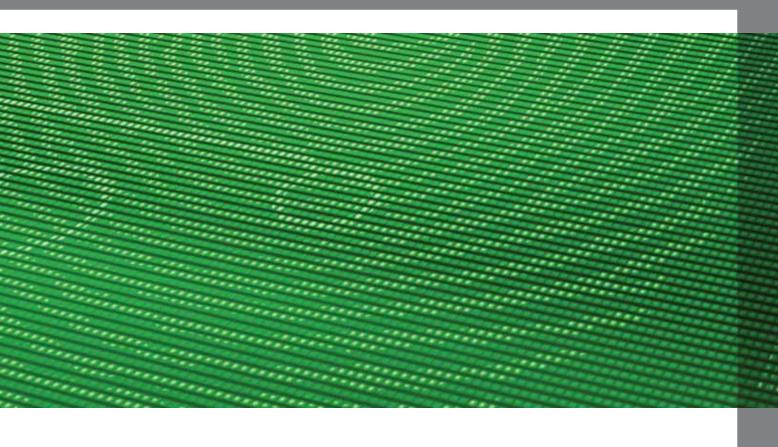


Obtaining redress and improving outcomes for the victims of fraud



A bibliography of selected works

# **Civil justice initiative**

The Fraud Advisory Panel's civil justice initiative aims to encourage fraud victims (especially individuals and smaller businesses) to make more use of the civil courts in England and Wales when trying to get their money back, especially where a criminal investigation and prosecution is unlikely.

The initiative forms part of the national counter fraud strategy, Fighting Fraud Together, which is a partnership between the UK's public, private and voluntary sectors.

This publication is one of a series examining the current justice landscape and the options available to victims of fraud seeking to obtain redress and recover money.

The Fraud Advisory Panel is a registered charity and membership organisation which acts as the independent voice and leader of the counter-fraud community. It works to raise awareness of fraud and financial crime, and to help individuals and organisations prevent fraud for themselves.

www.fraudadvisorypanel.org

### Introduction

Over the last decade or so fraud has been the focus of much enquiry by academics, policy-makers, researchers, criminologists and social commentators.

This paper is a comprehensive list of the resources consulted and reviewed during the course of this civil justice initiative. It includes articles, official statistics, policy initiatives, research papers and websites.

We very much hope it will be of value to others working in this field, helping them to navigate the growing body of work published on this subject of fraud and the victim's experience of obtaining redress.

### Resources

Action Fraud. (2012) Report it [online]. Available from: www.actionfraud.police.uk.

ADR Group. (2009) *Guide to mediation fees (price per party)* [online]. Available from: www. adrgroup.co.uk.

Association of British Insurers. (2012) *Insurance for small businesses: a guide to protecting your business* [online]. Available from: http://www.abi.org.uk/Information/Business/Insurance\_Advice\_for\_Businesses.aspx.

Association of Certified Fraud Examiners. (2012) *Report to the nations on occupational fraud and abuse: 2012 global fraud study* [online]. Available from: http://www.acfe.com/rttn.aspx.

Attorney General's Office. (2006) *Fraud review: final report.* London: Attorney General's Office.

Attorney General's Office. (2006) *Fraud review team: interim report.* London: Attorney General's Office.

Bullock, K., Mann, D., Street, R. and Coxon, C. (2009) *Examining attrition in confiscating the proceeds of crime. Research report 17: key implications* [online]. Home Office. Available from: http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/horr17/horr17-key-implications?view=Binary.

Button, M., Lewis, C., Shepherd, D., Brooks, G. and Wakefield, A. (2012) *Fraud and punishment: enhancing deterrence through more effective sanctions* [online]. Centre for Counter Fraud Studies, University of Portsmouth. Available from: http://www.port.ac.uk/departments/academic/icjs/centreforcounterfraudstudies/documents/filetodownload,161060,en.tmp.

Button, M., Lewis, C. and Tapley, J. (2009) A better deal for fraud victims: research into victims' needs and experiences [online]. National Fraud Authority, Association of Chief Police Officers, University of Portsmouth and Office of Fair Trading. Available from: http://www.homeoffice.gov.uk/publications/agencies-public-bodies/nfa/our-work/better-deal-for-fraud-victims?view=Binary.

Button, M., Lewis, C. and Tapley, J. (unknown) *Fraud typologies and victims of fraud: literature review* [online]. National Fraud Authority, Association of Chief Police Officers, University of Portsmouth and Office of Fair Trading. Available from: http://www.homeoffice.gov.uk/publications/agencies-public-bodies/nfa/our-work/.

Button, M., Lewis, C. and Tapley, J. (unknown) *Support for the victims of fraud: an assessment of the current infrastructure in England and Wales* [online]. National Fraud Authority, Office of Fair Trading, University of Portsmouth and Association of Chief Police Officers. Available from: http://www.homeoffice.gov.uk/publications/agencies-public-bodies/nfa/our-work/.

Cabinet Office. Performance and Innovation Unit. (2000) *Recovering the Proceeds of Crime* [online]. Available from: http://webarchive.nationalarchives.gov.uk/+/http://www.cabinetoffice.gov.uk/media/cabinetoffice/strategy/assets/crime.pdf.

Centre for Effective Dispute Resolution. (2012) *The fifth mediation audit: a survey of commercial mediator attitudes and experience* [online]. Available from: http://www.cedr.com/foundation/research/.

Chartered Institute of Personnel and Development. (2011) *Conflict management* [online]. Available from: http://www.cipd.co.uk/hr-resources/survey-reports/conflict-management.aspx.

Chartered Institute of Personnel and Development. (2008) *Workplace mediation: how employers do it* [online]. Available from: http://www.cipd.co.uk/hr-resources/survey-reports/workplace-mediation-employers-do-it.aspx.

CIFAS – the UK's Fraud Prevention Service. (2012) *Fraudscape: depicting the UK's fraud landscape* [online]. Available from: http://www.cifas.org.uk/research\_and\_reports.

CIFAS – the UK's Fraud Prevention Service. (2012) *Staff fraudscape: depicting the UK's staff fraud landscape* [online]. Available from: http://www.cifas.org.uk/research\_and\_reports.

Criminal Justice Joint Inspection, Her Majesty's Inspectorate of Constabulary, Her Majesty's Inspectorate of Probation, Her Majesty's Inspectorate of Prisons and Her Majesty's Crown Prosecution Service Inspectorate. (2012) *Facing up to offending: use of restorative justice in the criminal justice system* [online]. Available from: http://www.hmic.gov.uk/media/facing-up-to-offending-20120918.pdf.

Crown Prosecution Service. (2011) *Sentencing – ancillary orders* [online]. Available from: http://www.cps.gov.uk/legal/s\_to\_u/sentencing\_and\_ancillary\_orders\_applications/index. html.

Department for Business, Innovation and Skills. (2012) *Business population estimates for the UK and regions 2012 (statistical release)* [online]. Available from: http://www.bis.gov.uk/analysis/statistics/business-population-estimates.

Dhani, A. (2012) *Police service strength: England and Wales, 31 March 2012. Home Office Statistical Bulletin HOSB: 09/12* [online]. Available from: http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb0912/.

Federation of Small Businesses. (2011) FSB fraud and e-crime paper: current issues for small businesses. London: Federation of Small Businesses.

Federation of Small Businesses. (2011) FSB response to consultation on proposals for reform of civil litigation funding and costs in England and Wales. London: Federation of Small Businesses.

Federation of Small Businesses. (2009) *Inhibiting enterprise: fraud and online crime against small businesses* [online]. Available from: http://www.fsb.org.uk/policy/assets/inhibitingenterprise.pdf.

Financial Fraud Action UK. (2012) 2011 Fraud losses continue downward trend (press release) [online]. Available from: http://www.financialfraudaction.org.uk/news-article.asp?g enre=media&Article=2724&page=1.

Fraud Advisory Panel. (2012) *An overview of parallel sanctions (Fraud Facts 10)* [online]. Available from: http://www.fraudadvisorypanel.org/publications.php?c\_id=19.

Fraud Advisory Panel. (2012) *Civil recovery: a glossary of common terms (Fraud Facts 19)* [online]. Available from: http://www.fraudadvisorypanel.org/publications.php?c\_id=19.

Fraud Advisory Panel. (2012) *Civil recovery: a summary of key measures (Fraud Facts 18)* [online]. Available from: http://www.fraudadvisorypanel.org/publications.php?c\_id=19.

Fraud Advisory Panel. (2011) *An introduction to civil asset recovery (Fraud Facts 13)* [online]. Available from: http://www.fraudadvisorypanel.org/publications.php?c\_id=19.

Fraud Advisory Panel. (2010) *Online shopping scams (Fraud Facts 8)* [online]. Available from: http://www.fraudadvisorypanel.org/publications.php?c\_id=18.

Fraud Advisory Panel. (2008) *Recovering your money: a guide to civil recovery for fraud victims* [online]. Available from: http://www.fraudadvisorypanel.org/publications.php?c\_id=19&p=3.

Hann, A. (2012) *Employment relations in SMEs: day-to-day advice-seeking and the role of intermediaries* [online]. Advisory Conciliation Arbitration Service. Available from: http://www.acas.org.uk/CHttpHandler.ashx?id=3467&p=0.

Home Office. (2012) *Crime in England and Wales: quarterly update to September 2011* [online]. Available from: http://homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb0112/.

Jackson, R. (2010) *Review of civil litigation costs: final report* [online]. The Stationery Office. Available from: http://www.judiciary.gov.uk/Resources/JCO/Documents/Reports/jackson-final-report-140110.pdf.

Kroll Advisory Solutions. (2012) *Global fraud report: annual edition 2012/13* [online]. Available from: http://www.krolladvisory.com/insights-reports/global-fraud-reports/.

Latreille, PL., Buscha, F. and Conte, A. (2010) *SME attitudes towards workplace mediation: the role of experience* [online]. Advisory Conciliation and Arbitration Service. Available from: http://www.acas.org.uk/CHttpHandler.ashx?id=2889&p=0.

Levi, M. (2010) Hitting the suite spot: sentencing frauds. *Journal of Financial Crime*. **17** (1), 116–132.

Levi, M. (2010) Serious tax fraud and noncompliance: a review of evidence on the differential impact of criminal and noncriminal proceedings. *Criminology and Public Policy.* **9** (3), 493–513.

Levi, M. (2002) Suite justice or sweet charity?: some explorations of shaming and incapacitating business fraudsters. *Punishment and Society.* **4** (2), 147–163.

Lewis, C. (2012) When mediation is a suitable, not soft, option. *Fraud Intelligence*. August/ September 2012, 18-20.

Ministry of Justice. (2012) *Civil procedure rules* [online]. Available from: http://www.justice.gov.uk/courts/procedure-rules/civil.

Ministry of Justice. (2012) *Criminal justice statistics quarterly update to December 2011. Sentencing tables - Dec 2011* (Excel) [online]. Available from: http://www.justice.gov.uk/statistics/criminal-justice-statistics/criminal-justice-statistics-editions.

Ministry of Justice. (2012) *Getting it right for victims and witnesses: the government response. Response to consultation CP3/2012 carried out by the Ministry of Justice* [online]. Available from: https://consult.justice.gov.uk/digital-communications/victims-witnesses.

Ministry of Justice. (2012) *Judicial and court statistics 2011* [online]. Available from: http://www.justice.gov.uk/statistics/courts-and-sentencing/judicial-annual-2011.

Ministry of Justice. (2012) *Punishment and reform: effective community sentences.*Consultation paper CP8/2012 [online]. Available from: https://consult.justice.gov.uk/digital-communications/effective-community-services-1.

Ministry of Justice. (2012) *Punishment and reform: effective community sentences. Government response to CP(R)20/2012* [online]. Available from: https://consult.justice.gov. uk/digital-communications/effective-community-services-1.

National Fraud Authority. (2012) *Annual fraud indicator* [online]. Available from: http://www.homeoffice.gov.uk/publications/agencies-public-bodies/nfa/annual-fraud-indicator/.

National Fraud Authority. (2011) *Fighting fraud together: programme of activity (version 2)* [online]. Available from: http://www.homeoffice.gov.uk/publications/agencies-public-bodies/nfa/fighting-fraud-tog/.

National Fraud Authority. (2011) *Fighting fraud together: the strategic plan to reduce fraud* [online]. Available from: http://www.homeoffice.gov.uk/agencies-public-bodies/nfa/publications/.

National Fraud Authority. (2011) *Joining forces to fight fraud* [online]. Available from: http://www.homeoffice.gov.uk/agencies-public-bodies/nfa/news/press-releases/joining-forces-fight-fraud/.

National Fraud Authority and Department for Business, Innovation and Skills. (2012) *SME fraud segmentation* [online]. Available from: http://www.homeoffice.gov.uk/agencies-public-bodies/nfa/.

National Fraud Authority and Experian. (2012) *A quantitative segmentation of the UK population* [online]. Available from: http://www.homeoffice.gov.uk/publications/agencies-public-bodies/nfa/national-fraud-segmentation?view=Binary.

Office for National Statistics. (2012) *Annual mid-year population estimate for England and Wales, mid-2011* [online]. Available from: http://www.ons.gov.uk/ons/rel/pop-estimate/population-estimates-for-england-and-wales/mid-2011--census-based-/stb---mid-2011-census-based-population-estimates-for-england-and-wales.html.

Office of Fair Trading. (2006) Research on impact of mass marketed scams: a summary of research into the impact on UK consumers [online]. Available from: http://www.oft.gov.uk/shared\_oft/reports/consumer\_protection/oft883.pdf.

Pleasence, P., Balmer, N., Patel, A., Cleary, A., Huskinson, T. and Cotton, T. (2011) *Civil justice in England and Wales. Report of wave 1 of the English and Welsh civil and social justice panel survey* [online]. Legal Services Commission and Ipsos MORI. Available from: http://www.justice.gov.uk/downloads/publications/research-and-analysis/lsrc/2011/civil-justice-wave1-report.pdf.

PricewaterhouseCoopers. (2011) Combating cybercrime to protect UK organisations: global economic crime survey [online]. Available from: http://www.ukmediacentre.pwc.com/imagelibrary/downloadMedia.ashx?MediaDetailsID=2021.

PricewaterhouseCoopers. (2011) *Cybercrime: protecting against the growing threat: global economic crime survey* [online]. Available from: http://www.pwc.com/en\_GX/gx/economic-crime-survey/assets/GECS\_GLOBAL\_REPORT.pdf.

Restorative Justice Consortium. (2010) What does the Ministry of Justice RJ research tell us? [online]. Available from: http://www.restorativejustice.org.uk/resource/mojresearch/.

RSM Tenon and Carter Lemon Camerons LLP. (2011) Fighting fraud locally: the compendium of powers and penalties [online]. Available from: http://www.cartercamerons.com/\_data/assets/pdf\_file/0016/1960/Compendium-of-Powers-and-Penalties.pdf.

Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, W. and Sorsby, A. (2008) *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes* [online]. Ministry of Justice. Available from: http://www.restorativejustice.org.uk/resource/ministry\_of\_justice\_evaluation\_does\_restorative\_justice\_affect\_reconviction\_the\_fourth\_report\_from\_the\_evaluation\_of\_three\_schemes/.

Shapland, J., Atkinson, A., Atkinson, H., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2007) *Restorative justice: the views of victims and offenders. The third report from the evaluation of three schemes* [online]. Ministry of Justice. Available from: http://www.restorativejustice.org.uk/resource/ministry\_of\_justice\_evaluation\_restorative\_justice\_the\_views\_of\_victims\_and\_offenders/.

Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2006) *Restorative justice in practice: findings from the second stage of the evaluation of three schemes: findings 274* [online]. Home Office. Available from: http://www.restorativejustice.org.uk/resource/ministry\_of\_justice\_evaluation\_restorative\_justice\_in\_practice\_findings\_from\_the\_second\_phase\_of\_the\_evaluation\_of\_three\_schemes/.

Taylor, P. and Bond, S. (2012) *Crimes detected in England and Wales 2011/12 (first edition)* [online]. Available from: http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb0812/.

University of Portsmouth. (2012) *Call for private prosecutions to fight fraud (press release)* [online]. Available from: http://www.port.ac.uk/uopnews/2012/07/16/call-for-private-prosecutions-to-fight-fraud/.

Williams, M. and ACAS Research and Evaluation Section. (2011) *Workplace conflict management: awareness and use of ACAS code of practice and workplace mediation – a poll of business* [online]. Advisory Conciliation and Arbitration Service. Available from: http://www.acas.org.uk/CHttpHandler.ashx?id=3161&p=0.

Woolf, H. (1996) Access to justice: the final report to the Lord Chancellor on the civil justice system in England and Wales. London: Her Majesty's Stationery Office.

Young, S. (2009) Why civil actions against corruption? *Journal of Financial Crime*. **16** (2), 144-159.

## **Websites**

Action fraud www.actionfraud.police.uk

Association of British Insurers www.abi.org.uk

The Centre for Effective Dispute Resolution www.cedr.com

Chartered Institute of Personal Development www.cipd.co.uk

The Crown Prosecution Service www.cps.gov.uk

Fraud Advisory Panel www.fraudadvisorypanel.org Home Office

www.homeoffice.gov.uk

Ministry of Justice www.justice.gov.uk

National Fraud Authority www.homeoffice.gov.uk/agencies-publicbodies/nfa/

Office for National Statistics www.ons.gov.uk

Restorative Justice Council www.restorativejustice.org.uk

R3

www.r3.org.uk

Published December 2012

Fraud Advisory Panel
Chartered Accountants' Hall
Moorgate Place
London EC2R 6EA
020 7920 8721
info@fraudadvisorypanel.org

Registered Charity No. 1108863

Company Limited by Guarantee Registered in England and Wales No. 04327390

#### © Fraud Advisory Panel 2012

All rights reserved. If you want to reproduce or redistribute any of the material in this publication, you should first get the Fraud Advisory Panel's permission in writing. The views expressed in this publication are those of the contributors. The Fraud Advisory Panel does not necessarily share their views. The Fraud Advisory Panel will not be liable for any reliance you place on the information in this publication. You should seek independent advice.