

SFO

Serious Fraud Office

Guidelines on making a public
interest disclosure

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SPEAKING OUT ABOUT FRAUD AND CORRUPTION

Do you want to tell someone about something you think is an instance of serious fraud or corruption?

Are you worried about the consequences of speaking to the SFO about a possible serious fraud or corruption?

Are you not sure what will happen to the information you give us?

If you have answered yes to any of these questions, read on to find out how to tell us about fraud and corruption and how we (and other organisations) can help you.

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Should I report a suspected fraud or corruption to the SFO?

Yes, your report could give us valuable information which may help us successfully investigate and prosecute wrongdoers. It doesn't matter if the fraud is happening now, took place in the past, or is planned for the future.

Reporting fraud and corruption could positively benefit you and society by:

- reducing fraud and corruption
- protecting the public from future criminal activity
- reducing the cost of fraud and corruption on society
- delivering justice and the rule of law
- enabling compensation to be paid to the victims
- maintaining confidence in the UK's business and financial institutions

I am worried about what might happen to my job if I speak to the SFO. What is the Public Interest Disclosure Act and how can it help me?

We appreciate why you may be worried about the consequences of speaking out about your employer or wrongdoings in your workplace. The Public Interest Disclosure Act 1998 (PIDA) was created specifically to protect workers who reasonably believe and report serious concerns of wrongdoing to the proper authorities (for example, reporting a reasonable suspicion of fraud or corruption to the Serious Fraud Office).

If you follow the correct process and speak to us in good faith about information that you reasonably believe to be true, your disclosure can qualify you for protection from victimisation by your employer. This can include protection from unfair dismissal or exclusion from promotion and other opportunities that your employer would have otherwise offered you.

PIDA lists us as the responsible organisation for public interest disclo-

asures relating to serious and complex fraud. You will qualify for protection under PIDA if when you raised your concerns with us, you reasonably believed that the suspected fraud or corruption was happening, was going to happen or had already happened. Even if, after further investigation, your belief turns out to be false, you will still be protected under PIDA.

How will the SFO treat me if I have been a unwitting participant in a crime?

Please speak to us even if you think that you may be implicated in the wrongdoing that you believe has taken place, is taking place or will take place. We will listen to you and treat you fairly. It is clearly always going to be in your interest to talk to us first rather than be identified by us or others during an investigation.

What types of fraud and corruption should be reported to the SFO?

We are a government department and part of the UK criminal justice system. We are here to protect society by pursuing and prosecuting the people who commit serious, complex fraud and corruption. Our aims and objectives contribute to:

- protecting the public by reducing the incidence and the cost of fraud and corruption
- delivering justice and the rule of law
- maintaining confidence in the UK's business and financial institutions.

Fraudsters do not recognise international boundaries. We have jurisdiction over England, Wales and Northern Ireland (but not over Scotland, the Isle of Man or the Channel Islands) but work closely with other law enforcement agencies and regulators, both in the UK and abroad to investigate and prosecute people who commit serious and complex fraud or corruption.

Our International Assistance team works closely on cases where crimes

have been committed principally in another jurisdiction. Where this happens we work closely with partner agencies in other countries like the Department of Justice in the United States.

How do I contact the SFO to report a fraud?

If you are concerned that a serious or complex fraud or corruption has happened, is happening or is going to happen, please report it to us through our Fraud Reporting Line on **020 7239 7388**

This is open between 09:00 and 17:00 Monday to Friday. If you call outside this time, you can leave a message on our answering service.

However please examine our acceptance criteria before you call. If you wish to report a fraud which does not appear to meet our criteria, please contact your local police force or regional fraud squad.

If you have read our criteria but are still unsure to whom you should report the suspected fraud to, then please call us on **020 7239 7388**. We will be happy to help you.

Can I speak out in confidence?

Yes. If you ask us to, we will treat any information you give us sensitively and in confidence. We will protect your identity and will only disclose it with your consent or if a court orders us to. You do not have to give us your name and contact details but it will help us if you do. This is because it may be harder for us to investigate your concerns if we cannot check or ask follow-up questions. Also if you give us your details, it is easier to get protection under the Public Interest Disclosure Act.

If you are concerned about confidentiality you may like to talk to the lawyers at Public Concern at Work (an independent charity and a leading authority on public interest disclosures). You can contact them on **020 7404 6609**, by email at **helpline@pcaw.co.uk** or you can look at their website - **www.pcaw.co.uk**.

What happens once I contact the SFO?

It will help if your call, form, letter or email includes all the details, information and evidence that you have of the suspected fraud or corruption. If you aren't sure what to include, call us on 020 7239 7388. We will be happy to help.

We will note the details of your disclosure so that we can make an initial assessment of the information you give us. We may need to get in touch with you for more details.

Don't be alarmed if we don't get in touch with you again. This doesn't mean that your information was not important. We will value your contribution very much but because of the sensitive nature of criminal investigations, we may not (for operational reasons or because of legal restrictions) be in a position to discuss any detail of the action we have taken as a result of your information. We hope you appreciate this.

If it becomes apparent that it is more appropriate for another government organisation (for example the police or the Financial Services Authority) to act on the information you have given us, we will ask you (if we have your contact details) if you agree to us passing on the information.

Will I be kept informed of the outcome of the SFO's investigation?

We appreciate that you may like to know what we have done with the information you have given us. If you wish, we will keep you informed when we are able to do so. Please note however that the sensitive nature of criminal investigation work means that we may not be able to discuss matters with you. In fact, in some occasions, the law may prevent us from discussing matters with you.

Complex investigations can take considerable time and it may seem to you that nothing much has changed since you gave us your information. But this does not necessarily mean that nothing is happening. The process of investigating and gathering evidence needs to be planned and executed carefully – this is not always visible.

Am I covered by the Public Interest Disclosure Act?

The Public Interest Disclosure Act 1998 covers employees, contractors, trainees, agency staff, home-workers, police officers and every professional in the NHS. The usual employment law restrictions on minimum qualification period and age do not apply to this Act. It does not cover the self-employed (other than in the NHS), volunteers, the intelligence services or the armed forces. If you are not sure if you are covered, ask us when you report your concerns. We will make sure that we log disclosure for future reference should you require it. If you wish to obtain independent legal advice, you can get this independently or through an organisation, like Public Concern at Work, dedicated to helping workers in your situation.

Does the SFO provide legal advice on my work or employment status?

No. We cannot give legal advice or intervene in matters of employment relations and we have no powers to determine whether Public Interest Disclosure Act (PIDA) protection would apply to you. However, we will log your disclosure for you should you want the fact that you have made a disclosure to us recorded. If you need confidential advice on what is protected by PIDA and how you can best raise your concerns, you may want to speak to your own solicitor or speak to the legal team at Public Concern at Work (an independent charity and a leading authority on public interest disclosures). You can contact them on **020 7404 6609**, by email at (**helpline@pcaw.co.uk**) or you can look at their website: **www.pcaw.co.uk**.

Where can I get more information about the Public Interest Disclosure Act

You can try contacting:

- your solicitor
- Public Concern at Work
(phone 020 7404 6609;
email (helpline@pcaw.co.uk);
for confidential and free advice.
- DirectGov for useful information about the Act and your employment rights.

It also has lists of useful contacts:
<http://www.direct.gov.uk/en/Employment/ResolvingWorkplace-Disputes/Whistleblowingintheworkplace/index.htm>

CONTACT PAGE

If you want to contact the SFO you should get in touch with:

Name:

Phone:

Fax:

Email:

It will help us if you quote this reference

WWW.SFO.GOV.UK