

## **Post Office Ltd Security** **Governance of Investigations**

### **1. Background:**

1.1 Properly conducted investigations form a key part in the Post Office strategy in protecting assets and reducing loss. In commencing any investigation consideration needs to be given on the impact in terms of the protection of business assets and limiting potential liabilities weighing against the reputation of the organisation or damage to the brand should the investigation not succeed. Post Office Security is almost unique in that unlike other commercial organisations it is a non-police prosecuting agency and is therefore subjected to the Codes of Practice and statutory requirements of the Police and Criminal Evidence Act (PACE).

1.2 There is another anomaly that sets it aside from other commercial investigators. Of the 11,800 branches, only 370 are currently staffed by employees of the Post Office. In the majority of cases branches are either franchisees or agents who receive remuneration. As neither is deemed to be employees of the Post Office, the usual practices and procedures of an employer employee investigation do not apply.

1.3 In cases where fraud is uncovered and good evidence of criminality exists, a criminal investigation will invariably commence. At the same time Post Office Contract Advisors have the responsibility to ensure that any contractual breaches are investigated and any impact on the business is minimised to maintain Post Office services.

1.4 With this in mind the security team must be seen, internally as well as externally, to be acting fairly, appropriately and within the law. The investigation needs to be properly conducted to establish evidence that will support a successful criminal prosecution.

### **2. Investigation**

2.1 It is important to consider the aims, objectives and scope of the investigation as not all involve criminality; the security team may be called upon to investigate employees under the grievance and disciplinary procedure, flag case with potential to damage the reputation of the business where senior stakeholders have an on-going interest. The decision on whether to open an investigation is normally undertaken by the team leader, in conjunction with other stakeholders, including contracts managers and or other senior stakeholders if required.

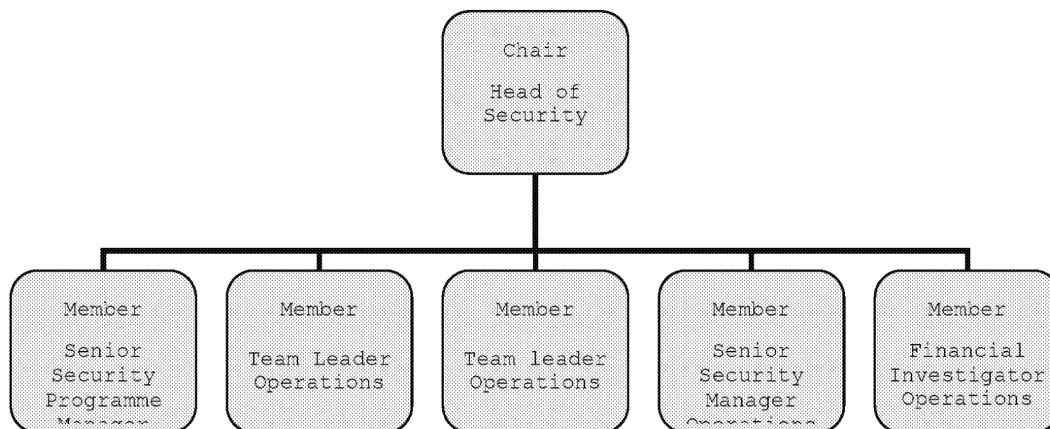
2.2 The decided course of action needs to be proportionate and necessary and where appropriate to consider other actions that could be done that would not lead to a criminal investigation, including pursuing a civil enquiry for breach of contract, civil debt recovery, training review refresher, briefers, additional auditing, a caution, warning letter and or National Federation of Sub-postmaster (NFSP), engagement.

2.3 In all cases where a loss has been identified and a sub-postmaster has been suspended a case conference should be arranged with the contracts manager at the earliest opportunity to allow for an exchange of information and understanding of expectations and direction the contract manager is planning in relation to the conduct. Where suspending the sub-postmaster is considered the security team must provide a detailed explanation outlining the rationale supporting the request.

2.4 Arrest by the police may be justified on the basis that there are reasonable grounds to suspect an offence has been committed and there are reasonable grounds for believing that the arrest is necessary. The statutory criteria for what may constitute necessity are set out in para 2.9 of Code G PACE. Inviting the subject to the police station to obtain legal representation may not be effective as the person concerned is at liberty to leave at any time. The security team should direct the investigation appropriately to remain in control of the evidential process without jeopardising the subject's legal rights.

### 3. Governance:

**3.1 The Investigations Governance Forum:** is responsible for the strategic and tactical governance of all live case work/criminal investigations involving Post Office.



**3.2 Case-file management:** From the point the case is first raised team leaders should give due consideration to the merits of a criminal and/or other investigation as noted in 2 above.

-Team leader > Security manager: Case file assigned and investigations undertaken

-Security Manager > Team Leader: Investigations completed and passed to team leader for quality assurance.

-Team Leader > Post Office Legal and Compliance Team (POLCT): review and decision made whether further progression required with the case. If no further action the file is returned for closure and filing. If further enquiries are required file returned to the security manager to progress.

-POLCT > Solicitors (Cartwright King): If the decision is to proceed with the prosecution case the file is the forwarded to Cartwright King for advice on charges. (In some instances POLCT will put charges together).

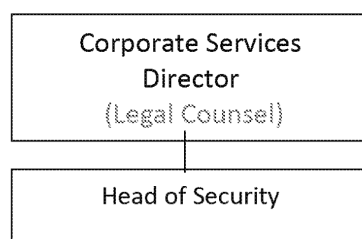
-Cartwright King > POLCT: Cartwright King will prepare advice and charges for the case (or advise no further action). If further enquiries are required they will contact the Security Manager direct, copying in the team leader and send an advice detailing the further enquiries. The advice along with charges and case file is then sent back to casework.

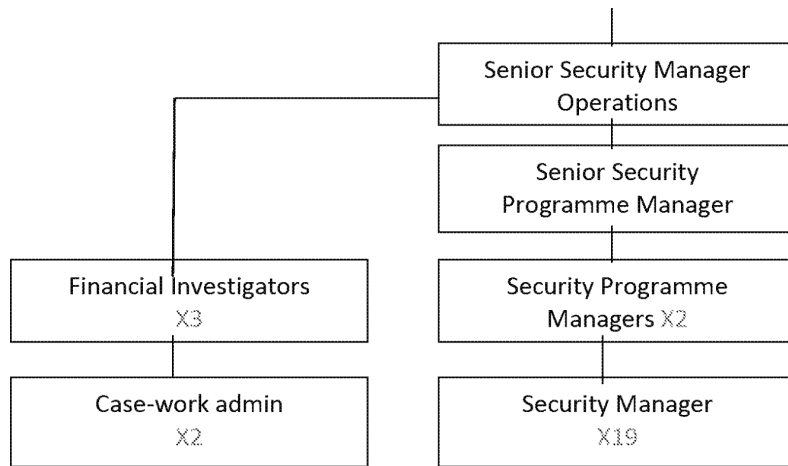
-POLCT > Head of Security: The file is forwarded to the designated prosecution authority (DPA) for authority to proceed. The DPA will review the case file and decide whether to proceed with the advice given or not.

Head of Security > Team Leader: The file is the forwarded back to the Team Leader.

Team Leader > Security Manager: The file is returned with advice and charges submitted in the case file for the security manager to proceed. On completion of the enquiry, the case file will be submitted to the Head of Security via the team leader for authority to close.

### 3.3 Security Operations Team Structure





### 3.4 Case-file management:

