



**Managing risk in a
complex world**

**Compliance
and sensitive
investigations
group**

2019 service guide

Managing risk

Compliance and sensitive investigations group



Businesses are operating in an increasingly uncertain world. In addition to having to manage ever-present political and economic risk, businesses of all types need to contend with a new kind of burgeoning threat: that of multi-jurisdictional and sometimes overreaching **regulation and enforcement**.

Any economic crime perpetrated within an organisation has the capacity to destroy it if the organisation doesn't have in place **robust procedures** to detect and subsequently deal with it both internally and in relation to the outside world. Equally, allegations regarding governance failings and inappropriate behaviour which are not properly investigated have the potential to impact the regulatory status of both the business and the individuals involved, not to mention the **brand, reputation and culture** of the organisation as a whole.

Your strategy for dealing with the issue will be as important as the issue itself. The Kemp Little **Compliance and Sensitive Investigations Group** is a team of senior lawyers at the firm, each an expert in their field and drawn from the firm's corporate, litigation, commercial technology, regulatory and employment practice areas. They work together to deliver a comprehensive compliance and investigations service to business organisations, involving strategic advice, audit, training, crisis response and investigation management – whether as advisor or independent investigator.

Our approach when advising on, and leading investigations as the independent investigator is informed by the work we do supporting senior individuals involved in them, whether this is the Board, the investigating officer or decision maker, or on occasions, the complainant or the alleged perpetrator. **We have seen first-hand what makes a good investigation process**, or rather what can make it poor and legally risky.

Our strategy and service comprises two parts: namely advice on action to be taken before an incident occurs – **prevention** – and advice on what to do after an incident – **response**.

Our prevention services include:



Helping organisations identify, manage and mitigate key business risks – through targeted audits



Identifying where technology can assist in managing business risk



Designing bespoke and detailed training for senior management and other staff.



Board level education on business risks and the duties of directors in managing such risks and responding to issues when they arise



Response planning in advance – preparing action plans and policies to deal with the management of risks and breaches

Having a robust strategy in place to manage risk before a crisis occurs is essential.

So too, is knowing how you will respond when it does occur.

We can help you with the following response services:



Assembling a response team, including identifying the appropriate investigation team



Identifying where external expert assistance may be required (for example, criminal counsel, data and accounting forensic experts, as well as foreign lawyer advice)



Identifying compliance tools to help manage and mitigate the issues



Internal Board reporting and communication regarding the response



Advising on the application of legal privilege



Knowing when and how to report an issue to the authorities and regulators, taking into account any cross-border or jurisdictional issues



Reviewing your contractual commitments to assess and where possible, minimise additional legal risk and exposure



Potential disciplinary action



The messaging in internal and external communications, including to employees, customers and clients



Acting as independent investigator

We can assist you with prevention and response services for:

Economic crime

- Bribery Act
- Criminal Finances Act
- Anti-money laundering policies, controls and procedures

Transactional issues

- Reporting money laundering
- Sanctions and export controls
- Dealing with fraud in M&A transactions
- Conducting organisation appropriate risk assessments
- Counterparty risk analysis and due diligence

Corporate governance and individual accountability

- Directors' duties
- Senior Managers and Certification Regime (financial services)

Data and security

- GDPR
- Cybercrime and data theft

Supply chain

- Modern Slavery

Employment

- Supporting employee grievances and investigations
- Managing allegations of harassment, bullying and discrimination, whistleblowing
- Whistleblowing procedures and advice to the whistleblowing champion
- Employee fraud, theft of confidential information and proprietary data, and misuse of social media
- Supporting disciplinary investigations and processes

Regulatory

- Regulatory actions, including FCA, CMA, OFCOM, OFWAT and OFGEM

Your key contacts



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