

## **HMCPST Inspection Scope: Serious Fraud Office Disclosure Follow Up 2026**

### **Background and context**

1. This inspection will examine the Serious Fraud Office's progress in implementing key recommendations from HMCPST's 2024 disclosure inspection<sup>1</sup>. This inspection will provide independent assurance on the effectiveness of the Serious Fraud Office's current disclosure arrangements. Public reporting indicates that a number of cases are being reviewed following disclosure issues linked to legacy systems and historic case handling practices.

### **Purpose of the Inspection**

2. The inspection will assess progress against three recommendations from HMCPST's 2024 disclosure inspection to provide meaningful assurance on whether the Serious Fraud Office has strengthened and embedded its approach to managing disclosure risk.
3. The report made the following recommendations:

Recommendation 1: By September 2024, the Serious Fraud Office to update the Operational Handbook with guidance in relation to the handling of a Deferred Prosecution Agreement (DPA) and its related material on prosecutions of individuals in which a DPA has been entered into with the corporate entity.

Recommendation 2: By October 2024, the Serious Fraud Office to revisit the guidance provided in the Disclosure Management Document template to ensure that it guides the case teams to fully explain the disclosure process employed and safeguard their position should their disclosure handling be challenged.

Recommendation 3: By September 2024, the Serious Fraud Office should introduce a disclosure review process, equivalent to a peer review, to be conducted on every case post-charge by an individual independent of the case team.

Recommendation 4: By September 2024, the Serious Fraud Office should consider ways in which staff may be incentivised to take on the roles of disclosure officer and deputy disclosure officer to increase the pool of able and experienced candidates and improve staff retention in those roles.

Recommendation 5: By October 2024, the government, through its economic and finance ministry must develop a long-term funding strategy to support the Serious

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<sup>1</sup> [Serious Fraud Office – disclosure – HM Crown Prosecution Service Inspectorate](#)

Fraud Office to discharge its disclosure obligation to allow it to compete in the open market to secure enough experience to deal with its cases.

Recommendation 6: By October 2024, the Serious Fraud Office should review the current model for the management of Legal Professional Privilege (LPP) material. Consideration should be given to whether, due to the risks associated with the delivery of the core business by the eDiscovery team, a different system for the management and control of LPP material should be implemented. The Serious Fraud Office should engage with others who have similar requirements to consider how it might manage and control LPP material.

4. The Serious Fraud Office accepted all six recommendations and undertook a programme of activity to address the issues identified.
5. This follow-up inspection will focus on recommendations 2, 3 and 6, as these provide the clearest basis on which to offer independent assurance regarding the effectiveness of the Serious Fraud Office's current disclosure arrangements.
6. Recommendations 1, 4 and 5 are not included within the scope of this inspection. Progress updates provided by the Serious Fraud Office indicate that recommendation 1, which relates to material concerning Deferred Prosecution Agreements, has been addressed through revisions to the Operational Handbook. Recommendation 4, which concerns incentivising staff to undertake disclosure officer roles, has been progressed through a range of measures including financial remuneration, enhanced support and development opportunities. Recommendation 5 requires the development of a long-term funding strategy by government and therefore falls outside the remit of this inspection.
7. Following publication of our recommendations in 2024, the Serious Fraud Office undertook further consideration of recommendation 3 and its implications, alongside a wider review of its disclosure assurance arrangements. This work identified previously unforeseen timing-related risks associated with an independent peer review process conducted post-charge, given the constraints imposed by court timetables and initial disclosure obligations. These matters were shared with HMCPSI in November 2024, and it was agreed that the recommendation should be amended to provide for a pre-charge peer review process.
8. In light of the issues highlighted by the London Mining case, which resulted in a review of disclosure at the pre-trial review stage, this inspection will examine disclosure assurance arrangements both prior to charge and post-charge. The inspection will assess whether the actions taken by the Serious Fraud Office in

response to the recommendations have been implemented and embedded within day-to-day operational practice, and whether the assurance mechanisms currently in place provide sufficient safeguards to address the disclosure risk factors identified through that case.

## **Methodology**

9. The inspection will consider, in respect of each recommendation within scope, whether it has been achieved or not achieved. The methodology set out below explains how evidence will be gathered and evaluated to reach those judgements.
10. The inspection will be conducted through a series of interviews and focus groups with key members of staff, alongside limited examination of the Serious Fraud Office Operational Handbook.
11. There will be no document requests and no file examination. Where necessary, interviewees may show material on screen. The methodology reflects the approach previously used in the Serious Fraud Office Covid inspection.
12. Interviews will be conducted with staff responsible for assurance and operational guidance, alongside selected case team staff with experience of PST file expansion and cases transitioning between 2018 and 2021, to assess how transitional arrangements affected digital material handling and disclosure assurance. A brief pro forma will be issued to case team staff to complete prior to interview to facilitate discussions.

### Assessment of Recommendation 2

13. The Operational Handbook and associated disclosure guidance will be examined to identify updates made following the 2024 inspection. Interviews will be conducted with key members of case teams across the three operational divisions, together with senior staff, to assess understanding, usage and compliance with the revised guidance. The inspection will also consider how the Disclosure Management Document has evolved from the Disclosure Strategy Document and how this has contributed to the operation of disclosure decision logs, including the effectiveness of senior oversight.

### Assessment of Recommendation 3

14. Interviews will be conducted with key members of case teams across the three operational divisions and senior staff responsible for assurance to assess whether the independent disclosure peer review process has been implemented and embedded. Additionally, the inspection will assess the level of cultural acceptance of assurance at key stages of a case.

15. Although the inspection will consider disclosure assurance arrangements both prior to charge and post-charge, the assessment of whether recommendation 3 has been achieved will be measured against the agreed revised approach relating to the introduction of an independent pre-charge disclosure peer review only. In considering assurance more broadly, the inspection will also examine the steps taken by the Serious Fraud Office post-charge, including planned independent reviews, to understand how assurance arrangements align with the intent of the original recommendation.

#### Assessment of Recommendation 6

16. The inspection will review how the Serious Fraud Office responded to this recommendation and the actions taken following the 2024 inspection. Interviews with senior staff will explore the approach adopted and the extent to which arrangements for managing legally privileged material were reviewed, with a focus on the effectiveness of the assurance framework supporting those arrangements. This will include consideration of whether the actions taken provide appropriate assurance to senior leaders and stakeholders that risks associated with legally privileged material are being consistently identified and managed.

#### **Timeline and resources**

17. The inspection will be led by a senior legal inspector, supported by one legal inspector. Interviews will commence in May 2026, followed by a two-week dedicated drafting period. Publication is planned for Summer 2026.

#### **Equality Impact Assessment**

18. A preliminary evaluation of the need for an equality impact assessment has been undertaken. The potential effects of the inspection on disadvantaged groups or individuals with protected characteristics have been considered. Based on the nature of the inspection and the methodology to be used, there is no indication that any protected groups are likely to be impacted by the outcome. As no impacts were identified during the screening process, a full equality impact assessment is not anticipated to be required. This position will be kept under review throughout the course of the inspection.