



**HMCPSI**

HM Crown Prosecution  
Service Inspectorate

# Case progression in the Serious Fraud Office

**Review of case progression  
systems and processes between  
case acceptance and charge**

**October 2019**

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## Who we are

HM Crown Prosecution Service Inspectorate inspects prosecution services, providing evidence to make the prosecution process better and more accountable.

We have a statutory duty to inspect the work of the Crown Prosecution Service and Serious Fraud Office. By special arrangement, we also share our expertise with other prosecution services in the UK and overseas.

We are independent of the organisations we inspect, and our methods of gathering evidence and reporting are open and transparent. We do not judge or enforce; we inform prosecution services' strategies and activities by presenting evidence of good practice and issues to address. Independent inspections like these help to maintain trust in the prosecution process.

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# 1. Summary

## Chief Inspector's foreword

**1.1.** Each Director of the Serious Fraud Office (SFO) has taken his or her own approach to how to make the best of the unique opportunity the SFO presents. The creation of a body that merged the skills of investigators, accountants and prosecutors into a single entity – the Roskill model – was innovative and much was promised about how effective the new body would be at tackling the most serious and complex of economic crimes. One constant challenge has been effective case progression. Some approaches have proved more successful than others.

**1.2.** Under the previous Director, Sir David Green CB QC, the SFO experienced something of a renaissance. It began with a significant internal reorganisation and a firm reaffirmation of the importance of prosecution as a consequence of corporate wrongdoing. It was also coupled with closer working relationships with the US Department of Justice and the introduction of new weapons in its armoury: deferred prosecution agreements and the Bribery Act.

**1.3.** The current Director, Lisa Osofsky, brings American and British prosecution and defence experience to the role. She has made it one of her priorities to ensure the SFO works as effectively as it can, has personally indicated that the organisation removes cases that are not going anywhere<sup>1</sup> and seeks to improve how cases are progressed. This inspection, which examines case progression within the SFO, is therefore timely. Whilst it was suggested by the former Director, it will assist the current Director in her goal.

**1.4.** The majority of cases that the SFO deals with are huge, complex matters. A case can involve terabytes of data, all of which has to be analysed and dealt with in accordance with the laws relating to privilege, disclosure and data protection that apply to all criminal cases. The cases also usually involve an international element which will require the co-operation of another country's legal system. All of these issues bring challenges to the effective progression of cases and some are outside the control of the SFO.

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<sup>1</sup> By applying the Code for Crown Prosecutors when closing investigations that did not have a realistic prospect of conviction or were not in the public interest to pursue.

**1.5.** It would be wrong to read this report negatively and form the view that the SFO is ineffective: it is not. There are undoubtedly ways the SFO can improve but, for the most part, it already has in place the frameworks within which the necessary improvements can be achieved. However, this depends on getting staff to comply with processes and be consistent, on line management being more effective and on better and more quality control. Achieving those changes within a departmental structure following Civil Service rules in a reasonable time will be challenging. It is to the credit of the previous and current Director that the SFO is in a strong position to tackle our recommendations.



## Headlines

**1.6.** The Serious Fraud Office (SFO) is a specialist prosecuting authority. It plays a core role in protecting the UK and works with others across the world to tackle economic crime. The SFO takes on highly complex and difficult cases, many of which can take a number of years to progress through the criminal justice system from acceptance to completion.

**1.7.** The SFO has been subject to criticism about its handling of cases and how it progresses some cases. There have been some failures but generally the SFO performs well and has delivered good results in many challenging cases.

**1.8.** HM Crown Prosecution Inspectorate (HMCPPI) has a statutory remit to inspect the SFO. Over the course of earlier inspections, and in discussion with the SFO and stakeholders, it became apparent that a key concern was the time it took cases to reach a conclusion. We therefore determined that we should inspect case progression from acceptance to the decision to charge.

**1.9.** The SFO has clear and well documented internal casework processes, contained in an operational handbook which sets out what is expected and indeed mandated. However, there is inconsistency in its application, with individual case controllers operating their preferred structure for case files and process for case progression. This hampers the ability of staff joining a team to get to grips with the case, and of those working on more than one team at once to understand what is expected of them. We have not made a recommendation specifically in relation to this aspect, because the strategy and guidance are in place, but we urge the SFO to ensure full compliance with the operational handbook.

**1.10.** The SFO has also commissioned a new case management system which it hopes will address some of the concerns identified during the course of the inspection. We identified good practice in the maintenance of a key documents folder for new joiners to the team, and in hyperlinking entries in the decision log to the relevant decision records.

**1.11.** Cases are accepted for investigation in a timely manner, but delays then occur. This is often as a result of two key blockages: firstly, the allocation of a case controller and a suitable team takes too long in some cases; and secondly, the digital forensic unit is significantly behind in its processing of the digital material the case teams need to investigate. Resourcing inevitably plays a part in this.

**1.12.** The SFO has carried out significant work to address the concerns with regard to processing the backlog of digital material, but suffers from the same

issues that face many in the criminal justice system with the increases in digital material.

**1.13.** Whilst the SFO has a strategic and tactical co-ordination group, in its current form it does not examine cross-team resourcing, because it discusses cases before they are allocated to case teams. The SFO needs to develop a strategic approach to resourcing and case management; inspectors were of the opinion that the strategic and tactical co-ordination group could be used to fill this void.

## **The Roskill model supports effective case progression when it works well**

**1.14.** Case progression has the potential to be more effective if the SFO can overcome the main hurdles of resourcing, consistency in processes and practice, and delays in digital material processing. The SFO uses multi-disciplinary teams, as advocated by the report

which led to its introduction. This structure, known as the Roskill model, supports effective case progression when it works well, and we saw an example of that in our file examination.

**1.15.** Under the SFO's matrix model, though, case controllers and teams often work on more than one case at once, and there is not an equal allocation of resource across divisions, both of which hamper effective case progression. There are also concerns about the availability and deployment of specialist resources, such as accountants and independent counsel.

**1.16.** The SFO needs a resourcing model and a set of clear expectations that will address these aspects and equip case teams to progress cases more effectively.

**1.17.** Changes to personnel in case teams are often unavoidable, but changing the case controller can impact significantly on effective progression. In the six cases we examined, four had more than one case controller, which caused a change in the direction and strategy of the investigation or in resourcing, leading to delays or re-doing pieces of work.

**1.18.** Unused material was handled reasonably well, and we saw examples of very good consideration of the material and strong disclosure strategies. However, there are inconsistencies here too, in compliance with the handbook and the methods of different case controllers. In several cases, the inconsistencies in approach hampered case progression, particularly when a peer review highlighted problems, or a new case controller changed the strategy, causing delays and re-work.

**1.19.** There are opportunities for learning and development, and staff reported that they received the training they needed to do their jobs. The SFO has trained and supported staff to become investigators and accountants, both disciplines where there are shortages. Given some of the issues set out in this report, the SFO should consider developing specific case progression training. Inspectors noted that there would be an opportunity to increase the focus by developing some of the modules in the leading complex investigations course and other internal courses.

**1.20.** There are various strands to the oversight of case progression, including case review panels, Heads of Divisions' meetings with case teams, peer reviews and performance data.

**1.21.** The case review panels vary in frequency and depth of analysis, and tend to be more focused on legal issues than case progression. Heads of Division could do more to challenge, influence and quality assure cases that are not progressing effectively. Whilst meetings are held at the end of a case to identify good practice and lessons to be learned, these may be stale by the time they are considered, and they are not shared across case teams or divisions.

**1.22.** There is a useful dashboard with performance data and some qualitative information about how the SFO is doing. The data can be used to drill down to individual case levels, and there are reports available on various stages in a case, such as the last time a search warrant was executed or an interview conducted. However, we found no evidence that managers were using this data to identify blockages to case progression on their teams' cases.

**1.23.** Senior managers are fully engaged with partners and stakeholders, there are agreements and protocols in place, and there is an international team in the SFO. These have tangible benefits for mutual assistance and case progression, as evidenced by a very good example in our file examination. There could be better processes for escalation, and engagement would benefit from clearer expectations about the role of Heads of Division in engagement, which varies at present.

**1.24.** The SFO has made a greater commitment to victims and witnesses since we last reported on this aspect of its work. There are more resources applied, and clearer expectations set, which have led to improved communications with victims and witnesses. The requirement for case controllers to develop a victims and witnesses strategy at an early stage is leading to more timely determination of a person's status as a suspect, victim or witness, which is improving the quality of investigative decisions.

## Recommendations, issues to address, and good practice

1.25. We make the following seven recommendations.

### Recommendations

The Serious Fraud Office should develop a resourcing model that takes into account staff skills and time available to progress cases effectively. (3.17)

The Serious Fraud Office should:

- review resourcing in a holistic manner to ensure equity across cases in allocation of the teams and skills
- reconsider allocation of the case controller and team when it becomes apparent that cases are not being taken forward promptly after acceptance. (3.17)

The Serious Fraud Office should review resourcing across divisions to ensure that resources are allocated according to case needs, and in such a way that when changes are required, there is as little disruption as possible to case progression. (4.10)

The Serious Fraud Office should be clear about the use of independent counsel, including guidance for case controllers on their deployment and monitoring, and a mechanism for evaluating the value for money they provide. (4.31)

The Serious Fraud Office should develop understanding across the casework divisions of the impact of seizures on the digital forensic unit, and the need to be proportionate in their demands and expectations of this unit. This should be accompanied by measures to significantly reduce the impact of current delays on case progression. (4.61)

The Serious Fraud Office should consider how it can improve the focus and delivery of training to support case progression. The Serious Fraud Office needs to develop a programme of learning and development that delivers the core skills for effective case progression. (5.12)

Heads of Division should set and monitor key milestones in the investigation and prosecution of cases, and should enforce compliance with the operational handbook. (6.8)

1.26. We find the following two issues to address.

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**Issues to address**

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When implementing a new electronic case management system, the Serious Fraud Office should consider how the intelligence division can use or readily transfer relevant information to the system so as to maximise the quality of information delivered to case teams in the handover. (3.15)

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The Serious Fraud Office should identify key milestones and measures of case progression and preparation, develop them into performance data, and use them to identify and challenge delays in cases. (6.24)

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1.27. We identify the following two aspects of good practice.

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**Good practice**

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One case controller maintained a folder of key documents for people joining their team. This provided a helpful introduction to the case, promoting more efficient team working. (4.17)

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Master decision logs that include links to the individual decisions help new staff joining a team to understand the case, promote good case progression, and provide a clear audit trail. (4.35)

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## **2. Context and methodology**

## The Serious Fraud Office

**2.1.** The Serious Fraud Office (SFO) is a specialist prosecuting authority tackling the top level of serious or complex fraud, bribery and corruption. It is part of the UK criminal justice system and covers England, Wales and Northern Ireland. In line with the government's strategy, the SFO works with other law enforcement partners to address the challenges presented by serious and organised crime. The SFO collaborates with UK government departments and with overseas partners where there is a common interest.

**2.2.** The SFO also pursues financial benefits acquired by offending, to recover the proceeds of crime and compensate victims wherever possible. It investigates and prosecutes cases where money laundering has taken place, obtains restraint orders and enforces confiscation orders over assets in the UK.

**2.3.** The SFO is a designated prosecuting authority in the UK for the purposes of assisting overseas jurisdictions to combat international crime. As part of the UK's commitment, the SFO provides other countries with evidence to prosecute cases, and seeks to deter international criminals from using the UK as a base for their activities, seeking out UK victims or damaging the UK's reputation.

**2.4.** The SFO's caseload is small, usually fewer than 100 cases at any one time. However, the number of cases does not reflect their scale and complexity; SFO cases can involve hundreds of victims, millions of documents and activity in many countries. As a result, they tend to take longer to investigate and prosecute than other criminal cases, although this does not apply to every case, and all cases should be managed with expedition.

**2.5.** The SFO has an annual budget of about £50 million, which is supplemented as necessary by additional funding from the Treasury Reserve. Treasury Reserve funding enables the SFO to obtain additional money for cases where costs exceed £2.5 million<sup>2</sup> during the financial year. Blockbuster funding has been in place since 2012 to enable the SFO to take on very large cases which could not have been anticipated or budgeted for in advance. The current arrangements were agreed in April 2018 and replace the previous blockbuster funding arrangement. The changes are cost-neutral but enable the SFO to manage its budget more flexibly and efficiently, with a reduced call on the Treasury Reserve.

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<sup>2</sup> Or 5% of the department expenditure limits (DEL).

**2.6.** The SFO has the power to investigate and to prosecute cases, and its teams are multidisciplinary. A case team is led by a case controller (who may be a senior lawyer or investigator) who oversees lawyers, investigators, forensic accountants, and other specialists, as well as instructing counsel from the outset. This structure is known as the Roskill model, named after a 1985 review chaired by Lord Roskill<sup>3</sup>. We discuss the model in the context of case progression in chapter 4.

**2.7.** The SFO has three casework divisions, each handling fraud and bribery and corruption. It moved from five casework divisions to four in March 2017, and to three in January 2018. It also has an additional operational division dealing with the proceeds of crime and international assistance.

**2.8.** The SFO is unique in its role and structure, so direct comparisons with the Crown Prosecution Service (CPS) can be unhelpful, although there are some parallels in their work. The CPS has no investigative function, although it does provide early investigative advice to the police in serious and/or complex cases. The SFO is a smaller organisation than the CPS, but in many ways has a higher national profile. The SFO has faced, and continues to face, substantial challenges, some of which derive from the complexity of its casework, and some from the frequent interest in it shown by Parliament, the national media and other commentators.

## Inspections of the Serious Fraud Office

**2.9.** HMCPST first inspected the SFO by invitation in 2012. This inspection looked at casework. We made eight recommendations in a report published in November 2012. Those relevant to this inspection are:

- Recommendation 3: The SFO needs to improve the methods by which it assesses the skills, specialism and level of staff commitment required for individual cases, so that it can ensure case investigation and prosecution teams are properly resourced.
- Recommendation 4: The SFO needs to standardise, streamline, and mandate its casework management processes, including records management structures/templates, and quality assurance.
- Recommendation 6: The SFO should review and update its disclosure guidance, design and mandate updated schedule templates, and ensure that all casework staff are trained accordingly.

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<sup>3</sup> [sfo.gov.uk/download/the-roskill-report-fraud-trials-committee-report](https://www.gov.uk/download/the-roskill-report-fraud-trials-committee-report)



**2.10.** HMCPsi followed up the recommendations in 2013–14, reporting in November 2014. We concluded then that the SFO had made substantial progress on casework assurance (recommendation 4) but limited progress on resourcing teams appropriately (recommendation 3) and disclosure (recommendation 6). In this report, we return to the same issues.

## **There are now more effective and regular challenges from senior managers, General Counsel, and the Director in casework processes**

**2.11.** In May 2016, we published an inspection about the SFO’s governance arrangements. This inspection looked at whether structures, processes for decision-making, leadership and control, accountability and direction were effective and efficient. We concluded that although casework was not managed directly at SFO Board level, the existing process provided a good level of

assurance to the Board. We also found that the casework processes lacked the level of independent oversight required in an organisation which prosecutes and investigates its own cases. The report highlighted the need to enhance transparency and probity in relation to casework governance.

**2.12.** The SFO acted on the report and there are now more effective and regular challenges from senior managers, General Counsel, and the Director in casework processes. Additionally, the SFO undertakes regular casework governance audits. These exercises are undertaken jointly by the SFO’s quality assurance team and the HMRC internal audit team. We discuss the efficacy of these measures in chapter 6.

**2.13.** The finding in our 2016 report, that cases were criticised for the time they took from start to end, prompted the inclusion of this inspection in our 2017–18 programme.

**2.14.** We published our *Serious Fraud Office leadership review*, carried out at the request of the SFO, in July 2019<sup>4</sup>. Among the themes we identified then were a lack of consistency in the management cadre, and the need for a strategic approach to cultural change. In our conclusion, we said: “Most importantly, the changes need to be driven throughout the organisation, with nobody excused from participation.” These themes feature in case progression, too, and we highlight them where appropriate in this report.

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<sup>4</sup> [justiceinspectorates.gov.uk/hmcp/inspections/serious-fraud-office-leadership-review](https://justiceinspectorates.gov.uk/hmcp/inspections/serious-fraud-office-leadership-review)

## Methodology

**2.15.** The aims of the inspection were to determine whether:

- there are appropriate and effective arrangements in place for the timely progression of cases, and decisions are properly made, recorded and quality assured
- there is effective leadership, management, quality assurance and oversight of casework progression to ensure cases are progressed efficiently, effectively and in a timely manner
- staff have access to the necessary training to deliver case progression to a high standard, and there is effective support and guidance for the investigation team during the life cycle of a case
- there is effective case progression through partnership arrangements and effective joint working with criminal justice partners, stakeholders and internal SFO units
- the arrangements for the support of victims and witnesses are effective in ensuring cases are progressed, the right support is available, and the SFO is alive to victim and witness issues and the risks to effective case progression.

**2.16.** The high level questions and inspection criteria we used are set out in annex A.

**2.17.** As part of the methodology, we examined six cases in detail, looking particularly at the stage between case acceptance and charge. The cases examined (two from each of the three casework divisions) were selected randomly to enable inspectors to look at various aspects of SFO business. For each of those cases, we spoke to staff and case managers and reviewed key documents.

**2.18.** The team inspected the SFO's processes and documentation for the governance and assurance of casework. We examined training material relating to case progression, casework processes and systems, and the mechanisms for learning lessons. We also analysed how performance data is used and shared.

**2.19.** Inspectors observed key case progression processes (including a case evaluation board and court proceedings) and carried out a snapshot review of live files. We interviewed SFO staff and managers and spoke to external stakeholders, including defence solicitors and prosecution counsel.

**2.20.** Cases post-charge and deferred prosecution agreements were not within the scope of this inspection. We assessed the rationale for accepting a case and the decision to charge only in so far as it was a significant barrier to case progression. It was not a significant barrier in any of the cases that we looked at.

### **3. Case acceptance and the handover to case teams**

## Serious Fraud Office process

**3.1.** The Director of the SFO is responsible for deciding whether to take on an investigation. The Criminal Justice Act 1987 sets out that “the Director may investigate any suspected offence which appears to him on reasonable grounds to involve serious or complex fraud”. This includes bribery and/or corruption. In practice, the Director makes acceptance decisions using formal criteria contained in a Statement of Principle.

**3.2.** Until 10 January 2019, the Statement of Principle required consideration of:

- whether the apparent criminality undermined UK PLC commercial or financial interests in general and in the City of London in particular
- whether the actual or potential financial loss involved was high
- whether actual or potential economic harm was significant
- whether there was a significant public interest element
- whether there were new species of fraud.

**3.3.** On 10 January 2019 the Statement of Principle was amended to include consideration of:

- the actual or intended harm that may be caused to:
  - the public
  - the reputation and integrity of the UK as an international financial centre
  - the economy and prosperity of the UK
- whether the complexity and nature of the suspected offence warrants the application of the SFO’s specialist skills, powers and capabilities to investigate and prosecute.

**3.4.** Information about possible fraud or corruption comes to the SFO by a number of routes, including the police or other law enforcement agencies in the UK or abroad, whistle-blowers, victims, the media, and corporations self-reporting, or their competitors. Once received, it is assessed by the intelligence division (ID), which undertakes research and develops the information. The division has unique pre-investigation powers to help determine whether to

commence an investigation in cases where overseas bribery and corruption or fraud may have taken place.

**3.5.** The ID then prepares a submission to the case evaluation board, which was introduced to improve consistency and strengthen governance. The case evaluation board considers the ID's findings and makes a recommendation to the Director as to whether a case should be accepted for investigation.

**3.6.** Once accepted, a case enters the investigation and prosecution stage, with investigators, lawyers and other specialists working together, as described in chapter 4.

**3.7.** The SFO does not have a formal resourcing model for allocating staff to cases. There is, however, a strategic and tactical co-ordination group, consisting of Heads of Division and the head of the ID. This group meets regularly to look at cases being progressed in the ID, assess their relative urgency and consider how to match skills and availability to the emerging cases. The group has no role in resourcing teams after acceptance.

## Our findings

### Case acceptance

**3.8.** In five of the six cases we examined, the Director's decision and sign-off were appropriately recorded. There was one case in our sample where this did not occur pre-acceptance because of the need for a very rapid decision. The documentation was created after the event, and provided an adequate audit trail.

**3.9.** We did not find evidence of significant delays in the acceptance of cases.

### Getting the case started

**3.10.** Post-acceptance, there were delays in defining the parameters of the investigation and/or allocating resources to it. We were told that if a case was not considered to be a high priority, it could wait in the ID for some time (in some instances, for 12–18 months) until a case team was allocated and able to start work. Like all organisations, the SFO has to decide how to prioritise its workloads within the budget allocated.

**3.11.** In half the cases in our file examination, we found evidence of drift before the investigation strategies were set and the right team assembled. In one case, it took eight months from acceptance for an investigation strategy to be prepared. In another, the case team did not have sufficient resources to investigate effectively for about 12 months. In a third case, the team allocated after acceptance was not sufficient to deal with the complexities of the case; this

persisted for some months and impaired case progression. Because of the delay, a new case controller took over, who made a successful business case for the team to double in size from seven to 14.

**3.12.** Where there was drift or a lack of progress in the cases we examined, we found no evidence of challenge from senior management. However, since the appointment of the new Director, there has been an increased level of case challenge through both formal and informal meetings.

**3.13.** Staff reported a lack of clarity as to why certain cases appeared to be given significantly more priority than others, because not all cases are discussed at the strategic and tactical co-ordinating group. There is also no consistency in whether a case controller and team are allocated before or after acceptance. We were told of instances where investigation strategies created in the ID tied the hands of case controllers appointed later, and limited the structure of the case after acceptance. We did not see any examples of this in our file examination, but the intelligence stage was out of scope for this inspection.

**3.14.** Engaging a case controller and team early may help tackle this, but may duplicate the work of the ID, and potentially waste resources if the case is likely not to be accepted. There is a balance to be struck.

**3.15.** Effective handover from the ID to case teams was hindered by these parties' use of different electronic file structures. There are plans for a new electronic case management system, and it will be important that the ID can either use the same system or readily transfer information to it as part of the handover.

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**Issue to address**

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When implementing a new electronic case management system, the Serious Fraud Office should consider how the Intelligence Division can use or readily transfer relevant information to the system so as to maximise the quality of information delivered to case teams in the handover.

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**3.16.** In addition, the quality of the handover from the ID was not adequately supporting the development of cases thereafter. There was acceptance at senior level that this needs to improve. The SFO plans to deploy more staff to the ID, including a number of lawyers, to help the unit develop a better understanding of issues that impact on case development. This was welcomed by staff.

**3.17.** The strategic and tactical co-ordinating group's role and terms of reference need to be much clearer. The SFO also needs a resourcing model or other formal criteria for determining allocation of teams to cases. If a case controller or other key members of the team cannot embark on the case within a short period of time, the SFO needs to determine a method for allocating

resources, taking adequate account of the demands of other ongoing cases in the divisions. Setting clear milestones at the case acceptance stage for key stages thereafter would also promote effective case progression.

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**Recommendations**

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The Serious Fraud Office should develop a resourcing model that takes into account staff skills and time available to progress cases effectively.

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The Serious Fraud Office should:

- review resourcing in a holistic manner to ensure equity across cases in allocation of the teams and skills
  - reconsider allocation of the case controller and team when it becomes apparent that cases are not being taken forward promptly after acceptance.
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## 4. Case progression

## Resourcing teams during the case

### The Roskill model and team composition

**4.1.** The SFO faces challenges in ensuring it has the right staff with the right skills doing the right jobs at the right time, and in ensuring an even flow of work. Some of these issues derive from the complexity of the work, the need for enquiries in foreign jurisdictions, or internal issues such as delays processing digital material, which we discuss from paragraph 4.51.

**4.2.** With the aim of addressing these issues, the SFO:

- uses an international team to liaise with and advise case teams from the outset
- employs specialist staff to meet the complex demands of the case
- carries out detailed training for all permanent staff
- builds its influence with stakeholders at the strategic level.

**4.3.** We saw nothing to dissuade us from the view that the Roskill model is the right structure with which to progress SFO cases. Its effective implementation can be undermined, however, by a lack of a strategic case overview and plan, by how the case is resourced, or by varying strengths in the case controller cadre.

**4.4.** We saw examples where the use of independent counsel was effective in delivering support to case teams, but this is inconsistent and would benefit from best practice being shared across case controllers. Nor is there a training plan to build the skills needed to underpin the model.

**4.5.** The digital forensic unit exists to support teams, but its timeliness needs to be better and delays managed more effectively. This unit faces specific challenges in respect of resource and capacity. This issue is not unique to the SFO.

**4.6.** In our file examination, we found a very good example of the benefits of the multi-disciplinary model envisaged by the Roskill report. In that case, there was early appointment of counsel to a team that also included a forensic accountant, French-speaking document reviewers and an intelligence analyst. This promoted effective case progression.

**4.7.** It is common and expected for the composition of the case team to change throughout the life of a long-running SFO case. By the nature of long-running cases, teams on these cases experience staff turnover. Staff reported that team changes during the course of an investigation have an adverse impact on case progression, and some stakeholders shared their concerns. In the six cases we examined, four had a change in case controller, all of which led to a change in the direction and strategy of the investigation or in resourcing. In one of these, there had been four case controllers during a four and a half year investigation.

**4.8.** The quality of the handover by the outgoing case controller has a significant influence on the ability of the incoming one to move the case forward immediately. In addition, weaknesses in file organisation (see paragraph 4.14) are a hindrance to new starters at all levels of a case team.

**4.9.** The SFO employs a matrix model to allocate resources to a number of cases at the same time. Before its introduction, staff worked on one case at a time. The matrix model is widely seen as more effective at developing staff skills than at aiding case progression. We saw examples where team members had more than two other cases, and case progression was hindered as a result. Equally, we saw a case where the matrix model worked well. Senior managers need to reflect on its purpose and efficacy in the context of team resourcing generally.

**4.10.** The SFO needs to understand better the balance of resources between divisions, and ensure there is a more robust process in place to minimise the disruption caused by changes in team personnel.

### **Recommendation**

The Serious Fraud Office should review resourcing across divisions to ensure that resources are allocated according to case needs, and in such a way that when changes are required, there is as little disruption as possible to case progression.

## Case management processes and the handbook

**4.11.** The SFO has an operational handbook which is regularly updated. It includes useful instructions on how to organise an electronic case file. Senior managers have stressed that compliance with the handbook is mandatory. Despite this, many staff still regarded the expectations and standards it includes as optional.

**4.12.** Whilst there is evidence that staff consult the handbook, our file examination identified that case teams did not follow the guidance set out in the handbook. In interviews, staff said that they would consult the handbook about unusual scenarios, such as obscure points of law or practice. This mirrors one of the themes from our 2019 *Serious Fraud Office leadership review*: that change needs to be implemented throughout the organisation, and nobody should be permitted to exempt themselves.

**4.13.** Of the six files we examined, none were organised in a way that complied fully with the handbook. In longer-running cases, the handbook may have been updated after the case file was opened. In one case in our sample, we saw there was now strict compliance with the handbook after a peer review had identified the lack of it as an issue.

**4.14.** When examining files, we found that even straightforward activities, such as locating the case strategy, were made difficult by the failure to use the prescribed file structure. In four cases, we found instances of confusing folder structures, items stored in the wrong folders, non-standard naming protocols for documents, or duplication and overlap between different sections of the electronic file. Decision logs were present in all the files we examined, but the folders often contained different versions of the logs, and in different formats, which was confusing and not compliant with the handbook.

**4.15.** In one case in our sample, there had been a significant change to the direction of the investigation which was not evidenced in the high level case strategy documents. It was recorded very fully, but stored as one entry in a decision log containing 68 other entries which varied greatly in their relative importance. Without signposting from an informed member of the team, such an important decision could easily be missed.

**4.16.** The risk to proper case management is clear, particularly where team members change regularly. Disorganisation hampers new members of a team in getting to grips with a case. It also causes confusion about where teams need to store material, especially if they are working with two or more case controllers, each with different ideas of how to structure the file. The inconsistency also

makes carrying out quality assurance more time consuming than it needs to be. Lack of version control for key documents, such as decision logs, presents a risk that the organisation cannot provide a clear audit trail, which could cause reputational damage if a decision was challenged in court.

**4.17.** In one case, we found a specific folder containing key documents for new staff to read. This is not mandated by the operational handbook, but is a sensible approach to help overcome some of the difficulties faced by people joining a team partway through the investigation.

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#### **Good practice**

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One case controller maintained a folder of key documents for people joining their team. This provided a helpful introduction to the case, promoting more efficient team working.

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**4.18.** We found no issues with the capacity of the SFO's old document reviewing system (Autonomy DRS) or its new system (Accelerate) to record the digital material generated by SFO investigations and allow teams to review it effectively. Although the new system only featured in one case we examined, the SFO's significant investment in designing and developing the new system will increase case efficiency and speed up progression. Every new case since May 2018 has been uploaded on the new Accelerate system.

**4.19.** The SFO recognised that it needed to improve the systems it used to manage and control cases. The SFO has invested in a new electronic case management system which will be introduced soon. This would facilitate a more uniform approach, which is clearly needed. Not all staff seemed to be aware of the plans, but the people we spoke to welcomed the idea.

## **Managing teams**

**4.20.** Team management is effective within individual case teams. This extends to other cases the team are working on, but largely where they have the same case controller. Where staff work with more than one case controller or across divisions, a situation that senior managers try to avoid, we found there were tensions caused by significant variations in management styles and expectations, and by the lack of standardised processes (see paragraph 4.16). Staff reported that the extent and quality of managerial supervision varied significantly from case to case, which could impact on staff engagement with the work and the team.

**4.21.** This is supported by our finding that similar groups of staff have significant variations in their levels of engagement. It replicates the judgement in our 2019 *Serious Fraud Office leadership review* that there is inconsistency in the management cadre.

**4.22.** The day to day activities of team members are controlled by task lists, which impose clear accountability, and which we found to be comprehensive and effective. There are weekly team meetings which are also an effective driver for grip on cases. However, not all team members attend the meetings. For example, external counsel working as reviewers of unused material are not always included in meetings, or in other key case team events or developments. In addition, differences in management styles also mean that the guidance team members receive can vary considerably, as can the quality assurance of their work. This, too, hampers consistent case progression.

## Use of specialist resources

**4.23.** The SFO employs 26 accountants. Relevant staff were concerned that this was insufficient to meet casework demands. We have been unable to confirm or refute this concern owing to the lack of a resourcing model.

**4.24.** Accountants were similar to other staff in noting that their effectiveness varied from case controller to case controller. As discussed in paragraph 3.10, cases are delayed at the outset if there is not a specialist available that the case needs. Despite being a scarce resource, staff reported being used for work outside their accountancy specialism because there was nobody else on the team available to carry out that task, which is wasteful. In response, the SFO has tasked one of the Principal Divisional Investigators with establishing an Accountancy Support Unit to strengthen the accounting resource available to case teams.

**4.25.** Counsel, too, are not always used in such a way as to reap the greatest benefits. We found examples of independent counsel providing a very effective service to investigations under the Roskill Model, but this is not a complete picture, and does always not come about as a result of a strategy for their deployment. For example, there is no operational guidance on the use of independent counsel to assist in the disclosure process ('disclosure counsel').

**4.26.** The involvement and role of counsel varies from case to case and is driven by the management choices and styles of key members of the case team. Whilst most cases we examined had engaged the services of disclosure counsel, we noted that in one case, a very well organised investigation and sound disclosure process had been achieved without the need for independent counsel.

**4.27.** Other issues hampering the efficacy of disclosure counsel deployment include lack of access to the operational handbook, lack of training on SFO practices or policies for casework (such as disclosure), and lack of clear expectations and timelines for review work to be completed.

**4.28.** Inconsistent oversight and control means it is not possible to assess, fully and in all cases, whether counsel provides value for money on individual cases.

**4.29.** This ad hoc and under-evaluated use of specialist resources can expose the organisation to risk. In one case in our file sample, the unused material needed to be revisited in its entirety, partly because counsel had been drip-fed information and excluded from some of the key decision-making. It is important for the integrity of cases that the disclosure of unused material is carried out responsibly and properly. The need to undertake the disclosure exercise twice caused additional delays to the case, and potentially exposed the organisation to criticism.

**4.30.** We found no examples where the disclosure exercise was not completed appropriately.

**4.31.** Feedback from leading counsel, particularly those who had been instructed in blockbuster cases, was generally positive about how they had been deployed and how the multi-disciplinary approach suited the case, where there were sufficient resources. In our file sample, we noted an instance where the early involvement of counsel to give advice on re-arrest and further interview was useful in progressing the case.

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**Recommendation**

The Serious Fraud Office should be clear about the use of independent counsel, including guidance for case controllers on their deployment and monitoring, and a mechanism for evaluating the value for money they provide.

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**4.32.** The SFO also uses independent counsel to review legal professional privilege (LPP) material. This is entirely appropriate. We had no concerns about the handling of LPP material aside from one case where it took too long to process the digital material, putting back the appointment of counsel. Delays in the digital forensic unit (which we discuss from paragraph 4.51) affect the timeliness of LPP reviews in the same way as other aspects of case progression.

**4.33.** Inspectors noted the SFO's ground-breaking use of artificial intelligence to review LPP material. This has resulted in substantial savings in time, money and resources.

**4.34.** A job role titled 'case progression officer' was introduced into the SFO in March 2018, but the role is not clear. The incumbents are undertaking administrative tasks, rather than work that would further case progression – such as monitoring deadlines, targets for key actions, or compliance with court orders.

## Casework quality and timeliness

**4.35.** Records of decisions and file endorsements were mostly very thorough and of good quality in the cases we examined. In a number of cases, we found master decision documents which included hyperlinks to all the individual decisions made on the case, which we consider to be good practice.

### Good practice

Master decision logs that include links to the individual decisions help new staff joining a team to understand the case, promote good case progression, and provide a clear audit trail.

**4.36.** Our file examination showed that ancillary applications during the investigation stage, such for orders under the Proceeds of Crime Act, were dealt with in an appropriate and timely way. We did not examine case progression post-charge, so we are unable to comment on aspects such as compliance with Judges' orders or service of the prosecution case.

**4.37.** We noted, and were told of, delays that can be occasioned by the overseas elements of many of the SFO's cases. At a strategic level, the SFO engages with its partners in foreign jurisdictions, and there are many well established protocols and other agreements in place for obtaining and sharing evidence, freezing assets or extraditing suspects. However, at the level of individual cases, the case controller may not have much scope to determine the timescales for the work they are seeking from other jurisdictions. It is important, therefore, that case controllers anticipate the need for overseas-based tasks, plan accordingly, and ensure that there is other work that can progress in the meantime. At present, not all case controllers do so.

**4.38.** There was a concern expressed to us that international letters of request were used too often as an excuse for delays that could have been avoided with better planning and escalation. We were told that the quality of drafting of international letters of request had hindered progress in one case, and they had had to be re-written.



## Disclosure of unused material

**4.39.** The SFO, like the CPS, must comply with its statutory duties for the disclosure of unused material to the defence where it may undermine the prosecution case or assist the defence. Unlike the CPS, which has no investigative function, the SFO must also comply with duties regarding reasonable lines of enquiry, and the recording and retention of material during the evidence-gathering stage.

**4.40.** Unused material was handled reasonably well in the cases we examined, but once again there was inconsistency in the completion and storage of key documents. In one case, for example, the disclosure decision log was not updated after being set up. All the cases we examined were at the investigative stage, and while no schedules of unused material had been prepared, we saw that unused material was being appropriately recorded and retained.

**4.41.** We did not identify any instances where there had been a failure to tell defence practitioners, before the SFO interviewed their clients, about relevant material that ought to be disclosed.

**4.42.** As with the electronic file structure, the approach to disclosure pre-charge is determined by the individual teams, which creates inconsistency and can pose a risk to the organisation. It was also difficult to assess whether, how and by whom the disclosure process was being managed, and the individual style of the case controller had a significant influence on the level of grip.

**4.43.** In one case we examined, there was a marked difference in approaches to disclosure between the original case controller and the one who took over, which caused delays and re-work. In another instance, the original case controller had appointed someone as disclosure officer who lacked the experience and time to fulfil the role properly. A peer review showed that, 15 months after the case was accepted, the disclosure decision log was blank. The appointment of a new case controller and disclosure counsel turned things around, but with a considerable waste of time and resources.

**4.44.** Whilst we found examples of very skilled handling of issues relating to unused material, we also found that the delays and lack of consistency impacted on effective case progression. An example of this was in the use and implementation of a proper disclosure strategy.

**4.45.** The operational handbook requires disclosure strategy documents (DSDs) to be completed at the outset by the case controller with the disclosure officer. The case controller's checklist in the operational handbook also sets out the need to establish a system for dealing with used and unused material from the beginning of the investigation.

**4.46.** In most cases, there will be large numbers of documents from various sources and a number of people reviewing the material over the lifespan of the case. It is essential to set a strategy at the commencement of an investigation that identifies lines of enquiry to be pursued, how material will be retained and managed, what issues may arise and how they are to be addressed. The framework for this is the DSD.

**4.47.** The DSD is a living document and should reflect changes in the disclosure strategy throughout the life of the case. We saw some good work on disclosure strategies, but this was not uniform, and did not necessarily translate into a properly completed DSD.

**4.48.** We found a DSD in each of the cases we examined, but they were of mixed quality and timeliness. In half the cases, we found a number of drafts, which were largely made up of pro forma sections on the law and procedure. Instead of following the process set out in the handbook, case teams were waiting for the precise nature of the investigation to emerge from document review and other analysis before addressing the issue.

**4.49.** To some extent, this is a realistic approach, and some senior managers accepted that the sections of the handbook relating to disclosure may be of limited benefit.

**4.50.** However, in three of the six cases we read, there were delays of between one and four years between case acceptance and starting or adequately completing a DSD, which is too long. In these cases it was apparent that the DSD was not driving and controlling the process.

## **The digital forensic unit**

**4.51.** The digital forensic unit (DFU) is a key part of the SFO. It processes all digital material the organisation receives from searches, seizures or voluntary surrender, among other sources. This includes a considerable number of electronic devices, which are being encrypted in increasingly sophisticated ways, and which may contain huge quantities of potential evidence. The digital material will also include large amounts of unused material, and items subject to legal professional privilege, both of which must be handled in accordance with strict regimes.

**4.52.** These challenges are not unique to the SFO. The changing environment of increased encryption makes processing devices more complex and time consuming.

**4.53.** The unit's task, under the Roskill model, is to support the investigation and prosecution effectively by processing and interrogating the material, and to enable compliance with criminal procedure rules and regulations and statutory duties.

**4.54.** This task is much easier to describe than it is to carry out. It has been hampered by a high turnover of staff in the unit, which in turn means new people joining who lack experience and need time to build their skills.

**4.55.** The digital seizure in one large case put a significant strain on the DFU from which it has yet to recover fully. There is lack of clarity amongst staff as to why some cases are prioritised over others. We were told that at a strategic level, there is insufficient collective responsibility for the delays.

**Where a case team has no clear digital strategy, there is a risk of seizing too much material without considering its likely impact**

**4.56.** DFU staff are assigned to a particular case team's tasks, but the inconsistencies in team management and case controllers' preferred ways of working (which we discuss in paragraph 4.20) have impacted on the quality of liaison between the case teams and the DFU team. In some cases, relationships between the two are poor.

**4.57.** To tackle this, the SFO has introduced a designated single point of contact (SPOC) within the DFU for each case team, but the take up of this is patchy. Our file examination confirmed what we were told by staff: that some case controllers were engaging well with the DFU regarding the access and presentation of data, but others were not. Our six cases included one with good liaison, but in the other cases there was no evidence of constructive contact.

**4.58.** Where a case team has no clear digital strategy, as in the case that added significant pressure on the DFU, there is a risk of seizing too much material without considering its likely impact, or that search operations will not be co-ordinated. This can have serious implications for the DFU's workload, which will be exacerbated if the degree of contact between the DFU and the case team does not allow the DFU to plan properly.

**4.59.** The delays in the DFU are having significant effects on case progression. The SFO has undertaken a number of recruitment drives in an attempt to increase resources. In the most recent of the six cases we examined, a wait of one year is anticipated while material is with the DFU.

**4.60.** More recently, regular liaison between the DFU and case teams has significantly reduced the volume of material seized and a more targeted approach to digital material is being developed. However, inspectors noted that this very much depended on the approach of the case controller.

**4.61.** Senior managers need to devise a one team ethos and implement solutions to resolve the issues in the DFU and case teams. These could include ensuring that each case has a digital expert who, along with the case controller, will be responsible for setting a clear strategy for obtaining, processing and examining devices and data, in liaison with the DFU. Case teams also need to liaise with each other so that the DFU's workload can be properly managed.

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**Recommendation**

The Serious Fraud Office should develop understanding across the casework divisions of the impact of seizures on the digital forensic unit, and the need to be proportionate in their demands and expectations of this unit. This should be accompanied by measures to significantly reduce the impact of current delays on case progression.

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## **5. Training and development**

**5.1.** The SFO employs over 450 permanent staff and about 100 temporary staff, including lawyers, accountants, financial investigators and administrators. They have varied backgrounds and experiences; some are from the private sector but many are long-standing civil servants. This presents the organisation with a challenge to meet the learning and development needs of its entire staff and to equip it to work in the multi-disciplinary environment envisaged by the Roskill model.

**5.2.** There is a regular training board chaired by the Head of Strategy and Policy Division, who leads training in the organisation. The training board accepted that the SFO's use of development plans needs to be improved. A training manager oversees the design and delivery of various products including classroom-based training, online learning and some bespoke courses for individuals who need to be accredited for their roles. There are also training events organised by the Chief Investigator, and the HR department runs management courses.

**5.3.** Heads of Division can bid for resources from the training budget to finance individual or group courses or other training products. These bids are assessed on the basis of priority. In the current year, a significant majority of the budget has been allocated to the IT Division to ensure DFU staff's skills are current and that they have the necessary certification to carry out their roles.

**5.4.** Most specialist staff (lawyers, investigators, and accountants) reported that they had adequate training on how to do their job and on any changes to law and practice that impacted on their work. Many praised the quality of support and training, although some struggled to find the time to train.

**5.5.** The SFO has now secured licences to access online learning with the CPS Prosecution College, but this was not widely known. Lawyers should be encouraged to take advantage of this opportunity.

**5.6.** Other operational training included how to use the document review system, and specific courses that were mandatory before staff could carry out searches or interviews. All the staff we spoke to said that they were effectively trained for these tasks.

**5.7.** Guidance for case teams is available on the SFO intranet and in the operational handbook. Some members of staff were reluctant to use the intranet routinely because they regarded it as difficult to navigate or search, but others found it and the operational handbook helpful sources for guidance and support in doing their jobs.

**5.8.** To improve case progression and to help address a shortfall of investigators, a trainee investigator programme has been introduced. The cadre of trainees (up to 30 at a time) experience a variety of job roles by spending blocks of time attached to different case teams. After this, and having completed a series of work assignments, the trainees become junior investigators. Accountancy training has also been offered to increase the number of people sufficiently qualified in that field, where there is also a shortage. Both these programmes have been directed and sponsored by the SFO Board to address the corporate objective of increasing specialist resources.

**5.9.** The training and development opportunities are not planned or allocated as a result of a strategic SFO-wide training plan or any recent training needs analysis. This means there is no clear link between the organisational aims, risks and business need on the one hand, and the development that takes place on the other.

**5.10.** Case progression is identified as a key priority at SFO Board level, but has no linked training products. There are two courses designed for case progression officers but, as we discuss in paragraph 4.34, this title is something of a misnomer, and the role and training are more administrative in nature.

**5.11.** There is no formal post-event evaluation, either by recipients of training and development or their line managers, to assess the quality of the activity and whether it fulfilled the identified need.

**5.12.** Senior managers should develop a joined-up training strategy, and consider including specific case progression training, including modules on tasking, project management, criminal procedure rules and regulations, quality assurance and performance management. Different modules would assist different groups of staff but, if developed together, they would lend consistency and a common message to the delivery of the training.

### **Recommendation**

The Serious Fraud Office should consider how it can improve the focus and delivery of training to support case progression. The Serious Fraud Office needs to develop a programme of learning and development that delivers the core skills for effective case progression.

## **6. Governance of casework**



## Serious Fraud Office governance arrangements

**6.1.** The SFO is managed at the strategic level by its Board, which consists of the Director (who is also the chair), the Chief Operating Officer, General Counsel and the non-executive directors. Under the direction of the Board, there are a number of strands to the SFO's regime for governance of casework, which are delivering some assurance, but which could be strengthened. They include:

- case review panels
- Heads of Divisions' quality assurance
- peer reviews
- learning from casework
- performance data.

### Case review panels

**6.2.** Case review panels were established some years ago. In March 2019, they were revised to allow senior managers – up to and including the Director – to assure themselves that cases are being investigated appropriately and that significant decisions are sound. This mechanism is appropriate for quality assuring casework and establishing governance, if applied robustly, but that has yet to happen consistently.

**6.3.** Our file examination showed that there was considerable variation in the frequency of panel meetings, with gaps of 12 months or more in some cases. Where a panel sets targets for completing key aspects of the investigation, these gaps risk a loss of impetus in case progression from one panel meeting to the next.

**6.4.** In any event, not all the panels were setting clear deadlines for achieving key objectives or stages in the case, checking unfruitful lines of investigation, or challenging where there had been delays. Instead, panels were widely thought to have become too focused on legal matters, especially charging decisions, at the expense of other aspects of the investigation and case progression.

**6.5.** The terms of reference for the case review panels were refreshed in January 2019. The expectation is that panels take place twice a year but, in the absence of a General Counsel, these have not yet commenced. In the interim, the Director has been discussing cases with teams, based on her request for the

top ten documents or pieces of evidence which explain the nature and progression of the case. This has simplified the process whilst pinpointing the most important issues, which has been welcomed by staff; we found this a focused and helpful approach.

**6.6.** The terms of reference do not include the call for the top ten documents; senior managers should consider whether that would strengthen the effectiveness of the panels. They should also reflect on how to introduce greater structure, consistency and rigour to the process, with clear records of the expectations and targets set for case teams, and a set method to follow up so that action to address any slippage does not need to await the next meeting.

## Heads of Division

**6.7.** Heads of Division meet their case controllers as a group once a week or fortnight, so that they can be updated on each of the cases. However, these meetings are also used to discuss resourcing of case teams and HR matters, and to disseminate non-casework information from the SFO's senior management.

**6.8.** The size and complexity of cases can make it difficult for Heads of Division to retain a detailed knowledge and understanding of them. The task is also hindered by a lack of compliance with the operational handbook and inconsistent case management (which we discuss in chapter 4), but it is essential if they are to exert real influence on case development, strategy and progression. In the cases we examined, we found little evidence of challenge, direction and influence by Heads of Division when case progression was not effective.

### Recommendation

Heads of Division should set and monitor key milestones in the investigation and prosecution of cases, and should enforce compliance with the operational handbook.

**6.9.** Heads of Division also assure themselves through ad hoc discussions with case controllers and other team members, occasional attendance at case team meetings, and by dip sampling individual pieces of work. These are effective ways to garner more immediate reassurance about the quality and effectiveness of casework handling, including case progression.

## Peer review

**6.10.** In 2018, the Chief Investigator introduced peer reviews by Principal Divisional Investigators (PDIs). These are experienced investigators with a sound grasp of SFO practices and policy, most of whom work in casework divisions. The decision to carry out peer reviews was partly a response to the perceived drift in some cases, and partly to allow more detailed scrutiny of cases and how effectively they were being controlled or directed.

**6.11.** The PDIs reported direct to the Chief Investigator, and examined cases that they were not personally involved in, providing a measure of independence and objectivity. Their findings accorded with ours in that they routinely found inconsistencies in the approaches of case controllers and in application of the operational handbook, a lack of structure in case files, and inconsistent recording of decisions. They also noted that there were inadequate investigation plans.

**6.12.** Whilst staff had mixed views about the usefulness of the peer reviews, most of the concerns were about how they had been carried out and how the results had been communicated, rather than the quality of the judgements reached. We inspected the output of some of the peer reviews, and concluded that they were robust and evidence-based.

**6.13.** There have been two peer reviews since 2018. We consider this a missed opportunity to enhance and complement the existing quality assurance regime.

**6.14.** Peer reviews make use of team members' time recording, which shows how long staff are working on particular cases and task management lists. These are fairly crude measures, however, and are not adequate to deliver genuine quality assurance.

## Learning from casework

**6.15.** There is one formal opportunity in the SFO for sharing learning from cases. This is an exercise known as a 'wash up', where the whole case team, including trial counsel, gathers at the conclusion of the case to discuss what went well and what could have been done better. Inevitably, any lessons identified in a wash up will be historical in nature.

**6.16.** Informal learning also occurs. We were told about cases where instances of good practice or something not going so well were shared across the case team soon after they had occurred. Successes and lessons were also shared ad hoc in team meetings and across case teams.

**6.17.** There was little evidence of learning identified by these various routes being collated and disseminated across divisions. Staff felt that teams and divisions worked in silos, and the organisation was not seen as adept at consolidating best practice, despite the obvious appetite staff have for learning from each other. A more formal structure for identifying and sharing feedback would enable greater understanding, across the organisation, of potential risks to cases and how to counter them.

**6.18.** We discuss learning from partners in chapter 7.

## Performance data

**6.19.** The SFO maintains key performance measures, which are provided to the SFO Board in the form of a dashboard. The key measures shown include conviction rates, proceeds of crime orders made and money recovered, compensation paid to victims, the number of digital documents processed each month, and incoming and outgoing requests to other jurisdictions. There are measures relating to staff, too, such as the staff engagement index, development and learning, and the levels of temporary and full time staff.

**6.20.** The dashboard includes the average number of days from acceptance to charge over a four year period, as compared to the previous four years. This shows averages of 1,225 days in 2013–17, and of 1,133 days in 2014–18. The improvement is 92 days, or 7.5%.

**6.21.** Heads of Division are provided with similar data, broken down to the divisional level. Cases are identified, but there is no evidence that Heads of Division use the data to drill down at case level or to identify pinch points or possible delays in case progression.

**6.22.** Case teams already input various case data into a system which can produce a variety of information, such as the last date a search or interview was carried out. These reports are available from the business information unit. Along with other quality assurance information, these could enable more structured work to improve case progression, but they are not being requested.

**6.23.** Each division has a divisional business manager, a post that has existed for some time but is not as effective as it could be – for example, in providing Heads of Division with regular and targeted performance information. The job description is not sufficiently prescriptive; together with the inconsistencies in how divisions are run (which we refer to in our *Serious Fraud Office leadership review*), this has led to variations in the functions the jobholders carry out. A smarter job description, which should include support on performance measures

to the division, would enable Heads of Division to play a greater role in directing cases, performance management and quality assurance.

**6.24.** Where cases are large and last for some time, and the organisation has few of them, performance data can take some time to show improvement, and in percentage terms, outcomes can show considerable swings from just one or two cases. However, there is still scope to identify discrete aspects of case investigation and preparation, and to use the available data more effectively. Work is required with managers to reinforce the benefits of data that is available to them as a tool to challenge delays in casework.

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**Issue to address**

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The Serious Fraud Office should identify key milestones and measures of case progression and preparation, develop them into performance data, and use them to identify and challenge delays in cases.

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## **7. Working with others to support case progression**

## Strategic partnerships

**7.1.** Senior SFO leaders are fully engaged with stakeholders. There are high level plans to counter complex fraud and bribery with sophisticated and co-ordinated investigations and prosecutions, which are well understood, and relationships are established and collaborative.

**7.2.** There are memoranda of understanding or service level agreements in place with other agencies. The SFO adheres to these and, on the whole, they have had a tangible and positive impact on case progression.

**7.3.** However, cases can stall if there is no escalation after requests are not actioned in a timely manner, or where external agencies otherwise hinder case progression. We saw one such example in our file sample.

## Operational joint working

**7.4.** SFO staff at all levels are of the view that the organisation measures its success with partners by the level of assistance it receives from them during front line operations. On this measure, the SFO is largely achieving its aim – although we examined one case where an external agency significantly delayed the case, particularly on requests for mutual legal assistance. There was little evidence of a real push from the SFO to expedite matters in this case.

**7.5.** Operational links with stakeholders are positive and can be effective on a case by case basis. There are clear agreements on individual operations, which include how to allocate resources and divide the workload. These agreements have the potential to improve case management and progression.

**7.6.** Operations include de-briefs to identify good practice, although as we discuss in chapter 6, timing and the sharing of good practice could be improved. Changes in systems and processes were noted, but it was not clear from the files we examined what these changes were or how far they were shared. The DFU and eDiscovery teams work with technical partners in the UK and overseas, establishing relationships to share best practice, and agreeing formats and protocols for exchanging data.

**7.7.** The SFO's cases frequently have an international dimension, so there are often discussions with other jurisdictions about which agency or agencies will take the lead on investigating and prosecuting. These primacy discussions can take some time, and have held back cases in the past. The current Director has resolved some of the issues, particularly with the US, but staff still feel concerns about other jurisdictions. Further work needs to be done at senior

levels to assist with this. The strong relationships with the US were seen as positive and contributing to better case progression.

**7.8.** In one of the cases we examined, which is a recent one, there were clearly strong relationships with external agencies, good use of a memorandum of understanding, and effective sharing of resources and skills to drive case progression. Minutes of the team meetings evidenced regular engagement with the other organisations to discuss progress, and to manage cross-cutting aspects of the investigation.

## International casework

**7.9.** The operational handbook mandates discussions with the SFO's international team about mutual legal assistance from foreign jurisdictions, and we saw some evidence in our file sample of this happening. The international team told us that case teams were engaging with them to a degree, but it depended on the case controller.

**7.10.** In the files we examined, where early engagement took place, it promoted faster case progression. Four of the cases in our file sample contained an international dimension, and in two of those, we found that better liaison with the international team could have prevented delays.

**7.11.** We were told that records of the liaison between case teams and the international team are only held on case team records. If the international team were to start keeping their own records, this would quickly build into a central repository of good practice and lessons learned, for the benefit of other investigations. Since the inspection, the SFO has implemented this process formally.

## Learning from joint working

**7.12.** We found no formal structure for sharing good practice and lessons learned with partner agencies. There was ad hoc passing of information received from external partners to staff in case teams, but it was on a 'need to know' basis; that is, if staff had a case with similar issues they would be told.



## **8. Victims and witnesses**

## Embedding victim and witness care

**8.1.** The SFO has been criticised in the past, including by us, for treating victims and witnesses as something of an afterthought, rather than addressing their needs all the way through the life of a case. As a result, there have been major changes in the SFO's approach to victims and witnesses, including the development of a victim and witness strategy, and a working group which meets regularly to maintain momentum.

**8.2.** More resources have been committed to increase the SFO's capability and resilience, with a specific unit led by a victim and witness unit manager. The unit provides a co-ordinated and consistent approach, allows for the development of specialist skills and knowledge, and is a focal point for case teams to obtain advice. Since the victim and witness unit manager engaged with divisional teams, uptake of the unit's services has increased.

**8.3.** Communications with victims and witnesses have improved markedly. In the older cases in our file sample, we found there was no clear victim and witness strategy or focus, and in one case with numerous victims the case team struggled to keep them updated. In more recent cases, however, we saw clear improvements, with proper consideration of victims and witnesses included in the core investigation strategy, and a named individual in the team nominated to lead on victims and witnesses.

**8.4.** It is clear from our file examination that the revised approach to victims and witnesses is also having an impact on investigations. It can be quite unclear at the outset of an investigation whether someone is a victim, a witness or a possible suspect. Requiring a victim and witness strategy that embeds consideration of their needs ensures that case teams think more carefully about an individual's status, which improves the quality of investigative decisions.

## Training and guidance

**8.5.** Aspects of victim and witness care are now embedded in training on other topics where relevant. Training for new case controllers on leading complex investigations contains specific modules on dealing with victims and witnesses.

**8.6.** The SFO's operational handbook now contains a very comprehensive section on dealing with victims and witnesses. It includes links to relevant documents, including strategies, a checklist and a process map. However, as we have discussed in various chapters of this report, the degree to which staff turn

to and comply with the handbook varies. Some staff on case teams told us the mandated processes and good practice were not always followed.

**8.7.** Despite the training and other resources available, some staff lack confidence in their capability to deal with victims and witnesses properly at the early stages of a case.

## Communicating with victims and witnesses

**8.8.** The relevant sections of the operational handbook are published on the SFO's public website so that victims and witnesses can find out what they ought to expect from their dealings with the organisation. They are also provided with a booklet setting out the SFO's commitment to them.

**8.9.** There is a four-stage process for the assessment of victims' and witnesses' needs, which vary with the different stages of the case. Where practicable, victims and witnesses are interviewed in their home or local area rather than asking them to travel to London. Video links to court are routinely used, especially where the witness is overseas.

**8.10.** The SFO's expectation is that victims and witnesses will be updated every three months and at certain milestones. This was not always happening in case teams, but the development of the victim and witness unit and close monitoring by the head of the unit have helped the organisation get closer to meeting this target consistently. If there is an overseas dimension, the international team assists casework teams with victim and witness care.

**8.11.** The SFO uses its website to update victims and witnesses in specific cases. This has made the process more efficient, especially in cases with significant numbers of victims.

**8.12.** We saw examples where steps had been taken to deliver a bespoke service to victims and witnesses. In one case with a large number of witnesses, a new member of staff was taken on specifically to provide witness care. In another, we saw an example of staff attending victims' and witnesses' homes to save them travel and inconvenience.

# **Annex A**

## **High level questions and sub-criteria**

## High level questions and inspection criteria

1. Are internal case management processes effective and do they ensure timely progression of cases?
  - a. Are case acceptance processes effective and timely?
  - b. Is case allocation timely and does it contribute to the effective progression of cases?
  - c. Do the Roskill model approach and the multi-disciplinary design of the investigation team enhance the progression of cases?
  - d. Is the selection of counsel and other experts robust and timely to ensure effective progression of cases?
  - e. Are systems for file organisation, file endorsement, and data storage effective to enable the timely progression of cases?
  - f. Are there adequate systems for dealing with correspondence?
  - g. Are the available digital systems used effectively to aid case progression?
  - h. Are reviews of cases timely and proactive, to enable early case strategy to focus the investigation and prosecution of a case, including the identification of ancillary applications?
  - i. Is unused material dealt with properly in line with the law and SFO guidance to ensure timely and effective progression of cases?
  - j. Are cases properly identified and flagged to ensure systems and processes are followed in accordance with the SFO handbook, and are local measures in place for compliance?
  - k. Is there appropriate day to day supervision and line management of investigators and lawyers to monitor the progression of cases?
2. Does casework governance support case progression from case acceptance to charge?
  - a. Are the internal leadership structure and case progression governance system effective?

## Case progression in the Serious Fraud Office

- b. Do leaders of the organisation have sufficient influence over stakeholders to aid effective case progression?
  - c. Are case review panels and other mechanisms effective in providing oversight of case progression and alive to the risks to effective case progression?
  - d. Are there effective systems to ensure that learning points relevant to case progression are identified, organised and disseminated?
  - e. Is performance data used to monitor the effectiveness of case progression?
  - f. Is there continuity of case ownership throughout the life of a case, and are there mechanisms in place to minimise disruption when this is not possible?
  - g. Do quality assurance processes provide senior managers with adequate assurance of the status of case progression within the SFO?
3. Are staff sufficiently trained to perform their case progression duties to a high standard and is guidance available when required?
- a. Are staff provided with appropriate training to deal with effective progression of cases?
  - b. Is staff performance with respect to case progression monitored for training needs?
  - c. Do staff have access to training according to their needs?
  - d. Is there adequate guidance documentation available to staff to aid a consistent and effective approach to case progression?
4. Are there effective arrangements for dealing with criminal justice partners and other agencies, including units within departments to ensure cases are progressed effectively and efficiently?
- a. Are relationships with external agencies effective and do they aid case progression?
  - b. Are there mechanisms in place to share lessons learned with partner agencies to assist the case progression process?
  - c. Is there an effective relationship between the case team and other SFO departments to assist with case progression?

## Case progression in the Serious Fraud Office

5. Are mechanisms in place to engage and fully support victims and witnesses from case acceptance to charge?
  - a. Is there adequate guidance for staff on the treatment of victims and witnesses in accordance with the SFO's obligations?
  - b. Are victims and witnesses provided with the right level of support to ensure they remain engaged from case acceptance to charge?
  - c. Are victim and witness issues dealt with promptly to ensure they remain engaged?
  - d. Do vulnerable and intimidated victims and witnesses receive an enhanced service?
  - e. Does the SFO react to victim and witness issues appropriately and proactively to ensure effective case progression?

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