

Citizen Participation and Public Petitions Committee

1st Meeting, 2022 (Session 6), Wednesday 19
January 2022

PE1881: Longer sentences for paedophiles
and sexual predators

Note by the Clerk

Lodged: 22 June 2021

Petitioner Carol Burns

**Petition
summary** Calling on the Scottish Parliament to urge the Scottish Government
to increase the length of time sexual predators serve in jail.

Webpage <https://petitions.parliament.scot/petitions/PE1881>

Introduction

1. The Committee last considered this petition at its meeting on [Wednesday 22 September 2021](#). At that meeting, the Committee agreed to write to Rape Crisis Scotland, the Scottish Sentencing Council and Victim Support Scotland.
2. A summary of past consideration of the petition and responses to information requests are provided for the Committee's consideration.

Background

3. During its consideration of this petition, the Committee received 4 written submissions.
4. In its submission, the Scottish Government explained that the maximum penalty for the most serious sex offences, including rape, sexual assault by penetration and sexual assault, is life imprisonment.

SPICe briefing

5. The SPICe briefing accompanying this petition explains that the Crown Office and Prosecutor Fiscal Service takes decisions on how a case is prosecuted and has powers to appeal against what it considers to be unduly lenient sentences.
6. The [Scottish Sentencing Council](#) (SSC) is an independent advisory body, established in 2015, with membership drawn from the judiciary, legal profession and others with relevant expertise. Its work includes:
 - preparing sentencing guidelines for the courts
 - publishing information on sentencing (e.g. see the section of its website about sentencing).
7. The briefing notes that preparing sentencing guidelines will take time and thus far, one set of guidelines has been approved - [principles and purposes of sentencing](#) (2018). Ongoing work is taking place to prepare sentencing guidelines, including in relation to rape, sexual assault, and indecent images of children. So far, two academic reports were published in 2021 and the authors have discussed their findings in a blog - [What do we know about sentencing sexual offences in Scotland?](#) (2021).

Scottish Sentencing Council submission

8. The Committee requested an update from the Scottish Sentencing Council on progress developing sentencing guidelines in relation to rape, sexual assault, and indecent images of children.
9. The Scottish Sentencing Council (SSC) response outlines its development of three general guidelines on a) the principles and purposes of sentencing, b) the sentencing process and c) the sentencing of young people, all of which underpin SSC's subsequent work. The general guidelines were developed to create a high-level framework for sentencing and a foundation for the development of offence-specific sentencing guidelines.
 - '[Principles and purposes of sentencing](#)' guideline came into effect on 26 November 2018;
 - '[The sentencing process](#)' guideline, which came into effect on 22 September 2021, sets out an eight-step process for reaching sentencing decisions; and
 - The [sentencing young people guideline](#) were submitted to the High Court for approval in September and due to be considered at a hearing on 09 November 2021

10. The submission details the consideration of guidelines on sexual offences to date:
 - The SSC announced that it would begin research into the sentencing of sexual offences in its first business plan covering 2015-18;
 - Held a stakeholder conference in June 2018 to seek views from criminal justice, governmental and third sector organisations and individuals with relevant experience and expertise;
 - Committed to developing guidelines on sexual offences in its 2018-21 business plan;
 - Announced that multiple guidelines would be developed to focus on particular sexual offences in May 2019 and decided that the guidelines should 'take precedence over certain other areas of work';
 - Established a working group committee on sexual offences in August 2019 to oversee the development of the guidelines.

11. In terms of the SSC's [guideline development methodology](#), work on the development of guidelines on rape, sexual assault, and indecent images of children is now at '[Stage 2 – Development of a draft guideline](#)'. The submission states that the focus of work during this stage is on engaging with key stakeholders, gathering evidence, and developing a first draft of each guideline.

12. The submission summarises work undertaken to date on the guidelines:
 - Literature reviews on the offences of [rape](#) and [sexual assault](#) were published in February 2021;
 - A [report](#) on research into public perceptions of sentencing for sexual offences was published in July 2021;
 - Data-gathering and case analysis exercises in relation to sexual offences have been conducted by the Council's secretariat;
 - Research and engagement with sentencers has been carried out.

13. Further to this work, a literature review of the sentencing of offences relating to indecent images of children will be commissioned and it is intended that a research project will take place to seek the views of survivors of rape and sexual assault.

14. The submission concludes by stating that the SSC is not yet in a position to set a definitive timescale for the finalisation for submission of guidelines to the High Court. It is highlighted that 'this is not a process that can be rushed, as the impact of proposing guidelines which have not been properly considered and tested would be considerable.'

Rape Crisis Scotland submission

15. Rape Crisis Scotland (RCS) state that it 'shares concerns' of the petitioner that some sentences feel disproportionately short to those affected by the crime and have supported many survivors in this position.
16. They welcome the Scottish Sentencing Council's review of sentencing guidelines and will engage with them through the consultation process.

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1881/C: Rape Crisis Scotland submission of 22 October 2021](#)
- [PE1881/D: Scottish Sentencing Council submission of 22 October 2021](#)