

Terms of Reference for Bribery and Corruption Enforcement Review Phase II

The Review has been commissioned by, and will report to, the Inter Ministerial Group on Anti-Corruption.

Aim of Review

To improve the coordination and effectiveness of the UK's enforcement response to bribery, corruption and related fraud, through a full consideration of the powers, capabilities and organisations involved.

Scope

The review will:

- Build on the recommendations of the first phase of the Bribery and Corruption Enforcement Review; and the UK Anti-Corruption Plan.
- Examine the role of all relevant UK law enforcement agencies, criminal justice agencies and regulators involved in investigating and prosecuting cases of bribery, corruption and related fraud, including the NCA, SFO, CPS, CoLP, MPS, FCA, CMA, HMRC, Regional Organised Crime Units, regional fraud police teams, and intelligence agencies; in consultation with relevant law enforcement authorities in the Devolved Administrations.
- Assess the UK's operational response, from the outset of an investigation through to options for taking action via the criminal justice system or other measures, such as regulatory action or disruption; and the effectiveness of existing powers, noting additional powers under consideration.
- Reflect threat assessments in this area; other relevant reviews; and the UK's response to recent cases of bribery, corruption and related fraud.
- Identify best practice in other countries in responding to bribery, corruption and related fraud; and examine the relevant international architecture.

The review will not consider the response to small-scale fraud against the public, law enforcement corruption, or corruption that does not involve financial gain.

Outputs

The review will identify opportunities for improving the effectiveness of the operational response and make recommendations, or put forward options, including in relation to:

- i. How information and intelligence is reported, collected, assessed, developed and shared by relevant agencies;
- ii. Tasking and coordination - how cases are assigned across agencies;
- iii. The efficiency, effectiveness and accountability of current investigative and prosecutorial capabilities and structures;

- iv. How investigatory powers and enforcement options could be strengthened, used more consistently or to better effect;
- v. How resources and specialist skills across investigators, prosecutors and regulators are allocated and used to maximise the enforcement response to bribery, corruption and related fraud;
- vi. Opportunities for improving prioritisation and value for money, including through cost recovery and self-financing; and improvements to structures, systems and processes;
- vii. How reform to the various international structures could assist the UK; and
- viii. The costs and benefits to business of bribery, corruption and related fraud investigations.

Timing

The review will report to the Inter-Ministerial Group on Anti-Corruption by June 2015.

Resourcing

The review will be led by Cabinet Office, supported by officials from Home Office, Foreign and Commonwealth Office, Her Majesty's Treasury, Financial Conduct Authority, Department for International Development, Attorney General's Office, Ministry of Justice, Department for Business, Innovation and Skills, Competition and Markets Authority, Crown Prosecution Service, Serious Fraud Office, Metropolitan Police Service, City of London Police and National Crime Agency. The review will also consult with industry, practitioners and civil society on the UK's response to bribery, corruption and related fraud.

Cabinet Office
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