


Message

From: Jessica Madron [GRO]
on behalf of Jessica Madron [GRO]
Sent: 04/04/2014 14:01:40
To: Jarnail Singh [GRO]
Subject: RE: Top 5 matters


Many thanks, Jarnail. We can discuss in more detail to make sure I have understood key issues at our 121.

Kind Regards
Jessica Madron
Principal Lawyer
Legal & Compliance

My working days are Tuesday to Friday.



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From: Jarnail Singh
Sent: 03 April 2014 15:10
To: Jessica Madron
Subject: FW: Top 5 matters

Jessica
As discussed see below brief summary of top 5 prosecution matters.
Jarnail.

Jarnail Singh | Criminal Lawyer



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From: Jarnail Singh
Sent: 18 March 2014 16:18
To: Renata Prywerek
Cc: Piero D'Agostino
Subject: RE: Top 5 matters

Renata

Please see below Top five matters in Criminal prosecutions

Summary of Update position In POL prosecutions

The persistent allegations that the "Horizon" accounting system used in Post Office branches is unreliable. Over the last few years, there have been a growing number of accusations from subpostmasters (and other Horizon users) that the Horizon system and its associated processes are unreliable. They allege that errors in the Horizon system have falsely created losses that do not actually exist. Some subpostmasters have gone further to allege that Post Office has wrongfully recovered debts from subpostmasters or wrongly prosecuted subpostmasters based on flawed information from the Horizon system. It should be noted that the transaction records from the Horizon system often form the foundation of any civil recovery or criminal prosecution.

- Past criminal prosecutions are being reviewed for safety following the "Second Sight" (SS) report:
- Brian Altman QC has provided two reports:
- A "backwards looking" report on POL prosecutions to date and "forward looking" report on POL's criminal prosecution policy/strategy –
- To date, no appeal has been made against any conviction
- Current prosecutions are being reviewed on a case by case basis to see if they should continue
- No new summons being issued pending identification and appointment of new independent expert to support Horizon data
- New Horizon expert is continuing, candidates found, awaiting agreement for appointment and funding.
- Scotland - following discussions with the Procurator Fiscal (prosecutor in all Scotland cases), all Scottish prosecutions have been adjourned pending appointment of new expert
- Northern Ireland - no Horizon issues identified with NI prosecutions to date

1. Auditors Training

Auditors were going beyond their role and effectively obtaining evidence (significant comment) not under caution.

Trained investigation officers on number of occasions in summer and December.

It would appear the effective training has not been cascading through in the security team to all of the auditors.

Discussed with CK and arranged with them to provide bespoke training and currently awaiting to hear whether security training to be delivered on team by team basis or regional basis or National basis.

2. Scotland

Following second sight interim report and during the file review process in England and Wales. I arranged and accompanied CK to Scotland to meet BTO and PFO, this meeting was of up most importance as PFO had concerns about the safety of prosecuting using Horizon data.

- This one to one meeting avoided unfortunate developments North of the boarder which would have adverse publicity for POL south of the boarder.
- I previously put BTO in place to consider case files in light of Scottish rule of evidence and encouraged them to develop their links with the PFO. This benefits POL for number of reasons for example Cutting down on number of rejections by investigation officers to PFO and ensures more effectively communication.

3. Expert

One of the important issues has been to locate suitable and instruct an expert.

.Identified an expert. Accompanied CK to number of meeting with expert and it is hoped expert be instructed shortly.

.In these meetings discussed important issues and assisted in briefing of the expert.

. by liaising with different areas of POL gathering information technical aspects and funding and Fujitsu as appropriate and liaising between external lawyers and internal POL departments.

. Feed information to experts ,who then become better informed to be able to deal with Horizon issues/scope.

Current & on-going prosecutions cannot re-commencing, until instruction independent HOL computer expert is instructed and his report is hand.

4. POL Mediation scheme

The Scheme is open to any Subpostmaster who believes they have suffered a loss or been treated unfairly as a result of the Horizon system or any associated issues.

.Considered Documents prepared by Bond Dickinson of risks facing POL due to Mediation Process.

.Sought Specialist advice from CK as and when appropriate

. written risk warning highlighted by CK to minimised the risk to POL.

. Arranged criminal and civil litigation lawyers to discuss face to face how to minimise risk to POL of the mediation process.

.mechanism set to limited risk to POL arising out of the mediation scheme. Drawing red line ,not say sorry or apology.

.provide briefing note on each applications.

.Provide training to POL representatives to the mediation scheme.

. As a result CK are more involved and focused in responses to final file reviews before going to mediation process.

5. Revised Prosecution Policy and Future of POL prosecutions

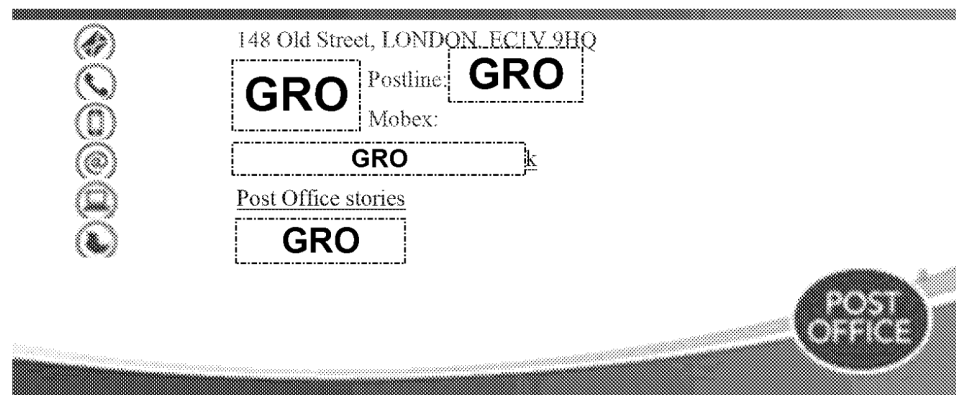
POL has an in-house security and prosecution team. As part of its remit it undertakes investigations and where deemed appropriate will undertake criminal prosecutions in line with the business prosecution policy. If an incident is considered to have sufficient evidence to prosecute it is passed to the POL legal team for review and consideration against the evidential and public interest tests. Legal teams recommendations are then passed to the Head of Security and if satisfied, he will then make a decision on Prosecution.

a)There is no doubt that this year will be the most challenging in terms of a number of key factors; the findings of the second sight review; £20k threshold on anomalies for potential audit and prosecutions policy and significantly proposals have been submitted for Contract advisors not to *precautionary suspend* as a matter of course, without first considering whether or not the subject remaining in the Post Office.

b) Following the Second Sight review and revised prosecution policy with a resultant cultural shift within the business, greater emphasis will be placed on fraud prevention and early intervention activities. It is envisaged that a number of fraud risk programmes will be initiated this year driven by emerging patterns and trends identified by the fraud team in Chesterfield. The success of these programmes will only be achieved by a collaborative approach with other security strands and key stakeholders.

c) Cases will only be raised for criminal investigation once all alternative avenues which may culminate in a successful outcome have been explored and dismissed. The decided course of action needs to be proportionate, justified and necessary. Cases raised for investigations will be limited to those likely to seriously damage the brand or reputation of the Post Office. Other cases will be considered where there is a clear and obvious business need to conduct a criminal investigation.

Jarnail Singh I Criminal Lawyer



From: Renata Prywerek

Sent: 12 March 2014 11:46

To: Sabrina Jethwa; Nisha Marwaha; Jarnail Singh; Jonny Gribben; Rodric Williams; Jean Reynolds; Jamie Kerr; Jessica Madron; Joanne Bates; Amanda Curtis

Subject: Top 5 matters

Hi All

I have been asked by Piero to collect information about your matters.

Could you please create a list of your top 5 matters, including short description of each matter. Piero would like to have the lists by next Tuesday (18.03.2014).

If you need to use our WIP list this is where you can find it: Z:\Legal\3- Admin Legal Team\WIP list

Kind regards

Renata Prywerek I Paralegal



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