

Statistical Bulletin

Child Cruelty Offences

Introduction

This bulletin provides information on volumes and sentence outcomes for adult offenders¹ sentenced for offences covered by the Sentencing Council's draft guidelines on child cruelty offences. There are revisions proposed to two guidelines, covering the following offences:

- Causing or allowing a child to die or suffer serious physical harm (contrary to section 5 of Domestic Violence, Crime and Victims Act 2004); and
- Cruelty to a child (contrary to section 1(1) of Children and Young Persons Act 1933).

Guidelines for these offences were published by the Council and came into force on 1 January 2019. Since then, as a result of the Police, Crime, Sentencing and Courts Act 2022 (PCSC Act 2022), the statutory maximum sentence in relation to offences committed on or after 28 June 2022 has increased from 14 years' custody to life imprisonment for causing or allowing a child to die, and from 10 years to 14 years for both causing or allowing a child to suffer serious physical harm and for offences of cruelty to a child. The guidelines are, therefore, now being revised to take into account these increases in the statutory maximum sentences.

The Court Proceedings Database (CPD), maintained by the Ministry of Justice, is the data source for this bulletin. In presenting this data, it should be noted that the section 5 offence in legislation also covers causing or allowing a vulnerable adult to die or suffer serious physical harm, to which the guideline is not applicable. Mention of this offence throughout this document has been abridged to refer simply to causing or allowing a child to die or suffer serious physical harm, to align with the relevance of the guideline. Nevertheless, the underlying data for this offence may contain volumes for offenders sentenced for this offence where the victim was a vulnerable adult as opposed to a child because these cannot be separated in the data. However, analysis of Crown Court judges' sentencing remarks suggests the majority of cases involve child victims, rather than vulnerable adults.

As originally enacted, the offence was solely comprised of causing or allowing a child or vulnerable adult to die. On 2 July 2012, the Domestic Violence, Crime and Victims (Amendment) Act 2012 came into force, expanding the section 5 offence to include causing or allowing a child or vulnerable adult to suffer serious physical harm.

Additional figures for these offences, including breakdowns by demographic groups (sex, age group and ethnicity), can be found in the data tables which are available to

¹ Offenders aged 18 or over at the time of conviction.

download as Excel spreadsheets or Open Document spreadsheets at the following link:

<http://www.sentencingcouncil.org.uk/publications/?type=publications&s&cat=statistica-l-bulletin>.

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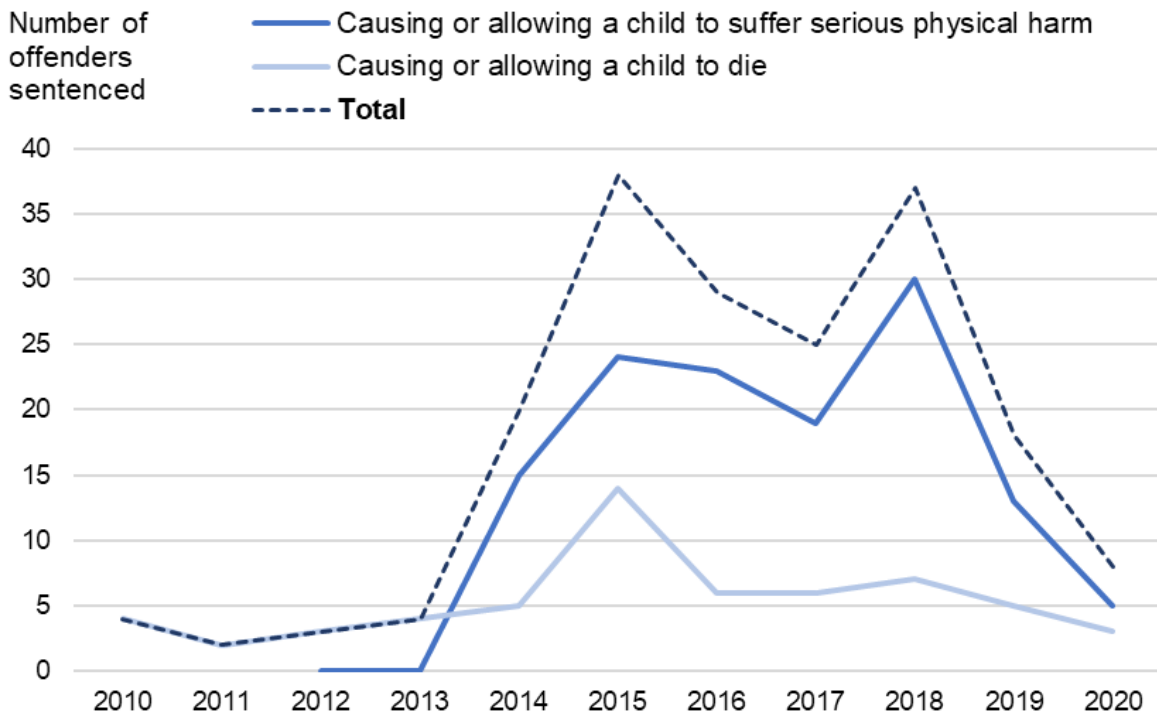
Causing or allowing a child to die or suffer serious physical harm

Sentence volumes

Causing or allowing a child to die or suffer serious physical harm is a single offence contrary to section 5 of the Domestic Violence, Crime and Victims Act 2004. However, the offence has been separated for analysis where appropriate, owing to the differing statutory maximum sentence for the two ways of committing this offence: causing or allowing a child to die and causing or allowing a child to suffer serious physical harm.

In the period since the existing guideline has been in force (2019 and 2020),^{2,3} around 30 offenders were sentenced for offences contrary to section 5, of which the majority (69 per cent) were sentenced for causing or allowing a child to suffer serious physical harm (see Figure 1). This offence is indictable only, so all offenders were sentenced at the Crown Court. Since the offence was expanded in 2012, the highest volume of offenders sentenced in a single year was in 2015, at around 40 adults.

Figure 1: Number of adult offenders sentenced for causing or allowing a child to die or suffer serious physical harm, 2010 to 2020



² These two years have been combined for analysis where appropriate owing to low volumes and because these are the years that the current guideline has been in force.

³ Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

Sentence outcomes

In 2019 and 2020, all offenders sentenced for causing or allowing a child to die received immediate custody. Over the same period, half (50 per cent) of the offenders sentenced for causing or allowing a child to suffer serious physical harm received immediate custody. The majority of the remaining offenders received a suspended sentence (44 per cent) and 6 per cent were 'Otherwise dealt with'.⁴

Sentence lengths

The statutory maximum sentences have recently increased under the PCSC Act 2022. However, during the time period covered by this analysis, the statutory maximum sentence was 14 years' custody for causing or allowing a child to die, and 10 years' custody for causing or allowing a child to suffer serious physical harm.

For causing or allowing a child to die, the average (mean) custodial sentence length (ACSL)⁵ across 2019 and 2020 combined was 6 years 7 months.

For those offenders sentenced to immediate custody for causing or allowing a child to suffer serious physical harm, the ACSL across 2019 and 2020 combined was 3 years 9 months.

Cruelty to a child⁶

Sentence volumes

Cruelty to a child is a comparatively higher volume offence than causing or allowing a child to die or suffer serious physical harm.

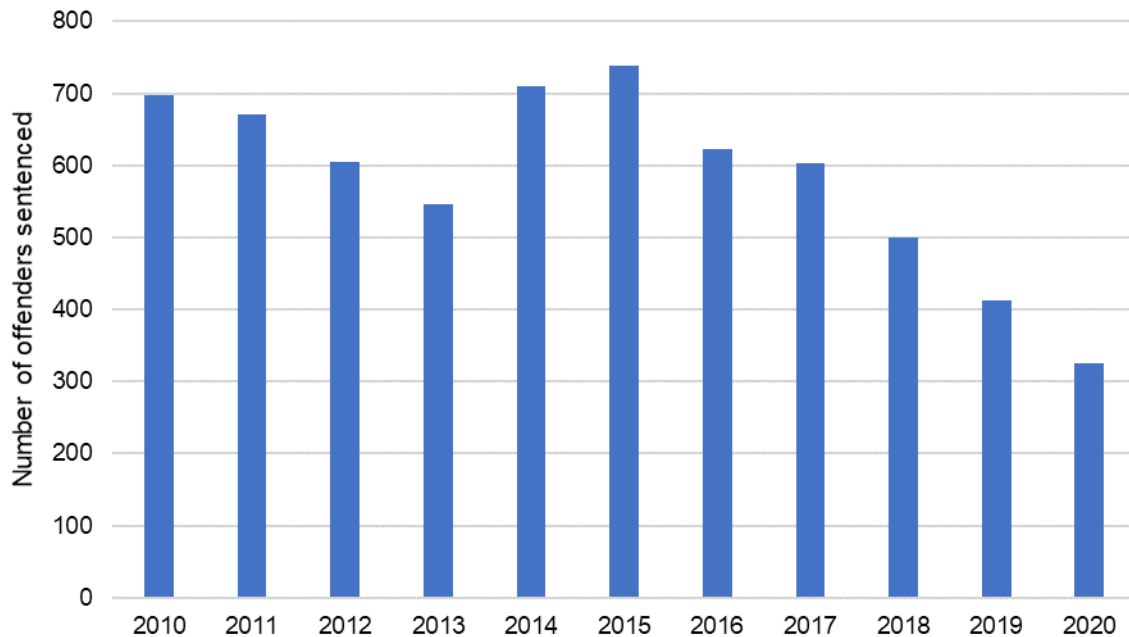
In 2020, around 330 offenders were sentenced for this offence, contrary to section 1(1) of the Children and Young Persons Act 1933. It is an either way offence; the majority of offenders are sentenced at the Crown Court (61 per cent in 2020).

Since the peak in 2015 when around 740 offenders were sentenced for this offence, sentencing volumes have generally decreased (see Figure 2).

⁴ The category 'Otherwise dealt with' covers miscellaneous disposals. Please note that due to a data issue currently under investigation, there are a number of cases which are incorrectly categorised in the Court Proceedings Database (CPD) as 'Otherwise dealt with'. Therefore, these volumes and proportions should be treated with caution.

⁵ The average custodial sentence lengths presented in this report are mean average custodial sentence length values for offenders sentenced to determinate custodial sentences, after any reduction for guilty plea. For more information on interpreting these figures please refer to 'Sentence outcomes' in the 'Further Information' section at the end of this bulletin.

⁶ This offence and the guideline apply only to cases where the child victim is aged under 16.

Figure 2: Number of adult offenders sentenced for cruelty to a child, 2010 to 2020**Sentence outcomes**

In 2020, 35 per cent of adults received a community sentence, around a third (33 per cent) received a suspended sentence and one fifth (20 per cent) were sentenced to immediate custody. A further 9 per cent were recorded as 'Otherwise dealt with',⁴ and 1 per cent of offenders received each of either a discharge or a fine respectively. The proportion of offenders sentenced to immediate custody has remained stable over time.

Sentence lengths

The statutory maximum sentence has recently increased under the PCSC Act 2022. However, during the time period covered by this analysis, the statutory maximum sentence was 10 years' custody for this offence.

For those sentenced to immediate custody in 2020 for cruelty to a child, the mean ACSL after any reduction for guilty plea was 2 years 2 months. In 2020, 80 per cent of offenders who received an immediate custodial sentence received a sentence up to and including 3 years' custody.

Further information

Volumes of sentences

The data presented in this bulletin only include cases where the offence detailed was the principal offence committed. When an offender has been found guilty of two or more offences, the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe. Although the offender will receive a sentence for each of the offences that they are convicted of, it is only the sentence for the principal offence that is presented in this bulletin.

Sentence outcomes

The outcomes presented are the final sentence outcomes, after taking into account all factors of the case, including whether a guilty plea was made. This is because the sentence length information available in the Court Proceedings Database is the final sentence imposed, after any reduction for guilty plea. Sentence outcomes presented in this bulletin are therefore not directly comparable to outcomes in the sentencing guideline tables, which instead show starting point sentences before a guilty plea has been entered.

General conventions

Actual numbers of sentences have been rounded to the nearest 100, when more than 1,000 offenders were sentenced, and to the nearest 10 when fewer than 1,000 offenders were sentenced.

Data sources and quality

The source of data for this bulletin is the Court Proceedings Database (CPD), which is maintained by the Ministry of Justice (MoJ). Every effort is made by MoJ and the Sentencing Council to ensure that the figures presented in this publication are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Further details of the processes by which MoJ validate the records in the CPD can be found within the guide to their Criminal Justice Statistics publication which can be downloaded via the link:

<https://www.gov.uk/government/collections/criminal-justice-statistics>

Contact points for further information

We would be very pleased to hear your views on our statistical bulletins. If you have any feedback or comments, please send them to:

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Responsible Statistician: Charlotte Davidson

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Further information on the Sentencing Council and its work can be found at:
<http://www.sentencingcouncil.org.uk/>