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## GROUP POLICIES

### Group Investigations & Co-operation with Law Enforcement Policy

– Draft for Comment

#### Version – 2.2

##### Chief Executive's Endorsement

The Post Office Group is committed to doing things correctly. Our Values and Behaviours represent the conduct we expect. This Policy supports these to help us ensure the highest standards of integrity, proper behaviour, crime prevention, detection and management are maintained.

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## 1.0 Overview

### 1.1 Introduction by the Policy Sponsor

The Group General Counsel has overall accountability to the Board of Directors for the design and implementation of controls in relation to internal investigations and the reporting and sharing of information with Law Enforcement Agencies (LEAs). Post Office Ltd.'s (POL) Board of Directors have overall responsibility for ensuring that Post Office has a framework to ensure compliance with legal, regulatory, and contractual requirements.

### 1.2 Purpose

This Policy has been established to formalise POL's approach to 1) the conduct of internal investigations throughout the Group; 2) reporting suspected criminal incidents to LEAs and proactively providing them with evidence, and 3) responding to requests for information and evidence from LEAs.

The Director of Assurance & Complex Investigations (DA&CI) is accountable for the conduct of internal investigative activity. This Policy lays out POL's commitment to evidenced-based investigation, the limiting to specific teams the responsibility of conducting particular investigative activity, the governance of investigations, and mandatory elements which are required to be followed by those conducting investigations in order to produce fair outcomes. It also stipulates POL's approach to reporting matters to LEAs and the proactive and reactive sharing of information with them. Compliance with this Policy supports the Group in meeting its business objectives, including the proper management of risk and public money, and its commitment to act professionally, proportionately, fairly and with integrity.

The separate [Investigator's Manual](#) provides support to this Policy and lays out the key guidance on how investigations should be conducted, including some mandatory steps, and how data should be treated and shared with LEAs.

### 1.3 Core Principles

POL takes its responsibilities for complying with law and regulations seriously and accordingly has a low-risk appetite set at Averse. It expects Staff and Postmasters (and their staff) to adhere to Policies and procedures, operate with honesty and integrity within the law, and to not bring POL into disrepute.

When faced with concerns or allegations of impropriety of any kind, including illegality, breach and failure of policies, controls or regulation, or wrongdoing regardless of the source, it is essential for POL to take, and be able to demonstrate, prompt and appropriate action to determine:

- Whether the concerns or allegations have any factual basis
- The scope and cause of any impropriety
- The impact of the issue at hand
- Whether, and to whom, to report issues to, particularly where reporting is a regulatory requirement, or where the issues are material or reveal systemic shortcomings in practice or culture
- Possible subsequent corrective actions by POL

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POL does not conduct private prosecutions<sup>1</sup>. Any reference in this Policy to criminal proceedings is to those brought by LEAs and public prosecutors.

POL, through this Policy and is committed to undertake ethically executed, evidence-led, transparent investigations which can withstand internal and external scrutiny by applying best practice from peer organisations, industry best practice, applicable laws, and guidance produced by government agencies.

Part of this commitment is that experienced and trained professional investigators conduct investigations into matters presenting the most risk to POL (such as suspected criminality or serious policy or process failings) and for investigative standards to be set and assured by Assurance & Complex Investigation (A&CI). A&CI will support other investigative activities within POL by providing coaching and conducting quality assurance on lower-risk investigative activities conducted by business-based teams. POL recognises that it is not practical for the DA&CI and their team of specialist and ring-fenced investigators to conduct all investigative activities and that within appropriate parameters, and with suitable support, the business can conduct quality investigations that meet the requirements of this Policy for lower risk investigations.

POL is committed, as a matter of policy, to provide information to LEAs to assist in the prevention, detection, investigation and potential prosecution of crime. This includes:

- voluntarily for intelligence purposes
- voluntarily for use as evidence as part of, or following, a crime reporting process instigated by A&CI on behalf of POL
- as required by a Mandatory Order
- as requested (including where Postmasters have reported matters to the police in their own right), where POL is satisfied that sharing information satisfies the requirements of Data Protection law

### 1.4 Glossary

**“Employee”** and **“Staff”** means an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment or any other relevant contract, as defined in sections 230(2) and (3) of the Employment Rights Act 1996, with POL or the Group or is defined as a “worker” under section 43K Employment Rights Act 1996. This includes staff within Directly Managed Branches.

**“Postmaster”, “Agents”** and **“Postmaster Staff”** means individuals who operate, manage and/or work in post offices other than Directly Managed Branches.

**“Post Office”** and **“Group”** and **“POL”** mean Post Office Limited and any wholly owned subsidiary that formally adopts this Policy.

**“Business-based Investigation Team”** refers to teams or departments in POL who conduct investigative activity as part of their role e.g., Network Monitoring and Network Resolution, but who otherwise would not describe themselves as ring-fenced investigators

**“Assurance & Complex Investigations”** (A&CI) refers to the separate unit reporting to the Group Legal Director consisting of professional full-time investigators and their supporting colleagues who oversee and conduct investigations which form the highest risk to POL or are the most complex investigations. They also provide advice to other teams and staff conducting investigative activities and conduct quality assurance reviews of

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<sup>1</sup> Post Office’s shareholder must be consulted and approval obtained from the Post Office Board if any deviation from this is contemplated.

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these activities. A&CI also conducts all criminal investigations within POL. A&CI sets investigative standards for POL.

**“Investigation”** is defined at Post Office for the purposes of this Policy as:

*The structured, transparent, objective, fair, and evidence-based collection and assessment of information with the intent to understand a chain of events or causation of a chain of events, that has or could affect Postmasters, Postmasters’ staff, customers, POL colleagues, POL’s business partners, or members of the public.*

**“Law Enforcement Agencies”** (LEAs) refers to competent authorities and includes all Home Office and non-Home Office police forces, regulatory bodies, government departments, arms-length bodies or any other entity which is enabled or required by statute or other lawful means to investigate criminal offences and/or to prosecute suspected criminal offences via the criminal justice system in the UK or overseas. The Financial Conduct Authority, His Majesty’s Revenue & Customs, Trading Standards, and the National Crime Agency are other examples of a competent authority falling within this definition. Entities that can bring private prosecutions may fall within this definition (such as The Pensions Regulator) if they are competent authorities unless they are a Public Limited Company such as Royal Mail Group which falls outside this Policy.

**“Speak Up”** refers to the act and process of a person (the **“Reporter”**) making a disclosure that the Reporter reasonably believes is (a) in the public interest, and (b) regarding past, present or likely future wrongdoing that falls into one or more of the following categories:

- criminal offences (this may include types of financial impropriety such as fraud)
- failure to comply with an obligation set out in law (including regulatory breaches)
- miscarriages of justice
- endangering of someone’s health and safety
- damage to the environment
- covering up wrongdoing in the above categories
- a breach of the Post Office’s policies and procedures
- behaviour that harms or is likely to harm the reputation or financial well-being of the Post Office

## 2.0 Application

This Policy applies to all situations and teams within POL when engagement with LEAs is contemplated or entered into which involves the passing of material in POL’s possession as evidence to those agencies.

This Policy applies to any fact-finding into staff conduct or evaluation of a process 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.

This Policy does not apply to the conduct investigation activities of the People team which is governed by existing People Policies. These contain specific procedures that have been agreed with our 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 Policy, must follow any prescriptive procedural requirements.

Where issues arising from Speak Up reports are investigated, the Policy governing the allocated investigation team’s activities will apply. For example, when an issue that is reported via Speak Up is passed, due to its nature,

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to the Employee Relations team for investigation, the People team's policies will apply. Where the investigation of concerns raised via Speak Up are investigated by A&CI staff, this Policy will be applicable. This Policy does not remove or alter confidentiality undertakings relating to Speak Up reporters which will remain the function of the Speak Up team to manage.

### 3.0 Roles & Responsibilities

Key individuals and their specific responsibilities in relation to this Policy are:

- The **Post Office Board** has overall responsibility for ensuring that POL has a framework to ensure compliance with legal, regulatory, and contractual requirements. The Board is kept abreast of relevant matters relating to the management of investigations by reports from its committees including its Audit and Risk Committee (ARC).
- The **Group General Counsel** for POL is the Policy Sponsor, accountable to the Post Office Board.
- The **Non-Executive Director Investigations Champion** is the responsible non-executive Board member for the engagement with and oversight of the A&CI within POL.
- The **Director A&CI** is the Policy Owner responsible for the day-to-day implementation of and compliance with this Policy, for maintaining a dashboard of appropriate Management Information (MI) and for reporting that MI on a 'need to know' basis, including to Audit & Risk Committee on a quarterly basis.
- The **Group Policy Owner** will receive monthly MI on the investigative activities of A&CI.
- The **Director of Assurance & Complex Investigations (DA&CI)** is responsible for setting the standards for the conduct of investigations within POL and the minimum requirements laid out in this Policy. They are also responsible for reviewing this Policy annually to ensure it reflects current best practice and incorporates key learnings from the various assurance work across POL.
- The **Triage Team** collates details relating to matters for potential investigation across POL; it assesses the appropriateness of who conducts the investigations; allocates or re-allocates investigations to business-based teams, and refers potential cases to A&CI for investigation or LEA liaison based on agreed thresholds, criteria, capability and risk profiles. This team also disseminates intelligence and makes reports of suspected crimes to LEAs.
- The **Investigator** is responsible for carrying out investigative activity and for any other tasks such as reporting and liaising with stakeholders on a 'need to know' basis as set out in this Policy.
- The **Assurance & Complex Investigations team**, as part of its standard-setting, coaching, and mentoring role, will conduct at least every two months dip-sampling of key teams' investigative activity across POL and provide regular reports to senior leaders. The list of key teams will include but not be limited to those that resolve shortfall issues with Postmasters.

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### 4.0 Identifying a potential investigation falling under this Policy

#### What should be reported and considered for investigation?

POL is a large and diverse business. Issues and concerns may arise anywhere and in many ways. Some key examples of how concerns might arise are:

- **Reports by Staff or Postmasters:** Individuals may report concerns directly to their line managers, key contacts, Area Managers, or through POL's Speak Up channels.
- **Through our day-to-day work:** Concerns will become apparent in the ordinary course of work, either directly by Staff, Postmasters, their staff, or from strategic partners.
- **From external agencies:** Reports of concerns can come from external sources, such as the police, the National Crime Agency, Regulators, or through formal reports such as Suspicious Activity Reports.
- **Courts, Tribunals or Inquiries:** Evidence provided to, or findings made, in judicial or quasi-judicial processes could reveal concerns about the way that POL does business.

It is impossible to be entirely prescriptive as to what matters may require an investigation falling under this Policy. However, if staff encounter a situation which falls into the non-exhaustive list of broad categories below, then they should inform their managers, make a Speak Up report, and/or refer the matter to the Triage Team for discussion. POL encourages reporting of issues where Staff have concerns as doing the right thing, even if those concerns turn out to be unfounded.

Categories of matters for potential investigation:

- Suspected breach or failure of the POL's codes of behaviour
- Suspected breach of POL's policies and procedures
- Suspected failure to comply with an obligation set out in law (including regulatory breaches)
- Suspected criminal offences (this may include types of financial impropriety such as fraud)
- Suspected miscarriages of justice
- Suspected endangering of someone's health and safety
- Suspected covering up of wrongdoing

#### 4.1 Grounds for considering a matter for internal investigation

Not every concern, suspicion or issue that is reported, identified or otherwise arises will require formal investigation under this Policy. In some cases, a formal investigation may be disproportionate to the matter arising. Dependent on the nature of the concern, suspicion or issue, it might be appropriate to manage it informally. Where the decision is taken by any accountable manager e.g. DA&CI, A&CI Triage Manager, Network Monitoring managers, or Network Resolution managers, to not undertake a full formal investigation, this fact and the reasons for the decision will, as a matter of policy, be recorded by the decision maker in the relevant record.

Specific facts or circumstances, however, make conducting an internal investigation a mandatory requirement. They are:

- Speak Up concerns (as set out in the definition of "*Speak Up*" in this Policy) - the Speak Up Policy states that all Speak Up disclosures will be appropriately investigated.
- An express requirement under a third-party contract to investigate certain suspicions, allegations or circumstances, such as concerns about modern slavery in a supply chain.

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Further information regarding how cases are selected, and the processes involved, is detailed in the *Investigator's Manual*. However, where there is doubt as to whether a matter should be referred for investigation, the potential referrer should discuss the situation with their line managers if appropriate. If in any doubt, the matter should be escalated for consideration by the Triage Team.

### 4.2 Triage

All POL staff who receive information that could result in an internal investigation which falls within the definition of an investigation should inform the A&CI Triage Team by submitting information to GRO. Where a business team has a triage function in their own process, this should be used unless the matter is being referred to A&CI for consideration.

The Triage Team will assess the information provided and, where appropriate, discuss it with the reporter/referrer. The Triage Team will decide whether the reporter, or a business-based team is best placed to pursue the investigative activity or whether the matter should be referred to either the Speak Up Team or A&CI.

Further information relating to the function and procedures of the A&CI Triage Team can be found in the *Investigator's Manual*.

### 4.3 Role of the Commissioning Manager

For accountability, consistency and oversight purposes, POL operates a Commissioning Manager model for the initiation and management of investigations.

The Commissioning Manager will be one of:

- The Group General Counsel or
- The Group Legal Director or
- DA&CI or
- The Speak Up team manager or
- Business-based leaders or their delegates of functions that conduct investigative activity as part of their business-as-usual function
- The Non-Executive Director Investigation Champion
- The Non-Executive Director Speak Up Champion (for matters relating to potential detriment to a Speak Up Reporter)

It is policy that:

- The Commissioning Manager should never be connected evidentially to the matter being investigated. If a Commissioning Manager finds that they are conflicted they must declare and record the conflict in the appropriate case or Triage decision record and refer the matter to the Group Policy Owner, or where the Group Policy Owner is themselves conflicted, to the Investigation Champion and a new Commissioning Manager should be assigned.

The Commissioning Manager shall have overall responsibility for the investigation. Further information relating to the role of the Commissioning Manager can be found in the *Investigator's Manual*.

### 4.4 Appointing an Investigator and other staff

This Policy requires that the investigator must not be evidentially connected with the matter being investigated. Where individual employees are named or identified in the issue being raised, the investigator must not be one

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of the named individual's subordinates unless additional reporting and oversight measures are put in place i.e. the investigator reports to the Investigation Champion for that particular case.

This Policy requires that an investigator must ensure that internal conflicts within the business are mapped out and recorded from the outset and properly managed following a risk analysis, particularly if it is not possible to ensure the complete independence of the parties involved in the investigation. For instance, passing information outside of the investigation team to a subject matter expert for advice should only happen on a 'need to know' basis and should be recorded together with the rationale for this widening of the circle of knowledge.

The independence of the investigation team is key in all investigations. It may be preferable in some circumstances to appoint an investigator from a different area of the business or from A&CI or from an external service provider.

## 5.0 Mandatory investigative actions and approaches

All investigative activity must be transparent, objective, and fair. It is policy that staff conducting investigative activity must record, retain, and be prepared to reveal any material relating to the investigative activity or generated during its course. This does not only apply to criminal investigations – it is an issue of professionalism, transparency, and fairness to all parties involved and so disclosure may be required to a Postmaster as part of a contract discussion or to an internal or external team conducting assurance or auditing functions.

Staff conducting investigative activity must ensure that any requirements identified by the Commissioning Manager or their delegates are adhered to. These may include confidentiality, data protection and privacy principles, Speak Up safeguards, and any timeframes.

Staff should call on advice and support from the business, People, Group Legal or Compliance Teams as necessary and restrict information shared to a 'need to know' basis. The *Investigator's Manual* provides detailed information, guidance, and templates for Investigators.

It will be for those carrying out the investigative activity, in discussion with the Commissioning Manager or their delegates and having regard to the requirements of any law, regulation or other applicable Policies, to determine the steps needed to investigate any issues. However, there are some mandatory elements in the conduct of an investigation that this Policy requires to be applied in all investigative activities.

### 5.1 Record keeping and evidence

Further guidance and information relating to the individual elements of this section can be found in the Investigator's Manual.

#### **Record keeping – data retention**

It is policy that:

Material collated and generated during an investigation will be retained in line with POL's Document Retention and Disposal Policy. Attention must be given to the nature of the investigation and to the nature of the material generated and so the Criminal Procedures and Investigations Act 1996 and the Civil Procedure Rules must be applied.

#### **Record keeping – investigative strategy**

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All investigative activity must be properly and securely documented to aid decision making, review, assurance, and oversight within POL. This also assists in transparent examination of investigations by internal and external parties when necessary and is a point of fairness for those connected to the investigative activity.

It is policy to:

Have a recorded aim or purpose, a strategy, objectives, an explanatory background, and for complex cases be linked to sub-strategies including communications, intelligence, legal, data review, interviews, witness, respondent, and disclosure.

### **Record keeping – decisions and actions**

The conduct of investigative activity requires the formulation of reasonable lines of enquiry and the making of many small and large decisions as to the direction the case takes.

It is policy that:

The Commissioning Manager or their delegates, and/or the person leading or conducting the investigative activity will record on the case file all decisions made to do or not do something related to the case together with a full rationale. This must include, but is not limited to, the factors considered when reaching the decision, what alternatives there were and why they were not taken, the necessity to do or not do something, and the proportionality of the steps taken.

It is policy to:

Record on the case file all actions taken during the investigation, detailing the date the action started and finished, what was done, by whom, and what the outcome was. Actions must also be linked to recorded decisions.

### **Evidence - Identify and preserve**

One of the initial stages of an investigation is to focus on evidence preservation and collection. This is not limited to documents such as policies and procedural directions and could also include emails, CCTV, SMS, building entry logs etc.

It is policy that:

Relevant or potentially relevant material that may support or undermine the working case theory throughout the investigation must be identified so that it may be preserved and retained. Consider the scope of the investigation in order to determine what evidence needs to be identified, preserved, and retained.

### **Evidence - Review all potentially relevant material**

It is policy that:

All potentially relevant material identified in following reasonable lines of enquiry must be collected, reviewed and assessed, especially if it may be counter to the working case theory – this is a matter of fairness, professionalism, and best practice as well as, in some circumstances, law. An investigation is an objective seeking of fact, whatever the outcome may be, and will not be steered towards a preferred outcome.

## 5.2 Interviews

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Further guidance and information relating to the individual elements of this section can be found in the Investigator's Manual.

An interview is a deliberate conversation to elicit information to inform one's understanding of what has happened, the root cause of an event, or to understand the impact of an event. These conversations occur in the business frequently. Where the interview is connected to a possible outcome for a Postmaster, their staff, a member of POL's staff, or a process failing or breach, the following must be adhered to:

### **Interviews – Fact-find or conduct cases**

It is policy that:

When interviewing witnesses relating to fact finding and conduct investigations falling within this Policy, a written record of the interview will be made as near contemporaneously as possible. Consideration should be given to audio recording the interview if all parties agree and where this is not contrary to any applicable People Policies. A copy of the contemporaneous note must be agreed with the interviewee as soon after the interview as possible. It will be for the Investigator working together with the Commissioning Manager, and drawing on any necessary advice, to establish whether any special steps are required and to apply them e.g. ensuring easy access for people with mobility issues or to facilitate the attendance of a representative of a union or the National Federation of Sub Postmasters.

It is policy that:

No-notice interviews, where this is justified and is necessary, may be conducted. Investigators should refer to guidance in the *Investigator's Manual*. However, it is default policy to formally invite the witness to investigative meetings/interviews on reasonable notice. Investigators must apply any relevant People Policies when considering whether witnesses should be permitted to be accompanied to any interview by a companion, normally being a fellow Employee or trade union representative.

The Investigator must apply the requirements of the Conduct Code Policy if it is clear to the Investigator that a possible outcome of the investigation might be to recommend a formal disciplinary procedure in respect of the interviewee or other Employee.

### **Interviews – Criminal Investigations**

This Policy prohibits POL staff from taking part as an interviewer in interviews after caution either conducted solely by POL staff or in conjunction with LEAs where POL is the believed victim of the suspected crime under investigation. Where a LEA requests POL's support in an interview after caution for an offence which is not one where POL is the suspected victim, this may be conducted by suitably trained and experienced A&CI staff with prior permission from DA&CI. An example of this is where a LEA is investigating a money laundering offence (the public is the victim of these offence-types) and that the LEA considers the technical expertise of an A&CI investigator would be useful as a second interviewer. If the interviewee is a Postmaster or one of their staff then the Group Legal Director must agree to A&CI participation in the interview prior to it taking place.

## 5.3 Investigation reports

In all cases it will be policy that at the conclusion of an investigation the investigator to produce a written account of the investigation, what actions were taken where useful, findings, any legal advice, evidence gaps or weaknesses in evidence, and any recommendations. This will take the format of either an Investigation Summary or an Investigation Report in A&CI. Business-based teams have their own reporting formats.

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The *Investigator's Manual* contains guidance and templates for completing an Investigation Summary and Investigation Report.

### 6.0 POL's Criminal Investigations

POL no longer prosecutes suspected criminal acts carried out against POL. However, in order to safeguard public funds and in the interest of justice, POL will seek to identify and understand suspected harm caused by possible criminal acts and report them appropriately to LEAs for them to consider further investigation and potential prosecutions. To ensure that the reports made to LEAs are proportionate and considered, POL will carry out investigative activity to assure itself that it has reasonable grounds to suspect<sup>2</sup> that a criminal act may have occurred, and that harm to POL may have resulted. This activity is known in shorthand as a "POL criminal investigation" but this is not an end-to-end investigation. It is for LEAs to conduct these following POL's report of a suspected offence. A full investigation and "proof" need not be achieved before reporting a matter.

For the purposes of this Policy, a POL criminal investigation is one:

- Which is led by suitably trained, experienced, and authorised A&CI staff;
- Which identifies, collects, and assesses potential evidence to a standard, and in an appropriate format, which may be submitted to LEAs or prosecutors in the three UK jurisdictions should it be required;
- Which forms an evidence-based and objective view as to whether:
  - A criminal offence *may* have occurred as a consequence of POL's business activities,
  - How it was *potentially* carried out; and
  - Who *may* have been involved
- Which establishes as far as possible the monetary or other harm caused by the events under investigation; and
- Whether it is therefore reasonable to report the matter to the relevant LEA.

#### *Adopting a criminal case*

POL will consider conducting investigations to a criminal standard of proof when there are allegations or reports made to the A&CI Triage Team which indicate that the victim of that suspected offending is POL, our subsidiaries, Postmasters, or suppliers.

It is policy that:

Only A&CI staff will lead criminal investigations within POL. Staff in other parts of POL may assist or conduct investigative activity with the agreement and oversight of A&CI e.g. this will be necessary for the analysis of transaction data (not in an evidential format at this stage) to be completed before referral to A&CI Triage.

Where the Triage Team, consulting with Group Legal and/or DA&CI where appropriate, decide that a criminal investigation by POL is not appropriate, the Triage Team may arrange for the matter to be reported to local police or other competent authorities based on the suspected nature of the incident without any assistance provided by A&CI investigators at that point. This decision may factor in elements such as value of loss, the availability of A&CI resource, or prioritisation of other investigative demands.

It is policy that:

Any criminal investigation must be authorised by DA&CI, their deputy, or the Group Legal Director.

It is policy that:

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<sup>2</sup> Reasonable grounds to suspect means more than a general suspicion but not amounting to certainty that an act has occurred. It is a lesser threshold than reasonable grounds to believe. The general public and corporate entities are not required to have reasonable grounds to believe before reporting a potential crime to the police. In *Hussein v Chong Fook Kam [1970] AC 942*, Lord Devlin stated that "*Suspicion in its normal meaning is a state of conjecture or surmise where proof is lacking...Suspicion arises at or near the starting point of an investigation of which obtaining prima facie proof is the end.*"

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POL does not conduct private criminal prosecutions.

Investigators will assist LEAs as necessary once the report has been made or once an evidence bundle has been passed over. A report to LEAs will be made and evidence passed to them in line with this Policy.

## 7.0 Engaging external legal advisors

Investigators should seek advice from the relevant specialist lawyer in Group Legal if they consider it necessary to seek external legal advice. If external legal advisors are instructed, consideration should be given as to how to retain privilege in certain documents when communicating with external advisors.

It is policy that:

Only qualified lawyers from Group Legal can engage external counsel to support investigations. Investigators must contact the relevant specialist lawyer in Group Legal to discuss external counsel requirements.

## 8.0 Notifying Law Enforcement

This Policy sets out below POL's approach in engaging with law enforcement and replaces the former Cooperation with Law Enforcement Policy and the associated Legal Play Book.

Advice should be sought from Group Legal for possible notifications to insurers and regulators.

### 8.1 What should be reported to police?

It is policy to report any suspicion of significant criminal activity impacting our operations to the appropriate LEA where the POL considers itself to be the victim. This will typically relate to where POL property is believed to have been misappropriated and includes any cash or goods belonging to POL. This includes situations when at the time of the loss, the property is in the custody of a third party such as in a strategic partner-operated post office or with a main network Postmaster.

"Significant" is hard to define as it is often determined by the situation at hand. Discretion and common sense should be applied.

It is policy that:

All decisions to report or not to report matters to LEAs falling under this Policy will be recorded and a rationale given.

It is policy that:

The DA&CI (or their nominated deputy) or the Group Legal Director (or their nominated deputy) will determine whether a matter is consequential and which LEA is the appropriate recipient of any report. This decision and rationale will be recorded by the Triage team.

Where a Postmaster who operates a franchise post office considers that they are the victims of a criminal offence (as distinct from where POL itself is the victim) as part of their operating a post office, the Postmaster may choose to report the matter to police themselves e.g., an assault on a member of staff or theft from their retail (non-Post Office) business. This is not a matter for POL to decide what should or should not be reported to LEAs.

It is policy that all reports to LEAs of suspected criminal offences where POL considers itself to be the victim shall be made by staff within A&CI. The only exception to this is where a Cash and Valuables In Transit (CViT) vehicle is subject to an offence of, or similar to, a robbery or where a post office is burgled or robbed where time is

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critical in reporting the matter to police for an immediate response. In this type of event, POL or Postmaster staff should report the matter to LEAs in accordance with the procedures set by POL's Security team.

Where a Postmaster has reasonable suspicion that POL has been the victim of a crime i.e. they suspect that, for example, one of their own staff or another party has misappropriated POL assets, then this Policy requires that this matter should be reported by the Postmaster or their nominated member of staff via the normal dispute process. It is not the Postmaster's responsibility to report this sort of event to LEAs with the exception of a burglary or robbery. After initial investigation within the dispute process, if the Network Support and Resolution teams' view is that the Postmaster's suspicions are considered reasonable given the available or reasonably discoverable evidence, then this matter should be referred to A&CI's Triage team by the Network Support and Resolution teams using the appropriate templates (found in the *Investigator's Manual*) for consideration of further investigation and potentially making a police report. This decision to further investigate is made by the DA&CI (or their nominated deputy). The decision must be recorded by Triage. It may then be allocated to A&CI for investigation.

Where there are statutory obligations to report specified matters to the appropriate LEA, e.g., submitting a Suspicious Activity Report, these requirements are unaffected by this Policy and are governed by policy within the relevant teams e.g. within the Financial Crime team.

### 8.4 Passing material to Law Enforcement

#### ***Reactive response to requests***

LEAs will from time-to-time request information from POL that is related to matters that POL did not report to LEAs but where POL has material which could assist LEAs. These may be requested via:

- the provision of a "Data Protection Form" which allows POL to consider the provided justification by the submitting LEAs as to why POL should set aside the normal duties under the Data Protection Act and supply some or all of the requested information
- the serving of a Court-issued Production Order or other statutory tool

It is policy that all requests received by POL staff from LEAs other than the Data Protection or Financial Crime teams will be passed to the A&CI's Triage Team.

A Data Protection Act exemption form if properly completed is the preferred method but not the only permitted format of a request. Any intended responses by POL must be approved by the Data Protection Team.

The POL Security team will likely receive requests for information, for evidence, and for witness statements. These requests must not be acted upon by the Security team and must be passed to A&CI Triage who will assess them and allocate to A&CI for action if appropriate. A&CI will engage with the requesting police team.

Legal advice from the in-house criminal counsel and the Data Protection Team is available to the Triage team at their request.

The policies and procedures of the Financial Crime team govern how they respond to requests from LEAs or proactively pass material and are outside of this Policy only in respect of passing of material for use as intelligence. Where the Financial Crime team is asked to provide evidence (which will require a witness statement) or wishes to do so proactively, it is mandatory that the Financial Crime team applies this Policy and seeks assistance from A&CI.

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The policies and procedures of the Data Protection team govern how they respond to requests from Law Enforcement agencies and are outside of this Policy.

Where a mandatory order requiring provision of material is received, e.g., a Production Order authorised by a court or a statute-enabled information notice such as a Serious Fraud Office Section 2 Notice or The Pension Regulator's Section 72 Pension Act 2004 notice, notice must be given the same working day to the in-house criminal counsel, DA&CI, and Group Legal Director. It is policy that these mandatory notices will be fully complied with in principle by POL as a government-funded body and full consideration given to the status of privileged material.

### ***Proactive supply of material***

POL may wish to proactively pass information to LEAs in the following circumstances:

- as part of making a crime report, or
- in support of a subsequent LEA investigation or prosecution, or
- anticipating that LEAs would have an interest as part of their role in the prevention and detection of crime or in the interests of justice

In situations where POL wishes to proactively disclose material (both in evidential and non-evidential formats), then this requires the approval of both the DA&CI and the in-house criminal counsel. The rationale for doing so, or not doing so, must be recorded in the relevant file.

The Financial Crime team's obligations relating to the proactive disclosure of material are outside of this Policy.

### ***Witness statements***

Where material provided by POL staff is in the form of witness statements, it is mandatory and policy that these statements are reviewed by in-house criminal counsel or an engaged external criminal counsel prior to a final signed version being passed to LEAs.

Wherever possible, A&CI staff will provide the witness statement but there are situations where the evidence required by LEAs can only be produced by non-A&CI staff due to the nature of the witness' evidence. A&CI will assist other staff in this process whenever possible.

The A&CI Triage Team will include a summary report of proactive and reactive engagement with LEAs in the regular management information report provided to senior staff by A&CI.

## 9.0 Categories of data, material, and evidence

Proactively and reactively supplied information will have differing profiles due to historic technology issues. The version of Horizon that was considered at fault in the Horizon IT Scandal was replaced in October 2019. In 2020, known errors and bugs identified in the Horizon Issues Judgement formed part of a review by KPMG of the system and found to not to be prevalent in the system. From 2021, a new and collaborative approach was taken to resolving reported Horizon issues in a dispute resolution process. Due to the effect of these developments, the following approach to data sharing with LEAs is:

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It is policy that:

Any information originating from Horizon after 1<sup>st</sup> January 2022 may be passed as either intelligence or evidence to LEAs only after DA&CI (or their nominated deputy) and an in-house criminal lawyer both give approval. A record of both DA&CI's (or their nominated deputy's) and the in-house criminal lawyer's rationale and decision must be recorded on the relevant case management file.

Where information is requested by LEAs that is Horizon data originating from pre-1<sup>st</sup> January 2022, the same process must be followed. In addition, the wording included in the relevant section of the *Investigator's Manual* covering the passing of information to LEAs must be included in any witness statement for evidence or in an accompanying email or letter to the LEA requesting the information in a non-evidential format.

Where information is intended to be passed to LEAs which is not Horizon data, the same process of DA&CI (or designated deputy) and in-house criminal legal counsel must be followed, irrespective of the date the information was created.

Best-evidence originating from Horizon sits with Fujitsu and so LEAs should be encouraged to request this material direct from Fujitsu.

## 10.0 Policy Governance

### 10.1 Governance Responsibilities

The Policy Sponsor responsible for overseeing this Policy is the Group General Counsel of Post Office Ltd.

The Policy Owner is the DA&CI who is responsible for conducting an annual review of this Policy and for testing compliance across the Group. The DA&CI is also responsible for providing appropriate and timely reporting to the Audit and Risk Committee. The Audit and Risk Committee are responsible for approving the Policy and overseeing compliance.

## 11.0 Investigation Governance

### 11.1 Fact-finding and Accountability Investigative Activity

Where these types of investigative activity are conducted across the business, other than by A&CI, local procedures and policies will govern what governance measures are put in place. Where this activity is an integral part of a team's function, e.g. Dispute Resolution, then the *Investigator's Manual* will include these measures in the relevant section. These local policies and procedures must be regularly reviewed and updated.

A&CI will conduct assurance work in these teams and may make recommendations to the particular business area's leadership and to Group Assurance for adjustments as necessary.

A&CI's investigative activity in the investigative fact-finding and accountability areas will comply with the relevant requirements laid out in the *Investigator's Manual*. Group Assurance will also include the review of A&CI's investigative practices at least twice a year. Internal Audit will also consider A&CI in their annual audit plans.

By exception, particularly sensitive or business-impacting investigations conducted by A&CI or by external specialists may be subject to an increased level of operational governance. The Strategic Executive Group (SEG), either at their own initiative or upon consideration of a request by the General Counsel, the Group Legal Director, or DA&CI, may stand up an Investigation Oversight Group (IOG). An IOG is Chaired by a member of SEG or a delegated Director from across POL who is supported by a number of other senior staff in overseeing the

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strategic direction of a particular investigation. The Terms of Reference for IOG can be found in the *Investigator's Manual*. The IOG may, where considered by SEG as necessary, involve Board members in the most exceptional circumstances. The IOG Chair will report to SEG and/or Board on the progress of the investigation and highlight strategic issues as they arise. The IOG, working with Group Assurance, will also be responsible for ensuring any lessons-learned from the investigation are considered and implemented where appropriate.

### 11.2 A&CI investigative activity in support of LEAs

When a suspected criminal event is reported to LEAs in compliance with the Policy, POL is not a decision-maker in the investigation. This is deliberate and is a lesson learned from the Horizon IT Scandal. Therefore in most circumstances an IOG will not be required.

## 12.0 Where to go for help

### 12.1 Additional Policies

This Policy is one of a set of Policies. The full set of Policies can be found at:  
<https://poluk.sharepoint.com/sites/postoffice/Pages/policies.aspx>

### 12.2 How to raise a concern

Any Post Office Employee or member of Staff who suspects that there is a breach of this Policy should raise a concern without any undue delay.

If you feel unable to speak to your line manager, you can bring it to Post Office's attention independently of management and you can use the Speak Up channels for this purpose. You can raise your concerns anonymously, although disclosing as much information as possible helps ensure Post Office can conduct a thorough investigation.

For more details about how and where to raise your concerns, please refer to the current Whistleblowing Policy which can be found on The Hub under Post Office Key Policies.

## 13. Control

### 13.1 Policy Version

Date	Version	Updated by	Change Details
	0.1		Draft Version
22.19.2020	1.2	Laurence O'Neill	Version 1.2
07.03.2022	Draft 2	John Bartlett	Developmental
29.11.2022	Draft 2.1	John Bartlett	Developmental

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### 12.2 Policy Approval

**Group Oversight Committee:** Risk and Compliance Committee and Audit and Risk Committee

Committee	Date Approved
POL R&CC	
POL ARC	
POMS ARC	

**Policy Sponsor:** Ben Foat

**Policy Owner:** John Bartlett

**Policy Author:** Laurence O'Neill  
V2 John Bartlett  
V3 John Bartlett

**Next review:** July 2025

#### Company Details

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