims groups: the Chairman of the SAP and a representative of the Lord Chancellor attended as observers. Although a small step, it was the first time that anyone other than a judge had been involved in setting sentencing guidelines.

So given the good work that has gone before why has the Sentencing Council been created?

Different people will give you different answers to this question, but, for me, the answer lies in the opportunity both to streamline and to advance work on sentencing in a way that supports not only the judiciary but also all those working within the justice arena and the wider public. It was this opportunity that encouraged me to accept the invitation offered by the Lord Chief Justice to become the Chairman of the Council.

The impetus for change came in response to concern about the prison population which led to an investigation by Lord Carter of Coles into options for improving the balance between the supply of, and demand for, prison places. He suggested a possible approach involving a US style structured sentencing framework and recommended that a Working group be set up to examine the advantages, disadvantages and feasibility of such a framework in this country. That Group, chaired by Lord Justice Gage, quickly rejected the American model – although many have failed to appreciate that fact – and, reporting in 2008, made recommendations which have led to the new Act. These included that "the SAP and SGC

[11] *Milford Haven Port Authority* [2000] 2 Cr App R (S) 423
[12] *Webbe* [2002] EWCA crim 1217, [2002] 1 Cr App R (S) 22 page 82

would work more efficiently and speedily if the two bodies were combined whilst preserving the essence of their existing constituent representation and advisory functions."[13] The Sentencing Council achieves this by bringing together the functions of both bodies into what will hopefully be a more streamlined and less bureaucratic structure.

The Coroners and Justice Act 2009 provides a different starting point for the proper consideration of the guidelines to that prescribed by Criminal Justice Act 2003. Before the 2003 Act, Court of Appeal guidelines were intended to lead judges towards consistent sentencing. Under the 2003 Act, judges were required to "have regard to" the guidelines. The 2009 Act now states that judges "must follow" the guidelines, except when it is in the interests of justice not to do so.

I am very aware that a number of judges were very concerned about the impact of this legislation on their discretion; others have suggested that different elements of the Act weaken the impact of the obligation. We shall, of course, have to see what the Court of Appeal ultimately makes of the language of the statute but I believe, that in providing a different starting point for the way in which judges approach the guidelines, the new Act strengthens the attention which will be paid to them. It will also do much to encourage consistency and will provide the Council with a basis to perform its reporting functions, and a foundation which can be used both to help promote consistency and, I hope, public confidence in sentencing.

In promoting a more consistent approach to sentencing, I want to be very clear what this means. Both I and the Council recognise absolutely that sentencing is a matter that requires individual judgement and discretion directed to the facts of the specific case. As I have said sentencing is a balance, it is as clinicians might say 'multi-factorial'.

Assault

It is with this balance in mind, the need to promote a consistent approach to sentencing and the recognition that there is always a need to retain the space for discretion that the Sentencing Council has approached the development of its first guideline.

A consultation on the draft assault guideline started last week, accompanied by the usual flurry of media reporting. From the headlines, you might think that different documents were being discussed.

The Independent reported:

[13] Para 9.2 Sentencing Commission Working Group Report page 31

"Fewer attackers jailed under new guidelines"[14]

The Evening Standard:

"Crackdown on drunken street brawlers with harsher penalties for attackers"[15]

The Daily Mirror:

"Yobs to be punished per punch"[16]

So let me unpick a little bit what the guideline is seeking to do and why such differing headlines may have come about.

When drafting its first guideline, the Council decided to go back to first principles by considering the structure and approach which set out a clear and accessible approach to sentencing and would further contribute to the promotion of consistency of approach while at the same time taking steps to increase public confidence in the process.

We chose assault as the offence on which to develop our proposed new structure because a number of issues had been identified with the current assault guideline. Assault is also a high volume offence - with 84,000 offenders sentenced for assault offences in 2008 covered by this proposed guideline.

So what the draft guideline proposes is a new decision making process. It sets out clear steps through which sentencers should first consider the harm caused by the offence and the culpability of the offender; this sets the category and starting point. Then the aggravating and mitigating factors that will affect the sentence fall to be taken into account. The result, we believe, is a draft guideline which is easier for sentencers to apply, and easier for victims and the public to understand.

The draft guideline also seeks to make new guidelines more easily applicable by removing the assumption that guideline sentencing ranges and starting points are based on the first time offender and to make them applicable to all offenders in all cases. This means that the guideline is proposing a move from an offender based starting point to one based on the offence, which hopefully moves guidelines away from the position where the starting point was rarely ever the 'norm'. However much we would like to assume that a first time offender

[14] The Independent, 13th October 2010
[15] Evening Standard, 13th October 2010
[16] Daily Mirror, 14th October 2010

is the 'norm' the reality, as I'm sure that all of you that work in the justice system, is that, for serious offences, the first time offender is unusual if not the exception.

In terms of the sentencing ranges that are being proposed the draft guideline aims to maintain the availability of the existing sentences for the most serious offences while ensuring that sentencing for less serious offences is proportionate. We considered current sentencing practice for some less serious offences to be out of kilter with the most serious offences which can rightly attract lengthy custodial sentences. This quest for proportionality is what drove the proposed ranges.

This means that there is little change to the sentencing options open to the court for the most serious offences such as causing grievous bodily harm with intent, although we propose that fewer offenders should receive custodial sentences for common assault which only requires the threat of the immediate use of force and no injury of any sort. So perhaps it is understandable that different headlines emerge. Our approach is to aim for consistency and proportionality and we are working to balance the sentences and reflect current practice – but that doesn't make for quite as exciting headlines!

The Council wants guidelines to be accessible to everyone and is therefore keen to hear from as many people as possible as part of the consultation over the next three months. Please review the copies available this evening or go to the website of the Sentencing Council[17] and let us have your views.

Analysis and research

The Council's role is not limited to issuing guidelines. It also has a very real role to play in undertaking research and analysis. It is required not only to report on the resource impact of the guidelines it drafts and issues but also to monitor their use.

The Council is already starting to take its analysis work forward. The Crown Court Sentencing Survey started at the beginning of this month across all Crown Court centres in England and Wales. With the use of a single page questionnaire the survey gathers data on sentences and what has been taken into account. It is through this survey that the Council, and all those with an interest in sentencing, will understand how guidelines, including assault, are being used.

[17] http://www.sentencingcouncil.org.uk/sentencing/consultations-current.htm

The Council will also report on sentencing and non sentencing factors including the cost of different sentences and their relative effectiveness in preventing re-offending. It can also be asked by government to assess the impact of policy and legislative proposals when required. That role is particularly interesting: legislation comes at a cost and it is vital that the true cost of proposals is publicly foreshadowed so that Parliament understands the figures and can be seen to balance benefit against the cost that must be met.

Conclusion – the remainder of the 21st Century

So let me conclude by the thread which I hope runs through where we have been and where we might be going. Whilst much has changed over time around sentencing, the heart of the sentencing decision - the balancing of a number of considerations in order to find a just and appropriate sentence - remains the same.

I believe that we are in a strong position. Legislation provides the framework and can help shape the considerations in sentencing. Guidelines provide the structure for a consistent approach whilst recognising the need for discretion in individual cases and the Court of Appeal interprets both and irons out inconsistencies and anomalies.

I have no doubt that much will continue to change around sentencing. As I have commented, the Ministry of Justice is due to issue a sentencing assessment before the end of the year. That assessment, in the words of the Lord Chancellor, will consider how to "establish an effective and honest approach to sentencing and a radical new approach to rehabilitation"[18]. Although I would challenge the need to establish an honest approach as I would argue that sentencing is always honest, we are all interested to see what the government might propose that may have the potential to simplify the complex sentencing framework and support greater rehabilitation. We live in interesting times. Thank you very much.

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[18] *The Government's Vision for Criminal Justice Reform, A* speech by Kenneth Clarke, Lord Chancellor and Secretary of State for Justice, 30 June 2010.