

Factsheet: Sentencing Bill 2023: Serious Sexual Offences Sentencing and Release Arrangements

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Headline: These reforms will ensure that all rapists serve their full custodial term in prison.

1 What are we going to do?

- Rapists, and those convicted of the most serious sexual offences, will now serve the entirety of the custodial term in prison, with no referral to the Parole Board.

2 How are we going to do it?

- Offenders convicted of certain serious sex offences, including rape, which carry a maximum penalty of life imprisonment will no longer receive a standard determinate sentence with automatic or discretionary early release by the Parole Board. Instead, these offenders will now get an Extended Determinate Sentence (EDS) or a Sentence for Offenders of Particular Concern (SOPC). These provisions will add rape and the other most serious sexual offences to the SOPC regime.
- We will also alter the release arrangements for these offenders. This will be done by altering the release point of offenders who receive an EDS or SOPC on conviction for these offences so that they will now serve the entirety of the appropriate custodial term in custody, with no referral to the Parole Board at the two-thirds point of the term, meaning that there will be no automatic or discretionary early release before the end of that period.
- This will mean that these offenders can no longer receive a standard determinate sentence, and must instead serve the entirety of their custodial term in prison, before being released on a fixed licence.
- Both measures will ensure these offenders will still have a licence period: of 12 months for those serving a SOPC and up to 8 years, as determined by the court, for those serving an EDS.
- This change will also apply to offenders under the age of 18. While we recognise custody should always be a last resort for children, it is important that where a custodial sentence has been imposed for these inherently serious offences, we detain all offenders for the duration of their custodial term to keep the public protected for longer. Furthermore, given that children typically serve shorter custodial sentences than adults, it is important that we maximise the time they spend in custody, in order to ensure rehabilitative interventions can be conducted to minimise risks of recidivism.

3 Frequently asked questions

3.1 Why has this law been introduced?

- It is right that rapists (and those convicted of the most serious sexual offences) remain in prison for the whole of their custodial term, and that they are subject to proper supervision in the community on their release, with a suitable licence period.
- There were 68,000 offences of rape recorded by the police in the year to June 2023 within a wider backdrop of high numbers of all types of sexual offending. The Tackling Violence Against Women and Girls Strategy research shows that 'many perpetrators of these crimes continue to offend even if they have been prosecuted, with some cases resulting in an escalation of behaviours'. These measures will keep these offenders off the streets for longer, without the opportunity to reoffend.
- This change would be a significant contribution to the Government's wider 'tough on crime' agenda and in line with the Government's wider Violence Against Women and Girls (VAWG) agenda.

3.2 Why are you only doing this for rapists – there are other offenders that should receive this?

- We are not only doing this for rapists – the changes will also apply to the other most serious sexual offences that also have a maximum sentence of life imprisonment.
- The changes are focused on the offence of rape because this is generally viewed as the most serious sexual offence (with the highest available penalty of life imprisonment).
- Although cases will vary in their circumstances, any conviction for rape is extremely serious and it is right that the sentencing framework responds appropriately to that.
- Given there were 68,000 offences of rape recorded by the Police in the year to June 2023, which all have a huge impact on the individual, it is justified to have a specific and harsher sentence and release arrangements aimed at these offenders in view of the widespread harm caused by such offenders.
- Given the unique nature of this offending, the significant amount of public concern relating to these offenders, and the need to improve confidence that the justice system appropriately addresses and punishes these offences, these offences have therefore been the focus of these reforms.

3.3 What's the point of making this change if such a small number of rapists are charged or convicted?

- Through our Rape Review Action Plan, our concerted efforts have driven significant improvements to the Criminal Justice System's response to adult

rape, notably in increasing the number of rape cases being charged and reaching court.

- The data shows that we have exceeded all three of our ambitions set out in the 2021 Rape Review, well ahead of schedule: to return the numbers of police referrals to the Crown Prosecution Service (CPS); CPS charges; and receipts in Crown Court back to 2016 levels. In April – June 2023, we recorded:
 - **1,411 total police referrals**, up by 206% compared to the 2019 quarterly average and **exceeding our ambition** by 84%.
 - **599 CPS charges**, up by 145% compared to the 2019 quarterly average and **exceeding our ambition** by 11%.
 - **627 Crown Court receipts**, up by 171% compared to the 2019 quarterly average **and exceeding our ambition** by 13%.
- In fact, the number of prosecutions for adult rape are now higher than they were in 2010, and up 44% between 2021 and 2022.
- Adult rape charge rates should be seen in the context of an incredibly sharp increase in the number of victims coming forward, especially with historic cases. This is of course positive, but it creates a downward pressure on the percentage charge rate when there is sadly insufficient evidence to charge the perpetrator.
- We are pulling out all the stops to encourage victims to come forward and support them through the criminal justice process. Misleading use of charge rate statistics risks putting victims off reporting cases under fear they will not be believed or see justice delivered.

3.4 Will this change be applied to those already serving sentences?

- We are not changing the sentences of those already serving.

3.5 You have announced the prisons are full, so how can you justify locking rapists up for longer?

- Rape is deeply traumatic for the victim and it is the ambition of the Tackling Violence Against Women and Girls Strategy to increase confidence in the system to solve these crimes. It is important that people who commit these serious sexual offences serve their full custodial term in prison and that we ensure the public is protected from these offenders.
- The impact of these measures on the prison system will be considered and commencement will be dependent on there being sufficient prison capacity. Going forward, we will lay an annual assessment of prison capacity before both Houses of Parliament.
- The Lord Chancellor announced the long-term plan for prison reform to ensure the most dangerous offenders are locked up for longer, prisons are

geared to help offenders turn away from crime, to change their ways, and become contributing members of society, and lower-level offenders will be punished in the community instead, which the evidence shows cuts re-offending, and therefore cuts crime.

- We must do whatever it takes to make sure there are always enough prison places to lock up the most dangerous offenders to keep the British people safe, ensure criminals can be brought to justice and maintain safety and decency in the prison estate.