

## SENSITIVE INVESTIGATIONS

### OVERVIEW

Regulated markets are more closely scrutinised than ever before as regulators and law enforcement agencies worldwide are increasingly working together to investigate and sanction companies and individuals. With the regulators' interest in non-financial misconduct alongside the fitness and propriety of senior managers continuing to grow, we expect firms will continue to see difficult and sensitive issues raised by whistleblowers and individuals.

Investigating sensitive allegations and managing the output from these investigations requires a different approach and mindset from more traditional corporate internal investigations. Effective handling of investigations requires thoughtful collaboration between HR, ER, legal and compliance professionals. This is a process that feels like an art rather than a science, demanding emotional intelligence and pragmatism as well as traditional investigation skills.

We have a strong track record in carrying out complex and sensitive investigations. Often representing corporates, financial institutions, and senior individuals across a wide range of subject matter, including:

- allegations of retaliation against whistleblowers;
- complaints of discrimination;
- whistleblowing complaints;
- challenges to culture within individual teams or wider business areas;
- allegations of financial crime control failures;
- allegations of balance sheet manipulation and financial fraud; and
- allegations of misleading behaviour towards regulators.

The impact on employees, of being involved in such a formal process, means we adopt a thoughtful and human approach to conducting internal investigations. We recognise the risks to our clients of not conducting ourselves with sensitivity when interacting with their people - so we make a point of finding out what has happened in both a thorough and considerate manner.

## PEACE OF MIND

### Emerging Themes in Financial Regulation

Psychological safety in the context of investigations: what needs to change?

As regulators become increasingly concerned with psychological safety, as well as broadening their remit to include non-financial misconduct in the workplace, how does this affect the way in which investigations should be conducted in order to: (i) safeguard the wellbeing of the peo...

## QUOTES

- *"They provide commercially sound advice in a way that can be used internally."*  
Chambers and Partners UK 2023: UK-wide Financial Services: Contentious Regulatory – Band 2
- *"BCLP make sure the advice is always pragmatic and commercially viable."*  
Chambers and Partners UK 2023: Employment: Employer – Band 2
- *"The key strength of BCLP is its ability to bring together top quality employment and regulatory specialists to help us navigate issues as a client in FS. The relationship management we receive is first-class."*  
Legal 500 UK 2023: Financial Services: Contentious – Tier 3

## MEET THE TEAM



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