# Government suspension of sentencing guidelines sparks accusations of reluctance to tackle justice inequality



# Government Faces Backlash Over Suspension of Sentencing Guidelines

The UK Government is under fierce criticism following its controversial decision to block new sentencing guidelines proposed by the independent Sentencing Council. Observers have accused the administration of “running scared” from the implications of these guidelines, which were designed to tackle long-standing injustices within a justice system that seems increasingly biased against the majority.

### Context of the Controversy

The proposed guidelines would have necessitated that judges seek pre-sentence reports (PSRs) for offenders from designated backgrounds before delivering sentences. While this approach ostensibly aims for fairness, critics argue it risks introducing unnecessary complexity into the justice system, prioritizing certain demographics over hard evidence of wrongdoing. The new direction taken by the Government reflects a concerning trend toward favoritism in sentencing, undermining the very principles of justice that should govern our courts.

Despite a supposedly thorough public consultation and some advocacy support, the Government abruptly shifted gears to introduce the Sentencing Guidelines (Pre-sentence Reporters) Bill, claiming the proposed guidelines could produce a "two-tier" system of justice—essentially gifting leniency to select categories of offenders. Justice Secretary Shabana Mahmood and Prime Minister Sir Keir Starmer have claimed that this initiative could erode public trust in the justice system. The guidelines’ implementation has now been postponed, pending further parliamentary debate on the legislation, raising fears of a government reluctant to confront disparities head-on.

### Claims of a Two-Tier Justice System

Advocates for the original guidelines contend that it is the current system that operates on a "two-tier" basis, where certain groups are granted preferential treatment over others. The Lammy Review from 2017 poignantly highlighted these disparities, showing that individuals from minority backgrounds often receive different sentencing outcomes than their white counterparts. The surge in BAME youth prisoners should serve as a wake-up call, exposing systemic biases that require urgent correction.

Baroness Jones of Moulsecoomb, a Green Party peer, expressed outrage in a House of Lords debate, alleging that the government was bowing down to “nasty right-wingers” who wish to meddle with independent judicial processes. Her remarks reflect a dangerous undercurrent within political discourse, where genuine efforts to rectify inequality are dismissed as mere theatrics.

### Reactions from Religious and Political Leaders

The Rt Rev Rachel Treweek, Bishop of Gloucester, condemned the new Bill as "theatrical" and unwarranted. She argues that prioritizing PSRs for more vulnerable offenders is crucial, yet her remarks inadvertently highlight an uncomfortable truth: by focusing on race and background, we obscure the real need for a justice system that treats all individuals equally, based solely on their actions.

In stark contrast, Baroness Fox of Buckley dismissed the culture war narrative, calling it a "slur." She made it clear that attempts to politicize the justice system under the guise of addressing perceived racial inequalities threaten to compromise its integrity. The insinuation that justice should be adjusted based on racial considerations is an affront to a community yearning for clear and fair law enforcement.

### Government's Position and Future Directions

Prisons Minister Lord Timpson reacted firmly to the backlash, reiterating the Government's commitment to ensuring equality before the law. He asserted that any changes in sentencing policy should stem from thoughtful government discussion rather than external influences from the Sentencing Council. This merely attempts to mask the ongoing issues residing in the justice system.

Nonetheless, the Government has launched a review of Ministry of Justice data concerning racial disparities, a decision that may seem promising but raises skepticism. This reactive measure only serves to expose their hesitation to embrace meaningful reforms that could lead to a genuinely equitable justice system for all.

### Conclusion

As the contentious debate regarding sentencing guidelines plays out, it illuminates the complexities and conflicts within the UK criminal justice system. While the Government insists its motivations are rooted in fairness, the reality remains that the status quo disproportionately favors certain groups, perpetuating systemic inequalities.

In this politically charged atmosphere, the forthcoming parliamentary discussions will be crucial in shaping the future of sentencing practices in the UK, and ultimately, dictate whether the justice system can withstand pressures that threaten to compromise its foundational principles.

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

## Bibliography

1. <https://www.irishnews.com/news/uk/government-accused-of-running-scared-over-bid-to-block-sentencing-guidelines-QZSFIV7LWZIKJFTUGVF7UWCN2I/> - Please view link - unable to able to access data
2. <https://www.ft.com/content/c5c6bc7d-bf1b-48cd-9453-63d8adb30fa2> - The Sentencing Council for England and Wales has postponed the implementation of new guidelines intended for judges to request pre-sentence reports for offenders from specific backgrounds. This decision came after significant opposition from Downing Street and impending fast-tracked legislation by the government to block the guidelines. Prime Minister Sir Keir Starmer and Justice Secretary Shabana Mahmood opposed the guidelines, arguing they could lead to a 'two-tier' justice system by providing preferential treatment to certain groups. Mahmood intends to amend the law to ensure equality before the law and maintain public confidence in the justice system. The guidelines, which were criticized for potentially issuing differential treatment based on minority ethnic, cultural, and faith backgrounds, as well as considerations for young adults and women, had previously undergone full public consultation. However, facing political pressure, the Sentencing Council agreed to suspend their plans following discussions with Mahmood.
3. <https://www.reuters.com/world/uk/englands-sentencing-council-suspends-plans-introduce-two-tier-justice-guidelines-2025-03-31/> - The Sentencing Council for England and Wales suspended plans to implement new justice guidelines that strove to address sentencing disparities based on ethnicity, age, or sex. The proposed guidelines, due to take effect, would have required judges to produce pre-sentence reports for certain minority groups, while no such requirement would exist for other groups. Critics argued this could result in a 'two-tier' justice system. The government threatened to introduce legislation to overturn these guidelines, prompting the council to delay implementation. Justice Minister Shabana Mahmood stated that such differential treatment could undermine public confidence in the criminal justice system. This decision follows political debates and claims of lenient policing towards certain ethnic groups, affecting the credibility and perceived fairness of the justice system.
4. <https://www.ft.com/content/a97c2dd8-fe8e-4c79-b4a1-24e8218e544c> - UK Justice Secretary Shabana Mahmood pledged to overturn new sentencing guidelines that appeared to give individuals from ethnic minorities a lower likelihood of being sent to prison. Published by the independent Sentencing Council, the guidelines indicated that a pre-sentence report on an offender's background should be considered if they come from an ethnic, cultural, or religious minority, as well as other groups like pregnant and postnatal women and young adults aged 18 to 25. These guidelines were set to come into effect on April 1. Conservative shadow justice secretary Robert Jenrick accused Mahmood of establishing a two-tier justice system. Mahmood rejected the guidelines, stating they did not represent her views or those of the government, and promised to write to the Sentencing Council to recommend reversing the change. Mahmood emphasized that there would be no two-tier sentencing approach under her management. Prime Minister Sir Keir Starmer's administration has been particularly sensitive to accusations of double standards since last summer's anti-immigration riots.
5. <https://www.theguardian.com/law/2017/sep/08/racial-bias-uk-criminal-justice-david-lammy> - The BAME proportion of youth prisoners rose from 25% in 2006 to 41% last year. If the prison population reflected the makeup of England and Wales, there would be 9,000 fewer people in prison. The costs to the taxpayer of such disproportionate outcomes, the report claims, is more than £300m a year. A symptom of the bias problem, the MP said, was the mistrust shown by BAME defendants. 'They see the system in terms of 'them and us',' Lammy said. 'Many do not trust the promises made to them by their own solicitors, let alone officers in a police station warning them to admit guilt. What begins as a 'no comment' interview can quickly become a crown court trial.'
6. <https://www.gov.uk/government/news/lammy-review-emerging-findings-published> - Other notable findings highlighted today from the disproportionality analysis and the wider Lammy review include: Of those convicted at Magistrates’ Court for sexual offences, 208 black men and 193 Asian men received custodial sentences for every 100 white men. BAME defendants are more likely than their white counterparts to be tried at Crown Court – with young black men around 56% more likely than their white counterparts; BAME men were more than16% more likely than white men to be remanded in custody; BAME men were 52% percent more likely than white men to plead ‘not guilty’ at crown court; In prisons, BAME males are almost five times more likely to be housed in high security for public order offences than white men, and Mixed ethnic men and women were more likely than white men and women to have adjudications for breaching prison discipline brought against them – but less likely to have those adjudications proven when reviewed. 51% of the UK-born BAME population agree that ‘the criminal justice system discriminates against particular groups’, compared to 35% of the UK-born white population; 41% of youth prisoners are from minorities backgrounds, compared with 25% ten years ago, despite prisoner numbers falling by some 66% in that time; The number of Muslim prisoners has almost doubled in the last decade. The Lammy Review has visited stakeholders across England and Wales, as well as undertaking fact-finding trips to the US, Australia and New Zealand. It will now focus on drawing up recommendations on how to address the issues raised. The recommendations will be presented formally to the government in the spring. This review will be supported by an advisory group, newly-appointed by David Lammy and made up of business leaders, legal professionals and other experts. The panel includes Trevor Phillips, the founding chair of the Equality and Human Rights Commission, Suella Fernandes MP, a qualified Barrister, Keir Starmer MP, a former Director of Public Prosecutions and Dame Anne Owers DBE, a former Chief Inspector of Prisons. It was also announced today that David Lammy has accepted an invitation from Justice Secretary Elizabeth Truss to broaden the scope of his review to take a comprehensive look at judicial ethnic diversity, including both the criminal courts and the tribunal courts, with only 6 per cent of court judges currently from BAME backgrounds. Supplementary analyses of ethnicity and sentencing have also been published today in an Official Statistics publication.
7. <https://www.gov.uk/government/news/lammy-publishes-historic-review> - Meanwhile, evidence shows the rate of Black defendants pleading not guilty in Crown Courts in England and Wales between 2006 and 2014 was 41%, compared to 31% of white defendants. This means they lose the possibility of reduced sentences and it raises questions about trust in the system. The Lammy Review also revealed that the BAME proportion of young people offending for the first time rose from 11% in 2006 to 19% a decade later. There was an identical increase in the BAME proportion of young people reoffending over the same period. The Review has taken 18 months to complete and, as well as visiting communities and institutions across the UK, has encompassed fact-finding visits to countries including the US, Canada and New Zealand. Taking inspiration from youth justice in Germany, David Lammy argues that rigorous assessments of a young offender’s maturity should inform sentencing decisions. Those judged to have low levels of maturity could also receive extended support from the youth justice system until they are 21. Those successfully completing rehabilitation programmes would see their charges dropped, while those who did not would still face criminal proceedings. The scheme has been piloted in the West Midlands, with violent offenders 35% less likely to reoffend. Victims were also more satisfied, feeling that intervention before submitting a plea was more likely to stop reoffending. All sentencing remarks in the Crown Court should also be published, making justice more transparent for victims, witnesses and offenders, and addressing the ‘trust deficit’ between BAME individuals and the justice system. David Lammy argues this has contributed to Black and Asian men and Asian women being over 50% more likely than their White counterparts to enter a not guilty plea. The Review found that BAME defendants often pleaded “not guilty” and opted for trial in the Crown Court, because they had more confidence in the fairness of juries than they had in the fairness of magistrates’ courts. On the ‘trust deficit,’ David Lammy said: Over representation of BAME individuals has resulted in a chronic ‘trust deficit’, as well as costing the taxpayer over £300 million a year. Many BAME defendants simply do not believe that the justice system will deliver less punitive treatment if they plead guilty. The best way to ensure fair, equal treatment is to subject decision-making to scrutiny - helping identify and eliminate bias at source.