# Ministry of Justice mandates cultural background checks for ethnic minority offenders in sentencing reports



The Ministry of Justice (MoJ) has introduced new guidelines requiring court reports to consider the historical background and culture of ethnic minority offenders before sentencing, a move that has sparked debate around the principles of justice and fairness in the legal system.

Since January, probation officers preparing pre-sentence reports for judges have been directed to assess whether non-white defendants have experienced trauma stemming from racism or discrimination. This assessment may reflect personal experiences, traumas passed down through generations, or awareness of significant historical events impacting particular ethnic groups. The MoJ described this approach as "vital" in crafting appropriate reports for sentencing decisions.

These rules, outlined in the Probation Court Services Policy Framework, highlight that members of some communities are more likely to have faced "a range of complexities, specific needs, discrimination, trauma and/or vulnerabilities." The intention is to provide courts with a fuller context of a defendant’s background during sentencing.

However, the new guidance has provoked controversy. Shadow Justice Secretary Robert Jenrick raised concerns in the House of Commons that this approach could lead to a form of two-tier justice based on ethnicity. Speaking to MPs, Mr Jenrick criticised the policy, saying: "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?"

In response, Justice Secretary Shabana Mahmood affirmed her commitment to preserving fairness in the justice system, stating: "I will ensure equality before the law is never... compromised." Ms Mahmood's comments came amid parliamentary debate as emergency legislation was introduced to override recently suspended Sentencing Council guidelines, which had also involved rules around pre-sentence reporting and sentencing.

The Ministry of Justice’s stance is that recognising the complexities of offenders' backgrounds—including cultural and historical factors—is necessary to ensure that sentencing is informed and sensitive, although the approach remains contentious among politicians and legal experts.

These developments occur against the backdrop of ongoing discussions about fairness and equality within the UK's criminal justice system, raising questions about how best to balance consideration of personal history with consistent application of the law.

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