

Message

From: Parsons, Andrew [GRO]
Sent: 16/10/2013 12:23:12
To: Andy Holt [GRO]
CC: Susan Crichton [GRO]; Rodric Williams [GRO]
Subject: FW: M025 - Darren King [BD-4A.FID20472253]

Andy

Wow!

I'm adamant that we have made clear from the beginning that no case under criminal investigation or prosecution can go through the scheme.

Give us a call to discuss when you get 5 minutes. My recommendation is that:

1. We go back to POL's criminal lawyers (CK) to confirm that cases under investigation cannot go through the scheme.
2. We review the detail of King's investigation to ensure that it overlaps the mediation scheme.
3. We then revert to the WG with our position.

Kind regards
Andy

Andrew Parsons

Senior Associate

for and on behalf of Bond Dickinson LLP

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From: Ron Warmington [GRO]
Sent: 16 October 2013 13:07
To: Parsons, Andrew
Cc: 'Andy Holt'; 'Ian Henderson'; alan.bates [GRO]; kay [GRO]; 'Susan Crichton'
Subject: RE: M025 - Darren King [BD-4A.FID20472253]

Andy:

I've added Susan onto the cc list... but removed some of the others to limit the distribution.

I'm afraid we still can't agree with the letter as drafted.

Let me make this plain: I DO NOT TRUST THE POST OFFICE's INVESTIGATION TEAM. I have seen, during the course of this investigation, enough evidence of the work of POL's 'Auditors' and 'Investigators' to have concluded that they are, with few exceptions, UNRELIABLE. It follows that, as I tried to express in last Thursday's WG Call, I am not in the least bit minded to hold up a Mediation Application while POL's Investigation Team deliberates on whether it wants to proceed with a Prosecution.

In spite of what the Minutes say (see Note below), I don't believe the WG ever agreed to reject a mediation application because of a current criminal investigation. As Ian pointed out in his 10th October email, it is perfectly possible to run the two processes in parallel, providing care is taken not to compromise the criminal prosecution.

In King's case (M025), he was suspended seven months ago. He raises concerns, in his Application, about Scratch Cards and his BoI ATM, along with the usual Training & Support shortfall. In raising those concerns, he has touched on matters that have not only been raised by other applicants, but where we strongly suspect POL procedures certainly at the time were... and possibly still now are, deficient. It follows that the only reason that POL is wanting to hold up King's Application is on the grounds of 'Pending Prosecution'. So... turning to that, here are my (our) concerns:

- Just how close to the 'Pending Prosecution... or to the 'Live Investigation' (see Note below)... does the Applicant have to be?. I'm sure we can all see that, if it looks likely that King himself is to be charged (imminently?), then his Application could or should possibly be put on hold... but what if the suspect is one of his staff members?... or his Great Aunt... or his Sister's Mother-in-Law... or one of his customers? Just how CLOSE to the Applicant does a suspect have to be in order for us (the Working Group) to validly stay his or her Application?
- And who is CHECKING, on behalf of the Working Group, that POL's Investigation (or Legal?) department is operating properly and even-handedly in respect of cases like King's?
- As we (Ian and I) see it, it would be perfectly possible and proper for the Investigation Phase of a Mediation Application to safely proceed without running any risk of compromising a future criminal prosecution. Ian and I have been doing that sort of criminal investigation work for most of our working lives and are completely familiar with PACE and other relevant rules... and neither of us have EVER compromised a case. Indeed, the Mediation Documents themselves countenance the possibility of a Criminal Prosecution being started AS A RESULT OF A MEDIATION-RELATED INVESTIGATION. How could we have envisaged that happening if we truly believe that our own, or any Professional Advisor's, investigative work might compromise a future prosecution (see Note below).

Note: In the WG Minutes received this morning, Andy Holt says: "Cases under investigation: Confirmation of previous WG meetings, where a case is subject to a live investigation it should

not be progressed into the scheme but held pending the conclusion of the investigation at which point it will be considered for inclusion into the scheme even if after the 18 November cut-off date. This is to avoid compromising the investigation and any subsequent action that may be taken in the future."

We don't believe the WG ever agreed to that, and I shall be separately writing to Andy Holt on that point.

To us, this is a really serious matter - perhaps one that needs to be put in front of the new WG Chairman. Right now, I'm afraid I'm not prepared to agree to the letter.

Best regards,

Ron Warmington CFE, FCA

Director

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GRO

From: Parsons, Andrew [GRO]

Sent: Wednesday, October 16, 2013 9:55 AM

To: Ron Warmington - 2nd Sight; Ian Henderson [GRO]; [kay](#) [GRO]; [alan.bates](#) [GRO]

Cc: Rodric Williams [GRO]; Andy Holt; Angela Van-Den-Bogerd; Belinda Crowe [GRO]; 'Parmenter, Claire'

Subject: M025 - Darren King [BD-4A.FID20472253]

All

Following our call last week, please find attached an updated version of the letter to Darren King (M025) for your comments / approval.

Kind regards
Andy

Andrew Parsons

Senior Associate

for and on behalf of Bond Dickinson LLP

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