

Assault

WORKBOOK

Name

Class

THROUGH THEIR EYES

In what circumstances do people physically hurt other people?

Accidentally, examples such as: dropping something very heavy on a person's foot; bumping into someone and causing them to fall; not stacking boxes safely so when one is moved, they fall on someone. The common feature is that the time when a person hurts someone else, the hurt was not intended and avoidable.

Lack of capacity, examples such as: very young babies biting someone; people with severe learning misunderstanding what is happening and hitting out; someone with mental health difficulties who is in a crisis and unaware of the impact on others of their actions. The hurt is likely to happen without warning, it may be a defence strategy on the part of the person hurting someone, and may not be intended.

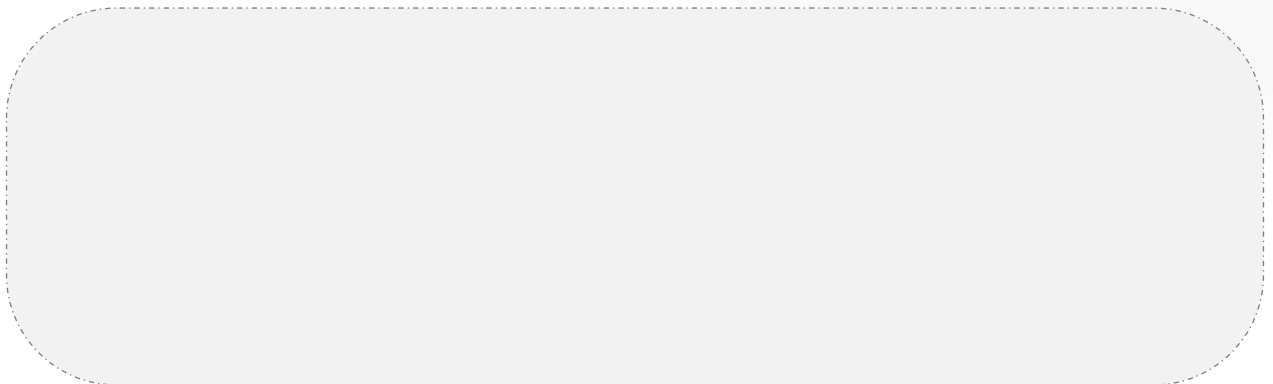
Loss of control, examples such as: during an angry outburst; as a consequence of having consumed alcohol and drugs; after a period of provocation/abuse. These are incidents whereby quite frequently, although the hurt might not have been intended, with hindsight it could have been predicted, it was deliberate.

Pressure from another person, examples such as: being pressured to hurt someone as part of a bullying situation; being in a work setting where the staff culture is punitive towards service users; when someone misuses power they have to hurt others, to prove they are better, bigger, stronger. Hurt is intended, seen as necessary to achieve an aim without thought for the physical well-being of others.

As part of a crime, examples such as: when stealing from people involves the forcible taking of their property; taking any vehicles, especially without the licence/insurance to drive them; deliberate fire setting as part of a grudge. The focus of the person hurting others is entirely on their gain, without thought for others, for the purposes of a crime, which adds to the seriousness of the hurt.

In wars, examples such as: all countries have armed services with personnel who are trained to hurt people in the event of conflict. In democracies, governments decide when the armed services are called to fight. The extent to which others are hurt then becomes a consequence of the numbers involved and the weapons used and the duration of the conflict.

Which of these do you think are crimes, and what are your reasons?



THROUGH THEIR EYES

What is an Assault?

An assault is any act by which a person intentionally or recklessly causes another to suffer or apprehend immediate unlawful violence. The term assault is often used to include a battery, which is committed by the intentional or reckless application of unlawful force to another person.

The three types of Assault offence:

1. **Common assault:** this is when a person **inflicts violence** on someone else or **makes them think they are going to be attacked**. It does not have to involve physical violence. Threatening words or a raised fist is enough for the crime to be to have been committed, provided the victim thinks they are about to be attacked. Examples: Threatening words or a raised fist or spitting. **If a weapon is waived at the person, this would be an aggravated assault.**
2. **Actual Bodily Harm (ABH):** this is when the assault has **caused some hurt or injury** to the victim. The physical injury does not need to be serious or permanent, but it must be more than a small injury which is short lived, which means it must at least cause **minor injuries or pain or discomfort**. Psychological harm can also be covered by this offence. Examples: bruising, scratching, bite marks, minor fractures, swelling, tooth chipped/loss.
3. **Grievous Bodily Harm (GBH) or Wounding:** this means the assault has caused **serious physical harm**. This requires the victim **skin is broken**, either on the body, or the inner skin, for example, inside the lip. It does not have to be permanent or dangerous. It might heal without leaving any long-term effects. GBH can also include psychiatric injury or someone passing on an infection. Examples: very serious injuries - broken leg, fractured skull, facial disfigurement, psychiatric injury, passing on a sexual disease.

Common Assault

- The maximum sentence is six months custody.
- If the assault is against an emergency worker, the maximum sentence is one year's custody.
- If the assault is racially or religiously aggravated, the maximum sentence is two years' custody.

Actual Bodily Harm

- The maximum sentence is five years' custody.
- If the assault is racially or religiously aggravated, the maximum sentence is seven years' custody.

Grievous Bodily Harm or Wounding

- The maximum sentence is five years' custody.
- If the assault is racially or religiously aggravated, the maximum sentence is seven years' custody.
- If the assault was committed with the intent to cause GBH/wounding, then the maximum sentence is life imprisonment.

When an Assault charge is being considered by a Court, what will they take into consideration: An assessment of the harm done to the victim; whether the assault was sustained or repeated; an assessment of how responsible was the offender for the assault; the court will also include consideration of the harm done if the victim is an emergency worker or the assault was motivated by racial or religious hate.

Are there other workers that you feel should be included with emergency workers?

THROUGH THEIR EYES

Leo: What are his worries?

- It is the first time he has been to a football match without his dad
- He is usually with a group of men who look out for him
- Callum and Ollie are taller than him
- He has seen that Callum has a temper, and problems controlling his temper
- His dad is always careful to wait after a match for the crowds to go
- He doesn't feel he can tell Callum and Ollie that he is nervous

What happens after the match?

- Callum wants to leave straightaway, because "there'll be bother outside"
- He doesn't listen to Leo "well you aren't with your dad now"
- There was lots of chanting, Callum joined in and threw cans and bottles at the crowd
- Leo joined in the chanting and raised his fist
- One fan had a cut on his head, another fan threatened Callum
- A fight started and Callum shoved over a fan who was drunk
- He hit his head as he fell, and jolted his neck
- Callum shouted kick him, and was kicking his body and stamped on his hand
- When Callum looked at Leo, Leo panicked and kicked the man twice in the leg

Who is to blame for this man's injuries?

Callum, Leo, the crowds, the man who was drunk?

The Police Officer says he has a significant head injury; his neck, ribs, and hands are being checked for fractures; he is heavily bruised; and he remains unconscious.

Who do you think is to blame and why?

THROUGH THEIR EYES

Design a poster or slogan for the benefits of a sport of your choice.
It could be a team or a solo sport.

