

Sentencing Council

Sentencing Council meeting: 23 October 2015
Paper number: SC(15)OCT05 Robbery
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1 ISSUE

- 1.1 This paper presents the final consideration of the Robbery guidelines. The Council is required to sign off the definitive guidelines at this meeting in order to achieve publication of the guidelines in January 2016.
- 1.2 The Council will be asked to consider some very minor changes to the guidelines and to note the summary of all amendments made to the Robbery guideline since consultation. The Council will also be asked to consider the rationale given for the main changes made to the guideline since consultation.
- 1.3 **Annex A** to this paper is the final version of the guideline, in the design format that it will appear when published. It incorporates the proposed minor changes for which I seek the Council's approval. **Annex B** to this paper illustrates all of the changes made to the guidelines post consultation.

2 RECOMMENDATION

The Council is asked to

- Agree to the minor changes made to each of the guidelines
- Note the summary of amendments to each guideline
- Agree the rationale for the main changes made to the guidelines, that will appear in the Consultation Response Document
- Provide any drafting comments on the rationale, or any comments on the guidelines themselves. These should be sent to vicky.hunt@sentencingcouncil.gsi.gov.uk by close of Friday 6th November.

3 CONSIDERATION

Minor Changes

3.1 Each of the three guidelines includes a high culpability factor; 'Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example **sex**, race, sexual orientation (or presumed sexual orientation))'. This factor is similar to the statutory aggravating factor that appears in a number of our other guidelines, but as it includes sex it goes beyond statutory factors. The Council may feel that a better example might be disability, this is a statutory aggravating factor and an example that we use in other guidelines.

Question 1: Is the Council content to make this change to the high culpability factors?

3.2 At the Council meeting in September members suggested that the list of aggravating factors in the guideline was rather sporadic. Whilst it was agreed that there should not be a hierarchy of factors, it was felt that it may be helpful to put some of the more offence specific (rather than generic factors) higher up. I have, therefore, reorganised the factors across all three guidelines, and used the same order across each guideline so that it appears consistent.

Question 2: Is the Council content with the rearranged list of aggravating factors?

3.3 In addition I have made a couple of minor changes to two of the aggravating factors. Firstly I have combined the two factors; 'targeting of large sums of money or valuable goods' and 'high value goods or sums (whether economic, personal or sentimental)' to read 'High value goods or sums targeted or obtained (whether economic, personal or sentimental)'. This can be seen in the new guideline at **Annex A**.

Question 3: Is the Council content to make this change to the value factor within the aggravating factors?

3.4 I have also combined the two factors 'location of offence' with 'location of offence also victim's residence' to read 'Location of offence (including if location of offence is victim's residence)'. I have sought to keep in reference to

the victim's residence as there was a strong voice of opinion through the consultation, and at the Justice Committee, that this should be captured.

Question 4: Is the Council content to make this change to the location factor within the aggravating factors?

Summary of Changes

3.5 All of the changes that have been made to the guidelines post consultation have been highlighted in the document at **Annex B** so that the Council can review them.

Question 5: Is the Council content with the overall changes that have been made to the guidelines?

Rationale for the Consultation Responses Document

3.6 The Consultation Responses Document has been drafted and will be circulated to the Council over the next few weeks. The most important issues in that document are the rationale that the Council provide for making the main changes to the guidelines since consultation. I set out below the relevant sections of the Consultation Responses Document for the Council's approval.

The groupings of the guidelines

The robbery guidelines in the consultation paper were grouped into three separate areas:

Street robbery

Commercial robbery

Robbery in a dwelling

The consultation paper did not include any specific questions about these groupings, but questions 34 – 79 invited respondents to use the guidelines to sentence example cases via case studies. Responses to these questions revealed that some respondents felt unsure about which guideline they should be using. For example case study 2 involved the robbery of a taxi driver; some respondents were unclear as to whether this should be a street robbery, or a commercial robbery. This issue also arose in the qualitative research that was carried out with Crown Court Judges and Recorders to test the draft guidelines against case scenarios. Judges were used to the structure of the existing SGC guideline which combined street robbery, robberies of small businesses and less sophisticated commercial robberies, and so did not normally have to draw such distinctions.

When considering the sentencing levels within the commercial robbery guideline the Council also became concerned that combining all types of commercial robbery within one guideline could result in the sentence levels of robberies of small businesses and less sophisticated commercial robberies being inflated. Conversely one respondent was concerned that combining them could devalue the significance of a robbery committed against a small business, as comparatively the loss from a small store will always seem low, even if to the business the loss had a major impact.

“Bringing together both the ‘unsophisticated’ and ‘highly sophisticated’ robberies into one set of sentencing guidelines may devalue the definition of “high value goods” – the size and type of business should be distinguished in guidelines and at the forefront of a magistrates/ courts deliberations. Convenience store owners stock a wide range of general grocery products and the highest value items are likely to be alcohol and tobacco products. There are limited parallels between a convenience store and a jewellers yet the guidance does not include an assessment of business type.” - Association of British Convenience Stores

For these reasons the Council decided to change the groupings of the guidelines into the following three:

- *Street and less sophisticated commercial robbery*
- *Professionally planned commercial robbery*
- *Dwelling robbery*

This structure should ensure that sentencers will not struggle to decide which guideline to use, and will ensure that lower level commercial robberies are sentenced appropriately.

Question 6: Does the Council agree with the rationale to be provided in the consultation response document regarding the change to the grouping of the guidelines?

The distinction to be drawn between use of a weapon; producing a weapon and using it to threaten; and threats to use a weapon without producing it (and potentially not even having a weapon)

Questions 1, 13 and 24 of the consultation sought views on the approach to the assessment of culpability within each of the three guidelines. The majority of the respondents agreed with the approach (84 per cent, 82 per cent, 94 per cent respectively). Of those that disagreed, the main concern was with the distinctions drawn between the use, production and threats of use, of different types of weapon. Many believed that there should be no distinction between threats to use a bladed article, firearm or imitation firearm which is actually produced or threats to use such a weapon that is not in fact produced, as the fear elicited would likely be the same.

This was considered by the Council and it was decided that the distinction should remain in place. The rationale behind this decision was that someone who threatens to use a bladed article or firearm but does not produce it may not actually have a

weapon, which means they are less culpable than someone who has planned the offence to the extent of arming themselves with a weapon of this nature. It was also considered that, although the threat may elicit a high amount of fear, there is a fundamental difference in culpability between someone who states they have a bladed article or firearm and someone who produces it to assist in the committal of the offence. The level of fear caused and any psychological effects as a result of this threat will be taken into account in the assessment of harm.

Question two asked respondents whether it was appropriate to distinguish between cases involving a bladed article, firearm or imitation firearm from those involving other types of weapons; 56 per cent agreed.

This issue was carefully considered by the Council, and it was decided that the guideline would maintain the distinction. There is clear public concern about knife crime. R v Monteiro and others¹, confirmed the guidance given in R v Povey² which made clear that sentences passed in cases involving knives, particularly cases involving knives being carried in public places, must focus on reducing this type of crime. Drawing the distinction between these types of weapons within the guidelines ensures that those offences involving knives will fall within the highest brackets of culpability so that the sentence imposed is appropriate, and in line with current case law and sentencing practice.

Question 7: Does the Council agree with the rationale regarding weapons?

Difficulties in assessing the level of physical/ psychological harm

Several respondents, across all three of the guidelines, supported the inclusion of psychological harm in the assessment of harm. However, in response to question six, which asked whether the levels of harm in the street robbery guideline are simple to interpret, 39 per cent of respondents disagreed. The majority of these expressed concern with the factor ‘above the level of harm inherent in the offence’. Others felt that assessing the difference between serious or some psychological harm, and serious or some physical harm would be very difficult. These factors are common across all three of the robbery guidelines and the comments were raised in responses to commercial and dwelling robbery also.

The Council discussed the factor ‘Some physical and/or psychological harm caused to the victim above the level of harm inherent in this offence’ and the difficulty that respondents had in interpreting this phrase.

“Robbery can be committed in so many different ways [...] the ‘inherent’ level of harm is therefore very variable.” - Academic

The Council decided to rearrange the harm model so that just the most serious and least serious harm is described. The Council felt that sentencers would find it easier to recognise those levels of harm, thus leaving the middle factor for those cases

¹ R v Monteiro and others [2014] EWCA Crim 747

² R v Povey [2008] EWCA Crim 1261

where 'factors in categories 1 or 3 are not present'. This also removes the need for a sentencer to decide what level of harm is 'inherent' in the offence of robbery.

Question 8: Does the Council agree with the rationale regarding the assessment of physical/ psychological harm?

The consideration of group activity when assessing seriousness

Questions 3, 15 and 25 asked respondents whether there are any additional factors that should be considered at step one. Across all three guidelines a minority of respondents answered yes (17 per cent of those who responded to the street robbery guideline, 21 per cent of those who responded to the commercial robbery guideline and 44 per cent of those who responded to the dwelling robbery guideline). Out of those, four respondents (Gloucestershire Bench, West Yorkshire Police, Mayor's Office for Policing and Crime and a magistrate) suggested that group activity should be considered at step one for street robbery.

The positioning of the group activity factor within the street robbery guideline was given great thought and the Council is still content that the original rationale is valid. There is a concern that including this factor at step one could inflate sentences as a couple of friends who commit a very unsophisticated and unplanned 'mugging' could be classed as a group or gang and find themselves in high or medium culpability. The Council's intention in revising this guideline is not to alter significantly current sentencing practice. As this was also arguably a risk for a similarly unplanned and unsophisticated low level commercial robbery it was agreed that this would also be better suited as a step two factor.

Question 9: Does the Council agree with the rationale regarding 'group activity'?

The importance of the value of the item(s) taken when considering harm caused to the victim.

The street robbery guideline consulted on two versions of the harm model. Harm model A was the preferred model and considered only the physical and/or psychological harm caused to the victim with the value of the goods being considered at step two. Harm model B considered both the physical and/or psychological harm caused to the victim and the value of the goods (whether economic, sentimental or personal) at step one.

Question five asked respondents if they agreed with the proposed approach to the assessment of harm, as set out in Harm Model A. 87 per cent of respondents agreed with the approach.

"The Victims' Commissioner welcomes the greater priority given to the harm caused rather than the value of the loss. She also welcomes the reference to assessing the psychological as well as the physical impact of the crime." - The Victims' Commissioners Office

"We strongly support the emphasis placed on the harm caused to the victim rather than the value of the goods stolen." – Victim Support

A number of respondents felt that the guidelines should give greater consideration to the impact on victims of offences, by specifically requiring consideration of victim personal statements (VPS).

The Council would highlight that it does not include a reference to VPS statements in Sentencing Guidelines. The existence or otherwise of a VPS is not the remit of the sentencer; it is the responsibility of the police. It would be inappropriate for the Council, through its guidelines, to go further than the law or the Victims' Code in setting an expectation that a VPS will be available to the court or in placing a requirement on the prosecutor to produce a VPS. Courts must facilitate presentation of a VPS, if one exists. The rules for this are set out in the Criminal Practice Directions. It would be inappropriate and outside the Council's remit to seek to prescribe such elements of criminal procedure.

All guidelines include consideration of the impact on victims as an integral component of assessing seriousness. This need not be based on a VPS, although where one exists, it will be taken into account by the court.

At questions 18 and 28, respondents were asked, within both the commercial robbery guideline and the dwelling robbery guideline, whether value should be considered at step two. 60 per cent of respondents answered yes for commercial robbery and 50 per cent for dwelling robbery. However, across both questions some of the comments appeared contradictory to the answer given and it is suspected that some respondents may have misunderstood this question and not realised that this is instead of considering it in the assessment of harm at step one. The fact that the majority of respondents across both guidelines also stated that they agreed with the assessment of harm (90 per cent for commercial robbery and 80 per cent for dwelling robbery) further reinforces the doubt that this question was understood by all.

The Council did deliberate over this point but decided that for professionally planned commercial robbery, businesses are usually targeted due to the belief that there are high value goods available and therefore the factor is key to the offence and better retained at step one. For dwelling robbery it was proposed that value also remain in the assessment of harm at step one as this approach mirrors that in the Aggravated Burglary Definitive Guideline where the impact on the victim, the value of the goods and any damage caused to the dwelling are all part of the assessment of harm.

In the combined street and less sophisticated commercial robbery guideline it was decided that value should be considered at step 2 as value of the goods taken is often down to chance rather than due to specific targeting. The majority of respondents felt that the real harm, in these types of offences, was the effect the offence has had on the victim, whether an individual or a business, which is covered by the other harm factors at step 1 such as 'serious physical/ psychological harm caused to the victim' and 'serious detrimental effect on the business'. Instead it was felt appropriate to place value at step 2.

“The Sentencing Council should consider how the operational disruption caused by a robbery can be included in the harm factors. For example the loss of goods or sums of money may be of less value compared to the day(s) the store needs to close or the additional cost incurred by the retailer to cover and support staff after the robbery” – The Association of British Convenience Stores

Question 10: Does the Council agree with the rationale regarding value?

3.7 Should members of the Council have any drafting comments on the rationale or the guidelines please could they be sent by close of play **Friday 6th November**. I will then make any necessary changes and circulate the full document to members for final approval.

4 IMPACT

The guidelines were developed based on a careful assessment of current sentencing practice and were then tested via roadtesting with sentencers. The guidelines put to Council today have been tested by a transcript exercise in which the new guideline was tested against real cases that were sentenced in the Crown Court to ensure that the impact of the proposals on the criminal justice system is neutral, and to ensure that the guideline is easy to follow.

5 RISK

The main risk remains the potential for an increase in the prison population if the impact is not accurately assessed, or the problems already identified with the guideline are not addressed.

Robbery – street and less sophisticated commercial

Theft Act 1968 (section 8(1))

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

Triable only on indictment
Maximum: Life imprisonment

Offence range: Community order – 12 years' custody

This guideline applies only to offenders aged 18 and older.

Street/less sophisticated commercial robbery refers to robberies committed in public places, including those committed in taxis or on public transport. It also refers to unsophisticated robberies within commercial premises or targeting commercial goods.

The Sentencing Guidelines Council Robbery Definitive Guideline includes a guideline for sentencing young offenders which continues to be in force.

General principles to be considered in the sentencing of youths are available in the Sentencing Guidelines Council's definitive guideline, *Overarching principles – Sentencing Youths*, which will continue to be in force pending new and updated youth guidance.

Check www.sentencingcouncil.org.uk for amendments to guidance for youth offenders.

STEP ONE**Determining the offence category**

The court should determine the offence category with reference only to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

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.

Culpability demonstrated by one or more of the following

A – High culpability	<ul style="list-style-type: none"> • Use of a weapon to inflict violence • Production of a bladed article or firearm or imitation firearm to threaten violence • Use of very significant force in the commission of the offence • Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, disability, race, sexual orientation (or presumed sexual orientation))
B – Medium culpability	<ul style="list-style-type: none"> • Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence • Threat of violence by any weapon (but which is not produced) • Other cases where characteristics for categories A or C are not present
C – Lesser culpability	<ul style="list-style-type: none"> • Involved through coercion, intimidation or exploitation • Threat or use of minimal force • Mental disability where linked to the commission of the offence

Harm

The court should consider the factors set out below to determine the level of harm that has been caused or was intended to be caused to the victim.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Serious detrimental effect on the business
Category 2	<ul style="list-style-type: none"> • Other cases where characteristics for categories 1 or 3 are not present
Category 3	<ul style="list-style-type: none"> • No/minimal physical or psychological harm • No/minimal detrimental effect on the business

STEP TWO

Starting point and category range

Having determined the category at step one, the court should use the corresponding starting point 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 or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	Starting point 8 years' custody	Starting point 5 years' custody	Starting point 4 years' custody
	Category range 7 – 12 years' custody	Category range 4 – 8 years' custody	Category range 3 – 6 years' custody
Category 2	Starting point 5 years' custody	Starting point 4 years' custody	Starting point 2 years' custody
	Category range 4 – 8 years' custody	Category range 3 – 6 years' custody	Category range 1 – 4 years' custody
Category 3	Starting point 4 years' custody	Starting point 2 years' custody	Starting point 1 year's custody
	Category range 3 – 6 years' custody	Category range 1 – 4 years' custody	Category range High level community order – 3 years' custody

The table on the next page contains 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 particular, relevant recent convictions are likely to result in an upward adjustment. 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:

High value goods or sums targeted or obtained (whether economic, personal or sentimental)

Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability

Sophisticated organised nature of offence

Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution

Prolonged nature of event

Restraint, detention or additional degradation of the victim

A leading role where offending is part of a group activity

Involvement of others through coercion, intimidation or exploitation

Location of the offence (including cases where the location of the offence is also the victim's residence)

Timing of the offence

Attempt to conceal identity (for example, wearing a balaclava or hood)

Commission of offence whilst under the influence of alcohol or drugs

Attempts to conceal/dispose of evidence

Established evidence of community/wider impact

Failure to comply with current court orders

Offence committed on licence

Offences taken into consideration

Failure to respond to warnings about behaviour

Factors reducing seriousness or reflecting personal mitigation

No previous convictions **or** no relevant/recent convictions

Remorse, particularly where evidenced by voluntary reparation to the victim

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

Little or no planning

Sole or primary carer for dependent relatives

Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

STEP THREE**Consider any factors which indicate a reduction for 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 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 in accordance with the *Offences Taken into Consideration and Totality* guideline.

STEP SEVEN**Compensation and ancillary orders**

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

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

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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Robbery – professionally planned commercial (including banks, shops, businesses)

Theft Act 1968 (section 8(1))

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

Triable only on indictment
Maximum: Life imprisonment

Offence range: 18 months' – 20 years' custody

This guideline applies only to offenders aged 18 and older.

Professionally planned commercial robbery refers to robberies involving a significant degree of planning, sophistication or organisation.

STEP ONE**Determining the offence category**

The court should determine the offence category with reference only to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

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.

Culpability demonstrated by one or more of the following

A – High culpability	<ul style="list-style-type: none"> • Use of a weapon to inflict violence • Production of a bladed article or firearm or imitation firearm to threaten violence • Use of very significant force in the commission of the offence • A leading role where offending is part of a group activity • Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, disability, race, sexual orientation (or presumed sexual orientation)) • Abuse of position
B – Medium culpability	<ul style="list-style-type: none"> • Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence • Threat of violence by any weapon (but which is not produced) • A significant role where offending is part of a group activity • Other cases where characteristics for categories A or C are not present
C – Lesser culpability	<ul style="list-style-type: none"> • Performed limited function under direction • Involved through coercion, intimidation or exploitation • Threat or use of minimal force • Mental disability where linked to the commission of the offence

Harm

The level of **harm** is determined by weighing up all the factors of the case to determine the harm that has been caused or was intended to be caused to the victim. The victim relates both to the commercial organisation that has been robbed and any individual(s) who has suffered the use or threat of force during the commission of the offence.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Serious detrimental effect on business • Very high value goods or sums (whether economic, personal or sentimental)
Category 2	<ul style="list-style-type: none"> • Other cases where characteristics for categories 1 or 3 are not present
Category 3	<ul style="list-style-type: none"> • No/minimal physical or psychological harm • No/minimal detrimental effect on the business • Low value goods or sums (whether economic, personal or sentimental)

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point 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 high culpability or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate particularly where exceptionally high levels of harm have been caused.

Where multiple offences or a single conspiracy to commit multiple offences of particular severity have taken place sentences in excess of 20 years may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	Starting point 16 years' custody	Starting point 9 years' custody	Starting point 5 years' custody
	Category range 12 – 20 years' custody	Category range 7 – 14 years' custody	Category range 4 – 8 years' custody
Category 2	Starting point 9 years' custody	Starting point 5 years' custody	Starting point 3 years' custody
	Category range 7 – 14 years' custody	Category range 4 – 8 years' custody	Category range 2 – 5 years' custody
Category 3	Starting point 5 years' custody	Starting point 3 years' custody	Starting point 2 years' custody
	Category range 4 – 8 years' custody	Category range 2 – 5 years' custody	Category range 18 months' – 4 years' custody

The table on the next page contains 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 particular, relevant recent convictions are likely to result in an upward adjustment. 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:

High value goods or sums targeted or obtained (whether economic, personal or sentimental) (except where considered at step one)

Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability

Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution

Prolonged nature of attack

Restraint, detention or additional degradation of the victim

Involvement of others through coercion, intimidation or exploitation

Location of the offence (including cases where the location of the offence is also the victim's residence)

Timing of the offence

Attempt to conceal identity (for example, wearing a balaclava or hood)

Commission of offence whilst under the influence of alcohol or drugs

Attempts to conceal/dispose of evidence

Established evidence of community/wider impact

Failure to comply with current court orders

Offence committed on licence

Offences taken into consideration

Failure to respond to warnings about behaviour

Factors reducing seriousness or reflecting personal mitigation

No previous convictions **or** no relevant/recent convictions

Remorse, particularly where evidenced by voluntary reparation to the victim

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

Sole or primary carer for dependent relatives

Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

STEP THREE**Consider any factors which indicate a reduction for 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 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 in accordance with the *Offences Taken into Consideration and Totality* guideline.

STEP SEVEN**Compensation and ancillary orders**

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

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

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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Robbery – dwelling

Theft Act 1968 (section 8(1))

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

Triable only on indictment
Maximum: Life imprisonment

Offence range: 1 year's custody – 16 years' custody

This guideline applies only to offenders aged 18 and older.

STEP ONE**Determining the offence category**

The court should determine the offence category with reference only to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

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.

Culpability demonstrated by one or more of the following

A – High culpability	<ul style="list-style-type: none"> • Use of a weapon to inflict violence • Production of a bladed article or firearm or imitation firearm to threaten violence • Use of very significant force in the commission of the offence • Sophisticated organised nature of offence • A leading role where offending is part of a group activity • Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, disability, race, sexual orientation (or presumed sexual orientation)) • Abuse of position
B – Medium culpability	<ul style="list-style-type: none"> • Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence • Threat of violence by any weapon (but which is not produced) • A significant role where offending is part of a group activity • Other cases where characteristics for categories A or C are not present
C – Lesser culpability	<ul style="list-style-type: none"> • Performed limited function under direction • Involved through coercion, intimidation or exploitation • Threat or use of minimal force • Very little or no planning • Mental disability where linked to the commission of the offence

Harm

The court should weigh up all the factors set out below to determine the harm that has been caused or was intended to be caused to the victim.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Very high value of goods (whether economic, sentimental or personal) • Soiling, ransacking or vandalism of property
Category 2	<ul style="list-style-type: none"> • Other cases where characteristics for categories 1 or 3 are not present
Category 3	<ul style="list-style-type: none"> • No/minimal physical or psychological harm • Low value goods or sums (whether economic, personal or sentimental) • Limited damage or disturbance to property

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point 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 or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate particularly where exceptionally high levels of harm may be caused.

In a case of particular gravity, reflected by extremely serious violence, a sentence in excess of 13 years may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	Starting point 13 years' custody	Starting point 8 years' custody	Starting point 5 years' custody
	Category range 10 – 16 years' custody	Category range 6 – 10 years' custody	Category range 4 – 8 years' custody
Category 2	Starting point 8 years' custody	Starting point 5 years' custody	Starting point 3 years' custody
	Category range 6 – 10 years' custody	Category range 4 – 8 years' custody	Category range 2 – 5 years' custody
Category 3	Starting point 5 years' custody	Starting point 3 years' custody	Starting point 18 months' custody
	Category range 4 – 8 years' custody	Category range 2 – 5 years' custody	Category range 1 – 3 years' custody

The table on the next page contains 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 particular, relevant recent convictions are likely to result in an upward adjustment. 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:

Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability

Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution

Prolonged nature of event

Restraint, detention or additional degradation of the victim

Involvement of others through coercion, intimidation or exploitation

Timing of the offence

Attempt to conceal identity (for example, wearing a balaclava or hood)

Commission of offence whilst under the influence of alcohol or drugs

Child or vulnerable person at home (or returns home) when offence committed

Victim compelled to leave their home

Attempts to conceal/dispose of evidence

Established evidence of community/wider impact

Failure to comply with current court orders

Offence committed on licence

Offences taken into consideration

Failure to respond to warnings about behaviour

Factors reducing seriousness or reflecting personal mitigation

No previous convictions **or** no relevant/recent convictions

Remorse, particularly where evidenced by voluntary reparation to the victim

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

Sole or primary carer for dependent relatives

Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

STEP THREE**Consider any factors which indicate a reduction for 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 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 in accordance with the *Offences Taken into Consideration and Totality* guideline.

STEP SEVEN**Compensation and ancillary orders**

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

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

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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Robbery – street and less sophisticated commercial

This guideline applies only to offenders aged 18 and older.

Street/ less sophisticated commercial robbery refers to robberies committed in public places, including those committed in taxis or on public transport. It also refers to unsophisticated robberies within commercial premises or targeting commercial goods.

The Sentencing Guidelines Council Robbery Definitive Guideline includes a guideline for sentencing young offenders which continues to be in force.

General principles to be considered in the sentencing of youths are available in the Sentencing Guidelines Council's definitive guideline, Overarching principles – Sentencing Youths, which will continue to be in force pending new and updated youth guidance. Check www.sentencingcouncil.org.uk for amendments to guidance for youth offenders.

Theft Act 1968 (section 8(1))

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

Triable only on indictment

Maximum: Life imprisonment

Offence range: Community order – 12 years' custody

STEP ONE Determining the offence category

The court should determine the offence category with reference only to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

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.

Culpability demonstrated by one or more of the following:

A - High culpability:

- ~~Production and use of a weapon to inflict violence~~
- Production of a bladed article or firearm or imitation firearm to threaten violence
- Use of very significant force in the commission of the offence
- Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, sex, **disability**, race, sexual orientation (or presumed sexual orientation))
- ~~Deliberately targeting victim on basis of particular vulnerability (due to factors including but not limited to age, mental or physical disability)~~

B - Medium culpability:

- **Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence** (~~Production and use of a weapon to threaten violence~~)
- **Threat of violence by any weapon (but which is not produced)** (~~Threat of violence by a bladed article or firearm or imitation firearm (but which is not produced)~~)
- Other cases where characteristics for categories A or C are not present

C - Lesser culpability:

- Involved through coercion, intimidation or exploitation
- ~~Performed limited function under direction~~
- Threat or use of minimal force
- ~~Very little or no planning~~
- ~~Mental disorder or learning disability where linked to the commission of the offence~~

Harm

The court should consider the factors set out below to determine the level of harm that has been caused or was intended to be caused to the victim.

Category 1

- Serious physical and/or psychological harm caused to the victim
- Serious detrimental effect on the business

Category 2	<ul style="list-style-type: none"> • Other cases where characteristics for categories 1 or 3 are not present • Some physical and/or psychological harm caused to the victim above the level of harm inherent in the offence of robbery
Category 3	<ul style="list-style-type: none"> • No/ minimal physical or psychological harm • No/ minimal detrimental effect on the business • Factors in categories 1 and 2 not present
STEP TWO	
Starting point and category range	
<p>Having determined the category at step one, the court should use the corresponding starting point 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 or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.</p> <p>Consecutive sentences for multiple offences may be appropriate.</p>	

Harm	Culpability		
	A	B	C
Category 1	<p>Starting point 8 years' custody</p> <p>Category range 7 – 12 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range (5) 4 – 8 years' custody</p>	<p>Starting point (3 years 6 months) 4 years' custody</p> <p>Category range (18 months – 5 years) 3 - 6 years' custody</p>
Category 2	<p>Starting point 5 years' custody</p> <p>Category range (5) 4 – 8 years' custody</p>	<p>Starting point 4 years' custody</p> <p>Category range (18 months – 5 years) 3 - 6 years' custody</p>	<p>Starting point 2 years' custody</p> <p>Category range (18 months – 3 years 6 months) 1 year – 4 years' custody</p>
Category 3	<p>Starting point 4 years' custody</p> <p>Category range (18 months – 5 years) 3 - 6 years' custody</p>	<p>Starting point 2 years' custody</p> <p>Category range (18 months – 3 years 6 months) 1 year – 4 years' custody</p>	<p>Starting point 1 year's custody</p> <p>Category range High level community order – (2) 3 years' custody</p>

The table below contains 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 particular, relevant recent convictions are likely to result in an upward adjustment. 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:

- High value goods or sums **targeted or obtained** (whether economic, personal or sentimental)
- **Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability**
- ~~Victim is particularly vulnerable due to factors including but not limited to age, mental or physical disability~~
- ~~Sophisticated organised nature of offence/significant planning~~
- Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution
- Prolonged nature of event
- Restraint, detention or additional degradation of the victim
- A leading role where offending is part of a group activity
- Involvement of others through coercion, intimidation or exploitation
- Location of the offence **(including cases where the location of the offence is also the victim's residence)**
- Timing of the offence
- Attempt to conceal identity (for example, wearing a balaclava or hood)
- Commission of offence whilst under the influence of alcohol or drugs
- Attempts to conceal/dispose of evidence
- Established evidence of community/wider impact
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration

- Failure to respond to warnings about behaviour

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Remorse, particularly where evidenced by voluntary reparation to the victim
- 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
- Little or no planning
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

STEP THREE

Consider any factors which indicate a reduction for 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 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 **in accordance with the Offences Taken into Consideration and Totality guideline.**

STEP SEVEN

Compensation and ancillary orders

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

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

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.

Robbery – professionally planned commercial (including banks, shops, businesses)

This guideline applies only to offenders aged 18 and older.

Professionally planned commercial robbery refers to robberies involving a significant degree of planning, sophistication or organisation.

Theft Act 1968 (section 8(1))

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

Triable only on indictment

Maximum: Life imprisonment

Offence range: 18 months – 20 years' custody

STEP ONE Determining the offence category

The court should determine the offence category with reference only to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

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.

Culpability demonstrated by one or more of the following:

A - High culpability:

- Production and use of a weapon to inflict violence
- Production of a bladed article or firearm or imitation firearm to threaten violence
- Use of very significant force in the commission of the offence
- ~~Sophisticated organised nature of offence/significant planning~~
- A leading role where offending is part of a group activity
- Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, ~~sex~~, **disability**, race, sexual orientation (or presumed sexual orientation))
- Abuse of position
- ~~Deliberately targeting victim on basis of vulnerability (due to factors including but not limited to age, mental or physical disability)~~

B - Medium culpability:

- **Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence** (~~Production and use of a weapon to threaten violence~~)
- **Threat of violence by any weapon (but which is not produced)** (~~Threat of violence by a bladed article or firearm or imitation firearm (but which is not produced)~~)
- A significant role where offending is part of a group activity
- Other cases where characteristics for categories A or C are not present

C - Lesser culpability:

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Threat or use of minimal force
- ~~Very little or no planning~~
- ~~Mental disorder or learning disability~~ where linked to the commission of the offence

Harm

The level of **harm** is determined by weighing up all the factors of the case to determine the harm that has been caused or was intended to be caused to the victim. The victim relates both to the commercial organisation that has been robbed and any individual(s) who has suffered the use or threat of force during the commission of the offence.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Serious detrimental effect on business • Very high value goods or sums (whether economic, personal or sentimental)
Category 2	<ul style="list-style-type: none"> • Other cases where characteristics for categories 1 or 3 are not present • Some physical and/or psychological harm caused to the victim above the level of harm inherent in this offence • Some detrimental effect on business • High or medium value goods or sums
Category 3	<ul style="list-style-type: none"> • No/ minimal physical or psychological harm • No/ minimal detrimental effect on the business • Low value goods or sums (whether economic, personal or sentimental) • Factors in categories 1 and 2 not present

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point 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 high culpability or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate particularly where exceptionally high levels of harm have been caused.

Where multiple offences or a single conspiracy to commit multiple offences of particular severity have taken place sentences in excess of 20 years may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	<p>Starting point 16 years' custody</p> <p>Category range 12 – 20 years' custody</p>	<p>Starting point 9 years' custody</p> <p>Category range 7 – 14 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>
Category 2	<p>Starting point 9 years' custody</p> <p>Category range 7 – 14 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 3 years' custody</p> <p>Category range 2 – 5 years' custody</p>

Category 3	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 3 years' custody</p> <p>Category range 2 – 5 years' custody</p>	<p>Starting point 2 year's custody</p> <p>Category range (High level community order – 3 years') 18 months custody - 4 years' custody</p>
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The table below contains 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 particular, relevant recent convictions are likely to result in an upward adjustment. 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:

- High value goods or sums targeted or obtained (whether economic, personal or sentimental) (except where considered at step one)
- Targeting of large sums of money or valuable goods
- Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability
- Victim is particularly vulnerable due to factors including but not limited to age, mental or physical disability
- Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution
- Prolonged nature of attack
- Restraint, detention or additional degradation of the victim
- Involvement of others through coercion, intimidation or exploitation
- Location of the offence (including cases where the location of the offence is also the victim's residence)
- Timing of the offence
- Attempt to conceal identity (for example, wearing a balaclava or hood)

- Commission of offence whilst under the influence of alcohol or drugs
- Attempts to conceal/dispose of evidence
- Established evidence of community/wider impact
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Failure to respond to warnings about behaviour

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Remorse, particularly where evidenced by voluntary reparation to the victim
- 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
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

STEP THREE

Consider any factors which indicate a reduction for 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 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 in accordance with the Offences Taken into Consideration and Totality guideline.

STEP SEVEN

Compensation and ancillary orders

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

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

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.

Robbery – dwelling

This guideline applies only to offenders aged 18 and older.

Theft Act 1968 (section 8(1))

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

Triable only on indictment

Maximum: Life imprisonment

Offence range: 1 year's custody – 16 years' custody

STEP ONE Determining the offence category

The court should determine the offence category with reference only to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

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.

Culpability demonstrated by one or more of the following:

A - High culpability:

- ~~Production and use of a weapon to inflict violence~~
- Production of a bladed article or firearm or imitation firearm to threaten violence
- Use of very significant force in the commission of the offence
- **Sophisticated organised nature of offence**
- A leading role where offending is part of a group activity
- Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, ~~sex~~, **disability**, race, sexual orientation (or presumed sexual orientation))
- ~~Deliberately targeting victim on basis of vulnerability (due to factors including but not limited to age, mental or physical disability)~~
- Abuse of position

B - Medium culpability:

- **Production and use of a weapon to threaten violence** (~~Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence~~)
- Threat of violence by any weapon (but which is not produced)
- A significant role where offending is part of a group activity
- Other cases where characteristics for categories A or C are not present

C - Lesser culpability:

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Threat or use of minimal force
- Very little or no planning
- ~~Mental disorder or learning~~ disability where linked to the commission of the offence

Harm

The court should weigh up all the factors set out below to determine the harm that has been caused or was intended to be caused to the victim.

Category 1

- Serious physical and/or psychological harm caused to the victim
- Very high value of goods (whether economic,

	<ul style="list-style-type: none"> sentimental or personal) • Soiling, ransacking or vandalism of property
Category 2	<ul style="list-style-type: none"> • Other cases where characteristics for categories 1 or 3 are not present • Some physical and/or psychological harm caused to the victim above the level of harm inherent in this offence • High or medium value of goods (whether economic, sentimental or personal) • Damage caused to dwelling
Category 3	<ul style="list-style-type: none"> • No/ minimal physical or psychological harm • Low value goods or sums (whether economic, personal or sentimental) • Limited damage or disturbance to property • Factors in categories 1 and 2 not present

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point 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 or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate particularly where exceptionally high levels of harm may be caused.

In a case of particular gravity, reflected by extremely serious violence, a sentence in excess of 13 years may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	<p>Starting point (11) 13 years' custody</p> <p>Category range (9-13) 10 – 16 years' custody</p>	<p>Starting point (7) 8 years' custody</p> <p>Category range (5) 6 – 10 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>
Category 2	<p>Starting point (7) 8 years' custody</p> <p>Category range (5) 6 – 10 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 3 years' custody</p> <p>Category range 2 – (6) 5 years' custody</p>
Category 3	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 3 years' custody</p> <p>Category range 2 – (6) 5 years' custody</p>	<p>Starting point 18 months custody</p> <p>Category range 1– 3 years' custody</p>

The table below contains 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 particular, relevant recent convictions are likely to result in an upward adjustment. 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:

- Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability
- ~~Victim is particularly vulnerable due to factors including but not limited to age, mental or physical disability~~
- Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution
- Prolonged nature of event
- Restraint, detention or additional degradation of the victim

- ~~Sophisticated organised nature of offence/ significant planning~~
- Involvement of others through coercion, intimidation or exploitation
- Timing of the offence
- Attempt to conceal identity (for example, wearing a balaclava or hood)
- Commission of offence whilst under the influence of alcohol or drugs
- Child **or vulnerable person** at home (or returns home) when offence committed
- Victim compelled to leave their home (~~in particular victims of domestic violence~~)
- Attempts to conceal/dispose of evidence
- Established evidence of community/wider impact
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Failure to respond to warnings about behaviour

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Remorse, particularly where evidenced by voluntary reparation to the victim
- 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
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

STEP THREE

Consider any factors which indicate a reduction for 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 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 in accordance with the Offences Taken into Consideration and Totality guideline.

STEP SEVEN

Compensation and ancillary orders

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

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

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.