

# Crown Court Sentencing Survey

OFFICIAL WHEN COMPLETE

## Sexual Offences

(except Indecent Photographs of Children)

[PRINCIPAL OFFENCE ONLY]

### Form Details

Form ID

Issued

Please refer to guidance on completing this form overleaf

**COMPLETE FOR THE PRINCIPAL OFFENCE ONLY**

### INDECENT PHOTOGRAPHS OF CHILDREN OFFENCES – IMPORTANT NOTE

Any indecent photographs of children offences should be recorded on the 'Indecent Photographs of Children' (light turquoise) form.

Part A: To be completed by the sentencing Judge/Recorder or Court Clerk

PLEASE COMPLETE IN CAPITALS

### Case Details

Sentence date

 /  / 

CREST case ID

### Offender Details

Offender name

Surname

Forename

Offender DOB

 /  / 

Offender gender

- Male  
 Female

If you have any queries when completing this form or on the Crown Court Sentencing Survey in general, you can contact the Office of the Sentencing Council at

[research@sentencingcouncil.gsi.gov.uk](mailto:research@sentencingcouncil.gsi.gov.uk) or 020 7071 5793

# Part B: To be completed by the sentencing Judge/Recorder for the PRINCIPAL OFFENCE

SEE NOTES ON REVERSE OF THIS FORM

## 1. Type of offence *FOR BREACHES, SEE NOTES OVERLEAF*

- Single offence  
 Multiple offences - ANSWER FOR THE PRINCIPAL OFFENCE ONLY

### PRE 2003 ACT OFFENCES:

FOR 'BROTHEL KEEPING' AND 'ARRANGING OR FACILITATING A CHILD SEX OFFENCE': PLEASE SEE SECTION 3 OFFENCE GROUP B

FOR ALL OTHER PRE 2003 ACT OFFENCES: PLEASE SPECIFY THE PRINCIPAL OFFENCE IN THE BOX BELOW AND TICK ANY RELEVANT HARM AND CULPABILITY FACTORS WHEREVER THEY APPEAR ON THE FORM

### FOR ALL OTHER OFFENCES:

PLEASE SPECIFY THE PRINCIPAL OFFENCE IN SECTION 3 OF THE FORM

## 2. Sentence outcome (for the PRINCIPAL OFFENCE ONLY)

SEE NOTES OVERLEAF, TICK ALL THAT APPLY

### (a) Custodial Sentence

Determinate

Length

Extended

Custodial Term

Extension Period

Life

Minimum Term

Hospital Order

### (b) Suspended Sentence Order or Community Order

SSO

Length

Suspension Period

Community Order

Length

Requirements of Suspended Sentence Order or Community Order  
TICK ALL ADULT REQUIREMENTS GIVEN OR NEAREST YRO EQUIVALENT

Supervision

Length

Unpaid work

Length

Curfew

Period

Activity

Time to Complete

Prohibited activity

Mental health treatment

Exclusion

Drug rehabilitation

Residence

Alcohol treatment

Foreign travel prohibition

Alcohol abstinence and monitoring (pilot scheme)

Attendance centre

Programme(s) (please specify in box below)

### (c) Other outcome

Fine

Amount £

Conditional discharge

Absolute discharge

RECORD COMPENSATION, CONFISCATION & COSTS IN SECTION 8

3. Definitive guideline - Step 1(a) Category 1 or Raised Harm

OFFENCE GROUP A
Rape
Rape of a child under 13
Assault by penetration
Assault of a child under 13 by penetration
Causing a person to engage in sexual activity without consent
Causing/inciting a child under 13 to engage in sexual activity
Mental disorder impeding choice: sexual activity
Mental disorder impeding choice: causing/inciting sexual activity
Category 1 factors
Extreme nature of one or more category 2 factors or extreme impact caused by a combination of category 2 factors

OFFENCE GROUP B
Sexual assault
Sexual assault of a child under 13
Causing, inciting or controlling prostitution for gain
Keeping a brothel used for prostitution
Causing/inciting child prostitution or pornography
Controlling a child prostitute or child involved in pornography
Arranging or facilitating child prostitution or pornography
Paying for the sexual services of a child
Trafficking for sexual exploitation
Category 1 factors
Severe psychological or physical harm
Violence/threats of violence
Abduction/detention
Forced/uninvited entry into victim's home
Other Category 1 factors specified in relevant guideline (please specify in box below)

OFFENCE GROUP C
(Causing/inciting) sexual activity with a child
(Inciting) sexual activity with a child family member
Abuse of position of trust: (Causing/inciting) sexual activity with a child
Inducement, threat or deception: sexual activity
Care workers: (Causing/inciting) sexual activity
Category 1 factors
Penetration of vagina/anus (using body/object) by/of victim
Penile penetration of mouth by/of victim

OFFENCE GROUP D
(Causing/engaging) sexual activity in the presence of a child
Abuse of position of trust: Sexual activity in presence of a child or causing a child to watch
Mental disorder impeding choice: Sexual activity in presence of or causing to watch
Inducement, threat or deception: sexual activity in presence of or causing to watch
Care workers: sexual activity in presence of or causing to watch
Category 1 factors
Causing victim to view extreme pornography
Causing victim to view indecent/prohibited image(s) of children
Engaging in, or causing victim to view live, sexual activity involving sadism/violence/sexual activity with an animal/child

OFFENCE GROUP E
Meeting a child following sexual grooming
Exposure
Voyeurism
Sex with an adult relative
Administering a substance with intent
Trespass with intent to commit a sexual offence
Factors indicating greater harm
Blackmail or other threats
Continued contact despite attempts to terminate contact
Sexual image(s) of victim exchanged
Specific targeting of vulnerable victim/child
Victim followed/pursued
Offender masturbated
Image(s) available to be viewed by others
Victim observed/recorded in own home
Other factors specified in relevant guideline (please specify in box below)
Offence seriousness (also for Pre 2003 Act offences)
Category 1 Most serious
Category 2
Category 3 Least serious
No guideline

4. Definitive guideline - Step 1(b) Category 2 and 3 Harm TO BE COMPLETED FOR OFFENCE GROUPS A, B, C AND D ONLY

Category 2 factors where not indicated as a Category 1 factor
Category 1 factors not present
Severe psychological or physical harm
Violence/threats of violence
Abduction/detention
Forced/uninvited entry into victim's home/residence
Victim is particularly vulnerable due to personal circumstances
Prolonged/sustained incident/assault
Penetration using large/dangerous object(s)
Penetration of vagina/anus (using body/object)
Pregnancy/STI as a consequence of offence
Touching of naked genitalia or breasts
Additional degradation/humiliation
Engaging in, or causing victim to view image(s) of or view live, sexual activity involving:
Penetration of vagina/anus (using body/object)
Penile penetration of mouth
Masturbation
Other Category 2 factors specified in relevant guideline (please specify in box below)
Category 3 factors
Category 1 and Category 2 factors not present
Other sexual activity

5. Definitive guideline - Step 1(c) Culpability TO BE COMPLETED FOR ALL OFFENCE GROUPS

Level A culpability factors or factors indicating raised culpability
Offence motivated by/demonstrating hostility to:
Race/religion
Disability
Sexual orientation
Transgender identity

Level A culpability factors or factors indicating raised culpability (cont'd)
Significant degree of planning/organisation
Acts with others to commit offence
Use of alcohol/drugs on victim
Use of gifts/bribes to coerce victim
Grooming behaviour used against victim
Threats of violence/blackmail/sexual language
Indication of penetrative sexual activity intended
Abuse of trust
Recording/retention of victim image(s)
Specific targeting of vulnerable victim/child under 13
Offender lied about age/persona
Significant disparity in age
Stalking/harassment of victim
Previous violence against victim
Offence committed in course of burglary
Use of weapon to frighten/injure
Abduction/detention
Deliberate isolation of victim
Commercial exploitation/motivation
Other factors specified in relevant guideline (please specify in box below)

Level B culpability

Level A factors not present
Other factors specified in relevant guidance (please specify in box below)

Level C culpability

Other factors specified in relevant guidance (please specify in box below)

6. Definitive guideline - Step 2 TO BE COMPLETED FOR ALL OFFENCE GROUPS

(a) Factors increasing seriousness
Statutory aggravating factors
Previous relevant convictions: 1-3 4-9 10+
Offence committed on bail
Other aggravating factors
Severe psychological harm
Significant physical injury
Pregnancy/STI as a consequence
Location of the offence
Timing of the offence
Period over which offence was committed
Presence of others, especially children
Victim compelled to leave home etc.
Victim's education disrupted
Placing image(s) where potential for high volume of viewers
Image(s) circulated to people known to victim
Exploiting contact arrangements to commit offence
Failure to comply with current court orders
Offence committed whilst on licence
Steps taken to prevent the victim reporting etc.
Attempts to dispose of/conceal evidence

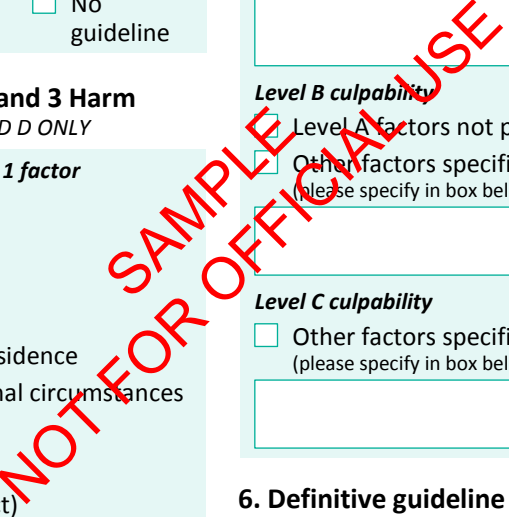
(a) Factors increasing seriousness (cont'd)
Failure to respond to previous warnings
Under the influence of alcohol/drugs
Other factors (please specify in box below)
(b) Factors reducing seriousness or reflecting personal mitigation
No previous relevant/recent convictions
Remorse
Good character/exemplary conduct
Determination/demonstration of steps to address behaviour
Age/lack of maturity affecting responsibility
Mental disorder/learning disability
Offender voluntarily stops the sexual activity taking place
Early active cooperation with authorities
Reasonable/genuine belief the victim was 16+ and was engaging in lawful/consensual sexual activity
Other factors (please specify in box below)

7. Indication of guilt/guilty plea SEE NOTES OVERLEAF

Was guilt indicated at police station?
Yes No Don't know
Was a guilty plea entered for the principal offence?
Yes No
Where was guilty plea indicated in the court process?
At magistrates' court At PCMH
At preliminary hearing After PCMH/prior to day of trial
Between preliminary hearing and PCMH At/after day of trial
Was the guilty plea entered at the first reasonable opportunity?
Yes No
Approximately what reduction for guilty plea was given? %

8. Additional factors

Were any of the following other factors present or stated to have influenced the sentence imposed?
DO NOT INCLUDE ANYTHING THAT IS COVERED ELSEWHERE ON THIS FORM
Totality principle Compensation Order
Consecutive sentence Confiscation Order
Concurrent sentence Costs
Multiple defendants Serving another sentence
Ancillary Order
Other factors that you stated and are relevant to the sentencing decision, for example S.116 Return to Custody, TICs (please specify in box below)



## RELATIONSHIP OF FORM TO SENTENCING REMARKS

The form is designed to record the basis upon which the Judge/Recorder approached the task of passing sentence; fundamental to the principles of open justice, it is important that nothing is included on the form which is not reflected in the sentencing remarks. Judges may therefore find it helpful to complete the form and use it as a checklist when passing sentence. The majority of the information for Part A will be contained in or on the front of the case file.

- You should complete only **ONE** form for the **principal offence** where more than one offence appears on a single indictment in a sentenced case (including committal for sentence cases). However, if on a single sentencing occasion you have more than one indictment for unrelated cases, complete a form for the principal offence on each indictment.
- If an offender is being sentenced for more than one offence, the principal offence will be the offence which attracts the **highest** sentence.
- If there is more than one offence attracting the highest sentence, the principal offence should be the one for which the highest maximum penalty exists.
- If the offences have the same maximum penalty you are asked to (randomly) select one as the principal offence.
- If there are **multiple offenders** in a case a form must be completed for the principal offence for **each offender**.

**Breaches:** You do not need to complete a separate form for breach proceedings unless the breach attracts a sentence in its own right, e.g. breach of Protective Order or ASBO. In which case use the 'Other Offences' form (light brown).

## OFFENCE FORMS AVAILABLE

<b>Arson &amp; Criminal Damage</b> (violet)	<b>Robbery &amp; Assault with Intent to Rob</b> (orange)
<b>Assault &amp; Public Order</b> (blue)	<b>Sexual Offences</b> (turquoise)
<b>Burglary</b> (green)	<b>Indecent Photographs of Children</b> (light turquoise)
<b>Driving Offences</b> (dark brown)	<b>Theft, Dishonesty, Fraud</b> (purple)
<b>Drug Offences</b> (maroon)	<b>Other Offences</b> (light brown)

## SEXUAL OFFENCES

### GUIDANCE ON COMPLETION

#### Section 1: Type of offence

Use this section for Pre 2003 Act offences except 'Brothel Keeping' and 'Arranging or facilitating a child sex offence'. Tick any relevant harm and culpability factors wherever they appear on the form. Section 3 should be used for Sexual Offences Act 2003 offences listed in the Sentencing Council definitive guideline, which are grouped with their relevant category 1 harm factors. Only write in or tick the offence box for the **principal offence** for which the offender is being sentenced.

#### Section 2: Sentence outcome

Tick the relevant box to reflect the sentence/s imposed. In all cases where a length, term, extension period etc. is given, please ensure that the measurement is also included e.g. hours, days, weeks, years. If a programme requirement was given, please specify what the specific accredited programmes were. If you impose a curfew, specify the length of the curfew only, do not provide the time of day for which the curfew is in force. If you have imposed an

Ancillary Order, Compensation or Confiscation Order this should be recorded under Section 8 'Additional factors'. Please record the actual sentence imposed without taking into account the period credited for remand time.

#### Section 3: Guideline Step 1(a) - Category 1 or raised harm

The offences in Sexual Offences Act 2003 have been arranged into five distinct models in the Sentencing Council definitive guideline for determining harm. All offences for each group (A, B, C, D and E) have been listed with their relevant category 1 harm factors. Tick the box for the **principal offence** and any associated category 1 factors. Any additional factors (not listed) should be inserted under 'Other Category 1 factors specified in the relevant guideline'. 'Offence seriousness' is only applicable to offence group E and any offences not in the Sentencing Council definitive guideline.

#### Section 4: Guideline Step 1(b) - Category 2 and 3 harm

Category 2 and 3 harm factors are applicable to offences in offence groups A, B, C or D only.

#### Section 5: Guideline Step 1(c) - Culpability factors

This section is applicable to all offences. Any additional factors (not listed) should be inserted under 'Other factors specified in the relevant guideline'.

#### Section 6: Guideline Step 2 - Factors increasing and reducing seriousness or reflecting personal mitigation

Tick all the relevant factors for step 2 that you stated you took into account on reaching the sentence imposed. Any additional factors (not listed) should be inserted under 'Other factors' and specified. 'Previous convictions' is now a guideline step 2 factor. If you tick this box please also indicate the number of previous convictions you took into account. Tick the box '1-3' for 'few', '4-9' for 'many' and '10+' for 'substantial'.

#### Section 7: Indication of guilt/guilty plea

Tick the relevant box to reflect whether there was an indication of guilt at the police station and if a guilty plea was entered for the principal offence. If a guilty plea was entered, tick the relevant box to indicate; at which proceedings it was entered and whether it was entered at the first reasonable opportunity. Write the percentage reduction that was in mind for the guilty plea only, and ignore any other discounts applied. Where a percentage reduction is not appropriate given the nature of the sentence/s imposed, please write in 'Full credit' or 'Not applicable'. If a guilty plea was not entered, only answer the first two questions in this section.

#### Section 8: Additional factors

A number of other factors may have been present in the case or have influenced the final sentence imposed, if so tick all of the boxes that apply to those stated in your sentencing remarks. You should use this section to record compensation and confiscation orders and any costs imposed. Any additional factors (which have not been specified or could not be included elsewhere on the form) that you stated and which you think were relevant should be inserted under 'Other factors'. This may include, among others, S.116 Return to Custody or identifying where the offence was 'Arranging or facilitating a child sex offence'.

**If you have any queries when completing this form or on the Crown Court Sentencing Survey in general, you can contact the Office of the Sentencing Council at [research@sentencingcouncil.gsi.gov.uk](mailto:research@sentencingcouncil.gsi.gov.uk) or 020 7071 5793.**