

Sentencing Council of England & Wales

www.sentencingcouncil.uk.org

Sentencing Council

- Created by s. 120 Coroners' and Justice Act 2009
- Committee of judges, (two Court of Appeal, High Court, Crown Court and Magistrates), an academic, a practitioner, the DPP, and representatives of probation, police, victims' support organisations.
- Meets 10 times a year
- Has support staff of researchers

Coroners' and Justice Act 2009

- *S. 125(1) "Every court –*
- *(a) **must**, in sentencing an offender, follow any sentencing guidelines which are relevant to the offender's case....*
- ***unless** the court is satisfied that it would be contrary to the interests of justice to do so."*

Robbery - dwelling

Theft Act 1968 (section 8(1))

robbery is theft involving the use or threat of force

Maximum: Life imprisonment

Step One

Determine the offence category

- Assess culpability and harm by reference only to the factors listed in the guideline
- Balance the factors to reach a fair assessment of the offender's culpability

Culpability

A - High culpability

B - Medium culpability

C - Lesser culpability

A-HIGH

- Use of a weapon to inflict violence
- Production of a bladed article or firearm to threaten violence
- Leading role in a group
- Use of very significant force
- Abuse of trust
- Offence motivated by hostility based on characteristics of the victim, e.g. race etc.

B-MEDIUM

- Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence
- Significant role in a group
- Threat of violence by any weapon (not produced)
- Other cases where characteristics for categories A or C are not present

C-LESSER

- Involved through coercion, intimidation or exploitation
- Very little or no planning
- Limited role in a group
- Threat or use of minimal force
- Mental disability or learning disability where relevant

Harm

Consider the factors set out to determine the level of harm caused or intended to the victim.

- 1 • Serious physical and/or psychological harm
Very high value goods
Soiling, ransacking, vandalism
- 2 • Other cases where characteristics for categories 1 or 3 are not present
- 3 • No/minimal physical or psychological harm
Low value goods
Limited damage to premises

Step Two

Starting point and category range

The starting point applies to all offenders

A case of particular gravity, (multiple features of culpability or harm in step one), could merit upward adjustment from the starting point before moving to aggravating or mitigating features

CULPABILITY

HARM

A

B

C

1

13 years

8 years

5 years

10-16 years

6-10 years

4-8 years

2

8 years

5 years

3 years

6-10 years

4-8 years

2-5 years

3

5 years

3 years

1.5 years

4-8 years

2-5 years

1-3 years

Aggravating factors

- Previous convictions, if relevant and taking account of time since earlier conviction
- Offence on bail
- Value of items stolen
- Significant planning
- Under influence of drugs or alcohol
- Location of offence
- Duration of incident
- Additional degradation of victim

- And other factors even if not listed

Mitigating factors

- No relevant previous convictions
- Remorse
- Good character
- Primary carer
- Mental disorder or disability
- Serious medical condition requiring urgent treatment
- Little or no planning
- Additional factors even if not listed

Step Three

- Assistance to the prosecuting authorities
- Must have a defined procedure, recorded and documented, even if not made public

Step Four

- Guilty plea
- Reduction in sentence of one third for early guilty plea
- Sliding scale
- One tenth for plea on first day of trial

Step Five

- Dangerousness
- Requirement to consider whether offender meets statutory test of dangerousness in certain specified offences e.g. robbery
- Can impose life sentence if test is met

Step Six

- Totality, if passing sentence for more than one offence adjust total if it would not be just and proportionate to overall offending behaviour
- All guidelines are for one offence after trial

Step Seven

- Ancillary orders
- Compensation
- Confiscation
- Disqualification
- Forfeiture and destruction of weapons etc.

Step Eight

- Give reasons in passing sentence
- How sentence is reached
- Which factors were relevant
- Why any departure from guideline

Step Nine

- Give credit for time spent on remand
- Announce how much time has already been served