

# Crown Court Sentencing Survey

OFFICIAL WHEN COMPLETE

## Fraud, Bribery & Money Laundering

[PRINCIPAL OFFENCE ONLY]

### Form Details

Form ID

Issued

Please refer to guidance on completing this form overleaf  
**COMPLETE FOR THE PRINCIPAL OFFENCE ONLY**

**Part A: To be completed by the sentencing Judge/Recorder or Court Clerk**

**PLEASE COMPLETE IN CAPITALS**

### Case Details

Sentence date

 /  / 

CREST case ID

### Offender Details – Individual

Offender name

*Surname*

*Forename*

Offender DOB

 /  / 

Offender gender

- Male  
 Female

### Offender Details – Company

Company name

If you have any queries when completing this form or on the Crown Court Sentencing Survey in general, you can contact the Office of the Sentencing Council at [research@sentencingcouncil.gsi.gov.uk](mailto:research@sentencingcouncil.gsi.gov.uk) or 020 7071 5793

**1. Type of offence** FOR BREACHES, SEE NOTES OVERLEAF

- Single offence
- Multiple offences - ANSWER FOR THE PRINCIPAL OFFENCE ONLY

*Principal offence:*

<input type="checkbox"/> Section 1 Fraud Act 2006	<input type="checkbox"/> Fraudulent evasion of tax/duty
<input type="checkbox"/> Conspiracy to defraud	<input type="checkbox"/> Dishonest representations for benefits etc
<input type="checkbox"/> False accounting	<input type="checkbox"/> False representation for benefits etc
<input type="checkbox"/> Possession of articles	<input type="checkbox"/> Criminal property offences
<input type="checkbox"/> Making/supplying articles	
<input type="checkbox"/> Fraud – cheat the revenue	
<input type="checkbox"/> Other (please specify in box below)	

*Guideline used:*

<input type="checkbox"/> Fraud	<input type="checkbox"/> Benefit fraud
<input type="checkbox"/> Possessing/making/supplying articles for use in fraud	<input type="checkbox"/> Money laundering
<input type="checkbox"/> Revenue fraud	<input type="checkbox"/> Bribery
	<input type="checkbox"/> Corporate offenders

**2. Sentence outcome (for the PRINCIPAL OFFENCE ONLY)**

SEE NOTES OVERLEAF, TICK ALL THAT APPLY

*(a) Custodial Sentence*

<input type="checkbox"/> Determinate	Length	
<input type="checkbox"/> Extended	Custodial Term	Extension Period
<input type="checkbox"/> Life	Minimum Term	
<input type="checkbox"/> Hospital Order		

*(b) Suspended Sentence Order or Community Order*

<input type="checkbox"/> SSO	Length	Suspension Period
<input type="checkbox"/> Community Order	Length	

*Requirements of Suspended Sentence Order or Community Order*  
TICK ALL ADULT REQUIREMENTS GIVEN OR NEAREST YRO EQUIVALENT

<input type="checkbox"/> Supervision	Length
<input type="checkbox"/> Unpaid work	Length
<input type="checkbox"/> Curfew	Period
<input type="checkbox"/> Activity	Time to Complete

<input type="checkbox"/> Prohibited activity	<input type="checkbox"/> Mental health treatment
<input type="checkbox"/> Exclusion	<input type="checkbox"/> Drug rehabilitation
<input type="checkbox"/> Residence	<input type="checkbox"/> Alcohol treatment
<input type="checkbox"/> Foreign travel prohibition	<input type="checkbox"/> Alcohol abstinence and monitoring (pilot scheme)
<input type="checkbox"/> Attendance centre	
<input type="checkbox"/> Programme(s) (please specify in box below)	

*(c) Other outcome*

<input type="checkbox"/> Fine	Amount £
<input type="checkbox"/> Conditional discharge	
<input type="checkbox"/> Absolute discharge	

RECORD COMPENSATION, CONFISCATION & COSTS IN SECTION 6

**3. Definitive guideline – Step 1 Offence Seriousness**

*(a) Culpability*

**A – High culpability**

- Leading role in group as part of group activity
- Involvement of others through pressure, influence
- Abuse of position of trust or responsibility
- Sophisticated nature of offence/significant planning
- Period over which offence was committed
- Large number of different victims
- Specific targeting of vulnerable victim

Intended corruption (directly or indirectly) of:

- Senior official performing a public function
- Law enforcement officer
- High level of gain

**B – Medium culpability**

- Category A or C factors not present
- Significant role in group as part of group activity
- Claim not fraudulent from outset

**C – Low culpability**

- Involved through coercion, intimidation or exploitation
- Not motivated by personal gain
- Peripheral role in organised fraud
- Opportunistic offence/lack of planning
- Limited awareness/understanding of extent of fraudulent/criminal/corrupt activity
- Limited role under direction

*(b) Harm*

**“Possessing, making, supplying articles for use” guideline**

**Greater Harm**

- Large number of articles created/supplied/possessed
- Article(s) have potential for fraudulent acts involving:
  - Large number of victims
  - Significant sums
  - Use of third party identities
  - High level of gain
- Lesser Harm
- Lesser harm

**All other offences**

**Harm A**

- Category 1
- Category 2 or risk of Cat 1
- Category 3 or risk of Cat 2
- Category 4 or risk of Cat 3
- Category 5 or risk of Cat 4
- Category 6
- Category 7

**Harm B – Fraud guideline only**

**High**

- Serious effect on victim
- Victim particularly vulnerable

**Medium**

- Considerable effect on victim

**Low**

- Some impact on victim

**4. Definitive guideline - Step 2**

TO BE COMPLETED FOR ALL OFFENCES

*(a) Factors increasing seriousness*

**Statutory aggravating factors**

- Previous relevant convictions:  1-3  4-9  10+
- Offence committed on bail

**Other aggravating factors**

- Steps taken to prevent reporting/assisting prosecution
- Established evidence of community impact
- Failure to comply with current court orders
- On licence
- TICs
- Failure to respond to warnings/concerns
- Offences committed across borders
- Blame wrongly placed on others
- Claim fraudulent from the outset
- Proceeds of fraud funded lavish lifestyle

*(a) Factors increasing seriousness (cont'd)*

- Period over which offence was committed
- Number of false declarations
- Damage to third party
- Attempts to conceal/dispose of evidence
- Other factors (please specify in box below)

*(b) Factors reducing seriousness or reflecting personal mitigation*

- No previous relevant convictions
- Remorse
- Good character/exemplary conduct
- Little/no prospect of success
- Serious medical conditions
- Age/lack of maturity affecting responsibility
- Lapse of time not fault of offender
- Mental disorder/learning disability where not linked to the commission of the offence
- Sole/primary carer for dependent relatives
- Early active cooperation with authorities
- Determination/demonstration to address addiction/behaviour
- Activity originally legitimate
- Legitimate entitlement to benefits not claimed
- Significant hardship due to exceptional circumstances
- Other factors (please specify in box below)

**5. Indication of guilt/guilty plea** SEE NOTES OVERLEAF

Was guilt indicated at police station?

Yes  No  Don't know

Was a guilty plea entered for the principal offence?

Yes  No

Where was guilty plea indicated in the court process?

<input type="checkbox"/> At magistrates' court	<input type="checkbox"/> At PCMH
<input type="checkbox"/> At preliminary hearing	<input type="checkbox"/> After PCMH/prior to day of trial
<input type="checkbox"/> Between preliminary hearing and PCMH	<input type="checkbox"/> At/after day of trial

Was the guilty plea entered at the first reasonable opportunity?

Yes  No

Approximately what reduction for guilty plea was given?

SEE NOTES OVERLEAF

%

**6. Additional factors**

Were any of the following other factors present or stated to have influenced the sentence imposed?

DO NOT INCLUDE ANYTHING THAT IS COVERED ELSEWHERE ON THIS FORM

<input type="checkbox"/> Totality principle	<input type="checkbox"/> Compensation Order
<input type="checkbox"/> Consecutive sentence	<input type="checkbox"/> Confiscation Order
<input type="checkbox"/> Concurrent sentence	<input type="checkbox"/> Costs
<input type="checkbox"/> Multiple defendants	<input type="checkbox"/> Serving another sentence
<input type="checkbox"/> Ancillary Order	
<input type="checkbox"/> Other factors that you stated and are relevant to the sentencing decision, for example S.116 Return to Custody, TICs (please specify in box below)	

**RELATIONSHIP OF FORM TO SENTENCING REMARKS**

The form is designed to record the basis upon which the Judge/Recorder approached the task of passing sentence; fundamental to the principles of open justice, it is important that nothing is included on the form which is not reflected in the sentencing remarks. Judges may therefore find it helpful to complete the form and use it as a checklist when passing sentence. The majority of the information for Part A will be contained in or on the front of the case file.

- You should complete only **ONE** form for the **principal offence** where more than one offence appears on a single indictment in a sentenced case (including committal for sentence cases). However, if on a single sentencing occasion you have more than one indictment for unrelated cases, complete a form for the principal offence on each indictment.
- If an offender is being sentenced for more than one offence, the principal offence will be the offence which attracts the **highest** sentence.
- If there is more than one offence attracting the highest sentence, the principal offence should be the one for which the highest maximum penalty exists.
- If the offences have the same maximum penalty you are asked to (randomly) select one as the principal offence.
- If there are **multiple offenders** in a case a form must be completed for the principal offence for **each offender**.

**Breaches:** You do not need to complete a separate form for breach proceedings unless the breach attracts a sentence in its own right, e.g. breach of Protective Order or ASBO. In which case use the 'Other Offences' form (light brown).

**OFFENCE FORMS AVAILABLE**

<b>Arson &amp; Criminal Damage</b> (violet)	<b>Offences Causing Death</b> (red)
<b>Assault &amp; Public Order</b> (blue)	<b>Robbery &amp; Assault with Intent to Rob</b> (orange)
<b>Burglary</b> (green)	<b>Sexual Offences</b> (turquoise)
<b>Driving Offences</b> (dark brown)	<b>Indecent Photographs of Children</b> (light turquoise)
<b>Drug Offences</b> (maroon)	<b>Theft Offences</b> (light purple)
<b>Fraud, Bribery &amp; Money Laundering</b> (dark purple)	<b>Other Offences</b> (light brown)

**FRAUD, BRIBERY & MONEY LAUNDERING**

GUIDANCE ON COMPLETION

**Section 1: Type of offence**

Tick the relevant box to reflect the **principal offence** for which the offender is being sentenced and tick the relevant box to reflect the guideline used for sentencing. If the principal offence is not listed please tick 'Other' and specify the offence, but please confirm that there is not another offence form that would be more appropriate.

**Section 2: Sentence outcome**

Tick the relevant box to reflect the sentence/s imposed. In all cases where a length, term, extension period etc. is given, please ensure

that the measurement is also included e.g. hours, days, weeks, years. If a programme requirement was given, please specify what the specific accredited programmes were. If you impose a curfew, specify the length of the curfew only, do not provide the time of day for which the curfew is in force. If you have imposed an Ancillary Order, Compensation or Confiscation Order this should be recorded under Section 6 'Additional factors'. Please record the actual sentence imposed without taking into account the period credited for remand time.

**Section 3: Guideline Step 1 - Factors indicating greater or lesser harm and higher or lower culpability**

Part (a) culpability – tick all the culpability factors that you stated you took into account on reaching the sentence imposed.

Part (b) harm – there are there harm models within the guideline tick only the harm factors that you stated you took into account on reaching the sentence imposed for the relevant guideline/offence harm model.

**Section 4: Guideline Step 2 – Factors increasing and reducing seriousness or reflecting personal mitigation**

Tick all the relevant factors for step 2 that you stated you took into account on reaching the sentence imposed. Any additional factors (not listed) should be inserted under 'Other factors' and specified. 'Previous convictions' is now a guideline step 2 factor. If you tick this box please also indicate the number of previous convictions you took into account. Tick the box '1-3' for 'few', '4-9' for 'many' and '10+' for 'substantial'.

**Section 5: Indication of guilt/guilty plea**

Tick the relevant box to reflect whether there was an indication of guilt at the police station and if a guilty plea was entered for the principal offence. If a guilty plea was entered, tick the relevant box to indicate; at which proceedings it was entered and whether it was entered at the first reasonable opportunity. Write the percentage reduction that was in mind for the guilty plea only, and ignore any other discounts applied. Where a percentage reduction is not appropriate given the nature of the sentence/s imposed, please write in 'Full credit' or 'Not applicable'. If a guilty plea was not entered, only answer the first two questions in this section.

**Section 6: Additional factors**

A number of other factors may have been present in the case or have influenced the final sentence imposed, if so tick all of the boxes that apply to those stated in your sentencing remarks. You should use this section to record compensation and confiscation orders and any costs imposed. Any additional factors (which have not been specified or could not be included elsewhere on the form) that you stated and which you think were relevant should be inserted under 'Other factors'. This may include, among others, S.116 Return to Custody.

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