



IN THE CROWN COURT AT LEEDS

THE KING

v

SHAGUFA SHEIKH

SHABNAM SHEIKH

KHALID SHEIKH

SAKALYNE SHEIKH

ASGAR SHEIKH

SENTENCING REMARKS

The Honourable Mrs Justice Lambert DBE

14 February 2024

1. Ambreen Fatima Sheikh was born in Pakistan on 22 January 1985. She was aged 29 in November 2014 when she came to the UK to live with her husband and his family at 15 Clara Street in Huddersfield. Nine months later in the early hours of the morning of 1st August 2015, Ambreen was admitted to hospital by ambulance in a profoundly unconscious state having suffered a catastrophic brain injury. Ambreen has never recovered consciousness. Over the weeks and months which followed her admission to hospital, Ambreen's condition was assessed by doctors from different disciplines. All of those assessments led to the same conclusion: that, although able to breathe independently, Ambreen was deeply unconscious with no awareness of her environment, with no motor response and no response to painful stimuli. Her condition is permanent and she is in, what the doctors call, a persistent vegetative state. There is no prospect of any recovery and although her remaining brain activity is sufficient to allow her respiratory cardiovascular and digestive systems to function she will survive only by artificial support. She remains cared for in a palliative care setting. Her life expectation is uncertain but she will eventually die as a consequence of her ongoing disability.
2. Ambreen's brain injury was caused by the unlawful administration of the drug glimepiride, a drug which is used for the treatment of diabetes and which was present in the house in Clara Street having been prescribed for Shabnam Sheikh. If taken by someone without diabetes, the drug is dangerous, even in small quantities. Ambreen

does not have diabetes and having been given the drug, her blood glucose level dropped causing brain injury due to glucose deprivation. The medical evidence at trial showed that Ambreen had suffered brain injury between 48 hours and 72 hours before her admission to hospital in the early hours of the 1st of August 2015. During that time, as she lay unconscious and untended, she was unable to protect her airway and aspirated stomach contents causing lung infection and possible further brain injury.

3. On 18 December 2023, the jury found you, Khalid, Shabnam, Asgar and Shagufa Sheikh to be guilty of having allowed Ambreen Sheikh to suffer serious physical harm. In finding you guilty of this offence, the jury found that you were aware or ought to have been aware of the significant risk of serious physical harm being caused to Ambreen and that you each failed to take such steps as you reasonably could have been expected to take to protect her. The jury also found you all, including Sakalayn Sheikh, guilty of conspiracy to pervert the course of justice by covering up what had happened to Ambreen. It found you Shabnam, Shagufa, and Asgar guilty of doing acts intending to pervert the course of justice by giving false and misleading information to paramedics and doctors concerning Ambreen's history in the days preceding her admission to hospital.
4. I must now sentence you for those offences. I start by setting out the facts of which I am sure having been the trial judge in this case.
5. Ambreen was born and raised in Pakistan. Details of her background are sketchy. There are no victim personal statements from family members to help me. Ambreen's father died before she came to the UK. Her mother is in very poor health and has never travelled from Pakistan. Of Ambreen's 7 siblings only one has been able to travel to the UK to see Ambreen and that was over 2 years' ago. However, during the trial, I heard evidence from those who had met Ambreen when she was a young adult. She was described as being intelligent bright and ambitious and someone who would light up the room. She had undertaken further education in Pakistan and had worked as a teacher.
6. Ambreen's marriage to her cousin Asgar Sheikh was arranged. Ambreen was 7 years older than Asgar. Initially it had been proposed between the families that Ambreen's brother would marry Shagufa Sheikh but this arrangement became undone. Whether the lapse in this arrangement was a source of conflict between Ambreen and her new family in Huddersfield, I cannot be sure. But certainly, within a few months of Ambreen's arrival in the country her new family were expressing dissatisfaction with her. This disapproval emerged in conversations between Shabnam Sheikh and her cousin Nahila Bano Sadiq. Shabnam complained to Nahila that Ambreen was not doing her chores. She was not cooking chapatis and not looking after her husband. There were complaints about Ambreen's personal hygiene from Asgar. Apparently, Ambreen was not keeping herself clean and was not taking showers. Khalid, you told Nahila, that, left to you, you would send Ambreen back to Pakistan but that Shabnam did not want this to happen. Nahila was told that Asgar and Ambreen had had a fight and that Ambreen was sleeping in Shagufa's room. During one of these chats between Shabnam and Nahila, you Shabnam counselled Nahila against an arranged marriage for her daughter, telling her that you had forced your son into an arranged marriage which had only led to problems.

7. Ambreen had no independent source of income and was reliant upon Khalid for pocket money. She rarely went out and never went out on her own. Her passport was found by the police in Shagufa's bedroom. She spoke only a little broken English. She had no friends of her own in Huddersfield. It is easy to see how she became isolated and dependent upon her husband's family and, by these circumstances, vulnerable.
8. None of you gave evidence. No one other than you, the defendants, and Ambreen lived at 15 Clara Street or visited regularly. I do not therefore know when the relationship between Ambreen and the defendants started to turn sour and exactly when Ambreen started to be abused. By 11 July 2015, the defendants were preventing Ambreen to have contact with her relatives. Rymah Zaheer (who had met Ambreen in Pakistan) went to visit Ambreen. She was concerned for her welfare. She went with her brother Usman. On arrival, the door was opened by Shabnam who said various things: that Ambreen was not in, that she did not live there and that Ambreen was in but not able to see them. Asgar emerged from the back of the house and challenged Rymah and Usman. Whilst I cannot be sure exactly what words were spoken by Asgar I have no doubt that Asgar threatened Rymah and Usman and chased them away from the house making it clear that they should not come back. Rymah and Usman were worried and went to the police station to express concern over Ambreen. Although a welfare visit was made the next day by two police officers when Ambreen appeared to be fit and well, I attach little weight on this assessment. Ambreen spoke only broken English and no real conversation took place. Her father-in-law Khalid was just outside the door. In such circumstances, I have no doubt that Ambreen would not have been able to express any concerns or fears she may have had.
9. When Ambreen's body was examined following her admission to hospital she was found to have suffered a large chemical burn which extended over the lower back. This burn was inflicted by one of you putting some sort of caustic alkaline substance, probably some form of cleaning fluid, on her skin. How and why this injury was inflicted I do not know. Nor can I be sure which of you inflicted the injury. She also suffered an injury to her right ear which Dr Nigel Cooper, the pathologist, found to be concerning. He was unable to say what had caused it, saying that he had not seen anything quite like it before. Mr Rayner, the consultant plastic surgeon, said that it was another chemical burn.
10. I am sure that you all knew about the caustic burn to Ambreen's back. It was large and would have been very painful for Ambreen. You would all have been aware of her pain and distress. But none of you took any steps to protect Ambreen by taking her to the doctors or to the hospital or by trying to prevent further abuse to her by whoever had inflicted that injury upon her.
11. I do not know which of you tricked or forced Ambreen into taking the glimepiride and can only say that whoever did so intended to cause Ambreen some harm. Ambreen will have lost consciousness shortly after taking the drug and thereafter remained deeply unconscious. She was unable to eat or drink and on admission to hospital she was found to be very dehydrated and appeared malnourished. Ambreen was incontinent of urine which stained the bedlinen and left a pungent odour in the bedroom where she was lying. She vomited. She aspirated secretions or stomach contents causing a lung infection. You were all living together in a house which was not large. You must have spoken to each other about Ambreen. It is not realistic to conclude that you did not all

know of Ambreen's predicament and her desperate need for emergency medical care. Not only did you know that Ambreen was seriously ill but you also knew why she was in that condition. Shagufa let slip in her conversation with ambulance control that Ambreen's blood sugar had been checked and that although she was not a diabetic her sugars had been low but were then normal. None of you took any steps to obtain help for her and I have no doubt that your reason for not doing so is because you knew that, if you did so, then Ambreen's history of abuse over previous days would emerge. You only sought medical care when Ambreen started making odd noises and you thought that she might die.

12. Before calling the emergency services at 01.12 on 1st August you all agreed to cover up what had taken place in Clara Street. Before the ambulance was called, you cleaned Ambreen and moved her body into another bedroom which did not smell of urine. You changed her pyjamas, disposing of her soiled clothing and bedclothes in the wheelie bin at the back of the house. You hid the stained and soiled bed spread under a tarpaulin in one of the downstairs rooms. You agreed on the story about Ambreen's condition in the days preceding the call which would be given to the emergency services, medical and nursing staff at the hospital as needed.
13. The lies started with the telephone call to the emergency services that night which was made by Shagufa. Some of the information conveyed to the emergency services was clearly passed to Shagufa by Shabnam. Asgar and Sakalayn were both present when the call was made. Shagufa told the emergency services that Ambreen had been ill over the previous two days and had not eaten but that she had been drinking "water, glucose and stuff like that." You told the ambulance control that she had taken one or two paracetamol. As you all knew, Ambreen had not been taking paracetamol, nor had she been drinking anything over the past two or three days.
14. Shabnam and Shagufa then lied to the paramedics Olivia Horrigan and Janet Noble who were told that Ambreen had been unresponsive since about midnight. When challenged and asked why an ambulance had not been summoned sooner, the story was changed and Shagufa said that Ambreen had only been unconscious since 1 am. You told them that Ambreen had been suffering from headaches during the previous three days and that she had spent the previous day in bed, all of which was demonstrably false. It appeared to the paramedics that Shagufa was acting as interpreter for Shabnam who did not speak or understand English.
15. The lies continued at hospital where Asgar Sheikh, in the presence of Shabnam and Shagufa, told Dr Timothy Jones a doctor specialising in intensive care at 18.30 on 2 August that for the past few days Ambreen had been eating little and going to bed with headaches. Asgar denied knowing anything about the caustic burn and said that he could think of no reason for her having suffered any skin injury.

General Approach: Section 5 Domestic Violence Crime and Victims Act 2004

16. The Sentencing Council has not published Guidelines specific to this offence as it applies to adult victims. I have therefore taken into account the General Guideline Overarching Principles which states that in the absence of a definitive sentencing guideline for the offence I should take into account in reaching the provisional sentence

the following: the statutory maximum sentence for the offence; sentencing judgments of the Court of Appeal (Criminal Division) for the offence and definitive sentencing guidelines for analogous offences. As always, I make an assessment of culpability and harm.

17. The statutory maximum for this offence is 10 years imprisonment.
18. There are few reported decisions of the Court of Appeal to assist me. Ms Colley has drawn my attention to *R v Mills* [2017] EWCA Crim 559 in which the defendants were convicted after a trial of an offence under section 5 DVCVA 2004. The case came before the court on an Attorney's Reference. The facts concerned the death of a vulnerable adult. Mills was aged 52 and had several previous convictions including for matters of public order and assault. There were a number of aggravating factors including that the victim had experienced prolonged suffering before he died which must have been obvious to all and that there had been cruel and exploitative treatment, including financial exploitation, of him during the year before his death. His body had been removed from the scene and dumped in the street. In Mills' case, there were additional aggravating factors including her feeding the victim a cocktail of drugs in order to keep him quiet and taking photographs of his injuries. Both Mills and her co-defendant Lawrence were also charged with perverting the course of justice. Mills' sentence was increased from 7 years imprisonment to 8 years imprisonment by the Court for the section 5 offence. The co-defendant Lawrence was described as being in thrall to her violent boyfriend who was the perpetrator of the violence. Her culpability was described as being lower than Mills, although she was said to have played an active part and to have been well aware of how the victim was being treated. A sentence of 5 years imprisonment was substituted for one of 4 years by the Court.
19. The case of *Mills* is relied upon by the defendants, particularly Shabnam and Khalid Sheikh, to demonstrate that a sentence of only 8 years imprisonment (when the maximum was 14 years) was justified for what is said to have amounted to far more culpable neglect and disregard than in the case before me and which resulted in death. I accept that *Mills* is a very serious case both in terms of culpability and harm. But this too is a serious case. Ambreen's very painful sacral burn was neglected and following her ingestion of glimepiride she was left profoundly unconscious and vulnerable to further brain injury through aspiration. The level of violence perpetrated against Ambreen may not have been so great or so graphic as that perpetrated against the victim in *Mills* but as she lay unconscious she was just as dangerously and obviously ill. *Mills* is not a guideline case, nonetheless, I have had regard to it and take it into account.
20. Counsel have referred me to the Sentencing Guidelines for the offence of causing or allowing a child to suffer serious physical harm or causing or allowing a child to die. The Guidelines are effective from 1 April 2023. The Guidelines emphasise that they apply only when the victim is aged 15 years or under. They were published and therefore include starting points and sentencing ranges after the increase in the maximum sentence from 10 years to 14 years. For all of these reasons, I am satisfied that the proposed sentencing ranges in themselves do not provide me with a reliable and robust basis for assessing sentence in this case. However, they nonetheless provide a useful resource to assist in my general approach to sentencing by identifying the matters to which I should have regard and the steps which I should take. However, I

must make an independent assessment of the appropriate sentence which may or may not correspond with the sentence lengths identified in the Guidelines.

21. Under the Guidelines, the first step is the assessment of culpability. Factors which indicate high culpability B include the deliberate disregard for the welfare of the victim; prolonged and serious neglect of the victim and the use of a weapon. The Category 2 level of harm is “*serious physical harm which has a substantial and/or long effect.*” Given the combination of culpability B factors, if I had been applying these Guidelines, then the sentence would have fallen towards the higher end of that range before considering aggravating and mitigating factors. There are no statutory aggravating factors which would be relevant to the defendants in this case. Other aggravating factors which may be relevant under these Guidelines include failure to seek medical help, deliberate concealment and/or covering up of the offence. Personal mitigation factors include absence of previous convictions and the presence of a mental disorder, learning disability or lack of maturity where such factors have not been taken into account when assessing culpability.
22. As I have already remarked, I must be cautious in my use of these Guidelines. I must also be careful not to double count various aggravating factors which have already been reflected in the categorisation of the offence or in the imposition of a separate sentence in respect of other counts on the indictment.

General approach: Perverting the Course of Public Justice

23. The Sentencing Guideline for this offence is effective from 1 October 2023.
24. The Crown submits that the offences fall into the category of high culpability as the conduct extended over a sustained period of time (from the early hours of 1 August to the start of the police investigation on the 2 August 2015); the nature of the conduct was planned and the underlying offence was very serious. It is submitted that the harm falls into Category 1 owing to its serious impact on the administration of justice and the substantial delay caused to the course of justice. The Crown therefore submit that the starting point for this offence should be 4 years custody with a range of 2 – 7 years.
25. It is also submitted that I should impose a consecutive sentence in respect of the offences of perverting the course of justice on the basis that they are not “*in any way, part and parcel of the underlying offences*” see *AG Ref (no 1 of 1990) John Cameron Atkinson*. The Crown draws my attention to the Totality Guideline which states that consecutive sentences will ordinarily be appropriate for offences committed in the same incident but which are distinct and involve an aggravating element which requires separate recognition.
26. All of the defendants in this case submit that I should impose concurrent sentences and reflect the overall criminality by increasing the sentence imposed in respect of the section 5 offence. All submit that the cover up was intrinsically linked to the underlying offence and that it should be viewed as an aggravating factor as reflected in the Guidelines for causing or allowing a child to suffer serious physical harm or to die.

Sentencing: this case

27. It is against this general background that I turn to consider the appropriate sentences for each defendant in this case.
28. I make some preliminary points.
 - a. First, in respect of the section 5 offence, I will sentence on the basis that each of you allowed, rather than caused, the serious physical injury, see *R v Ikram and Parveen* [2008] 2 Cr App R 114 at [68] and [69].
 - b. Second, I will impose consecutive sentences for the section 5 offence and the offences of perverting the course of justice. I accept the Crown's submission that, in general, offences of perverting the course of justice should attract a consecutive sentence and that in this case, although arising from similar facts, those offences are distinct and require separate recognition because they represent serious additional criminality.
 - c. Third, given my intention to impose consecutive sentences, I must also reflect totality in the overall sentence passed. The Guideline on Totality sets out two general principles: first, that the sentence passed should reflect all of the offending behaviour before it and be just and proportionate and that this is so whether the sentences are structured as concurrent or consecutive; and second, that it is usually impossible to arrive at a just and proportionate sentence for multiple offending simply by adding together notional single sentences. It is necessary to address the offending behaviour and those factors which are personal to the offender as a whole. I take this principle into account to the extent appropriate.
 - d. I am not satisfied that there has been an unjustifiable delay in the prosecution of this case. Mr Iqbal advances this argument with some force, submitting that the fact that there has been an interval of time of almost 8 years since the events is evidence not just of lapse of time but unjustifiable delay. I reject the submission. This is a case of very considerable medical complexity involving medical evidence from a dozen experts. Each stage of the investigation needed careful evaluation of the way forward. In the absence of a chronology which identifies unacceptable or unexplained delay, I do not see how I can conclude that the time interval was unjustified. I accept that lapse of time since the events is however a factor to which I can and should have some regard and take it into account as a mitigating factor.
29. In respect of each defendant, I have read and taken into account the pre-sentence reports which have recently been uploaded and the testimonial evidence which has been served in connection with Shabnam and Khalid Sheikh.
30. I deal with the defendants Khalid, Shabnam and Asgar Sheikh first. For the reasons which I will give in due course, it seems to me that quite different considerations apply to my sentencing of Shagufa Sheikh for both the section 5 offence and the offences of which she has been convicted of perverting the course of justice. Likewise, quite

different considerations apply to my sentencing of Sakalayn Sheikh for the single offence of which he has been convicted.

31. I am satisfied that the section 5 offence was one of high culpability. The offence involved a total disregard for Ambreen's welfare following the infliction of the caustic burn to her lower back. She must have been in considerable pain but no emergency medical assistance was obtained and no steps were taken to protect Ambreen from further harm. Although no weapon was used, Ambreen was forced or tricked into ingesting a noxious substance, that is, the glimepiride. Thereafter she lay in bed, profoundly unconscious and incontinent for 2 to 3 days. As to harm, Ambreen's injury is serious. Indeed, it is difficult to imagine a more serious injury short of death, although I accept that Ambreen has no awareness of her predicament and no pain.
32. For Khalid, Shabnam and Asgar Sheikh, I find that the appropriate starting point before adjustment for aggravating and mitigating factors is in the order of 7 years imprisonment. In reaching that conclusion, I take into account my categorisation of the offence above in conjunction with the maximum sentence of 10 years imprisonment for the offence at the time when it was committed and the comments of the Court in *Mills*.
33. Khalid, Shabnam and Asgar you were all found guilty of count 6, conspiracy to pervert the course of justice. I find that this is a category 2A offence. I do not accept that this is a category B offence on the basis that it reflects factors in both category A and C. The only category C factor which is present is the unsophisticated nature of the conduct. But category A includes either sophisticated and/or planned conduct. In my judgment this is undoubtedly an offence of high culpability involving planning and conduct and lies over a period of time. The underlying offence is very serious. As to harm, I find that the cover up had some, more than limited, impact upon the administration of justice and that the effect of the lies was to cause delay to the course of justice but I do not accept the Crown's submission that the effect of the cover up and lies was to cause substantial delay to the course of justice or that the cover up had a serious impact upon the administration of justice. Although lies were told to the paramedics and those lies were repeated to the medical team caring for Ambreen on admission to hospital, a question mark was quickly raised by the medical team over the veracity of the accounts which they received and the police became involved during the late morning of 2 August 2015. Although you disposed of clothing and bedlinen, those items were recovered during the search of Clara Street on 2 August. It was inevitable that they would have to be subjected to scientific analysis.
34. As part of the investigation of the case, the CPS had to seek medical expert evidence to exclude the possibility of natural disease as the cause of Ambreen's brain injury. This was bound to be a lengthy and complicated process involving experts from many different disciplines. The effect of your lies about Ambreen's clinical history was to make this complicated exercise that much more complicated, difficult and lengthy as it had to include, additionally, an evaluation of your false account of Ambreen's history during the days preceding her admission. For these reasons therefore I find that the cover up whilst not having a serious impact on administration of justice nor did it cause a substantial delay, its effect on both was more than limited.

35. Applying the relevant Guidelines therefore the starting point is a sentence of imprisonment in the order of 2 years with a range of 1 – 4 years custody before taking into account individual aggravating and mitigating factors.
36. Khalid, Shabnam and Asgar, you were all convicted of the offence of conspiracy to pervert the course of justice (count 6). Shabnam and Asgar you were additionally convicted of an offence of doing an act tending to pervert the course of justice. Those further offences each reflected your provision of false information, in your case Shabnam to the paramedics in count 7, in yours Asgar to Dr Jones in count 8. However, I make no distinction between you three in terms of your respective culpability for these offences. Khalid, Shabnam and Asgar Sheikh you all agreed before the alarm was raised that there would be a cover up and that cover up included not only clearing up the house but telling lies about Ambreen's health where necessary. I find that each of you planned to play a part as required by the circumstances as they presented. You all included in that plan Shagufa and Sakalayn who were young and vulnerable.

Khalid Sheikh

37. Khalid Sheikh you are now aged 55 years of age and you were 47 when these offences were committed. Although you have some criminal convictions recorded against you, those convictions are very old and, to my mind, not relevant to the offences for which I must now sentence you. I therefore treat you as a man of good character.
38. Khalid Sheikh, in respect of the section 5 offence there are no aggravating factors given that I have already decided to impose a consecutive sentence for the offence of perverting the course of justice and must not double count aggravating factors, such as the failure to seek medical help, which form part of my categorisation of the offence.
39. So far as mitigating factors are concerned, I take into account that I am treating you as, in effect, a man of good character. I also take into account the passage of time since the offences were committed and that you have had these offences or the possibility of these offences hanging over you now for some years. Although, as I have already said, your own actions in creating a false narrative was a contributing factor here, by making a complicated case even more complex, nonetheless I find that overall, the lapse of time is a mitigating factor which I should take into account to some extent.
40. You were convicted of the single count of conspiracy. Mr Iqbal submits that the limit of your involvement in this offence is your failure to correct untruths that you were aware had been told to clinical staff. I do not accept this. Nor do I consider that the fact that you were not at home when the paramedics arrived or when false information was given to the medical staff at hospital is mitigation. You were party to the agreement to cover up what had happened. You were the head of the household. I am sure that you, like Shabnam and Asgar, were fully aware of the roles that each would play as necessary to conceal what had happened and in formulating the lies which would be told.

41. I accept that in respect of this offence, as for the section 5 offence, there is mitigation in the form of your good character and the lapse of time.
42. Given that I am imposing consecutive sentences they must also reflect totality but the allowance for totality in this case is not great.

Shabnam Sheikh

43. You are now aged 52 years old and have lived in the UK for over 30 years. In respect of the section 5 offence, I take the same starting point of a term of imprisonment in the order of 7 years. Again, as with Khalid Sheikh, I find that there are no aggravating factors. As to mitigation, I take into account that you have no convictions and that you have very limited knowledge of the English language. I am aware that you suffer from diabetes but I find no evidence that your medical condition will not be treated adequately in prison. I take into account that for the first time in your life and the first time in theirs, you will be parted from your children Shagufa and Sakalayn. However, doubtless you will be comforted by the fact that, judging by the contents of the pre-sentence report, both appear to be coping satisfactorily. I take into account in the same way as for Khalid Sheikh the lapse of time since the start of the investigation into your guilt and the trial and that you have had these offences, or the possibility of these offences, hanging over you now for many years.
44. As to the offences of which you were convicted in counts 6 and 7. I propose to deal with these by way of concurrent sentences which are then to be served consecutively to the sentence for the section 5 offence. It seems to me that your provision of false information to the paramedics is an aspect of the cover up agreement justifying the imposition of a concurrent sentence in this case. As I have already said, I find that these offences fall into Category 2A of the Guidelines and attract a starting point of 2 years' imprisonment. There are no aggravating factors. There is mitigation as I have set out above.
45. Again, I adjust the overall sentence for totality but recognise that that adjustment in this case is not great.

Asgar Sheikh

46. You are now aged 31 years of age. You were 22 at the time of the commission of these offences. For the section 5 offence, I take the same starting point as for Khalid and Shabnam Sheikh, that is a sentence of imprisonment in the order of 7 years. Again, there are no aggravating factors. As to mitigation, I have indicated already that I am prepared to treat you as a man of good character given that you have one police caution for a public order offence in 2011. Again, I take into account the lapse of time since these events took place. I find there to be no other mitigation. I do not accept that yours was a limited or subordinate role. You were married to Ambreen and shared a bedroom with her. It is clear from the events of 11 July 2015 that you were preventing Ambreen's friends from visiting her unannounced. You chased Rymah and Usman away making it clear that they were not welcome. From all that I have learned, it is clear that you played an equal role with your parents in your failure to protect Ambreen and in the agreement to cover up what had happened.

47. You were convicted of the offence of conspiracy to pervert the course of justice and the offence of doing an act tending to and intended to pervert the course of justice in giving false information to Dr Jones, the intensive care doctor. As with Shabnam Shiekh, I intend to impose concurrent sentences in respect of each of these offences which are then to be served consecutively to the sentence for section 5 offence. I take into account the mitigating factors of your good character and the lapse of time since these events took place.

Shagufa Sheikh

48. You are now aged 29 and were 21 at the time of the offence. However, although an adult in 2015, I have had the benefit of a report from Dr Harry Wood, a clinical psychologist in which he documents the results of his assessment of your intelligence. He found that your IQ was 68 which was equivalent to a child of age 10 years and 11 months. This IQ score places you at the bottom 2% of the population. This assessment was accepted by the Crown and it was not disputed that your general level of function was consistent with your low level of intelligence. That intelligence level is relevant to the offences for which you are to be sentenced today. I have taken into account all that Dr Harry Wood has said on your behalf and in particular his observations that your ability to appreciate risk is less robust than a person with a higher level of intelligence and that your ability to react to a threat of harm to another, if detected, would have been more influenced by other members of the household than would be the case in an individual of normal intelligence.
49. I am satisfied that your culpability in respect of the section 5 offence is much reduced by reason of your level of intelligence. Although not described as being suggestible by Dr Wood, nonetheless, given your intelligence level in conjunction with your position and status within the household, I accept that you were likely to be heavily influenced by your parents and elder brother. Although no doubt, like others in the family, you were aware of Ambreen's condition (both the caustic burn and her later unconscious state) I find that you bear limited responsibility for the neglect of her condition and failure to protect her. Mr Green submits that under the Guidelines for causing or allowing a child to suffer serious physical harm the starting point would be for Category 2D with a starting point of 1 year and 6 months custody and range of 6 months to 3 years custody and I agree with that assessment, to the extent that it assists me.
50. I am equally satisfied that your culpability in respect of counts 6 and 7 is low. I take into account the evidence of the paramedics that you were in effect acting as interpreter for your mother. I have no doubt that you acted under the influence of parents in giving the false account of Ambreen's condition. Taking these matters into account, I find that your offending in counts 6 and 7 falls within Category 2C of the Guidelines. The starting point for sentence would therefore be in the order of 9 months imprisonment with a range of 6 months to 1 year.
51. Again, there is relevant mitigation in respect of the offending: your good character, your various co-morbidities and the lapse of time since these events took place.

52. I am satisfied that the custody threshold is met. I find that, in the light of all of these factors, the appropriate sentence for the section 5 offence is one of 12 months' imprisonment and the appropriate sentences to be served in respect of counts 6 and 7 are 6 months' imprisonment on each to be served concurrently but consecutive to the sentence imposed for count 1. The total term is therefore one of 18 months' imprisonment.
53. I must then go on to consider whether that sentence should be immediate or suspended. In so doing I take into account the Sentencing Council Guidelines for the imposition of community and custodial sentences and the various factors which must be weighed in the balance when considering whether it is possible to suspend a term of imprisonment. I do not find that you present any risk or danger to the public, you have no history of poor compliance with court orders and I do not consider that it is necessary to impose a term of immediate IP in order to achieve appropriate punishment in your case. I find you have strong personal mitigation and that there is a realistic prospect of rehabilitation.

Sakalayn Sheikh

54. You are now aged almost 25 years old. At the date of Ambreen's admission to hospital you were aged 16 years. I must sentence you for the single offence for which you were convicted by the jury, that of conspiracy to pervert the course of justice. In finding you guilty of that offence, the jury found that you had agreed with the rest of your family to cover up the events in Clara Street over the previous days.
55. In assessing your culpability for this offence, I take into account a number of factors. Although you have no diagnosed or formal learning disability, you have been assessed to be of low average intelligence. I note that you were home schooled by your sister who herself has an IQ equivalent to that of a child of 10 years 11 months. I also take into account your position within the family. I accept that, like your sister, you had a subordinate role within the family and are likely to have been heavily influenced by your parents and your older brother. The author of the pre-sentence report records your continued close family relationship, in particular with your mother. Taking these factors into account I find your culpability to be low and applying the Guidelines the starting point would be one of 9 months custody and range of 6 months to 1 year.
56. I take into account relevant mitigation: your good character and the lapse of time since the events took place. I take into account that you were a child at the time of this offence, although now an adult. The Guideline for Sentencing Children and Young People requires that I take your age at the time of the commission of the offence into account. Those Guidelines indicate that a sentence broadly within the region of half to two thirds of the adult sentence should be applied for those aged 15 to 17.
57. I am satisfied that the custody threshold is crossed and that the appropriate sentence is one of 6 months. However, I must then go on to consider whether the sentence should be suspended. I do not find that you present any risk or danger to the public you have no history of poor compliance with court orders and I do not consider it necessary to impose a term of immediate imprisonment in order to achieve appropriate punishment in your case. I find you have strong personal mitigation.

58. The victim surcharge will apply. Days spent on remand will be brought into account. The sentences of the Court are as follow.

Shagufa Sheikh

On Count 1, the sentence is one of 12 months imprisonment

On Counts 6 and 7, the sentence is one of 6 months imprisonment on each, to be served concurrently but consecutively to the sentence imposed on Count 1.

The total sentence of 18 months imprisonment to be suspended for 2 years.

Shabnam Sheikh:

On Count 2: the sentence is one of 6 years and 3 months imprisonment.

On Counts 6 and 7 the sentence is 18 months imprisonment on each, those terms to be served concurrently but consecutively to the term imposed on Count 2.

The total sentence is therefore 7 years and 9 months imprisonment

Khalid Sheikh:

On Count 3: the sentence is one of 6 years and 3 months imprisonment.

On Count 6, the sentence is one of 18 months imprisonment to be served consecutively to the sentence imposed on Count 3.

The total sentence is therefore one of 7 years and 9 months imprisonment.

Sakalayn Sheikh:

On Count 6, the sentence is one of 6 months imprisonment to be suspended for 2 years.

Asgar Sheikh:

On Count 5, the sentence is one of 6 years and 3 months imprisonment

On Counts 6 and 8 the sentence is one of 18 months imprisonment on each count, those terms to be served concurrently but consecutively to the sentence imposed on count 5.

The total is therefore 7 years and 9 months imprisonment.