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Director: Richard Alderman

Jean James  
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6 June 2012

Dear Ms James,

**Our Refs: FOIA 2012-16 / FOIA 2012-15**

Thank you for your email of 23 April about your requests for information under the Freedom of Information act. I am sorry for the long delay in replying.

In your email, you said:

“You state that my question implied that the Serious Fraud Office was an ordinary police force. This “implication” was your own subjective conclusion.

The questions are still valid and you have not answered them.

Please answer the questions, in particular about the legal profession being involved in fraud. You have sidestepped the ENTIRE Freedom of Information request.”

I regret that you feel our replies ‘sidestep’ your request. As we said before, we feel that your questions seem to be written to a police force. For example, in your request about the legal profession, you first ask “How many allegations...have been reported to the force?” As we said before, the Serious Fraud Office (SFO) is not a ‘force’ like the police force, it is an independent government department.

However, in our last email, we asked you if you would like us to answer your questions substituting ‘force’ for ‘Serious Fraud Office’. Your email from 23 April makes it clear that you would like this. You asked us to concentrate on the questions about the legal profession. However, I have looked at all of your questions – from both your requests – again.

The rest of this letter responds to each question, changing ‘force’ for ‘Serious Fraud Office’. The questions about the legal profession are first.

*(a) How many allegations of fraud, financial, white collar, or indeed any type of crime implicating, either directly or indirectly, a member of the legal profession have been reported to the [Serious Fraud Office]?*

First, it may be helpful to clarify that the SFO does not investigate all fraud in the UK. Allegations may be made or reported separately to several different authorities, including the police.

As we said before, the Freedom of Information Act sets limits for the cost of replying to requests for information. The limit for the SFO is £600, or 24 working hours. It would cost more than that to answer your question. Even if you made your question much narrower in scope, we still believe it would cost too much. Below, I have explained why.

Many allegations are made to the SFO every year. The SFO does not open a formal investigation about every allegation. Some allegations are about alleged crimes which are not within the SFO's remit to investigate. Where an allegation is very clearly not within the SFO's remit, a full record of it may not be kept. Even where a preliminary investigation is carried out, the level of detail you are looking for is not captured in every case. We could look at every individual record of allegations made to the SFO, to see if we have the information you are asking for. It would take a lot of time to do this and would cost much more than the limit. Also, we would not have the information you want for every case. So, even when we had put all our records together, we would be able to give you only part of the picture. That would mean that the information could be misleading.

Although you have asked about the allegations made, it would be possible to narrow the request – which means it would cost less to answer – by looking only at those allegations where the SFO opened a formal investigation. This would cost less because the number of formal investigations is much smaller than the number of allegations made. However, we would need to ask the case manager for the information in each case. Therefore, it would still cost more than the limit to answer your request this way. We have to ask the case manager because we do not categorise full investigations based on the profession of the people who are implicated by an allegation. There are several reasons for this: the information may not always be available to us; more than one person, from different professions, may be implicated by an allegation; there is not a strong enough interest in reporting this information.

You could further narrow your request by specifying a time frame. For example, we could check each case which was open at the end of the year 2011-12 and assess whether or not any of the individuals implicated were members of the legal profession. Checking for this information would still exceed the cost limit. This is based on two people (the FOI officer and the case manager) spending an average of 20 minutes checking the individual case records of 101 cases.

20 minutes x 100 cases = 2020 minutes = 33 hours, 40 minutes

In addition, any information which we found could still be incomplete and therefore could be misleading.

To summarise, we cannot answer this question because we do not routinely collect the information you are asking for, or collate it centrally. There are no plans to do this in the future. It would cost too much to collate the information we do have, and to use this information on its own might be misleading.

A number of the questions in your email rely on our ability to answer part 'a' of your request; namely, parts 'b' to 'j', 'm' and 'n'. You asked the following questions:

- (b) How many of these allegations were logged in police records, and assigned a crime report number?*
- (c) How many of these allegations were referred to the Solicitors' Regulation Authority, Law Society, or any other regulatory body, in lieu of a police investigation?*
- (d) How many were considered "civil matters"?*
- (e) How many investigations did the force complete as a result of these allegations?*
- (f) How many of these allegations were not investigated by the force?*
- (g) How many of these investigations were completed as paid services under the private hire of the police for the performance of special services under the 1996 Police Act provision?*
- (h) How many of these investigations resulted in charges being laid i) under the normal course of police duties and ii) under private company hire for the performance of special services?*
- (i) How many resulted in convictions i) under the normal course of police duties and ii) under private company hire for the performance of special services?*
- (j) Please detail the type of crime, the year in which the allegation was made, and the year in which the investigation was completed.*
- (m) How many of these allegations have culminated in charges being laid against the complainant under the Vexatious Litigants Act 1981?*
- (n) How many of these allegations have resulted in arrest warrants being issued against the complainant?*

As we cannot answer part 'a' of your request within the cost limit, we are also unable to reply to these questions. Even if we could answer part 'a', we would not have all of the information you are asking for in these questions. I have not explained what information we might hold in relation to each of the questions above because it would make this letter very long, and because they relate to the answer to part 'a' – which we cannot give. If you would like me to explain more about what type of information we might hold in relation to these questions, please reply to this email and let me know which questions you would like to know more about.

Part 'k' of your request asks:

*Please advise how many police staff have qualifications in forensic accounting, and what those qualifications are.*

We do not record this level of detail about the qualifications of each member of staff. However, I can confirm that 21 SFO employees are fully qualified accountants.

Part 'f' of your request asks:

*Please advise how many times private contractors have been hired by the force for the purpose of forensic accounting work during a fraud/white collar crime investigation.*

We do not record this level of detail about the number of times private contractors have been engaged. We have information about the number of working days for which contractors have been used, and the agency for which they worked. However, some agencies provide staff for more than one area of the organisation, so it would not be possible to tell exactly what type of work each individual contractor was engaged in, for every instance.

In your other request for information, you asked about revenue received. The first question was:

*How much revenue has been received by the [Serious Fraud Office] for services rendered by way of private investigations, bailiff/eviction type services, or by any other method of paid services, work performed, or contractual agreements made to business, private individuals, or organisations of any kind?*

The SFO has not received any revenue in this way. In part 'b' of your request, you asked:

*Please outline the type of work or service rendered, in each case and disclose the revenue received for each type of service.*

As the answer to part 'a' is nil, this question is not applicable.

At part 'c', you asked:

*How much revenue has been generated by the force for endorsements of any kind?*

No revenue has been generated in this way. In part 'd', you asked:

*Please indicate the types of products/services that the force endorsed for remuneration/financial benefit/fee and the revenue received.*

Again, as the answer to part 'c' is nil, this question is not applicable.

At part 'e' you asked:

*Please indicate total revenues from all sources, and break them down into categories.*

This information is published on the SFO's website, [www.sfo.gov.uk](http://www.sfo.gov.uk) (search for 'financial reports'). The full link to the information is: <http://www.sfo.gov.uk/about-us/annual-reports--accounts/financial-resource-reports.aspx>

Finally, at part 'f', you asked:

*How many manpower hours per year, in total, have been devoted to privately paid services/contractual work?*

I am not clear exactly what you mean by this question. To explain why, here are three interpretations which I think are possible:

- 'For how many hours have non-permanent staff been contracted by the SFO in this period?'
- 'How many hours have SFO civil servants spent on privately paid services or other contractual work whilst being employed by the SFO?'
- 'How many hours have SFO officials (incorporating civil servants and contractors) spent working on privately paid services/contractual work which has been sanctioned by the SFO as part of their normal employment with the SFO?'

The answer for the last of these questions is none. However, if you meant something different by the question, please get in touch and clarify that with us.

I realise that you may be disappointed by this reply. However, I hope this letter explains clearly why we cannot respond to each part of your request. If you would like further advice or assistance about what information we hold which you might be interested in, please do contact us again. Similarly, if you would like any clarification about this letter or our other letters to you, or if you would like to clarify any of your questions, please do get in touch again.

Unless you wish to clarify any of the points above, this concludes our internal review of your requests. If you are not happy with our decision in the review, then you may ask the Information Commissioner to review the decision. His address is The Information Commissioner's Office, Wycliff House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely,

David Burke  
Serious Fraud Office

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