

In **April 2016**, the Sentencing Council's Robbery Definitive Guideline came into force. It includes guidelines for sentencing street and less sophisticated commercial robbery, robbery in a dwelling and professionally planned commercial robbery. This is an overview of the findings from the assessment of the guideline's impact, which includes information that judges kindly provided when the Council collected survey data at the Crown Court before and after the guideline came into force.

What happened to sentencing after the guideline was introduced?

The guideline aimed to make sentencing practice more consistent and to ensure that robberies with knives and guns continue to attract the toughest sentences. Since the limited data available suggested such cases already attracted the highest sentences, the guideline was not expected to change sentence levels. However, the assessment suggests that there was an increase in average sentencing severity for robbery offences after the guideline came into force, which was not anticipated.

What do you mean by sentencing severity?

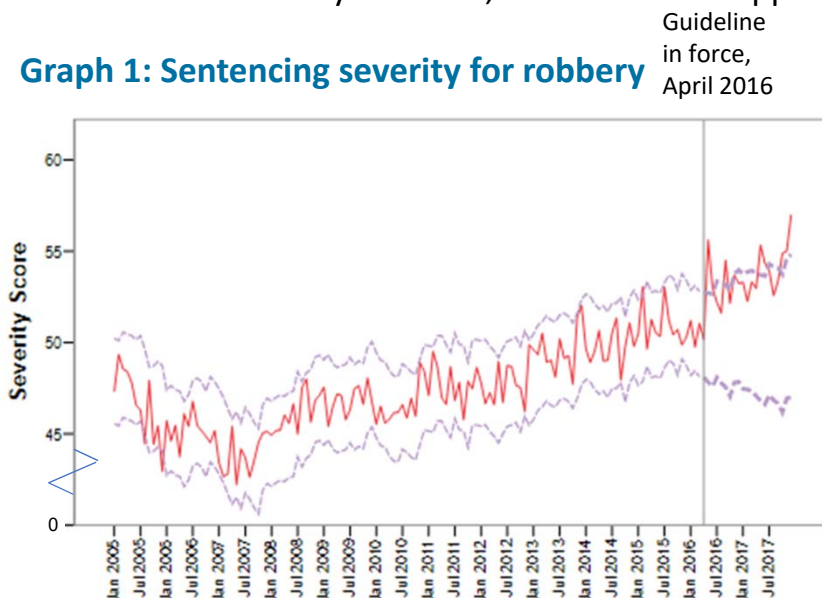
When we evaluate guidelines, we convert all types of sentence into a severity scale with scores ranging from 0 to 100, representing the full range of sentencing outcomes from discharge (at 0) to 20 years' custody (at 100). This allows us to compare different types of sentence, as well as different sentence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

What about individual offences?

For street and less sophisticated commercial robberies (which constitute the majority of offenders sentenced for robbery), the average custodial sentence length prior to any reduction for guilty plea increased from 4 years and 3 months before the guideline came into force, to 4 years and 11 months afterwards.

For the other robbery offences, sentences also appear to have increased.

Graph 1: Sentencing severity for robbery



Guideline
in force,
April 2016

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. Here we see that average sentencing severity (the red line) goes outside the range of what we would expect (the purple lines). This suggests that the guideline is likely to have increased sentencing severity.

Why did sentences increase for robbery?

The survey data suggests that the increase may be related to a high proportion of cases being categorised at the highest level of culpability. This may be due to the inclusion of the high culpability guideline factor relating to producing a bladed article or firearm to threaten violence. Figure 2 below shows that the proportion of offenders categorised at the highest level of seriousness pre guideline was eight per cent, while the proportion categorised at the highest level of culpability post guideline was 40 per cent.

The inclusion of serious psychological harm as harm factor may also have contributed to the increase in sentencing, particularly in relation to dwelling and professionally planned commercial robberies, where psychological harm was often deemed serious.

Figure 2: Proportion of cases categorised across the levels of seriousness in the street and less sophisticated commercial robbery guidelines, before (pre) and after (post) the guideline came into force

Seriousness (pre)	Frequency	Category (post)	High Culp A	Medium Culp B	Low Culp C	TOTAL
1 (most)	8%	Most serious harm 1	6%	2%	<0.5%	8%
2	63%	Medium harm 2	25%	28%	6%	59%
3 (least)	29%	Least serious harm 3	9%	12%	12%	33%
		TOTAL	40%	42%	18%	100%

What do judges think of the new guideline?

Interviews were conducted with judges as part of the assessment. The general sense was that the guideline is working well and is being applied consistently. In addition, the judges were generally supportive of the sentencing ranges in the guideline.

What next?

The analysis suggests that the guideline has met with approval from judges, although the increases in sentencing severity were not anticipated. In the light of this analysis, the Council will revisit the guideline and consider making changes to it in due course.

The findings discussed above are just a snapshot of the full report. Please find this at:

<https://www.sentencingcouncil.org.uk/publications/item/robbery-assessment-of-guideline>