



ashurst

FRA



RED LION CHAMBERS

Deferred Prosecution Agreements:
how effective have they been as an
enforcement tool in the UK and what
role will they play in the future?

Your panellists



Ruby Hamid
Ashurst

Ruby is a Partner at Ashurst and specialises in global investigations, white collar crime, compliance and risk management. Her technical expertise in bribery and corruption, money laundering, serious fraud and tax evasion supports her practice.

Ruby advises clients across a broad spectrum of regulatory and criminal issues. She is a former prosecutor and spent 13 years at the independent Bar. She spent a decade leading investigations and prosecutions for the FCA, the National Crime Agency, HMRC, the CPS Specialist Fraud and Serious Crime Units, the FRC and the Environment Agency. She was Panel Counsel for the SFO, General Medical Counsel and the Office of Rail Regulation.

She has particular expertise in the financial sector and in oil, gas and mining and infrastructure.



Neil Donovan
Ashurst

Neil is a Senior Associate at Ashurst and specialises in global criminal and regulatory investigations. Neil acts for financial institutions and corporates across a range of sectors (including energy and natural resources, transportation, manufacturing, consumer goods and telecommunications).

Neil has particular expertise in corporate crime matters and has completed a secondment to the Serious Fraud Office. He has acted for clients on multi-jurisdictional investigations related to allegations of bribery and corruption, money laundering, tax evasion, and accounting fraud.

A key part of Neil's practice is advising clients on the application of the UK sanctions and anti-money laundering regimes. He also regularly advises on these risks in the context of corporate transactions and on the implementation of financial crime compliance programmes.



Charlie Patrick
Forensic Rick Alliance

Charlie is a Partner at FRA and Chartered Accountant with almost 25 years' experience working in forensic accounting, investigations and compliance.

Charlie has extensive experience as a forensic accountant and investigator, working for UK based and global businesses across a range of industries ranging from retailers to banks. He has wide international experience with over seven years working outside of the UK.

Anti-bribery and corruption investigations and compliance has been a key focus for Charlie for nearly two decades. He has run numerous risk reviews and assessments of company anti-bribery and anti-fraud procedures and controls, including as part of proposed M&A transactions. He has led over 75 investigations into allegations of fraud and misdemeanour in the UK, across Europe and globally and has provided anti-bribery and anti-fraud training in over a dozen countries.



Rebecca Chalkley
Red Lion Chambers

Rebecca specialises in financial crime and regulation (financial, medical and environmental). She has over 20 years experience of financial and commercial wrongdoing, including fraud, money laundering, bribery and corruption and market abuse. Her expertise includes Insider Dealing, Bribery & Corruption (international and domestic), legal professional privilege, money laundering and Tax Fraud (direct and indirect), fraudulent trading, financial vehicles and the full spectrum of frauds and market abuse.

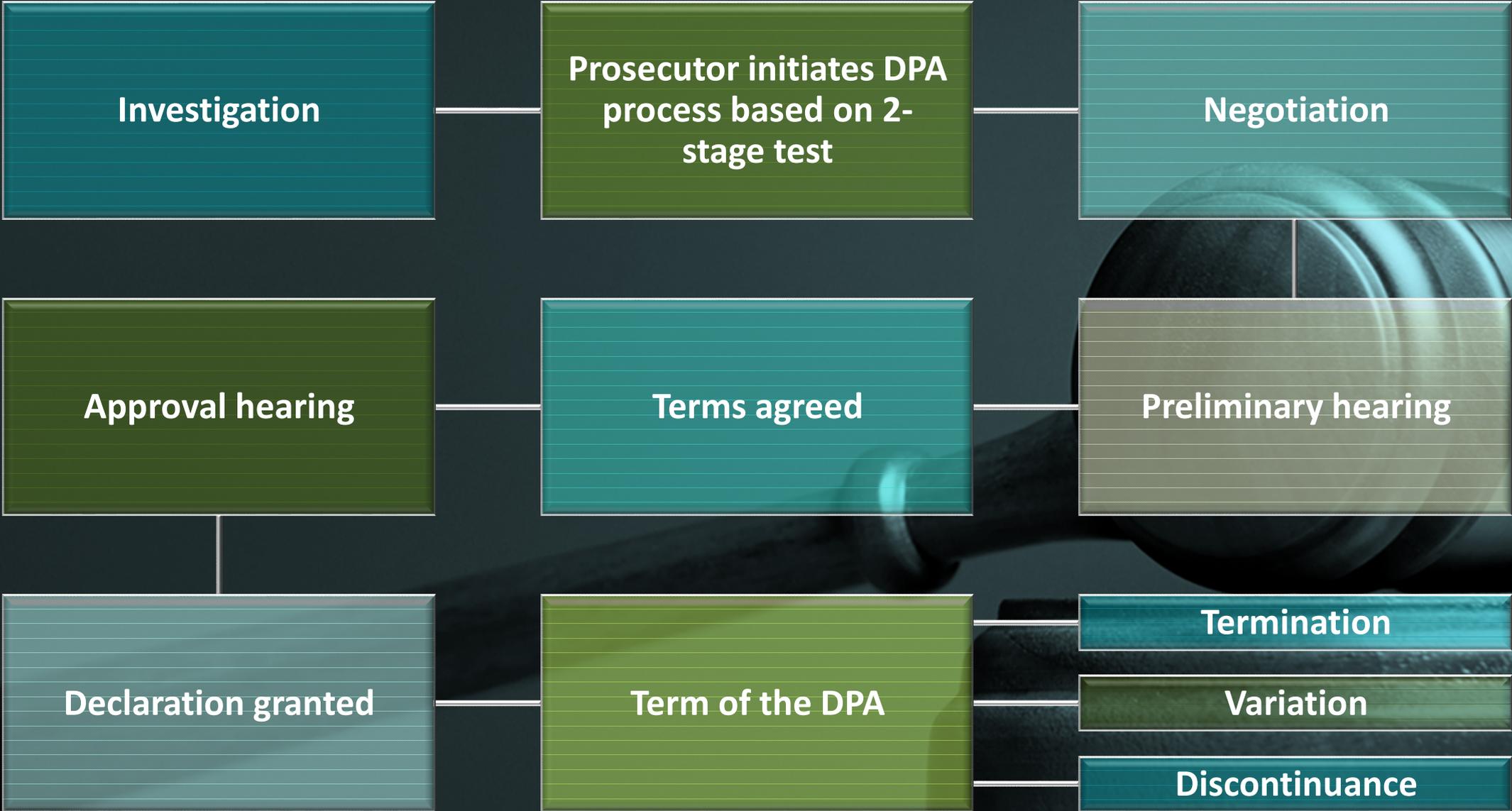
Rebecca has been instructed in various cases that have resulted in DPAs, including what is understood to be the largest to date.

She regularly advises and acts in both Private and Public Prosecutions. She has been instructed in some of the largest Private and Public Prosecutions that have appeared in the UK courts.

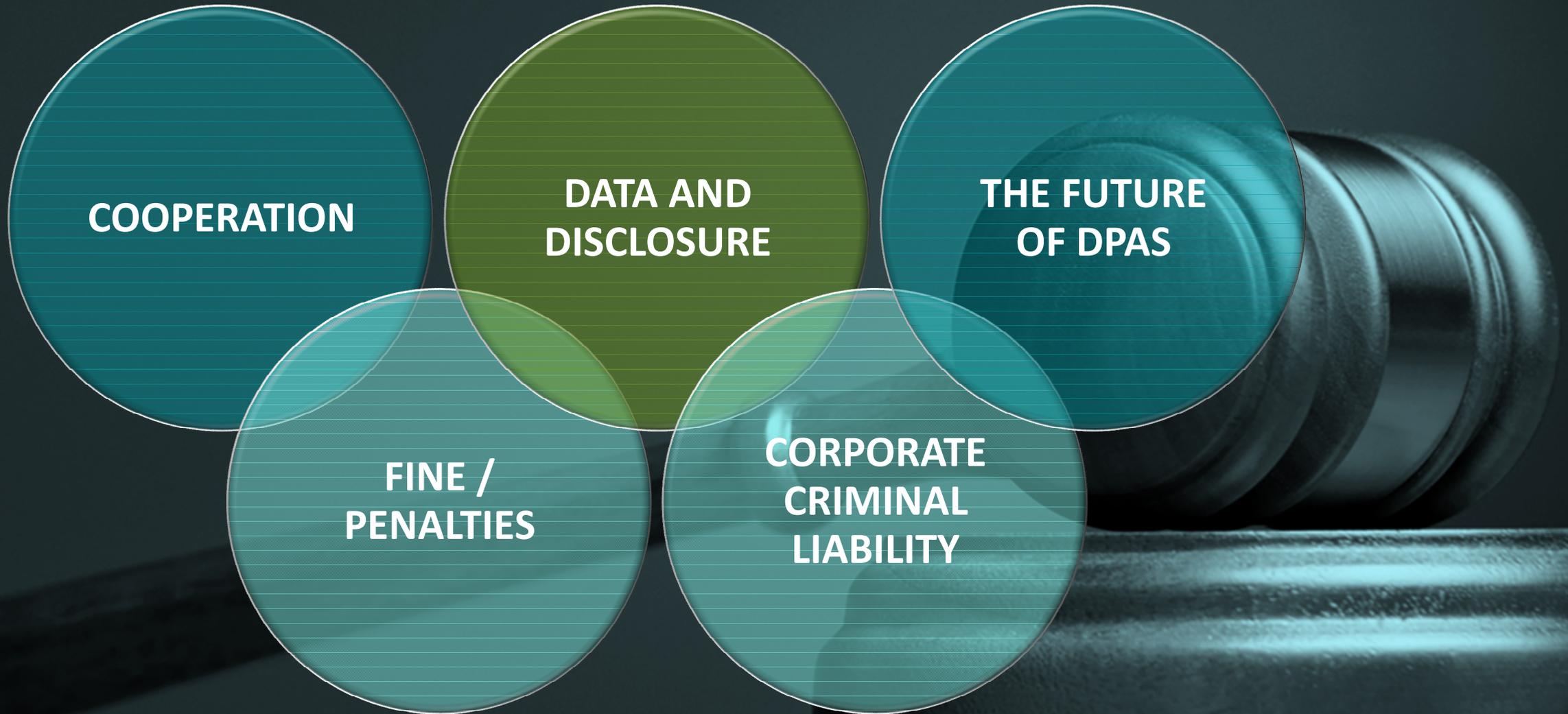
DPAs agreed to date

YEAR	COMPANY	CONDUCT	OVERSEAS CRIMINALITY	TOTAL UK PENALTIES
2015	STANDARD BANK PLC	Bribery	Yes – USA	US \$37 million – including a 1/3 discount for guilty plea and self-reporting
2016	SARCLAD LTD	Corruption and bribery	No	£6.55 million – including a 50% discount for admissions before possible guilty plea
2017	ROLLS-ROYCE	Corruption, concealment and bribery	Yes – USA, Brazil, Kazakhstan and Thailand	£497.25 million - including a 50% discount for “ <i>extraordinary cooperation</i> ”
2017	TESCO	False accounting practices	No	£235 million - including a 50% discount for “ <i>the exemplary standard of co-operation</i> ”
2019	SERCO GEOGRAFIX LTD	Fraud and false accounting practices	No	£22.9 million - including a 50% discount for level of cooperation provided
2019	GÜRALP SYSTEMS LTD	Corruption and bribery	Yes - USA	N/A – would have had 50% discount
2020	AIRBUS SE	Bribery	Yes – USA, France and 14 other jurisdictions	€991 million - including a 50% discount for “ <i>exemplary cooperation and remediation</i> ”
2020	G4S	Fraud	No	£44.4 million - including a 40% discount for level of cooperation provided
2020	AIRLINE SERVICES LTD	Bribery	No	£2.98 million - including a 50% discount to reflect the level of cooperation provided
2021	AMEC FOSTER WHEELER	Bribery	Yes - Nigeria, Saudi Arabia, Malaysia, India and Brazil	£103 million

DPA process refresh



Key themes



Your panellists



Ruby Hamid
Ashurst

Ruby is a Partner at Ashurst and specialises in global investigations, white collar crime, compliance and risk management. Her technical expertise in bribery and corruption, money laundering, serious fraud and tax evasion supports her practice.

Ruby advises clients across a broad spectrum of regulatory and criminal issues. She is a former prosecutor and spent 13 years at the independent Bar. She spent a decade leading investigations and prosecutions for the FCA, the National Crime Agency, HMRC, the CPS Specialist Fraud and Serious Crime Units, the FRC and the Environment Agency. She was Panel Counsel for the SFO, General Medical Counsel and the Office of Rail Regulation.

She has particular expertise in the financial sector and in oil, gas and mining and infrastructure.



Neil Donovan
Ashurst

Neil is a Senior Associate at Ashurst and specialises in global criminal and regulatory investigations. Neil acts for financial institutions and corporates across a range of sectors (including energy and natural resources, transportation, manufacturing, consumer goods and telecommunications).

Neil has particular expertise in corporate crime matters and has completed a secondment to the Serious Fraud Office. He has acted for clients on multi-jurisdictional investigations related to allegations of bribery and corruption, money laundering, tax evasion, and accounting fraud.

A key part of Neil's practice is advising clients on the application of the UK sanctions and anti-money laundering regimes. He also regularly advises on these risks in the context of corporate transactions and on the implementation of financial crime compliance programmes.



Charlie Patrick
Forensic Rick Alliance

Charlie is a Partner at FRA and Chartered Accountant with almost 25 years' experience working in forensic accounting, investigations and compliance.

Charlie has extensive experience as a forensic accountant and investigator, working for UK based and global businesses across a range of industries ranging from retailers to banks. He has wide international experience with over seven years working outside of the UK.

Anti-bribery and corruption investigations and compliance has been a key focus for Charlie for nearly two decades. He has run numerous risk reviews and assessments of company anti-bribery and anti-fraud procedures and controls, including as part of proposed M&A transactions. He has led over 75 investigations into allegations of fraud and misdemeanour in the UK, across Europe and globally and has provided anti-bribery and anti-fraud training in over a dozen countries.



Rebecca Chalkley
Red Lion Chambers

Rebecca specialises in financial crime and regulation (financial, medical and environmental). She has over 20 years experience of financial and commercial wrongdoing, including fraud, money laundering, bribery and corruption and market abuse. Her expertise includes Insider Dealing, Bribery & Corruption (international and domestic), legal professional privilege, money laundering and Tax Fraud (direct and indirect), fraudulent trading, financial vehicles and the full spectrum of frauds and market abuse.

Rebecca has been instructed in various cases that have resulted in DPAs, including what is understood to be the largest to date.

She regularly advises and acts in both Private and Public Prosecutions. She has been instructed in some of the largest Private and Public Prosecutions that have appeared in the UK courts.

ashurst



RED LION CHAMBERS

Key Contacts



Ruby Hamid
Partner, Ashurst

+44 20 7859 3922
ruby.hamid@ashurst.com



Neil Donovan
Senior Associate, Ashurst

T +44 20 7859 3238
neil.donovan@ashurst.com



Charlie Patrick
Partner, Forensic Risk Alliance

+44 20 7269 5013
cpatrick@forensicrisk.com



Rebecca Chalkley
Barrister, Red Lion Chambers

+44 20 7520 6000
rebecca.chalkley@18rlc.co.uk