



**Is the offence so serious that it passes the custody threshold?**

No

Yes

Is the offence serious enough to warrant a community order?

No

**Impose a fine or discharge.**

Yes

Would a Band D fine or above achieve the purposes of sentencing?

Yes

**Impose a Band D fine.**

No

**Impose a community order.**  
See guidance on community order levels in section 6 to determine appropriate level of order. A full list of requirements is available in section 5.  
Sentencers must ensure:

- requirements are compatible
- requirements are the most suitable for the offender (may use a PSR to determine this)
- one requirement is punitive or a fine is imposed unless exceptional circumstances would make it unjust

Could a community order achieve the purposes of sentencing?  
or  
Would a custodial sentence have an impact on dependants, including any unborn children, that would make it disproportionate?

No

Determine the shortest custodial sentence commensurate with the seriousness of the offence (after all calculations have been done).  
Is this sentence 2 years or less?

Yes

**Impose an immediate custodial sentence.**

Yes

Use the factors in the table in section 7 to determine whether it is suitable to suspend the sentence.  
Is it suitable to suspend the sentence?

No

No

Yes

**Impose a suspended sentence order.**  
Consider any requirements and ensure they are the most suitable for the offender. Sentencers should be clear that they would have imposed immediate custody if the powers to suspend were not available.

Do not use: For consultation only