

IMPLEMENTATION UPDATE – ALTMAN REVIEW

1. In April 2021, following the collapse of the *R v Woods & Marshall* trial the Director of the Serious Fraud Office (SFO) commissioned Brian Altman KC to conduct a review into our handling of this prosecution. The full review and our response, which accepted all recommendations, were published in July 2022.
2. As of November 2022, ten out of 18 recommendations have already been delivered. The SFO established a plan of work to implement all recommendations by the end of the financial year 2022/23 and we are on track to meet this objective.
3. As noted in our original response to the Altman review, at the time of publication, we had already identified and started changing the way in which we work following the collapse of *R v Woods & Marshall trial*. This means some of the review recommendations partly or wholly overlapped with existing internal change initiatives.

Progress report

4. **Recommendation 1** recommends that *“the remuneration for disclosure reviewers is not reasonable remuneration for the work done, or expected to be done, and should be increased to bring it in line with other equivalent organisations.”*
5. **Update:** the Executive Committee considered this and reluctantly agreed that it was not possible to make the necessary savings to allow an uplift in counsel fees without adversely impacting other parts of the SFO’s work. It is not currently possible to amend counsel fees within public sector budgetary constraints and pressures. For the purposes of recording delivery of recommendations, **the SFO considers that this recommendation has been delivered insofar as counsel fees have been reviewed.** Counsel fees will remain under active consideration.
6. **Recommendation 2** noted that *“the SFO must continue to consider the means by which it can adequately staff and resource case teams to ensure, so far as possible, that undue time and resource pressures minimise the risk of human error.”*
7. **Update:** at the beginning of 2022 the SFO introduced systems to better monitor resourcing on cases. However, the resourcing landscape remains challenging. **This recommendation has been delivered but continuous monitoring is ongoing.**
8. **Recommendation 3** recommends that *“the SFO should consider the resourcing of its Document Review Systems and Evidence Handling Management Office to ensure the timeliness, efficiency and accuracy of the ingestion and processing of bags of evidence for review by case teams.”*
9. **Update:** the SFO has continuously reviewed its resource allocation to these teams, prioritising recruitment, however resourcing gaps vacancies remain open, in part because of the specialist nature of some of the skills required and the highly competitive labour market. The SFO continues to endeavour to recruit e-discovery experts and those with other specialist skills. After each recruitment round, the approach to recruitment is reviewed to ensure it is continuously improved. **Insofar as the resource allocation has been reviewed, this recommendation has been delivered;** but there remains a challenge with robust demand for specialist skills in the labour market. All efforts are being made to achieve this within the existing budget and public sector pay constraints.
10. **Recommendation 4** recommends that *“the SFO 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.”

11. **Update:** before the review was published, the SFO had already established a ‘disclosure officer review project’ to identify options for improving how disclosure officers are recruited (or assigned) and retained. This required working closely with existing and former disclosure officers and deputy disclosure officers, other members of case teams, senior managers, human resources, finance and any other member of staff with views on what changes could be made. In total, the project team consulted over 100 members of staff (approximately one fifth of the SFO’s total workforce). As of November 2022, this work remains ongoing and on track to deliver by March 2023.
12. **Recommendation 5** recommends that *“the SFO should increase the training and support available to disclosure officers by*
 - (a) deploying disclosure officers on non-charged cases to assist disclosure officers on charged cases, especially when the case is close to or at trial in order to augment the available resources where needed most*
 - (b) in addition to mandatory advanced disclosure training, provide disclosure officers with bespoke disclosure officer training, focusing upon the management of the review and of reviewers*
 - (c) only appointing sufficiently trained and experienced disclosure officers and*
 - (d) appointing sufficiently trained and experienced deputy disclosure officers, where appropriate.”*
13. **Update:** after *R v Woods & Marshall*, refresher training was provided to all case team staff, in addition to the disclosure officer training already available. Delivery of this recommendation is linked to the delivery of both recommendation 4—delivery of a project to review the role of disclosure officers—and recommendation 12—project management training. As noted above, the unique and technical skills required to effectively manage disclosure are in demand across law enforcement, so recruitment and retention remain a challenge.
14. **Recommendation 6** recommends that *“the SFO should revise the Operational Handbook to introduce standardised methodologies for the disclosure process, as well as introduce management, oversight and monitoring regimes to ensure that the disclosure process is conducted and audited to the same standard across all case teams.”*
15. **Update: this recommendation was delivered in October 2022.**
16. **Recommendation 7** recommends that *“the SFO should revise the Operational Handbook to include a standardised model for the conduct of quality assurance reviews, which ensures (a) that quality assurance reviews are compliant with the law and guidance on disclosure and (b) that quality assurance reviews are robust, reliable and proportionate.”*
17. **Update:** the SFO is on track to introduce these changes by the end of the calendar year.
18. **Recommendation 8** recommends that *“modelling standardised quality assurance reviews, the SFO should introduce a system of regular and routine inspections and*

audits of the disclosure process on active cases at key milestones by someone not only sufficiently experienced in disclosure but also independent of the case.”

19. **Update:** over the past 18 months, the SFO has introduced a number of new processes to enable effective and proportionate quality assurance. HM Crown Prosecution Service Inspectorate (HMCPPI), which inspects the Crown Prosecution Service and the SFO, commenced an inspection in October 2022; this will consider these new processes. Following the conclusion of the inspection and publication of HMCPPI's findings, the SFO will implement additional changes which HMCPPI may recommend.
20. **Recommendation 9** recommends that *“the SFO should invest (or continue to invest) in technology to ensure that document review and case management systems are obtained, designed and developed with a focus on the disclosure process.”*
21. **Update:** the SFO is continuing to invest in technology including the design of a new case management system with a view to implement new systems starting from the next financial year (2023/24).
22. **Recommendation 10** recommends that *“the SFO should invest (or continue to invest) in technology that ensures that case teams can work and meet (and continue to work and meet) securely and remotely online, including adopting back-up/failsafe systems and procedures for exceptional working circumstances, such as those that existed during the imposition of Covid-19 restrictions.”*
23. **Update:** video conferencing capability was rolled out during the pandemic. This increased the capacity for hybrid working and, as a result, the SFO's resilience. **This recommendation has been delivered, and the needs of the organisation will be continuously monitored.**
24. **Recommendation 11** recommends that *“the SFO should ensure that it recruits case teams with sufficient technical skills, and, following initial training, provides continuing refresher training, which should be compulsory, in particular, in respect of its Document Review Systems, data management and disclosure law and guidance.”*
25. **Update:** the SFO has analysed training requirements for its document review system. Any additional training will be delivered in 2023.
26. **Recommendation 12** recommends that *“the SFO should consider providing case controllers, disclosure officers and deputy disclosure officers with project management training and support in order to improve the management of case teams, time and resources.”*
27. **Update:** the Executive Committee approved a plan for delivering a project management training pilot. This is on track to be completed by the end of the year. The SFO will roll out project management training more widely from 2023.
28. **Recommendation 13** recommends that *“the SFO should ensure mandatory compliance by case teams with performance monitoring of all instructed counsel to include (a) Periodic Performance Reviews and (b) the use of the Performance Monitoring Form, as required by the current Managing Counsel guidance.”*
29. **Update:** the SFO reviewed roles and responsibilities of each member of a case team and refreshed relevant guidance. This work reiterates who in a case team is responsible for monitoring counsel performance. **This recommendation has been delivered;** continuous monitoring is ongoing.

30. **Recommendation 14** recommends that *“the SFO should review and, if so advised, revise the Managing Counsel guidance and training for all those engaged in the instruction of counsel. In particular, the SFO should consider whether the Managing Counsel guidance should be revised so that direct responsibility sits (a) with the disclosure officer for the monitoring of the performance of disclosure review counsel and (b) with the Case Controller for the monitoring of the performance of trial counsel, while the Case Controller bears overall responsibility to ensure the holding of Periodic Performance Reviews and the completion of Performance Monitoring Forms.”*
31. **Update:** all relevant guidance has been updated. Delivery of this recommendation is linked to implementation of recommendation 13, please see above. **This recommendation has been delivered; continuous monitoring is ongoing.**
32. **Recommendation 15** recommends that *“the SFO should consider redesigning the Performance Monitoring Form in particular as regards its applicability to disclosure review counsel, to include as additional key performance indicators (a) the nature and the volume of the work counsel has conducted monthly since the last performance monitoring round (b) the accuracy of all aspects of their review work and (c) the letter of engagement to counsel should be redesigned to include a section on Performance Monitoring.”*
33. **Update:** the counsel performance monitoring form has been amended and rolled out. **This recommendation has been delivered; continuous monitoring is ongoing.**
34. **Recommendation 16** recommends that *“the SFO should ensure that*
- (a) its internal generic disclosure guidance documents are reviewed, simplified, rationalised, regularly revised and updated*
 - (b) they offer reviewers not merely technical but also real practical guidance*
 - (c) its case-specific disclosure guidance is regularly reviewed, revised and updated and focuses on the known and foreseeable issues in the case*
 - (d) the SFO employs a standard form of version control bearing the date and a unique version number for all internal guidance documentation*
 - (e) each case team maintains an audit record of the detail of the guidance documentation provided to its disclosure review counsel (document version number, date and recipient) who should be invited to certify on a dedicated form what they have read, when they did so and that they have understood the guidance and*
 - (f) those certifications should be attached to the Disclosure Management Document and any amended Disclosure Management Document.”*
35. **Update:** the ‘counsel commitment form’ has been amended and has been sent to all active counsel for signature. The SFO will consider the need for any changes to internal guidance before the end of the year.
36. **Recommendation 17** proposes that *“the SFO should ensure that the representations made in the Disclosure Management Document about its approach, processes and intentions – whether past, current or future – are accurate and complied with. Where appropriate, the Disclosure Management Document should be updated (if need be, by*

way of a supplementary document) to reflect any changes and/or developments in the approach or process, as well as in the relevant and/or live issues in the case. It should operate as a living document, ensuring complete transparency and defence sign-up to approach and process. It should serve to gain and maintain the confidence of the court, the defence and the SFO itself in the disclosure process.”

37. Update: as of October, this recommendation has been delivered; continuous monitoring is ongoing.

38. Recommendation 18 proposes that *“the SFO should ensure that it encourages and engages with the defence in the disclosure process. Disclosure should be treated as a two-way street, so that engagement identifies and focuses on the real issues in the case, in order to direct defence disclosure requests and prosecution reviews.”*

39. Update: the importance of effective engagement is continuously made clear to all SFO staff. Most recently, this has been underlined through the review of case team roles and responsibilities (see recommendation 13). **This recommendation has been delivered; continuous monitoring is ongoing.**