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Patrick Doris Discusses “Failure to Prevent Fraud” Offence with Raconteur

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Raconteur

Following the introduction of a new U.K. corporate offence of “failure to prevent fraud,” partner Patrick Doris spoke to Raconteur about the strategic necessity for U.K. companies to maintain adequate reporting mechanisms and visible protections for whistleblowers, as part of the fraud prevention procedures they have in place, with a view to seeking to take advantage of the reasonable prevention procedures defence. The offence exposes large organizations to the risk of criminal liability as a result of fraud by employees, subsidiaries, agents, and others acting on an organization’s behalf. If a relevant fraud were to occur, to avoid prosecution, a business would need to demonstrate that it had reasonable anti-fraud measures in place. Patrick explained that having clear and trusted internal reporting channels not only will help companies avoid the situation where they become aware of misconduct only once they are already under investigation but will also likely be seen by prosecutors as a critical component of reasonable fraud prevention procedures. “If staff don’t know how to raise concerns, or don’t trust the system, a company may later find itself unable to rely on the reasonable procedures defence.”

Related People

Patrick Doris

Related Capabilities

White Collar Defense and Investigations

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