



Justice Committee

House of Commons London SW1A 0AA
Tel 020 7219 8196/8198 Email justicecom@parliament.uk
Website www.parliament.uk/justicecttee

The Right Honourable
Suella Braverman QC MP
Attorney General

By email only

1 February 2022

Follow up to evidence session on 25 January 2022

Dear Suella,

Thank you for giving evidence to my Committee on 25 January. You kindly offered to follow up on two issues – open justice and sentencing - that were not covered in the session, which unfortunately was cut short by divisions in the Chamber relating to the remaining stages of the Judicial Review and Courts Bill.

Open justice and contempt of court

The Committee is currently undertaking an inquiry on Open Justice: court reporting in the digital age. The aim of the inquiry is to examine how digital technology has affected the way that the media and the public access and report on the courts. The terms of reference for the inquiry can be found on the Committee's [website](#). Our inquiry is examining areas that sit within your remit as Attorney General, notably with regards to contempt of court proceedings. We would therefore be very grateful if you could assist our inquiry in responding to the following questions:

Open justice

- How would you assess the current state of open justice in England and Wales?
- What is your reaction to the President of the Family Division's report on transparency in the family court?
- Does the fact that fewer journalists attend and report on court proceedings cause you any concern, given that the vast majority of people learn about court proceedings via the media?

Contempt of court

- Could you explain the role played by the Law Officers in relation to contempt proceedings? On how many occasions have you instituted contempt proceedings?
- Are you concerned by the effect of social media on the reporting of criminal proceedings?
- Do you support the Law Commission's recommendation that there should be an online list of the reporting restrictions in place which the media can access?
- Do you have any views on the proposal for a Reporters' Charter for covering courts?



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Sentencing practice

The Committee also has a standing interest in sentencing practice, notably as a statutory consultee to the Sentencing Council on changes to sentencing guidelines. The Committee recently met with Lord Justice Tim Holroyde, Chairman of the Sentencing Council to discuss sentencing, and in particular discussed issues around public understanding of sentencing practice, with concerns raised by Members about inaccurate reporting of sentencing, leading to misunderstanding and inappropriate criticism. The Committee is also interested in the operation of the Unduly Lenient Sentence scheme, under which members of the public can ask your office to examine sentences handed down by the Crown Courts in England and Wales within 28 days of sentencing. We would therefore be very grateful if you could assist our work in responding to the following questions:

Unduly lenient sentence scheme

- Could you set out how you decide whether or not to refer a sentence under the Unduly Lenient Sentence scheme?
- To what extent does the application of the sentencing guidelines by a judge inform your decision on whether to refer a case?
- Does public reaction to a sentence play any part in considering whether a sentence should be referred under the scheme?

Public understanding of sentencing practice

- The Sentencing Academy recently published a new report exploring public understanding of sentencing in England and Wales entitled *Public Knowledge of Sentencing Practice and Trends*. The report notes that public opinion on sentencing differs greatly from what actually happens in practice. The Report further evidences a point made by the Lord Chief Justice in 2020 that in “recent decades sentencing levels have increased”. What is your own assessment of how sentencing has changed in recent years?
- What more could be done to help improve understanding amongst MPs and members of the public?
- Do you think the Sentencing Council could play a fuller role in helping to deliver greater public understanding of sentencing?

Other topics raised in the evidence session

The Committee would also be grateful if you could clarify a few other aspects from the session, relevant to our scrutiny of the work of the Serious Fraud Office and our inquiry into Fraud and the justice system:



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- Could you clarify the figures regarding the allocation in the latest spending review to the Law Officers' departments, including how much of the planned uplift will be allocated to the Serious Fraud Office?
- Could you update the Committee on proposals for an economic crime bill in the next Queen's speech?

Yours sincerely

Sir Robert Neill MP

Chair

Justice Committee