

# Gathering user feedback

## Theft from a shop or stall data

### Background

From October 2010 to March 2015, the Sentencing Council administered the Crown Court Sentencing Survey (CCSS), a data collection exercise that ran at all Crown Court locations in England and Wales. The CCSS recorded details of the factors taken into account by the judge when determining the appropriate sentence for an offender (such as harm and culpability factors, and aggravating and mitigating factors), and the final sentence given, as well as some demographic details about the offender being sentenced. It provided rich and useful sets of data on which to conduct detailed analysis of sentencing practice, which were then published on the Sentencing Council website.<sup>1</sup>

From April 2015, the Council moved to undertaking targeted, bespoke data collections in magistrates' courts and the Crown Court. These data collections allow the Council to focus on offences for which a guideline is being either developed or evaluated, and where there is a lack of detailed sentencing data. Sometimes this involves sampling only a selection of courts.

### Publishing future datasets

The Sentencing Council has now run several of these bespoke data collection exercises, published several guideline evaluations using the data collected, and so is now currently considering how it can publish the data it has collected since April 2015 in a way that meets user needs. This will involve gathering the feedback of users from this, the first such data collection, relating to the data collected in relation to the *Theft from a shop or stall* offences guideline. This document is intended to be read alongside the user feedback survey.

In publishing its data, the Council has responsibilities to follow the applicable data protection legislation.<sup>2</sup> This includes ensuring that individuals cannot be identified from the published data, particularly where sensitive information has been collected. The Council therefore wishes to understand in more detail how it could improve its data outputs to make them as useful as possible for users, while still complying with relevant legislation and protecting the identities of the individuals within the data.

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<sup>1</sup> <https://www.sentencingcouncil.org.uk/research-and-resources/data-collections/crowncourt-sentencing-survey/>

<sup>2</sup> This includes the Data Protection Act 2018 (which enacted the EU General Data Protection Regulation) and the Environmental Information Regulations 2004.

## Theft from a shop or stall data collection

To support an evaluation of the Council's Theft guideline, a data collection exercise was conducted pre- and post-guideline in a sample of magistrates' courts. This gathered detailed information from magistrates and district judges about how they sentenced using the *Theft from a shop or stall* offences guideline. The data were collected in two waves: 16th November 2015 – 5th February 2016 for the pre-guideline stage and 19th September – 16th December 2016 for the post-guideline stage. Both stages involved asking sentencers to complete a paper form for every adult offender they sentenced where theft from a shop or stall was the principal offence.

The information contained within the published datasets includes:

- The culpability and harm factors taken into account by the sentencer, including the chosen offence category;
- The sentence starting point;
- Any aggravating or mitigating factors taken into account, including previous convictions;
- The sentence prior to any reduction for a guilty plea;
- Guilty plea details, including whether and when one was entered, and any reduction applied;
- The final sentence, including the type of sentence and the custodial sentence length;
- The single most important factor taken into account by the sentencer;
- The age group and gender of the offender; and,
- A unique identifier created by the Sentencing Council to allow the pre and post guideline datasets to be linked to the single most important factor datasets.

Users of the CCSS previously expressed a need for data on specific sentence lengths (sentence lengths are banded within the published CCSS data). In the past, the Council has not been able to include this information within the datasets because these may make it possible to identify an individual. However, it has been decided, on balance, that these data can be published for the theft from a shop or stall offence data. For details about the assessment regarding the risk of disclosure of individuals and the actions the Council has taken specifically for this publication, please see the disclosure statement published alongside the datasets.

While it will not be possible to publish further breakdowns of the theft data in the future, due to the need to minimise the risk of disclosure of individuals, the Council is inviting views on the format and contents of the theft from a shop or stall data to better understand how it can meet users' needs for future datasets of this type. In particular, the Council is interested in understanding how users would prioritise some pieces of information over others.

Below is a series of questions, followed by a link to a survey (containing the same questions). The Council would be grateful for any users or potential users of the sentencing data collected by the Council to read the questions and respond to the survey by 17<sup>th</sup> March 2021.

If users would prefer to send their views via email instead, or to provide comments at any time after the survey closing date, then contact details are provided below.

Users' views will then be considered when developing future datasets for publication, whereupon users' needs will be balanced alongside the Council's data protection responsibilities. A summary of the responses received and a response from the Council will be published in 2021, alongside the next publication of data.

Information provided in response to this exercise, including personal information may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes.<sup>3</sup> Users can also refer to the Council's privacy notice.<sup>4</sup>

The user feedback survey can be accessed via the following link:  
<https://www.smartsurvey.co.uk/s/K0HR5Z/>

## Survey Questions

1. For what purpose do you intend to use these statistics?
2. Which audience best describes you?
  - Ministry of Justice – main department
  - Ministry of Justice – agency or public body
  - Other government department
  - Other public sector
  - Academic
  - PhD candidate/student
  - Undergraduate/Masters student
  - School student
  - Legal professional
  - Voluntary sector
  - Media
  - General public
  - Other (please specify)
3. Which of the variables in the theft from a shop or stall datasets (including the single most important factor dataset) do you find **most** useful (i.e. variables that are necessary for your analysis), and why?

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<sup>3</sup> For example, the Freedom of Information Act 2000 (FOIA).

<sup>4</sup> <https://www.sentencingcouncil.org.uk/wp-content/uploads/Sentencing-Council-privacy-notice-1.pdf>

4. Which of the variables in the theft from a shop or stall datasets (including the single most important factor) do you find **least** useful (i.e. variables that you could manage without, if needed), and why?
5. Do you have any comments on the possibility of removing some of the variables from the datasets in order for other information to be included (bearing in mind that any decisions will need to balance the risk of identification of individuals)? What types of information would you most like to be included, and why?
6. We are aware that some users may want to utilise statistical software to analyse the data, while others may want to use pivot tables in spreadsheets, or other methods. With this in mind, do you have any comments on the format of the variables?  
*For example, the level of planning has been provided as a single variable with four levels within it, rather than four individual variables with a binary classification. Additionally, factor variables such as the aggravating and mitigating factors are presented with a binary classification, where '1' represents where the factor was ticked on the form and '0' represents where it was not ticked, as opposed to the name of the factor to indicate the factor being ticked, and a blank cell to indicate it was not ticked (which is the format that was used for the CCSS published data).*  
Which format would you prefer, or do you have any other suggestions?
7. Alongside the dataset, a metadata document and a user guide have been published. To what extent are they useful, and do you have any suggestions for how they could be improved? Do you have any other comments on these documents?
8. Do you have any other comments or suggestions, not covered by the questions above?
9. So we can better understand how widely these data are useful, which of the following best describes where you are predominantly based?
  - England
  - Wales
  - Other UK
  - Outside the UK (please specify):

## Getting in touch

As an alternative to the survey, or at any point after the closing date, we would also welcome your views via email at [research@sentencingcouncil.gov.uk](mailto:research@sentencingcouncil.gov.uk)

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