

# Daniel McNally

## Managing Associate


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*"Thank you so much for your amazing hard work these last 12 months or so. I know you've worked tirelessly and I can't express my appreciation to you enough. You've been brilliant."*

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Daniel McNally advises corporate clients who are the subject of criminal and regulatory investigations across the Country. This includes, but is not limited to, investigations that are carried out by the Police, Health & Safety Executive (HSE), Serious Fraud Office (SFO), Care Quality Commission (CQC), Traffic Commissioner (OTC), Fire & Rescue Service (FRS), His Majesty's Revenue & Customs (HMRC), Pensions Regulator (TPR), Trading Standards, and Local Authorities.

He has over 20 years experience in criminal and regulatory law and was admitted to the Roll of Solicitors in 2012. Following a number of successful appearances before his local Courts, Daniel was awarded Leeds' Young Advocate of the Year in 2013. He then joined a leading national firm, where he secured a senior appointment within 18 months, before joining Freeths in 2016.

Daniel predominantly represents companies who are facing allegations of corporate manslaughter and breaches of health and safety, fire safety, and food safety legislation. This includes advising in the immediate aftermath of a serious incident, leading on internal investigations, advising on appeals against enforcement notices, representing companies at interviews under caution and, where appropriate, providing representation at both the Magistrates and Crown Court. In the event of a fatality, he also represents organisations who appear as "interested persons" at Coroner's Inquests.

Similarly, and in circumstances which are becoming increasingly common, Daniel's experience also extends to representing companies and their employees at Public Inquiries. This includes the Inquiry into the Grenfell Tower disaster in 2017.

In addition to this, Daniel regularly advises on product safety where there are potential compliance issues which

may necessitate a recall. He also has notable experience when dealing with allegations of bribery, fraud, money laundering, and proceedings that are brought under the Proceeds of Crime Act. This includes advising on issues such as 'self-reporting', Deferred Prosecution Agreements, and drafting appropriate policies so that organisations are suitably placed to avoid any potential criminal liability.

His practice covers all sectors including agriculture, construction, food, logistics & warehousing, public sector, retail, transport, and waste. In particular, his expertise extends to representing providers in both the care and education profession. This includes advising providers who are the subject of regulatory action, such as a proposal to prevent them from operating altogether, and providing representation in appeals before the First Tier Tribunal.

Aside from this, Daniel regularly speaks at external events and provides training to organisations so that, should the worst happen, they are better equipped to handle any criminal and regulatory investigation.

He also leads the firms [private client](#) offering in this area.

## Legal Services

### Compliance & Regulatory

#### Selected Cases

- Representing the operator of an anaerobic digestate facility who was the subject of a joint investigation by the HSE and EA following a gas explosion which resulted in life changing injuries to two of its employees.
- Representing the Trustees of a pension scheme who were prosecuted by the Pensions Regulator after it was alleged that they had used pension monies to make prohibited employer related investments and also provided false or misleading information to the Regulator.
- Representing a leading construction company and its Managing Director who were prosecuted by the HSE following a fatality involving an employee who was electrocuted whilst at work
- Representing a large wholesaler and its Directors who were investigated by the Police on suspicion of fraud by abuse of position following a series of complaints by a well-known Conservative MP
- Representing a manufacturing company who were investigated by the SFO on suspicion of bribery and corruption. This related to a substantial number of cash payments that were made by its former Managing Director to a Norwegian intermediary over a 10 year period
- Representing a specialist vehicles company who were prosecuted by HMRC and the Department for International Trade after a large number of its military vehicles were incorrectly exported and eventually seized near to the Russian border.
- Advising a company who, having discovered that its former Managing Director had paid bribes to specific individuals within the NHS, was investigated by the London Metropolitan Police.
- Representing numerous post-masters across the Country who, on complaint from the Post Office, were investigated on suspicion of false accounting and theft. This was linked the well-publicised group litigation action that was successfully brought against the Post Office in the High Court.

- Representing a leading hotel chain who were prosecuted by the Local Authority under the Food Safety Regulations following a rodent and pest outbreak at one of its flagship hotels.
- Representing a global casino brand in confiscation proceedings that were brought under the Proceeds of Crime Act following the discovery of unlawful gaming
- Representing one of the Country's largest Trusts at numerous high profile inquests across the UK following fatalities on its land and in its waterways.
- Representing the employee of a large haulage and aggregates company who was investigated by the Police and HSE on suspicion of manslaughter and breaches of health and safety legislation after his colleague was crushed whilst he was driving a loading shovel.
- Representing a company with a significant property portfolio, with ownership in the BVI, who were prosecuted by the Local Authority for carrying out extensive renovation works on an historical property without having listed building consent
- Representing one of the Country's leading LPG suppliers following a gas explosion at one of its customer's premises and subsequent investigation by the HSE
- Representing a leading property developer who, following a serious fire at one of its residential buildings, was investigated by the Fire & Rescue Service on suspicion of breaching fire safety legislation
- Representing the Director of a children's nursery who was investigated by Ofsted and prosecuted by the Local Authority for breaching food safety regulations following a rodent outbreak
- Advising a multi-national company following the discovery of fraud that had been orchestrated by one of its Directors in relation to a substantial contract with a Government body in Africa.
- Representing numerous care providers in criminal investigations that are carried out by the CQC and, where appropriate, at inquests in circumstances where it is alleged that they have failed to provide safe care and treatment.
- Representing both companies and individual Directors who have been prosecuted for a wide range of road traffic offences. This includes putting forward successful "special reasons" or "exceptional hardship" arguments so as to avoid a driving disqualification.

## Sectors