

In **April 2014**, the Sentencing Council’s Sexual Offences Definitive Guideline came into force. It includes guidelines for sentencing over 50 offences including rape, assault by penetration, sexual assault, sexual activity with a child and indecent images. This is an overview of the findings from the assessment of the guideline’s impact.

### What happened to sentencing after the guideline was introduced?

For most offences, the guideline aimed to make sentencing practice more consistent, rather than to change sentence levels in any way. This aim appears to have been achieved for almost all of the 13 offences assessed. The exception was for the offence of sexual assault, where there was an increase in average sentencing severity after the guideline came into force.

### What do you mean by sentencing severity?

When we evaluate guidelines, we convert all types of sentence into a severity scale with scores ranging from 0 to 100, representing the full range of sentencing outcomes from discharge (at 0) to 20 years’ custody (at 100). This allows us to compare different types of sentence, as well as different sentence lengths, in a meaningful way.

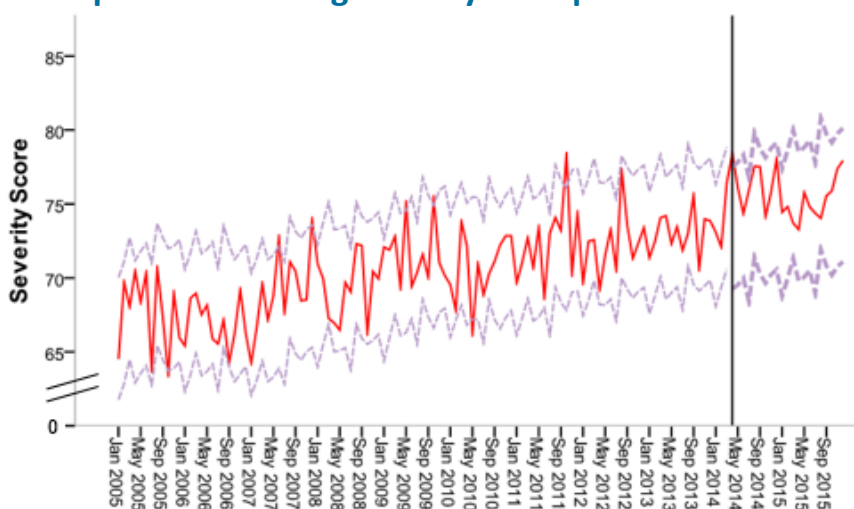
### What about individual offences?

For most offences, the guideline aimed to make sentencing practice more consistent, rather than to change sentence levels in any way.

For rape, it was anticipated that the guideline may not have any impact on sentencing severity, or that it might cause a moderate increase to sentencing severity in some instances.

**Graph 1: Sentencing severity for rape**

Guideline in force, April 2014



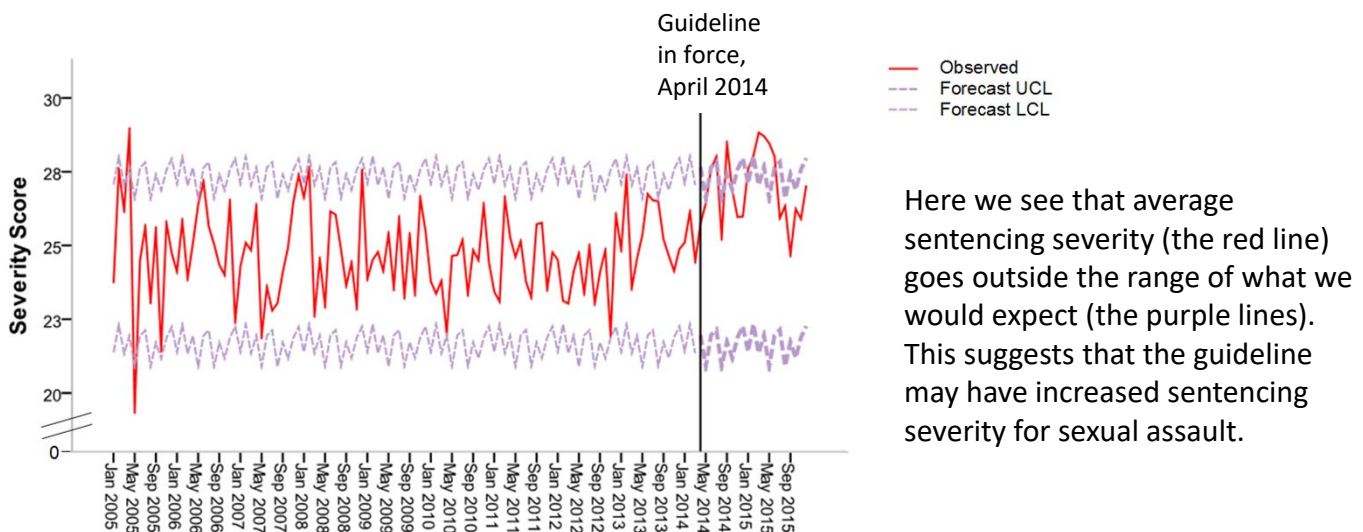
The dashed purple lines indicate the range of values that sentencing severity would be expected to take in the absence of the guideline, taking into account the general increase in severity since 2005. Average sentencing severity (the red line) remained within this range after the guideline came into force, therefore the guideline did not appear to change sentencing severity.

### What happened to sentences for sexual assault?

The guideline did not intend to have an impact on average sentencing severity for sexual assault. However, sentencing severity did appear to increase after the guideline came into force.

Survey data from the Crown Court suggested that the new guideline factors 'Violence or threats of violence' and 'Severe psychological harm' may have contributed to the increase in sentencing. In interview, judges suggested that there were some inconsistencies in the interpretation of psychological harm, which indicates that additional guidance on this factor may be of use.

### Graph 2: Sentencing severity for sexual assault



### What do judges think of the new guideline?

Interviews were conducted with judges as part of the assessment. The judges generally expressed support for the guideline, commenting that it provided substantial assistance when sentencing.

### What next?

The analysis suggests that the guideline is generally being implemented in the way that the Sentencing Council expected, although the increases in sentencing severity for sexual assault were not anticipated. The Council has considered this analysis and in due course is committed to revisiting areas of the guideline for which issues were identified.

The findings discussed above are just a snapshot of the full report. Please find this at: <https://www.sentencingcouncil.org.uk/publications/item/sexual-offences-assessment-of-guideline>