



**SFO**

serious  
fraud  
office

Victims and Witnesses:  
Our commitment to you

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# VICTIMS AND WITNESSES

## The court process

The Serious Fraud Office (SFO) investigates and prosecutes the top tier of crimes involving serious or complex fraud, including bribery and corruption. In doing so, we are fully committed to putting victims and witnesses at the heart of every case.

For these purposes, you are a victim of crime if you have suffered harm or economic loss which was directly caused by a criminal offence formally investigated by the SFO. Victims can be businesses as well as individuals.

In general terms, you are a witness if you know something, or have in your possession information which is relevant to an SFO case.

Below, we describe the standards we set ourselves, and explain how they feature in the process of investigating and prosecuting serious and complex fraud.

## OUR STANDARDS - WHAT YOU CAN EXPECT FROM US

The SFO is committed to:

- treating you fairly, with dignity and respect by:
  - explaining the investigation and prosecution process, and how it may affect you,
  - putting you in touch with SFO staff who can answer any questions you may have,
  - communicating with you in an appropriate manner, including arranging for an interpreter to help where necessary,
  - giving you the information you will need on how and where to get advice and support including access to specialist services, or referring you directly where necessary,

- keeping safely the information you give us and only providing it to those who have a right to it, and
- inviting feedback on the service we provide and honouring your right to request a review of any direction to end a formal investigation or prosecution in its entirety.
- minimising the disruption and cost of being a witness wherever possible by:
  - planning ahead to give you sufficient notice of events which affect you,
  - taking into account your convenience when planning and making arrangements,
  - ensuring you have access to appropriate facilities at our offices and at court,
  - helping you claim refundable expenses (please see the section on expenses later in the document),
  - keeping you informed of significant developments in the case overall,
  - supporting you at court if you are required to give evidence, and
  - arranging for you to be protected from undue influence or intimidation.

If you are a victim who has suffered loss as a direct result of the criminal conduct, we will try to obtain financial compensation for you where the law allows. If you think you have suffered loss, please let us know straight away. There is more about this later in the document.

In addition to these standards of care, the SFO is legally bound by the [Code of Practice for Victims of Crime](#) (Victims' Code), although it is also committed to the principles set out in the Witness Charter.

## APPLYING OUR STANDARDS

The SFO standards of care described above apply whether you are a voluntary witness, or are required to provide compulsory assistance to us under section 2 of the Criminal Justice Act 1987 (which is explained below).

We will apply them throughout the case, and whenever we interact with victims and witnesses. They underpin our approach to the following activities:

- obtaining relevant personal details from you,
- interviewing you to see what evidence you would be able to give,
- helping you convert your account into a written statement,
- assessing any needs you may have as a potential witness,
- keeping you informed and answering your questions at appropriate points as the case develops,
- deciding whether you will need to give evidence at court,
- planning carefully in advance to minimise the inconvenience and cost of giving evidence at court,
- letting you know where you need to be and when, and for how long (although time estimates can change),
- arranging or helping you arrange transport and accommodation,
- supporting you at court and helping you give your best evidence in the courtroom,
- helping you claim back your reasonable expenses, and
- inviting your feedback, and acting on it.

These activities often overlap and sometimes happen in a different order. Some take a few minutes and others run for the whole length of the case. They are summarised below, to show how our standards apply throughout.

## Obtaining your details

When an allegation arises of serious or complex fraud, the SFO may contact potential witnesses to find out if they would be able to provide relevant information.

If you are contacted by an SFO investigator for this purpose, they will ask you for some personal details, such as name, address and phone number, so we will be able to stay in contact for the duration of the case. These details will be held securely, in line with the provisions of the Data Protection Act 1998. If any of these details change, please let us know straight away.

## Interviewing you

If you have relevant information, you are a potential witness and the SFO investigator may need to interview you. Interviews can take many forms, including a preliminary conversation on the telephone, and in many cases investigators may invite you to our offices to be interviewed on a voluntary basis.

In some situations we may decide to interview you (or require that you provide documents to us) under the compulsory provisions of Section 2 of the Criminal Justice Act 1987. This may be because you asked us to do so. If you are to be interviewed under Section 2, we will send you a formal written notice saying so. Failure without reasonable excuse to comply with this requirement is a criminal offence. It is also a criminal offence to falsify, destroy or otherwise dispose of, or to cause or permit the falsification, concealment, destruction or disposal of documents which you know or suspect are or would be relevant to the investigation.

Whether you are interviewed on a voluntary basis or under Section 2 powers, an audio and/or video recording of your account may be made, as it is essential that we understand precisely what evidence you will be able to give. The investigator who carries out the interview will be able to explain and discuss this with you in advance.

## Taking your written statement

We may then ask you to provide a written witness statement, which is a formalised record of the relevant evidence you would be able to give to the court. The process of making and signing a witness statement is voluntary, but necessary if you are to give evidence at court. If you are a victim as well as a potential witness, you will also have the opportunity to make a Victim Personal Statement or Impact Statement for Business, or both, which can be read to the court if the defendant has been found guilty, before sentence is passed. You may also be entitled to read the statement to the court yourself, to explain the impact that the crime has had on you as an individual, or on a business affected by crime.

Whatever the nature of the statement, the SFO investigator who interviews you or helps you with it will:

- explain the purpose of the statement,
- explain the process of making a statement,
- ensure that he or she fully understands and writes down what you have said, or are saying in the interview,
- allow you to read your draft statement thoroughly to ensure it accurately represents your account,
- make any amendments you consider appropriate, and
- explain the implications before asking you to sign it.

**It is your statement and you must be completely satisfied with its contents when you sign it, as you may later be asked to explain any inaccuracies or omissions when you give evidence in court.**

Please note that in some circumstances you may still be asked to give evidence even if you do not sign a statement.

The contents of your statement cannot be changed once you have signed it. However, if you need to make changes or wish to clarify something later, you can make an additional statement. If you are called to give evidence at court you will have the opportunity to refresh your memory beforehand by reading your statement, and you may be allowed to refer to it in court.

## Planning ahead

If the SFO decides that you may need to give evidence as a witness at court, we will plan ahead to minimise the disruption and cost for you.

This will involve asking you well in advance whether you have any firm commitments around the trial date, for example a booked holiday or hospital attendance. As a witness for the prosecution, the date you are due to give your evidence will be arranged, as far as possible, with your availability in mind. But, timescales during the trial process are prone to change, so the SFO will keep you fully informed and take into account your convenience if we need to reorganise anything.

We will then give you as much notice as possible so you can make any necessary arrangements in good time.

We will also support you in preparing to give evidence in court by:

- explaining courtroom procedure and layout,
- giving you an opportunity to look around an empty courtroom before you give evidence,
- trying to answer any further queries you may have or referring you to the appropriate person in the SFO or outside,
- applying for 'special measures' in good time where appropriate, and
- dealing with any likely accessibility issues at court.



The SFO booklet 'Witness for the SFO' is available on our website and gives plenty of detail about this: you will be sent a copy if you are to give evidence at court. The Witness Care Officer will also be happy to explain anything in further detail or refer you to someone else who will be able to help.

## Accessibility

If you think you may need reasonable adjustments to enable you to access SFO information or premises, please contact the investigator or Witness Care Officer in advance of your visit. If you think you may need reasonable adjustments to enable you to access court premises or information at court, please contact the investigator or Witness Care Officer in advance. You can also consult the HM Courts & Tribunals Service contacts page on the Ministry of Justice website which has helpful contact details: <https://www.justice.gov.uk/contacts/hmcts>.

## Helping you give your best evidence

A member of the SFO will ask you some initial questions to assess your needs as a potential witness. This assessment will cover any accessibility, language or communication issues and whether the court may be prepared to grant 'special measures' to help you give your best evidence (please see below). That member of staff will also seek to identify if you could benefit from specialist services provided by a third sector agency such as Victim Support, although we will only refer you if you want this to happen.

For some people, the process of giving evidence in court can be particularly difficult. If it looks as if the quality of your evidence could suffer because you are vulnerable or intimidated (this includes children under 18 and people with communication difficulties) you may be entitled to 'special measures'. These can include:

- giving evidence from outside the court room via live video link so that you do not need to see, or be seen by, the defendant,

- video recording your statement which is then played in court,
- screens around the witness box, so that you do not need to see, or be seen by, the defendant, and
- assistance of a Registered Intermediary who can help witnesses give their best evidence.

You are entitled to ask us for special measures. If we assess that you may benefit from special measures, we will make an application to the court well in advance of the trial date. Only the court can decide whether special measures are suitable, in all the circumstances, to help you in giving evidence. The SFO will inform you of the court's decision, which should be many weeks before the trial starts. We encourage you to let us know of any needs that you may have, particularly if your circumstances change as we can with your consent, reassess your requirements.

**Finally, please note that it is a crime for anyone to try to influence the account you give to the SFO, or the evidence you would give in court. It is also a crime for someone to prevent you co-operating with an investigation or prosecution.**

Witness intimidation is very rare, but the SFO takes it very seriously and will act to help prevent it. If you believe you are at risk of being intimidated, or that there has been any attempt at influencing the account you would give to us or the court, you should report this immediately to the police, a member of the SFO or court staff, depending on where and when it happens.

## Keeping you informed

Throughout the life of the case, your main contacts at the SFO will be the case administrator and the Witness Care Officer, who have the responsibility at different stages to stay in touch with you. You will be given their names and contact details at an appropriate point in the process.

During the investigation, the case administrator is likely to be your point of contact. If you are required to be a witness at court, the Witness Care Officer will be in contact with you before the trial date. The Witness Care Officer will be your main point of contact to deal with any queries or concerns you may have.

If you are to be a witness, you will usually only need to give evidence if there is a trial. However, it may help you to know when the case passes certain key milestones. Subject to the need to maintain information security, we will therefore let you know when:

- we decide to prosecute, or not to prosecute,
- the defendant pleads guilty or not guilty, and
- when any trial date has been set, letting you know the date and location.

In the run-up to the trial, we will always confirm:

- whether you are still required to give evidence,
- the date and time you need to attend court,
- how long you are likely to have to stay at court,
- how we can help if you need to stay longer, and
- the name of the SFO representative at court who will be able to assist you.

Once the trial is over, subject to any order of the court and the need to maintain information security, we will let you know:

- whether the defendant is found guilty or not guilty,
- what the sentence is, and
- whether the defendant has been ordered to pay any compensation for which you may be eligible, and what the process is.

Importantly, we will also help you make any claims for expenses, and make any further referrals should they be needed.

## Helping you claim your expenses

If you come into our office to be interviewed as a witness or provide a witness statement, and you have not been provided with free refreshments or you cannot claim your expenses from another source, you may be entitled to recover reasonable expenses from us, particularly if this has caused you to be out of pocket. The investigator who interviews you will be able to advise further on this.

If you are told you will need to attend court to give evidence, we will send you a leaflet with the latest rates for claiming expenses, and the application form for you to use. This contains all the detailed rules about claiming expenses.

The rules are also explained in 'Witness for the SFO'. In brief summary, you can claim limited expenses for travel to and from court, accommodation, food and non-alcoholic drink (unless refreshments have been provided free by the Witness Service or the court) and sometimes compensation for loss of earnings incurred as a result of attending court. You may also be able to claim for related costs such as childcare.

The SFO's Witness Care Officer will be happy to explain the procedure and help you fill out the form.

## Applying for compensation

Compensation relates to the loss suffered as a result of the crime, and is not related to the process of being a witness.

Where a defendant has been convicted, and where it is appropriate to do so, the SFO will make an application to the court for compensation for the victims in a case. This application takes place at the conclusion of a confiscation investigation, which may take a considerable time after conviction to complete.

An application may be made for some, or all, of the loss directly resulting from the offences of which the defendant is convicted, taking into account the specific facts of the case and all the circumstances. This includes whether or not you have received compensation from another source. There may be cases where it is not appropriate to apply for compensation. The final decision on whether to grant compensation lies with the court.

The amount of any compensation order made is also a matter for the court, and anything payable to you in compensation will be dependent on the defendant satisfying the compensation order. The defendant may also be given time to pay which means the money may come through in instalments.

In view of this, we suggest that you take independent legal advice on the loss you believe you have suffered. Guidance may also be available from Citizens Advice or your local Law Centre.

## INVITING YOUR FEEDBACK

We welcome all feedback. We are committed to following the Victims' Commissioner's standards for complaints handling **[www.victimskommissioner.org.uk](http://www.victimskommissioner.org.uk)**

If you are unhappy about any aspect of the level of service you have received, including if you feel that the SFO has not met your entitlements as set out in the Victims' Code you can give feedback to us or make a complaint via the SFO website (**[www.sfo.gov.uk](http://www.sfo.gov.uk)**). This does not cover the decisions or verdicts made by the court.

If you prefer to speak to someone, you may speak to the Witness Care Officer. Alternatively, you may provide any other feedback by e-mailing us at **[public.enquiries@sfo.gov.uk](mailto:public.enquiries@sfo.gov.uk)**

## VICTIM RIGHT TO REVIEW

In the event that the SFO decides to end a formal investigation or prosecution in its entirety, and you have told the SFO that you are a victim, you will be informed of the nature and reason for the decision, subject to the need to maintain information security.

### LINKS TO FURTHER INFORMATION

This information can also be found on our website [www.sfo.gov.uk](http://www.sfo.gov.uk) which has dedicated victims and witnesses pages.

The Code of Practice for Victims of Crime can be accessed here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/470212/code-of-practice-for-victims-of-crime.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470212/code-of-practice-for-victims-of-crime.PDF)

The Witness Charter can be accessed here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/264627/witness-charter-nov13.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264627/witness-charter-nov13.pdf)

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