

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

Offences against the Person Act 1861 (section 18)

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

Triable either way

Triable only on indictment

Maximum: Life imprisonment

Offence range: 3-16 years' custody

STEP ONE
Determining the offence category

The court should determine the offence category with reference **only** to the factors identified in 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 culpability.

CULPABILITY demonstrated by one or more of the following:

A - High culpability:

- Offence racially or religiously aggravated
- Offence motivated by or demonstrating, hostility to the victim based on his or her sexual orientation (or presumed sexual orientation)
- Offence motivated by or demonstrating, hostility to the victim based on the victim's disability (or presumed disability)
- A significant degree of premeditation
- Use of weapon or weapon equivalent (for example, shod foot, headbutting, use of acid, use of animal)
- Intention to commit more serious harm than actually resulted from the offence
- Deliberately causes more harm than is necessary for commission of the offence
- Deliberate targeting of vulnerable victim (should this be here? Or in harm?)
- Leading role in group or gang
- Offence motivated by, or demonstrating, hostility based on the victim's age, sex, gender identity (or presumed gender identity)

B - Medium culpability:

- All other cases where characteristics for categories A or C are not present

C - Lesser culpability:

- Subordinate role in group or gang
- A greater degree of provocation than normally expected
- Lack of premeditation
- Mental disorder or learning disability, where linked to the commission of the offence
- Excessive self defence

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

HARM

The court should determine the level of harm caused, or intended, by reference **only** to the factors below.

Category 1	Injury (which includes disease transmission and/or psychological harm) which is serious in the context of the offence (must normally be present) Victim is particularly vulnerable because of personal circumstances Sustained or repeated assault on the same victim
Category 2	Harm that falls between categories 1 and 3
Category 3	Injury which is less serious in the context of the offence

STEP TWO
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	Starting point 12 years' custody Category range 9-16 years' custody	Starting point Category range	Starting point Category range
Category 2	Starting point Category range	Starting point Category range	Starting point Category range
Category 3	Starting point Category range	Starting point Category range	Starting point 4 years' custody Category range 3-5 years' custody

The court should then consider further adjustment for any aggravating or mitigating factors. The following is a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction.
- Offence committed whilst on bail

Other aggravating factors:

- Location of the offence
- Timing of the offence
- Ongoing effect upon the victim
- Offence committed against those working in the public sector or providing a service to the public
- Presence of others including relatives, especially children or partner of the victim
- Gratuitous degradation of victim
- In domestic violence cases, victim forced to leave their home
- Failure to respond to warnings or concerns expressed by others about the offender's behaviour
- Commission of offence whilst under the influence of alcohol or drugs
- Abuse of power and/or position of trust
- Exploiting contact arrangements with a child to commit an offence
- Previous violence or threats to the same victim
- Any steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution
- Attempts to conceal/dispose of evidence
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Established evidence of community impact

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Single blow
- Remorse
- Isolated incident
- Good character and/or exemplary conduct
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability where **not** linked to the commission of the offence
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour
- Lapse of time since the offence where this is not the fault of the offender

STEP THREE**Consider any factors which indicate a reduction, such as assistance to the prosecution**

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

STEP FOUR**Reduction for guilty pleas**

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the Guilty Plea guideline.

STEP FIVE**Dangerousness**

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose a life sentence (section 224A or section 225(2)) or an extended sentence (section 226A). When sentencing offenders to a life sentence under these provisions, the notional determinate sentence should be used as the basis for the setting of a minimum term.

STEP SIX**Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour.

STEP SEVEN**Compensation and ancillary orders**

In all cases, the court should consider whether to make compensation and/or other ancillary orders.

STEP EIGHT**Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP NINE**Consideration for time spent on bail**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

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