# Ministry of Justice introduces guidelines to consider cultural context in sentencing



The Ministry of Justice (MoJ) has introduced new guidelines requiring pre-sentence reports to consider the historical background and cultural context of ethnic minority offenders before sentencing. The policy, which came into effect in January, instructs probation officers to assess whether non-white defendants may have experienced trauma resulting from racism or discrimination, either personally or through intergenerational awareness.

These guidelines advise that pre-sentence assessments prepared for judges should take into account "important historical events" impacting specific ethnic groups, as well as any personal or familial trauma linked to such experiences. This approach was outlined in the MoJ’s Probation Court Services Policy Framework, which highlights that certain groups are more likely to have encountered a combination of complex issues, discrimination, trauma, and vulnerabilities.

The introduction of this policy has sparked debate about the fairness and consistency of sentencing. Shadow Justice Secretary Robert Jenrick raised concerns in the House of Commons, questioning whether the policy promotes "two-tier justice" by treating individuals differently based on their cultural background. Jenrick stated: "Under new guidance her own Department issued in January, reports must consider an offender's 'culture'. It should take into account 'intergenerational trauma' from – and I quote – 'important historical events'. Evidently the Labour Party don't believe in individual responsibility and agency. Instead of treating people equally, they believe in cultural relativism... Is it two-tier justice and is that the Labour Party's policy now?"

Jenrick’s comments came ahead of emergency legislation aimed at overriding controversial Sentencing Council guidelines, which had also drawn criticism and were suspended last month. The suspended guidelines would have required judges to commission pre-sentence reports specifically before deciding on custodial sentences for minority offenders.

Justice Secretary Shabana Mahmood responded to the concerns by affirming the government’s commitment to equality before the law, saying, "I will ensure equality before the law is never... compromised." Mahmood attended a Cabinet meeting at Downing Street on 1 April 2025, where the issue was likely discussed amidst the ongoing debate over sentencing reforms.

The MoJ insists that considering an offender’s background and vulnerabilities is crucial for a fair and informed sentencing process, as this can reveal the complexity of factors influencing behaviour. However, the policy has divided opinion on whether it ensures justice tailored to individual circumstances or risks undermining the principle of equal treatment under the law.

The Daily Mail reports that the debate over these sentencing guidelines reflects wider discussions about how the justice system should address diversity, historical context, and the experiences of ethnic minority communities. The outcome of the emergency legislation and ongoing scrutiny of sentencing practices will shape future approaches in the UK’s criminal justice system.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

* <https://www.gov.uk/government/news/government-to-introduce-legislation-to-block-new-sentencing-guidelines> - This URL supports the claim that the government is introducing legislation to block new sentencing guidelines due to concerns about differential treatment based on race and religion.
* <https://www.crimeandjustice.org.uk/political-row-over-sentencing-guidelines> - This URL corroborates the debate over sentencing guidelines focusing on the potential for 'two-tier justice' and the inclusion of specific groups like ethnic minorities and females in pre-sentence reports.
* <https://researchbriefings.files.parliament.uk/documents/CBP-10245/CBP-10245.pdf> - This PDF document from Parliament provides background information on the Sentencing Guidelines (Pre-Sentence Reports) Bill, supporting the assertion that legislation is being proposed in response to these guidelines.
* <https://www.sentencingcouncil.org.uk/html-publication/item/imposition-of-community-and-custodial-sentences-guideline-response-to-consultation/> - This URL provides context on the Sentencing Council's guidelines and responses to consultations, highlighting concerns about identifying and confirming membership in specific cohorts for pre-sentence reports.
* <https://www.sentencingacademy.org.uk/wp-content/uploads/2023/08/Sentencing-Guidance-the-Sentencing-Council-and-Black-Ethnic-Minority-Offenders-1.pdf> - This report explores the impact of guidelines on racial and ethnic minority defendants, supporting the notion that understanding these effects is crucial in sentencing decisions.