



Mr Martin Surl

Police and Crime Commissioner for Gloucestershire
No. 1 Waterwells,
Waterwells Drive,
Quedgeley,
Gloucester,
GL2 2AN

MoJ ref: ADR76907

30 April 2020

Dear Mr Surl,

SENTENCING

Thank you for your letter of 22 March 2020 regarding sentencing for Fraud offences in the context of Covid-19. I am responding as the Minister responsible for sentencing policy.

I completely agree that crimes against the vulnerable are totally unacceptable and would like to reassure you that the Government is committed to ensuring a robust response to those who exploit the covid-19 outbreak through criminal means. I welcome your contribution to this issue and have carefully considered the points you raise.

Fraud is of course a serious offence and Parliament, in setting a maximum penalty of 10 years' custody, has provided the courts with the full range of sentencing powers to deal effectively with offenders. As you know, sentencing is a matter for our independent courts. When deciding what sentence to impose, courts must consider the circumstances of the case, including the culpability of the offender, the harm they caused or intended to cause, and any aggravating and mitigating factors.

Regarding updates to sentencing guidelines, these are developed by the independent Sentencing Council for England and Wales, in fulfilment of the statutory duty to do so. The Sentencing Council is an independent body which decides on its own priorities and work plan for producing guidelines. The Government cannot require the Council to produce or amend particular guidelines. However, you may be interested to know the sentencing guidelines for Fraud, which have been in force since 2014, require the courts to consider factors including the victim's vulnerability in determining the level of harm for this offence.

Beyond sentencing, the Crown Prosecution Service (CPS) provides advice and charging decisions on cases of fraud referred to it by the police. They continue to work alongside other Government departments and the police to provide a multi agency response to criminality associated with covid-19, to combat this criminal activity and protect the public. The CPS has a dedicated, specialist fraud division to ensure that it devotes the right skills and resources to prosecuting complex and serious fraud and economic crime.

It is important that we continue to raise awareness of fraud and protect ourselves, and the vulnerable people in our communities. City of London Police, as the national lead force for fraud and cyber crime prevention, sent out an alert on 6 March highlighting some of the frauds and scams they've identified, outlining how best to prevent them. It is being circulated, alongside further advice and guidance, by the cyber crime PROTECT network, which consists of more than 100 police officers and staff across the country whose focus is on helping businesses and individuals to protect themselves from these crimes. The CPS are continuing to work with law enforcement colleagues, and will continue to update their safeguarding messaging as necessary.

I hope this letter reassures you that the Government takes this issue very seriously and that we are doing everything we can to ensure that we protect victims of crime.

A handwritten signature in blue ink, appearing to read 'Chris Philp', with a long horizontal flourish extending to the right.

CHRIS PHILP MP