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SENTENCING COUNCILS NEED HIGH QUALITY DATA: PERIL AND POTENTIAL IN THE SECOND DECADE OF THE SCOTTISH SENTENCING COUNCIL

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A. INTRODUCTION

In light of the Scottish Sentencing Council's (SSC's) 10th anniversary, we reflect on the opportunities and dangers presented to the SSC as it moves into its second decade. Here, we focus on just one of the challenges SSC faces: the imperative that SSC has at its disposal high-quality data about everyday patterns of sentencing. We explore what sentencing data is needed and the challenges and opportunities posed by how it may be developed before considering how this could be helpful in boosting public confidence in sentencing.[2] Overall, we show that current administrative data cannot, and, for understandable reasons, was never designed to provide meaningful insights into sentencing practice. Current administrative data struggles to reflect important sentencing considerations that judges and the public recognise (e.g. multiple convictions). As such, Scotland lacks robust data to, for example, inform the public, counter misconceptions, and promote confidence in sentencing. Being unable to counter misconceptions creates perils. In terms of potential, these issues with administrative data for meaningful sentencing analyses were recognised in the 1990's, and while we hope they can be improved, that will likely be a slow and expensive process. In the meantime, we suggest alternative methods that may be used to provide data that can meaningfully describe sentencing practice.

B. Fulfilling Key Functions

Given its statutory functions, the SSC's need for high-quality sentencing data is unavoidable. Under the Criminal Justice and Licensing (Scotland) Act 2010, section 3, the Council "must", in carrying out its functions, seek to:

> (a) promote consistency in sentencing practice,
>
> (b) assist the development of policy in relation to sentencing,
>
> (c) promote greater awareness and understanding of sentencing policy and practice.

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[2] The term 'data' is used by many, even most, authors and in everyday language in the singular rather than plural. This report follows this convention.

Additionally, the Council "must", on preparing any sentencing guidelines, prepare "an assessment of the costs and benefits to which the implementation of the guidelines would be likely to give rise" and an "assessment of the likely effect of the guidelines on the criminal justice system generally."[3] Moreover, as will become increasingly important as more guidelines come into effect, the Council "must from time to time review any sentencing guidelines published by it."[4]

None of these statutory functions can be fulfilled, nor shown to be fulfilled, without high-quality data about the reality of first-instance patterns of sentencing across Scotland, as well as, of course, the much more publicised activities of the appellate courts. Without such high-quality data about the daily reality of sentencing patterns, the SSC cannot evaluate, let alone *demonstrate*, whether or not its work is really having any positive impact. In this respect, Scotland's Sentencing Council is no different to similar bodies elsewhere . All Councils depend on high-quality data about patterns of sentencing, and all have sought to improve the situation.[5] However, the challenges in Scotland are especially acute.[6] Relying mainly on administrative data collected by criminal justice agencies will become increasingly unsustainable if the SSC is to fulfil and to demonstrate fulfilment of its statutory obligations. [7]

The rest of this article is structured as follows. Part C explains some of the fundamental limitations of administrative data in meaningfully describing patterns of sentencing. It argues that, at least as it currently stands, administrative data is extremely limited and appears incapable of yielding the kind of sophisticated analyses needed to fulfil the SSC's functions in relation to promoting consistency, nor in assisting with policy development. Part D focuses on how high-quality data can help to promote public confidence in sentencing. Finally, Part E suggests some options to improve sentencing data.

C. THE LIMITS OF ADMINISTRATIVE DATA FOR UNDERSTANDING SENTENCING

To appreciate that, at least in its current form, administrative data is inadequate in describing in any meaningful way the patterns of sentencing in Scotland, should not be taken as a criticism of the bodies which collect it. After all, administrative data has traditionally been collected for the operational purposes of the particular agency

[3] Criminal Justice and Licensing (Scotland) Act 2010, s 5.
[4] Criminal Justice and Licensing (Scotland) Act 2010, s 6.
[5] J Gormley, T O'Malley, J Roberts, C Spohn and C Tata, "Assessing Methodological Approaches to Sentencing Data and Analysis: Final Report" (2023) *Sentencing Guidelines & Information Committee, Judicial Council of Ireland*, available at *https://judicialcouncil.ie/publication-of-sentencing-data-research-report/* (2023); J Gormley, "Reconceptualising the Effectiveness of Sentencing: Four Perspectives" (2024) *Sentencing Council for England and Wales, available at https://sentencingcouncil.org.uk/publications/research-reports/reconceptualising-the-effectiveness-of-sentencing-four-perspectives/*.
[6] Gormley et al (2023).
[7] C Tata, J Gormley, J Hamilton and J Pina-Sanchez, "Exploring Unwarranted Disparities in Sentencing" (forthcoming 2026) *Scottish Sentencing Council*, available at https://www.scottishsentencingcouncil.org.uk/publications.

processing individual cases. For example, the Crown Office and Procurator Fiscal Service (COPFS) notes:[8]

> The COPFS case management database is a live, operating database. It is designed to meet our business needs in relation to the processing of criminal cases, and the information within it is structured accordingly. We do not have a separate statistical database and hold only operational data needed for business purposes

The same is more or less true of all criminal justice agencies, which tend to record information that each of them needs for the purposes of processing cases coming before them. It should be no more a criticism of administrative data that it cannot meaningfully describe patterns of sentencing than it is a criticism that a hardware store does not stock milk. Collecting information to describe sentencing patterns is not what each of these agencies was set up to do. Similarly, to note the fundamental problems inherent in current administrative data, which may be used to seek to describe sentencing practices, should not be seen as a criticism of the valiant work of officials in the Scottish Government seeking to try to extract as much meaning as possible from administrative data.[9]

Administrative data relevant to sentencing in Scotland is highly fragmented. Understandably from its perspective, each agency collects case information for its own administrative purposes, often using different recording practices. For example, different agencies use different (and seemingly incommensurable) case-counting rules. That statisticians in the Scottish Government manage to piece together frequency information from across different agencies is a creditable feat. Nonetheless, they are hamstrung by the recording practices of each agency, which records data about each case in the first place.

So, for example, administrative data, when painstakingly pieced together by the Scottish Government, can tell us about basic frequency information, such as the long-term reduction in the number of cases going through the courts, or the overall reduction in the use of financial penalties. That is useful and important. In terms of sentencing patterns, it can, for example, tell us about the percentage of cases going through the courts which receive a sentence of imprisonment. However, without the ability to make valid comparisons between the relative seriousness of cases, we cannot know from this administrative data whether any changes mean the courts are getting tougher, more lenient (as many members of the public and media assume), or, whether there has been no change.[10] The same is true of the lengths of custodial sentences and the use of community penalties. Administrative data can tell us only about broad categories of offences, but not much more.

To describe and make meaningful assessments of sentencing patterns*, at least* the following kinds of information have to be collected:

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[8] D McManus, "Direct Measures in Scotland: A Conflict with the Principles of Justice? PhD Thesis" (2024) 28–29 *University of Glasgow*, available at https://theses.gla.ac.uk/84566/4/2024mcmanusphd.pdf.

[9] For example, Scottish Government, *Sentencing Trends in Scottish Courts, 2013-14 to 2022-23*, available at *https://www.gov.scot/publications/sentencing-trends-in-scottish-courts-2013-14-2022-23/*

[10] C Tata, "Conceptions and representations of the sentencing decision process" (1997) 24 *Journal of Law and Society* 395, available at *https://pureportal.strath.ac.uk/en/publications/conceptions-and-representations-of-the-sentencing-decision-proces/*; Gormley et al 2023

- The nature and relative seriousness of offending in different cases;
- The ability to distinguish between single and multi-conviction cases, especially in cases where there is more than one conviction of similar seriousness;
- Relevant previous conviction(s) of the offender, particularly where they disclose a pattern of repeat and/or similar offending;
- The ability to control for plea ('guilty' or 'not guilty');
- Offender characteristics (including family circumstances, primary caring responsibilities (e.g. of children), mental and physical health, income, age;
- The backdating of custodial sentences to cover time on remand;
- Different conditions of a community-based sentence imposed by the courts.[11]

Good quality information about sentencing would enable one to see the patterns of sentencing according to these criteria (and combined where helpful) so as to make informed evaluations about policy, changes over time, public perceptions and misperceptions. However, as things stand, the administrative data appears incapable of doing so, at least not in any easily usable way from electronic records. One would have to review court case papers to gain the kind of data needed to meaningfully describe patterns of sentencing according to different typical case features.

While administrative data can often tell us about what is deemed to be the main conviction (e.g. robbery) against which the case's sentence is recorded, cases recorded with the same conviction can and do vary hugely in terms of seriousness – and thus sentences passed. Likewise, if it is to be meaningful, administrative data used to describe sentencing needs to be able to distinguish between single as opposed to multi-conviction cases. Often, in administratively-derived data on criminal proceedings, "where a person is proceeded against for more than one crime or offence in a single proceeding, only the main charge is counted."[12] It is self-evident that all things being equal, cases with six convictions of robbery will be regarded by the sentencing judge as far more serious than cases with one conviction of robbery. Yet, administrative data-sets do not readily allow for such a distinction, meaning that single- and multi-conviction cases can be rendered indistinguishable for the purposes of the analysis of sentencing data.[13] Regrettably, this is a very long-standing, and seemingly intractable problem identified some three decades ago.[14] Perhaps one day there will be a solution, but it does not appear to be imminent.

Likewise, it is universally accepted that the nature (e.g. whether or not analogous to the case at-hand) and seriousness of previous convictions can have an important influence on sentencing. Yet, frequently, this too cannot be derived from the administrative data. As with the relative seriousness of the offences to be sentenced and the other sentencing-relevant criteria listed above, this information is not available for analysis. Research would have to trawl court case papers to produce a database of sentences passed according to relevant sentencing criteria.

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[11] Tata et al 2026; Gormley et al 2023.
[12] Scottish Government, *Criminal proceedings in Scotland: 2022-23* (2024), available at *https://www.gov.scot/publications/criminal-proceedings-scotland-2022-23/pages/19/*
[13] Tata et al (2026)
[14] C Tata (1997).

This is what the research and development project to create and implement a Sentencing Information System with and for the High Court had to do in the 1990s.[15] Three decades on, it appears that the quality of administrative data has not greatly advanced the ability to meaningfully analyse patterns of sentencing. Indeed, the sentencing data in all jurisdictions is limited the problem appears to be particularly acute in Scotland.[16] "[C]ompared to England and Wales, Scotland remains significantly behind in its ability to understand the demographics of individuals in contact with the justice system and sentencing trends."[17]

This is not to say that current administrative data has *no* use for understanding sentencing, but it does mean that it is often much more limited than might generally be assumed. For example, a recent attempt to use administrative data to investigate the possibility of gender disparities in sentencing stated:

> Please note that sentencing decisions are reflective of a number of factors such as the severity of the crime and whether the individual has offended in the past. In addition, the decision on what type of punishment is reasonable will be based on the personal circumstances of the offender. *These statistics do not take account of these factors*[18](emphasis added)

Likewise, an "experimental" analysis by the Scottish Government of ethnic disparities in sentencing relied upon a dataset compiled from the Scottish Courts and Tribunal Service (SCTS).[19] However, the report of this analysis states that with this data, it was unable to control for various factors that are fundamentally important to sentencing. The analysis in the report was only able to control for extremely broad offence categories and had no direct way of meaningfully controlling for key factors such as the seriousness of the convictions. For instance, using the administratively-gathered data available, it compared the odds of the imposition of a custodial sentence by ethnic group according to extremely broad offence types. These included: "Non-Sexual Crimes of Violence"; "Sexual Crimes"; "Crimes of Dishonesty"; "Crimes Against Society"; "Miscellaneous Offences"; "Road Traffic Offences."[20] None of these categories is capable of enabling meaningful comparisons of sentencing practicesEach category contains within itconvictions which vary enormously in terms of seriousness. This is a point recognised not only by professionals involved in the sentencing process, but also by members of the public.[21]

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[15] Gormley et al (2023); Tata et al (2026).

[16] Gormley et al (2023); Tata et al (2026)

[17] Scottish Sentencing and Penal Policy Commission, *Justice That Works: Report of the Scottish Sentencing and Penal Policy Commission* (2026) 116, available at https://www.gov.scot/publications/justice-works-report-scottish-sentencing-penal-policy-commission/.

[18] Scottish Government, *Women in the Justice System: Evidence Review*, (2022) 25, available at https://www.gov.scot/publications/women-justice-system/

[19] Scottish Government, *Occasional paper: analysis of the ethnicity of individuals subject to hearings in Scottish courts* (2023), available at https://www.gov.scot/publications/analysis-ethnicity-individuals-subject-hearings-scottish-courts/

[20] Although the publication does not explain why these were selected, it seems likely that it is because together these very broad categories comprise the overwhelming majority of cases.

[21] N Archer, M Butler, G Avukatu, and E Williams, "Public knowledge of and confidence in the criminal justice system and sentencing: 2022 research" (2022) *Sentencing Council of England and Wales*, available at *https://www.sentencingcouncil.org.uk/wp-content/uploads/2022-12-12-P019988-*

While the report on ethnic disparities correctly caveats its analysis by noting its imperfect methodology, there are nevertheless dangers in presenting (or appearing to present) these calculations as "findings." Given that there are almost no controls on what are well-established as the most basic criteria (e.g. relative offence seriousness), so as to compare like with like, even with these caveats, a highly misleading impression can easily result. Readers (including, for example, members of the media, politicians, etc.) may seize upon such "findings" to make spurious claims about sentencing. Even if the report itself notes, for instance, that "the data are management information and have not been subject to the same quality assurance processes as data used for *Official Statistics* and some data improvements are required", such caveats are easily missed. Indeed, a potential peril is that practitioners, members of the media and the public may tend to assume that since "findings" are derived from official criminal justice administrative data and published by the Scottish Government, that they must be comprehensive and meaningful.

These profound limitations of administrative data relevant to *meaningfully* understanding sentencing are perhaps unsurprising when one considers: the pressures organisations face; the complexity of administrative data (including the resource-cost of adding new variables to electronic administrative recording practices); and the fact that each agency has its own entrenched daily recording practices. Prior to the creation of the SSC, there was arguably no institution which had such a strong business need, ability and expertise, to gather and examine high-quality data about sentencing patterns so as to be able meaningfully to describe sentencing practice. Consequently, administrative data, at least as it currently stands, appears to be unable to yield the kind of high-quality data needed to examine and show whether SSC is achieving success in fulfilling its statutory obligations in terms of promoting consistency and assisting the development of sentencing policy. Let us now turn to the SSC's third statutory obligation in promoting public confidence in sentencing.

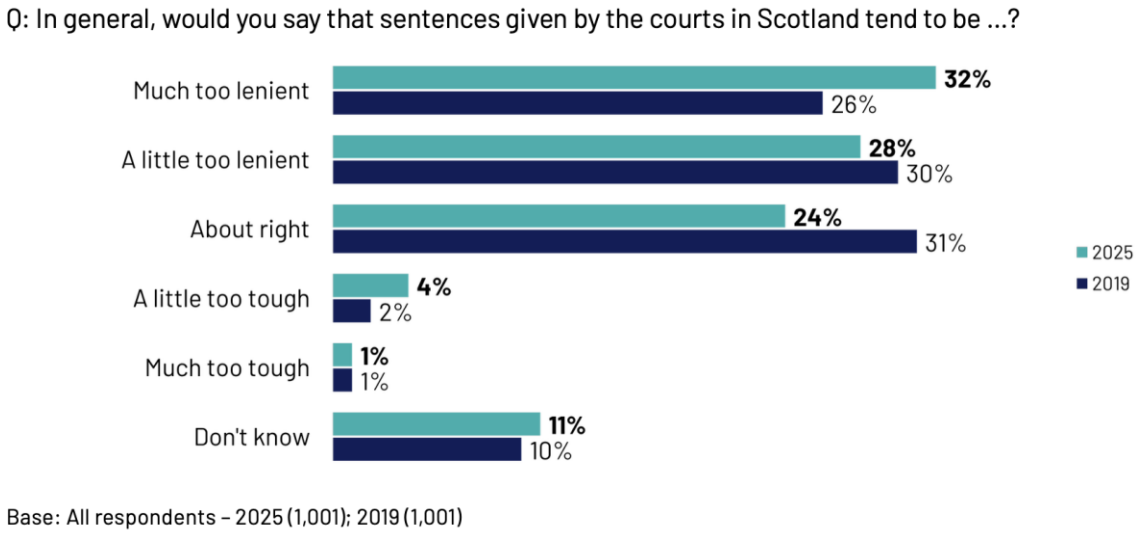
D. PROMOTING PUBLIC CONFIDENCE

The SSC is under a statutory obligation to "promote greater awareness and understanding" of sentencing. How can and should this important but difficult task be done? Arguably, key tasks include:

Sentencing-Council_Perceptions_Report_v14_FINAL.pdf; C Black, R Warren, and R Ormston "Public perceptions of sentencing: national survey report" (2019) *Scottish Sentencing Council*, available at *https://www.scottishsentencingcouncil.org.uk/media/2ctkgnpj/20190902-public-perceptions-of-sentencing-report.pdf;* H Biggs, S Reid, K Attygalle, K Vosnaki, R McPherson, and C Tata, "Public perceptions of sentencing sexual offences in Scotland: qualitative research exploring sexual offences" (2021) *Scottish Sentencing Council*, available at *https://www.scottishsentencingcouncil.org.uk/media/53ondeua/public-perceptions-of-sentencing-qualatative-research-of-sexual-offences-final-july-2021.pdf;* C Hockaday, Y Lemesheva, R Ormston, R McPherson, A O'Loughlin, C Tata, "Public perceptions of sentencing survey 2025: main findings Scottish Sentencing Council" (forthcoming 2026) *Scottish Sentencing Council,* available at https://www.scottishsentencingcouncil.org.uk/publications.

> Determining what the public wants from sentencing; what the public knows of sentencing (including misconceptions); understanding what an informed public would think of current sentencing practice; what influences public views about the effectiveness of a sentence (such as whether/when guidelines do or do not play a role); providing a means for public legal education about sentencing; and determining what sentencers and policymakers should do in light of public opinion.[22]

In terms of what the public knows of sentencing, recent trends suggest a worrying picture. The latest work carried out by IPSOS and its academic partners indicates that public confidence has decreased in that a higher percentage now say sentences given by courts in Scotland are "a little" or "much too lenient" (56% in 2019 and 60% in 2025).[23] Moreover, fewer say that sentences given in Scotland are "about right" (31% in 2019 and 24% in 2025).



At first sight, this appears to be grim reading. Contrary to expectations, after 10 years and all the SSC's work, public confidence in sentences being "about right" has, in fact, declined.[24] So why, on these metrics, does it seem public confidence is not only low, but declining?

The findings from the survey carried out by IPSOS and their academic partners are not unique to Scotland:

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[22] Gormley (2024) para 5.3.
[23] C Hockaday et al (forthcoming 2026)
[24] The work of the SSC in terms of public legal education is varied. For example, there are guidelines themselves, but the work goes beyond this. For instance, in 2025, the SSC launched its easy read guide on sentencing in Scotland which provides a "format that simplifies complex information and makes written text more accessible through plain language, short sentences and pictures." Scottish Sentencing Council, *Sentencing of Crimes in Scotland* (2025), available at https://www.scottishsentencingcouncil.org.uk/news-and-media/news/new-easy-read-guide-on-sentencing-in-scotland. The SSC website also has useful features such education resources (e.g. a jargon and myth buster) and makes use of multimedia. Moreover, the SSC also delivers talks and presentations.

> Research going back fifty years has assessed the degree of 'fit' between public sentencing preferences and court practice. The overall picture to emerge, especially in common law countries, is as follows. If general questions are asked, such as 'are the courts too lenient, too harsh, or about right?', the weight of opinion will always be that they are too lenient…This consistency over time is striking, especially given that sentencing became progressively tougher over this period in England and Wales: the toughening of sentencing has simply gone unnoticed by the majority of the public.[25]

Importantly, it is now well-established by research across the world that levels of public confidence appear to be, at least in significant part, a function of levels of accurate knowledge. Research suggests that greater awareness and understanding of sentencing policy and practice can improve confidence in sentencing.[26] Thus, "one approach to changing attitudes or to increase confidence might be to dispel the most persistent and prevalent misperceptions."[27] Notably, the report by IPSOS and its academic partners concludes that:

> While it is perhaps not surprising that relatively few members of the public felt they have a detailed knowledge of sentencing, the fact that a higher proportion of people in 2025 than in 2019 said they knew little or nothing at all about sentencing highlights the challenge organisations like the Council face in raising levels of public understanding.[28]

Of course, this is not to suggest that 'if only the public or victims knew more', then everyone would agree. The public is not monolithic, and there can be a diversity of views, experiences, and knowledge. However, it does underline that "simple questions yield simple—and largely negative—answers" and that to the extent misperceptions appear to be a significant factor in low confidence, addressing them should be a priority.[29]

As such, in the next 10 years, it may be something the SSC could seek to address. Members of the public should be asked for their preferred sentence in response to different typical case scenarios and what sentence they expect a court would pass. This comparison between public preference and expectation of judicial sentencing would enhance and build on the work commissioned by SSC in a number

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[25] M Hough, "Thirty-five years of research on attitudes to punishment", in M Manikis and G Watson (eds), *Sentencing, Public Opinion, and Criminal Justice: Essays in Honour of Julian V Roberts* (2025) 235.

[26] For example: M Hough and J V Roberts, "Public opinion, crime, and criminal justice", in A Liebling, S Maruna and L McAra (eds), *The Oxford Handbook of Criminology*, 7th edn (2023) 233, available at https://doi.org/10.1093/he/9780198860914.003.0010. K Gelb, "More myths and misconceptions" (2008) *Sentencing Advisory Council*, available at https://www.sentencingcouncil.vic.gov.au/publications/more-myths-and-misconceptions.

[27] M Hough and J V Roberts, "Public opinion, crime, and criminal justice", in A Liebling, S Maruna and L McAra (eds), *The Oxford Handbook of Criminology*, 7th edn (2023) 233, available at *https://doi.org/10.1093/he/9780198860914.003.0010*

[28] Hockaday et al (2026), ch 7.

[29] M Hough and J V Roberts, "Public opinion, crime, and criminal justice", in A Liebling, S Maruna and L McAra (eds), *The Oxford Handbook of Criminology*, 7th edn (2023) 233, available at *https://doi.org/10.1093/he/9780198860914.003.0010*

of recent studies.[30] In general, people tend to expect a far more lenient sentence from the courts than the one they would prefer. But what these studies have *not* been able to ascertain is whether this overwhelming sense of leniency is based in reality, or, based on misperception. As noted earlier, where it is possible to compare public preference and expectation with the actual reality shown by the data, it is possible to begin to dispel misperceptions. However, until now it has barely been possible to do so in Scotland because, for the most part, this data is not available. If such data was to be gathered, it may show that the actual patterns of sentencing align much more closely with the public sentencing preferences than had been expected. Documenting how such public misperceptions are dispelled by revealing the data about the reality of sentencing patterns can also form part of a powerful story for wider media dissemination: a rare good news story for criminal justice. Yet, to address these misperceptions, the SSC must have, at its disposal, high-quality data about patterns of sentencing. At present, it does not.

E. HOW TO IMPROVE DATA ABOUT PATTERNS OF SENTENCING?

It is important to recognise that the SSC has already collated and shared a great deal of information about sentencing. This work includes surveys of the public carried out by IPSOS and its academic partners and work exploring victims' perceptions of sentencing for rape and other sexual offences.[31] There are also "if you were the judge" case studies that have been created.[32] There are also appellate judgments that are invaluable for various reasons. Yet, as useful as they are, none of these can systematically describe daily first-instance patterns of sentencing according to different case scenarios.[33]

To enable the SSC to gain high-quality data about patterns of first instance sentencing in a range of case scenarios, the data will need to combine both breadth and depth. It may continue to be hoped that administrative data will become significantly more sophisticated so as to meaningfully describe patterns of sentencing. However, in the meantime, there are a range of options SSC could consider. Options include mini-censuses, focused bespoke surveys, targeted collection of archival data from case papers, and court observations. We will briefly note the first two options below.

One option would be to consider a census study. An example of the survey method can be seen in the Crown Court Sentencing Survey (CCSS), which proved invaluable in England and Wales.[34] Indeed, long after it was discontinued in 2015,

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[30] Recent examples include: Gormley and Tata (2026) Environmental and Wildlife Offence….; J Gormley, J Roberts, C Tata (2025) Public Attitudes to Sentences Following a Guilty Plea : Findings from a Mixed Methods Research Project

[31] O Brooks-Hay, M Burman and J Glinski, "Victim-Survivor Views and Experiences of Sentencing for Rape and Other Sexual Offences" (2024) 55, *Scottish Sentencing Council*, available at https://www.scottishsentencingcouncil.org.uk/media/4dufxpcj/victim-survivor-views-and-experiences-of-sentencing-for-rape-and-other-sexual-offences.pdf

[32] Scottish Sentencing Council, "'If you were the judge' case studies", available at https://www.scottishsentencingcouncil.org.uk/education-resources/if-you-were-the-judge-case-studies

[33] While appellate judgments can provide a normative framework prescribing what ought to happen at first-instance sentencing, by their nature they cannot demonstrate what does happen.

[34] Sentencing Council of England and Wales, *Crown Court Sentencing Survey Annual Publication* (2015), available at https://sentencingcouncil.org.uk/research-data/our-research-and-analysis/sentencing-council-courts-data/crown-court-sentencing-survey/

the CCSS is still used to provide insight into sentencing.[35] While we would not suggest simply transplanting the CCSS or other methods to Scotland (not least as it was found by judges to be time-consuming), we would suggest that the method might be adapted to the Scottish context. For example, a targeted and time-limited survey looking at specific case types could furnish the SSC with new data to devise a guideline, estimate its impact and, in due course, evaluate its impact. Indeed, a focused survey exercise is currently being run in England and Wales on certain offences.[36]

A further option would be to consider smaller bespoke studies (e.g. hypothetical sentencing exercises, survey questions, focus groups, and interviews). These methods of data collection could offer the SSC better control and agility in responding to specific questions relevant to public perceptions with greater depth and comparability. For example, in separate but parallel groups, members of the public and judicial sentencers could be asked about specific hypothetical, (but fairly typical), case scenarios. By asking about what sentence they think *ought* to be passed (preference) and what sentence they think *is* passed (perception of reality), it would be possible to make a more or less direct comparison between the two groups. Although it is widely thought that public and judicial views are greatly at odds with each other, the preferences of members of the public and the reality of judicial sentencing practices may well align more closely than members of the public expect. This presents SSC with a potential opportunity to tell a "good news story" about sentencing. By then debriefing both groups (the public and judicial sentencers) about the views of the other on preference and perception of reality, the SSC can also show genuine engagement with the public and that the public, when informed about the reality of sentencing practices, is both surprised and relieved.

F. CONCLUSION

As the SSC moves into its second decade, it will increasingly be required to show the impact of its work in fulfilling its statutory functions. At present, administrative data is, from the perspective of meaningfully describing patterns of sentencing, not adequate to enable sentencing trends to be described over time; measure the impact of policy changes; or demonstrate the reality of sentencing patterns. Disseminating appellate decisions is important and useful, but an appeal court judgement is necessarily a normative prescription rather than a systematic description of the empirical reality of patterns of first-instance and appellate sentencing for different case scenarios. SSC will increasingly need to show that it is able to accurately and systematically describe those sentencing patterns. Meaningful and systematic data will need to be *shown.* Additionally, trends in reported public confidence in sentencing is troubling. It seems that (as is the case in other countries)[37], members

[35] Gormley et al (2023)
[36] Sentencing Council of England and Wales, *Sentencing Council Data Collection 2026*, available at https://youtu.be/7c_uu1mGYpU?si=q4Aovjlr2VaCsf4H
[37] For example: M Hough and J V Roberts, "Public opinion, crime, and criminal justice", in A Liebling, S Maruna and L McAra (eds), *The Oxford Handbook of Criminology*, 7th edn (2023) 233, available at *https://doi.org/10.1093/he/9780198860914.003.0010*; K Gelb, "More myths and misconceptions"

of the public tend to assume that the reality of sentencing practice is much more lenient than it in fact really is. However, there is the potential that, if high-quality data can be gathered, there are good news stories to tell. It will enable common misconceptions to be exposed and addressed.

(2008) *Sentencing Advisory Council*, available at https://www.sentencingcouncil.vic.gov.au/publications/more-myths-and-misconceptions.