|  |  |  |  |
| --- | --- | --- | --- |
| MoJ_mono_H_crest | |  | June 2017 |
|  |  |  |

**Freedom of Information Act (FOIA) Request – 112413**

You asked for the following information from the Ministry of Justice:

**I email to enquire about accessing historical sentencing statistics. I am a research fellow at King’s College London and would like to access statistics dating back to the 1970’s on sentencing in England and Wales, in particular in relation to ‘mentally disordered’ offenders. Though looking at the online records on the Government, Ministry of Justice and National Archives websites, records don’t seem to back this far.**

I can confirm that the MoJ holds some of the information that you have requested, and it is provided in the attached annex.

* Offenders sentenced to a Restriction Order, Hospital Order or Guardianship Order in England and Wales from 1984 to 2005.

Data from 2006 to 2016 is exempt from disclosure under section 21 of the FOIA, because it is reasonably accessible to you. Sentencing information for England and Wales, from 2006 to 2016 can be accessed from the **“sentencing data tool”** within the below link:-

<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2016>

This tool includes information on those offenders sentenced to hospital orders, restriction orders and guardianship orders under the Mental Health Act 1983.

Court proceedings statistics from 1885 to 1983, which would include defendants prosecuted at magistrates’ courts and offenders found guilty at all courts in England and Wales, including those given a hospital order or restriction order for certain offences, can be obtained at this link <http://tinyurl.com/gmf68ny>

Some of the information, which covers 2017, is exempt from disclosure under section 44(1)(a) of the FOIA, which refers to prohibitions on disclosure ‘by or under any enactment’ of the FOIA. In this case, the information you are seeking is prohibited by the Statistics and Registration Services (SRS) Act 2007 and the Pre-release Access to Official Statistics Order 2008.

The information you have requested is a subset of the Criminal Justice Statistics data held in its final form which we routinely publish. As such we are required to consider your request in a manner compliant with the Pre-release Access to Official Statistics Order 2008 further to sections 11 and 13 of the (SRS Act 2007.

The MoJ is obliged under section 13 of the SRS Act to continue to comply with the Code of Practice for Official Statistics (the Code) for statistics designated as National Statistics. Section 11(3) of the SRS Act regards the Pre-Release Access to Official Statistics Order as being included in the Code. Protocol 2 of the Code reflects the requirements of the Pre-Release Access to Statistics Order. Specifically, it requires producers of official statistics to ensure that no indication of the substance of a statistical report is made public, or given to the media or any other party not recorded as eligible for access prior to publication. Therefore, to now disclose as part of your FOI request, will violate the provisions of section 13 of the SRS Act and the Pre-Release Access Order to Official Statistics 2008 and as such engages the exemption under section 44(1)(a) of the FOIA.

Please also be aware that Section 44 is an absolute exemption and does not require a public interest test.

The information for 2017 is also exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication and data are not available until the annual criminal statistics publication is published on 17 May 2018.