

Our Ref: FOI2016-041

Date: April 2016

**Subject: SFO Counsel**

This request asked about the requirements for Counsel on SFO panels, particularly with regard to declaring conflicts of interest.

Extracts from relevant SFO documents are provided below.

***Extract from SFO 'information for applicants' document:***

- *Membership of all panels is open to both barristers and solicitors with the necessary qualifications.*
- *A barrister must have a tenancy.*
- *A solicitor must have a higher court advocacy qualification.*
- *Those who do not benefit from the usual clerking arrangements in Chambers must address the suitability of their administrative arrangements in the application form.*
- *We require applicants to undertake to adhere to SFO policies on secure communications and holding information securely.*
- *We require applicants to take part in QASA (Quality Assessment Scheme for Advocates) when required and to inform the SFO of levels reached.*

*Application requirements*

- *Complete an Equality & Diversity monitoring form,*
- *Submit examples of their written work,*
- *Provide references, one referee must be a SFO official or a prosecutor from the CPS or other government department.*
- *Provide a referee's form completed by their intended referees.*
- *All applications are considered by a selection board appointed by the Director of the SFO.*

***Extract from Counsel's letters of instruction:***

*Counsel will naturally consider at an early stage whether any actual or potential conflicts arise regarding the suspects, companies or any other aspects of the case and Counsel's instructions. Counsel should confirm in writing that neither they (nor their family, nor connected persons as far as they are aware) have any shareholdings or other interests in the company or its*

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*subsidiaries/associates/connected persons under investigation or being prosecuted. This will be noted in the case record.*

*Counsel is expected to remain alive to the issue of any conflicts during the currency of these instructions and inform the Case Controller/Lawyer at the earliest opportunity of any potential conflicts.*

*The SFO supports the Independent Bar and understands that those instructed to prosecute SFO cases may also be defending in other SFO cases. To avoid conflict and embarrassment Counsel are instructed to let the Case Controller and Case Lawyer, at the outset or during the period of instruction what SFO cases they are working on as defence Counsel or in any other capacity.*

***Extract from internal guidance on Counsel:***

*Before Counsel is instructed it should be ensured that Counsel has no conflict of interest, that they have sufficient time for the case, for example that they are not significantly engaged on another case, and if a trial date has already been set, that they are available to represent the SFO on those dates. It is often useful to make informal enquiries about availability (without commitment) before putting forward Counsel's name for selection.*

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