



HMCPSI

HM Crown Prosecution
Service Inspectorate

Serious Fraud Office – Disclosure Inspection

Executive Summary

April 2024

1.1. The handling of disclosure is core to the fairness and effectiveness of the criminal justice system and is essential for maintaining public trust. Poor handling of disclosure undermines the principles of a fair trial. It adds delay, cost and increases the stress faced by those involved in the case. It may result in a complete failure of proper process, either by stopping a trial from going ahead, thereby depriving justice, or convicting an innocent defendant.

1.2. Advances in modern technology have substantially increased digital materials and created significant challenges for investigators, prosecutors, and defence practitioners alike – especially in complex cases and fraud investigations.

1.3. The Serious Fraud Office (SFO) who tackle the top level of serious or complex fraud, bribery and corruption, estimates that managing and handling disclosure alone amounts to 25% of its operational budget and takes up 40% of its staff capacity. A number of recent adverse case results have brought a spotlight to the SFO's handling of disclosure.

1.4. In this inspection, HMCPSI assessed if the SFO had the right skills and infrastructure to effectively discharge its disclosure obligations. Inspectors looked at the SFO's handling in two high-profile cases: the successful Balli Group Companies case and the unsuccessful G4S case.

1.5. The majority of SFO cases are successful. However, these two cases highlighted that there are differing ways in which disclosure was handled. Disclosure decision making, scheduling of unused material and the engagement with defence saw a contrast in approach. Disclosure caused pressure points in some teams and highlighted the need to have an independent check on disclosure before trial.

1.6. Continuity and retention of case staff, disclosure planning strategy, record keeping and case management, structural weaknesses, assurance processes, and internal cultural challenges are just some of the challenges experienced by the SFO. All of which can have a serious impact on final outcomes – and prosecution success.

1.7. However, the SFO has already identified many of these issues and started to act. There have been efforts to incentivise staff to take on the role of disclosure officer, changes have been introduced to the Operational Handbook, assurance processes are more robust, and SFO has introduced a new document review platform with greater functionality. Although no review platform is infallible, the new system mitigates much of the risk of the past.

1.8. Overall, our assessment is that the SFO has made several changes to how it manages and assures its casework since the handling of the G4S case.

1.9. This should provide a degree of assurance that the SFO has the right skills and infrastructure to discharge its disclosure obligations. We make six recommendations aimed to reinforce the SFO's disclosure practices and provide greater reassurance to the public that justice is being delivered fairly in the top tier of cases involving fraud, bribery and corruption. We highlight that the SFO must be supported by more government funding because they struggle to compete in the open market to deal with disclosure effectively, and we suggest that the SFO consider structural changes to strengthen their disclosure handling.

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