Private Fraud Prosecutions

“An estimated 98.5% of fraud cases go unreported to the police, and of the 1.5% that are reported, only 0.4% result in a criminal sanction.”
University of Portsmouth’s Centre for Counter Fraud Studies

**Victim of Fraud?**
When a Company or Individual falls victim to fraud, the likelihood of recovering the financial loss and obtaining justice has been low, historically. Even if there is strong evidence, traditional law enforcement agencies are often unable to take up cases due to stringent selection criteria and ever-decreasing financial resources. A private fraud prosecution is a powerful alternative since it offers the opportunity to resolve the issue successfully without reliance on the authorities.

**Private Fraud Prosecutions**
It is not only traditional law enforcement agencies that are able to prosecute financial crime: any victim of fraud may do so. The right to bring a private prosecution is protected in Section 6 of The Prosecution of Offences Act 1985 and successful private fraud prosecutions are becoming more frequent.

EY has teams experienced in providing investigative and forensic accounting services in accordance with the Criminal Procedure Rules to support a private fraud prosecution.

It is possible to bring a private prosecution for many types of fraud including ones carried out by employees and third parties as well as in contractual situations where a fraudulent statement has been made with the intention of causing a loss. It is also possible to bring a prosecution privately against individuals suspected of engaging in bribery and corruption, although consent to proceed from the Director of Public Prosecutions is required in this type of case.

Once you are satisfied that a private fraud prosecution is the appropriate course of action we will provide investigation and forensic accounting support. A private prosecution is subject to the same legal and evidential standards as those brought by the Crown. It is therefore vital that evidence is gathered, processed and presented in the format required for admission in a criminal trial.

**Benefits**
There are numerous advantages to bringing a private fraud prosecution:

► You can ensure that the prosecution team has sufficient resources and expertise to maximise the efficiency of the investigation and any subsequent proceedings
► Proceedings brought in a criminal court may be quicker than civil litigation
► Successful outcomes include:
  ► A custodial sentence for the perpetrator
  ► Awards for costs, compensation and confiscation
  ► A strong message of deterrence
How EY can help

An integrated approach
We have teamed up with the leading law firms in this area to provide you with a seamless service, combining our investigation expertise with their track record in bringing successful private fraud prosecutions. Working closely with the lawyers means we investigate more quickly and more effectively than if we were working alone.

An experienced team
Our team is made up of specialist forensic accountants, investigators, law enforcement professionals and forensic technology experts, all with extensive experience of conducting investigations in accordance with criminal procedure rules.

International reach
Often fraud is perpetrated across jurisdictions and in order to gather evidence it is important to be familiar with different languages, customs and financial systems. With more than 2,500 professionals based in over 65 countries we can enable the investigation to be pursued internationally.

Leading forensic technology
Our team of Forensic Technology specialists are experienced in the onerous requirements of the criminal disclosure process. Our technology solutions in this area are designed to handle data efficiently and to the standards required by the courts.

Asset recovery
If an order for compensation is made following conviction we also have teams who can assist with tracing and recovering assets.

Private Fraud Prosecutions contacts

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<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Smart</td>
<td>Partner</td>
<td>+44 20 7951 3401 <a href="mailto:jsmart@uk.ey.com">jsmart@uk.ey.com</a></td>
</tr>
<tr>
<td>Steve Caine</td>
<td>Executive Director</td>
<td>+44 20 7951 4433 <a href="mailto:scaine@uk.ey.com">scaine@uk.ey.com</a></td>
</tr>
<tr>
<td>Annabel Kerley</td>
<td>Assistant Director</td>
<td>+44 7467 441 391 <a href="mailto:akerley@uk.ey.com">akerley@uk.ey.com</a></td>
</tr>
<tr>
<td>Ian Brown</td>
<td>Assistant Director</td>
<td>+44 20 7806 9023 <a href="mailto:ibrown3@uk.ey.com">ibrown3@uk.ey.com</a></td>
</tr>
<tr>
<td>Bernie Emslie</td>
<td>Assistant Director</td>
<td>+44 7951 3565 <a href="mailto:bemslie@uk.ey.com">bemslie@uk.ey.com</a></td>
</tr>
<tr>
<td>Scott Robson</td>
<td>Director</td>
<td>+44 20 7951 9666 <a href="mailto:srobsone@uk.ey.com">srobsone@uk.ey.com</a></td>
</tr>
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