Baker McKenzie.

Annual Compliance Conference 2026

Latest anti-bribery and corruption developments in the UK and US

Tuesday 16 June

Speakers

Jerome Tomas
Partner (Chair)
Chicago
jerome.tomas@bakermckenzie.com

Aleesha Fowler
Partner
Washington, DC
aleesha.fowler@bakermckenzie.com

Julian Godfray
Counsel
London
julian.godfray@bakermckenzie.com

Mark Banks
Senior Associate
London
mark.banks@bakermckenzie.com

US Developments

To remove undue burden on American companies, the Department of Justice (DOJ) has refined the outlook of the Foreign Corrupt Practices Act (FCPA) to individual accountability instead of isolated cases of corporate misconduct. The focus is on enforcing conduct that causes detriment to US national interests. Specifically, the denial of US companies from fair access to markets and impacts on US national security. The DOJ's Corporate Enforcement and Voluntary Self-Disclosure Policy provides three distinct mechanisms to incentivise cooperation: (i) offering declination, (ii) Non-Prosecution Agreements (NPAs), and (iii) appropriate resolution, which reduces prosecutions. Similarly, the Securities and Exchange Commission (SEC) is taking a back-to-basics approach that focuses on the quality of prosecutions over quantity.

With the False Claims Act (FCA) currently less of an enforcement focus area, it has been an unprecedented year for FCA enforcement at both state and federal levels in the US. Discussions illustrate how violations of the FCA can occur through actual knowledge, deliberate ignorance, reckless disregard for the truth, or falsity of information. Successful prosecutions usually rely on whistleblower complaints that prove the occurrence and particularity of fraud with severe consequences including treble damages and substantial per-claim penalties. Hence, this is especially important for businesses that have existing government contracts and their renewal processes, with high-risk areas in healthcare, government procurement, pandemic relief, and customs and trade.

UK Developments

Graham McNulty was appointed as the new Interim Director of the Serious Fraud Office (SFO), following the unexpected early retirement of Nick Ephgrave. The 2026-2027 Business Plan sets out the SFO's focus areas, including investing in AI tools and technology to improve its case management and disclosure processes. Despite personnel changes, there is likely a continued focus on dawn raids, incentivisation of whistleblowers, and potentially a focus on domestic fraud-related conduct.

The SFO has published “Guidance on Evaluating a Corporate Compliance Programme”, which sets out when the SFO will take into account a company’s compliance programme during the investigation and enforcement process. Furthermore, updates to the Joint SFO-CPS Corporate Prosecution Guidance encourage prosecutors to consider (i) the close factual nexus and potential overlaps between bribery and fraud offences, and (ii) the potential for multi-agency referrals and referrals to other jurisdictions. This aligns with the trend in the past year of the SFO’s greater international collaboration. It hosted the International Conference on Economic Crime and published guidance on international indicators of foreign bribery as part of the Five Eyes programme.

There have also been further substantial changes made to the UK’s criminal law framework which will impact businesses. Under Section 250 of the Crime and Policing Act 2026 (which comes into effect on 29 June 2026), a company will be liable for any criminal offence committed by a senior manager of that company acting within the actual or apparent scope of their authority. This marks a significant expansion of corporate criminal liability in the UK and increases the risk that corporates may be held liable for data, environmental, and human rights-related crimes in particular.

AI outlook

The impact of AI on enforcement is likely to be nuanced in both the UK and US. AI tools will enable prosecutors to triage large volumes of data more quickly, which should increase the speed of investigations. However, deploying AI on complex investigations in a defensible way is unlikely to be straightforward. For businesses, AI can help to identify and mitigate compliance risks but it also has the potential to introduce its own set of risks for businesses, particularly around loss of confidentiality and privilege. Such risks may be exacerbated by the proliferation of agentic AI within organisations. We expect businesses to adapt by placing an increased focus on AI-related policies and processes within their overall assessment of compliance systems and controls.

To catch up on the webinars from our Annual Compliance Conference 2026, click here.