

In Strictest Confidence

Appendix B

Prosecutions Policy Reactive Briefing (DRAFT)

1. Communications Recommendation

It is recommended that we take a reactive communications approach with regard to the Prosecutions Policy. The rationale for this is that a proactive approach could be misinterpreted and journalists could broaden their story and coverage of the Post Office (Horizon, the Scheme, and approach to any cases of alleged criminality in the network). This would have the potential to widen media coverage around the Scheme and into new areas and with enhanced interest. We would also need to be mindful of the impact that communicating any changes may have on the Network. We have discussed this approach with the Network Team.

2. Key messages

- Post Office constantly reviews its systems and processes, including its security and investigations procedures, to ensure they are in line with changing business needs.
- The people working in the over 11,500 Post Office branches across the UK are pillars of the community and must act consistently with the position of trust they hold. The public would be surprised if we did not take action where public money may have been misappropriated.
- The overwhelming majority of people who work in our branch network are professional, honest and provide the highest standards of service possible.
- We treat possible criminal conduct very seriously and will proceed with a criminal prosecution where there is sufficient evidence and public interest in taking action.

3. Reactive Briefing to be used if there is a leak on changes to prosecution process

How does the Post Office decide whether to prosecute?

The Post Office treats all suspected cases of possible criminal conduct very seriously, and will consider each case on the facts of the individual case. In deciding whether a case should proceed to criminal prosecution the Post Office must be satisfied that it meets the two stages of the test set out in The Code for Crown Prosecutors. The first is whether there is sufficient evidence to justify a prosecution and the second is whether the prosecution would be in the public interest. A criminal prosecution will only be pursued by the Post Office if both stages are satisfied in the specific circumstances of the individual case.

Have you changed your approach to prosecutions?/I've heard you've changed them as a result of the investigation into the Horizon system?

Now that we are an independent business, separate from Royal Mail (April 2012) we are undergoing one of the biggest transformation programmes in our history, as well as keeping existing practices under review. Post Office constantly reviews its systems and processes,

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including its security and investigations procedures, to ensure they are in line with changing business needs and industry practices.

But if you have made changes you must feel that people have been wrongly prosecuted or that there are unsafe convictions?

No, this is not the case. While we may make changes to ensure our processes are in line with current business needs and industry practices, we have always pursued prosecutions in accordance with the Code.

If pressed/or for use in MP/Opinion Former briefings

I am sure that our customers and stakeholders would expect us to take action where we suspect criminal conduct within our network.

However, we must of course ensure that all our policies and practices, including those in respect to security matters, properly reflect our business needs. We have therefore reviewed our approach to prosecutions in line with these current needs and of course how they fit with the public interest factors of the Code e.g. the harm caused to the victims of any suspected criminal activity, its impact on the community, and whether prosecution is a proportionate response.

For background In terms of costs the Code specifies that prosecutors should consider:

“The cost to the CPS prosecution service and the wider criminal justice system, especially where it could be regarded as excessive when weighed against any likely penalty (Prosecutors should not decide the public interest on the basis of this factor alone. It is essential that regard is also given to the public interest factors identified when considering the other questions in paragraphs 4.12 a) to g), but cost is a relevant factor when making an overall assessment of the public interest).” -

So is this a cost cutting exercise?

No, but in line with the Code, the costs of bringing a prosecution can be a factor along with other public interest factors such as the vulnerability of any victims of the suspected activity and its impact on the community.

Will this reduce the number of prosecutions?

Now that we are an independent business, separate from Royal Mail (April 2012) we are undergoing one of the biggest transformation programmes in our history, as well as keeping existing practices under review. It is too early to say what difference all of these changes will have on the number of prosecutions we bring, which are in any event assessed on a case by case basis.

Will cases currently awaiting trial be reconsidered against any change in policy?

The particular circumstances of each current case is constantly reviewed and assessed against the Code's test.

How many cases do you prosecute a year?

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The majority of the tens of thousands of people who work in our branch network are professional, honest and provide the highest standards of service possible. Currently we bring around 50 prosecutions a year. This equates to less than 0.1 per cent in relation to the number of people who work across our network.

You dropped a number of cases recently. Why is this?

As is prudent we continue to review the facts and circumstances of individual cases to ensure they continue to satisfy the Code's test. If at any time we consider that the test is no longer met we will not proceed with the case – this is something that we have always done and indeed are required to do.

4. The following Q&As to have on hold if JFSA become aware that a number of cases are currently awaiting prosecution.

I have heard that a number of cases have been awaiting prosecution for some time. You must be worried that there are issues with your investigation and prosecution process?

We treat possible criminal conduct very seriously and will only proceed with a criminal prosecution where this is sufficient evidence and public interest in taking action. Investigating these cases can be complex and time consuming. Each case is dealt with individually and is constantly reviewed to determine whether it meets the Code's test for prosecutions.

How many cases are on hold?

We don't discuss cases which may result in prosecution.

**Mark Davies
Communications Director
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