



# Detection, reaction and recovery strategies

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Wednesday 23 March 2016

# Overview



- Detection / Strategy / Early Action
- Recovering stolen assets
- Other remedies

# Detection

- Assemble those within the organisation who have responsibility for dealing with the fraud
- Collate all available evidence
- If appropriate, contact
  - your legal advisors
  - your insurance broker
- Other authorities?

# Recovery



- Freezing orders
- Third party disclosure orders
- Search and seizure orders
- Cross undertaking in damages

# Freezing Orders

- Claimant will have to establish
  - that they have a good, arguable case
  - that there is a real risk that any judgment obtained will be unsatisfied
  - that it's just in all the circumstances that an order be granted in that damages would not be an adequate remedy

# Third Party Disclosure Orders



- *Norwich Pharmacal v Customs and Excise Commissioners* [1974]
- Norwich Pharmacal Orders

# Search and Seizure Orders



- an “extremely strong prima facie case”; and
- a real possibility that the evidence will be destroyed or concealed and that any order of the court directing evidence be preserved would be flouted or frustrated
- no fishing expeditions

# Other Remedies



- Claim on fidelity insurance
- Claim against third parties / auditors



# Summary



- Control your environment
- Recovery options
- Prevention over investigation



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