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# Causing grievous bodily harm with intent to do grievous bodily harm / Wounding with intent to do GBH

Offences against the Person Act 1861, s.18

Effective from: 13 June 2011

Triable only on indictment

Maximum: Life imprisonment

Offence range: 3–16 years' custody

This is a **serious specified offence** for the purposes of sections 224 and 225(2) (life sentences for serious offences) of the Criminal Justice Act 2003.

This is an offence listed in Part 1 of Schedule 15B for the purposes of section 224A (life sentence for a second listed offence) and section 226A (extended sentence for certain violent, sexual or terrorism offences) of the Criminal Justice Act 2003.

## User guide for this offence

Guideline users should be aware that the [Equal Treatment Bench Book](#) covers important aspects of fair treatment and disparity of outcomes for different groups in the criminal justice system. It provides guidance which sentencers are encouraged to take into account wherever applicable, to ensure that there is fairness for all involved in court proceedings.

## Applicability

## Step 1 – Determining the offence category

The court should determine the offence category using the table below.

**Category 1**      Greater harm (serious injury must normally be present) **and**  
higher culpability

**Category 2**      Greater harm (serious injury must normally be present) **and**  
lower culpability; **or** lesser harm **and** higher culpability

**Category 3**      Lesser harm **and** lower culpability

The court should determine the offender's culpability and the harm caused, or intended, by reference **only** to the factors below (as demonstrated by the presence of one or more). These factors comprise the principal factual elements of the offence and should determine the category.

### Factors indicating greater harm

- Injury (which includes disease transmission and/or psychological harm) which is serious in the context of the offence (must normally be present)
- Victim is particularly vulnerable because of personal circumstances
- Sustained or repeated assault on the same victim

### Factors indicating lesser harm

- Injury which is less serious in the context of the offence

### Statutory aggravating factors

- Offence racially or religiously aggravated
- Offence motivated by, or demonstrating, hostility to the victim based on his or her sexual orientation (or presumed sexual orientation)
- Offence motivated by, or demonstrating, hostility to the victim based on the victim's disability (or presumed disability)

### Other aggravating factors

- A significant degree of premeditation
- Use of weapon or weapon equivalent (for example, shod foot, headbutting, use of acid, use of animal)
- Intention to commit more serious harm than actually resulted from the offence
- Deliberately causes more harm than is necessary for commission of offence
- Deliberate targeting of vulnerable victim
- Leading role in group or gang
- Offence motivated by, or demonstrating, hostility based on the victim's age, sex, gender identity (or presumed gender identity)

- Subordinate role in group or gang
- A greater degree of provocation than normally expected
- Lack of premeditation
- Mental disorder or learning disability, where linked to commission of the offence
- Excessive self defence

## Step 2 – Starting point and category range

Having determined the category, the court should use the corresponding starting points to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out below.

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Offence category	Starting Point (Applicable to all offenders)	Category Range (Applicable to all offenders)
Category 1	12 years' custody	9 – 16 years' custody
Category 2	6 years' custody	5 – 9 years' custody
Category 3	4 years' custody	3 – 5 years' custody
<b>Custodial sentences</b>		
Factors indicating that it would <u>not</u> be appropriate to suspend a custodial sentence		Factors indicating that it may be appropriate to suspend a custodial sentence
Offender presents a risk/danger to the public		Realistic prospect of rehabilitation
Appropriate punishment can only be achieved by immediate custody		Strong personal mitigation
History of poor compliance with court orders		Immediate custody will result in significant harmful impact upon others

The table below contains a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

## Statutory aggravating factors

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail
- Offence was committed against an emergency worker acting in the exercise of functions as such a worker

## Other aggravating factors

- Location of the offence
- Timing of the offence
- Ongoing effect upon the victim
- Offence committed against those working in the public sector or providing a service to the public
- Presence of others including relatives, especially children or partner of the victim
- Gratuitous degradation of victim
- In domestic violence cases, victim forced to leave their home
- Failure to comply with current court orders
- Offence committed on licence or post sentence supervision
- An attempt to conceal or dispose of evidence
- Failure to respond to warnings or concerns expressed by others about the offender's behaviour
- Commission of offence whilst under the influence of alcohol or drugs
- Abuse of power and/or position of trust
- Exploiting contact arrangements with a child to commit an offence
- Previous violence or threats to the same victim
- Established evidence of community impact

- Any steps taken to prevent the victim reporting an incident, or obtaining assistance and/or from assisting or supporting the prosecution
- Offences taken into consideration (TICs)

- No previous convictions or no relevant/recent convictions
- Single blow
- Remorse
- Good character and/or exemplary conduct
- Determination, and/or demonstration of steps taken to address addiction or offending behaviour
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Isolated incident
- Age and/or lack of maturity where it affects the responsibility of the offender
- Lapse of time since the offence where this is not the fault of the offender
- Mental disorder or learning disability, where not linked to the commission of the offence
- Sole or primary carer for dependent relatives

### **Step 3 – Consider any factors which indicate a reduction, such as assistance to the prosecution**

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

### **Step 4 – Reduction for guilty plea**

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the guideline for Reduction in Sentence for a Guilty Plea (where [first hearing is on or after 1 June 2017](#), or [first hearing before 1 June 2017](#)).

## Step 5 – Dangerousness

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose a life sentence (section 224A or section 225) or an extended sentence (section 226A). When sentencing offenders to a life sentence under these provisions, the notional determinate sentence should be used as the basis for the setting of a minimum term.

## Step 6 – Totality principle

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the offending behaviour. See [Totality](#) guideline.

## Step 7 – Compensation and ancillary orders

In all cases, the court should consider whether to make compensation and/or other ancillary orders.

- [Ancillary orders – Crown Court Compendium, Part II Sentencing, s7](#)

## Step 8 – Reasons

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

## Step 9 – Consideration for time spent on bail (tagged curfew)

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.