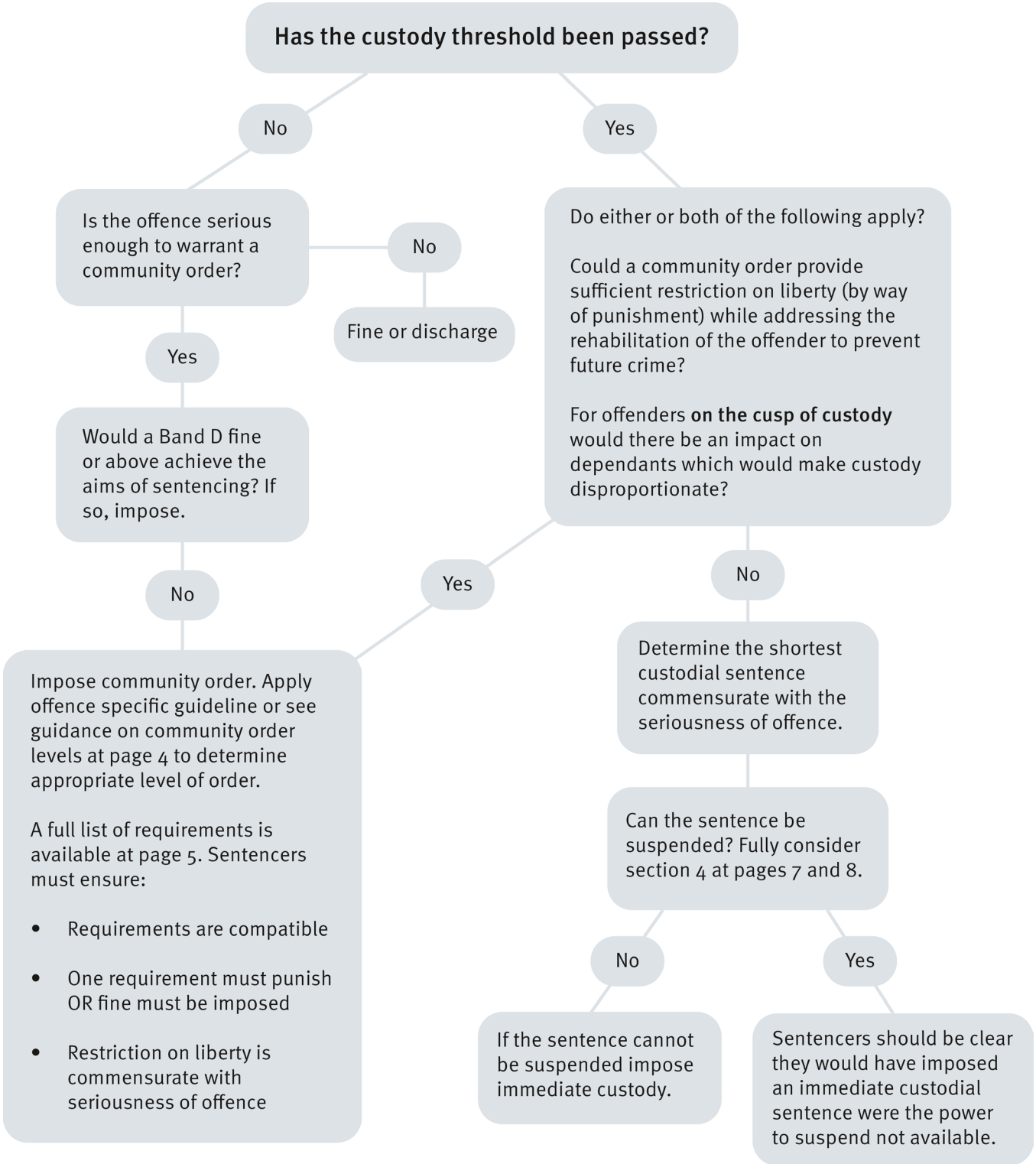
Has the custody threshold been passed?
No
Yes
Is the offence serious enough to warrant a community order?
No
Fine or discharge
Yes
Would a Band D fine or above achieve the aims of sentencing? If so, impose.
No
Impose community order. Apply offence specific guideline or see guidance on community order levels at page 4 to determine appropriate level of order.
A full list of requirements is available at page 5. Sentencers must ensure:
• Requirements are compatible
• One requirement must punish OR fine must be imposed
• Restriction on liberty is commensurate with seriousness of offence
Do either or both of the following apply?
Could a community order provide sufficient restriction on liberty (by way of punishment) while addressing the rehabilitation of the offender to prevent future crime?
For offenders on the cusp of custody would there be an impact on dependants which would make custody disproportionate?
Yes
No
Determine the shortest custodial sentence commensurate with the seriousness of offence.
Can the sentence be suspended? Fully consider section 4 at pages 7 and 8.
No
Yes
If the sentence cannot be suspended impose immediate custody.
Sentencers should be clear they would have imposed an immediate custodial sentence were the power to suspend not available.