
CORPORATE CRIME REPORTER

INTERVIEW WITH NEIL GETNICK, GETNICK LAW, NEW YORK, NEW YORK

Last month, the UK's tax and customs authority launched a strengthened whistleblower rewards program designed for individuals to report serious tax avoidance or evasion.

Under the program launched by His Majesty's Revenue and Customs (HMRC), if you give information to HMRC that helps it collect a large amount of unpaid tax, you could get a cut of the recovery.

HMRC said that significant tax avoidance or evasion normally involves large companies, wealthy individuals, and offshore or avoidance schemes.

"You could get a reward if the information you provide to HMRC leads to the collection of at least £1.5 million (\$2 million) in tax," HMRC said in a statement announcing the program. "You could get between 15% and 30% of the tax collected (excluding penalties and interest)."

Under the HMRC program, you cannot get an award if you are or were a civil servant (or contracted to work in the government) and got the information while you were employed, you are the taxpayer involved in the tax evasion or avoidance, or you planned and started the actions that led to the tax evasion or avoidance, the information you provide may already be known to HMRC or could have been identified through routine processes, the reward might directly or indirectly lead to funding illegal activity, or you are required by law to disclose, or not disclose, the information.

Whistleblower lawyer Neil Getnick says that "under this new strengthened program in the UK, there is going to be the possibility of much more substantial rewards and much more substantial participation by the whistleblower and the whistleblower's counsel working in conjunction with the government."

We interviewed Getnick on December 1, 2025.

CCR: The UK is following in the footsteps of the United States and is implementing a whistleblower rewards program for its tax program. Tell us what it is and how it came about.

GETNICK: It's a strengthened informant rewards program, as described by the HMRC, His Majesty's Revenue and Customs, which is the British revenue

authority. HMRC has had an informant rewards program for many years, but now they really upped their game by following the model of the US IRS whistleblower law and program.

Under this new strengthened program in the UK, there is going to be the possibility of much more substantial rewards and much more substantial participation by the whistleblower and the whistleblower's counsel working in conjunction with the government. It is a very significant and exciting development.

CCR: How did it come about?

GETNICK: It came about in part by the UK Treasury observing the success of the IRS whistleblower program. The UK is facing a tax revenue gap and wanting to take advantage of these increased recoveries. Tax evasion is a problem everywhere. The UK is no exception. So putting in this powerful tool is quite significant.

We had the first indication that the UK was headed in this direction during the spring of 2025 in a couple of addresses that took place. One was by Rachel Reeves, the Chancellor of the Exchequer, who is the equivalent of the Treasury Secretary in the United States.

In her spring statement to the Parliament, she indicated that such a program was on its way.

And prior to that, James Murray, who was the Chief Secretary to the Treasury, indicated the same. So this has been foreshadowed, but it came to fruition last week.

On Wednesday, November 26, Chancellor Reeves made reference to it briefly in her budget speech to the Parliament, and by the end of the day, HMRC announced the specifics of this program, which has proven to be quite a significant development.

CCR: In what way is it significant?

GETNICK: The United States has had tremendous success with its whistleblower programs, starting with the amendments in 1986 to the United States federal False Claims Act. Up until that point in time, the False Claims Act, which is designed to recover funds that have been defrauded from the United States government, was collecting about \$50 million a year under the Justice Department's program.

But when this enhanced whistleblower program

went into effect in 1986, things really went into overdrive. Since then, there's been more than \$55 billion dollars that has been recovered.

And the success of that program gave rise to a number of other laws in the United States, including no less than 36 state False Claims Act laws from various states over time, the 2006 IRS whistleblower law, the Securities and Exchange Commission and Commodity Futures Trading Commission whistleblower programs in 2010 and then more recently, the US Treasury's Financial Crime Enforcement Network known as FINCEN with its anti-money laundering and sanctions program, which was enacted in 2021 and strengthened in 2022, the Department of Justice's corporate whistleblower award pilot program launched in August of 2024, and most recently, the US Department of Justice and United States Postal Service antitrust whistleblower rewards program initiated in July of this year, 2025.

The success of these programs is a matter of building strength upon strength and seeing very significant recoveries coming into the US and State treasuries as a result.

So that's the background. And the most important thing is to highlight what are the distinctive points that make for a successful whistleblower award program.

As I have been observing these whistleblower award programs for some time and also participating in those programs as counsel for my clients, there are really five elements that distinguish the most successful of the programs.

The first is to have a threshold, in other words, a bottom-line number that you have to reach in order for the matter to be jurisdictionally permissible.

That's very important. That allows the ability to cull out de minimis matters and focus instead on matters with potential for high returns, which allow for investigative resources to be allocated most effectively and most efficiently.

Second, a floor and ceiling for the award. In other words, the understanding that there's going to be a minimum percentage award, a floor, which is very important to incentivize whistleblowers and their counsel to file, and at the same time to have a ceiling, which establishes a percentage limit which

protects the public fisc.

Third, no caps. In other words, beyond the percentage limits, there'll be no cap on the size of the award. I should point out that in the United States, this is something that the Chamber of Commerce is always fighting, but they're fighting it for a very simple reason, which is that the imposition of caps would limit the programs and their effectiveness, whereas without caps, the greater the recovery, the greater the reward.

That has proven a key to success of the IRS and other whistleblower programs in incentivizing claims under the programs. The HMRC strengthened rewards program has all of these elements – a threshold of £1.5 million to qualify for a reward, a floor and ceiling range between 15 percent to 30 percent based on the contribution of the informant and their counsel in securing the recovery, and no caps beyond the percentage limits.

So that is a great platform for that program to be building upon. But there are two highly important additional elements, and I believe HMRC will prove to have these two elements as well. The first is a public private partnership.

The most successful results under these programs are achieved when the government agency and the informant and counsel work together to maximize the recovery. To be sure, the government agency is in charge of the matter, with the informant and counsel providing support as requested. This arrangement allows the government to leverage those private resources with increasing efficiency and effectiveness.

And then the last element I'll simply describe as "embrace." To be fully successful, it's essential that the government agency embraces such a program and does not just tolerate or resist it. And from what I have seen, HMRC appears poised to embrace this program and to take full advantage of the information and resources which will be coming its way.

HMRC has had a long and accomplished history of successfully working with informants, and under the new HMRC program, an enhanced category of informants backed by their counselors will now emerge, and once embraced by the highly experienced HMRC investigators, I believe the results will exceed anything seen to date.

As I said, these are the five elements leading to the most successful whistleblower programs, and the fact that HMRC is incorporating all of them in

its approach provides for a very bright future for that program and beyond. And I'll emphasize "and beyond," because I don't think it's going to stop with HMRC, and I can explain why I've come to that conclusion as well.

CCR: I want to get to that, but before I get to that, I have seen some public reporting that the new program does not require a mandatory payout, that it would be discretionary on behalf of HMRC, and that that might be a fatal flaw.

GETNICK: I don't think that's a fatal flaw at all.

CCR: Well if a whistleblower brings forth the case, and the government recovers, and the government then says – no, we're not going to pay you a reward, that would undermine trust in the program.

GETNICK: I understand that, but I have no reason to believe it will be applied in that fashion. There are a number of factors that would disqualify a whistleblower from a potential award, and that's not unlike what we've seen in the United States as well.

So for example, if the HMRC informant is a civil servant – or contracted to work for the government – and got the information while so employed, that would disqualify the informant from receiving an award under the program.

The discretionary aspect of this is not one that I believe will be used to freeze out legitimate whistleblowers and their counsel who have brought successful cases leading to recoveries.

CCR: How does the discretionary aspect of the UK program differ from the US program?

GETNICK: That remains to be seen. The US program was created as a result of a specific statute, whereas the HMRC program is the expansion of what has been operating within HMRC for many years.

HMRC has a long history of using informants. Those prior cases tend to be limited in the size of their recoveries and the scope of the case itself. Now with this program, which they're calling a strengthened informant rewards program, there's not a new statute, it's simply an expansion of what has gone before.

What is a provisional disqualifier under the US Internal Revenue Manual may be a discretionary disqualifier under the UK HMRC program.

CCR: How is it different from the previous HMRC program?

GETNICK: It's different from what went before, because now, for the first time, there is an ability to get an award that will run between 15 percent to 30

percent of the recovery. That's a tremendous incentive in order to bring substantial cases to HMRC.

CCR: Did the previous program allow for rewards?

GETNICK: It did allow for rewards, but they weren't based on a percentage of recovery. So the fact of the matter is that with rewards running in this area of 15 percent to 30 percent, that now becomes a very major incentive for both whistleblowers and counsel to develop potential large-scale cases, and to work alongside HMRC in order to maximize the recoveries.

It becomes what we often refer to as a force multiplier, taking the existing resources within the government and expanding upon them by adding the resources of both the knowledge of the whistleblower or informant and the back office, if you will, of counsel in order to leverage the best result possible without requiring a massive infusion of government bureaucracy.

CCR: Under the False Claims Act in the United States, if the government doesn't agree to sign on to the case, then the whistleblower can proceed alone, without the government. And you see that regularly.

GETNICK: That's correct, but here's the point of distinction. Under the Federal False Claims Act, the whistleblower and the whistleblower counsel literally are initiating a lawsuit on behalf of the government. In fact, if you look at a caption of a federal False Claims Act case, it reads the United States ex rel name of the whistleblower versus the defendant – "ex rel" meaning "as related by."

It's one of the very unusual aspects of the False Claims Act – a private citizen can initiate a lawsuit on behalf of the United States. That's true for that program. However, when you look at the other programs, like the IRS whistleblower law, the SEC whistleblower law, the CFTC whistleblower law – these are all programs that allow the whistleblower to file a claim, but it's up to the government to pursue that claim, and if the government doesn't pursue the claim, that's where it ends. Under those programs, the whistleblower and the whistleblower's counsel do not have the option of continuing to pursue the case in the absence of the government.

CCR: Why not allow the whistleblower to bring the case without the government across the board in all the programs?

GETNICK: There has been significant discussion

about that, for example, in the IRS area. And in fact, the best example of that is in New York State.

Under the New York False Claims Act, one can file a whistleblower suit for a recovery of tax dollars. That's not permissible under the federal False Claims Act – tax is specifically excluded. But in New York State – it is part of the state False Claims Act which therefore provides the opportunity for the whistleblower and the counsel to continue to pursue the case, even if the government were to decline.

CCR: How often do you see successful recoveries in New York state with the whistleblower going it alone?

GETNICK: The New York State Act allows for any variety of recoveries, some being tax recoveries, and others being the various ways one can defraud the government.

I'm not quite certain of the frequency, but I do know that there have been highly successful cases that have been pursued in a declined capacity, including at least one case which achieved more than a \$100 million recovery.

CCR: Now, the SEC, the Justice Department, the CFTC and others have one. But the Consumer Product Safety Commission and the Federal Communications Commission and other agencies do not. Why not just implement a government wide whistleblower program?

GETNICK: I have never considered that before. I'm hearing it for the first time during this conversation. I probably would want to give that some more thought. I've been playing a very significant role over many years, helping to develop these programs, helping to defend these programs, and to keep them advancing over time.

The fact of the matter is, it's a constant effort of resisting the Chamber of Commerce and others who would prefer to restrict them. So I would just be concerned that if we open up the floodgates to the extent that you're indicating, it may prove counterproductive in terms of the resistance that we will encounter.

That doesn't mean it's necessarily a bad idea. It simply means that I would want to understand the full implications before I spoke on the subject one way or the other.

CCR: The IRS tax program has come under significant criticism as being behind the times, let's say behind the SEC program, or behind the False

Claims Act program. Is that still the case?

GETNICK: No, I do not think that is still the case. I would say within the last five years, we've seen tremendous strides with the IRS whistleblower program. And that is not just something that happened by chance.

There have been successive directors of the IRS whistleblower program that have put in a reform effort that has really increased its effectiveness significantly.

For one thing, for some time now, the IRS has created a roundtable of practitioners that provide insight in terms of how to improve the program. And the IRS has been very responsive to that. And as a result, we have been seeing much better results over time.

Last year, there was a \$263 million recovery that required some very careful coordination between the IRS whistleblower office and three separate whistleblowers involved in an individual case that in the past might have taken a decade to resolve in the tax court.

But it all resolved itself within a period of six months as a result of these new procedures and this new level of cooperation.

Rick Martinez was recently appointed as the Director of the IRS whistleblower office. He comes out of the criminal investigation side of the IRS.

And he has shown every indication that he is committed to the further development of this reform program and developing very solid relationships with whistleblowers and their counsel to maximize the public private partnership that accounts for the difference between success and a lack of success.

CCR: Back to the UK. You hinted earlier that maybe this program will spread to other areas of UK law enforcement. What are the possibilities?

GETNICK: That is really central to what is taking place right now, because the fact of the matter is that until now the UK has been resistant to whistleblower awards, and the European Union has been even more resistant.

The UK has allowed for whistleblower recoveries in the area of employment retaliation, but never a reward based on a percentage recovery. So that changes dramatically with this new HMRC program.

And what we're hearing now from the Serious Fraud Office, or the SFO, which is the equivalent of our FBI, is that they are poised to put in a program of their own. And I would not be surprised if we see that program getting underway sometime in 2026.

The director of the SFO is very positive towards encouraging whistleblowers and whistleblower awards as a way of stepping up fraud enforcement.

And so there's much to look forward to there. Even more surprisingly, the word is that for the first time, the EU is taking a significant interest in all of this as well. It's too early to say exactly what shape that will take going forward, but I believe that we're on the verge right now of entering into a new era in the UK and the EU.

It starts with the HMRC program that has just begun. It will continue, in my view, with the SFO program that we will see in the near future. And I believe that the EU will likely follow suit. And taken together, that may very well be the most significant contribution to the fight against international economic crime that we will have seen so far in this century.

CCR: How have whistleblower reward programs across the board in the United States fared under the second Trump administration?

GETNICK: I think it's too early to say, but the fact of the matter is that the Department of Justice appears committed to the continued enforcement of the False Claims Act. I know that in part because TAF, the organization formerly known as Taxpayers Against Fraud – now The Anti-Fraud Coalition – has been doing a series of roundtables with various United States Attorney's offices, and those offices have indicated a commitment to the further enforcement of the federal False Claims Act.

That's true also for other such programs. I mentioned the IRS whistleblower law – there appears to be a strong commitment there to carry through on that program. As for the SEC, it's really less of an issue about the whistleblower law, and more having to do with the enforcement priorities of the agency.

As I understand it, the emphasis under the new chairman is more focused on individuals than on corporations in terms of where enforcement priorities are being placed.

And so naturally that would spill over into the whistleblower law itself, although I don't believe that that policy is built around the whistleblower law, but rather in terms of how the enforcement priorities of the SEC are perceived more generally by the current Chairman.

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