

UK Sentencing Guidelines

Corporate manslaughter

Corporate Manslaughter and Corporate Homicide Act 2007, s.1

Effective from: 1 February 2016

Triable only on indictment

Maximum: unlimited fine

Offence range: £180,000 fine – £20 million fine

Very large organisation		
Where an offending organisation's turnover or equivalent very greatly exceeds the threshold for large organisations, it may be necessary to move outside the suggested range to achieve a proportionate sentence.		
Large organisation Turnover more than £50 million		
Offence category	Starting point	Category range
A	£7,500,000	£4,800,000 – £20,000,000
B	£5,000,000	£3,000,000 – £12,500,000
Medium organisation Turnover £10 million to £50 million		
Offence category	Starting point	Category range
A	£3,000,000	£1,800,000 – £7,500,000
B	£2,000,000	£1,200,000 – £5,000,000
Small organisation Turnover £2 million to £10 million		
Offence category	Starting point	Category range
A	£800,000	£540,000 – £2,800,000
B	£540,000	£350,000 – £2,000,000
Micro organisation Turnover up to £2 million		
Offence category	Starting point	Category range
A	£450,000	£270,000 – £800,000
B	£300,000	£180,000 – £540,000

Assault occasioning actual bodily harm / Racially or religiously aggravated ABH

Crime and Disorder Act 1998, s.29, Offences against the Person Act 1861, s.47

Effective from: This guideline applies to all offenders aged 18 and older, who are sentenced on or after 13 June 2011

Triable either way

Section 47

Maximum when tried summarily: Level 5 fine and/or 26 weeks' custody

Maximum when tried on indictment: 5 years' custody

Section 29

Maximum when tried summarily: Level 5 fine and/or 26 weeks' custody

Maximum when tried on indictment: 7 years' custody

Offence range: Fine – 3 years' custody

Step 1 – Determining the offence category

The court should determine the offence category using the table below.

Category 1	Greater harm (serious injury must normally be present) and higher culpability
Category 2	Greater harm (serious injury must normally be present) and lower culpability; or lesser harm and higher culpability
Category 3	Lesser harm and lower culpability

Step 2 – Starting point and category range

Having determined the category, the court should use the corresponding starting points to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out below.

Offence category	Starting Point (Applicable to all offenders)	Category Range (Applicable to all offenders)
Category 1	1 year 6 months' custody	1 year – 3 years' custody
Category 2	26 weeks' custody	Low level community order – 51 weeks' custody
Category 3	Medium level community order	Band A fine – High level community order

Causing grievous bodily harm with intent to do grievous bodily harm / Wounding with

intent to do GBH

Offences against the Person Act 1861, s.18

Effective from: 13 June 2011

Triable only on indictment

Maximum: Life imprisonment

Offence range: 3–16 years' custody

Step 1 – Determining the offence category

The court should determine the offence category using the table below.

Category 1	Greater harm (serious injury must normally be present) and higher culpability
Category 2	Greater harm (serious injury must normally be present) and lower culpability; or lesser harm and higher culpability
Category 3	Lesser harm and lower culpability

Offence category	Starting Point (Applicable to all offenders)	Category Range (Applicable to all offenders)
Category 1	12 years' custody	9 – 16 years' custody
Category 2	6 years' custody	5 – 9 years' custody
Category 3	4 years' custody	3 – 5 years' custody

Theft from a shop or stall

Theft Act 1968, s.1

Effective from: 01 February 2016

Triable either way

Maximum: 7 years' custody (except for an offence of low-value shoplifting which is treated as a summary only offence in accordance with section 22A of the Magistrates' Courts Act 1980 where the maximum is 6 months' custody)

Offence range: Discharge – 3 years' custody

Step 1 – Determining the offence category

The court should determine the offence category with reference only to the factors identified in the following lists. In order to determine the category the court should assess culpability and harm.

The level of culpability is determined by weighing up all the factors of the case to determine the offender's role and the extent to which the offending was planned and the sophistication with which it was carried out.

Culpability demonstrated by one or more of the following

A – High culpability

- A leading role where offending is part of a group activity
- Involvement of others through coercion, intimidation or exploitation
- Sophisticated nature of offence/significant planning
- Significant use or threat of force
- Offender subject to a banning order from the relevant store
- Child accompanying offender is actively used to facilitate the offence (not merely present when offence is committed)

B – Medium culpability

- A significant role where offending is part of a group activity
- Some degree of planning involved
- Limited use or threat of force
- Other cases that fall between categories A or C because:
 - Factors are present in A and C which balance each other out and/or
 - The offender's culpability falls between the factors as described in A and C

C – Lesser culpability

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Mental disorder/learning disability where linked to commission of the offence

Harm

Harm is assessed by reference to the financial loss that results from the theft and any significant additional harm suffered by the victim – examples of significant additional harm may include but are not limited to:

- Emotional distress
- Damage to property
- Effect on business
- A greater impact on the victim due to the size or type of their business
- A particularly vulnerable victim

Intended loss should be used where actual loss has been prevented.

Category 1

- High value goods stolen (above £1,000) or
- Medium value with significant additional harm to the victim

Category 2

- Medium value goods stolen (£200 to £1,000) and no significant additional harm or
- Low value with significant additional harm to the victim

Category 3

- Low value goods stolen (up to £200) and
- Little or no significant additional harm to the victim

Step 2 – Starting point and category range

Having determined the category at step one, the court should use the starting point to reach a sentence within the appropriate category range in the table below. The starting point applies to all offenders irrespective of plea or previous convictions.

Harm	Culpability		
	A	B	C
Category 1 Where the value greatly exceeds £1,000 it may be appropriate to move outside the identified range. Adjustment should be made for any significant additional harm where high value goods are stolen.	Starting point 26 weeks' custody	Starting point Medium level community order	Starting point Band C fine
	Category range 12 weeks' – 3 years' custody	Category range Low level community order – 26 weeks' custody	Category range Band B fine – Low level community order
Category 2	Starting point 12 weeks' custody	Starting point Low level community order	Starting point Band B fine
	Category range High level community order – 26 weeks' custody	Category range Band C fine – Medium level community order	Category range Band A fine – Band C fine
Category 3	Starting point High level community order	Starting point Band C fine	Starting point Band A fine
	Category range Low level community order – 12 weeks' custody	Category range Band B fine – Low level community order	Category range Discharge – Band B fine

Making Off Without Payment

Theft Act 1978, s.3

Effective from: 01 February 2016

Triable either way

Maximum: 2 years' custody

Offence range: Discharge – 36 weeks' custody

Step 1- Determining the offence category

The court should determine the offence category with reference only to the factors identified in the following tables. In order to determine the category the court should assess culpability and harm. The level of culpability is determined by weighing up all the factors of the case to determine the offender's role and the extent to which the offending was planned and the sophistication with which it was carried out.

Culpability demonstrated by one or more of the following

A – High culpability

- A leading role where offending is part of a group activity
- Involvement of others through coercion, intimidation or exploitation
- Sophisticated nature of offence/significant planning
- Offence involving intimidation or the use or threat of force
- Deliberately targeting victim on basis of vulnerability

B – Medium culpability

- A significant role where offending is part of a group activity
- Some degree of planning involved
- Other cases that fall between categories A or C because:
 - Factors are present in A and C which balance each other out and/or
 - The offender's culpability falls between the factors as described in A and C

C – Lesser culpability

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Limited awareness or understanding of offence

Harm

Harm is assessed by reference to the actual loss that results from the offence and any significant additional harm suffered by the victim – examples of additional harm may include but are not limited to:

- A high level of inconvenience caused to the victim
- Emotional distress
- Fear/loss of confidence caused by the crime
- A greater impact on the victim due to the size or type of their business

Category 1

- Goods or services obtained above £200 or
- Goods/services up to £200 with significant additional harm to the victim

Category 2

- Goods or services obtained up to £200 and
- Little or no significant additional harm to the victim

Step 2 – Starting point and category range

Having determined the category at step one, the court should use the appropriate starting point to reach a sentence within the category range in the table below. The starting point applies to all offenders irrespective of plea or previous convictions.

Harm	Culpability		
	A	B	C
Category 1	Starting point 12 weeks' custody	Starting point Low level community order	Starting point Band B fine
Where the value greatly exceeds £200, it may be appropriate to move outside the identified range. Adjustment should be made for any significant additional harm for offences above £200.	Category range High level community order- 36 weeks custody	Category range Band C fine- High level community order	Category range Band A fine- Low level community order
	Starting point Medium level community order	Starting point Band C fine	Starting point Band A fine
Category 2	Category range Low level community order -12 weeks custody	Category range Band B fine - Low level community order	Category range Discharge - Band B fine

Fraud

Common law, Fraud Act 2006, s.1, Theft Act 1968, s.17

Effective from: 1 October 2014

Fraud by false representation, fraud by failing to disclose information, fraud by abuse of position, Fraud Act 2006 (section 1)

Triable either way

Conspiracy to defraud, Common law

Triable on indictment only

Maximum: 10 years' custody

Offence range: Discharge – 8 years' custody

False accounting, Theft Act 1968 (section 17)

Triable either way

Maximum: 7 years' custody

Offence range: Discharge – 6 years and 6 months' custody

Step 1 – Determining the offence category

The court should determine the offence category with reference to the tables below. In order to determine the category the court should assess culpability and harm.

The level of culpability is determined by weighing up all the factors of the case to determine the offender's role and the extent to which the offending was planned and the sophistication with which it was carried out.

Culpability demonstrated by one or more of the following

A – High culpability

- A leading role where offending is part of a group activity
- Involvement of others through pressure, influence
- Abuse of position of power or trust or responsibility
- Sophisticated nature of offence/significant planning
- Fraudulent activity conducted over sustained period of time
- Large number of victims
- Deliberately targeting victim on basis of vulnerability

B – Medium culpability

- A significant role where offending is part of a group activity
- Other cases that fall between categories A or C because:
 - Factors are present in A and C which balance each other out and/or
 - The offender's culpability falls between the factors as described in A and C

C – Lesser culpability

- Involved through coercion, intimidation or exploitation
- Not motivated by personal gain
- Peripheral role in organised fraud
- Opportunistic 'one-off' offence; very little or no planning
- Limited awareness or understanding of the extent of fraudulent activity

Harm A – Loss caused or intended		
Category 1	£500,000 or more	Starting point based on £1 million
Category 2	£100,000 – £500,000 or Risk of category 1 harm	Starting point based on £300,000
Category 3	£20,000 – £100,000 or Risk of category 2 harm	Starting point based on £50,000
Category 4	£5,000 – £20,000 or Risk of category 3 harm	Starting point based on £12,500
Category 5	Less than £5,000 or Risk of category 4 harm	Starting point based on £2,500
Risk of category 5 harm, move down the range within the category		

For more precise sentencing on specific types of fraud, use the website.

Arson (criminal damage by fire) - Effective from 1 October 2019

Criminal Damage Act 1971, s.1(1) and (3)

Effective from: 01 October 2019

This is a serious specified offence for the purposes of section 224 of the Criminal Justice Act 2003.

Triable either way

Maximum when tried summarily: Level 5 fine and/or 6 months' custody

Maximum when tried on indictment: Life

Offence range: Discharge – 8 years' custody

Culpability demonstrated by one or more of the following

A – High culpability

- High degree of planning or premeditation
- Revenge attack
- Use of accelerant
- Intention to cause very serious damage to property
- Intention to create a high risk of injury to persons

B – Medium culpability

- Some planning
- Recklessness as to whether very serious damage caused to property
- Recklessness as to whether serious injury caused to persons
- Other cases that fall between categories A and C because:
 - Factors are present in A and C which balance each other out and/or
 - The offender's culpability falls between the factors described in A and C

C – Lesser culpability

- Little or no planning; offence committed on impulse
- Recklessness as to whether some damage to property caused
- Offender's responsibility substantially reduced by mental disorder or learning disability
- Involved through coercion, intimidation or exploitation

Harm

The level of harm is assessed by weighing up all the factors of the case.

Category 1

- Serious physical and/or psychological harm caused
- Serious consequential economic or social impact of offence
- High value of damage caused

Category 2

- Harm that falls between categories 1 and 3

Category 3

- No or minimal physical and/or psychological harm caused
- Low value of damage caused

In exceptional cases within category 1A, sentences of above 8 years may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	Starting point 4 years' custody	Starting point 1 year 6 months' custody	Starting point 9 months' custody
	Category range 2 – 8 years' custody	Category range 9 months – 3 years' custody	Category range 6 months – 1 year 6 months' custody
Category 2	Starting point 2 years' custody	Starting point 9 months' custody	Starting point High level community order
	Category range 1 – 4 years' custody	Category range 6 months – 1 year 6 months' custody	Category range Medium level community order – 9 months' custody
Category 3	Starting point 1 year's custody	Starting point High level community order	Starting point Low level community order
	Category range 6 months – 2 years' custody	Category range Medium level Community order – 9 months' custody	Category range Discharge – High level community order

***Murder and Criminal Damage sentencing – see separate handouts**

SENTENCING FOR MURDER

As murder is such a serious crime, the approach to sentencing for this offence is set out in law.

The judge **must** impose a life sentence and follow guidance on the **minimum** amount of time the offender must be in prison before being considered for release (this is sometimes referred to as the tariff).

The harm caused by any offence that results in a death is immeasurable. The sentence is not a measure of the value put on the life of the victim.

An offender is sentenced after he or she has either pleaded guilty to the offence or been found guilty following a trial. The judge may sentence immediately or may adjourn the case to obtain reports on the offender (for example medical reports).

Setting the minimum prison term

Depending on the facts of the offence the starting point for the **minimum** time served in prison for an adult ranges from 15 to 30 years. For an offender under 18 the starting point is 12 years. It is unusual, but some offenders receive a whole life tariff, which means they will spend the rest of their life in prison. Parliament has set out in law the circumstances in which this can happen.

To set the minimum term the judge will first consider which starting point applies to the case.

For the purposes of setting the starting point for the minimum term the law sets out four categories. Here you will find examples of the types of cases that may fall into each category:

- In cases such as a carefully planned murder of two or more people, or a murder committed by an offender who had already been convicted of murder the starting point for an offender aged 21 or over is a whole life tariff. For an offender aged 18-20 the starting point would be 30 years and for an offender aged under 18 it is 12 years.
- In cases such as those involving the use of a firearm or explosive the starting point is 30 years for an offender aged 18 or over and 12 years for an offender aged under 18.
- In cases where the offender brings a knife to the scene and uses it to commit murder the starting point is 25 years for an offender aged 18 or over and 12 years for an offender aged under 18.

released the offender would be subject to certain conditions and if the conditions are broken or if the offender is considered to be a risk to the public he or she will be sent back to prison.

Decisions about prisoner release

The Parole Board makes decisions about the early release of certain prisoners, including many who have committed violent offences, most offenders who have been recalled to prison, and anyone sentenced to life imprisonment or indeterminate sentence for public protection. When making these decisions the Parole Board acts as a court, but does not hold public hearings. Some decisions are made on paper, others at oral hearings held at the prison.

The Parole Board has specific duties that are set out in the Code of Practice for Victims of Crime.

Useful sources of information

www.gov.uk

The Code of Practice for Victims of Crime provides information for victims of crime and bereaved close relatives of a victim who has died as a result of a crime.

www.sentencingcouncil.org.uk

Find out about sentencing guidelines and how they help judges decide on sentences. Judges must follow guidelines unless there are very good reasons - in the interests of justice - not to. In such a case, the judge has to give reasons.

www.gov.uk/government/organisations/parole-board

Find out more about how the Parole Board works to protect the public by risk assessing prisoners to decide whether they can be safely released into the community.

www.legislation.gov.uk

Here you will find the law that sets out examples of the different types of cases and the usual starting points for setting minimum sentences for the offence of murder.

This leaflet is one of a series of leaflets developed by the Office of the Sentencing Council in partnership with the Family Liaison and Disaster Management Team at the Metropolitan Police. It is intended to be used by Family Liaison Officers to help explain to families of victims how certain serious offences are sentenced.

Please contact: info@sentencingcouncil.gsi.gov.uk for further information.

Criminal damage (other than by fire)

Criminal Damage Act 1971, s.1(1)

Racially or religiously aggravated criminal damage

Crime and Disorder Act 1998, s.30

Criminal damage: triable only summarily if value involved does not exceed £5,000:

Maximum: Level 4 fine and/or 3 months

Triable either way if value involved exceeds £5,000:

Maximum when tried summarily: Level 5 fine and/or 6 months

Maximum when tried on indictment: 10 years

Racially or religiously aggravated criminal damage: triable either way

Maximum when tried summarily: Level 5 fine and/or 6 months

Maximum when tried on indictment: 14 years

Where offence committed in domestic context, refer to page 177 for guidance

Offence seriousness (culpability and harm)

A. Identify the appropriate starting point

Starting points based on first time offender pleading not guilty

Examples of nature of activity	Starting point	Range
Minor damage e.g. breaking small window; small amount of graffiti	Band B fine	Conditional discharge to band C fine
Moderate damage e.g. breaking large plate-glass or shop window; widespread graffiti	Low level community order	Band C fine to medium level community order
Significant damage up to £5,000 e.g. damage caused as part of a spree	High level community order	Medium level community order to 12 weeks custody
Damage between £5,000 and £10,000	12 weeks custody	6 to 26 weeks custody
Damage over £10,000	Crown Court	Crown Court

Offence seriousness (culpability and harm)

B. Consider the effect of aggravating and mitigating factors (other than those within examples above)

Common aggravating and mitigating factors are identified in the pullout card – the following may be particularly relevant but **these lists are not exhaustive**

Factors indicating higher culpability 1. Revenge attack 2. Targeting vulnerable victim Factors indicating greater degree of harm 1. Damage to emergency equipment 2. Damage to public amenity 3. Significant public or private fear caused e.g. in domestic context	Factors indicating lower culpability 1. Damage caused recklessly 2. Provocation
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Form a preliminary view of the appropriate sentence

If offender charged and convicted of the racially or religiously aggravated offence, increase the sentence to reflect this element

Refer to pages 178-179 for guidance

Consider offender mitigation

Common factors are identified in the pullout card

Consider a reduction for a guilty plea

Consider ancillary orders, including compensation

Refer to pages 168-174 for guidance on available ancillary orders

Decide sentence

Give reasons