

**Sentencing Council - Miscellaneous amendments to sentencing guidelines - Consultation**

<https://www.sentencingcouncil.org.uk/wp-content/uploads/Miscellaneous-amendments-2023-24-consultation-FINAL.pdf>

T2A welcomes the opportunity to respond to this consultation. We are pleased to see that the Sentencing Council has conducted research to test the resonance of the existing mitigating factor with sentencers. We also welcome the proposal to specify the age range within the mitigating factor which provides helpful clarity about its intended application. We propose that this is strengthened by adding 'inclusive' after the 25 to ensure that it extend up to the age of 26 in practice. We hope that this will be sufficient to improve the extent to which this factor is used in sentencing young adults and note that we have previously proposed that young adults would otherwise benefit from a separate guideline. It is important that the Council continues to monitor the impact of guidelines on young adults to ensure that as much weight is given in sentencing to the protected characteristic of age, as it is for race and gender. Finally, we note that our previous proposal to clarify factors related to atypical brain development was only partially adopted and we suggest that an additional amendment is made to the extended explanation in this paragraph:

Immaturity can also result from atypical brain development. Environment plays a role in neurological development and factors such as adverse childhood experiences including deprivation and/or abuse may affect development.

So that it reads as follows:

Environment plays a role in neurological development and factors such as adverse childhood experiences including deprivation and/or abuse, may affect development. It can also be affected by neuro-developmental disorders and acquired brain injury.

And that a note be added to cross-refer to the relevant guideline i.e.

The *Sentencing offenders with mental disorders, developmental disorders, or neurological impairments guideline* may also be of relevance.

Excerpt from the **Birth Companions** response on the consultation that relates to young adults, endorsed by T2A.

[Birth Companions submission to the Sentencing Council consultation 2023 | Birth Companions](https://www.birthcompanions.org.uk/articles/birth-companions-submission-to-the-sentencing-council-consultation-2023-)

“It is essential that sentencers recognise the accumulated disadvantage faced by mothers and pregnant girls and women who are young (typically under 25), from minoritised communities  and/or care experienced.  There is a real risk that these factors, which are recognised elsewhere are relevant to the sentencing exercise may be overlooked or not properly factored in when sentencing mothers and pregnant girls and women.

This especially relevant to the overlap with the age and/or lack of maturity factor as mothers and pregnant girls and women may often suffer from being perceived as more mature than they are or, in the case of girls, subject to the concept of “adultification” by virtue of having become pregnant.  This will often not reflect the reality of their situation and care will need to be taken to ensure that immaturity, and the presence of neurodiversity, are properly factored in where women and girls are being sentenced under the age of 25.”