

PROPOSALS TO REVISE SENTENCING GUIDELINES FOR CHILD SEXUAL OFFENCES PUBLISHED

The Sentencing Council is [consulting](#) on proposals to revise sentencing guidelines for child sexual offences in cases where no sexual activity takes place or the targeted child does not exist. The revised guidelines will clarify how courts in England and Wales should sentence offenders convicted of these offences.

The Council proposes that judges and magistrates should base the sentence they impose on the intended sexual harm to a child, whether or not a child victim existed or sexual activity took place, for example in cases where the offender was arrested following a police or concerned citizens operation. The consultation will close on 13 August 2021.

The revisions to the guidelines stipulate that where no sexual activity takes place, the court should identify the category of harm on the basis of the sexual activity the offender intended, and then adjust the starting point downwards to reflect what actually happened. The final sentence will be influenced by other aspects of the offender's culpability, as well as aggravating and mitigating factors specific to the offence and the offender.

Current sexual offences guidelines, published in 2013, had been interpreted in some cases to mean that harm should be considered low in these cases, or had placed the absence of actual harm to a child as a mitigating factor in cases where sexual activity was incited but did not actually occur.

The main revisions for consultation, which aim to bring consistency to sentencing following recent Court of Appeal judgments, apply to:

- [Arranging or facilitating the commission of a child sex offence](#) (s14 Sexual Offences Act 2003) even where no sexual activity takes place, or no child victim exists.
- [Causing or inciting a child to engage in sexual activity](#) (s10 Sexual Offences Act 2003), and other similar offences, even where activity is incited but does not take place, or no child victim exists.
- a new draft guideline for the offence of [sexual communication with a child](#) (s15A of the Sexual Offences Act) has been published. Offenders face a maximum penalty of two years in prison for sharing images, causing psychological harm, abuse of trust or the use of threats.

- [Historic Offences](#): If the offender was very young and immature at the time of the offence, depending on the circumstances of the offence, this may significantly reduce the offender's culpability.
- [Guidance on Sexual Harm Prevention Orders \(SHPO\)](#) to be added to the offence specific guidelines. A Court can order an SHPO when an offender is being sentenced for a relevant sexual offence or upon application by the police or the National Crime Agency.
- More detailed guidance on how to assess [psychological harm](#), the interpretation of "[abuse of trust](#)", and the mitigating factors "age and/or lack of maturity" and "physical disability or serious medical condition requiring urgent, intensive or long-term treatment".
- Child sexual offence guidelines make clear the position that remote offending committed against victims overseas is to be treated as seriously as similar offending against victims in England and Wales.

A [press notice](#) can be found on the Sentencing Council website.