

217.8 Cases £40,000+

R v Brindley 2014 EWCA Crim 1104 D pleaded to benefit fraud (×2). In 1999, she made a legitimate claim for benefits following the separation from her partner. In 2003, she moved to her present address where she made declarations that she remained the single parent of two small children and that her circumstances had not changed. However, her partner had once again began to reside with her at about that time. Between 2003 and 2012, she failed to declare that change in circumstances. As a result, she had claimed Housing benefit, Council tax benefit, Jobseekers Allowance and Income Support. She was not entitled to any benefits. The total sum obtained was just over £100,000. An investigation was conducted after it came to light that she lived with her partner, they had use of motor vehicles and that D kept a number of horses. It was common ground that the claims were not fraudulent from the outset but were carried out over a significant period of time. It was also common ground that the case fell within the second or third levels described in the guideline. Held. Due to the sum involved and the length of time over which the fraud was carried out, an immediate custodial sentence was fully justified and inevitable. The notes in the guidelines point out that the figure of £100,000 was taken as a starting point for the second category because the [Sentencing Guidelines Council] considered it unlikely that more than that could be obtained in a benefit fraud unless the offence was professionally planned. There was no suggestion of professional planning in this case. Given the mitigation, starting at 18 months was manifestly excessive. Starting at 12 months was appropriate. With the plea, **8 months**, not 12.