

# Investigator's Manual



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# 1. Foreword

## Chief Executive's Endorsement

The Post Office is committed to doing things correctly. Our Values and Behaviours represent the conduct we expect. This expansive and detailed manual, its guides, and templates supports those of our colleagues charged to help us ensure the highest standards of integrity, proper behaviour, crime prevention, detection and case management are maintained.

## Investigation Champion's Endorsement

This manual should help anyone carrying out an investigation at Post Office to ensure fairness, consistency and professionalism in everything they do. Please keep it close to hand in any investigation and follow its guidance wherever appropriate. Alongside that, good judgement, common sense and integrity are necessary elements of every decision and courtesy, patience and respect are essential behaviours in every situation. We will be judged both by what we do, and also how we do it.

## Group General Counsel's Endorsement

Post Office Investigators play an important role at Post Office. They are required to bring objectivity, fact-based assessments so that the organisation can better understand all aspects and perspectives of a particular issue. Critically, they are champions of fairness; not champions of Post Office as reflected in our mission:

*Build trust with Postmasters, Post Office colleagues, our shareholder, the courts, partners, and the public by undertaking **ethically executed, evidence-led, and transparent investigations** which can withstand scrutiny **by applying empathy, objectivity, best practice, applicable laws, and guidance.***

The tools within this manual will greatly assist the members of the Post Office Investigation Branch in their task of professionally, consistently, and effectively delivering this intent.

I expect Post Office investigators to actively contribute to ensuring that the tools, approaches, and processes in this manual evolve to always represent the best-in-class in how we deliver investigations. By ensuring this is a living document that is applied daily we will go a long way towards achieving our mission. It is crucial that Post Office has learnt from its mistakes in the past as reflected in the Bates and Hamilton judgments and this manual will help ensure that poor investigation practices at Post Office will never be repeated again.

# 2. Scope

This manual has been established to set the operating standards, guidance, and useful templates for the management and conduct of internal investigations throughout the Post Office Group (the Group). Internal investigations are a part of corporate governance, and this manual focuses on controls to conduct an effective internal investigation. Compliance with this manual supports the Group in meeting its business objectives, including the proper management of risk, and its commitment to act professionally, proportionately, fairly and with integrity in its business dealings.



and relationships through the implementation and enforcement of effective systems to protect its business.

This manual is intended to compliment the Group's Policies. In particular, this manual should be read in conjunction with the [Group Investigations & Co-operation with Law Enforcement Policy](#), the [Investigation Branch Control Framework](#) and the [Speak Up Policy](#).

Grievance investigations conducted by the People teams which have their own established controls and procedures are outside the scope of this manual.

### 3. Introduction

This manual is intended to provide clear guidance on the considerations that must be made when conducting investigations. It is not intended to be a training manual for Investigators. The manual prescribes the professional standards which the Group expects of all those that undertake investigations on its behalf.

Whilst there are many actions that must be undertaken due to legal and policy requirements it remains that large parts of the investigative process rely on discretion, good judgement and professionalism.

This manual cannot provide the answers to every investigative question. However, the guidance within will provide a handrail to ensure that key considerations are followed. Sections 1 to 12 and appendix F are generic and apply to all (see section 4 below). Appendices A to E provide specific instructions for the team named at the top of each appendix.

### 4. Who will operate using this manual?

This Manual applies to:

- i. any fact finding into conduct or process evaluation activity that does not fall within any other policy, guidance or law (such as Suspicious Activity Reporting or the work of Internal Audit) but does fall within the definition of an investigation;
- ii. the conduct of investigations originating from the Speak Up service and any subsequent provision of materials to law enforcement but does not remove or alter confidentiality undertakings; and
- iii. all situations and teams within the Group when engagement with law enforcement or prosecutors is contemplated or entered into which does or may include the passing of material in the Group's possession to those agencies.

This Manual does not apply to People Policies, which contain specific procedures that have been agreed with the relevant trade unions. In such cases, those responsible for conducting investigations under the local Policy and/or specific trade union-agreed procedures, whilst always having regard to the overarching principals of this manual, must follow any prescriptive procedural requirements of the applicable local policies and/or trade union procedures.

Where those procedural requirements are weaker measures than those set out in this manual, or the investigation is into a potential Speak Up concern this manual will take precedence.



## 5. Roles and Responsibilities

For information relating to the key roles and responsibilities of those charged with oversight, managing and conducting investigations see section 5 of the [Group Investigations & Co-operation with Law Enforcement Policy](#).

- **Triage Teams** collate information/intelligence/referrals for their respective team. They may develop the information/intelligence/referral further before considering the merits of the matter and will decide whether to progress to an investigation within their respective team or to reassign the matter to a different Triage Team. Each Triage Team have their own bespoke criteria for acceptance of a case. For more information on how each team triages matters see appendices A to E of this manual
- **The Commissioning Manager** has overall responsibility for each investigation and appointing an Investigation Officer. In consultation with Investigating Officer the Commissioning Manager will agree the scope of the investigation, what resources are to be made available to the Investigating Officer, the strategy(ies) to be followed during the course of the investigation and agree an indicative timeframe for the completion of the investigation. The Commissioning Manager will liaise with the People team as required.
- The **Investigating Officer (IO)**, irrespective of team, is responsible for carrying out investigations and for any other tasks delegated by the Commissioning Manager(s), such as reporting and liaising with stakeholders on a 'need to know' basis as set out in this Manual. The IO will:

i. **Produce an investigation strategy and plan.** The purpose of an investigation strategy is to

- identify the most appropriate line(s) of enquiry to pursue
- determine the objective of pursuing particular lines of enquiry
- identify the investigative action(s) necessary to efficiently achieve the objectives, taking into account resources, priorities, necessity and proportionality
- direct and conduct investigative actions to gather the maximum amount of material which may generate further lines of enquiry

The strategy may evolve over the life cycle of the investigation and therefore, may need to be updated periodically.

An investigation plan sets out the order and timeframe that lines of enquiry/actions will be pursued.

ii. **Follow all reasonable lines of enquiry which point towards and/or away from the working case hypothesis.**

What amounts to a reasonable line of enquiry will always involve considering the facts of, and the issues in, the case including any defence raised. It is important that any enquiry is proportionate, reasonable and necessary. This involves consideration of

- what is expected to be found through the enquiry, to determine what is reasonable in the circumstances;
- how best to seek that information/material, taking a proportionate approach; and
- being able to explain why it is needed.



- iii. **Record and retain all material relating to the investigation include material generated by the IO.**

Section 10 of this Manual and Appendix E provides detailed guidance on disclosure obligations.

- iv. **Consider what additional resources may be appropriate** e.g. use of Branch Assurance Auditors, Tier 2/3 Analysts, Relativity etc.

For more details on how and when to use Relativity see section 7.4 of this Manual.

- v. **Produce and maintain an Action and Decision Log.**

All investigative decisions must be recorded along with the rationale applied when making the decision along with the date the decision was made and by whom. If new information/evidence comes to light which results in a previous decision being superseded, then a new decision must be recorded on the Decision Log explaining why the previous decision has been amended and the rationale for the revised decision along with the date of the revised decision and by whom. The first decision must not be amended nor deleted from the log. All actions must be linked to a decision.

It is a matter for each team how decisions and actions are recorded and for those teams who simply follow a rigid process a tick box may be sufficient. Regardless of how decisions and actions are recorded, investigators should be mindful that their decision and action log are potentially disclosable and if the validity of the investigation were to be called into question in the future, the Decision and Action Log would be considered as key evidence.

- vi. **Ensure that advisors are consulted as appropriate**, this may include but is not limited to other teams, subject matter experts, internal/external lawyers, product owners etc.
- vii. **Immediately bring to the attention of any relevant decision maker, their Line Manager and the Commissioning Manager any material which tends to undermine the case for POL or supports a contrary view.**
- viii. **Produce relevant reports and management information** in line with local agreed protocols (see appendices A to E for local protocols).

## 6. The Triage Process

A triage process is essential for all investigations teams with finite resources. The purpose of triage is to capture information for the organisation and then consider the relevant priority, necessity and proportionality of potentially conducting an investigation based on the information received. Those performing a triage role should also consider their team's objectives, strategies and approaches as well as available resource.

Each investigation team's triage process is set out in the relevant Appendix to this Manual.



## 7. Conduct of the Investigation

### 7.1 Case Types

POL performs a range of investigation types from seeking to understand the sequence of transactions with the Postmaster through to providing the police with evidence of an alleged criminal offence. However, there are common activities and approaches that an investigator could apply and follow.

### 7.2 Evidence Collection and Lines of Enquiry

#### Considerations

**7.2.1 Intrusion** - Investigations by their very nature are intrusive and can be at odds with an individual's right to a private life (article 8 of the European Convention Human Rights). This is particularly so when it comes to the gathering of evidence. It is, therefore of the utmost importance that when gathering evidence consideration is given to whether intended lines of enquiry are both justified and proportionate. You must consider less intrusive lines of enquiry first before considering more intrusive means. For example, when investigating a relatively minor discrepancy in a branch cash declaration it may be justified and proportionate to review trading figures and cash declarations over the previous three months. However, more intrusive lines of enquiry may not be either justified, nor proportionate.

It may be the case that having concluded the proposed line of enquiry and analysed the resulting information/evidence, concerns remain. At this stage it may well be both proportionate and justified to conduct more intrusive lines of enquiry. The decision to follow such an approach must be recorded in the Decision and Action Log with a clear rationale setting out the basis for the decision.

Therefore, when considering a particular line of enquiry IOs must consider whether their proposed actions are:

- Justified
- Authorised
- Proportionate
- Auditable
- Necessary

The decision as to whether or not to pursue a particular line of enquiry must be recorded on the file with consideration to the JAPAN mnemonic.

In summary, lines of enquiry should be restricted to lowest level of intrusion necessary that will provide the information sought, must be proportionate to the level of required intrusion and the seriousness of the matter under investigation.

#### 7.2.2 Legal Gateway

When gathering evidence IOs must be alert to and be able to identify the gateway they seek to rely on when obtaining evidence. For example, if the evidence is 'open source' information such as Companies House etc. then no specific gateway may be necessary, although the enquiry would still need to be recorded on the Decision and Action Log. If the evidence is Group data then no specific gateway may be necessary although the IO would need to show that they are authorised to make

such an enquiry, their actions are necessary, justified and proportionate and that a record of the enquiry is being retained, for example obtaining email correspondence without the knowledge of the subject(s).

Enquiries relating to information/data which is not in the control of the Group or cannot be classified as 'open source' and relates to restricted or private information is known as 'closed source' information. To access this information, you will need to prove to the controller of such information that there is a legal gateway which provides the data controller with a means to lawfully share the information/data with you. The mere existence of a legal gateway for sharing such information does not compel the data controller to share the data with you unless the data control is compelled under some other legislation or court order. If the data controlled is not compelled by law or a court order to share the information with you then it is for you to convince the data controller that your request is JAPAN and they may release the information/data to you on a voluntary basis via the legal gateway.

### 7.3 Gathering and Analysis of Evidence

#### 7.3.1 Continuity of Evidence

The way defence counsel may seek to scrutinise the exhibit is by bringing into question or doubt the continuity of evidence. The continuity of evidence is often referred to as the 'chain of evidence' which in simple terms is the way the evidence has been handled from the moment that it is found, seized, or produced to the point that it is presented in court as an exhibit. In order to effectively ensure the continuity of evidence an IO will need to be able to demonstrate the following:

- Who obtained / produced the item;
- Where the item was found;
- Where the item was located / produced;
- The time and date that the item was obtained;
- Where the item was placed after it was obtained; and

What has happened/who has handled the exhibit between it being obtained and its production in court.

In order to achieve this, information must be recorded on the evidence bag and a witness statement will need to be completed.

For more information see the City of London Police's [Guide to Seizure of Exhibits](#).

#### 7.3.2 Telephone Conversations/Conference Calls

Telephone conversations and/or conference calls all form part of the evidence gathering process. It is, therefore, important that a permanent record is retained of what has been said and by whom as the record may become an exhibit or if not an exhibit but is 'relevant' will be disclosable. Templates are available to record notes of [telephone calls](#) and [conference calls](#) which have not been recorded by the Puzzle system/Teams calls.

#### 7.3.3 Sources of Evidence

Post Office Group is a vast and diverse organisation with numerous data sources and information streams. Below is a list of potential sources of intelligence/evidence that the IO may wish to consider when conducting investigations. The circumstances of each investigation are unique and the list is not intended to be definitive; it is a guide and the IO should use their own judgement, experience and expertise when identifying potential evidence sources:



Types of Investigation	Offences/Subject/ Source of investigation	Investigative Methods Available	Guidance
Stamp reversals	Theft/Fraud/Loss	CCTV NOMAD HORICE CREEDANC CFS CTV	<b>CCTV</b> – Requested via Grapevine. CCTV needs to be considered early in the investigation to ensure the footage is not lost. This evidence, if available, is likely to be key, particularly in a criminal case. In this instance it will need to be formally recovered in accordance with police evidence standards from the source and formally exhibited. This should be obtained by the relevant Police Force investigating, but POL investigators may need to ensure it is secured/saved. In addition, ensure there is sufficient duration of footage as context is essential – cases can be lost if only the actual incident is captured without showing the full context before and afterwards. Best practice is to get long periods of footage as it can be edited and placed in the unused material should it be later relied upon in subsequent proceedings. <b>NOMAD</b> <b>HORICE</b> <b>CREEDENCE</b> <b>CFS</b>
Drop & Go (Parcels)	Theft/Fraud/Loss	CCTV NOMAD HORICE CREEDANCEC FS	<b>CCTV</b> – As above
Cash (Inc Scratch cards, shortfalls)	Theft/Fraud/Loss	CCTV NOMAD HORICE CREEDANC CFS	<b>CCTV</b> – As above
ATM	Theft/Fraud/Loss	CCTV NOMAD HORICE CREEDANC CFS	<b>CCTV</b> – As above
Parcels & Letters	Theft/Fraud/Loss	CCTV NOMAD HORICE CREEDANC CFS	<b>CCTV</b> – As above
Pouches	Theft/Fraud/Loss	CCTV NOMAD HORICE	<b>CCTV</b> – As above, but in addition also consider CVIT body / vehicle camera footage.

		CREEDANC CFS P6 Interview	<b>Interviews</b> – In criminal cases interviews will be conducted in accordance with Police & Criminal Evidence Act (PACE) and under caution. In most cases conducted by the Police who are leading the investigation and supported by A&CI investigators if required. Interviews under caution can be conducted by trained A&CI personnel.
Accountability	GE Business Unit HR/ER Legal Speak Up	CCTV NOMAD HORICE CREEDANC CFS P6 Interview/ Discussion	<b>CCTV – This may be relevant and should be requested via Grapevine (If available) and recorded in the D&amp;A log with supporting decision and rationale.</b> <b>P6 Request</b> – In nearly all cases it is appropriate to retrieve emails/chat/files in support of this type of investigation in order to seek an accurate and balanced view from relevant stakeholders. A P6 request should be submitted with supporting rationale in addition to an entry in the Decision and Action Log. <b>Employee interviews</b> – Not under caution or audio recorded. Respondent(s) may have somebody present to assist including a Union Rep. In nearly all cases there should be two investigators present and an interview plan prepared and agreed by a supervisor. Complex cases should be conducted in a similar way to PEACE interviews using similar investigative interview techniques (See Investigation Manual for further detail)
Fact find investigation	GE Business Legal Speak Up	<b>P6 request</b> for emails, Teams chat and files (From POL IT and employees)  <b>Employee discussions</b> (In person or via MS Teams)	<b>P6 request</b> – Although P6 requests are an option in Fact Find investigations emails must in all cases be requested directly from the individual(s) in the first instance. If there is justification, then a formal P6 request can be submitted with supporting justification and rationale. This should also be recorded in the Investigation Decision & Action Log. <b>Employee discussion</b> – In person, ideally with 2 investigators (One to take notes) or via MS Team using the enabled transcript option with the agreement of the person participating in the discussion. Discussions should <b>not</b> be audio recorded.



The following Systems/Databases are maintained by POL:

System/Database	Used for	For reference only (R) or may be used as evidence (E)	Access from
Convercent	Case management system	E	Speak Up and Intelligence Manager
Credence	Viewing Horizon logs for branches including sales and non-sales data.	E	Service Now
Dynamics	Customer care, branch support & financial crime cases	E	Service Now
NaSA Snapshot	View branch info such as address, AM, contract advisor	R	Network Design and Analysis Team
Qualtrics	Customer feedback	?	Head of Customer Experience
Branch Insights Tool	View branch info, recent dynamics cases, AM notes, cash and sales data	R	Branch Insights Manager
FRE	Drop & Go account info	?	FRE Project Manager
Mimecast	Email searches	E	Information Rights Team
Quatrix	File sharing	E	Service Now
Web3 (S2S)	Cost Centre info. Procurement, orders, receipts.	E	Procurement Performance & Operations Manager
Branch Analysis Review Tool (BART)	Cash decs, dynamics cases, audit history, TC's etc.	R	Drew Mason
NOMAD/FREDD-O	Branch profile, non-sales data, branch details, smart ID, audit, dynamics cases etc.	R	Drew Mason
Stock Landing	Branch stock info	R	Drew Mason
Dymension	Grapevine case management system	?	?
Horice	Transactional data from the Horizon system (branch specific)	E	David Southall
Ingenico	Banking data (banking transactions with partial card numbers)	E	Tracy Middleton
Puzzle Admin	Call recordings	E	Dean Whitehead – Service and Support Analyst
EUM	Smart ID details	E	GRO

CFS / SAP	Core Finance System - Customer accounts; ATM data; cash remittances, provides more in depth information in CFS when compared to Credence/BART/NOMA D	E	?
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## 7.4 Document Heavy Evidence Reviews

### 7.4.1 Relativity eDiscovery and Disclosure

For more complex cases or matters where it is anticipated that there will be a high volume of documents for review, consideration should be given to the use of the Relativity software application. Relativity is a sophisticated document management system which allows for the searching of key words, tagging and linking of documents to produce evidence bundles and the grouping of documents to align with the disclosure obligations as set out in the Criminal Procedures Investigation Act (CPIA) 1996 and the [Attorney General Guidelines 2022](#) (A\_G Guidelines) which apply in criminal case.

If Relativity is not being used to manage disclosure the IO or Disclosure Officer (DO) (who can be the same person) will set out in the Investigation Strategy how they propose to manage disclosure. See Appendix F of this manual for further guidance on disclosure.

### 7.4.2 How to Open a Workspace in Relativity

If you are considering using Relativity speak to the Head of A&CI in the first instance or a A&CI Senior Investigations manager.

### 7.4.3 Considerations when Creating a Workspace in Relativity

Relativity offers the facility to design a complete bespoke workspace capable of dealing with infinite number of unique documents in most formats. When working with Relativity there are three Stages:

- Design Stage
- eDiscovery and Analytics Stage
- Bundling Stage

### 7.4.4 Design Stage

To get the most out of Relativity it is important to work with POL's chosen Relativity provider, to design a layout which works for you and your investigation. One size does not fit all!

It is likely that you will want a layout that allows you to see at a glance where you obtained a particular electronic document from. There are a number of ways this can be achieved but it is likely to include some kind of file structure where each source has their own folder and documents from that source are stored.

Once documents are stored in the workspace they will need to be reviewed and tags applied to each document. When deciding on what tags are to be available to your reviews it is important that you



give careful consideration as to what it is you are trying to prove and design a tagging structure that allows you to achieve the same. It is not possible in this Manual to give a single descriptive file structure as every case will be different and advice should be taken when designing a file structure and tagging from the POL's Relativity provider or an IO who has extensive experience of using Relativity. Below are a few suggestions which you may assist you:

Relevance - It is highly likely that you will want to tag each document for its Relevance i.e.

- Exhibit
- Relevant Unused Material
- Sensitive Relevant Unused Material
- Assist the Defence and/or Undermines Prosecution
- Not Sure / Technical Issue
- Duplicate

It is always advisable to have a 'not sure' option available to your reviewers which can be reviewed later by an investigator with a more comprehensive understanding of the investigation. In large scale reviews, providing prompt feedback to the reviewing team on those tagged as "Not Sure" can improve the reviewers' knowledge and accuracy.

You may wish to include a tagging option listing the names of your key participants, key events and dates linked to the matter under investigation and a free text description box. This is not a prescriptive list and is no more than a few suggestions. The number and types of tags you choose to use is limited only by your own imagination and what it is you are trying to establish. That said, too many tags will be unwieldy and time consuming for your reviewers. Finding the right balance is a skill and comes through experience of conducting reviews in Relativity.

#### **7.4.5 eDiscovery and Analytical Stage**

Having designed your workspace the next stage is to review all documents in your document universe. There are a number of analytical tools at your disposal which can assist you and speed up this process. For advice on which tool(s) to use when conducting reviews do take advice from POL's Relativity provider, however, below are a few suggestions:

#### **7.4.6 Keywords and Proximity Searches**

In cases with a significant number of documents within the document universe it may be simply impractical/impossible to review every document. In such cases it is acceptable to use keyword and proximity searches. The decision to use keyword and/or proximity searches must be recorded in the investigation Strategy and for more complex cases consideration must be given to the use of a standalone Digital Disclosure Strategy. The keywords selected and any proximity searches used that make up the keyword search must be recorded in the Investigation Strategy/Digital Disclosure Strategy.

#### **7.4.7 De-duping**

If you have gathered evidence from multiple sources it is common to have duplicate documents within the document universe. This can occur for a variety of reasons including when an email has been sent to several recipients with an attachment. All recipients of the email now have within their email client a copy of the attachment. If during your investigation you image the email client of several recipients of the email you will capture from each a copy of the attachment resulting in duplicate documents in your Relativity document universe. Relativity can be used to manage the duplicates a function known as 'deduping'. You will have to consider both from an evidential and

disclosure perspective how you wish to manage duplicates. Is it enough to have just one copy of the attachment in the evidence with all copies removed from view or is it important from an evidential point of view to be able to demonstrate who had a copy of the attachment and therefore, each copy of the attachment will need to be tagged separately showing who had the attachment in their possession. Whichever way you choose to deal with duplicates mass tagging should be used to tag all duplicates just once thus saving a considerable amount of time by negating the need to individually tag each duplicate.

#### **7.4.8 Email Threading**

Email threading is where each email in an email chain is listed one below each other in the review pane. The chain can then be read just once and mass tagging used to tag all emails in the chain thus saving a considerable amount of time by negating the need to individually tag each email in the chain.

Remember if emails have been obtained from other parties in the email chain then it is likely that the email chain will be replicated on the other user's device and the whole chain is a duplicate in your document universe. When mass tagging is often a good idea to check for both 'Duplicates' and 'Threading'.

#### **7.4.9 Family Documents**

By utilising the 'Family Document' function within Relativity it allows you to view both attachments and covering emails in the same pane. This enables the reviewer to gain a more comprehensive understanding of the context of the attachment and then if appropriate mass tag the email and attachments once and not separately thus saving time.

#### **7.4.10 Bundling Stage**

While the bundling stage can be utilised once the eDiscovery and Analytical stage has commenced, any data obtained before the completion of the eDiscovery and Analytical stage should be used cautiously.

#### **7.4.11 Saved Searches**

Saved Searches are an extremely useful function within Relativity. Saved searches are utilised to build multiple faceted searches to identify exactly what you are looking for using the workspace tags. For example, if you are looking to link person 'a' to event '1' and location '5' you would create saved search listing all documents that have been tagged as follows:

- Relevance – 'Exhibit'
- Subject – 'Person a'
- Event – '1'
- Location – '5'
- 

The same saved searches can be used to create disclosure schedules by simply adjusting the search criteria.

#### **7.4.12 Important Note**

As can be seen, to get the very best out of Relativity it is imperative that considerable thought has been given to the layout of the workspace and how the tagging will be used in the 'bundling stage'. Any shortfalls in the design of the workspace leading to amendments to the file structure and/or tagging must be identified earlier. Identification of structure/tagging shortfalls after the eDiscovery



stage has commenced is likely to result in the need to restart the review which can result in considerable delay and increased costs.

## 8. Interviews

This guidance applies to all types of investigative interviewing, not only to interviews conducted as part of a criminal investigation. The principles are based on ensuring fairness to interviewee but also to facilitate an appropriately effective investigation.

Before conducting an interview IOs should familiarise themselves and comply with the requirements as set out at section 5.2 of the [Combined GIP CLEP](#).

There are 3 types of interviews which may be conducted by Group IOs, these are:

1. Witness Interview
2. Conduct subject interviews
3. Criminal conduct subject interviews

A **witness interview** is conducted with persons who are able to provide testimony to the event under investigation or provide clarification on matters or systems relating to the investigation.

A **conduct** interview is conducted with a person suspected of breaching Group policy or regulation and there is no suggestion that a criminal offence may have occurred. Authority to conduct this type of interview must be obtained from the investigator's line manager or designated deputy.

A **criminal conduct** interview is conducted with a person who is suspected of committing a criminal offence and may be conducted by a Police Officer or by **appropriately trained, professionally qualified and experienced investigators within A&CI**. Authority to conduct such interviews can only be authorised by the Head of A&CI or their designated deputy.

When conducting interviews, IOs must comply with the seven College of Policing investigative interview principals. These principals apply to all interviews, whether part of a criminal investigation or any other form of investigation.

### Principle 1

**The aim of investigative interviewing is to obtain accurate and reliable accounts from relevant parties about matters under investigation.**

To be accurate, information should be as complete as possible without any omissions or distortion.

To be reliable, the information must have been given truthfully and be able to withstand further scrutiny, for example, at a disciplinary hearing or court.

Accurate and reliable accounts ensure that the investigation can be taken further by opening up other lines of enquiry and acting as a basis for questioning others.

### Principle 2

**Investigators must act fairly when questioning victims, witnesses or subjects. They must ensure that they comply with all the provisions and duties under the [Equality Act 2010](#) and the [Human Rights Act 1998](#) (HRA).**

Acting fairly means that the IO must not approach any interview with prejudice. The interviewer should be prepared to believe the account that they are being given but use common sense and judgement rather than personal beliefs to assess the accuracy of what is being said.

People with clear or perceived vulnerabilities should be treated with particular care, and extra safeguards should be put in place.

For further information see:

- [Working with victims and witnesses](#)
- [MOJ \(2022\) Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and using Special Measures](#)

### Principle 3

**Investigative interviewing should be approached with an investigative mindset.**

Accounts obtained from the person who is being interviewed should always be tested against what the interviewer already knows or what can be reasonably established.

The main purpose of obtaining information in an interview is to further the enquiry by establishing facts. This point highlights the importance of effective planning in line with the whole investigation.

Interviewers should think about what they want to achieve by interviewing the victim, witness or subject, and set objectives which will help to corroborate or disprove information already known. Investigators should try to fill the gaps in the investigation by testing and corroborating the information by other means where possible.

### Principle 4

**Investigators are free to ask a wide range of questions in an interview in order to obtain material which may assist an investigation and provide sufficient evidence or information.**

Conducting an investigative interview is not the same as proving an argument in court. This means that interviewers are not bound by the same rules of evidence that lawyers must abide by.

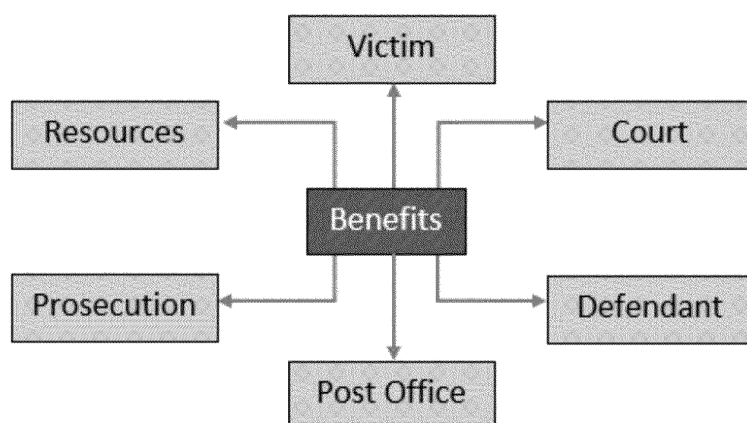
Although the interviewer may ask a wide range of questions, the interviewing style must not be unfair or oppressive. The interviewer should act in accordance with the [Police and Criminal Evidence Act 1984](#) (PACE) and the PACE codes of practice when conducting criminal investigations. See Principle 2 for further information regarding equality and human rights considerations.

In [R v Fulling \[1987\] 2 ALLER 65](#), Lord Chief Justice Taylor stated that oppression is defined as: '*the exercise of authority or power in a burdensome, harsh, or wrongful manner, or unjust or cruel treatment of subjects or inferiors, or the imposition of unreasonable or unjust burdens in circumstances which would almost always entail some impropriety on the part of the [interviewer]*'.

### Principle 5

**In respect of interviews linked to criminal investigations, investigators should recognise the positive impact of an early admission in the context of the criminal justice system.**

Benefits of an early admission relate to the following areas:



Victim – has an opportunity to claim [compensation](#) in respect of an offence that has been admitted by the defendant, detected, and acknowledged by the criminal justice system. In situations relevant to the use of this guidance, POL are the victim and will seek compensation through the criminal justice system if the matter is referred to law enforcement.

Court – has a fuller and more accurate picture of the offending and is able to sentence more appropriately. There is the potential for savings too as offences can be dealt with promptly without additional court hearings.

Defendant – may receive credit for early admission of guilt. They may be eligible for a lesser sentence – possibly allowing for tailored sentencing and access to rehabilitative programmes and being able to 'clear the slate' to avoid the risk of subsequent prosecution for other offences.

See [CPS guidance](#) and [Sentencing Council Guidelines](#) (note different processes apply in Northern Ireland and Scotland).

Post Office – gain valuable intelligence, increase detected offences rates, record a fuller picture of offending for possible use in future cases.

Prosecution – has a fuller and more accurate picture of, for example, the offender's criminal history when considering the public interest test, bail decisions, bad character, level of danger, and what information to give the court.

Resources – are used efficiently, and the public's confidence in the criminal justice system is improved.

#### Principle 6

**Investigators are not bound to accept the first answer given. Questioning is not unfair merely because it is persistent.**

An IO has a duty to obtain accurate and reliable information. A complete and reliable account from witnesses, victims and subjects may not always be easy to obtain.

There may be different reasons why an IO needs to be persistent:

- they may have reasonable belief that the interviewee is not telling the truth
- they may believe further information could be provided



It is acceptable for interviewers to be persistent as long as they are also careful and consistent but not unfair or oppressive. See [PACE Code C paragraph 10.9 and paragraph 11.5](#) for clarification.

#### Principle 7

**Even when a subject exercises the right to silence, IOs have a responsibility to put questions to them.**

This Principle extends the right of an IO to put questions to those they believe can help them to establish the truth of a matter under investigation

Subjects have the right to remain silent, but they are warned during the police caution or during special cautions of possible adverse inferences being drawn should they choose to exercise that right. These may be in terms of failure or refusal to account for objects, substances or marks ([Criminal Justice and Public Order Act 1994 \(CJPOA\) section 36](#)) or failure or refusal to account for presence at a particular place ([CJPOA section 37](#)).

#### 8.1 Witness Interviews

Witness interviews can occur at any point during the course of an investigation and can be pre-planned but may also occur unexpectedly. However, the interview occurs the investigative interview principles as set out above must be complied with. When conducting pre-planned interviews it is important to produce a [witness interview plan](#) to ensure that nothing is missed during the interview. Interviewers must establish a professional relationship. People are more likely to give accurate information if they trust the professionalism of the interviewer. The interviewee should be treated fairly and in accordance with legislative guidelines. Interviewers must not allow their personal opinions or beliefs to affect the way in which they deal with witnesses, victims or subjects. See Section 8.2 of this Manual for guidance on completing witness statements and producing exhibits. In the first instance the witness should be asked open questions and given the opportunity to provide uninterrupted free recall of the incident they witnessed or the process they are describing. The interviewer should make notes of the account given by the witness. Note that these notes are potentially disclosable.

Only when the witness has finished providing their initial account should the interviewer seek to obtain further clarification/detail by use of 5 WH questions i.e. Who, What, Where, Why, When and How.

Note that there is a requirement to disclose to the defence the initial description of any subject provided by the witness. Therefore, it is imperative that you record this description in full even if the witness subsequently amends the description.

Remember the purpose of the witness interview is to establish the facts and to further the understanding of the incident/matter under investigation. The IO should take the opportunity to test their understanding of events and/or corroborate what is already known or believed to be true. The IO should approach the interview with an open mind and be prepared to consider an account/explanation which does not align with their current understanding of the case. The IO will not blindly accept everything they are told by the witness to be true but will use their professional unbiased judgement based on corroborated evidence from a range of sources to reach sound evidence-based conclusion.

Having obtained a full and detailed account from the witness in note format the interviewer will then turn the notes into a statement. This can take place at the first meeting with a witness or the Investigator may take the notes away and draft a statement to be supplied to the witness as soon as possible after the initial meeting. It is important to stress to the witness that this is their statement and they should amend or change anything in the statement which is not entirely accurate or has been inadvertently misunderstood and recorded incorrectly by the IO. Only when the witness is completely comfortable with the content of the statement should the witness be invited to sign the same.

Witness statements will be record on '[POL11T](#)' or '[POL11](#)' templates for non-criminal case, form [MG11\(T\)/MG11 Handwritten](#) for criminal cases and the [Civil Matters Statement template](#) for matters which are likely to appear in a civil court.

## 8.2 Witness Statements

A witness statement is a signed document recording the evidence of a witness which that person would be allowed to give orally. A witness statement can serve several purposes, it can:

- Provide a written account for what the witness observed or heard,
- Be used to produce documents or other evidential items as exhibits to be used in a criminal trial,
- Can provide an explanation and/or context to a document or an event that has occurred.
- Can be of a technical nature explaining a procedure or process.
- Or in the case of a 'professional witness', provide expert opinion on the matter in question.

A witness statement is a convenient and accepted means of presenting the testimony of the witness to a hearing or court and may negate the need for the witness to attend the hearing/court to give evidence in person. It allows all parties to understand what the witness has to say and the value of the evidence and/or exhibits the witness produces. The statement can be used to agree facts between the parties and identify areas of contention on which the hearing or court can focus on and thus speed up hearings/trials. While giving a statement may reduce the likelihood of the witness being called to attend the hearing/court it by no way guarantees that the witness will not be called in any event.

When obtaining a statement from a witness it is important that the statement is written in the witness's own words. The witness should be reminded that the reader of the statement may have no or limited knowledge of the event, controls/processes which they described and therefore, the witness should be encouraged to explain in detail anything which is not common knowledge to the wider general public. For example, most if not everyone who works for the Group knows what Horizon is, but outside of the Group it is a less familiar term. Therefore, when referring to Horizon the witness will need to explain to the reader what is Horizon:

*'Horizon is Post Office's computerised system used to manage and process various transactions including but not limited to banking, postage and document process transactions. The system also records the amount of cash, currency, stamps and Post Office value stock held in the branch'.*

It is preferential that all statements are typed as it is easier to correct mistakes or provide additional detail when taking the witness' statement. However, if for whatever reason it is not possible to type a statement, the statement can be handwritten. When producing written statements all amendments, alterations or corrections to the statement must be crossed through using a single line and initialled by the witness.

Any documents or other items of evidential value produced by the witness must be referenced as 'Exhibits' using the 'house style' of a unique reference number in the format of 'Witness's initials/Date/Time' for example ARM/19102022/1555.

If exhibits are to be uploaded to an eDiscovery platform such as 'Relativity' it is permissible to replace the 'house style' exhibit number with the unique document reference number generated by the eDiscovery platform thus avoiding the need to maintain two unique reference numbers i.e. the exhibit number and the eDiscovery reference number.

Statements in criminal cases are to be recorded on form MG11T for typed statements and form MG11 for handwritten statements.

Statements in non-criminal cases are to be recorded on form POL11T for typed statements and form POL11 for handwritten statements.

Witness statements will follow the 5-part statement format

### 8.2.1 of a Witness Statement – The Five Part Statement.

In some circumstances POL staff may be asked to produce a witness statement to support a criminal investigation. Witness statements are the only way that evidence can be introduced into a court process. They take careful crafting so as to clearly and effectively present the evidence required by the court. Currently, the recommended format for a witness statement is the "Five Part" statement.

The Format	Example wording/notes
1 Introductions Introduce the witness and build their credibility. Why should a panel/court listen to this witness?	<i>I am the above named of the address shown overleaf I am employed by Post Office Limited (POL) as an Auditor within the Franchise and Partnering Team. I have held this post for 13 years, I have a degree in Accounting and Finance and am a member of the Institute of Chartered Accountants England and Wales. My duties are (in no more than a few sentences list the witness's duties which are relevant to the matter under investigation, do not write their whole job description). Prior to working for POL I was an Audit Manager for KPMG a post I held for 10 years.</i>
2 Introduce the Incident (Headline only)	<i>I was tasked on the 1 October 2022 with completing a full branch audit at the Somewhereville Post Office. This followed a report received from POL's Financial Crime Team suggesting a discrepancy of £500,000 in the branch cash declaration.</i>  Remember that whoever reads this statement may know nothing about POL and POL's processes. You must explain everything. Avoid use of abbreviations unless you have introduced the abbreviation earlier in the text i.e. Post Office Limited (POL). Explain what is meant by a discrepancy and a cash declaration? What is meant by a full branch audit? Who is the Financial Crime Team and what do they do? If you mention Horizon then explain what Horizon is, what it does and how this relates to the matter under investigation.



3 Locations and Dramatis Personae	<p>State the location of the incident(s) with locations in capital letters <i>SOMEWHEREVILLE POST OFFICE is located at 52 THE HIGH STREET, SOMEWHEREVILLE.</i></p> <p>Explain who are the players you will refer to during your statement with last names in capital letters. <i>John SMITH is the Postmaster of SOMEWHEREVILLE POST OFFICE. John SMITH employs Robert (known as Bob) BROWN a cashier at the branch.</i></p>
4 Detailed Explanation of the Incident/Matter Under Investigation.	<p>At (time), (date), (location). This is the detailed chronological account from the witness about what happened. (Direct speech in CAPITALS). (Include hearsay evidence if important). Introduce unknown persons and subjects as they appear on the scene. Use subject's and unknown person's most distinguishing feature as initial description. Their full description will follow in part 5. You should also introduce aspects of ADVOKATE at this point and include any remaining ADVOKATE in part 5</p> <p><b>ADVOKATE</b></p> <p>Amount of time observed</p> <p>Distance between witness and subject</p> <p>Visibility including time of day and lighting</p> <p>Obstructions blocking the view</p> <p>Known subject from before</p> <p>Any reason to remember the subject</p> <p>Time lapse between first and later identification</p> <p>Errors or discrepancies</p>
5 The Closure	<p>Full descriptions of unknown persons and subject(s).</p> <p>The "permissions" – <i>no one has permission to remove from the branch money belonging to POL and use it for their own means.</i></p> <p>Descriptions of injuries. Note Damage to property including cost of repair/replacement.</p> <p>Complete aspects of ADVOKATE not already mentioned.</p> <p>Victim personal statement. This is the victim's voice. Detail the impact it has had/having on them. It will affect sentencing.</p> <p>Finish the statement with the sentence.</p> <p><i>'I am aware that this statement may be used at a hearing or in a criminal court and I am prepared to attend the hearing or court and give this evidence in person if necessary'.</i></p>

### 8.3 Subject Interviews (Non-criminal cases)

Before conducting a subject interview IOs should familiarise themselves and comply with the requirements as set out in Section 5.2 of the [Combined GIP CLEP](#). Interviews in accordance with the Police and Criminal Evidence Act (PACE) 1984 will only be conducted by appropriately trained, professionally qualified and experienced Investigators within A&CI. The principals and techniques

within the PEACE Model (see below) can be used when conducting non-PACE interviews and will ensure that there is structure to the interview.

### 8.3.1 Purpose of Interview

Investigators should remember at all times that the purpose of a subject interview is to give the subject an opportunity to give an explanation to the facts established during the investigation, it is not to obtain a confession of wrongdoing. Therefore, IOs must approach all interviews with an open mindset, they should give due consideration to any explanations or account given by the subject. However, Investigators should not blindly accept what the subject says as being the truth. Investigators should probe explanations/accounts given and invite the subject to respond to evidence which contradicts what they say.

If the subject introduces new evidence or lines of enquiry which have not previously been exhausted, then unbiased consideration should be given to this new evidence or line of enquiry.

Post interview enquiries should be undertaken to establish the credibility of new evidence introduced/identified by the subject and its value. Consideration should be given to reinterviewing witnesses whose evidence contradicts explanations given by the subject and a further statement taken from the witness if necessary. Decisions relating to lines of enquiry pursued or not pursued post interview will need to be recorded in the Decision and Action Log.

### 8.3.2 The PEACE Model

Corporate investigation teams as well as law enforcement in the UK follow a particular structure in conducting interviews. It is referred to as the PEACE model. If followed, it provides a non-coercive and effective way of ensuring that the interviewee understands what is happening and delivers granular information.

When conducting interviews of any type, POL IOs will follow the PEACE Model (see below).

### Planning and Preparation

This is the most important aspect of any interview and will impact directly on the likely success of the interview. Interview planning can take several hours or even weeks depending on the complexity/sophistication of the matter under investigation.

When preparing for a subject interview you may wish to consider the following (this is not an exhaustive list):

1. Does the interviewee have any special needs such as age/disability/mobility/cultural etc.?
2. Does the location of the interview have any access challenges such as swipe card access, steps etc.?
3. If the interviewee and/or anyone else attending the interview are likely to arrive at the interview by car is there nearby parking. Remember that as the IO may need to travel with files, exhibits and/or equipment so you may need to park near to the interview location.?
4. Is the interview room private and the conversation will not be overheard in adjacent rooms?
5. Can the interview room be accessed without the need to escort the subject across a crowded room of colleagues/peers?
6. Are toilet facilities available?
7. Is there a means to provide a drink of water, if requested?
8. If you are planning on producing any electronic documents will you need access to WiFi to access said documents?

9. It is a requirement that a record of the interview is produced. This can be by means of contemporaneous notes or if all parties agree the interview can be recorded. If recording by means of contemporaneous notes then make sure you have sufficient paper and at least two pens. If you intend to offer recording of the interview you will need to make sure that you have recording device and media i.e. CDs/hard drive space available. If you record the interview, you will need to arrange for the interview to be transcribed, therefore, you should avoid using a mobile telephone for recording such interviews. In the case of criminal investigations, subject interviews must be recorded using a Home Office approved recording device.
10. Is there anyone you are not going to permit to be present at the interview i.e. connected parties/associates?
11. What is it you are accusing the subject of? What are the points to prove? Are there any potential defences? Do you have any evidence to counter the defence?
12. What is going to be your opening TED (Tell me, Explain to me, Describe to me) question.
13. In what order are you going to cover each topic?
14. What exhibits are you going to produce and in what order?
15. Are you going to 'challenge' as the interview develops or are you going to keep 'challenges to the end'?
16. Who is going to lead the interview and who is going to be the second officer?

The IO must produce an [interview plan](#) prior to the interview.

In the case of non-criminal investigations, it is unlikely that there will be grounds to justify a 'no notice interview'. Therefore, subjects will be given a minimum of five working days' notice of the intention to be interviewed. A template letter [inviting the subject to an investigative interview](#) is available. In the case of a fact-finding investigation witness will be provided with a copy of the leaflet '[Fact-Finding Investigations](#)'. Templates inviting subjects to PACE interviews are available at section 8.4 below.

### **Engage and Explain**

The purpose of this stage is to establish rapport and is the most influential aspect in whether or not an interview is successful. It involves showing concern for the subject's welfare by asking how they want to be addressed, how much time they've got available to be interviewed and giving reassurance if the person seems anxious or nervous. An interview aide memoir is available to ensure that you cover all the important parts. An aide memoir for PACE interviews is available at section 8.4 below.

### **Account — Clarification and challenge**

This stage is where an interviewer attempts to obtain a full account of events from the subject without interrupting. Once the subject has explained what happened, the interviewer can ask follow up questions which allow them to expand and clarify their account of events. If necessary this may involve challenging aspects of the interviewee's story if contradictory information is available. You will have decided during the planning phase whether you challenge and produce exhibits on contested points as they arise or whether you keep all challenges to the end of the account phase.

### **Closure**

This stage involves summarizing the subject's account of what happened and is designed to ensure there is mutual understanding between interviewer and interviewee about what has taken place. It also involves verifying that everything that needs to be discussed has been covered. If the interview has been recorded by means of contemporaneous notes then the subject will be given an opportunity



to read through the notes and request corrections. The subject will sign at the bottom of each and every page to confirm that they are a true and accurate record of what has been said.

## Evaluation

This stage requires the interviewer to examine whether they achieved what they wanted from the interview; to review the status of the investigation in the light of any new information that was received; what further lines of enquiry are required (if any) and to reflect upon how well the interview went and what, if anything, could have been done differently.

### 8.4 Conducting Interviews in Accordance with the Police and Criminal Evidence Act 1984 (PACE)

An interview under caution (IUC) in accordance with PACE is only conducted when there are reasonable grounds to believe a criminal offence may have been committed. These are specialised interviews and will only be conducted by **appropriately trained, professionally qualified and experienced investigators within A&CI** and when authorised by the Head of A&CI.

Planning and preparation for IUCs will be conducted in accordance with the PEACE model (see section 8.4 above) and utilising the [IUC Plan](#) template.

Consideration will be given as to the appropriate venue for conducting such interview which may include, Group premises, hotel conference breakout rooms, Police stations etc. Conducting an IUC at the subject's premises can be viewed as an invasion of privacy and presents health and safety risks for the investigator and therefore, should be avoided

Ordinarily subjects will be given a minimum of 5 working days' notice of the intention to be interviewed in order that they can seek legal advice etc. However, in criminal investigations there are limited occasions when it may be necessary to conduct interviews 'without notice' and it is likely that such interviews will be conducted following arrest by Police. Grounds for conducting a 'without notice' interview would include where there are reasonable grounds to suspect that evidence which is not in the control of the IO would be lost or destroyed if the subject were alerted in advance to the investigation or where the subject has previously been invited to attend a voluntary interview and has failed to attend and therefore, has been arrested by Police to enable an interview to take place (prompt and effective investigation). The Head of A&CI must be consulted when considering a 'without notice' interviews and authorise the same. A template letter inviting the subject to attend a [voluntary IUC](#) is available.

Interviews must be conducted in accordance with the PACE codes of practice (the codes) and specifically [Code C](#) and [Code E](#).

The codes require the IO to advise interviewees of certain rights, issue notices and to formally caution the interviewee prior to the commencement of questioning. An [aide memoir](#) is available to assist IO and to ensure that all points are adequately covered in sufficient detail.

A '[notice to persons being interviewed](#)' is available along with a '[notice to person whose interview has been recorded on compact/video disc](#)'.

Interviewees are to be advised of their right to obtain legal advice if they wish to do so. However, if the interview is being conducted by Group staff only i.e. there is no warranted Police Officer present at the interview then in accordance with Code C note 3J (pages 24) the interviewee is responsible for any payment due to their solicitor for the provision of legal advice (see below). Note that note 3J

applies regardless of venue i.e. the interviewee would not be entitled to free legal advice if interviewed by Group staff only even if the interview took place in at a Police Station unless a Police Officer was present.

#### **PACE Code C note 3J**

*'For voluntary interviews conducted by non-police investigators, the provision of legal advice is set out by the Legal Aid Agency at paragraph 9.54 of the 2017 Standard Crime Contract Specification. This is published at <https://www.gov.uk/government/publications/standard-crime-contract-2017> and the rules mean that a non-police interviewer who does not have their own statutory power of arrest would have to inform the subject that they have a right to seek legal advice if they wish, but payment would be a matter for them to arrange with the solicitor'.*

## **9. External Enquiries**

To progress some investigations, it will be necessary to engage with external organisations or individuals. As Group investigators we have no police-like powers and so a professional and engaging manner should be used. In conducting these enquiries, we are the visible representatives of the Group.

A Group investigator will most frequently engage with our Strategic Partners such as WHSmith or Royal Mail Group. There are contractual obligations and rights relating to investigations of individual or collective interest with these external partners and so an IO must consult with the relevant POL lawyer who can provide advice as to engaging these entities. It is also advisable to contact A&CI Triage as there may be established information sharing routes or single points of contact for some of the Strategic Partners.

There are civil court-enabled ways of securing information from other organisations or individuals. Where necessity and proportionality may be met then the IO must seek advice from Senior Legal Counsel – Dispute Resolution for advice.

## **10. Disclosure**

While many users of this Manual will be conducting investigations relating to alleged procedural breaches of contractual matters, others may be conducting investigations either in corroboration or supporting investigations conducted by law enforcement agencies such as the Police.

No matter the original basis of the investigation Article 6 of the European Convention on Human Rights sets in law the right to a fair trial. In the case of R-v-Keane (1994) Lord Taylor of Gosforth CJ ruled that the “open justice” principle had to be maintained at all times and that it would be contrary to that principle for the prosecution (here read the Group) to withhold from the defendant material which might undermine its case against him, or which might assist his defence.

Therefore, no matter what type of investigation is being conducted whether this be procedural/contractual, civil or criminal there is a requirement for the investigator to record and retain all material that comes into their possession during the course of the investigation including material

generated by the investigation team themselves and reveal to the defence any evidence which might undermine the Group's case or might assist the defence.

For more detailed guidance on Disclosure see appendix 'F'.

## 11. Assurance

### Monthly Review

The line manager will conduct monthly reviews with the IO or more frequently if the case is likely to open and close in the space of one month. The purpose of the meeting will be for the line manager to act as a second set of eyes and provide advice and guidance on the lines of enquiry. The line manager will also act as mentor to the IO and will confirm that the standards set out in this Manual are being maintained.

The line manager must confirm the following:

- That there is evidence that all decisions and actions are being recorded on the Decision and Action Log.
- That there is sufficient detail and rationale to justify decisions made during the investigation.
- That all actions are linked to a decision.
- Date for the completing of each action has been set.
- Completion dates are reasonable and are being complied with.
- Once an action has been completed it is shaded red.
- That evidence is being obtained lawfully.
- That continuity of evidence is being maintained.
- That evidence is being stored securely with access controls in place which are being adhered to.
- That there is an investigation strategy in place and it is being followed.
- That there is evidence that the investigation strategy is evolving as the investigation evolves.
- That enquiries linked to actions are being recorded.
- Where statements have been taken that they are clear, lack ambiguity and contain sufficient detail.
- That exhibits are being obtained, allocated an exhibit number in accordance with the house style.
- That there remains justification for the continuance of the investigation and that the investigation remains proportionate and necessary.

The line manager will make an entry in the Decision and Action log to confirm that the monthly check has been completed.

### Local Reviews

A local review will be conducted by the line manager at a frequency aligned with local practice but at least quarterly and will seek assurance that:

- The investigation is progressing.
- The current strategy reflects what is happening in reality.
- Consideration has been given as to whether all reasonable lines of enquiry have been completed and whether the investigation can be closed.
- There remain grounds to justify the ongoing investigation.



- There is a realistic timeline to conclusion of the investigation.
- Record any enquiry, observation and direction (EO&D) that the line manager identifies on the [EO&D sheet](#).

On completion of the review the line manager will make an entry in the Decision Log confirming the following:

*'I have conducted a full and comprehensive review of the investigation file, I have reviewed the Strategy, Plan and records of actions taken and decisions made and I am content that the investigation is fair, fact based and that there remains justification for the continuation of the investigation'.*

### **Reviews Conducted by the Assurance & Complex Investigations and Group Assurance Team**

'Group General Counsel', the 'Post Office Board' and key stakeholders require assurance that those who conduct investigations on behalf of the Group maintain the highest possible professional standards. It is, therefore, imperative all teams and individuals that are covered within the scope of this document (see section 2 above) and who are tasked with conducting investigations of any kind, work to the standards and requirements as set out in this document and comply with all legislation relating to the conduct of such investigations.

Assurance will be obtained via a comprehensive program of dip sampling of investigation files by the Senior Investigation Managers within the A&CI. The Group Assurance Team may also conduct their own file reviews of the decentralised teams. The Group Assurance Team will conduct dip sampling of investigations conducted by the A&CI.

Any areas identified requiring improvement will in the first instance be discussed with the investigating officer and their line manager and an action plan will be agreed to address the concerns identified and recorded on the EO&D form. Where appropriate additional training and guidance will be arranged.

In the event of a failure to comply with the requirements as set out in this Manual leading to possible miscarriages of justice, likely challenge by the defence on the grounds of procedural breach, a breach of the Police and Criminal Evidence Act and/or failure to comply with disclosure obligations as set out in [CPIA/A\\_G Guidelines](#) will be immediately reported to the Head of A&CI.

## **12. Providing evidence**

### **12.1 Sharing Information with Law Enforcement**

There may be occasions when it is necessary or desirable to share information with the Police or a Regulator, such as:

- Reporting suspicious activity in accordance with anti-money laundering legislation,
- Reporting alleged criminal offences i.e. theft or fraud at a Post Office branch or POL premises (note only A&CI/Speak Up are authorised to report such matters to the Police), providing a witness statement in support of an investigation being undertaken by Police/Regulator,
- Referring a file to Police/Regulator following an investigation undertaken by A&CI.

Detailed instructions on how and when it is permissible to share information with law enforcement can be found in the [Group Investigation and Co-operation with Law Enforcement Policy](#).

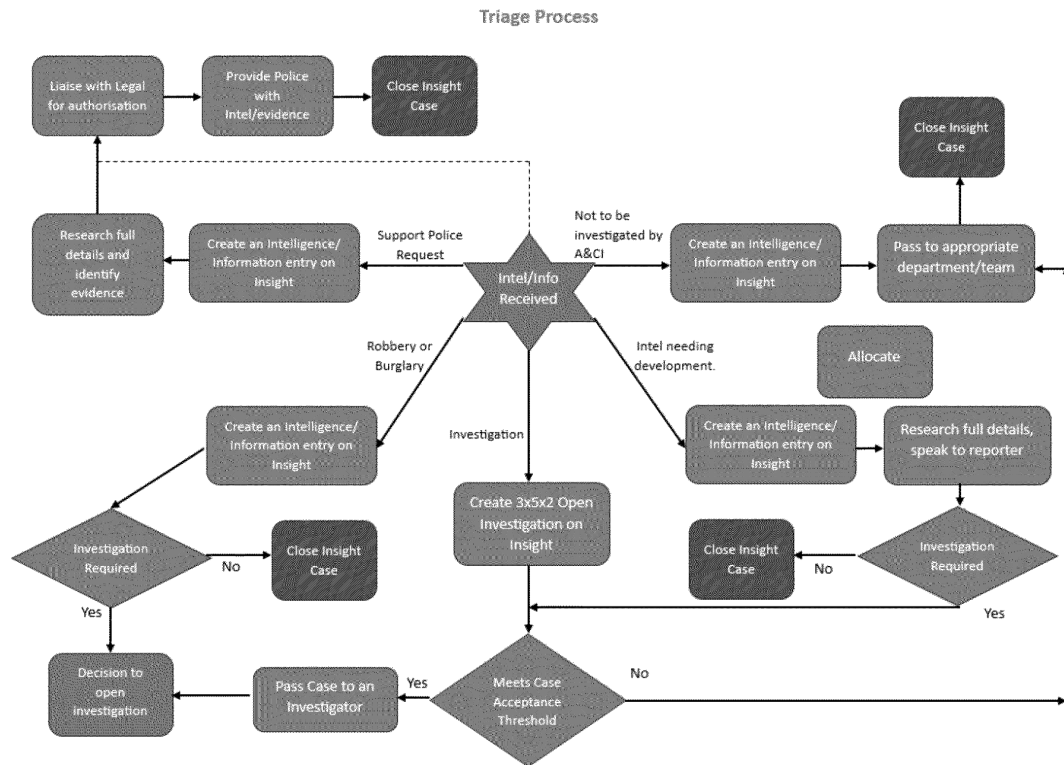


# Appendix A

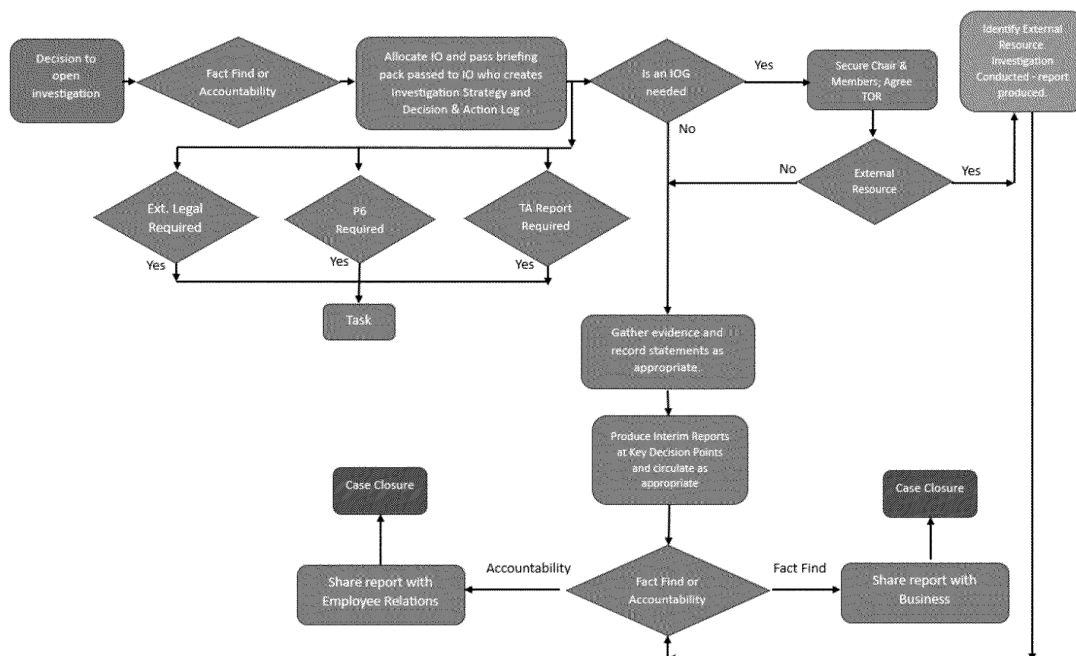
## Assurance & Complex Investigations and Speak Up Team

### A.1 Speak Up and A&CI Triage Process

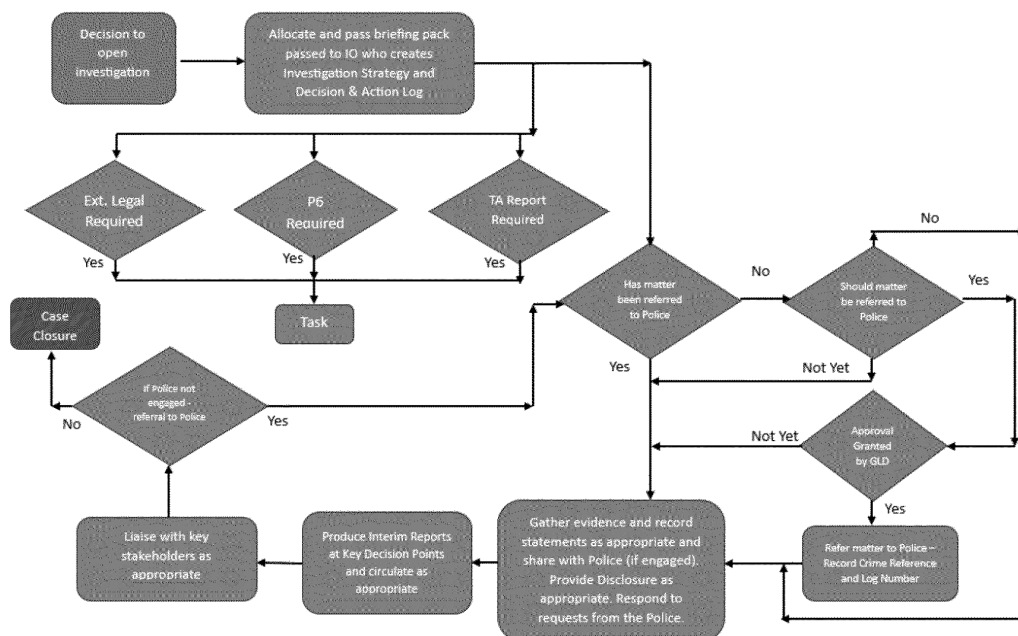
What is Triage? Triage is a form of process management that fast tracks incoming workflow by priority, so the most critical work is attended to first. The Speak Up Manager and Intelligence Analyst triage all information and reports received via the reporting process.



## Assurance &amp; Complex Investigations – Fact Finding and/or Accountability Investigations



## Assurance &amp; Complex Investigations - Criminal Investigations



## A.1.1 Reporting process

Information can be received into the triage function via third party reporting, Convercent, via email (triage **GRO**) or (speakup **GRO**) or reports received via Contracts, Customer Care, Network Monitoring, Disputes Resolution, Strategic Partners and external Law enforcement agencies, this list is not exhaustive.



### A.1.2 Engagement

The Speak Up Manager and the Intelligence Analyst engage directly with the Reporter, Complainant or Correspondent to obtain further details. If the information has been received anonymously via Convercent, the Reporter maintains their anonymity and is contacted via the third-party service provider.

If a Speak Up Case the Triage Team maintain contact with the Reporter throughout.

### A.1.3 Process

Upon receipt of the initial information received and details of investigation so far, the THRIVE+ process is considered.

The THRIVE+ is an operational risk assessment tool, which supports the decision making by considering the key factors; Threat, Harm, Risk, Investigation needs, Engagement requirements and the need for prevention/intervention.

The Speak Up triage function will use the risk framework to allocate the most appropriate resource to the meet the needs of the risk threshold.

The aim of the risk framework (THRIVE+) and the new High, Medium, Low grading model is designed to support consistent and reliable decision making – this model is triaged on case-by-case basis with other risk factors being considered.

The operational risk assessment tools are designed to protect people and the Business from harm by assessing the threat and risk of any given incident and respond with the appropriate response dependent on the level of threat, risk and vulnerability.

#### THRIVE+

T	THREAT	A threat is a communicated or perceived intent to inflict harm or loss against another person or Business
H	HARM	Harm is to do or to cause harm. E.g. to injure, damage, hurt– physical or psychological, this also includes harm to Reputational Brand
R	RISK	Risk is the likelihood of the event occurring again if a process is identified and no action is taken, prevent reoccurrence. Including financial or reputational loss
I	INVESTIGATION	Investigation is the act or process of examining wrongdoing or situation and considering what action is required
V	VULNERABILITY	Is defined for the purposes of incident management as “a person is vulnerable if because of their situation or circumstances, they are unable to take care or protect themselves, or others, from harm or exploitation.” Also, POL vulnerabilities and exploitations within the Business.
E	ENGAGEMENT	Engagement is where stakeholders and individuals build a positive relationship for the benefit of all parties
+	Prevention/ Intervention	Enable the Triage function to highlight and consider opportunities to report on findings, trend analysis and root cause analysis

**A.1.4 Triage considerations** having considered THRIVE+, the Risk Grading Model is applied to classify the priority.

- If the case is a serious or complex specialist investigation or criminal activity requiring law enforcement, this is passed direct to A&CI;
- If PIDA or falls within the scope of Speak Up, the case is passed the Speak Up Integrity Investigators;

### A1.5 Risk Grading Model

High Risk	Medium Risk	Low Risk
Fraud or Theft activity over £200K	Fraud or Theft activity £100 – £199K	Process Failure
Public Interest Disclosure Act 1998 (PIDA)	Protected characteristics	ER/HR, Customer Complaints
Modern Slavery	Process failure	Smart IDs
HM inquiry	Conduct	Branch / Franchise
Allegation Grade 4 or above	Strategic Partners - Investigate	Strategic Partners - Monitoring
Significant Regulatory Impact		
Significant Pan-POL Process failure		

Out of Scope – signpost to appropriate department to action or Law Enforcement Agency in accordance with [Combined GIP CLEP](#).

**A.1.6 Recording and passage of information** Cases are logged on Convercent and allocated to the appropriate team or investigator on a Triage document ([Triage - Draft](#)). This document provides a summary of initial information received and background checks, other relevant information which will assist the investigation.

## A.2 Opening an Investigation

### A.2.1 Commencing an Investigation

At the commencement of an Investigation the IO in consultation with their Commissioning Manager will open the following documents.

### A.2.2 Investigation Strategy

The Investigating Officer (IO) will within 5 working days of the case being allocated by Triage produce a [Combined Strategy document](#). The purpose of this document is to lay out the approach to be taken in the conduct of the investigation and to pull together or reference the separate workstreams required to do so. It is not an action plan, it lays out direction of travel and rationale. However, the strategy must cover all reasonable lines of enquiry, including those that point away from the matter under investigation, to establish an objective fact base and address all points to prove. For more complex cases it may be appropriate to use a more detailed [Investigation Strategy](#) instead of the Combined Strategy. There may also be a requirement to produce a standalone strategy for a particular aspect of a complex investigation for example a Victim Strategy. In such circumstances the specific standalone strategy should be linked to the Combined Strategy/Investigation Strategy.

### A.2.3 Investigation Control Document

In addition to the Combined Strategy document the IO will open an [Investigation Control Document](#). This document has several functions:



- **Establishes a timeline to complete the investigation (tab 1)**

The IO will amend the dates in Row 5 column D to reflect the Monday of the start date of the investigation, with subsequent columns advancing by one week. Green shading will be applied in each week an action (as listed in column 'b') is to be worked and red shading applied to the estimated completion date. Members of the investigation team will be listed in column b rows 33 onwards and the date of anticipated or known leave recorded by shading blue in the relevant column on the date grid. The case plan must be agreed with the IO's line manager and Commissioning Manager and constantly monitored with any delays being brought to the attention of the line manager and Commissioning Manager at the earliest opportunity.

- **Decision and Action Log (tab 2)**

All decisions and actions are required to be recorded on tab 2 of the Investigation Control Document. Each decision will be number sequentially with the prefix D. The date the decision was taken will be recorded in column 'b' with the decision being recorded in column 'c' (normally no more than a single sentence). A clear and concise rationale must be recorded in column 'd' for each decision using the mnemonic JAPAN – Justified, Authorised, Proportional, Auditable and Necessary. The name of the decision maker will be recorded in column 'e'. All actions must be linked to a decision, allocated to a person responsible for completing the action with a date set for the completion of the action and recorded in column 'f' onwards. Once an action has been completed it will be shaded red, making actions which remain outstanding immediately visible.

- **Costs (tab 3 & 4)**

Outsourced Legal and non-Legal Costs outside of Group resources are to be recorded in the control document on tabs 3 & 4.

- **Travel Costs (tab 5)**

All travel related expenses incurred during the course of the investigation are to be recorded on tab 6.

- **Evidence Grid (tab 6)**

Provides an evidence grid for a number of specimen offences. The grid is not meant to limit possible offence to those listed and if the offence you are considering is not listed the IO will populate column 'a' with the points to prove the offence under consideration. Please note that the grid should be used for civil offences as well as criminal offences. For each 'Subject' the IO will list each piece of evidence they believe proves the point being considered (note that several pieces of evidence may be required to prove the one point, all items to be listed in the same cell) by Relativity Number/Hyperlink to SharePoint document followed by a short description. Once the IO is satisfied that they have sufficient evidence to prove the 'point to prove' the cell is to be shaded 'green'. Once the IO is satisfied that all points to prove have been established the 'Offence Made Out' for that subject is to be changed to 'Yes' and shaded green.

#### A.2.4 Convercent

The IO will open a case on Convercent for each investigation. Detailed instructions on how to open a file in Convercent can be found [here](#).

### A.2.5 SharePoint Folder

The IO will open a case folder in SharePoint using the filename format:

- 'Convercent Number/Case or Project Name'. For example '0999aa22/Project Earth'

The SharePoint folder will contain as a minimum the following sub-folders

- Reports
- Statements
- Emails
- Disclosure – which will contain the relevant disclosure schedules
- Data Requests

### A.3 Conduct of Investigations

The following guidance is provided in addition to that listed in sections 1 to 12 above.

Speak-up/A&CI conducts three types of investigation they are:

**Fact Find Investigation** – What occurred, when did it occur, where did it occur, how did it occur (this would include investigations conducted by Tier 2/3 etc.).

The anticipated outcome of a Fact Find Investigation is possible amendments to standard operating procedures/policies/manuals etc.

**Accountability Investigation** – What occurred, when did it occur, why did it occur, where did it occur, who was involved, how did it occur.

The anticipated outcome of an Accountability Investigation is:

- possible amendments to standard operating procedures/policies/manuals etc.
- possible disciplinary hearing
- 

**Criminal Investigation** – What occurred, when did it occur, why did it occur, where did it occur, who was involved, how did it occur, what criminal offences may have been committed.

Anticipated outcome

- possible amendments to standard operating procedures/policies/manuals etc.
- Possible suspension and termination of contract
- possible disciplinary hearing
- matter may be passed to local law enforcement/regulator for consideration of criminal charges

**Criminal Investigations conducted by A&CI** – Following a A&CI investigation authority must be obtained from the Group Legal Director prior to a referral to Police/Regulator and the following documents will be supplied:

- MG5 Investigation Report
- MG6C Schedule of Relevant Non-Sensitive Unused Material
- MG6D Schedule of Relevant Sensitive Material
- MG6E Disclosure Officer's Report
- MG9 Witness List
- MG11 (see section 8.2 above)
- MG12 Exhibit List
- MG15T Transcript of Recorded PACE interview (if conducted by A&CI)



**A.3.1** When conducting criminal investigations there is a requirement under the Criminal Procedure and Investigation Act 1996 to appoint a **Disclosure Officer (DO)**. The DO (can be the same person as the IO) will in consultation with the IO design and agree a process for managing all disclosure obligations.

The DO's duties are ongoing throughout the investigation and prosecution. This means that the DO is required to conduct an ongoing review of the material throughout the prosecution and, where appropriate, provide the prosecutor with updated disclosure schedules. This includes the common law duty to identify at an early stage any material which may assist the defence in the early preparation of their case which may be prior to receipt of schedules. Such material should be revealed to the prosecutor prior to the commencement of proceedings or as soon as possible afterwards. The new [Attorney General Code](#) puts greater emphasis on this. Examples could be a relevant previous conviction of a witness or the withdrawal of a witness' evidence. DOs should always err on the side of recording and retaining material where they have any doubt as to whether it may be relevant.

DOs or their deputies must inspect, view or listen to all relevant material that has been retained and the lead disclosure officer must provide a personal declaration to the effect that this task has been undertaken.

**A.3.2** During the course of an investigation the Head of Assurance & Complex Investigations team will conduct with the SIO regular reviews of all matters under investigation. A note of each review will be made in the case Decision and Action log. Any decision relating to the matter under investigation made by the Head of A&CI during such reviews will be recorded in the Decision and Action log and accredited to the Head of A&CI.

#### A.4 Report Writing

Speak/A&CI will produce three types of reports, they are:

Update Report produced on request from either Head of Investigation Branch or a Post Office committee.

Interim Report produced when the IO concludes that the investigation has reached a strategic decision point and requires an executive decision or similar.

Final Report produced on completion of an investigation once all reasonable lines of enquiry have been exhausted or it is no longer reasonable and proportionate to continue with the investigation and the Head of Investigations Branch has agreed that the investigation can be closed.

The report will provide a fair and balanced evidence-based summary of the investigation. It is expected that all evidence will be in electronic format and a hyperlink will be provided to each piece of evidence. On the rare occasion it has not been possible to convert a piece of evidence into an electronic format that piece of evidence must be referred to by exhibit number (see section 8.2) and its location noted in brackets.

For consistency, investigative reports in A&CI will have a house style. The report templates must be used, and the structure maintained although common sense can be applied to best present the information as an exception.

Dates should be presented as DD Month YYYY in an alpha numeric format e.g. 26 September 2023. People's names should be in full form in an Executive Summary and in the first usage in the main body but then with initials after that.

### A.5 Case Closure

A case may be closed either when:

- All reasonable lines of enquiry have been completed and the evidence demonstrates that there is no case to answer, or
- All reasonable lines of enquiry have been completed and there is insufficient evidence to prove a breach of policy/criminal offence has been committed, or
- All reasonable lines of enquiry have been completed and a sanction has been applied and all rights of appeal have been exhausted or the right to appeal is time barred due to the elapse of time, or
- As a result of enquiries conducted to date it no longer remains reasonable nor proportionate to continue with the investigation.

In any event, a case may only be closed once explicitly authorisation has been received from the Head of Investigation Branch for A&CI case and Speak-Up and Intelligence Manager for case conducted by Speak-Up. The decision to close the investigation must be recorded on the Decision and Action log stating the rationale for closure in line with the above and a copy of the authority to close the investigation saved on the 'SharePoint' case file for A&CI cases.

The IO will check that all actions recorded on the Action Log are concluded and marked accordingly. A copy of the closure report will be uploaded to Convercent and the Convercent file will be closed. Instructions on how to close a Convercent file can be found [here](#).

Any physical exhibits stored in the Exhibit Store will be archived in line with the Group's archive instructions.

On completion of an investigation and where it is appropriate to do so the IO will meet with representatives from the Group Assurance team and other key stakeholders. Attendees will reflect on the root cause of the investigated issue and what further mitigations/controls should be considered to mitigate against repeating concerns.

# Appendix B

## Contracts Team

### Forward

It is important that each postmaster is able to ensure the obligations as set out in their contract are performed to the standards required and are provided support by Post Office to meet these standards. Post Office recognises that there will be occasions where these standards are not being met. The role of the Contracts Team is to address the issues where these standards are not being met, primarily through three processes:

- Contract Performance;
- Contract Suspension; and
- Contract Termination.

### B.1 Contract Performance

A contract performance issue arises where a postmaster is not meeting their obligations as set out in their contract to the required standard in relation to a material matter. For example branch accounting non-conformance or a failure to comply with legal and/or regulatory requirements.

#### B.1.1 Contracts Team Triage Process

There is no formal triage process in the Contracts Team, instead issues may be escalated into the team through a variety of routes, for example Network Monitoring or the Area Manager.

The Contract Advisor will make their own assessment of whether to accept a referral under the following criteria:

- act as a guide and advisor to those Post Office teams, particularly Area Managers, dealing with contract performance issues to ensure consistency of approach;
- ensure that all necessary steps have been taken by Post Office teams to support postmasters to address the identified issues, with the appropriate documentation completed;
- revert to the relevant Post Office team to address any identified instances where steps have not been taken or appropriate documentation not completed by Post Office in relation to managing performance issues

#### B.1.2 Opening an Investigation

Post Office will investigate a potential contract performance issue before taking any formal contractual action. The process of investigation allows Post Office to establish facts and gives the postmaster the opportunity to identify and answer any issues of concern raised.

If the case has been referred by another team then the Contracts Team will adopt the previous team's Dynamics case file. If the case is being initiated by the Contracts Team or for whatever reason there is no previous Dynamics case file then the Contracts Team will open a Dynamics Case file.

In the event that the matter under investigation has been referred to Contracts by the Assurance & Complex Investigations (A&CI) or the Police then the Contracts Team will progress the investigation in corroboration with A&CI/Police.

### B.1.3 Conduct of the Investigation

In the investigation process, the Contract Advisor may seek further information from the postmaster through written correspondence (including emails), telephone conversation(s) or a face-to-face meeting. During the course of your investigation you become concerned or you uncovered evidence that indicates a criminal offence may have been committed you must seek early advice from the Assurance & Complex Investigations.

### B.1.4 Branch Assurance

If the investigation has highlighted a serious risk either to the postmaster or Post Office then a Branch Assurance visit may be requested.

In addition to the action outlined above Post Office may consider further measures to reflect the nature of the performance issue when considered against regulatory risk to Post Office and its customers, for example financial consequences (in the form of reasonable costs to undertake training) and removal of products. Any action taken in this respect will be considered against the principles and processes as set out in this policy document.

Following the issuing of a written direction the appropriate Post Office team will monitor the situation. An assessment will be made on the length of monitoring period dependent on the individual circumstances but it is unlikely that this will last longer than 12 months. Should the issue reoccur then the facts will be reported to the Contract Advisor by the appropriate team.

### B.1.5 Report Writing

Once an investigation is complete the Contract Advisor will keep a record of any decision taken, including the reasoning behind why any action was taken. This may include preparing a Contract Performance Rationale document capturing the material information provided by the postmaster, relevant documentation provided by other Post Office teams connected to the issue, any action taken by the Contract Advisor and a rationale outlining next steps.

If the matter being investigated is raised through a Branch Assurance visit the rationale for next steps, and any contractual action, will be captured in the non-suspension rationale (see contract suspension below).

### B.1.6 Case Closure

Following investigation the Contract Advisor may take the following contractual action:

#### Written Direction

This is a means by which a postmaster is formally requested in writing to take steps to resolve the contract performance issue. A written direction (using a [Standard Templated](#) letter) will be issued when the investigation has been completed.

- outline the breach(es) of contract based on the applicable facts;
- give the postmaster a period of time to rectify the issue explaining what is required to do so. In determining the period of time, regard should be had to the terms of the contract relevant to the breach and to what is reasonable in the circumstances; and
- explain the consequences of not doing so.



## B.2 Contract Suspension

Post Office recognises that there may be occasions where it is necessary to suspend the contractual relationship with a postmaster. The act of suspension is a neutral, precautionary act. It is used to investigate the cause of a potential contractual breach identified by the Contract Advisor. It does not imply there has been any such breach.

### B.2.1 Contracts Team Triage Process

When considering suspension, Post Office must complete a preliminary investigation. This preliminary investigation will, as a minimum, include a review of the contract between Post Office and the postmaster to confirm the extent of Post Office's right to suspend.

The contractual right to suspend may arise:

- if the postmaster is arrested or charged with a criminal offence;
- if the postmaster has civil proceedings brought against them;
- there are grounds to suspect the postmaster is insolvent; and/or
- due to irregularities or misconduct in the operation of the branch.

A review of the facts related to the investigation to establish whether Post Office is itself in material breach of duty in respect of the matters giving rise to the right to suspend. If it is, Post Office must not suspend the postmaster from operating the branch.

This investigation will include:

- a review of previous correspondence with the postmaster; and
- a review of any other supporting documents held by Post Office.

This investigation may also include:

- a Branch Assurance visit;
- a review of Network Monitoring records; and
- information provided to Post Office by an outside body or source, for example, the police, insolvency practitioners, or Post Office clients.

### B.2.2 Report Writing

Whenever an investigation leads to suspension being considered, the Suspension Rationale Document must be completed by the Contract Advisor. This captures the background of the case, investigation undertaken and rationale behind the decision to be taken. The document will be used by the Head of Contract Management & Deployment, if required with support from Post Office's legal team, as a basis for their decision on suspension.

Factors that the Head of Contract Management & Deployment should consider when deciding whether or not to suspend a postmaster from operating the branch include:

- There being a risk to the postmaster;
- There being an immediate risk to Post Office assets;
- There being a risk to Post Office's brand and/or Post Office's reputation of the postmaster continuing to operate the branch.

Suspension will only be applied where absolutely necessary to investigate the cause of a potential contractual breach identified by the Contract Advisor and where all alternative options have been considered.

Alternative options to suspension may include non-suspension monitoring – continued monitoring of the issues identified over a defined period of time, with any further or escalating issues being flagged to the Contract Advisor to reconsider suspension.

### B.2.3 Case Closure

Reinstatement or termination should happen as quickly as possible once an investigation has been completed or Post Office identifies that it no longer has a reasonable and proper reason to maintain the suspension.

For reinstatements, the postmaster should receive a letter confirming the end of the suspension period and the outcomes of any investigation. For terminations, the postmaster will receive communications in accordance with the Postmaster Contract Termination Policy ([Postmaster Support Policies \(sharepoint.com\)](#)).

The Contract Advisor is responsible for ensuring the postmaster's reinstatement is carefully planned, supported and in accordance with the wishes of the postmaster. This may be assisted by liaising with the relevant Area Manager, other Post Office support teams and/or the NFSP. Examples of considerations that the Contract Advisor should make include:

- What date is appropriate for any re-fund or transfer branch assurance visits to take place;
- Whether it is appropriate to offer the postmaster and/or their team further training prior to reinstatement;
- Whether it is appropriate to offer the postmaster additional on-site support post reinstatement. Any decision to terminate the postmaster's contract should be taken in accordance with the Postmaster Contract Termination Policy.

## B.3 Contract Termination

Under agreements between postmasters and Post Office, postmasters provide products and services to customers on behalf of Post Office and in doing so are asked to meet contractual obligations as set out in the agreements.

On occasion these obligations may not be met by a postmaster and, in certain circumstances, Post Office may need to terminate its agreement with a postmaster.

### B.3.1 Contracts Team Triage Process

Post Office will carry out an investigation before exercising any termination rights. In the investigation process, the Contract Advisor may seek further information from the postmaster through written correspondence, telephone conversation(s) or face to face meetings. In addition to seeking further information from the postmaster the Contract Advisor will look at the available data and relevant information to try and determine the following factors:

What is the impact on the Postmaster, were we to terminate, and how has this impacted the decision being taken;

- What is the direct involvement or responsibility of the Postmaster in the actions that led to the breach and can this be mitigated;
- The risk to Post Office funds and public funds;
- The risk to POL brand or reputation of the Postmaster continuing to operate the Branch;
- The impact of the decision on customers and suppliers;
- Whether someone suffered loss or damage as a result of the breach;

- The postmaster's history;
- Any other relevant information

Information sources that may be used include Tier 3 reports, Network Monitoring data, original application details, training provided to the postmaster and branch call logs.

### **B.3.2 Report Writing**

Whenever termination of a postmaster's contract is considered, the Termination Rationale Document must be completed by the Contract Advisor. This captures the background of the case, investigation undertaken and rationale behind the decision to be taken. The document will be used by Post Office legal services and the Contract Termination Decision Review Group as a basis for establishing:

- whether Post Office has the right to terminate the contract; and
- if so, whether Post Office considers, acting in good faith, that it should terminate the contract or not.

Post Office must not terminate the contract unless it has the legal right to do so and cannot terminate when Post Office is itself in material breach of duty in respect of matters which the Post Office considers give it the right to terminate (although this does not restrict Post Office Ltd.'s ability to terminate for a repudiatory breach).

### **B.3.3 Case Closure**

Once the decision to terminate has been taken and the postmaster has been informed in writing they have the option to challenge the decision in which case the decision, and how the decision was reached, will be escalated to the Decision Review Panel ([the hub - Postmaster Decision Review Policy V2.2.pdf - All Documents \(sharepoint.com\)](#)).

Depending on the circumstances of the termination the matter may also be escalated into the Assurance & Complex Investigations and/or the Postmaster Account Support Team (if recovery of a discrepancy is required)

# Appendix C

## Disputes Resolution Team

### C.1 Disputes Resolution Team Triage Process

#### C.1.1 Background

The Dispute Resolution process is effective for discrepancies incurred from 14<sup>th</sup> April 2021 onwards. The Dispute Resolution Triage process was introduced as part of the ToM 1.0 in May 2021 as a way of moving cases through the Investigation process quicker and easier. The application of a De Minimis level is applied as per the [Postmaster Accounting Dispute Resolution Policy](#). The Disputes Resolution Triage Team assesses the case and perform baseline checks to confirm if a full investigation is required. The Post Office reserves the right to apply De Minimis criteria to certain cases (i.e., cases below a certain value or where no previous issues have been identified) to improve the postmaster journey and allow greater focus on priority cases.

#### C.1.2 Process

A Dynamics case is set up by the Branch Support Centre (BSC, Tier 1) team and assigned to the Tier 2 Dispute Resolution Triage Team via Dynamics workflow, only if it cannot be resolved by the BSC Tier 1 Team.

The Dispute Resolution Triage team pick up cases based on date received order and review the details, ensuring all the information shown in the Dynamics workflow are correct i.e., amount and start date on Tier 1 checklist is completed, if the information is incorrect, it's rejected back to the previous team to deal with accordingly.

The Triage team, add the start date to the Triage checklist and complete the Triage checks (using BART, Horice, CFS and Dynamics systems) and update all the information on the case via Dynamic's workflow.

The Dynamics Triage Checklist is:-

1. Add start date Tier 2 Triage
2. Does the Branch have any system issues?
3. Confirm with the Head of Resolution whether the amount is below De Minimis?
4. Check CFS/BART overview to establish if there have been 2 or more clearances in 12 months
5. Check CFS/BART overview and confirm if unresolved losses in last 12 months total over De Minimis.
6. Select relevant case outcome status reason in Dynamics workflow, there are 4 case outcomes at the end of the Triage investigation stage:-
  - Branch to resolve
  - Move to Tier 2 for a full review
  - Resolved written off
  - Resolved discrepancy found

The Triage team call the Postmaster to:-

- Support the PM to perform checks in branch that may resolve the discrepancy, if they have not performed a Trading Period Balance (TP) the Triage team will support and coach the



Postmaster to complete balancing, which ensures the discrepancy amount is recorded accurately in the Finance system. **(Branch to resolve status)**

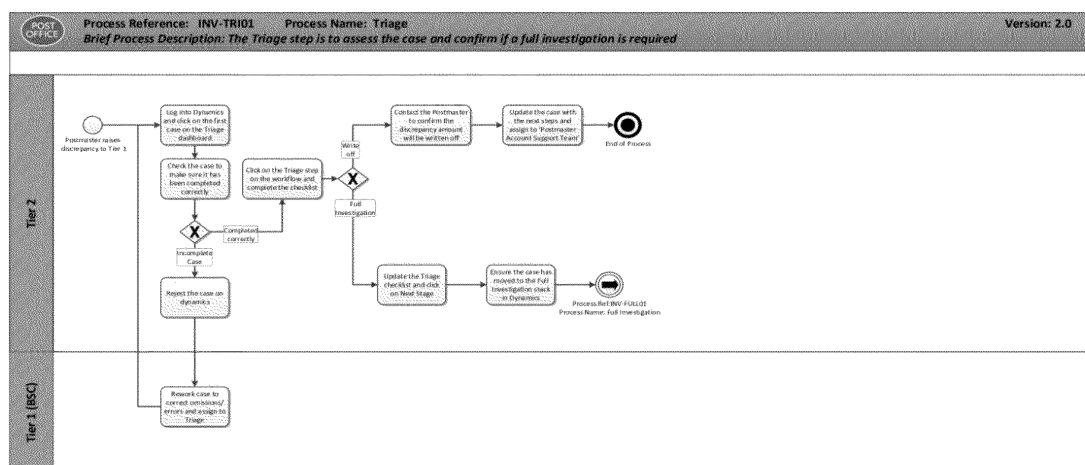
- If the discrepancy is over De Minimis or does not meet relevant criteria, the Triage Team advise the Postmaster that the case will be passed to Tier 2 Team for an investigation, the Triage team update findings and move the case via Dynamics workflow system to the Tier 2 Team. **(Move to Tier 2 for a full review status)**
- If under De Minimis and Postmaster meets relevant criteria, Triage Team advise the Postmaster that the amount will be cleared from the account and pass the case via Dynamics workflow to the Postmaster Account Support Teams (PAST) with details of the amount and reason for clearance, the PAST team update the details in the Core Finance System (CFS) **(Resolved write off status)**
- The Triage team have found the discrepancy and communicated the outcome to PM so no further action i.e., matched to a Transaction Correction (TC) and resolved itself **(Resolved discrepancy found status).**

### C.1.3 Approval Limits for Discrepancy Clearances

Up to £500	Tier 2 investigation advisors
Between £500.01 and £1000	Team Managers
Between £1000.01 to £5000	Network Resolution Operations Manager
Under £25,000	Head of Network Support & Resolution.
Over £25,000	Referral to Central Operations Director

### C.1.4 Triage Process Map

The Triage Team process map is below.



Hyperlink to process map [Dispute Resolution Triage Process Map](#)

## C.2 Opening an Investigation

### C.2.1 Background

The Post Office needs to undertake a fair investigation into any shortfall before it seeks recovery. It's important that the investigation undertaken into gains is also fair. The investigation process therefore must be:

- proportionate in scope to the value of shortfalls or gains and complexity of the issues under investigation.
- be transparent to the postmaster, giving them fair access to information and fair opportunity to comment; and transparency in sharing information with the Postmaster, updating on timescales, explaining reasons for decisions.
- be reasonably documented, including recording the investigations undertaken, factual findings made, and conclusions reached.
- Fairness and reasonableness– ensuring information provided by the postmaster is properly considered as part of the investigation.
- Giving fair consideration to the evidence and facts available in reaching a conclusion

### C.2.2 Allocating an investigation

If a Dynamics case has been moved into the Dispute Resolution Tier 2 workflow, the case is pending allocation from a Team Manager to an Investigation advisor.

The Team Manager allocates the case, and the high-level case details are added to the investigators Kanban board for tracking purposes.

### C.2.3 Process of an Investigation

A key area of investigation will be Horizon with the areas listed in the Tier 2 and the Case Investigation Checklist in respect of Horizon being explored by Post Office where necessary to ensure that Horizon as a potential cause of the shortfall has been considered and ruled out.

The T2 investigation officer will within 10 working days of starting work on the case, investigate the discrepancy using the main systems below:

**HORice** - Horizon Interrogation - Live Horizon Data Reporting.

**Credence** - Management Information reporting warehouse. Receives detailed transactions performed at Post Office branch via an overnight batch schedule from Fujitsu. Enables viewing of detailed transaction data.

**BART** - Use of B.A.R.T (Branch Analysis Review Tool) is to view Dynamics Cases, Branch Trading Information and Transaction Corrections.

**CFS** - Core Finance System - The Post Office 'back-office' application that manages branch accounts and performs the settlement and billing functions for Post Office.

**Transaction Correction Tool – (TC Tool)** - Holistic view of all transaction corrections including description issued to the branch.

**NOMAD** – Use of N.O.M.A.D (Network Observation Monitoring Analysis Dashboard) is to view branch information, including, cash collection details , last date of Trading Period rollover, date of cash declaration, dynamics cases, and outstanding customer account balance.

**Dynamics 365** – A set of interconnected, modular Software-as-a-Service (SaaS) applications and services. It combines CRM and ERP capabilities, integrating data, business logic, and processes, all branch communication case details are captured.

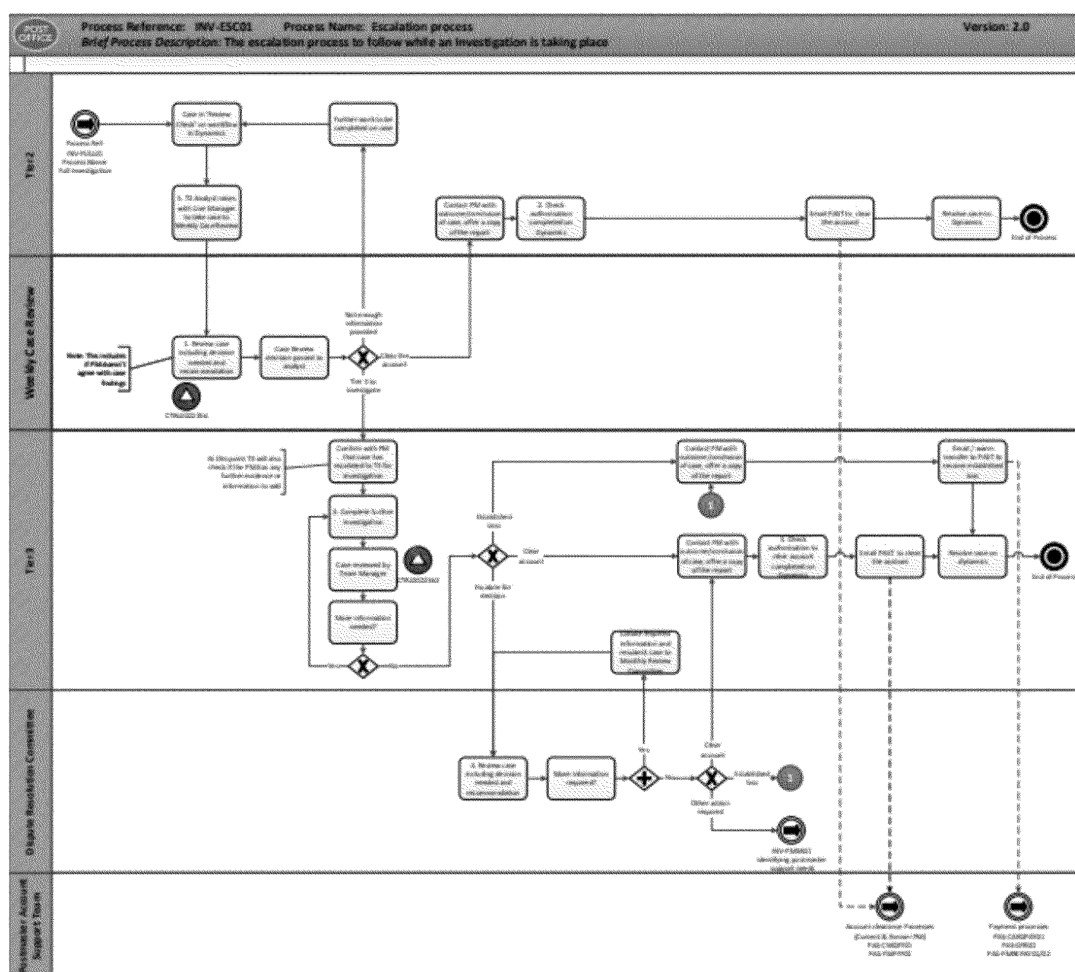
**Enhanced User Management (EUM)** – smart id's including contact details and what branches they are registered to.

For each investigation by product type there are end user procedures (EUP) documents stored in Tier 2 team SharePoint, detailing ways of working, hyperlink below:

### Dispute Resolution End User Procedures

At this stage the Investigation Advisor may require more information and would escalate accordingly i.e., Team Manager, Tier 3 technical support, or escalation to weekly review or Dispute Committee, this is captured on the Kanban board and Dynamics system.

### INV-ESC01\_Dispute resolution escalation team process



When the Tier 2 investigation is finished the investigator would then complete all the steps in the Tier 2 process investigation form checklist in Dynamics workflow system as below:

1. View detail of case & check workflow completed correctly
2. Check for any previous related cases
3. Contact the branch
4. Complete full investigation (includes checklist within report)
5. Finding's report completed & attached to Dynamics case
6. PM requested copy of Findings report
7. Date Findings report sent
8. Findings Report sent to PM

## 9. Finding's overview

The Tier 2 Investigator would then complete the workflow in Dynamics as below:-

\*Some of these fields will be pre-filled from the Investigation form step above.

1. Start Date T2 Investigation
2. Findings Report completed & attached to case
3. Findings Report sent to PM
4. Status Reason T2
5. Established Loss - PM Not Accept (Escalate)
6. Not Established Loss – Write off
7. Established Loss – PM Accepts
8. Not Established Loss - PM Accepts
9. Click on Set Active to move the case along the workflow

### C.2.4 Investigation Escalation Strategy

For more complex cases it may be appropriate to escalate to the Dispute Resolution Tier 3 team who would review the case and perform a secondary investigation, the Tier 3 process map is below:

[Tier 3 investigation process map](#)

[Tier 3 Investigation follow on activities process map](#)

Tier 2 or Tier 3 Investigation Teams may escalate to other teams after identifying Postmaster non-compliance and requesting follow-on actions by other teams, i.e., offering a Postmaster further training and support via appropriate channels.

The escalation process map hyperlinks to other teams whilst an investigation is taking place are below:

[Dispute resolution escalation team process](#)

[Identifying postmaster support needs - training/area manager referral](#)

[Network Monitoring and audit referral](#)

[Contract team referral](#)

### C.3 Report Writing

The Dispute Resolution team produce 2 types of reports, the standard templates are embedded into the Company Policy / Dynamics system and attached to each case, the types are:

- Tier 2 Report - produced from cases assigned to the Tier 2 team from the Dispute Resolution Triage team
- Tier 3 Report – produced from cases assigned from the Tier 2 weekly review meeting, or complex cases may be assigned from the Contracts team i.e suspensions, National Federation Sub-postmasters (NFSP), The Postmaster Experience Team Product Horizon and GLO, or Strategic Partners or multiples.

The reports are produced on completion of an investigation once all reasonable lines of enquiry have been exhausted.

The report will provide a fair and balanced evidence-based summary of the investigation, including manager review and the report is attached to the case in the Dynamics system. All source data (for example system spreadsheet downloads of information,) referenced in the report will either be embedded into the report, or the source data will be uploaded to the Dynamics file (in addition to the screenshots included in the text of the report).



### C.3 Case Closure

A case may be closed either by:

- Directly resolved, cases are closed by the Investigator in Dynamics as the discrepancy has been resolved, no further action required.
- After investigation the case is assigned to the PAST team for recovery of the shortfall discrepancy value, repayment of surplus value or clearance. All reasonable lines of enquiry have been completed and the evidence demonstrates that the discrepancy is an established loss or not established loss (insufficient evidence).

The investigator will update Dynamics workflow and ensure all communication touchpoints are attached to the case, and the status of the case is updated.

Within Dynamics there are case classifications that are used as an indication of the type of cases. These high-level classifications are used to enable root cause analysis. The categories have been standardised alongside appropriate 'outcome based' root cause categories leading to better intelligence to reduce the common causes that potentially cause pain points for Postmasters. Once the Discrepancy case has been investigated whether by Triage or by a Full Tier 2 or Tier 3 investigation, the category is updated in Dynamics with the cause analysis of the issue just prior to resolving the case (or passing over to the Postmaster Account Support Team (PAST) for recovery or clearance).

The Team categories are split into 4 levels:-

- By **Team** (L1)
- By **Product** (L2)
- By **Cause** (L3)
- By **Resolution** (L4)

As well as ensuring the Dynamics workflow has been completed in **full**, the findings overview in Dynamics is updated with all the relevant details of the case, which can be used to add substance/detail to the L4 category reason.

Once an investigation is concluded, the process for engaging with a Postmaster to communicate the outcome of an investigation is as follows:

- The Postmaster will be contacted in the first instance by telephone (if unavailable E mail) to discuss the outcome of the case (call monitoring recorded via Puzzel system and the report and conclusions and all communication touchpoints are all recorded in the Dynamics case).
- All postmasters will be offered a copy of the Case Investigation Report and if they have stated that they would like to receive it, the following applies:-
- The Case Investigation Report will be a simplified version of the internal report with the list of located files, branch details and further suggestions and recommendations omitted
- The Case Investigation Report should be included in a password-protected Zip file with the password sent to the postmaster via a different channel (for example, asking PM to use their unique branch code by E mail, or communicated over the phone)
- As part of the investigations review process, and in instances where the content or findings of the investigation may warrant sensitive information, the reviewing manager may request that Quatrix is used rather than encrypted email.

If the Postmaster disputes the findings in the report, they have the right to provide any further evidence by sending an E mail with additional evidence, that will be considered by the Dispute Resolution Team Managers.

The Dispute and Resolution process map for when a discrepancy case needs a full investigation is in the hyperlink below:-

[Full Investigation Process](#)

# Appendix D

## Network Support and Resolution

### Network Monitoring

#### D.1 Network Monitoring Process

##### D1.1 Background

The Network Monitoring team carries out network monitoring using a riskbased model. The model ranks the branches in order of risk so that the team can ascertain which branches are the most 'at risk' and investigate them as a priority.

The scoring rankings in the model are re-calculated on a weekly basis and the Network Monitoring team refresh the data used by the model daily. The model can be used to 'search' for an individual branch and it allows the analyst to 'deep dive' and review potential trends and patterns in the data with respect to that branch. The analyst can build a picture from the data to aid understanding of the accounting systems and processes at the branch before raising any issues or concerns with the relevant postmaster.

Where an accounting issue is identified, the Network Monitoring team will, wherever possible and appropriate, contact the postmaster with a view to helping the postmaster to rectify that issue. This support may be provided through a telephone call from theNetwork Monitoring team, the arrangement of a Support Call or Visit by a member of the Branch Assurance Support team and, occasionally, through an Announced Branch Assurance Visit or an Unannounced Branch Assurance Visit. A combination of these support options may be deployed.

The Network Monitoring team will produce a Branch Assurance Rationale Document at thisstage of the investigation in circumstances where it is necessary to involve Branch Assurance. This document is provided to the relevant Branch Assurance Advisor. The Network Monitoring team will open a case on the case management system (Microsoft Dynamics 365) for each desktop investigation. They will populate the case with any all actions that are taken in relation to that case, including phone calls made to the postmaster and the record and results of any visits made

[Network Monitoring and Branch Assurance Support Policy V3.0.pdf](#)

##### D1.2 Definitions

**NOMAD** – Use of N.O.M.A.D (Network Observation Monitoring Analysis Dashboard) highlights risk in branches by specific product

**Dynamics** – Case management system – shows all communication with a branch, inbound & outbound

**HORice** - Horizon Interrogation - Live Horizon Data Reporting.

**Credence** - Management Information reporting warehouse. Receives detailed transactions performed at Post Office branch via an overnight batch schedule from Fujitsu. Enables viewing of detailed transaction data.

**CFS** - Core Finance System - The Post Office 'back-office' application that manages branch accounts and performs the settlement and billing functions for Post Office.

**Puzzel** – Call recording system

**Branch Assurance Rationale Document (BARD)** - this document sets out the rationale behind a decision to undertake a Branch Assurance Visit, along with relevant supporting data, and is provided to a postmaster to explain the reason behind the visit.

**Branch Assurance Visit** – This is a comprehensive assessment of the current trading position of a Post Office<sup>1</sup> branch, and includes the verification of reported levels of cash, foreign currency (if applicable), stock items and vouchers as well as a compliance review, to check if mandatory business conformance and regulatory compliance controls are operating as intended.

**Support Call/Visit** – This is a supportive, call or face to face visit that is conducted to encourage accurate accounting in branch. The aim is to educate, advise, resolve and prevent any outstanding issues related to branch accounting

### D1.3 Process

Network Monitoring advisor will select assignments on a weekly/monthly basis. Cases are created for each assignment and a full branch investigation is completed.

Note – if a case has been created by Network Monitoring in the previous 3-month period or we have a present active case (e.g., sent to Branch Assurance), we would not reassign the same office until after the 3 months has passed or the case has been resolved.

The team also receive requests from other areas within POL, these are called 'external requests', to complete an investigation or to submit a branch for a Branch Assurance visit, which also requires an initial investigation. The request reasoning is documented along with the investigation results. If the external request is for a Branch Assurance visit, i.e., from Stock Team, we will complete our investigation and regardless of our findings, put the case through for a Branch Assurance visit. Dependent on the outcome of an assignment investigation, one of the following steps are taken:

- Closed with no further action
- Network Monitoring call
- Highlight branch issues to Business Support Manager/Strategic Partner/Area Manager
- Highlight branch issues to Anti Money Laundering/Speak Up
- Support call
- Support visit
- Branch Assurance visit

### D.2 Opening an Investigation

An investigation will take place from the following start points:



**D2.1 Assignment from NOMAD**

NOMAD Assignments	How Often	Estimated Volumes
Cash/Cheque Adjustments	Bi-weekly	5 to 10
Cheques at Site	Weekly	5
Reversals > £500	Weekly	10 to 15
120-day Rollover	Monthly	5
Rolling Losses	Monthly	3 to 4
Scratch Cards	Weekly	5
£50	Weekly	5
£100	Weekly	5
Unusable Notes	Weekly	5
Failed Declarations	Weekly	5 to 10
Declared Vs Generated Cash	Weekly	5
Wednesday Declarations	Weekly	10
Pending Transfers	Monthly	3

**D2.2 External Request**

These are ad hoc requests from multiple sources within POL, via email to the team inbox [networkmonitoring@gro](#)

**D2.3 CFS General Ledger Monitoring**

GL Monitoring	How Often	Estimated Volumes
Suspended Sales	Weekly	Ad hoc
Loan to PO	Weekly	Ad hoc
Branch Snapshot Balance Discrepancy	Weekly	Ad hoc
Local Suspense	Weekly	Ad hoc

**D2.4 Non-conformance Monitoring**

Other Assignments	How Often	Estimated Volumes
Conformance Calls (60 Day rollover) via email	Daily	Ad hoc
Sales vs Reversals via email	Monthly	Ad hoc

**D2.5 Dynamics/Puzzel**

A case is created on Dynamics for every investigation. Any relevant emails must also be added to the case, and any contact with the branch must be recorded in the Activity pane. Calls to branches must be made via Puzzel so the call is recorded.

All documentation related to the case must be uploaded to Dynamics

**D.3 Report Writing****D3.1 Investigation Checklist**

The advisor will use the [NM Investigation Checklist V2.4.xlsm](#) to record the findings of the investigation, following the [Investigation Guide v2.4 - November 2022.docx](#)

The Advisor will investigate branch details using the checklist on the investigation form which looks at NOMAD, Credence\*, CFS and HORice. The Advisor will look at each section and fill this out for all cases assigned.

Advisor will fill in and upload all the checklist to Dynamics.

From the investigation, the advisor will note on the checklist any concerns and where appropriate, note a value at risk.

The value at risk drives the next steps to be taken. If the case is to be assigned to Casework to schedule action from Branch Assurance, the advisor will determine the level of intervention required using the tolerance levels. There are separate tolerance levels for cases from Cash management as these are inevitably of a higher value - [Network Monitoring Tolerance Levels v3 - Jan 2023.docx](#)  
If the case is to be assigned to Casework for Branch Assurance intervention, a Branch Assurance Rationale Document must be completed

### **D3.2 Branch Assurance Rationale Document (BARD)**

The BARD must be completed as this is a tool used by the Branch Assurance advisor to explain the purpose of the visit

The Network Monitoring advisor will select all the topics from the checklist where an issue was noted and transfer this to a Network Monitoring form in the Dynamics case, this is in the Loss Prevention tab.

This ensures that only the relevant information is passed over to Branch Assurance  
For information – the form on Dynamics is not the completed BARD, this information feeds into NOMAD and Casework extract the form from NOMAD when scheduling Branch Assurance activity. The BARD pulls information from the Dynamics form and NOMAD, showing branch information, activity and concerns.

## **D.4 Case Closure**

### **D4.1 Assign to Branch Assurance**

The Network Monitoring Advisor will change the Classifications in Dynamics to flag the case to Casework for scheduling for Branch Assurance.

### **D4.2 Assign to other**

The Network Monitoring Advisor will send an email to the relevant party via Dynamics and then close the case.

### **D4.3 No further action**

For cases where the issue is now resolved or there is a valid reason for the issue the advisor will close the case on Dynamics.

# Appendix E

## Branch Reconciliation

### E.1 Branch Reconciliation Stock Process

#### E1.1 Background

The Stock Team within Branch Reconciliation Team carries out monitoring of Stock in the Network using a risk-based model (SMART), which is re-calculated on a monthly basis. The model ranks the branches in order of risk so that the team can ascertain which branches are the most 'at risk' and investigate them as a priority.

The model has 9 different reports built into it and scores an individual branch on each report. It also gives an individual branch an overall score based on all 9 reports and then ranks branches based on risk. The model can also be used to 'search' for an individual branch and it allows the analyst to 'deep dive' and review potential trends and patterns in the data with respect to that branch. The analyst can build a picture from the data to aid understanding of the accounting systems and processes at the branch before raising any issues or concerns with the relevant postmaster.

Where an accounting issue is identified, the Stock Team will, wherever possible and appropriate, contact the postmaster with a view to helping the postmaster to rectify that issue. This support may be provided through a telephone call, issuance of a Transaction Correction to rectify the branch accounts, the arrangement of a Support Call or Visit by a member of the Branch Assurance Support team, escalation to the Strategic Partner and, occasionally, through an Announced Branch Assurance Visit. A combination of these support options may be deployed.

The Stock Team will produce a full Rem Check at this stage of the investigation in circumstances where it is necessary to involve Branch Assurance. A call is arranged between the stock Team, Branch Assurance Advisors and the Contract Manager to explain the outcome of the Rem Check and discuss next steps. The Stock Team will open a case on the case management system (Microsoft Dynamics 365) for each desktop investigation. They will populate the case with all actions that are taken in relation to that case, including phone calls made to the postmaster and a record including results of any visits made.

#### E1.2 Definitions

**SMART** – Use of the SMART Tool (Stamp Markers and Risk Tracker) highlights risk in branches  
**Dynamics** – Case management system – shows all communication with a branch, inbound & outbound and the outcome of the investigation

**HORice** - Horizon Interrogation - Live Horizon Data Reporting.

**Credence** - Management Information reporting warehouse. Receives detailed transactions performed at Post Office branch via an overnight batch schedule from Fujitsu. Enables viewing of detailed transaction data.

**CFS** - Core Finance System - The Post Office 'back-office' application that manages branch accounts and performs the settlement and billing functions for Post Office.

**Puzzle** – Call recording system.

**Remittance Check** – Rem Check – The Stock Team review all Stock that has been delivered to branch V what has been manually remitted into Horizon by the branch, any reversals or Stock Adjustments that have been completed covering the last 2 years. They also look at any Stock that has been remitted out of Horizon to return to the Stock Centre V Stock physically received

at the Stock Centre. If a concern is identified the team will review further data over the last 5 years.

**Reversal** – When a reversal is completed by branch this increases the volume of Stock on hand in branch and decreases the value of cash held in branch. If the cash is left in the till this would result in a Cash Surplus.

**Stock Adjustment** – When a Stock Adjustment is completed by branch if the Stock Adjustment is to increase the volume of Stock on hand, it will reduce the value of the cash in branch, if it is to reduce the volume of Stock on hand this will increase the value of cash in branch.

**Transaction Correction** -

**Branch Assurance Visit** – This is a comprehensive assessment of the current trading position of a Post Office branch, and includes the verification of reported levels of cash, foreign currency (if applicable), stock items and vouchers as well as a compliance review, to check if mandatory business conformance and regulatory compliance controls are operating as intended.

**Support Call/Visit** – This is a supportive, call or face to face visit that is conducted to encourage accurate accounting in branch. The aim is to educate, advise, resolve and prevent any outstanding issues related to branch accounting

### E1.3 Process

Stock Team Advisor will select assignments on a weekly/monthly basis. Cases are created for each assignment and a full branch Stock investigation is completed.

Dependant on the outcome of an assignment investigation, one of the following steps are taken:

- Closed with no further action
- Stock Team call to branch
- Issue a Transaction Correction to correct Branch Accounts
- Highlight branch issues to Business Support Manager/Strategic Partner/Area Manager
- Assign to Network Monitoring requesting a full branch check
- Support call
- Support visit
- Branch Assurance visit

### E.2 Opening an Investigation

An investigation will take place from the following start points:

#### E2.1 Assignment from SMART

Master List – Overview of all Stock data for branch

SM01 In Transit to Branch – Stock Delivered to branch not remitted in

SM02 In Transit from Branch – Discrepancies in pouches received at the Stock Centre from Branch

SM03 Missing in Transit – Stock Remitted out of branch but not received at the Stock Centre

SM04 Branch Throughput – Orders vs Sales vs Remittance out

SM05 Sales vs Reversals – Monitoring where more reversals than sales are completed

SM06 Reversals over £1k – All reversals over £1k

SM07 Other Stamps Outliers – Impact of reversals on remuneration

SM08 Neg Remuneration – Postmasters receiving negative remuneration

SM09 Adjust & Reverse – Monitoring all reversals and Stock Adjustments

#### E2.1 External Requests

These are adhoc requests from multiple sources across POL, via email to the team inbox

StockEnquiries **GRO**



## **E2.2 Dynamics/Puzzle**

A case is created on Dynamics for every investigation. Any relevant emails must also be added to the case, and any contact with the branch must be recorded in the Activity pane. Calls to branches must be made via Puzzle so the call is recorded.

All documentation related to the case must be uploaded to Dynamics

## **E.3 Report Writing**

### **E3.1 Rem Check**

The advisor will use the Rem Check Template to record the findings of the investigation [Insert a link to the template here.](#)

From the investigation, the advisor will note on the Rem Check any concerns and where appropriate, note a value at risk.

If the case is to be assigned to Casework for Branch Assurance intervention, the case is assigned to Network Monitoring for a full branch check and they will complete a Branch Assurance Rationale Document.

## **E.4 Case Closure**

### **E4.1 Further Action**

For cases where further action is required the advisor will update their case on Dynamics and then close it on their part

### **E4.2 No further action**

For cases where the issue is now resolved or there is a valid reason for the issue the advisor will close the case on Dynamics.

# Appendix F

## Disclosure

### F.1 Non-criminal Case Disclosure Considerations

In a non-criminal investigation there is no statutory obligation to comply with CPIA or [A\\_G Guidelines](#). However, consideration should be given to article 6 of the European Convention of Human Rights (Right to a Fair Trial) with particular consideration as to how the IO will identify documents that may undermine POL's case and/or assist the case for the defence. Specific consideration should be given to how such documents will be brought to the attention of the defence. This must be recorded in the strategy and the decisions and intended actions recorded on the Decision and Action Log. For more information in relation to disclosure in civil cases see section F.3 of this manual.

### F.2 Disclosure Criminal Case

Article 6 of the European Convention on Human Rights sets in law the right to a fair trial. In England and Wales this right is achieved through the correct application of the Criminal Procedures Investigations Act (CPIA) 1996 and the [Code of Practice](#) (the Code). Similar guidance is available in Scotland and Northern Ireland.

While CPIA and the Code only relates to criminal cases, there are similar obligations under [Part 31 Civil Procedure Rules](#) which apply to non-criminal investigations and are dealt with later in this chapter.

The overriding principals when conducting investigations are that all 'material' coming into the possession of the IO/DO is retained, a record is made itemising all items of 'material' and that record is revealed to the defence. The disclosure obligations continue throughout the life of the investigation and beyond and only comes to an end following a conviction and all appeal rights have been exhausted.

Para 2.1 of the Code defines material relevant to an investigation as being that which appears to an Investigator, or to the Officer in charge of an investigation, or to the disclosure officer has some bearing on any offence under investigation or any person being investigated, or on the surrounding circumstances of the case, unless it is incapable of having any impact on the case. If an officer is in any doubt as to the relevance of any material, they may seek advice from the CPS (in the case of POL a Senior Legal Counsel -Criminal).

Material is not simply limited to documents and statements but can include and not limited to CCTV footage, audio files, photographs, forensic evidence, electronic devices, CDs/DVDs, memory sticks, clothing etc.

All relevant non-sensitive material which does not form part of the prosecution case will be recorded on form [MG6c](#).

[MG6D](#) schedule should be used to reveal to the prosecutor the existence of relevant unused material which the officer believes is sensitive. Sensitive material is that which, if revealed, would give rise to a real risk of serious prejudice to an important public interest. The officer must state the reason for the belief. The MG6D is not disclosed to the defence.

Form [MG6E](#) is used to bring to the prosecutor's attention to any material that could reasonably be considered capable of undermining the prosecution case or of assisting the case for the defence. The MG6E should explain why each item satisfies the test for disclosure.

For further guidance on disclosure in criminal cases see the CPS [National Disclosure Standards](#).

### F.3 Disclosure in Civil Cases

Disclosure in civil cases i.e. employment or contractual matters is covered under [Part 31 Civil Procedure Rules](#). There are clear similarities to the rules set out under CPIA.

Standard disclosure requires you to preserve, disclose and make available for inspection the documents on which you rely and any documents that adversely affect your own case or support the other party's case (CPR 31.6). The Court can also make an order for specific disclosure i.e. of a particular sort or category. A "document" is defined by CPR 31.4 and is anything in which information of any description is recorded. The information can be of any type and so a "document" could be a video, photograph, email or information on a hard drive or removable media such as a USB data stick.

The duty to disclose is limited to documents that have been or are within a party's possession or control (CPR 31.8). This means either something physically possessed by a party or something they have a right to possess or inspect. A copy of a document containing alterations is treated as a separate document, so you should disclose both versions (see CPR 31.9).

Communications between a party and their solicitor (and in some situations third parties, such as expert witnesses) must be disclosed but often can be withheld from production, provided they satisfy the requirements to attract 'legal professional privilege'. This rule exists to enable companies and individuals to speak openly and frankly when they obtain legal advice and litigation support.

Other types of privilege include privilege against incrimination, public interest immunity, privileged without prejudice settlement proposals and privilege on the basis of miscellaneous contractual and statutory grounds.

There is an obligation to make a reasonable search for and preserve potentially disclosable documents. The meaning of reasonable depends on the nature and complexity of the proceedings, the number of documents, the costs involved and potential importance of any documents found. A reasonable search should be "tailor-made" to the particular case (*Nichia Corporation v Argos Limited* [2008] EWCA Civ 741). To facilitate this, it is common for the legal team to contact all employees and central team who may be holding potentially disclosable documents with a 'document hold' notice, designed to highlight the need to preserve the documents.

If it was unreasonable to have searched for a category or class of document, the disclosure statement should make this clear. PD31 4.4 places an obligation on the legal representative acting for a party giving disclosure to "endeavour to ensure that the person making the disclosure statement... understands the duty of disclosure under Part 31". In *Wagstaff v Colls* [2003] EWCA Civ 469 it was stated, "...it is the solicitor who is in charge of deciding what documents are or are not to be disclosed... he cannot hide behind his client's instructions. If he cannot persuade his client to comply with what is right in the circumstances, the solicitor must withdraw from the case."

The duty to disclose is on-going until proceedings are concluded (see CPR 31.11). If, following disclosure, further documents come to light, there is a duty to immediately notify the other party.

If a party fails to comply with the disclosure requirements, they may incur adverse costs orders and any order or judgment that is made in the claim could be struck out (see *Rybak v Langbar international Ltd* [2010] EWHC 2015).



