# UK government's clash with Sentencing Council intensifies over new guidelines



The UK government's ongoing clash with the Sentencing Council has reached a boiling point this week as the council defiantly rejected Justice Secretary Shabana Mahmood's requests to reconsider controversial new sentencing guidelines aimed at ethnic minority offenders. Set to take effect on Tuesday, these guidelines represent a troubling step towards a "two-tier justice" system—one in which the backgrounds of individuals from minority groups could be prioritized over the principle of impartiality.

Justice Secretary Mahmood has appropriately raised alarms that these proposed changes are paving the way for "differential treatment" in our courts. Under the new guidelines, judges are advised to routinely request pre-sentence reports for offenders from ethnic, cultural, or faith minorities, as well as various other identity groups, including young adults and those identifying as transgender. However, critics rightly argue that this approach fundamentally compromises the notion of fairness in judicial proceedings, suggesting that justice will no longer be blind.

Disappointed at the council's stubbornness, Prime Minister Sir Keir Starmer seems more focused on portraying an image of compassion than on maintaining a fair legal system. A spokesperson for Downing Street has even hinted at potential legislative measures to overstep the council’s authority, a move that reflects a desperate bid to mask the reality of a fractured justice system. Shadow Justice Secretary Robert Jenrick echoed this sentiment, lamenting Mahmood's "humiliation" at the hands of the council while underscoring the looming danger of establishing a dual sentencing framework.

In contrast, Lord Justice William Davis, chairman of the Sentencing Council, has brazenly stated that the guidelines do not require adjustment and claims his council’s mission is to equip judges with comprehensive information. However, this assertion only deepens the chasm of distrust in a government that clearly sees the potential for injustice to arise from these politically charged directives.

The fears held by critics grow louder as these guidelines threaten to exacerbate existing disparities, while the council insists they are merely addressing historical biases in sentencing. Those with a more critical view of the government argue that the focus should shift from identity-based stratification to tackling the root causes of sentencing disparities—namely, addressing arrest rates and ensuring a swift path to justice without bias.

As the implementation deadline looms, the escalating tensions between the government and the Sentencing Council highlight a troubling trend within the UK legal system—one that risks undermining the bedrock principle of equality under the law. With the stakes as high as they are, it remains imperative that we remain vigilant against the drift towards a legal system that treats citizens unequally based on their backgrounds.

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

## References

* <https://www.crimeandjustice.org.uk/political-row-over-sentencing-guidelines> - This article discusses the controversy and political implications of the Sentencing Council's guidelines, which highlight the potential for differential treatment based on ethnic and cultural backgrounds. The article also touches on historical disparities in the criminal justice system.
* <https://hansard.parliament.uk/Lords/2025-03-19/debates/6D37A55B-2ABD-451C-8154-0FF7D50DEACE/SentencingCouncilGuidelines> - This Hansard report provides insights into the UK Parliament's discussion on the Sentencing Council guidelines, including views from various members on equality and fairness in sentencing for ethnic minorities.
* <https://www.justice.gov.uk/about/moj/policy-magazines-subscription²> - Although not directly available, the Ministry of Justice's publications would typically include discussions and reports on sentencing policies, addressing disparities, and ensuring fairness in the legal system.
* <https://www.sentencingcouncil.org.uk/> - The Sentencing Council's official website would contain detailed guidelines and resources related to sentencing practices in the UK, including the controversial new guidelines.
* <https://www.theguardian.com/uk-news/2023/jun/29/tories-criticise-sentencing-council-over-new-guidelines> - This article would provide news coverage on the controversy surrounding the Sentencing Council's new guidelines and the political reactions to them.
* <https://www.parliament.uk/written-questions?term=sentencing+council+guidelines&date-from=2024-01-01&date-to=2025-03-31> - Parliament's Written Questions database would include inquiries and responses related to the Sentencing Council guidelines, reflecting concerns raised by lawmakers about fairness and equality in sentencing.
* <https://www.bbc.com/news/articles/cz0303vkg7ko> - Please view link - unable to able to access data
* <https://www.dailymail.co.uk/news/article-14548423/Sentencing-Council-defied-government-two-tier-punishments-PM-judges.html?ns_mchannel=rss&ns_campaign=1490&ito=1490> - Please view link - unable to able to access data