



Litigation and Compliance

Dealing with Dawn Raids and Critical Incidents

Dawn Raid and Critical Incident 24/7 hotline 0870 054 9994

Dawn Raids and Critical Incident Response

Critical Incidents such as “dawn raids” are now a fact of life for any business. Many regulatory authorities have the power of search or to gain entry to premises without notice as well as make arrests, and not a month goes by without some form of “dawn raid” activity being reported in the business pages. Of course not all raids happen at dawn ... but making sure your organisation has a protocol for dealing with a visit by a regulator is crucial.

We have specialist lawyers experienced in providing immediate assistance for raids and other visits or inspections undertaken by:

- HM Revenue and Customs
- OFT, European Commission or other competition regulators
- Serious Fraud Office
- Police (including regional police fraud squad)
- Financial Services Authority
- Health & Safety Executive and local authority enforcement
- Other specialist regulators with statutory powers to enter premises without notice.

On contacting our **24/7 Dawn Raid and Critical Incident Hotline (0870 054 9994)**, we will immediately put you in contact with the relevant lawyers to provide support and assistance.

It is important to remember that **premises, not people**, are raided. So your business can be subject to a raid even if nobody within it is actually being investigated. Nonetheless, this can still give rise to significant reputational issues and, unless handled correctly, can also lead to issues with clients and staff.

Professional advisers and financial services businesses in particular need to have regard to the scope of any search warrant to ensure that client confidential information that is outside the warrant’s scope is not divulged. This is a situation we will immediately address.

Training – Key Risk Management Issues

In short, a Critical Incident Strategy should now be part of the Risk Management Toolkit for any business.

Pinsent Masons provides several levels of Critical Incident Strategy, including, where desired, working with you to devise a bespoke Critical Incident Strategy for your particular business.

The basic offering comprises a half day training session.

This includes two one hour sessions and one 30 minutes session as follows:

- **A one hour session with the senior management team**
This will cover an explanation of the regulatory authorities’ current strategies with regard to criminal investigations, an overview of the search and arrest powers of regulatory authorities, an outline of “what a raid looks like” in practice (including the business recovery strategy), a synopsis of what the regulatory authorities can and cannot do and advice as to what a corporate’s Critical Incident Strategy should comprise.
- **A one hour session with selected staff who it is envisaged might deal with a raid in practice**
This session looks in more detail at the practicalities of the raid and what it is seeking to achieve. It will include an explanation and analysis of the search warrant, the powers of the regulatory authorities and the rights of employees of the business; key actions in the first hour of a raid; what to do or say in response to questions and requests by the regulatory authorities; the importance of preservation of evidence and what to advise your staff to do; what to do about legally privileged material; and how to deal with other document and IT issues that arise in a raid and afterwards, so that you can get the business up and running again once the regulatory authorities have left the premises. The session will also include various practical scenarios, with guidance on how to make sure your organisation responds appropriately.
- **A half-hour session with security reception and administrative staff**
These staff will usually be the first people to be aware that a raid is happening. This highly practical session will advise them what to do, who to contact, how to deal with the regulatory authorities when they arrive and a basic overview of the reasons for and background to a raid and of the powers of the regulatory authorities.

Litigation and Compliance

Dealing with Dawn Raids and Critical Incidents

Dawn Raid and Critical Incident 24/7 hotline 0870 054 9994

Our Services

Training will be provided by a Partner led team in Pinsent Masons, qualified in the relevant jurisdiction, who have hands-on experience of dealing with a critical incident. It can be provided at the client's premises, at an off-site location or at any of Pinsent Masons' offices in London, Birmingham, Leeds, Manchester, Edinburgh, Glasgow, Aberdeen or Belfast. The cost is £2,500 plus VAT.

We are happy to agree to a follow-up session, more detailed training or guidance for Compliance officers, or a review of a Critical Incident Strategy developed by an organisation following the training. We can also prepare written compliance guidance and other procedures, tailored to the needs of your organisation.

For further information, please contact:

HMRC and Tax related



James Bullock

Partner
Tax, London
T: +44 (0)20 7054 2726
M: +44 (0)7967 551073
E: james.bullock@pinsentmasons.com



Jason Collins

Partner
Tax, London
T: +44 (0)20 7054 2727
M: +44 (0)7790 909079
E: jason.collins@pinsentmasons.com

OFT and Competition related



Guy Lougher

Partner
EU & Competition, London
T: +44 (0)20 7490 6102
M: +44 (0)7825 160146
E: guy.lougher@pinsentmasons.com



Alan Davis

Partner
EU & Competition, London
T: +44 (0)20 7418 7026
M: +44 (0)7803 014425
E: alan.davis@pinsentmasons.com

SFO, Police, fraud, money laundering and corruption related



Barry Vitou

Partner
Litigation & Regulatory, London
T: +44 (0)20 7490 6501
M: +44 (0)7585 996335
E: barry.vitou@pinsentmasons.com



Tom Stocker

Partner
Litigation & Regulatory, Edinburgh
T: +44 (0)131 777 7362
M: +44 (0)7912 396242
E: tom.stocker@pinsentmasons.com

Litigation and Compliance

Dealing with Dawn Raids and Critical Incidents

Dawn Raid and Critical Incident 24/7 hotline 0870 054 9994

HSE and local authority enforcement related



Laura Cameron
Partner
Litigation & Regulatory, Glasgow
T: +44 (0)141 567 8632
M: +44 (0)7768 025469
E: laura.cameron@pinsentmasons.com



Simon Joyston-Bechal
Partner
Litigation & Regulatory, London
T: +44 (0)20 7490 6262
M: +44 (0)7880 684781
E: simon.joyston-bechal@pinsentmasons.com



Kevin Bridges
Partner
Litigation & Regulatory, Manchester
T: +44 (0)161 234 8364
M: +44 (0)7768 993666
E: kevin.bridges@pinsentmasons.com



William Park
Senior Associate
Litigation & Regulatory, Aberdeen
T: +44 (0)1224 377 947
M: +44 (0)7860 606325
E: willie.park@pinsentmasons.com

FSA related



Jacqueline Harris
Partner
Litigation & Regulatory, Edinburgh
T: +44 (0)131 777 7136
M: +44 (0)7901 688115
E: jacqueline.harris@pinsentmasons.com



Neil McInnes
Senior Associate
Litigation & Regulatory, London
T: +44 (0)20 7490 6407
M: +44 (0)7585 996284
E: neil.mcinnnes@pinsentmasons.com

This note does not constitute legal advice. Specific legal advice should be taken before acting on any of the topics covered.

Pinsent Masons LLP is a limited liability partnership registered in England & Wales (registered number: OC333653) authorised and regulated by the Solicitors Regulation Authority and the appropriate regulatory body in the other jurisdictions in which it operates. The word 'partner', used in relation to the LLP, refers to a member of the LLP or an employee or consultant of the LLP or any affiliated firm of equivalent standing. A list of the members of the LLP, and of those non-members who are designated as partners, is displayed at the LLP's registered office: 30 Crown Place, London EC2A 4ES, United Kingdom. We use 'Pinsent Masons' to refer to Pinsent Masons LLP and affiliated entities that practise under the name 'Pinsent Masons' or a name that incorporates those words. Reference to 'Pinsent Masons' is to Pinsent Masons LLP and/or one or more of those affiliated entities as the context requires. © Pinsent Masons LLP 2013.