

## **Sentencing Council Assault Draft Guideline – asking you what you think**



**An easy read guide to our consultation**

## Who we are and what we do



We are the **Sentencing Council**. We help the **courts** to decide how to **punish** someone who has broken the law. **Courts** are places that decide what happens to someone who has done something wrong and needs to be **punished**. **Punished** means when you have to do something like go to prison, help out in the area where you live or pay a fine. This is called a **sentence**.

## What this guide is about



We are writing a new **guideline** about the way the courts should work. A **guideline** is like a rule for courts to follow. Before we write our guideline, we want to ask you some questions about our work.



Asking questions in this way is called a **consultation**. Our **consultation** started in October 2010 and finishes in January 2011. You need to send your answers to us before

**5 January 2011**

This guide tells you more about our new guideline on **sentencing** and why we want to ask you the questions. You can see a full list of the questions at the end of the guide.



You can get in touch with us by:



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You can find out more about sentencing by going to  
**[www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)**

## What we want to know

We want to find out

- what you think about how the courts decide things
- if you think we are being fair to people who have broken the law
- if you think this guideline is right for **victims** – people who have been assaulted

We need to know that people agree with what courts decide happens to people who have broken the law.

The questions in this consultation are to do with **assault**. **Assault** means when someone threatens or attacks you on purpose. This can happen in a

- **physical way** – this means your body is hurt
- **psychological way** – this means your mind or your feelings are hurt. This can happen if someone says or does mean things to you

We want to change what the courts do about assault. We cannot make the changes until we have asked you some questions.

This consultation is very important. The answers we get to the questions could change the way we do our work in the future.



## What is sentencing?

**Sentencing** means what the **courts** say should happen to a person when they have done something wrong. It might mean going to prison for some time.

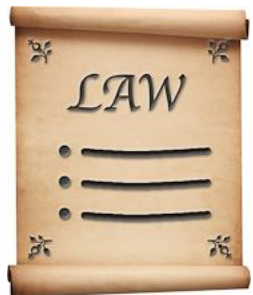


**Sentencing** is there to

- punish someone who has done something wrong
- help to stop crimes from happening
- help people who have done something wrong so they can live a good life in the future
- keep the public safe
- help people who have done something wrong to make things right



We will follow the law in all our work and be as fair as we can. We hope this will help the public believe in the work we are doing.



## Our work to do with assault

We found out as much as we could about assault and



what happens to the people who have done this to someone.

We did this to make things fair for

- people who are doing the assaults and their families
- people who have been assaulted – they are sometimes called a **victim** – and their families

What we decide and put in our new guideline could change what the courts decide so we have to make sure that we get this right.



## How we decide what will happen

We have to work with the courts to decide what happens when someone is assaulted. We need to know how bad the assault was and why it happened. This helps the courts to decide what the sentence should be.

The courts look at everything to do with the assault before they decide on the sentence. They will look at

- how bad the assault was
- how the assault happened and who was to blame



Courts follow the law to make sure the sentence they give out is fair. They will look at the person who has done the assault and find out everything they can about them before they decide on the sentence. They will follow our guideline to make sure that the sentence is right.



We want the public to know we are doing the right thing when courts decide on the sentence.



## Things that can change the way a sentence happens

People can get assaulted and hurt for different reasons. We have to find out as much as we can about what happened in the assault before we can decide what happens next.

For example, some people might

- hurt someone very badly
- plan that they are going to hurt someone before they do it





If things like this happen then the person who has done the assault should get a longer sentence. Our new guideline shows a list of everything to do with assault.

Courts will look at the list before they decide on the sentence. We want to make sure that courts look at everything that has happened before they decide what to do.



For example, if someone is disabled or has a mental illness and assaults someone then courts will need to find out more about this and why they did the assault. Courts might need to know this before they decide on the sentence.

Some people who have a mental illness might not know what they are doing when they hurt someone else.

Also, if someone assaults someone who is disabled, then the courts should give the person a longer sentence.

## **Deciding what the sentence is**

The court will look at all the information to do with the assault. When they have done this, they can decide what the sentence is.

They will look at things like

- where the assault happened and what time





- how the person who was assaulted is doing now
- if the person who did the assault was drinking alcohol or taking drugs

They will also look to see if the person who did the assault

- has done something like this before
- is sorry about what they have done
- is very young or acts in a very young way. Some people can seem very young in the things they do and the way they are. We will look at this and put it in our new guideline



The sentence the person gets from the courts will depend on these things. Courts will find out as much as they can about what happened. This helps the courts to decide how long the sentence should be.

Some people will go to prison and some people will have to help out in the area where they live. This is called **community service**.



Some people will have to pay money called a **fine**.

There is a full list of what sentence is given out for each assault. You can read the full list by going to

[www.sentencingcouncil.org.uk/sentencing/consultations-current.htm](http://www.sentencingcouncil.org.uk/sentencing/consultations-current.htm)

## **Making sure the public believe in what we do**



We want our new guideline to help people that have been assaulted so they can understand why the court decided on the sentence.



We also want the public to know that courts are doing a good job. Some people think that the sentences which courts give out to people are too short. We want to know what you think about this.



## **Questions we want to ask you**

Here is a list of all the questions we want to ask you.

1. Do you agree the courts should look at how bad the assault is and how it happened before they decide what punishment to give?



2. When sentencing people for assault do you think the courts should give different sentences to people who have a mental illness or act young for their age?

3. The guideline says that people who assault someone with a disability should be given a longer sentence. Are there any other ways a guideline can help the court to think about other **vulnerable** victims? **Vulnerable** means being easy to attack or assault



4. Is there anything else we can do to help you understand more about the work we are doing at the Sentencing Council?

When you have answered the questions, you need to send them to Nigel Patrick. You can do this by

Post

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You must send in all your answers by

**5 January 2011**



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[www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)**