



The Sentencing Guidelines Committee

Stages Two to Four: Determining offence category, starting point and aggravating/mitigating factors

Specific Offence Guideline

1. If a specific offence guideline can be identified in relation to the criminal offence for which the offender is to be sentenced then that guideline, together with this Overarching Sentencing Guideline, should be used by the court to determine the offence category (stage two), starting point (stage three) and aggravating/mitigating factors (stage four).
2. Offence specific guidelines set out the steps that should be followed to move through the stages of sentencing.

General Principles Guideline

3. When sentencing offences for which there is no offence specific sentencing guideline the General Principles Guideline (Annex One) should be applied.

Victim Personal Statements

4. Victims of crime are invited to make a statement, known as a Victim Personal Statement (VPS). The statement gives victims a formal opportunity to say how a crime has affected them. It may help to identify whether they have a particular need for information, support and protection. The court should take the statement into account when determining sentence and the following guidance applies:
 - the VPS and any evidence in support should be considered and taken into account by the court, prior to passing sentence;
 - evidence of the effects of an offence on the victim must be in the form of a witness statement or an expert's report;

- the statement and any evidence in support must be served on the defence prior to sentence;
- except where inferences can properly be drawn from the nature of, or circumstances surrounding the offence, the court must not make assumptions unsupported by evidence about the effects of an offence on the victim;
- at the discretion of the court the VPS may also be read aloud, in whole or in part, or it may be summarised. If it is to be read aloud the court should also determine who should do so. In making these decisions the court should take into account the victim's preferences, and follow them unless there is a good reason not to do so (for example, inadmissible or potentially harmful content);
- court hearings should not be adjourned solely to allow the victim to attend court to read the VPS;
- the court must pass what it judges to be the appropriate sentence having regard to the circumstances of the offence and the offender, taking into account, so far as the court considers it appropriate, the consequences to the victim;
- the opinions of the victim or the victim's close relatives as to what the sentence should be are not relevant;
- the decision about whether or not to make a VPS is entirely a matter for the victim; no pressure should be brought to bear on their decision, and no conclusion should be drawn if they choose not to make such a statement. In cases of domestic abuse the absence of a VPS should not be taken to indicate the absence of harm.
- a court should consider, where available, a VPS which will help it assess the immediate and possible long-term effects of the offence on the victim (and any children, where relevant) as well as the harm caused, whether physical or psychological.
- a VPS or an updated VPS may be made (in the proper form) at any time prior to the disposal of the case.