

“Are Firms Prepared for the Failure to Prevent Fraud Offence?” *Law.com International*

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In an article for *Law.com International*, London Partners Lucy Blake and Robert Dalling, and Associate André Nwadiakwa, analyze the UK’s new ‘Failure to Prevent Fraud’ offence, introduced by the Economic Crime and Corporate Transparency Act (ECCTA), which took effect September 1 and represents a decisive shift in corporate criminal liability.

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The authors explain how the legislation has extraterritorial reach and covers a broad spectrum of offenses from mis-selling to greenwashing, requiring organizations to shift from reactive responses to proactive prevention with documented evidence. They emphasize the compliance challenges facing multinational corporations, particularly in managing sprawling supply chains and conducting comprehensive risk assessments across employees, subsidiaries, and third-party service providers.

The authors also highlight how the Serious Fraud Office (SFO) and the Crown Prosecution Service (CPS) jointly released updated corporate prosecution guidance, reinforcing the message that failing to implement adequate fraud prevention measures could carry severe consequences.

“The Failure to Prevent Fraud offence represents a turning point in corporate criminal law. For firms, the risks are significant, but so is the opportunity to demonstrate integrity and resilience,” the authors write. “The key question will not be whether fraud exists somewhere in the organisation’s ecosystem, but whether the company can prove it did enough to prevent it.”

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