POL00112905

POST OFFICE LTD – CASE REVIEW

R. v. JULIE ELIZABETH CLEIFE

Winchester Crown Court

Offence

1. On the 26th October 2010 this defendant pleaded guilty to one charge of Fraud by False Representation, that charge alleging that between the 1st January 2008 and the 19th May 2010 she had falsely represented the amount and cash in hand so as to hide a loss of £25,614.45.

2. On the 26th November 2010 Mrs. Cleife was sentenced to a Community Order for 12-months with a requirement of 100 hours Unpaid Work. She was also required to pay £500 in prosecution costs. Mrs. Cleife had earlier repaid the loss to POL of £25,614.45.

Case history

3. This case followed a very short timetable, Mrs. Cleife having entered her guilty plea at the Magistrates' Court first appearance on the 26th October 2010 and being Committed for Sentence to the Crown Court within a very short space of time.

4. There has been no indication of any application to the Court of Appeal to challenge either the conviction or sentence.

POL00112905

5. The guilty plea was entered on a written 'Basis Of Plea' document, the relevant parts of which say:

    2. In 2008 at the start of that year I was not able to give my job my full attention due to increased customers and my personal difficulties.

    3. As a result of this I made errors with the accounting. I accept trying to cover up these errors and concealing the loss.

<u>Prosecution case</u>

6. Julie Elizabeth Cleife was the SPMR at the Over Wallop sub-post office for some 15 years, having entered into that position in April 1995. The Over Wallop is a small rural office incorporated into a general stores outlet. Attached to the Over Wallop office was a Community office located at Nether Wallop, of which Mrs. Cleife is also the SPMR. A Manager is employed by Mrs. Cleife at nether Wallop; she herself only works at Over Wallop.

7. An audit was conducted at Over Wallop on the 1st June 2010. That audit revealed a shortage of £24,007.73 in cash, £180.25 in Euro currency and a general stock shortage of £1,426.47. The total loss to POL was £25,614.45. The Nether Wallop office was also audited on the 1st June: that was found to be in surplus by £17.56.

8. The auditor reports that, upon his arrival he was told by Mrs. Cleife that the office would be "*…thousands short*" but that she had "*….no idea where the money was….[T]he discrepancy had been building up for a long time*."

9. On the 4th June 2010 Mrs. Cleife was arrested and interviewed under the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice. I summarise below the relevant passages of the interview:

    – Her mind had not been on the job for some time, due to personal circumstances. GRO

    GRO

POL00112905

- The discrepancy had been building for a long time, probably about 2 or 3 years ago: "*…I think it's me just not doing my job properly when I have corrections come through, I haven't been following the procedure properly*."

- She copes really well with the customers, however as she was a 'one-man-band' when she gets a queue she puts items to one side to be processed later and she then doesn't catch up with things.

- Also, living on-site also presented her with problems – she found it very easy just to pop indoors instead of getting on with Post Office work.

- All this had been building on her shoulders and she had told no-one about the problem – not even her husband.

- Her children banked with Lloyds Bank. If they needed money after closing time she would give them money from the Post Office and process the transaction the day after. Sometimes they would need £1,000.

- She regularly inflated cash to balance the shortages, although she would not inflate cash to create a perfect balance. Thus there were often small shortages even after she had inflated cash.

- The figure represented an accumulation of errors.

- She had been falsifying her Branch Trading Statements over a period of about 2-years, by inflating cash.

Defence case

10. None – full admissions in interview to inflating cash so as to hide the shortages. She could not say how the shortages had arisen, save that she had made repeated errors, failed to follow correct procedures thereby creating losses, and allowing sums of money to her children intending to put the transactions through but forgetting to do so.

POL00112905

Discussion

11. Whilst there appear to be a number of 'unexplained' losses at this office, the reality of the matter is to be found in the interview. In short, this long-serving SPMR lost concentration so that she began to fall in to error: she also permitted her (adult) children to 'withdraw' money, she forgetting to process the transactions the following day. It is this conduct which explains the shortage – thus there is no Horizon issue here.

12. In relation to the disclosure process, it is to be noted that Mrs. Cleife admitted her guilt at the first court hearing. In those circumstances issues of disclosure would not have arisen, for all she would have received at that stage of the proceedings would have been the Magistrates' Court Advance Information pack.

13. In relation to the evidence, I am somewhat sceptical about the suggestion by Mrs. Cleife that she falsified figures to achieve a balance, but not an perfect balance. Such conduct is in my view highly suggestive of a pre-determined attempt to give the impression that the office was genuinely balancing to the extent one would expect, that is, with the occasional minor shortfall or surplus. For those reasons I advise that this is not a case in which we should disclose the Second Sight Interim Report or the Helen Rose Report.

Safety of Conviction

14. It is not the purpose of this review, nor of the review process overall, to determine whether or not any particular conviction is unsafe: that decision is reserved to the Court of Appeal only. The purpose of this process is to identify those cases where the material contained within the Second Sight Interim report would have met the test for disclosure as provided in the Criminal Procedure and Investigations Act 1996, the Code of Practice enacted thereunder and the Attorney-General's Guidelines on Disclosure, had that material been known to Post Office Ltd. during the currency of the prosecution and accordingly would or ought to have been disclosed to the defence. Having said that, I cannot see that there would be any real prospect of succeeding on

POL00112905

an appeal to the Court of Appeal in this case, particularly given that guilty plea was entered at the first court appearance and no doubt after the benefit of having had legal advice on the matter.

Conclusion

15. This is not a case in which, had we been possessed of the material at the relevant time, we should and would have disclosed to the defence the matters identified in the Second Sight Interim report. Accordingly I advise that we do not do so. .

Simon Clarke **19th November 2013**
Barrister
Cartwright King Solicitors