Annex B: Quality and Methodology Note

This annex provides more information on how the Crown Court Sentencing Survey data was checked to ensure it was of a suitable quality and fit for purpose including any limitations that may affect the quality of the results presented. It also summarises how the survey data were analysed to produce the results and how these results have been presented in the main publication, including the meaning of key concepts used. Finally, it discusses how the data have been used and provides further information and relevant background for users or potential users.

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B.1 Definitions and notation

Definitions and key concepts

Prison sentences are given when an offence is so serious that it is the only suitable punishment. A prison sentence will also be given when the court believes the public must be protected from the offender. There are three different types of prison sentence: suspended sentences, determinate sentences (those having a fixed term) and indeterminate sentences (which have a minimum term and include life sentences). Sentences of **immediate custody** consist of determinate and indeterminate sentences.

Two key concepts have been used in the publication to assess the severity of custodial sentences; the custody rate and the average custodial sentence length. These are defined below.

The **custody rate** is the proportion of offenders sent to immediate custody, so includes both determinate and indeterminate sentences. Immediate custodial sentences include Extended Determinate Sentences (EDS) and life sentences.

The **average custodial sentence length** (ACSL) is the average (mean) sentence length for determinate custodial sentences only. It therefore excludes life sentences but includes EDS which were introduced in December 2012. EDS replaced sentences of Imprisonment for Public Protection (IPP) and Extended Sentences for Public Protection (EPPs). In previous publications, the ACSL excluded IPPs as these were a type of indeterminate sentence. However, many offenders who would have previously been given IPPs are now likely to be sentenced to an EDS. These are used for dangerous offenders and they will therefore typically receive longer sentences. This means that ACSLs in 2013 may be longer than reported in previous publications. This approach for calculating ACSL is consistent with that used for sentencing statistics produced by the Ministry of Justice. More information on these changes and their impact on sentence lengths are available from the Ministry of Justice Criminal Justice Statistics quarterly for December 2013 available at https://www.gov.uk/government/publications/criminal-justice-statistics-quarterly-december-2013

The sentence length of a determinate custodial sentence refers to the full custodial term imposed, not just the period actually spent in prison. Some of this time may ultimately be served in the community on licence and home detention curfew, where applicable, due to statutory release provisions.

Finally, the ACSL provided are estimates of the sentence length *before* the application of a discount for any guilty plea. These estimates allow a better assessment of the use of sentencing guidelines as the category ranges specified in the guidelines are those before any guilty plea discount is applied.

Notation and rounding

The following conventions have been applied to the data:

- percentages are provided to the nearest whole percentage except when a finer level of detail is required to show a trend. When the nearest whole percentages is zero, the convention "<0.5%" has been used and where zero per cent has been reported, this means nil;
- where totals have been provided, these have been calculated using unrounded data and then rounded to the nearest 100; therefore percentages shown on charts may not sum to 100; and
- average custodial sentence lengths in the publication are presented in years and months, although the underlying data used to produce charts is based in years, so figures in charts may show a slight difference to results presented in the commentary.

B.2 Methodology

Preparation of the data

Prior to producing the report, the dataset received from the data processors has been subject to a number of quality assurance and validation routines. Details of these are provided below.

Using the personal information collected on the form, the survey records were matched to a database of records on principal offences provided by the Ministry of Justice.[1] Where a match has been found, this guarantees that the form corresponds to a principal offence. To avoid capturing secondary offences, all results provided in the publication are based only on the set of survey records for which a match has been found on the MoJ database. A match was made for 94 per cent of the 51,744 forms received. The remaining 6 per cent have been excluded from the results presented as it is not possible to say whether these forms relate to the principal offence.

Survey response rates

In 2013, there were 86,129 sentences passed for principal offences at the Crown Court. The overall national response rate was therefore 60 per cent. This is based on the 94 per cent of survey forms returned for which a match could be obtained. If the unmatched 6 per cent of records are included, the national response rate is 64 per cent.

Table B.1 shows the response rates since the survey began.

Table B.1: National response rate for Crown Court Sentencing Survey, 2011 to 2012.

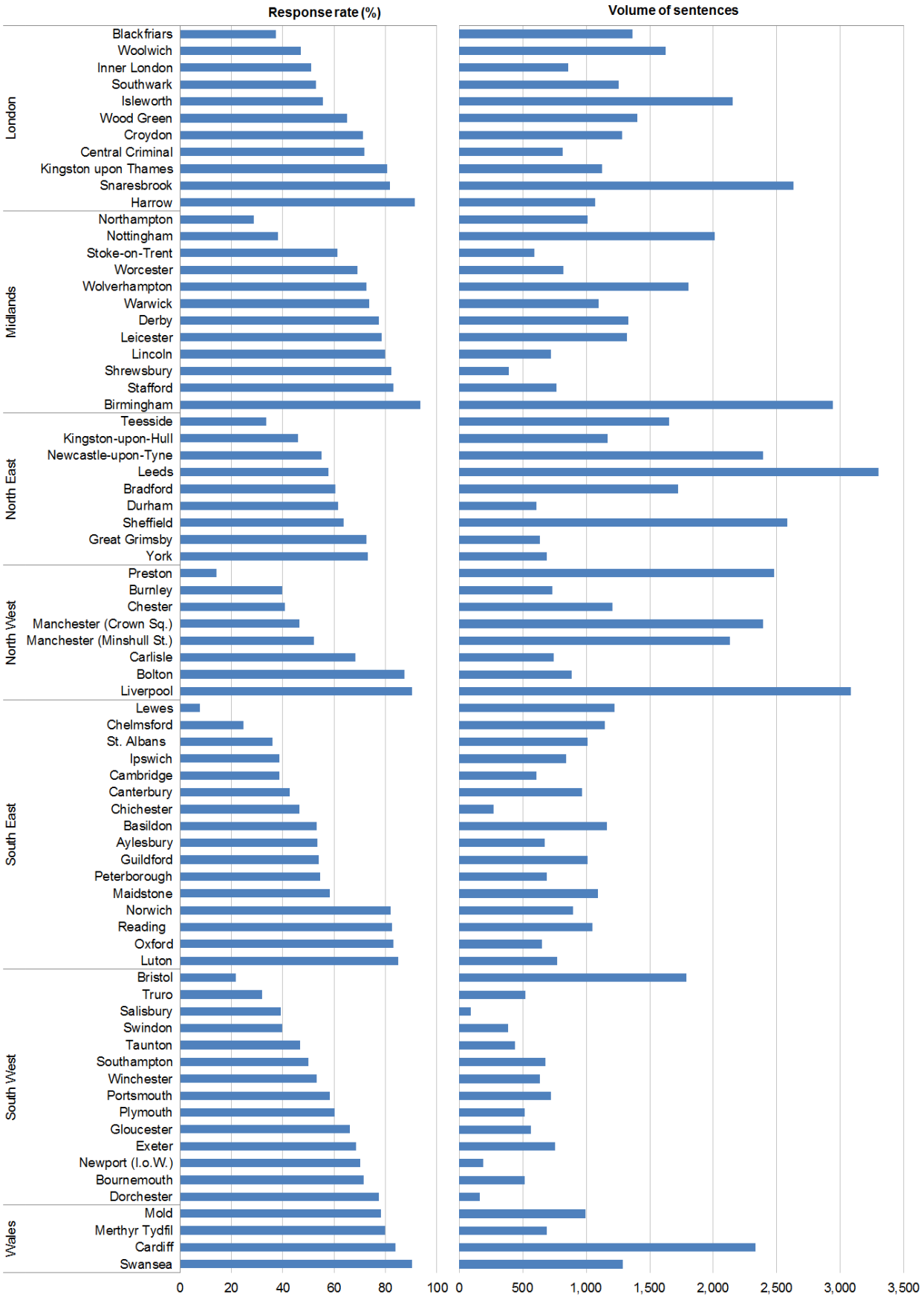
	2011	2012 [(a)]	2013
Number of CCSS forms received	62,499	39,645	55,341
Proportion confirmed as principal offences	93%	93%	94%
Response rate	61%	58%	60%

[(a)] Response rates for 2012 are calculated on data for April to December 2012. This is due to a change in data processer in April 2012, which resulted in break in the structure of the database.

Response rates by Crown Court varied quite considerably, from 8 per cent to 91 per cent; however, 51 out of the 74 courts had a response rate of 50 per cent or more. The volume of sentences passed at each Crown Court location also varied, and even if the response rate for a court location is not particularly high, it may still represent a significant proportion of the overall set of forms analysed. This is shown in figure B.1 which shows the distribution of response rates and the corresponding volume of sentences passed by each Crown Court location in 2013.

[1] The MoJ database used is the Crown Court Electronic Support System, CREST, the case management system used by Crown Courts for tracking case progression.

Figure B.1: CCSS response rates and volume of sentences by Crown Court location, 2013

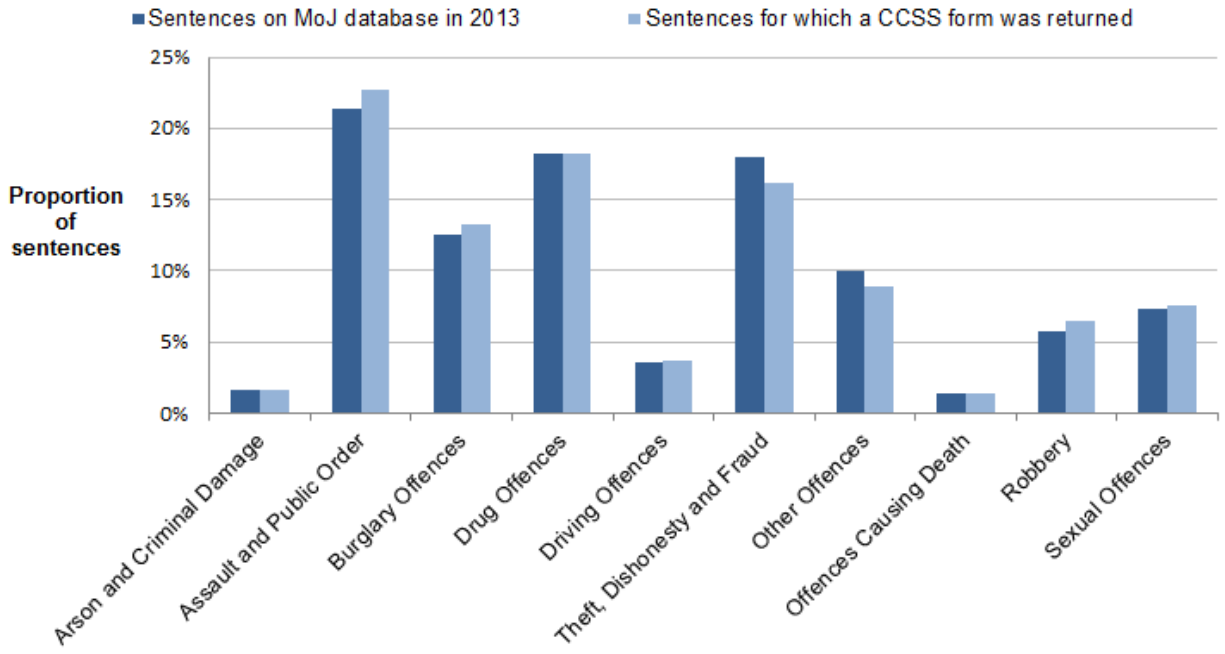


Estimation methodology

The MoJ database used in the matching exercise records a variety of variables for the full population of sentences at the Crown Court, including the sentence received and the offence being sentenced. A comparison was made between it and the identified principal records from the Crown Court Sentencing Survey. This was done to assess whether national level results could be inferred from the sentences for which a form was returned. These comparisons are displayed below.

Figure B.2 shows a comparison of the proportion of sentences completed on each data source, by offence form type

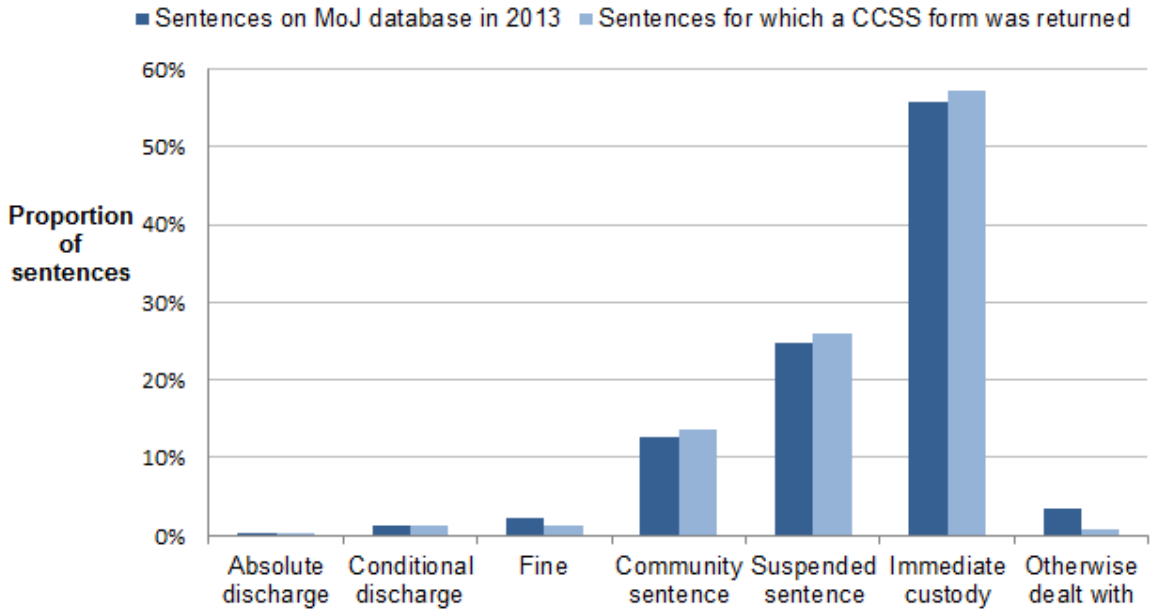
Figure B.2: Proportion of sentences in Ministry of Justice database and Crown Court Sentencing Survey, by offence form type, 2013



The figure shows that the discrepancies were minor. The largest discrepancies were in the proportion of sentences completed on the theft, dishonesty and fraud form (1.9 percentage points more in the MoJ database), assault and public order (1.3 percentage points less) and other offences (1.1 percentage points more). All other discrepancies were less than 1 percentage points.

Figure B.3 shows a comparison of the proportion of sentences completed on each data source, by sentence outcome.

Figure B.3: Proportion of sentences in Ministry of Justice database and Crown Court Sentencing Survey, by sentence outcome, 2013



Again, the discrepancies were small (all less than 3 percentage points). The largest discrepancy was for sentences that were "Otherwise dealt with" which was 2.8 percentage points higher in the MoJ database; however, this sentence outcome was only used in 4 per cent of cases. There were a slightly higher proportion of community sentences, suspended sentences and immediate custodial sentences in the CCSS, but the discrepancies were all less than 1.5 percentage points.

Table B.2 shows a comparison of the average custodial sentence on each data source, by offence type. Note that unlike elsewhere in the publication, these are based on the final sentence passed and are not estimates of the pre-guilty plea sentence.

Table B.2: Average custodial sentence length from Ministry of Justice database and Crown Court Sentencing Survey responses, 2013

Offence form type	MoJ database in 2013	Sentences for which a CCSS form was completed
Arson and Criminal Damage	2 years 2 months	2 years 5 months
Assault and Public Order	1 year 10 months	2 years 1 month
Burglary Offences	2 years 1 month	2 years 3 months
Drug Offences	2 years 10 months	2 years 10 months
Driving Offences	10 months	10 months
Theft, Dishonesty and Fraud	1 year 1 month	1 year 3 months
Other Offences	1 year 6 months	1 year 9 months
Offences Causing Death	4 years 11 months	4 years 11 months
Robbery	3 years 4 months	3 years 6 months
Sexual Offences	4 years	4 years 6 months
All	2 years 4 months	2 years 5 months

Where the average custodial sentence length (ACSL) differed in the two sources, it was always higher in the CCSS. The discrepancy was most noticeable for theft, dishonesty and fraud offences, sexual offences, other offences, assault and public order offences and arson and criminal damage offences. For these offence types, the discrepancy between the ACSL as a proportion of that observed in the MoJ database was between 11 and 15 per cent. On the other hand, the ACSLs for drug offences, driving offences and offences causing death were comparable in the two sources.

The results above suggest that the survey sample used is generally representative of the case load seen by the Crown Court across the whole year.

Based on the results above, a simple weighing methodology was adopted. National totals were estimated by identifying the cases on the MoJ database that could not be matched to a CCSS record and allocating these to the appropriate CCSS form type. This is a change from the probability weighting approach used in the 2012 publication back to the simpler methodology used in the 2011 publication. As part of the quality assurance of the probability weighting methodology approach for the 2012 publication, the outputs were recreated using only raw data and excluding any missing values. The outputs produced very similar results to the weighted estimates, which suggested that the more sophisticated weighting methodology might not be required. In addition, the probability weighting methodology could not account for sources of bias due to variables not captured in the MoJ database. For these reasons, it was decided that the complex approach did not fully justify the extra resource required and it has therefore not been repeated. However, it does mean that the results may not be entirely comparable across years and this change in methodology should be noted.

Revisions

Revisions are made to the publication when a significant error has been found, for example when the error affects tables in the publication. Processes and systems have been put in place to minimise the chances of such errors. If a significant error is found, the publication on the website will be updated and an errata slip published documenting the revision. This is in line with Principle 2 of the Code of Practice for Official Statistics[2].

B.3 Changes to the survey affecting quality

A few minor changes were made to the survey to further enhance the quality of the data collected. These are outlined below.

Location and timing of guilty plea

The wording for the timing when any guilty plea was entered was changed on the survey to aid clarity. However, this change only affected a small proportion of records as it was introduced towards the end of the reporting year. It is expected that the quality of this information will improve further in future publications.

Guilty discount variable

The average custodial sentence lengths presented in the publication are estimates *before* the reduction for any guilty plea has been made. The guilty plea information is applied retrospectively to the final sentence to estimate what the sentence was before any guilty plea was considered. In the majority of cases, the

[2] The Code of Practice is available at http://www.statisticsauthority.gov.uk/assessment/code-of-practice/index.html.

reduction has been provided as a whole number. In a few other cases, it was provided as a range of possible values in line with the options available on previous versions of the forms. However, in some cases, it was not provided, even though a guilty plea was indicated. In these instances, the records were randomly assigned a discount in the same proportion as in the part of the data where the discount was given. The process of reversing guilty plea discounts was only conducted for custodial sentences because it is less easy to reverse discounts for non custodial disposal types.

B.4 Accessibility and clarity of underlying data

The underlying data from this report are available to download as Excel spreadsheets from the Sentencing Council's website. These supplementary tables include the proportions calculated from raw survey data and as presented in the publication. They also include nationally weighted figures where appropriate.

The record level data for 2011, 2012 and 2013 can be accessed at the following link: http://www.sentencingcouncil.org.uk/analysis-and-research/crown-court-sentencing-survey/record-level-data/ .

The data are accompanied by a user guide and a metadata document which contain important information on the use and interpretation of the date. These documents should both be read before making use of the data.

B.5 Coherence and comparability

The CCSS is completed directly by judges at the time of sentencing. The MoJ database used to confirm that the data relate to principal offences only and also to weight to national totals, is completed by Crown Court staff primarily for administrative purposes.

The methodology used to weight the data was changed as highlighted in section B.2. This may possibly affect the degree to which results for 2013 can be compared to those in 2012. In addition, due to a change in data processor, the raw survey data used for analysis in 2012 only covered the 9 months from April to December. However, the weighting methodology used in 2013 is similar to that used in 2011.

In general, the data on custody rates can be compared to those published by MoJ Criminal Justice Statistics. However, it is important to note that the classification of offence types used by the MoJ is not the same as that used for CCSS offence form types. For example, the sexual offences forms include indictable offences while these are treated separately in Criminal Justice Statistics.

On the other hand, the information on average custodial sentence lengths produced in the publication are estimates *before* the discount for any guilty plea. They are therefore not generally comparable to those published by the MoJ which are based on the final sentence passed.

Finally, it should be noted that other sources of information on previous convictions will generally include all previous convictions, regardless of whether they were taken into account at sentencing.

B.6 Timeliness and punctuality

The data are published six months after the end of the calendar year to which they relate. This is the earliest practical date possible allowing for time to collect, process, quality assure and produce the analysis

for the publication. The publication was released on the planned publication date which was pre-announced on the Sentencing Council website.

In previous years, the annual publication was published in May. However, this year, it was published in June. As described in the Methodology section (section B.2), the data is first matched to the MoJ database. The MoJ dataset undergoes extensive quality assurance by MoJ analysts before it is released to the Sentencing Council. Most of the analysis on the CCSS cannot be started until this finalised version is ready. In the past, a provisional dataset was used for matching but this resulted in differences between the total number of principal offences recorded in these datasets. To enhance greater comparability between these two sources, the analysis has been carried out using the finalised data and so the publication date was revised to June to allow for this.

B.7 Uses made of the data

This section presents the uses made of the data from the Crown Court Sentencing Survey.

This information is primarily collected to fulfil the Council's legislative duty under section 128(1) of the Coroners and Justice Act 2009, to "monitor the operation and effect of its sentencing guidelines". The information provided will contribute further to other legislative functions of the Council including section 127 "to publish a resource assessment in respect of guidelines issued".

It is the intention of the Council to review its definitive guidelines after they have been in force for some time. It is intended that the CCSS will be used to analyse how the guideline factors influence the sentence outcome, thus allowing the Council to determine if any factors or their placement need to be revised.

The CCSS has also been used by analysts at the Sentencing Council to feed into the package of analytical evidence used to inform the development at various stages of guideline development. Some examples include:

- Using the information on guilty plea discount to produce estimates of the pre-guilty plea sentence under current sentencing practise to inform guideline ranges
- Providing a more detailed split of the nature of theft and burglary offences than is possible from other existing sources. This has assisted with the development of guideline ranges for specific offences, for example, theft from shop and theft from a person.

The Council intends to continue publishing the data collected in a regular statistical release. By doing so, the Council aims to increase awareness and understanding of sentencing practice in the Crown Court and the different factors that are taken into account when determining a sentence. Furthermore, the Council envisages that this information will be useful to the judiciary and to organisations associated with the criminal justice system.

Externally, the data has been used by criminology researchers to assess sentencing consistency in general and in relation to the assault definitive guideline in particular.

B.8 Limitations

The results present each of the key influencing factors: offence category; previous convictions; aggravating and mitigating factors; and guilty pleas, individually. It is important to bear in mind that in reality, there will be some interaction of the different factors present in a case. For example, even across all offences at a single offence category, there will be a variation in the final sentence due to the presence of other factors

such as aggravating and mitigating factors. This publication does not attempt to analyse the interaction of the different factors captured by the form.

Due to the nature of the survey, for most questions on the form, it is not possible to recover missing responses. Only where variables are common to the Ministry of Justice database and the survey has it been possible to complete areas of missing information. After matching, further routines have been applied to ensure that responses are consistent across the whole form.

Any data collection of this kind will be subject to some recording errors. Although every attempt has been made to prevent and correct for such errors through the processes described, there will inevitably be some error that remains in the data presented.

Not all offences have a sentencing guideline. For those offences with a guideline, the Crown Court Sentencing Survey form captures the offence category. Where it is felt that the offence falls between two adjacent categories, the judge is requested to tick both categories. More than one category was ticked on a very small proportion of forms. Where this occurred, the category which indicates the highest harm and culpability out of those ticked has been used in the results presented. If a guideline does not exist for the offence being sentenced, the judge is requested to tick “no existing guideline” on the form.

The distribution of the level of offence for the offence form types covering Sentencing Guidelines Council guidelines were not presented in the main report but are available in the supplementary tables. However, it should be noted that except for robbery and sexual offences, these forms include a higher proportion of sentences where the judge selected the option of “no existing guideline”. This is shown in table B.3 below where for some offence form types, the proportion of sentences with no existing guideline is higher than the proportion in any level.

Table B.3: Distribution of level of offence selected on survey forms

Offence form type	Level of offence					
	Level 1	Level 2	Level 3	Level 4	Level 5	No existing guideline
Theft, Dishonesty and Fraud	7%	18%	19%	11%	7%	38%
Other Offences	4%	7%	8%	6%	-	75%
Offences Causing Death	16%	22%	10%	3%	-	48%
Robbery	9%	57%	26%	-	-	8%
Sexual Offences	23%	20%	19%	12%	12%	14%

B.9 Further information and relevant background

A Guide to Crown Court Sentencing Survey (CCSS) Statistics

A supplementary document, *A Guide to CCSS Statistics* (annex A), has been released alongside the publication. It provides the necessary background information on sentencing practice to help set the context for the data presented in this publication. It can be accessed via the Council’s website at:

http://www.sentencingcouncil.org.uk/analysis-and-research/crown-court-sentencing-survey/annual-2013-results/

Copies of guidelines

All sentencing guidelines that are relevant to the Crown Court can be downloaded from the Council's website at:

http://www.sentencingcouncil.org.uk/publications/?type=publications&s=&cat=definitive-guideline&topic=&year=

Copies of forms

Copies of the survey forms are available for download at:

http://www.sentencingcouncil.org.uk/publications/?type=publications&s=form&cat=crown-court-sentencing-survey

Other sources of statistics and general information on sentencing

Ministry of Justice: Criminal Justice Statistics

The Ministry of Justice publishes both a quarterly and annual statistical release on criminal justice statistics. This includes a chapter on sentencing which focuses on national level trends in sentencing for all offences.

These statistics can be accessed via the Ministry of Justice statistics homepage:

https://www.gov.uk/government/organisations/ministry-of-justice/series/criminal-justice-statistics

Sentencing Council website

Further information on general sentencing practice in England in Wales can be found on the Council's website:

http://www.sentencingcouncil.org.uk

Gov.uk website

Alternatively, the sentencing area on the Gov.uk website provides information on how sentences are worked out and the different types of sentence available:

https://www.gov.uk/browse/justice